



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, February 12, 2018

7:00 P.M.

1. **INVOCATION-JUDITH FEAN- VICE PRESIDENT FOR MISSION, SAINT MARY'S COLLEGE**
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL**
4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**
5. **SPECIAL BUSINESS**

BILL NO.

18-06 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA DECLARING THE WEEK OF FEBRUARY 5-9, 2018 AS NATIONAL SCHOOL COUNSELING WEEK IN SOUTH BEND, INDIANA

MAYOR'S ANNUAL ADDRESS TO THE COMMON COUNCIL ON FINANCES AND THE GENERAL CONDITION OF THE CITY PURSUANT TO § 2-3.1 OF THE SOUTH BEND MUNICIPAL CODE

11-18 FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING ORDINANCE NO. 10499-17 AND ORDINANCE NO. 10529-17 RELATING TO THE APPROPRIATIONS AND TAX RATES FOR THE YEAR BEGINNING JANUARY 1, 2018 AND ENDING DECEMBER 31, 2018 TO CORRECT A SCRIVENER'S ERROR

12-18 FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 2, ARTICLE 14 OF THE SOUTH BEND MUNICIPAL CODE TO ESTABLISH A NEW FUND: PARK BOND DEBT SERVICE FUND (312)

6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**

TIME: _____

BILL NO.

89-17 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE, ARTICLE 3 COMMERCIAL / MIXED USE DISTRICTS TO REVISE PERMITTED USES AND DEVELOPMENT STANDARDS.

06-18 PUBLIC HEARING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTIES: STREET VACATION – WESTERN AVENUE FROM FRANCES STREET EAST 241 FEET +/- TO PARRY STREET, THE FIRST NORTH/SOUTH ALLEY EAST OF FRANCES STREET, BETWEEN WESTERN AVENUE ON THE NORTH TO THE FIRST EAST/WEST ALLEY SOUTH OF WESTERN AVENUE, SOUTH BEND, INDIANA.

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8. **BILLS ON THIRD READING**

TIME: _____

BILL NO.

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11-18 THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING ORDINANCE NO.

10499-17 AND ORDINANCE NO. 10529-17 RELATING TO THE APPROPRIATIONS AND TAX RATES FOR THE YEAR BEGINNING JANUARY 1, 2018 AND ENDING DECEMBER 31, 2018 TO CORRECT A SCRIVENER'S ERROR

[12-18](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 2, ARTICLE 14 OF THE SOUTH BEND MUNICIPAL CODE TO ESTABLISH A NEW FUND: PARK BOND DEBT SERVICE FUND (312)

9. **RESOLUTIONS**

BILL NO.

[18-05](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, WAIVING NON-COMPLIANCE BY PETITIONERS JAMES A. MASTERS AND NANCY J. MASTERS WITH IND. CODE § 6-1.1-12.1-5 *ET SEQ*

10. **BILLS ON FIRST READING**

BILL NO.

[07-18](#) FIRST READING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE RIGHT OF WAY TO BE VACATED BEGINS AT A POINT APPROXIMATELY 565' SOUTH ON SOUTH ST. JOSEPH STREET FROM THE EAST IRELAND ROAD SOUTH RIGHT OF WAY, RUNNING SOUTH APPROXIMATELY 75', THEN WEST APPROXIMATELY 88', THEN NORTH APPROXIMATELY 109' TO A POINT APPROXIMATELY 530' SOUTH ALONG SOUTH ST. JOSEPH STREET FROM THE EAST IRELAND SOUTH RIGHT OF WAY

[08-18](#) FIRST READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY GENERALLY LOCATED AT THE NORTHWEST AND NORTHEAST CORNERS OF WESTERN AND WILLIAM AND THE SOUTHWEST CORNER OF WAYNE AND WILLIAM COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

[09-18](#) FIRST READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE AND SEEKING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT THE EAST SIDE OF OLIVE STREET BETWEEN CALVERT STREET AND DELAWARE STREET, COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA

[10-18](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING ORDINANCE NO. 10546-17 BY ADDING NEW SALARIED AND WAGE POSITIONS TO THE

ORDINANCE FIXING MAXIMUM SALARIES AND WAGES OF APPOINTED OFFICERS AND NON-BARAINING EMPLOYEES OF THE CITY OF SOUTH BEND FOR THE CALENDAR YEAR 2018

11. UNFINISHED BUSINESS

BILL NO.

18-03 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 915 27TH STREET

18-04 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 2602 MISHAWAKA AVENUE

12. NEW BUSINESS

13. PRIVILEGE OF THE FLOOR

14. ADJOURNMENT

TIME: _____

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

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



OFFICE OF THE CITY CLERK

KAREEMAH FOWLER, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: KAREEMAH FOWLER, CITY CLERK
DATE: FEBRUARY 8, 2018
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **MONDAY, FEBRUARY 12, 2018:**

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

- 3:55 P.M.** **COMMUNITY INVESTMENT** **GAVIN FERLIC, CHAIRPERSON**
1. [Bill No. 18-05](#)- Petition for Waiver to late file Tax Abatement Application for 5015 Masthead Court
- 4:00 P.M.** **PERSONNEL & FINANCE** **KAREN L. WHITE, CHAIRPERSON**
2. [Bill No. 11-18](#)- Amending Ordinance No. 10499-17 & Ordinance No. 10529-17
3. [Bill No. 12-18](#)- Ordinance Establishing New Parks Bond Service Fund
4. **Update**- 2018 Budget Amendment Schedule & City Wage Information Posted in Gateway- Jennifer Hockenull, Administration & Finance
- 4:15 P.M.** **PUBLIC WORKS & PROPERTY VACATION** **JOHN VOORDE, CHAIRPERSON**
1. [Bill No. 06-18](#)- Alley Vacation for Western Ave from Frances Street
- 4:25 P.M.** **ZONING & ANNEXATION** **OLIVER J. DAVIS, CHAIRPERSON**
1. [Bill No. 89-17](#)- Mixed Use District Zoning Text Amendments
2. **Update**- Future Request to Rezone City Owned Properties- Chris Dressel, DCI

Council President Tim Scott has called an **Informal Meeting** of the Council which will commence immediately after the adjournment of the Zoning and Annexation Committee Meeting.

- INFORMAL MEETING OF THE COMMON COUNCIL** **TIM SCOTT, PRESIDENT**
1. Discussion of Council Agenda
2. Update and Announcements
3. Adjournment

4:45 P.M. **EXECUTIVE SESSION** **COMMON COUNCIL**

cc: Mayor Pete Buttigieg
Committee Meeting List
News Media

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

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

JENNIFER M. COFFMAN
CHIEF DEPUTY
DIRECTOR OF OPERATIONS

BIANCA L. TIRADO
DEPUTY CLERK
DIRECTOR OF POLICY

JOSEPH R. MOLNAR
ORDINANCE VIOLATIONS
BUREAU CLERK



2018 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-3-18)

COMMUNITY INVESTMENT COMMITTEE

Oversees the various activities of the Department of Community Investment. This Committee reviews all real and personal tax abatement requests and works closely with the Business Development Team.

Gavin Ferlic, Chairperson

Regina Williams-Preston, Vice-Chairperson

Oliver J. Davis, Member

Randy Kelly, Member

COMMUNITY RELATIONS COMMITTEE

Oversees the various activities of the Engagement and Economic Empowerment, Neighborhood Development, and Community Resources Teams within the City's Department of CI and is charged with facilitating partnerships and ongoing communications with other public and private entities operating within the City.

Regina Williams-Preston, Chairperson

Randy Kelly, Vice-Chairperson

Gavin Ferlic, Member

Karen L. White, Member

COUNCIL RULES COMMITTEE

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

Dr. David Varner, Chairperson

Tim Scott, Member

Gavin Ferlic, Member

Karen L. White, Member

HEALTH AND PUBLIC SAFETY COMMITTEE

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

Jo M. Broden, Chairperson

John Voorde, Vice-Chairperson

Oliver J. Davis, Member

Karen L. White, Member

INFORMATION AND TECHNOLOGY COMMITTEE- Innovation

Oversees the various activities of the City's Department of Innovation, which includes the Divisions of Information Technology and 311 so that the City of South Bend remains competitive and on the cutting edge of developments in this area. Reviewing and proposing upgrades to computer systems and web sites, developing availability and access to GIS data and related technologies are just some of its many activities.

Tim Scott, Chairperson

Gavin Ferlic, Vice-Chairperson

Dr. David Varner, Member

Randy Kelly, Member

PARC COMMITTEE- Venues Parks and Arts (Parks, Recreation, Cultural Arts & Entertainment)

Oversees the various activities of the Century Center, College Football Hall of Fame, Four Winds Stadium, Morris Performing Arts Center, Studebaker National Museum, South Bend Regional Museum of Art, Potawatomi Zoo, My SB Trails, DTSB relations, and the many recreational and leisure activities offered by the Department of Venues Parks and Arts.

Randy Kelly, Chairperson

Dr. David Varner, Vice-Chairperson

Oliver J. Davis, Member

John Voorde, Member



2018 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-3-18)

PERSONNEL AND FINANCE COMMITTEE

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

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

Regina Williams-Preston, Member
John Voorde, Member

PUBLIC WORKS AND PROPERTY VACATION COMMITTEE

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

John Voorde, Chairperson
Randy Kelly, Vice-Chairperson

Jo M. Broden, Member
Gavin Ferlic, Member

RESIDENTIAL NEIGHBORHOODS COMMITTEE

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

Karen L. White, Chairperson
Jo M. Broden, Vice-Chairperson

Regina Williams-Preston, Member
John Voorde, Member

UTILITIES COMMITTEE

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

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

Randy Kelly, Member
Regina Williams-Preston, Member

ZONING AND ANNEXATION COMMITTEE

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

Oliver J. Davis, Chairperson
John Voorde, Vice-Chairperson

Gavin Ferlic, Member
Jo M. Broden, Member

SUB-COMMITTEE ON MINUTES

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

Tim Scott
Dr. David Varner



2018 COMMON COUNCIL STANDING COMMITTEES (Rev.01-3-18)

TIM SCOTT, 1ST District Council Member

President

Information and Technology, Chairperson

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

REGINA WILLIAMS-PRESTON 2ND District Council Member

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

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

RANDY KELLY, 3RD District Council Member

PARC Committee, Chairperson

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

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

JO M. BRODEN, 4TH District Council Member

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

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

DR. DAVID VARNER, 5TH District Council Member

Utilities Committee, Chairperson
Council Rules Committee, Chairperson
PARC Committee, Vice-Chairperson

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

OLIVER J. DAVIS, 6TH District Council Member

Vice President

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

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

GAVIN FERLIC, AT LARGE Council Member

Chairperson, Committee of the Whole

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

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

KAREN L. WHITE, AT LARGE Council Member

Residential Neighborhood Committee, Chairperson
Personnel & Finance Committee, Chairperson

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

JOHN VOORDE, AT LARGE Council Member

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

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



BILL NO. 18-06
RESOLUTION NO. 4672-18

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA
DECLARING THE WEEK OF FEBRUARY 5-9, 2018 AS NATIONAL SCHOOL COUNSELING
WEEK IN SOUTH BEND, INDIANA**

Whereas, the National School Counseling Week sponsored by the American School Counselor Association (ASCA) is celebrated from February 5–9, 2018, with this year’s theme “School Counseling: Helping Students Realize Their Potential” to focus public attention on the unique contribution of school counselors within U.S. school systems; and

Whereas, the National School Counseling Week highlights the tremendous impact school counselors can have in helping students achieve school success and plan for a career. School counselors are employed in public and private schools to help students reach their full potential; and

Whereas, school counselors are actively committed to helping students explore their abilities, strengths, interests, and talents as these traits relate to career awareness and development. School counselors help parents focus on ways to further the educational, personal and social growth of their children; and

Whereas, school counselors work with teachers and other educators to help students explore their potential and set realistic goals for themselves. School counselors seek to identify and utilize community resources that can enhance and complement comprehensive school counseling programs and help students become productive members of society. Comprehensive developmental school counseling programs are considered an integral part of the educational process that enables all students to achieve success in school.

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

Section I. On behalf of the citizens of the City of South Bend, Indiana, the South Bend Common Council publicly thanks and commends all of the school counselors employed in our public and private school systems for positively engaging with our youth, their parents, and fellow educators in helping further and enhance the educational, personal and social growth of students and youth across our great nation.

Section II. The South Bend Common Council hereby declares the week of February 5–9, 2018 as *National School Counseling Week in South Bend, Indiana*, and sincerely thanks all school counselors for their many contributions aimed at the betterment of our youth, and especially thanks all school counselors working in the City of South Bend, Indiana, for their dedication and service.

Signed this 12th day of February in the year 2018 in the City of South Bend, the County of St. Joseph, in the State of Indiana.

Tim Scott, 1st District Council Member

Oliver J. Davis, 6th District Council Member

Regina Williams Preston., 2nd District

John Voorde, At Large Council Member

Randy Kelly, 3rd District Council Member

Jo Broden, 4th District Council Member

Dr. David Varner, 5th District

Attest:

Kareemah N. Fowler, City Clerk

Gavin Ferlic, At Large Council Member

Karen L. White, At Large Council Member

Robert J. Palmer, Council Attorney

Approved this 12th day of February, 2018.

Pete Buttigieg, Mayor of South Bend, Indiana

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



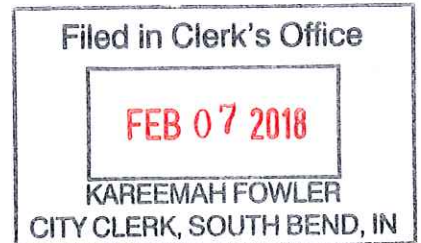
PHONE 574/ 235-9822
FAX 574/ 235-9928

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

DEPARTMENT OF ADMINISTRATION AND FINANCE

February 7, 2018

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



Re: Ordinance to Amend Ordinance #10529-17 Appropriating Monies for the purpose of Defraying the Expenses of Departments and Funds of the Civil City of South Bend for the fiscal year ending December 31, 2018 and Ordinance #1049917 Ordinance Levying taxes and fixing the rate of Property Taxation to meet City Expenses for the fiscal year ending December 31, 2018 – Substitute for Technical Error

Dear Council President Scott:

Attached herewith please find a bill for consideration by the Common Council of the City of South Bend amending the ordinances noted above. This amendment is required to correct a technical error between the Redevelopment Commission Hall of Fame Fund #313 and a new Parks Bond Debt Service Fund #312 relating to the property tax levy and debt payments to be made on the Hall of Fame and the 2017 Parks Bond. The net effect of the amendment is \$0 as it is allowing the City to use the new fund 312 to collect the property tax levy that was previously collected in fund 313 to cover the Hall of Fame levy.

This bill is respectfully submitted for 1st, 2nd and 3rd readings and council vote at the council meeting on February 12, 2018. We are requesting all three readings at one meeting under Municipal Code Sec. 2-9(w), which will require a suspension of the rules. This request is being made due to a DLGF request which requires this ordinance, and without this being passed on February 12, 2018, will cause for three counties (including St. Joseph County) to have their budgets delayed. Due to this change being only technical in nature, we request to have permission to suspend the rules for this ordinance.

I will be available to discuss this bill at the appropriate sessions of the Personnel and Finance Committee and other meetings of the South Bend Common Council.

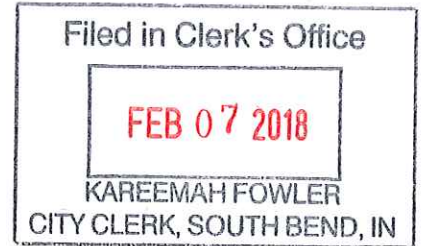
Respectfully submitted,

Jennifer C. Hockenull
City Controller

OK
JTD

Bill No. _____

ORDINANCE NO. _____



AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING ORDINANCE NO. 10499-17 AND ORDINANCE NO. 10529-17 RELATING TO THE APPROPRIATIONS AND TAX RATES FOR THE YEAR BEGINNING JANUARY 1, 2018 AND ENDING DECEMBER 31, 2018 TO CORRECT A SCRIVENER'S ERROR

STATEMENT OF PURPOSE AND INTENT

This Common Council previously adopted Ordinance No. 10499-17 on October 23, 2017 ("Ordinance No. 10499-17") providing for the appropriation of monies to defray the expenses of several Departments of the Civil City of South Bend, Indiana (the "City") for 2018 and Ordinance No. 10529-17 on October 23, 2017 ("Ordinance No. 10529-17" and collectively with Ordinance No. 10499-17, the "Ordinances"), providing for the levy of taxes and the fixing of the rates of taxation to meet necessary expenses of 2018.

The Ordinances provided for an appropriation and a tax rate for the payment of debt service of certain Park District Bonds issued by the City in 2017 (the "Park Bonds") by the continuation of a South Bend Redevelopment District (the "Redevelopment District") levy which was a scrivener's error. Following discussions with the Department of Local Government Finance, the Controller of the City (the "Controller") recommends to this Common Council that the Ordinances be amended to provide that the tax levy and tax rate necessary to provide for the payment of the debt service on the Park Bonds be moved to the Parks Bond Debt Service Fund (No. 312) thus correspondingly reducing the Redevelopment Bond tax levy and tax rate for the Hall of Fame Debt Service Fund (No. 313). As a result, this Common Council desires to amend the Ordinances to provide that the debt service on the Park Bonds will be paid by a tax levy, a tax rate, and an appropriation with respect to the Parks Bond Debt Service Fund (No. 312) and to provide for a corresponding reduction in the tax levy, the tax rate and the appropriation for the Hall of Fame Debt Service Fund (No. 313).

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

SECTION I. Section II of Ordinance No. 10499-17 is hereby amended to add the Parks Bond Debt Service Fund (No. 312), to read as follows:

SECTION II. For the fiscal year ending December 31, 2018, there is hereby appropriated out of the General Fund Number 101 and from Funds other than the General Fund, of said City to wit:

(201) Park and Recreation Fund

- (202) Motor Vehicle Highway Fund
- (203) Park Recreation Non-Reverting Fund
- (209) Studebaker Oliver Reverting Grants
- (210) Economic Development Grant Fund
- (211) Community Investment Administration Fund
- (212) Community Investment Grant Fund
- (216) Police State Seizures Fund
- (217) Gift, Donation, Bequest Fund
- (218) Police Curfew Violations Fund
- (219) Unsafe Building Fund
- (220) Law Enforcement Continuing Education Fund
- (221) Landlord Registration Fund
- (222) Central Services Fund
- (224) Central Services Capital Fund
- (226) Liability Insurance & Premium Reserve Fund
- (227) Loss Recovery Fund
- (249) Public Safety Local Option Income Tax Fund
- (251) Local Roads and Streets Fund
- (257) LOIT 2016 Special Distribution
- (258) Human Rights – Federal Fund
- (273) Morris PAC/Palais Royale Marketing Fund
- (274) Morris PAC Self Promotion Fund
- (278) Police Take Home Vehicle Fund
- (279) IT / Innovation / 311 Call Center Fund
- (289) Hazmat Fund
- (291) Indiana River Rescue Fund
- (294) Regional Police Academy Fund
- (295) COPS More Grant Fund
- (299) Police Federal Drug Enforcement Fund
- (312) Parks Bond Debt Service Fund
- (313) Hall of Fame Debt Service Fund
- (377) Professional Sports Development Fund
- (401) Coveleski Stadium Capital Fund
- (404) County Option Income Tax Fund
- (405) Park Department Non-Reverting Capital Fund
- (406) Cumulative Capital Development Fund
- (407) Cumulative Capital Improvement Fund
- (408) County Economic Development Income Tax Fund
- (410) Urban Development Action Grant Fund
- (412) Major Moves Construction Fund
- (416) Morris Performing Arts Center Capital Fund
- (450) Palais Royale Historic Preservation Fund
- (655) Project ReLeaf Fund
- (677) Hall of Fame Capital Fund
- (701) Fire Pension Fund
- (702) Police Pension Fund

- (705) Police K-9 Unit Fund
- (711) Self-Funded Employee Benefit Fund
- (713) Unemployment Compensation Fund
- (714) Parental Leave Fund
- (730) City Cemetery Trust Fund
- (750) Equipment/Vehicle Leasing Fund
- (751) Parks Bond Capital Fund
- (753) Smart Streets Bond Capital Fund
- (755) South Bend Building Corporation Fund
- (757) Parks Bond Debt Service Fund
- (759) Eddy Street Commons Phase II Capital Fund
- (760) Eddy Street Commons Phase II Debt Service Fund

SECTION II. Section I of Ordinance No.10529-17is hereby amended to read as follows:

SECTION I. There shall be levied upon each One Hundred Dollars of Assessed Valuation of Taxable Property of the City of South Bend, Indiana, for the fiscal year 2017 to be collected in the year 2018 the following:

For CORPORATION GENERAL FUND, the sum of **\$03.6684** on each one hundred dollars of Taxable Property.

For PARK AND RECREATION FUND, the sum of **\$0.8631** on each one hundred dollars of Taxable Property.

For PARKS BOND DEBT SERVICE FUND, the sum of \$0.0306 on each one hundred dollars of Taxable Property.

For CUMULATIVE CAPITAL DEVELOPMENT FUND, the sum of **\$0.0405** on each one hundred dollars of Taxable Property.

Total Civil City Rate \$4.572 4.603

For REDEVELOPMENT BOND (COLLEGE FOOTBALL HALL OF FAME), the sum of ~~**\$0.08630**~~ **0.0560** on each one hundred dollars of Taxable Property.

Total Redevelopment Rate ~~\$0.0863~~ 0.0560

SECTION III. The Ordinance or Resolution for Appropriation and Tax Rates (Budget Form No. 4) for the Redevelopment District is hereby amended to modify the following fund and information as follows:

Fund Code: 8485

Fund Name: Special Redevelopment Debt Exempt from Circuit Break

Adopted Budget: ~~\$1,258,617~~ \$ 665,313
Adopted Tax Levy: ~~\$1,600,000~~ \$ 863,901
Adopted Tax Rate: ~~\$0.0863~~ 0.0560

SECTION IV. The Ordinance or Resolution for Appropriation and Tax Rates (Budget Form No. 4) for the City is hereby amended to add the following Fund and related information as follows:

Fund Code: 1380
Fund Name: Park Bond
Adopted Budget: \$593,304
Property Tax Levy: \$736,099
Property Tax Rate: \$0.0306

Section V. This Common Council hereby ratifies and approves the budget, the tax levies and the tax rates for the funds as amended hereby. Any other documentation/information that was submitted on behalf of the City to the Department of Local Government Finance (the "DLGF") is hereby amended so that it is consistent with the information contained herein. All of the other terms, conditions, budgets, tax levies and tax rates in the Ordinances shall remain in full force and effect. The President of the Council, the Mayor and the Controller are hereby authorized and directed to take any and all action necessary to confirm the changes set forth herein with the DLGF including, without limitation, filing a corrected Budget Form No. 4 for each of the Redevelopment District and the City.

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

Member, South Bend Common Council

Attest:

City Clerk

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

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

DMS 11571118v2

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



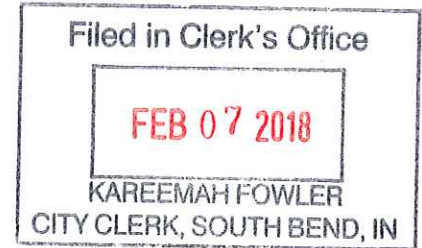
BILL NO. 12-18

PHONE 574/ 235-9822
FAX 574/ 235-9928

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

February 6, 2018

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



Re: Ordinance Establishing New Parks Bond Debt Service Fund for the City of South Bend

Dear Council President Scott:

During the preparation and adoption of the 2018 City budget, the need has arisen to add one additional fund to properly account for revenue and expenditures of the City of South Bend's Parks Bond Debt Service Fund. This fund will collect the property tax levy to fund the debt service payments.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st, 2nd and 3rd reading on February 12th, 2018.

Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-9822.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "JHockenull".

Jennifer C. Hockenull
City Controller

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING CHAPTER 2, ARTICLE 14 OF THE SOUTH BEND
MUNICIPAL CODE TO ESTABLISH A NEW FUND: PARK BOND DEBT SERVICE
FUND (312).

STATEMENT OF PURPOSE AND INTENT

During the preparation and adoption of the 2018 City Budget, the need has arisen to add one (1) Fund to properly account for revenue and expenditures of the City of South Bend. The Parks Bond Debt Service Fund will be used to collect the property tax levy to fund the debt service payments. This Fund Number will be 312, and will be effective January 1, 2018.

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

SECTION I. Effective January 1, 2018, the following funds are established, and Chapter 2, Article 14, of the South Bend Municipal Code is hereby amended to add new sections which shall read in their entirety as follows:

Section 2-170.30. Parks Bond Debt Service Fund

The Parks Bond Debt Service Fund (No. 312) is established to account for the property tax levy to fund debt service payments related to the Parks Bond.

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

Member, South Bend Common Council

Attest:

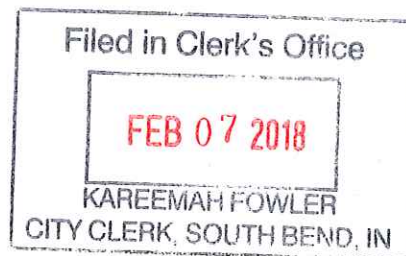
City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 20____, at _____ o'clock _____m.

City Clerk

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

Mayor, City of South Bend, Indiana



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



City of South Bend Common Council

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

Filed in Clerk's Office

DEC 05 2017

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN
(574) 235-9321

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

Tim Scott
President

Oliver Davis
Vice-President

Gavin Ferlic
Chairperson, Committee
of the Whole

Tim Scott
First District

Regina Williams Preston
Second District

Randy Kelly
Third District

Jo M. Broden
Fourth District

David Varner
Fifth District

Oliver Davis
Sixth District

Gavin Ferlic
At Large

John Voorde
At Large

Karen White
At Large

November 30, 2017

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

Re: Proposed Mixed Use District Zoning Text Amendments

Dear Council Members:

I am filing the attached proposed ordinance with the Office of the City Clerk. The ordinance proposes text amendments to the Zoning Chapter 21 of the *South Bend Municipal Code* to revise permitted uses and development standards for the MU Mixed Use District. These changes will better support reinvestment in our mixed-use neighborhood centers and traditional pedestrian-oriented design.

These zoning concepts were discussed at the Zoning & Annexation Committee meetings held on August 28, September 25, November 13, and November 27. For procedural purposes, which is required by our *Municipal Code* and Indiana Code § 36-7-4-607, these proposed zoning text amendments are being initiated by the Common Council.

The proposed ordinances would have first reading by the Common Council on December 11. Thank you for your consideration.

Sincerely,

Jo M. Broden
South Bend Common Council
Council Member, 4th District

John Voorde
South Bend Common Council
Council Member At Large

Attachment

cc: Larry Magliozzi, Executive Director, Area Plan Commission
Angela Smith, Deputy Director, Area Plan Commission
Michael Divita, Planner, South Bend Community Investment

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING CHAPTER 21 OF THE SOUTH BEND MUNICIPAL CODE,
ARTICLE 3 COMMERCIAL / MIXED USE DISTRICTS
TO REVISE PERMITTED USES AND DEVELOPMENT STANDARDS

STATEMENT OF PURPOSE AND INTENT

The Common Council of the City of South Bend, Indiana, adopted a new zoning ordinance that went into effect on May 7, 2004. Experience in using the Ordinance's provisions for the MU Mixed Use District has shown that development in this district frequently requires the use of variances even to complete projects consistent with the neighborhood context. This ordinance revises uses and development standards to better support the development of mixed-use urban neighborhood centers and traditional pedestrian-oriented design.

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

SECTION I. Chapter 21, Zoning, of the *South Bend Municipal Code*, Article 3 Commercial / Mixed Use Districts, Section 21-03.02 MU Mixed Use District, is hereby deleted and replaced with a new Section 21-03.02 as follows:

Section 21-03.02 MU Mixed Use District.

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

(a) Permitted Uses.

(1) *Primary Uses.*

(A) Clothing Service: Including but not limited to: Costume Rental; Dressmaking; Dry Cleaning and Laundry Establishment; Millinery (Fabric) Shop; Self-service Laundry; Shoe Repair Shop; Tailor and Pressing Shop; Tuxedo Rental.

(B) Educational Uses: Including but not limited to: *Child Care Center*; *Child Care Ministry*; *Cottage School*; Public Library; School – Commercial, Trade or Business.

- (C) Food Sales and Service: Including but not limited to: Bakery – Retail; *Cabaret – Family*; Convenience Store; Dairy Bar – Retail; Delicatessen; Farmers Market; Grocery; Ice Cream Store – Retail; *Manufacturing Retailers*; *Restaurant – Fast Food* (without drive-in or drive-through); *Restaurant – Family*; *Restaurant – Family, with Lounge*; Yogurt Store – Retail.
- (D) Governmental Use: Including but not limited to: Governmental Offices; Post Office – without outside parking of delivery vehicles.
- (E) Miscellaneous: Including but not limited to: *Bed & Breakfast*; Bus Station; Clinic (medical, dental or optometrists); *Cottage Business / Residential*; Electrical / Electronics Repair.
- (F) Office / Professional Services: Including but not limited to: Architect; Artist; Bank Machines - Walk-up; Construction Companies (office only); Consultant; Contractors (office only); Dentist; Design Services; Engineer; Financial Institution; Insurance Agent; Lawyer; Musician; Physician; Pharmacist; Photographic Studio; Professional Offices; Real Estate Office; Travel Agency.
- (G) Personal Service: Including but not limited to: Barber Shop; Beauty Shop.
- (H) Public Facilities: Including but not limited to: Community Center; Funeral Home; Mortuary; *Neighborhood Recycling Collection Point*; Public or Private *Park – Active or Passive*; *Religious Use*. (Ord. No. 9653-06)
- (I) Recreation: Including but not limited to: Aerobics Studio; Banquet Hall; Dance Studio; Fraternal Organization; Gymnastics Studio; Lodge; Private Club; Social Club; Theater – Indoor. (Ord. No. 9760-07)
- (J) Residential: Including but not limited to: *Dwelling Unit* – upper level; *Dwelling Unit* – first floor with business; *Multifamily Dwelling*; *Two Family Dwelling* (see Section 21-03.02 (b) (13) for applicable *development standards*).
- (K) Retail: Including but not limited to: Antique Shop; Apparel Shop; Art Gallery; Arts and Craft Store; Bicycle Sales and Service; Camera Store; Card Shop; Clock Shop; Coin and Stamp Shop; Computer Store; Drug Store; Flower Shop; Frame Shop; Gift Shop; Hobby Shop; Toy or Game Shop; Jewelry Store; Music Store; Newsdealer; Shoe Store; Stationery and Book Store; Video Store.

* = Controlled Use. See Section 21-08.02 – Special Regulations for Controlled Uses for additional requirements.

(2) *Special Exception Uses.*

- (A) Food Sales and Service: Including but not limited to: *Bar **; *Cabaret – 21 and Over **; *Nightclub **; *Restaurant – Drive In*; *Restaurant – Drive Through*; *Tavern **.
- (B) Government Use: Including but not limited to: Fire Station; Municipal / State Road Maintenance Facility; Police Station; Post Office – with outside parking of delivery vehicles.
- (C) Miscellaneous: Including but not limited to: *Artificial Lake*; *Conference Center*; *Motel*.
- (D) Public Facilities: Including but not limited to: Cemetery – with or without Crematory, Funeral Home, Mausoleum or Mortuary; *Parking Garage*; *Parking Lot – Commercial*. (Ord. No. 9653-06)
- (E) Recreation: Including but not limited to: *Amusement Arcade **; *Billiard Hall **; *Country Club*; *Fairgrounds*; *Golf Course*; *Golf Driving Range*; *Swimming Pool - private or public*. (Ord. No. 9760-07)
- (F) Residential: Including but not limited to: *Group Residences*; *One (1) Single Family Dwelling*. (Ord. No. 10451-16)
- (G) Retail: Including but not limited to: *Liquor Store*; *Tobacco Store*.
- (H) Utilities: Including but not limited to: *Electricity Relay Station*; *Public Utility Substation*; *Pumping Stations*; *Water Towers*.

* = *Controlled Use*. See Section 21-08.02 – Special Regulations for Controlled Uses for additional requirements.

- (3) *Accessory Uses* – See Section 21-03.11 (a) – Accessory Uses, Buildings and Structures.
- (4) *Temporary Uses* – See Section 21-03.11 (b) – Temporary Uses, Buildings and Structures.
- (5) *Home Occupations* – See Section 21-03.11 (c) – Home Occupations.

(b) *Development Standards.*

- (1) *Minimum Lot Width and Frontage* - each *lot* shall have a minimum *lot width* and *frontage* on a *public street* of 25 feet.

(2) *Yards and Building Setbacks.*

- (A) Front - a *front yard* and *building setback* measured from the greater of the *proposed right-of-way* or existing *right-of-way* shall be provided as follows:

	<u>Minimum</u>	<u>Maximum</u>
<i>Limited Access Highway:</i>	50'	NA
All other <i>Streets:</i>	5'	12'

Provided, however, on all *streets* except *limited access highways*, *building* placement shall be in compliance with the following regulations:

- i. For sites containing one *building* – in elevation view from the *street frontage*, at least fifty (50) percent of the length of the *façade* of the *building* facing a *street* shall be located at or between the *minimum setback* and the *maximum setback*;
 - ii. For sites containing multiple *buildings* – in elevation view from the *street frontage*, at least fifty (50) percent of the visible *façades* of the *buildings* facing a *street* shall be located at or between the *minimum setback* and the *maximum setback*; and,
 - iii. *Parking areas* and *interior access drives* shall not be located in front of a line five (5) feet behind the *front building line*. If the *lot* does not have a *building*, *parking areas* and *interior access drives* shall have a *minimum front setback* of twelve (12) feet. If a *parking area* or *interior access drive* is located less than seventeen (17) feet from the *front lot line*, it shall be screened by a compact row of shrubs/hedge plants planted three feet on-center (3' o.c.) immediately behind the *front building line*. Shrubs shall be at least twenty-four inches (24") at time of planting and shall be maintained at a maximum height of thirty-six inches (36").
- (B) *Minimum Side Yard and Setback* – The *minimum side yard* and *setback* shall be as follows:
- i. *Minimum Side Yard* – zero (0) feet, provided, however, if a *side yard* is provided along a *side lot line* not abutting an *alley*, such *setback* shall not be less than five (5) feet.
 - ii. *Minimum Side Residential Bufferyard* – five (5) feet.

(C) *Minimum Rear Yard and Setback* – The *minimum rear yard* and *setback* shall be as follows:

- i. *Minimum Rear Yard* – five (5) feet.
- ii. *Minimum Rear Residential Bufferyard* – fifteen (15) feet when not separated from a *residential use* by a *public alley*. If separated from a *residential use* by a *public alley*, no *rear residential bufferyard* is required, but the *minimum rear yard* requirement shall apply.

(3) Use of *Minimum Yards* and *Residential Bufferyards*.

All *minimum yards* and *residential bufferyards* shall be landscaped in compliance with the requirements for perimeter *yard* landscaping as set forth in Section 21-07.01 – Landscape Regulations of this Ordinance and shall remain free from *structures* except where expressly permitted below:

(A) *Minimum Front Yards* –

- i. along *limited access highways* – may include: *parking areas*, *loading areas*, *interior access drives*, or *interior access driveways*, provided that no portion of such area may be located closer to the *right-of-way* than fifteen (15) feet; or *signs* as regulated by Section 21-07.03 – Sign Regulations of this Ordinance, and shall otherwise be maintained as *open space* free from *buildings* or *structures*.
- ii. along all other *streets* – may include: *driveways* or *signs* as regulated by Section 21-07.03 – Sign Regulations of this Ordinance, and shall otherwise be maintained as *open space* free from *buildings* or *structures*.

(B) *Minimum Side and Rear Yards* – may include *driveways*, *interior access driveways*, *parking areas*, *loading areas*, *walkways* or other pedestrian way connections to adjoining *lots*, provided that the remainder of said *yards* shall be maintained as *open space* free from *buildings* or *structures*.

(C) *Minimum Side and Rear Residential Bufferyards* – may include *driveway* connections to adjoining *lots*, or *walkways* or other pedestrian way connections to adjoining *lots*, provided that the remainder of said *yards* shall otherwise be maintained as *open space* free from *buildings* or *structures*.

- (4) *Building Height.*
 - (A) *Minimum Front Façade Height* – in the elevation view from the *street frontage*, eighteen (18) feet.
 - (B) *Maximum Building Height* – Forty (40) feet; not to exceed three (3) stories.
- (5) *Landscaping* – See Section 21-07.01 – Landscape Regulations.
- (6) *Lighting* – See Section 21-07.02 – Lighting Regulations.
- (7) *Signs* – See Section 21-07.03 – Sign Regulations.
- (8) *Parking* – See Section 21-07.04 – Off-Street Parking Regulations.
- (9) *Loading* – See Section 21-07.05 – Off-Street Loading Regulations.
- (10) *Greenway Connection Required* – If the *lot* abuts any portion of a *greenway*, a direct linkage from the *project* to such *greenway* shall be provided.
- (11) *Outdoor Operations* – All uses and operations (except *off-street parking*, *off-street loading* and delivery and walk-up customer service windows) shall be conducted completely within enclosed *buildings*, except where expressly permitted below:
 - (A) *Outdoor seating* for restaurants, provided that such outdoor seating:
 - i. shall not be located in any *street right-of-way* except as permitted by the Board of Public Works; and,
 - ii. shall not block an entrance or exit to or from the business or *building* or conflict with Americans with Disabilities Act standards.
 - (B) *Outdoor display* or sales of merchandise:
 - i. shall not be located in any *street right-of-way* except as permitted by the Board of Public Works;
 - ii. shall not block an entrance or exit to or from the business or *building* or conflict with Americans with Disabilities Act standards;
 - iii. shall not exceed ten percent (10%) of the *gross floor area* of each non-related and separately operated use;

- iv. shall be permitted only during the hours of operation of the business and shall be removed at the close of each business day; and,
 - v. shall be merchandise normally found within the on-premise business. (Ord. No. 9653-06)
- (C) Walk-up customer service windows or Automated Teller Machines (ATM's), provided that such facilities are not free-standing and are set flush with the *façade* of the *building*.
- (D) Vending machines, provided that vending machines:
- i. shall abut the exterior wall of the *building*; and,
 - ii. shall not be located in a required *yard* or required *residential bufferyard*.
- (12) Building Design and Orientation.
- (A) Orientation.
- i. Primary *façades* shall be oriented to the *front lot line*. When on a *corner lot*, the primary *façade* shall be oriented to the primary *street* and the design of the primary *façade* shall extend a minimum of ten (10) feet along the secondary *street*.
 - ii. The primary *building* entrance shall be located on the *front façade*.
- (B) Articulation and Activation.
- i. *Front façades* at least one hundred twenty (120) feet in length should be designed to look like more than one *building*. For *buildings* that are one hundred twenty (120) feet or longer, no section of the *front façade* longer than sixty (60) feet may look like one *building*.
 - ii. For commercial and mixed-use *buildings*, the minimum *front façade* surface that shall be glazed (window and door surface area) is as follows:
 - a. Ground floor *front façade* surface along a primary *street* – seventy (70) percent;
 - b. Ground floor *front façade* surface along a secondary *street* – twelve and one-half (12.5) percent;

- c. Upper floor *front façade* surface – twelve and one-half (12.5) percent.

The ground floor *front façade* glazing is calculated based on the total *façade* area between two (2) and eight (8) feet above *grade*. The upper floor *front façade* surface area is calculated based on the total surface area located between the elevation of any floor to the elevation of the floor above it or the elevation of the roof. Windows and doors shall have clear (untinted) glass and shall be open to the interior (not faux).

- iii. A *walkway* shall connect from the *sidewalk* to the primary entrance.

(C) *Building Materials.*

- i. Additions to Existing *Buildings*: All additions to existing *buildings* shall utilize *building materials* that are compatible and harmonious with the materials used on the existing *building*.
- ii. Exterior Renovations, Major Additions and *Accessory Buildings*: Exterior renovations, major additions and *accessory buildings* to existing *buildings* or facilities are encouraged to comply with the provisions in sub-Section (iii), below, for new construction, however, the minimum requirement for exterior renovations, major additions and accessory buildings shall be the same as in sub-Section (i), above, for additions to existing *buildings*.
- iii. New Construction: In order to create variation and interest in the built environment, all new primary *buildings* shall comply with one (1) of the following two (2) sets of architectural regulations regarding *building material* and architectural features on each *front façade*:
 - a. All brick or stone (limestone, granite, etc.), excluding window, display window, door, roofing, fascia and soffit materials, provided that the brick or stone used on each applicable *façade* shall include at least two (2) architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.); or,
 - b. Two (2) or more *building materials* (excluding window, display window, door and roofing materials), provided:

1. *Primary Building Material:* The primary *building material* shall be either: brick; stone (limestone, granite, etc.); synthetic equivalents of brick or stone; architectural pre-cast concrete, if the surface looks like brick or stone; traditional stucco; or fiber cement, and shall constitute a minimum of sixty-six (66) percent of each applicable *façade* excluding glazed surfaces. Exterior insulation and finish system (E.I.F.S.) or equivalent; vinyl; or standard, fluted, or split face concrete masonry units (CMUs) are prohibited as a primary *building material*.
2. *Secondary Building Material:* The secondary *building material* shall constitute a minimum of ten (10) percent of the *façade* excluding glazed surfaces. Glass curtain wall may qualify as a secondary *building material*.
3. *Architectural Features:* In addition, the exterior *building material* selection shall be supplemented with the use of multiple colors or architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.) on each *front façade*.

iv. *Building materials* used on the *front façade* shall extend a minimum depth of sixteen (16) inches along the *side façade* as measured from the face of the *front façade*.

(D) Mechanical Equipment – HVAC equipment shall not be placed in the *front yard* or on the *front façade*.

(13) *Development Standards for Two Family Dwellings.*

Notwithstanding anything in this MU *District* to the contrary, a *two family dwelling* shall be subject to the applicable *development standards* of the SF2 *District*.

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

Member of the Common Council

Attest:

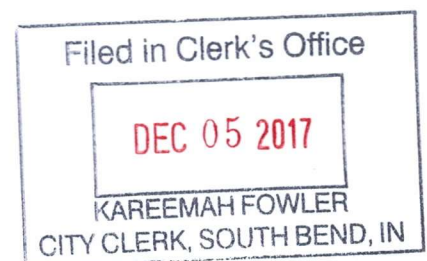
City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 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





LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

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

Wednesday, January 17, 2018

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

RE: An ordinance of the Common Council of the City of South Bend, Indiana, amending Chapter 21 of the South Bend Municipal Code, Article 3 Commercial / Mixed Use Districts to revise Permitted Uses and Development Standards - APC# 2855-17.

Dear Council Members:

I hereby Certify that the above referenced ordinance of The Honorable Common Council was legally advertised on January 4, 2018 and that the Area Plan Commission at its public hearing on January 16, 2018 took the following action:

Upon a motion by Robert Hawley, being seconded by John Leszczynski and unanimously carried, a proposed ordinance of the Common Council of the City of South Bend, Indiana, amending Chapter 21 of the South Bend Municipal Code, Article 3 Commercial / Mixed Use Districts to revise Permitted Uses and Development Standards, is sent to the Common Council with a FAVORABLE recommendation. Updating the MU Mixed Use District to better reflect the intent and application of the pedestrian-oriented district within the urban context will simplify development and strengthen the mixed-use neighborhood centers.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'L. P. Magliozzi', written over a horizontal line.

Lawrence P. Magliozzi

Attachment



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

January 16, 2018

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

RE: Bill #89-17
Rezoning: APC#2855-17

Dear Council Members:

The Area Plan Commission held a public hearing on January 16, 2018 for the above reference petition. This petition is set for public hearing before the Common Council on Monday, January 22, 2018.

Ordinance & Petition Amendments:

The following changes were made to the Ordinance:

- Hotel was added as a permitted use (consistent with historical interpretations)
- Replace "Lot Frontage" requirements with "Project Frontage"
- Minimum front setback was reduced to 0'
- Removed additional development standards for Two-family dwellings

Public Hearing Summary:

There was no one present to speak in favor or opposition to the petition.

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

Sincerely,

A handwritten signature in black ink that reads "Angela M. Smith". The signature is written in a cursive, flowing style.

Angela M. Smith
Deputy Director

CC: Bob Palmer

Staff Report

1/5/2018

APC # 2855-17
Owner: The Honorable Common Council
Location: TEXT AMENDMENT
Jurisdiction: City of South Bend
Public Hearing Date: 1/16/2018

Requested Action:

The petitioner is requesting a text amendment to repeal and replace Section 21-03.02 MU Mixed Use District.

Staff Comments:

Since its adoption in 2004, experience has shown that development in the MU Mixed Use district frequently requires the use of variances and special exception use approvals, even to complete projects consistent with the neighborhood context. This ordinance revises uses and development standards to better support the development of the mixed-use urban neighborhood centers and traditional pedestrian-oriented design. Because the changes involve so many subsections within the chapter, the staff suggesting a replacement chapter. Some of the changes include allowing private clubs and lodges as permitted uses, changing to a minimum project frontage instead of lot frontage in order to allow for integrated developments, reducing setbacks, eliminating plaza requirements, decreasing the minimum height, and updating the architectural standards to better reflect the desired urban design appropriate for the district.

Recommendation:

Based on information available prior to the public hearing, the staff recommends sending this petition to the Common Council with a favorable recommendation.

Analysis:

Updating the MU Mixed Use District to better reflect the intent and application of the pedestrian-oriented district within the urban context will simplify development and strengthen the mixed-use neighborhood centers.

DHA

Danch, Harner & Associates, Inc.

Land Surveyors ■ Professional Engineers

Landscape Architects ■ Land Planners

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

1643 Commerce Drive ■ South Bend, IN 46628

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

September 12, 2017

RE: Street Vacation – Western Avenue from Frances Street east 241 feet +/- to Parry Street, the First North/South Alley east of Frances Street, between Western Avenue on the North to the First East/West Alley south of Western Avenue, South Bend, Indian

Dear Council Members:

On behalf of our clients, we are requesting the approval of the Vacation for all the Public Streets and Alleys known as Street Vacation – Western Avenue from Frances Street east 241 feet +/- to Parry Street, the First North/South Alley east of Frances Street, between Western Avenue on the North to the First East/West Alley south of Western Avenue, South Bend, Indiana.

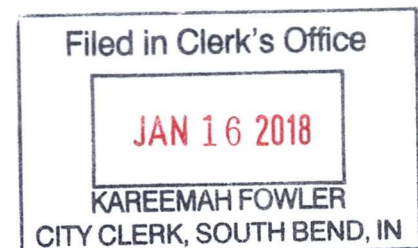
The reason for this request is to allow for the future development of property adjacent to the the proposed vacated streets and alleys.

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

Sincerely,

Michael J. Danch

Michael J. Danch
President
Danch, Harner & Associates
File No. 170209



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



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

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

December 21, 2017

Michael Danch
Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, IN 46628

RE: Alley/Street Vacation – Western Avenue from Frances Street running East 175 feet, More or Less and First North/South Alley East of Frances Street, between Western Avenue on the North and running South of 198 feet, More or Less, to the First East/West Alley South of Western Avenue (Preliminary Review)

Dear Mr. Danch:

The Board of Public Works, at its December 21, 2017, meeting, reviewed comments by the Engineering Division, Area Plan Commission, Community Investment, Fire Department, and the Solid Waste Division. Per Indiana Code 36-7-3-13 criteria, all departments gave favorable recommendations regarding the vacation of this street/alley.

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

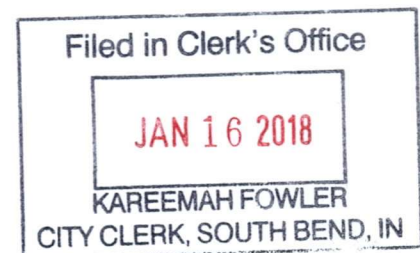
Please contact Donna Hanson at (574) 235-9254 prior to picking up your radius map. You will need a radius map showing properties within 150' of the proposed vacation for your petition to the Common Council. Once you pick up the radius map, proceed to the City Clerk's office for your alley/street vacation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

Sincerely,

A handwritten signature in cursive script that reads "Linda Martin".

Linda M. Martin, Clerk

c: Federico Rodriguez, Fire Department
Donna Hanson, Engineering
Bianca Tirado, City Clerk's Office



BILL NO. 06-18

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTIES:

Street Vacation – Western Avenue from Frances Street east 241 feet +/- to Parry Street, the First North/South Alley east of Frances Street, between Western Avenue on the North to the First East/West Alley south of Western Avenue, South Bend, 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 properties:

- 1). Street Vacation – Western Avenue from Frances Street running east 241 feet more or less to Parry Street.
- 2). Alley Vacation – The First North/South Alley east of Frances Street, between Western Avenue on the North and running south 198 feet more or less to the First East/West Alley south of Western Avenue.

hereby determines that it is desirable to vacate said properties.

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 Tax Key Numbers may be injuriously or beneficially affected by such vacating:

18-6006-0166	18-6006-0166.03	18-6006-0166.02	18-6008-0183	18-6006-0163	18-6008-0189
18-6006-0162	18-6006-0161	18-6006-0160	18-6006-0158	18-6006-0156	18-6008-0190
18-6006-0154	18-6006-0164.03	18-6006-0164.02	18-6006-0149	18-6006-0150	18-6013-0297

18-6006-0151	18-6006-0153	18-6006-0164.01	18-6013-0285	18-6013-0286	18-6013-0288
18-6013-0287.01	18-6013-0292	18-6013-0294	18-6013-0297	18-6013-0296	18-6013-0283
18-6013-0295	18-6013-0290	18-6013-0289	18-6008-0184	18-6008-0188	18-6013-0280
18-6013-0281	18-6013-0282				

SECTION IV. The purpose of the vacation of the real properties is to vacate that portion of all the Public Alleys and Streets in the described area to allow for the development of some of the adjacent property.

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

Tim Scott, Council President
Member of the Common Council

Attest:

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

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2018, at ____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

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

To the Common Council
of the City of South Bend, Indiana

Date: 9-12-17

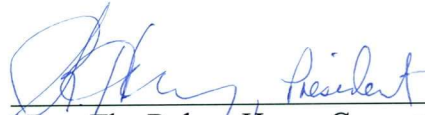
We, the undersigned property owner(s), petition you to vacate:

- 1). Street Vacation – Western Avenue from Frances Street running east 241 feet more or less to Parry Street.
- 2). Alley Vacation – The First North/South Alley east of Frances Street, between Western Avenue on the North and running south 198 feet more or less to the First East/West Alley south of Western Avenue.

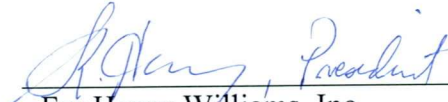
Tax Key Numbers owned by the Petitioners:

18-6006-0164.02 18-6008-0184 18-6008-0188 18-6008-0189 18-6008-0190 18-6013-0289
18-6013-0290 18-6013-0295 18-6013-0281 18-6013-0282 18-6013-0280 18-6006-0156

NAME (signed & printed) & ADDRESS



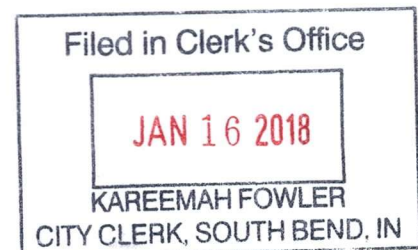
For- The Robert Henry Corporation
404 South Frances Street
South Bend, Indiana 46624
Stephen R. Henry

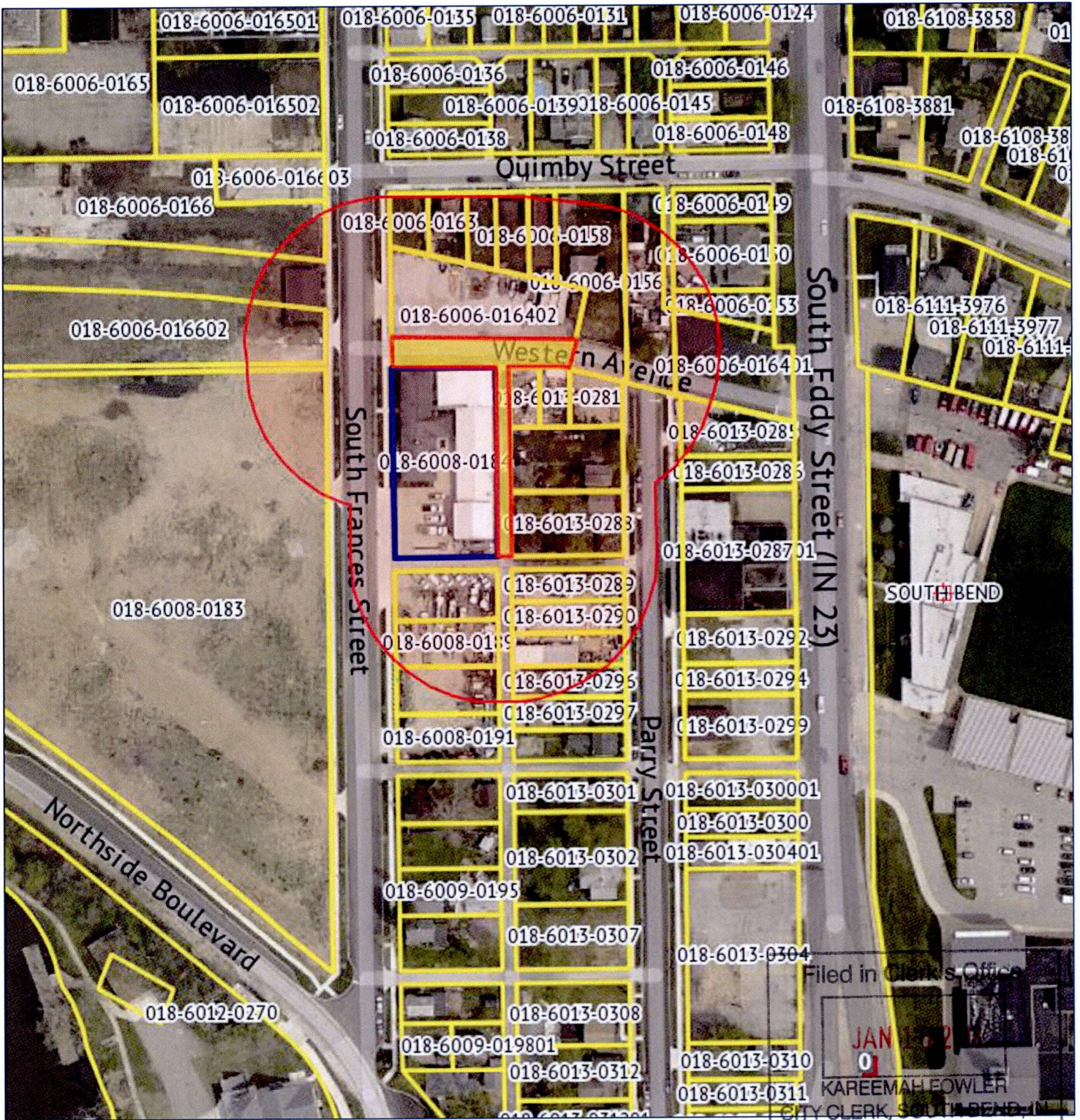


For Henry-Williams, Inc.
404 South Frances Street
South Bend, Indiana 46624
Stephen R. Henry

Office of the City Clerk
Kareemah Fowler, City Clerk
Room 455-County-City Building
South Bend, IN 46601
574-235-9221

CONTACT PERSON NAME:
Michael J. Danch
Danch, Harner & Associates, Inc.
1643 Commerce Drive
South Bend, Indiana 46628
e-mail: mdanch@danchharner.com





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: 12/29/2017 DCH

Alley Vacation 150' Radius Robert Henry Corporation

The alley to be vacated is the NS alley 14' in width, running ~198' from the S RoW of Western St., E of S. Francis and W of S. Eddy St., And Western Ave. running E ~183' from E RoW of S. Francis St. ~20' in width.



CITY OF SOUTH BEND

COMMUNITY INVESTMENT

February 8, 2018

South Bend Common Council
4th Floor City-County Building
c/o Kareemah Fowler, City Clerk

Esteemed Council Members,

It is customary for the Department of Community Investment, Economic Resources Team, to provide recommendations and/or guidance to Council for Tax Abatements.

A Petition for Waiver of Non-Compliance for James and Nancy Masters of 5015 Masthead Court in South Bend was recently received at DCI. This Residential Tax Abatement was granted in November, 2013. No current members of the DCI Economic Resources Staff were present on staff in November 2013, making it difficult for our team to provide a meaningful recommendation for or against the request.

Note that, while Real and Personal Property Tax Abatements for Businesses have meaningful parameters such as job creation and investment that we can confirm compliance with to make meaningful recommendations, Residential Tax Abatements do not provide these data points for our consideration.

DCI therefore sends this Petition for Waiver of Non-Compliance to Council with No recommendation.

Respectfully,

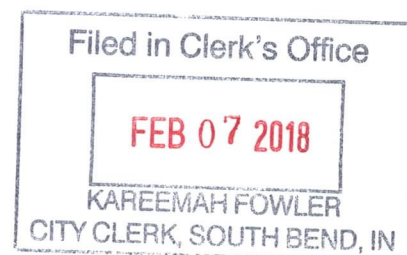
A handwritten signature in black ink, appearing to read "DJB", followed by a long horizontal line extending to the right.

Daniel J. Buckenmeyer
Director of Business Development and Economic Resources
Department of Community Investment – City of South Bend

James A. Masters and Nancy J. Masters

5015 Masthead Court
South Bend, Indiana 46628
Telephone: 574/291-9941

February 7, 2018



HAND DELIVERED

South Bend Common Council
4th Floor County-City Building
227 West Jefferson Boulevard
South Bend, IN 46601

RE: Petition for Waiver to late-file Tax Abatement Application for
5015 Masthead Court, South Bend, IN 46601

Dear Members of the Common Council:

This letter submits for your approval our Petition for a waiver of non-compliance to allow the late-filing of our application for tax abatement for our real estate at 5015 Masthead Court, South Bend, Indiana after the filing deadline for Tax Year 2017, pay 2018. The Common Council has the legal authority to waive the failure to file a timely tax abatement deduction application pursuant to Ind. Code § 6-1.1-12.1-11.3.

We built a new home in The Villas at Lake Blackthorn in January, 2017. One of the attractions for building a new home within the city limits was the five (5) year tax abatement available for the subdivision. Our application for the first year of the tax abatement, for Tax Year 2017, pay 2018, was filed in November, 2017. The County Auditor rejected the application for being filed late, more than thirty (30) days after the Form 11 notice of reassessment.

The problem is that the Form 11 Notice sent by the County Assessor does not comply with state law. According to Ind. Code § 6-1.1-12.1-5(h) (2017), a county assessor is required to provide notice of the deadline to file a Form 322 tax abatement application with the Form 11 re-assessments notice to the property owner. The deadline to file a tax abatement application is thirty days from the date of the assessor's notice.

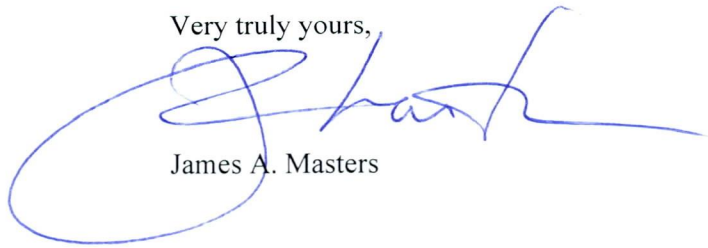
The Form 11 re-assessment notice we received from the St. Joseph County Assessor for Tax Year 2017 pay in 2018 does not state any deadline to file a Form 322 tax abatement application. According to state law, all other deductions are to be completed and signed by December 31 of the year for the deduction. We filed our Form 322 tax abatement application in November, 2017, well before that deadline and before the tax bills have been issued. Had we been given proper notice that the application was due earlier, we would have submitted it earlier within the deadline.

James A. Masters and Nancy J. Masters

South Bend Common Council
February 7, 2018
Page Two

In view of the lack of proper legal notice, we request that the Common Council grant our Petition to allow our Form 322 tax abatement application to be deemed timely-filed for Tax Year 2017, pay 2018, in accordance with your statutory authority. Thank you for your consideration of this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'James A. Masters', is written over the typed name. The signature is fluid and cursive, with a large loop at the beginning.

James A. Masters

JAM:st

Filed in Clerk's Office

FEB 07 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL
OF THE CITY OF SOUTH BEND, INDIANA,
WAIVING NON-COMPLIANCE BY PETITIONERS
JAMES A. MASTERS AND NANCY J. MASTERS
WITH IND. CODE § 6-1.1-12.1-5 ET SEQ**

WHEREAS, Petitioners James A. Masters and Nancy J. Masters ("Petitioners") are the owners of real property located in The Villas at Lake Blackthorn at 5015 Masthead Court, South Bend, Indiana on which they constructed a new residential dwelling, and

WHEREAS, in conjunction with the development of The Villas at Lake Blackthorn, the South Bend Common Council granted a five year tax abatement on new residential dwellings which is in effect and was approved by Resolution 4295-13 adopted on November 14, 2013, and

WHEREAS, the Petitioners have brought to the attention of the Common Council that Petitioners failed to timely file an abatement deduction application with the St. Joseph County Auditor for Tax Year 2017, pay 2018 and, as a result, Petitioners may lose the benefit of the five year tax abatement beginning with Tax Year 2017, pay 2018, unless the Common Council grants a waiver, and

WHEREAS, pursuant to Ind. Code § 6-1.1-12.1-11.3 (2017), the Common Council has the authority to waive the Petitioners' failure to file a timely tax abatement deduction application with the County Auditor, and

WHEREAS, the Common Council accepts the Petitioners' failure to timely file their tax abatement deduction application as an excusable mistake which resulted through inadvertence, and acknowledges that Petitioners filed a tax abatement application before the end of the tax year and before the tax bill was issued, and

WHEREAS, pursuant to Ind. Code § 6-1.1-12.1-11.3(c), the Common Council has heard and considered the Petitioners' request for a waiver of non-compliance at a duly-called and public meeting of the Council,

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

SECTION 1. Acting pursuant to the authority granted to it by Ind. Code § 6-1.1-12.1-11.3, the South Bend Common Council hereby waives the failure to comply with the deadlines of the Indiana tax abatement laws by Petitioners James A. Masters and Nancy J. Masters and, specifically, waives Petitioners' failure to file a timely or complete tax abatement deduction application with the County Auditor for Tax Year 2017, pay 2018.

SECTION 2. The South Bend Common Council hereby affirms that the five year tax abatement granted for the real estate owned by Petitioners James A. Masters and Nancy J. Masters at 5015 Masthead Court, South Bend, Indiana pursuant to Resolution 4295-13 is in effect for five years commencing with Tax Year 2017, pay 2018.

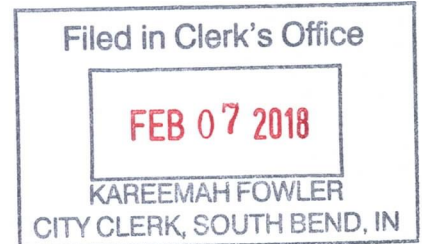
SECTION 3. This Resolution shall be in full force and effect from and after its passage and approval, as required by law.

Member, South Bend Common Council

STATE OF INDIANA) BEFORE THE SOUTH BEND COMMON COUNCIL
)
ST. JOSEPH COUNTY)

JAMES A. MASTERS)
and)
NANCY J. MASTERS,)
)
Petitioners.)

Subject Real Estate:)
5015 Masthead Court,)
South Bend, Indiana 46601,)
Parcel or identification number:)
71-03-18-401-001.000-009 /)
025-1010-017664.)



**VERIFIED PETITION FOR
WAIVER OF NON-COMPLIANCE**

The petitioners, **James A. Masters and Nancy J. Masters**, bring this petition pursuant to Ind. Code § 6-1.1-12.1-11.3 to respectfully request the Common Council of the City of South Bend, Indiana to grant a waiver of non-compliance to allow the late-filing of an application for tax abatement for the real estate at 5015 Masthead Court, South Bend, Indiana after the initial filing deadline. As used in this Petition, "we" and "our" refers to the Petitioners James A. Masters and Nancy J. Masters.

In support of this petition we, the Petitioners, state:

Statement of Purpose and Intent

1. We purchased real estate commonly described as 5015 Masthead Court, South Bend Indiana in June, 2014. The lot is located in The Villas at Lake Blackthorn.
2. In conjunction with the development of property in The Villas at Lake Blackthorn, the developer was granted a five year tax abatement on lots on which a dwelling is completed prior to November 14, 2018. The abatement was approved as Resolution 4295-13 on November 14, 2013.

A true copy of Resolution 4295-13 is attached to this petition as Exhibit 1.

3. The tax abatement was a factor in our deciding to purchase real estate and build a new home in the City of South Bend. We constructed a new residential dwelling on the lot that was completed in January, 2017.

4. The St. Joseph County Assessor issued a Notice of Reassessment of our property dated July 21, 2017 (Form 11). A true copy of the Form 11 is attached to this petition as Exhibit 2.

5. We filed a tax abatement application (Form 322) for the property on or about November 14, 2017 for Tax Year 2017, pay 2018. True copies of our abatement application and letter to the Auditor are attached to this petition, collectively, as Exhibit 3.

6. The St. Joseph County Auditor rejected our tax abatement application for Tax Year 2017, pay 2018 because it was not filed within thirty (30) days of the date of the Form 11. A true copy of the Auditor's rejection letter is attached to this petition as Exhibit 4.

7. The Form 322 was filed late as the result of excusable and innocent neglect.

8. Ind. Code § 6-1.1-4-22 requires the St. Joseph County Assessor to send St. Joseph County property-owners a notice of re-assessment each year. According to Ind. Code § 6-1.1-12.1-5(h), a county assessor is required to provide notice of the deadline to file a Form 322 for a tax abatement with the re-assessment notice. The statute states:

“The township assessor shall include a notice of the deadlines for filing a deduction application under subsections (a) and (b) with each notice to a property owner of an addition to assessed value or of a new assessment.”

9. In this case, the re-assessment notice issued by the St. Joseph County Assessor does not state any deadline to file a Form 322 tax abatement application Tax Year 2017, pay 2018. Consequently, we were not given proper legal notice that the first tax abatement application (Form

322) was required to be filed within thirty (30) days of the date of the Assessor's re-assessment notice.

10. According to Indiana law, other property tax deductions are to be completed and signed by December 31 of the year for the deduction and filed with the County Auditor by January 5 of the following year. We filed our Form 322 within the deadline applicable to other tax deductions and well before any tax bills have been issued.

11. Because the re-assessment notice from the St. Joseph County Assessor for Tax Year 2017 pay in 2018 does not state a deadline to file our tax abatement application, an argument can be made that the thirty day deadline to file the application has not yet begun to run, so the tax abatement application is not late.

12. Rather than argue the legal point with the County Auditor and the County Assessor, we are asking the Common Council to grant a waiver of non-compliance so that the Auditor can apply our tax abatement application retroactively for Tax Year 2017, pay 2018.

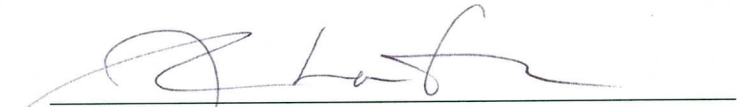
Request for Waiver

13. Under Ind. Code § 6-1.1-12.1-11.3, the Common Council has the authority to waive a taxpayer's non-compliance with Indiana's tax abatement laws. Included with these powers is the power to waive a taxpayer's failure to file a timely or complete abatement deduction application with the County Auditor. Ind. Code § 6-1.1-12.1-11.3(a)(5).

14. The Common Council must conduct a public hearing on the taxpayer's request for a waiver and pass a resolution waiving the taxpayer's non-compliance. Ind. Code § 6-1.1-12.1-11.3(c).

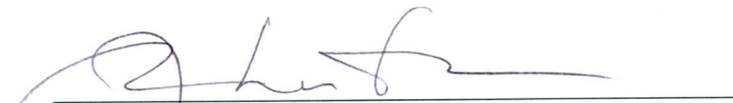
15. In accordance with these provisions of Indiana law, we respectfully asks the Common Council to consider this petition at a public hearing and grant our request for a waiver to allow our tax abatement application to be filed with the Auditor for Tax Year 2017, pay 2018.

Respectfully Submitted,


James A. Masters (#79074-71)
NEMETH, FEENEY, MASTERS & CAMPITI, P.C.
350 Columbia Street
South Bend, Indiana 46601
Telephone: (574) 234-0121
Attorney for James A. Masters and Nancy J. Masters

Verification

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


James A. Masters, Petitioner
Dated: February 6, 2018

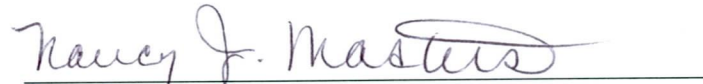

Nancy J. Masters, Petitioner
Dated: FEBRUARY 6, 2018

Exhibit 1

United States of America



Certificate

STATE OF INDIANA, COUNTY OF ST. JOSEPH, ss:

I, John Voorde, Clerk of the City of South Bend, County of St. Joseph, Indiana, hereby certify that the attached and foregoing is a full, true, and correct copy of

RESOLUTION 4295-13

A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 4528, 4536 4546 4606, 4612 LAKE BLACKTHORN DRIVE, 6568 DOCKSIDE DRIVE, 4636, 4644, 4710, 4720, 4728, 4814, 4822 STARBOARD DRIVE, 6510, 6507 STILL WATERS COURT, 4938, 4954, 5011, 4935, 4915 STERN LINE COURT, 6535, 6530, 6634 LEEWAY DRIVE, 5015, 4917 MASTHEAD COURT; 5002, 5010, 5013, 5003, 4925 BOW LINE COURT, 4738, 4712 PORTSIDE DRIVE, 4627, 4611, 4604, 4614, 4624 PIER COURT, 6613 DOCKSIDE DRIVE, 4711, 4719, 4821, 4829 STARBOARD DRIVE, 6530 LAKE CREST CIRCLE, 6735, 6747, 4736, 4739 BLACKTHORN HARBOR DRIVE AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (5) FIVE-YEAR RESIDENTIAL PROPERTY TAX ABATEMENT FOR COOREMAN REAL ESTATE GROUP, INC.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, NOVEMBER 11, 2013

PRESENTED TO, APPROVED AND SIGNED BY MAYOR PETE BUTTIGIEG, NOVEMBER 12, 2013

ATTEST: DEREK D. DIETER, PRESIDENT OF THE COMMON COUNCIL

ATTEST: JOHN VOORDE, CITY CLERK

the original of which is now on file in the office of the Clerk of the City of South Bend, St. Joseph County, Indiana.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the City of South Bend, St. Joseph County, Indiana, this 14th day of November 2013

JOHN VOORDE
Clerk of the City of South Bend
St. Joseph County, Indiana

By: John Tallon
Deputy

RESOLUTION NO. 4295-13

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

4528, 4536, 4546, 4606, 4612 Lake Blackthorn Drive; 6568 Dockside Drive; 4636,
4644, 4710, 4720, 4728, 4814, 4822 Starboard Drive; 6510, 6507 Still Waters
Court; 4938, 4954, 5011, 4935, 4915 Stern Line Court; 6535, 6530, 6634 Leeway
Drive; 5015, 4917 Masthead Court; 5002, 5010, 5013, 5003, 4925 Bow Line
Court; 4738, 4712, Portside Drive; 4627, 4611, 4604, 4614, 4624 Pier Court; 6613
Dockside Drive; 4711, 4719, 4821, 4829 Starboard Drive; 6530 Lake Crest Circle;
6735, 6747, 4736, 4739 Blackthorn Harbor Drive

AS RESIDENTIALLY DISTRESSED AREAS FOR PURPOSES OF A
(5) FIVE-YEAR RESIDENTIAL REAL PROPERTY
TAX ABATEMENT FOR

COOREMAN REAL ESTATE GROUP, INC.

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

WHEREAS, a Declaratory Resolution designated the area commonly known as The Villas at
lake Blackthorn – Section One, South Bend, Indiana, and which is more particularly described as
follows:

LEGAL DESCRIPTION: THE VILLAS AT LAKE BLACKTHORN, SECTION ONE

A PART OF THE NORTHWEST, SOUTHWEST, AND SOUTHEAST QUARTERS OF SECTION 18, TOWNSHIP
38 NORTH, RANGE 2 EAST, GERMAN TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY,
INDIANA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SECTION 18,
TOWNSHIP 38 NORTH, RANGE 2 EAST, 5.8 FEET SOUTH OF A 2" IRON MONUMENT WITH A CAP
LABELED "SEC. CORNER"; THENCE SOUTH 89 DEGREES 49 MINUTES 49 SECONDS WEST, A DISTANCE
OF 1549.41 FEET TO THE WEST RIGHT OF WAY OF U.S. ROUTE 31 AND THE POINT OF BEGINNING;
THENCE ALONG SAID WEST RIGHT OF WAY THE FOLLOWING NINE (9) COURSES: (1) SOUTH 17
DEGREES 36 MINUTES 51 SECONDS WEST, A DISTANCE OF 85.66 FEET; (2) THENCE SOUTH 25
DEGREES 35 MINUTES 58 SECONDS WEST, A DISTANCE OF 409.65 FEET TO THE POINT OF CURVATURE
OF A NON-TANGENT CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 5950.00 FEET, A
CENTRAL ANGLE OF 8 DEGREES 59 MINUTES 58 SECONDS, AND A CHORD OF 933.60 FEET BEARING
SOUTH 12 DEGREES 00 MINUTES 23 SECONDS WEST; (3) THENCE SOUTH ALONG SAID RIGHT OF WAY
CURVE, A DISTANCE OF 934.56 FEET; (4) THENCE SOUTH 16 DEGREES 02 MINUTES 40 SECONDS WEST,

A DISTANCE OF 211.20 FEET; (5) THENCE SOUTH 38 DEGREES 30 MINUTES 20 SECONDS WEST, A DISTANCE OF 481.60 FEET; (6) THENCE NORTH 0 DEGREES 45 MINUTES 39 SECONDS EAST, A DISTANCE OF 114.32 FEET TO THE NORTHEAST CORNER OF LAND DESCRIBED IN DEED RECORD BOOK 741, PAGES 475-477, AS RECORDED IN THE OFFICE OF RECORDER OF ST. JOSEPH COUNTY, INDIANA; (7) THENCE SOUTH 35 DEGREES 15 MINUTES 20 SECONDS WEST, A DISTANCE OF 401.95 FEET; (8) THENCE SOUTH 2 DEGREES 36 MINUTES 09 SECONDS WEST, A DISTANCE OF 256.87 FEET; (9) THENCE SOUTH 85 DEGREES 31 MINUTES 45 SECONDS WEST, A DISTANCE OF 199.30 FEET TO THE SOUTHEAST CORNER OF LAND DESCRIBED IN INSTRUMENT NUMBER 8717366, AS RECORDED IN THE OFFICE OF SAID RECORDER; THENCE ALONG THE EAST LINE OF SAID LAND, NORTH 0 DEGREES 15 MINUTES 44 SECONDS EAST, A DISTANCE OF 181.22 FEET; THENCE ALONG THE NORTH LINE OF SAID LAND, NORTH 89 DEGREES 48 MINUTES 51 SECONDS WEST, A DISTANCE OF 323.58 FEET; THENCE NORTH 0 DEGREES 03 MINUTES 20 SECONDS WEST, A DISTANCE OF 500.00 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 51 SECONDS WEST, A DISTANCE OF 2.00 FEET; THENCE NORTH 0 DEGREES 03 MINUTES 20 SECONDS WEST, A DISTANCE OF 100.00 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 51 SECONDS EAST, A DISTANCE OF 2.00 FEET; THENCE NORTH 0 DEGREES 03 MINUTES 20 SECONDS WEST, A DISTANCE OF 500.00 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 51 SECONDS WEST, A DISTANCE OF 2.00 FEET; THENCE NORTH 0 DEGREES 03 MINUTES 20 SECONDS WEST, A DISTANCE OF 100.00 FEET; THENCE SOUTH 89 DEGREES 48 MINUTES 51 SECONDS EAST, A DISTANCE OF 2.00 FEET; THENCE NORTH 0 DEGREES 03 MINUTES 20 SECONDS WEST, A DISTANCE OF 800.00 FEET TO THE SOUTHWEST CORNER OF LOT "A" AS DEPICTED IN THE REPLAT OF RIGHTER'S ORANGE ROAD MINOR SUBDIVISION, DESCRIBED IN INSTRUMENT NUMBER 8525803, AS RECORDED IN THE OFFICE OF SAID RECORDER; THENCE ALONG THE SOUTH LINE OF SAID LOT "A", NORTH 89 DEGREES 50 MINUTES 13 SECONDS EAST, A DISTANCE OF 100.00 FEET; THENCE ALONG THE EAST LINE OF SAID LOT "A", NORTH 0 DEGREES 03 MINUTES 20 SECONDS WEST, A DISTANCE OF 251.56 FEET TO THE POINT OF CURVATURE OF A NON-TANGENT CURVE, BEING THE CENTERLINE OF ORANGE ROAD, CONCAVE TO THE NORTH, HAVING A RADIUS OF 335.00 FEET, A CENTRAL ANGLE OF 19 DEGREES 18 MINUTES 44 SECONDS, AND A CHORD OF 112.38 FEET BEARING NORTH 67 DEGREES 34 MINUTES 35 SECONDS EAST; THENCE EAST ALONG SAID CENTERLINE CURVE, A DISTANCE OF 112.92 FEET; THENCE SOUTH 0 DEGREES 11 MINUTES 04 SECONDS EAST, A DISTANCE OF 70.83 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF BOGUE'S MAJOR SUBDIVISION, DESCRIBED IN INSTRUMENT NUMBER 8932797, AS RECORDED IN THE OFFICE OF SAID RECORDER AND THE NORTHWEST CORNER OF LAND DESCRIBED IN INSTRUMENT NUMBER 9331954, AS RECORDED IN THE OFFICE OF SAID RECORDER; THENCE ALONG THE BOUNDARY OF SAID LAND THE NEXT THREE (3) COURSES; (1) SOUTH 26 DEGREES 45 MINUTES 04 SECONDS EAST, A DISTANCE OF 66.96 FEET; (2) THENCE NORTH 89 DEGREES 49 MINUTES 49 SECONDS EAST, A DISTANCE OF 556.25 FEET; (3) THENCE NORTH 0 DEGREES 45 MINUTES 39 SECONDS EAST, A DISTANCE OF 80.00 FEET TO THE NORTH LINE OF THE SOUTH HALF OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 2 EAST; THENCE ALONG SAID NORTH LINE NORTH 89 DEGREES 49 MINUTES 49 SECONDS EAST, A DISTANCE OF 729.56 FEET TO THE POINT OF BEGINNING. EXCEPTING THAT PORTION WHICH INCLUDES LOTS 1 THROUGH 5 INCLUSIVE, OF THE VILLAS AT LAKE BLACKTHORN SECTION ONE, AS SHOWN ON THE FINAL PLAT, RECORDED APRIL 21, 2003, IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, AS INSTRUMENT #0323151.

SAID DESCRIBED TRACT CONTAINING 56.25 ACRES, MORE OR LESS.
 SUBJECT TO ALL EASEMENTS, AND RIGHT OF WAY OF RECORD.

and which has Key Numbers:

4528 Lake Blackthorn Drive	025-1010-0176
4536 Lake Blackthorn Drive	025-1010-017620
4546 Lake Blackthorn Drive	025-1010-017621
4606 Lake Blackthorn Drive	025-1010-017622
4612 Lake Blackthorn Drive	025-1010-017623
6568 Dockside Drive	025-1010-017625
4636 Starboard Drive	025-1010-017626
4644 Starboard Drive	025-1010-017627
4710 Starboard Drive	025-1010-017629
4720 Starboard Drive	025-1010-017630
4728 Starboard Drive	025-1010-017631
4814 Starboard Drive	025-1010-017635
4822 Starboard Drive	025-1010-017636

6510 Still Waters Court	025-1010-017637
6507 Still Waters Court	025-1010-017639
4938 Stern Line Court	025-1010-017644
4954 Stern Line Court	025-1010-017646
5011 Stern Line Court	025-1010-017650
4935 Stern Line Court	025-1010-017655
4915 Stern Line Court	025-1010-017657
6535 Leeway Drive	025-1010-017658
5015 Masthead Court	025-1010-017664
4917 Masthead Court	025-1010-017667
5002 Bow Line Court	025-1010-017672
5010 Bow Line Court	025-1010-017673
5013 Bow Line Court	025-1010-017674
5003 Bow Line Court	025-1010-017675
4925 Bow Line Court	025-1010-017677
4738 Portside Drive	025-1010-017687
4712 Portside Drive	025-1010-017690
4627 Pier Court	025-1010-017693
4611 Pier Court	025-1010-017695
4604 Pier Court	025-1010-017697
4614 Pier Court	025-1010-017698
4624 Pier Court	025-1010-017699
6613 Dockside Drive	025-1010-017703
4711 Starboard Drive	025-1010-017708
4719 Starboard Drive	025-1010-017709
6530 Lake Crest Circle	025-1010-017711
4821 Starboard Drive	025-1010-017717
4829 Starboard Drive	025-1010-017730
6530 Leeway Drive	025-1010-017719
6634 Leeway Drive	025-1010-017724
6735 Blackthorn Harbor Drive	025-1010-017403
6747 Blackthorn Harbor Drive	025-1010-017428
4736 Blackthorn Harbor Drive	025-1010-017429
4739 Blackthorn Harbor Drive	025-1010-017728

be designated as a Residentially Distressed Area under the provisions of Indiana Code 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq., 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 remonstrances and objections from interested persons; and

WHEREAS, the Council has determined that the qualifications for a residentially distressed area have been met.

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

SECTION I. The Common Council hereby determines and finds that the petition for real property tax abatement and the Statement of Benefits form meet the requirements of Indiana Code 6-1.1-12.1 et seq., for tax abatement.

SECTION II. The Common Council hereby determines and finds that the area meets one of the following conditions as formally established in Ordinance No. 9394-03, which was passed on February 10, 2003:

- A. The area is comprised of parcels that are either unimproved or contain only one (1) or two (2) family dwellings designed for up to four (4) families, including accessory buildings for those dwellings; or
- B. Any dwellings in the area are not permanently occupied and are:
 - i. the subject of an order issued under IC 36-7-9; or
 - ii. evidencing significant building deficiencies; or
- C. Parcels of property in the area:
 - i. have been sold and not redeemed under IC 6-1.1-24 and IC 6-1.1-25; or
 - ii. are owned by a unit of local government; or
- D. A significant number of dwelling units within the area are not permanently occupied or a significant number of parcels in the area are vacant land; or
- E. A significant number of dwelling units within the area are:
 - i. the subject of an order issued under IC 36-7-9; or
 - ii. evidencing significant building deficiencies; or
- F. The area has experienced a net loss in the number of dwelling units, as documented by census information, local building and demolition permits, or certificates of occupancy, or the areas are owned by Indiana or the United States; or
- G. The area (plus any areas previously designated under this subsection) will not exceed ten percent (10%) of the total area within the Council's jurisdiction.

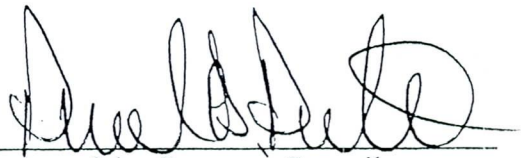
SECTION III. The Common Council also hereby determines and finds the following:

- A. That the description of the proposed redevelopment meets the applicable standards for such development.
- B. That the estimate of the value of the redevelopment is reasonable for projects of this nature;
- C. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment; and
- D. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of Indiana Code 6-1.1-12.1-3.
- E. The deduction will not be allowed unless the dwelling is rehabilitated to meet local code standards for habitability.
- F. The deduction will not be allowed unless the dwelling rehabilitation is completed within five (5) calendar years commencing from November 12, 2008, or the date of the adoption of this Resolution by the Common Council whichever date is later.

SECTION IV. The Common Council hereby confirms its Declaratory Resolution designating the area described herein as a Residentially Distressed Area for the purposes of tax abatement. Such designation is for Real property tax abatement only and is limited to five (5) calendar years commencing from November 12, 2008, or the date of the adoption of the Declaratory Resolution by the Common Council whichever date is later.

SECTION V. The Common Council hereby determines that the property owner is qualified for and is granted Real property tax deduction for a period of five (5) years, and further determines that the petition complies with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12.1 et seq.

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



Member of the Common Council

PRESENTED 11-11-13
NOT APPROVED
ADOPTED 11-11-13

Filed in Clerk's Office
NOV 28 2013
JOHN T. ...
CITY CLERK, SOUTH BEND, IN

Exhibit 2



ROSEMARY MANDRICI
St. Joseph County Assessor
 227 W. Jefferson Blvd., Rm 307
 South Bend, IN 46601



NOTICE OF ASSESSMENT OF LAND AND STRUCTURES / IMPROVEMENTS
 State Form 21366 (R15 / 11-15)
 Prescribed by Department of Local Government Finance

FORM 11

This notice indicates the assessed value of your property. Information on the valuation of your property and a copy of the property record card can be obtained from the Assessing Official at the telephone number and address below.

IMPORTANT ASSESSMENT NOTICE ENCLOSED

Name and Address of property owner

70451 *****AUTO**5-DIGIT 46628 T144 P1
 MASTERS JAMES A AND NANCY J
 5015 MASTHEAD CT
 SOUTH BEND, IN 46628-9002



Legal Description

LOT 46 THE VILLAS AT LAKE BLACKTHORN SEC 1 04/05 NEW
 REPLAT TRANS 1955 4/21/03

Parcel or Identification number

71-03-18-401-001.000-009 / 025-1010-017664

Property address (number and street, city state and ZIP code)

5015 MAST HEAD CT, SOUTH BEND, IN 46628

Notice to the taxpayer of the opportunity to appeal (IC 6-1.1-15-1):

If the taxpayer does not agree with the action of the Assessing Official giving this notice, an appeal can be initiated to challenge that action if the taxpayer files a notice for review in writing with the Township Assessor (if any) or the County Assessor not later than forty-five (45) days after the date of this notice of assessment. The written notice for review should include the name of the taxpayer, the address of the property, the key number or the parcel number of the property, the address of the taxpayer (if different from the property address), and the telephone number of the taxpayer. An Assessing Official who receives a notice for review must attempt to hold a preliminary informal meeting with the taxpayer to resolve as many issues as possible. The taxpayer may use a Form 130-Short to file this appeal. This form is available from the Assessing Official or at <https://forms.in.gov/Download.aspx?id=6979>. An appeal of this assessed value requires evidence relevant to the value of the taxpayer's property as of the assessment date.

PREVIOUS ASSESSMENT		NEW ASSESSMENT EFFECTIVE JANUARY 1, 2017	
LAND	\$700.00	LAND	\$53,000.00
STRUCTURES / IMPROVEMENTS*	\$0.00	STRUCTURES / IMPROVEMENTS*	\$276,900.00
TOTAL	\$700.00	TOTAL	\$329,900.00

* The term "Improvements" includes, but is not limited to, buildings, structures, fixtures, and appurtenances. It represents a value added to the value of the land to equal the property's total market value-in-use. It should not be confused with improvements resulting from routine maintenance to the property, such as painting a house.

Reason for revision of assessment: **CHANGE IN PROPERTY USE**

2017 Annual Adjustment

THIS IS NOT A BILL (RETAIN FOR YOUR RECORDS)

- The Purpose of this form is to notify you of your assessed value for tax year 2017 pay 2018.
- Your property record card (PRC) is available @ www.stjosephcountyindiana.com
 Departments: "Assessor" and "Search Property Information"
- If you believe this assessment is not accurate, you have **45 days** from the date on this notice to file an appeal with your assessor.
- The Deadline to file an appeal is **September 7th, 2017**. For your information, when filing an appeal, you are disputing your assessed value only. This will be your only opportunity to do so.
- To submit an appeal you may bring it to the Assessor's office between 8:00-4:30 or e-mail it to AppealsDep@co.st-joseph.in.us
- For your convenience, we will have extended office hours on July 26th, 27th, and September 5th, 2017 from 4:30 p.m. to 6:00 p.m. at the County Assessor's office, located on the third floor of the County-City Building, 227 W. Jefferson Blvd., South Bend, IN 46601.
- In the event that your assessment has been corrected by an appeal, your previous assessment total value above may or may not reflect the corrected value.
- The term "IMPROVEMENTS" includes, but is not limited to, buildings, structures, fixtures, and appurtenances. It represents a value added to the value of the land to equal the property's total market value-in-use. It should not be confused with improvements resulting from routine maintenance to the property, such as painting a house.
- For additional information you can call **(574) 235-9557 or (574) 235-9523 or (574) 245-6708**

If the change in assessment is due to a new home, a taxpayer should be aware that there are many property tax benefits or deductions available. Please see INDIANA PROPERTY TAX BENEFITS (State Form 51781) available on the DLGF website, www.IN.gov/dlgef. If the real property is reassessed because it has been rehabilitated, a taxpayer may be eligible for rehabilitation deductions - see Form 322A or Form 322/RE. If the non-residential real property is reassessed because it has been rehabilitated, a taxpayer may be eligible for rehabilitation deductions - see Form 322A. Other non-residential construction may be eligible for deductions - see Forms 322/RE & Form 322/VBD.

County ST. JOSEPH COUNTY	Taxing District Number - Township 009 - SOUTH BEND-GERMAN	Date of Notice (month, day, year) 07/21/2017
Assessing Official ROSEMARY MANDRICI	Telephone Number (574) 235-9557 (574) 235-9523 (574) 245-6708	
Address (number and street, city, state ZIP code) 227 WEST JEFFERSON BLVD, SOUTH BEND, IN 46601		

Exhibit 3

James A. Masters and Nancy J. Masters

5015 Masthead Court
South Bend, Indiana 46628
Telephone: 574/291-9941

November 14, 2017

Auditor, St. Joseph County
2nd Floor County-City Building
227 West Jefferson Boulevard
South Bend, IN 46601

RE: Tax Abatement Application for
5015 Masthead Court, South Bend, IN 46601
Key Number 71-03-18-401-001.000-009 /
025-1010-017664

Dear Auditor:

Enclosed is our Form 322 / RE, Application for Deduction from Assessed Valuation of Structures in Economic Revitalization Areas for 5015 Masthead Court, South Bend, Indiana 46601 for tax year 2017, pay 2018.

Please advise if any additional information or documents are required. Thank you.

Very truly yours,

James A. Masters

JAM:st



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

State Form 18379 (R14 / 6-16)

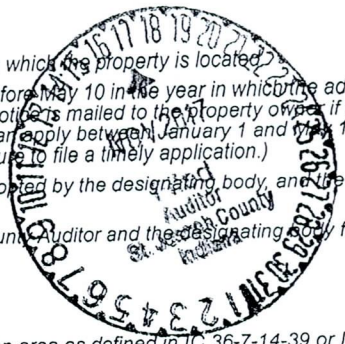
Prescribed by the Department of Local Government Finance

20 17 PAY 20 18

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 January 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 <u>17</u> .			
County St. Joseph County	Township German	DLGF taxing district number SB German 71-009	Key number 71-03-18-401-001.000-009 / 025-1010-017654
Name of owner James A. Masters and Nancy J. Masters		Legal description from Form 11 Lot 46 The Villas at Lake Blackthorn Sec 1 04/05 New Replat Trans 1955 4/21/03	
Property address (number and street, city, state, and ZIP code) 5015 Masthead Court, South Bend, Indiana 46628			Date of Form 11 (month, day, year) 7/21/2017
Type of structure Detached single family home		Use of structure Residential Home	
Governing body that approved ERA designation South Bend Common Council		Date ERA designation approved (month, day, year) November 11, 2013	Resolution number 4295-13
SECTION II - VERIFICATION OF OWNER OR REPRESENTATIVE			
Signature of owner or representative (I hereby certify that the representations on this application are true.) <i>James A. Masters / Nancy J. Masters</i>			Date signed (month, day, year) November 6, 2017
Printed name of owner or representative James A. Masters / Nancy J. Masters		Address (number and street, city, state, and ZIP code) 5015 Masthead Court, South Bend, IN 46628	
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	\$ 329,900.00
		2. Assessed valuation eligible for deduction	\$ 329,200.00
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)

SECTION V - FOR AREAS EXCEPT FOR A RESIDENTIALLY DISTRESSED AREA WHERE THE STATEMENT OF BENEFITS WAS APPROVED BEFORE JULY 1, 2013 - DEDUCTION SCHEDULE PER IC 6-1.1-12.1-17

YEAR OF DEDUCTION / ASSESSED VALUE / PERCENTAGE / DEDUCTION*

(1) For deductions allowed over a one (1) year period:

1 20__ pay 20__ \$_____ 100% * ___% \$_____

(2) For deductions allowed over a two (2) year period:

1 20__ pay 20__ \$_____ 100% * ___% \$_____

2 20__ pay 20__ \$_____ 50% * ___% \$_____

(3) For deductions allowed over a three (3) year period:

1 20__ pay 20__ \$_____ 100% * ___% \$_____

2 20__ pay 20__ \$_____ 66% * ___% \$_____

3 20__ pay 20__ \$_____ 33% * ___% \$_____

(4) For deductions allowed over a four (4) year period:

1 20__ pay 20__ \$_____ 100% * ___% \$_____

2 20__ pay 20__ \$_____ 75% * ___% \$_____

3 20__ pay 20__ \$_____ 50% * ___% \$_____

4 20__ pay 20__ \$_____ 25% * ___% \$_____

(5) For deductions allowed over a five (5) year period:

1 20__ pay 20__ \$_____ 100% * ___% \$_____

2 20__ pay 20__ \$_____ 80% * ___% \$_____

3 20__ pay 20__ \$_____ 60% * ___% \$_____

4 20__ pay 20__ \$_____ 40% * ___% \$_____

5 20__ pay 20__ \$_____ 20% * ___% \$_____

(6) For deductions allowed over a six (6) year period:

1 20__ pay 20__ \$_____ 100% * ___% \$_____

2 20__ pay 20__ \$_____ 85% * ___% \$_____

3 20__ pay 20__ \$_____ 66% * ___% \$_____

4 20__ pay 20__ \$_____ 50% * ___% \$_____

5 20__ pay 20__ \$_____ 34% * ___% \$_____

6 20__ pay 20__ \$_____ 17% * ___% \$_____

(7) For deductions allowed over a seven (7) year period:

1 20__ pay 20__ \$_____ 100% * ___% \$_____

2 20__ pay 20__ \$_____ 85% * ___% \$_____

3 20__ pay 20__ \$_____ 71% * ___% \$_____

4 20__ pay 20__ \$_____ 57% * ___% \$_____

5 20__ pay 20__ \$_____ 43% * ___% \$_____

6 20__ pay 20__ \$_____ 29% * ___% \$_____

7 20__ pay 20__ \$_____ 14% * ___% \$_____

YEAR OF DEDUCTION / ASSESSED VALUE / PERCENTAGE / DEDUCTION**

(8) For deductions allowed over a eight (8) year period:

1 20__ pay 20__ \$_____ 100% * ___% \$_____

2 20__ pay 20__ \$_____ 88% * ___% \$_____

3 20__ pay 20__ \$_____ 75% * ___% \$_____

4 20__ pay 20__ \$_____ 63% * ___% \$_____

5 20__ pay 20__ \$_____ 50% * ___% \$_____

6 20__ pay 20__ \$_____ 38% * ___% \$_____

7 20__ pay 20__ \$_____ 25% * ___% \$_____

8 20__ pay 20__ \$_____ 13% * ___% \$_____

(9) For deductions allowed over a nine (9) year period:

1 20__ pay 20__ \$_____ 100% * ___% \$_____

2 20__ pay 20__ \$_____ 88% * ___% \$_____

3 20__ pay 20__ \$_____ 77% * ___% \$_____

4 20__ pay 20__ \$_____ 66% * ___% \$_____

5 20__ pay 20__ \$_____ 55% * ___% \$_____

6 20__ pay 20__ \$_____ 44% * ___% \$_____

7 20__ pay 20__ \$_____ 33% * ___% \$_____

8 20__ pay 20__ \$_____ 22% * ___% \$_____

9 20__ pay 20__ \$_____ 11% * ___% \$_____

(10) For deductions allowed over a ten (10) year period:

1 20__ pay 20__ \$_____ 100% * ___% \$_____

2 20__ pay 20__ \$_____ 95% * ___% \$_____

3 20__ pay 20__ \$_____ 80% * ___% \$_____

4 20__ pay 20__ \$_____ 65% * ___% \$_____

5 20__ pay 20__ \$_____ 50% * ___% \$_____

6 20__ pay 20__ \$_____ 40% * ___% \$_____

7 20__ pay 20__ \$_____ 30% * ___% \$_____

8 20__ pay 20__ \$_____ 20% * ___% \$_____

9 20__ pay 20__ \$_____ 10% * ___% \$_____

10 20__ pay 20__ \$_____ 5% * ___% \$_____

NOTE: The deduction percentages shown in this section apply to a statement of benefits approved before July 1, 2013 that did not have an alternative deduction schedule adopted by the designating body. All other abatements shall use the percentages reflected in the abatement schedule adopted by the designating body per IC 6-1.1-12.1-17.

* The amount of the deduction shall be adjusted annually to reflect changes to the assessed valuation resulting from a reassessment or an appeal of the assessment per IC 6-1.1-12.1-4(b).

SECTION VI - FOR A RESIDENTIALLY DISTRESSED AREA WHERE THE STATEMENT OF BENEFITS WAS APPROVED BEFORE JULY 1, 2013 DEDUCTION SCHEDULE PER IC 6-1.1-12.1-17

TYPE OF DWELLING	DEDUCTION IS THE LESSER OF: [IC 6-1.1-12.1-4.1(b)]	DEDUCTION IS ALLOWED FOR A FIVE (5) YEAR PERIOD THAT INCLUDES YEARS:
<input type="checkbox"/> One (1) family dwelling	Assessed value (after rehabilitation or redevelopment) \$_____ or \$74,880 AV	___ pay ___ through ___ pay ___
<input type="checkbox"/> Two (2) family dwelling	Assessed value (after rehabilitation or redevelopment) \$_____ or \$106,080 AV	___ pay ___ through ___ pay ___
<input type="checkbox"/> Three (3) unit multifamily dwelling	Assessed value (after rehabilitation or redevelopment) \$_____ or \$156,000 AV	___ pay ___ through ___ pay ___
<input type="checkbox"/> Four (4) unit multifamily dwelling	Assessed value (after rehabilitation or redevelopment) \$_____ or \$199,680 AV	___ pay ___ through ___ pay ___

Assessed value limits for taxes due and payable prior to January 1, 2005 were \$36,000, \$51,000, \$75,000, and \$96,000 for one to four family dwellings, respectively.

SECTION VII - APPROVAL OF COUNTY AUDITOR (COMPLETE ONLY IF APPROVED)

This application is approved in the amounts shown above.

Signature of County Auditor	Printed name of County Auditor	Date signed (month, day, year)
-----------------------------	--------------------------------	--------------------------------



**STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R4 / 2-13)
Prescribed by the Department of Local Government Finance

20__ PAY 20__
FORM SB-1 / Real Property
PRIVACY NOTICE The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1(c) and (d).

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:

- 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. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
- Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, BEFORE a deduction may be approved.
- 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. If the property owner misses the May 10 deadline in the initial year of occupation, he can apply between March 1 and May 10 of a subsequent year.
- Property owners whose Statement of Benefits was approved after June 30, 1991, must attach a Form CF-1/Real Property annually to the application to show compliance with the Statement of Benefits. [IC 6-1.1-12.1-5.1(b) and IC 6-1.1-12.1-5.3(j)].
- The schedules established under IC 6-1.1-12.1-4(d) for rehabilitated property apply to any economic revitalization areas designated after June 30, 2000, unless an alternative deduction schedule is adopted by the designating body (IC 6-1.1-12.1-17). The schedules effective prior to July 1, 2000, shall continue to apply to economic revitalization areas designated before July 1, 2000.

SECTION 1 TAXPAYER INFORMATION					
Name of taxpayer COOREMAN REAL ESTATE GROUP, INC.					
Address of taxpayer (number and street, city, state, and ZIP code) 4404 TECHNOLOGY DRIVE, SOUTH BEND, IN. 46628					
Name of contact person STEVE COOREMAN		Telephone number (574) 277-0116		E-mail address STEVE@COOREMAN.COM	
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body SOUTH BEND COMMON COUNCIL				Resolution number 9295-13	
Location of property N OF BRICK RD./E OF ORANGE RD./W OF US 31 BYPASS		County ST. JOSEPH		DLGF taxing district number GERMAN	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) Fifty one (51) homes in The Villas at Lake Blackthorn Section I and II - a single family home subdivision which has a total of 114 lots, located on 56 +/- acres with a large lake, gazebo park, and small pond. Avg home price is \$250,000. Avg lot price is \$47,000.				Estimated start date (month, day, year) 11/12/2013	
				Estimated completion date (month, day, year) 11/12/2018	
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number	Salaries	Number retained	Salaries	Number additional	Salaries
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
REAL ESTATE IMPROVEMENTS					
			COST		
			ASSESSED VALUE		
Current values			\$ 175,000.00		\$ 530,000.00
Plus estimated values of proposed project			\$ 12,750,000.00		\$ 15,100,000.00
Less values of any property being replaced			0.00		0.00
Net estimated values upon completion of project			15,100,000.00		15,100,000.00
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 <i>Steve Cooreman</i>			Title PRESIDENT		Date signed (month, day, year) 10/1/13

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 5 calendar years* (see below). The date this designation expires is 10-25-18.
- 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 \$ No Limit.
- D. Other limitations or conditions (specify) None
- E. The deduction is allowed for 5 years* (see below).
- F. Did the designating body adopt an alternative deduction schedule per IC 6-1.1-12.1-17? Yes No
 If yes, attach a copy of the alternative deduction schedule to this form.

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) <i>[Signature]</i>	Telephone number <u>(574) 235-9321</u>	Date signed (month, day, year) <u>11-11-13</u>
Attested by (signature and title of attester) <i>[Signature]</i>	Designated body <u>South Bend Common Council</u>	

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4.

- A. For residentially distressed areas, the deduction period may not exceed five (5) years.
- B. For redevelopment and rehabilitation or real estate improvements:
1. If the Economic Revitalization Area was designated prior to July 1, 2000, the deduction period is limited to three (3), six (6), or ten (10) years.
 2. If the Economic Revitalization Area was designated after June 30, 2000, and is not in a residentially distressed area, the deduction period may not exceed ten (10) years.

James Masters

From: "Stephanie Petsche" <spetsche@cooreman.com>
 Date: Tuesday, November 14, 2017 2:02 PM
 To: "Steve Cooreman" <steve@cooreman.com>; "James Masters" <jmasters@nfmllaw.com>
 Subject: Fwd: Tax Abatement

Re: CF-1Â

----- Forwarded message -----

From: **Angelina Billo** <abillo@southbendin.gov>
 Date: Tue, Nov 14, 2017 at 1:44 PM
 Subject: Tax Abatement
 To: "spetsche@cooreman.com" <spetsche@cooreman.com>

Stephanie,

Per our conversation earlier today, I am confirming that the CF-1 for a residential real property is not required. Thanks,

Â

Â



Angelina Billo
 Economic Resources

Department of Community Investment

(574) 235-5838

abillo@southbendin.gov
 City of South Bend
 227 W. Jefferson Blvd.
 South Bend, IN 46601

Â

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IMPORTANT NOTICE! This E-Mail transmission and any accompanying attachments may contain confidential information intended only for the use of the individual or entity named above. Any dissemination, distribution, copying or action taken in reliance on the contents of this E-Mail by anyone other than the intended recipient is strictly prohibited and is not intended to, in anyway, waive privilege or confidentiality. If you have received this E-Mail in error please immediately delete it and notify sender at the above E-Mail address. Please note that incoming e-mails are not routinely screened for response deadlines, and as such, please notify the sender separately by fax of any message containing deadlines. In addition, E-Mail information cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain virus. Therefore, the sender does not accept liability for any errors or omissions in the contents of this message which arise as a consequence of E-Mail transmission. If verification is required, please request a hard-copy version.

11/14/2017

Exhibit 4

ST. JOSEPH COUNTY AUDITOR

227 W. Jefferson Blvd. Second Floor
County City Building
South Bend, IN 46601
Telephone 574-235-9668
Fax 574-235-5024

Michael J. Hamann
Auditor

John H. Murphy
Chief Deputy Auditor

James A. & Nancy J. Masters
5015 Masthead Ct.
South Bend, IN. 46628

Date: 12/4/17

RE: Abatement Application Dated 11/17/17 – (Denied for 2017/payable 2018)
Tax ID #: 025-1010-017664

Dear Taxpayers,

I have received your Residential Abatement form (Form 322 /RE) that you filed in our office on Nov. 17, 2017. Per the instructions on the form, this deduction is to be filed "before May 10th 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."

Your Notice of Assessment was mailed to you on 7/21/2017. I regret to inform you that you missed the thirty (30) day filing window. Therefore, the abatement will not be applied to your 2017/pay 2018 tax bill. You have missed the filing date for year #1 of the five (5) year abatement.

You will need to reapply next year prior to May 10th to receive the benefit of the second year of your abatement. This will be year #2 of your 5 year abatement.

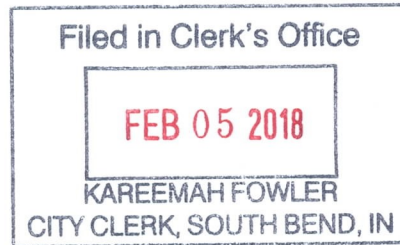
If you should have any questions, please feel free to call me at (574)235-9398.

Sincerely,



Kathy Gregorich
Office Manager/Settlement Specialist
St. Joseph County Auditor's Office

January 30, 2018



VIA U.S. MAIL

City of South Bend
Office of the City Clerk
Clerk Kareemah Fowler
Room 455, County-City Building
South Bend, IN 46601

**Re: Menard, Inc. Petition to Vacate Public Rights-of-Way
South Bend, Indiana**

Clerk Kareemah Fowler-

Menard, Inc. is relocating from its existing store to a brand new location to be built upon the site of the long-vacant former K-Mart located at 4640 South Michigan Street. Key to that effort is the vacation of the southern portion of the St. Joseph Street right-of-way adjacent to the parcels Menard, Inc. owns. To that end, I am enclosing the following:

1. Petition to Vacate Public Rights-ofWay
2. Proposed Ordinance
3. Envelopes addressed and stamped with certified mail for all property owners within 150' feet of the right-of-way to be vacated. Also enclosed are copies of the Ship Request Forms for the City's tracking purposes.
4. Check in the amount of \$150.00.
5. A copy of the radius map.
6. This letter explaining the request.

Menard, Inc. owns property on both sides of the proposed vacation. The vacation is necessary to obtain additional north to south distance for our site planning needs. The request also moves the southern limits of the City right-of-way back to the realigned intersection with Callendar Street, a more logical termination point for St. Joseph Street. I look forward to discussing the request with the City Council. I would appreciate confirmation of the meeting dates and times. I may be reached at 715.876.2810.

Very truly yours,



Thomas W. O'Neil
Real Estate Acquisitions
Menard, Inc.

BILL NO. 07-18
ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

THE RIGHT OF WAY TO BE VACATED BEGINS AT A POINT APPROXIMATELY 565' SOUTH ON SOUTH ST. JOSEPH STREET FROM THE EAST IRELAND ROAD SOUTH RIGHT OF WAY, RUNNING SOUTH APPROXIMATELY 75', THEN WEST APPROXIMATELY 88', THEN NORTH APPROXIMATELY 109' TO A POINT APPROXIMATELY 530' SOUTH ALONG SOUTH ST. JOSEPH STREET FROM THE EAST IRELAND SOUTH RIGHT OF WAY

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 RIGHT OF WAY TO BE VACATED BEGINS AT A POINT APPROXIMATELY 565' SOUTH ON SOUTH ST. JOSEPH STREET FROM THE EAST IRELAND ROAD SOUTH RIGHT OF WAY, RUNNING SOUTH APPROXIMATELY 75', THEN WEST APPROXIMATELY 88', THEN NORTH APPROXIMATELY 109' TO A POINT APPROXIMATELY 530' SOUTH ALONG SOUTH ST. JOSEPH STREET FROM THE EAST IRELAND SOUTH RIGHT OF WAY

Now 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:

023-1035-1766 (Menard, Inc.)
023-1035-1771 (Menard, Inc.)

SECTION IV. The purpose of the vacation of the real property is to allow Menard, Inc. to redevelop the former K-Mart property, realign St. Joseph Street at the Callendar Street intersection, and widen the Menard, Inc. property south of the right of way vacation sufficient to allow the construction of

a Menards home improvement and building materials supply store.

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

Tim Scott, Council President
South Bend Common Council

Attest:

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

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock ____ m.

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

Approved and signed by me on the _____ day of _____, 2018, at ____ o'clock ____m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

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

Filed in Clerk's Office
FEB 05 2018
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

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

JANUARY 29, 2018

MENARD, INC., A WISCONSIN CORPORATION, THE UNDERSIGNED PROPERTY OWNER, PETITIONS THE CITY TO VACATE:

A. THE SOUTHERLY PORTION OF ST. JOSEPH STREET, DESCRIBED AS FOLLOWS:

THE RIGHT OF WAY TO BE VACATED BEGINS AT A POINT APPROXIMATELY 565' SOUTH ON SOUTH ST. JOSEPH STREET FROM THE EAST IRELAND ROAD SOUTH RIGHT OF WAY, RUNNING SOUTH APPROXIMATELY 75', THEN WEST APPROXIMATELY 88', THEN NORTH APPROXIMATELY 109' TO A POINT APPROXIMATELY 530' SOUTH ALONG SOUTH ST. JOSEPH STREET FROM THE EAST IRELAND SOUTH RIGHT OF WAY

NAME (signed & printed)	ADDRESS	LOT #
-------------------------	---------	-------


MENARD, INC., A WISCONSIN CORPORATION
5101 MENARD DRIVE
EAU CLAIRE, WI 54703

AS OWNER OF THE PROPERTY LOCATED AT 4640 SOUTH MICHIGAN STREET, GENERALLY KNOWN AS THE FORMER K-MART. THE PARCEL ID NUMBER IS 023-1035-1771

CONTACT PERSON (S)

NAME: TOM O'NEIL
REAL ESTATE ACQUISITIONS

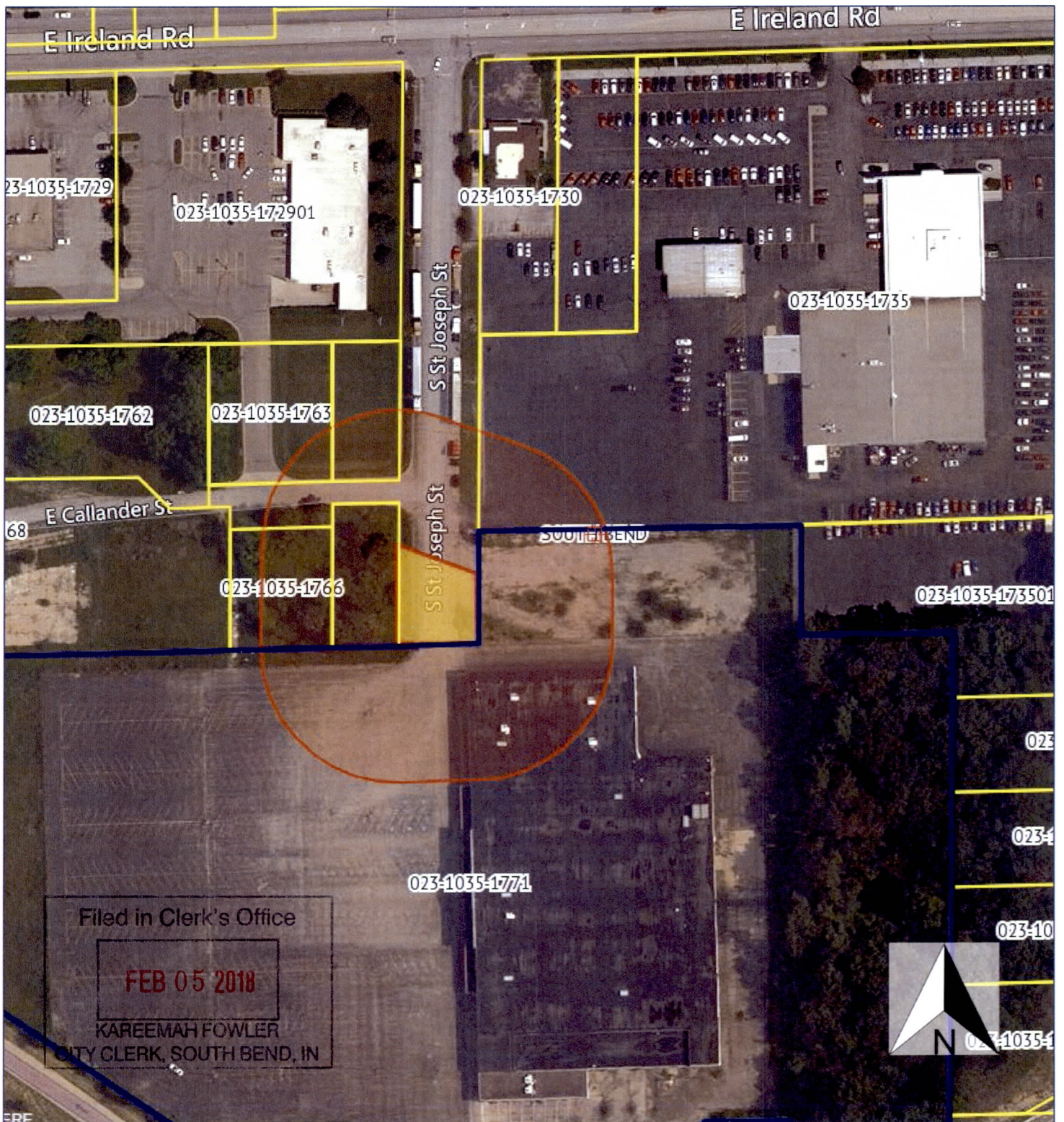
RETURN TO:

OFFICE OF THE CITY CLERK
KAREEMAH FOWLER, CITY CLERK
ROOM 455-COUNTY-CITY BUILDING
SOUTH BEND, IN 46601
574-235-9221

ADDRESS: 5101 MENARD DRIVE
EAU CLAIRE, WI 54703

PHONE: 715-876-2810

EMAIL: TONEIL@MENARD-INC.COM



Filed in Clerk's Office
FEB 05 2018
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN



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: 1/26/2018 DCH

Alley Vacation 150' Radius Menards, Inc., 4640 S. Michigan

Right of way to be vacated begins at a point approx. 565' south on South St. Joseph Street from the E. Ireland S. ROW, running south approx. 75', then west approx. 88', then north approx. 109' to a point approx. 530' south along South St. Joseph Street from the E. Ireland S. ROW.



INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

DATE SENT: 12/11/2017

TO: Pete Kaminski, Street Department
 Mike Bronstetter, Solid Waste
 Matt Longfellow, Engineering Department
 Chris Dressel, Community Investment
 Federico Rodriguez, Fire Department
 Larry Magliozzi, Area Plan Commission (lmaglioz@co.st-joseph.in.us or 235-9813 fax)
 Gene Eyster, Police Department
FROM: Phil Griffin, NIPSCO (pmgriffin@nisource.com) (FYI Only)
Linda M. Martin, Clerk *LM*

SUBJECT: REQUEST FOR RECOMMENDATION – STREET VACATION

APPLICANT: Menard Inc., A Wisconsin Corporation

LOCATION: South St. St. Joseph St where it dead-ended at the former Kmart

DATE DUE: December 19, 2017

FAX OR E-MAIL TO: [235-9171 / lmartin@southbendin.gov](mailto:lmartin@southbendin.gov)

PLEASE MAKE YOUR RECOMMENDATIONS BASED ON THE FOLLOWING
IC 36-7-3-13 CRITERIA:

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

COMMENTS:

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



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

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

December 21, 2017

Menard, Inc.
4640 S. Michigan Street
South Bend, IN 46614

RE: Street Vacation – South St. Joseph Street at Dead-End at Former K-Mart (Preliminary Review)

To Whom It May Concern:

The Board of Public Works, at its December 21, 2017, meeting, reviewed comments by the Engineering Division, Area Plan Commission, Community Investment, Fire Department, Police Department, Street Department, and the Solid Waste Division. Per Indiana Code 36-7-3-13 criteria, all departments gave favorable recommendations regarding the vacation of this street.

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

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

Sincerely,

A handwritten signature in black ink that reads "Linda Martin".

Linda M. Martin, Clerk

c: Federico Rodriguez, Fire Department
Donna Hanson, Engineering
Bianca Tirado, City Clerk's Office

CITY OF SOUTH BEND
DEPARTMENT OF PUBLIC WORKS
Street/Alley Vacation Form



227 W. JEFFERSON BOULEVARD PHONE 574/ 235-9251
 SUITE 1316 COUNTY-CITY BUILDING FAX 574/ 235-9171
 SOUTH BEND, INDIANA 46601 TDD 574/ 235-5567

THIS FORM MUST BE REVIEWED BY THE CITY ENGINEERING DEPARTMENT PRIOR TO GRANTING A RADIUS MAP

Submission Date:	December 8, 2018		
Applicant Name:	Menard, Inc., a Wisconsin corporation	Phone #:	715-876-2810
		Email:	toneil@menard-inc.com
Property Address:	4640 S. Michigan Street		
Applicant property information:	<input type="checkbox"/> Residential	<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> Industrial
Describe the general alley location with boundaries (ex. Church Pl, between E. Colfax Ave & E. LaSalle Ave):	South St. Joseph Street where it dead-ended at the former K-Mart		
Is your property adjacent to the alley of interest?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Do you own all adjacent properties to the alley of interest?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
If no, use the attached table to provide the following information for all affected property owners: Name, Address, Consent for the proposed alley vacation			
Reason for street/alley vacation and proposed use:			
The street needs to be vacated in order to accommodate the Menards store site plan / redevelop the former K-Mart			
Does the existing alley provide garage access to other property owners?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Does the alley receive daily traffic excluding your own use?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Would the vacation hinder public access to any of the following: a church, school, or any other public building or place?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

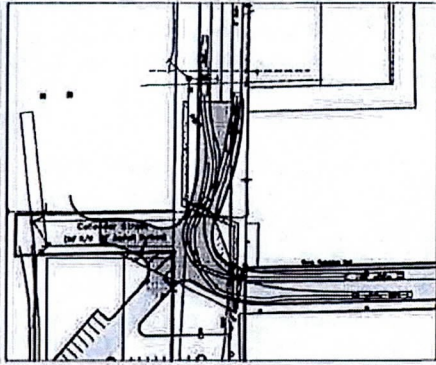
OFFICE USE ONLY:

Board Recommendation for the proposed alley vacation: Yes No

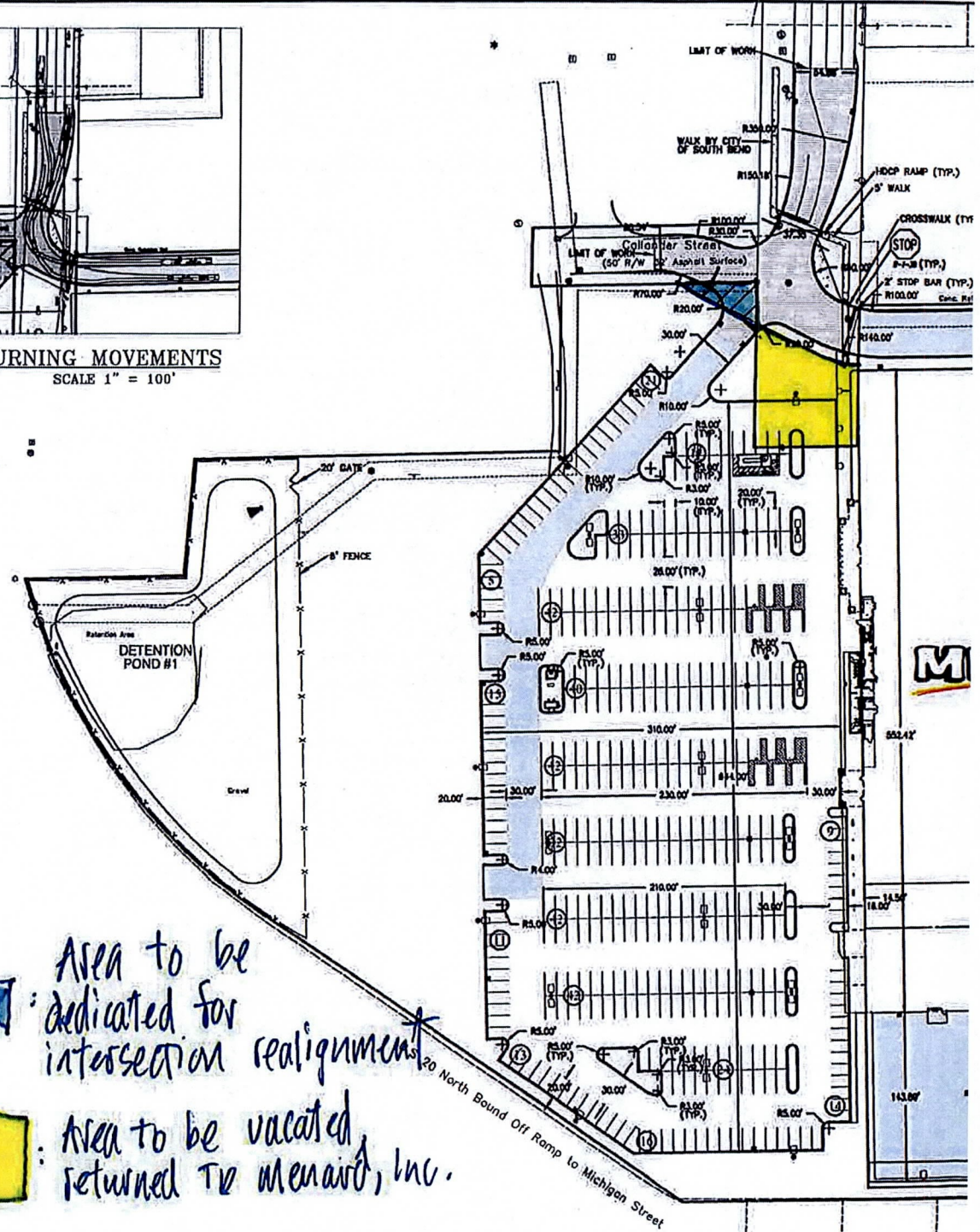
Board of Public Works Authorized Signatures:

Gary A. Gilet

ANY INFORMATION OR DATA ON THIS DRAWING IS NOT INTENDED TO BE SUITABLE FOR REUSE BY ANY PERSON, FIRM OR CORPORATION OR ANY OTHER USER OF THIS PROJECT OR FOR ANY OTHER PROJECT, WITHOUT WRITTEN NOTIFICATION AND APPROVAL BY THE ENGINEER. LIABILITY OF ENGINEER OR ARCHITECT FOR THE SPECIFIC PURPOSES INTENDED WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY OF ENGINEER, ARCHITECT OR SURVEYOR.








TRUCK TURNING MOVEMENTS
SCALE 1" = 100'

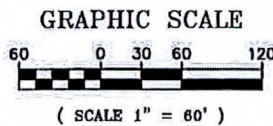


Area to be dedicated for intersection realignment

Area to be vacated, returned to Menard, Inc.

PAVEMENT LEGEND

-  HEAVY DUTY ASPHALT
-  STANDARD DUTY ASPHALT
-  CITY OF SOUTH BEND ASPHALT
-  CONCRETE PAVEMENT
-  AGGREGATE PAVEMENT



Raschelle Beckwith

From: Federico Rodriguez
Sent: Monday, December 11, 2017 10:35 AM
To: Raschelle Beckwith
Subject: RE: Street Vacation-Mendards Inc., A Wisconsin Corporation

Favorable SBFD

Federico (Chico) Rodriguez
Fire Marshal
Office: (574) 235-7564
Mobile: (574) 876-6734
1222 S. Michigan Street
City of South Bend, In 46601
frodriagu@southbendin.gov

We deliver services that empower everyone to thrive.
Excellence | Accountability | Innovation | Inclusion | Empowerment

-----Original Message-----

From: Raschelle Beckwith
Sent: Monday, December 11, 2017 10:33 AM
To: Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Matt Longfellow <mlongfel@southbendin.gov>; Chris Dressel <cdressel@southbendin.gov>; Federico Rodriguez <frodriagu@southbendin.gov>; Imaglioz@co.st-joseph.in.us; Eugene Eyster <eeyster@southbendin.gov>; pmgriffin@nisource.com
Subject: Street Vacation-Mendards Inc., A Wisconsin Corporation

Please Provide Recommendation

-----Original Message-----

From: SouthBend
Sent: Monday, December 11, 2017 10:21 AM
To: Raschelle Beckwith
Subject: Message from "RNP002673DD3E73"

This E-mail was sent from "RNP002673DD3E73" (MP C6004).

Scan Date: 12.11.2017 10:21:01 (-0500)
Queries to: southbend@southbendin.gov

Raschelle Beckwith

From: Pete Kaminski
Sent: Monday, December 11, 2017 11:15 AM
To: Raschelle Beckwith
Cc: Derick Roberts
Subject: RE: Street Vacation-Mendards Inc., A Wisconsin Corporation

Hi Raschelle, the City of South Bend Street Division has no objection to this vacate request, thank you.

-----Original Message-----

From: Raschelle Beckwith
Sent: Monday, December 11, 2017 10:33 AM
To: Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Matt Longfellow <mlongfel@southbendin.gov>; Chris Dressel <cdressel@southbendin.gov>; Federico Rodriguez <frodrigu@southbendin.gov>; Imaglioiz@co.st-joseph.in.us; Eugene Eyster <eeyster@southbendin.gov>; pmgriffin@nisource.com
Subject: Street Vacation-Mendards Inc., A Wisconsin Corporation

Please Provide Recommendation

-----Original Message-----

From: SouthBend
Sent: Monday, December 11, 2017 10:21 AM
To: Raschelle Beckwith
Subject: Message from "RNP002673DD3E73"

This E-mail was sent from "RNP002673DD3E73" (MP C6004).

Scan Date: 12.11.2017 10:21:01 (-0500)
Queries to: southbend@southbendin.gov

Raschelle Beckwith

From: Eugene Eyster
Sent: Monday, December 11, 2017 12:50 PM
To: Raschelle Beckwith; Pete Kaminski; Michael Bronstetter; Matt Longfellow; Chris Dressel; Federico Rodriguez; Imaglio@co.st-joseph.in.us; pmgriffin@nisource.com
Subject: RE: Street Vacation-Mendards Inc., A Wisconsin Corporation

Ms. Beckwith,
The Police Department would give this request a favorable recommendation.

Lt. E. Eyster

-----Original Message-----

From: Raschelle Beckwith
Sent: Monday, December 11, 2017 10:33 AM
To: Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Matt Longfellow <mlongfel@southbendin.gov>; Chris Dressel <cdressel@southbendin.gov>; Federico Rodriguez <frodri@southbendin.gov>; Imaglio@co.st-joseph.in.us; Eugene Eyster <eeyster@southbendin.gov>; pmgriffin@nisource.com
Subject: Street Vacation-Mendards Inc., A Wisconsin Corporation

Please Provide Recommendation

-----Original Message-----

From: SouthBend
Sent: Monday, December 11, 2017 10:21 AM
To: Raschelle Beckwith
Subject: Message from "RNP002673DD3E73"

This E-mail was sent from "RNP002673DD3E73" (MP C6004).

Scan Date: 12.11.2017 10:21:01 (-0500)
Queries to: southbend@southbendin.gov



INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS

DATE SENT: 12/11/2017

TO: Pete Kaminski, Street Department
Mike Bronstetter, Solid Waste
Matt Longfellow, Engineering Department
Chris Dressel, Community Investment
Federico Rodriguez, Fire Department
Larry Magliozzi, Area Plan Commission (lmaglioz@co.st-joseph.mo.us or 235-0613 fax)
Gene Eyster, Police Department
Phil Griffin, NIPSCO (pgriffin@ntsource.com) (FYI Only)
Linda M. Martin, Clerk *LM*

FROM: Linda M. Martin, Clerk *LM*

SUBJECT: REQUEST FOR RECOMMENDATION - STREET VACATION

APPLICANT: Menard Inc., A Wisconsin Corporation

LOCATION: South St. St. Joseph St where it dead-ended at the former Kmart

DATE DUE: December 16, 2017

FAX OR E-MAIL TO: 235-9171 / lmartin@southbend.in.gov

PLEASE MAKE YOUR RECOMMENDATIONS BASED ON THE FOLLOWING IC 36-7-3-13 CRITERIA:

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

COMMENTS:

This alley vacation would not hinder Solid Waste operations.

Mike Bronstetter



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

December 13, 2017

City of South Bend
Board of Public Works
13th Floor, County-City Building
South Bend, Indiana 46601

RE: Street & Alley Vacation
Applicant: Menards, Inc.
Location: South end of South St. Joseph Street.

Dear Board Members:

The staff has reviewed this petition relative to IC 36-7-3-13. It is the staff's opinion that:

- (1) The vacation would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.

The street is no longer part of an integral circulation system, only providing access to a limited number of users.

- (2) The vacation would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient.

All surrounding owners have access to either the remaining portion of St. Joseph Street, or Ireland Road.

- (3) The vacation would not hinder the public's access to a church, school, or other public building or place.

No church, school or other public building or place is accessed by either the alley.

- (4) The vacation would not hinder the use of a public way by the neighborhood in which it is located or to which it is contiguous.

The vacation will not hinder access to other adjacent public ways.

Sincerely,

A handwritten signature in black ink that reads 'Larry Magliozzi'. The signature is written in a cursive style with a large 'L' and 'M'.
Larry Magliozzi

Raschelle Beckwith

From: Matt Longfellow
Sent: Monday, December 18, 2017 12:49 PM
To: Raschelle Beckwith
Cc: Toy Villa; Donna C. Hanson; Kara Boyles; Sue Ellen Doudrick
Subject: RE: Street Vacation-Mendards Inc., A Wisconsin Corporation
Attachments: engineering response.pdf

Raschelle,

Engineering has no objections to this vacation at the Menards site.

Regards,
Matt

-----Original Message-----

From: Raschelle Beckwith
Sent: Monday, December 11, 2017 10:33 AM
To: Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Matt Longfellow <mlongfel@southbendin.gov>; Chris Dressel <cdressel@southbendin.gov>; Federico Rodriguez <frodriagu@southbendin.gov>; Imaglioz@co.st-joseph.in.us; Eugene Eyster <eeyster@southbendin.gov>; pmgriffin@nisource.com
Subject: Street Vacation-Mendards Inc., A Wisconsin Corporation

Please Provide Recommendation

-----Original Message-----

From: SouthBend
Sent: Monday, December 11, 2017 10:21 AM
To: Raschelle Beckwith
Subject: Message from "RNP002673DD3E73"

This E-mail was sent from "RNP002673DD3E73" (MP C6004).

Scan Date: 12.11.2017 10:21:01 (-0500)
Queries to: southbend@southbendin.gov

Raschelle Beckwith

From: Chris Dressel
Sent: Monday, December 18, 2017 11:09 AM
To: Raschelle Beckwith
Cc: Tim Corcoran
Subject: RE: Street Vacation-Mendards Inc., A Wisconsin Corporation

Recommended for approval based upon the following IC-36-7-3-13 Criteria:

- 1 - The vacation would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
- 2 - The vacation would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
- 3 - The vacation would not hinder the public's access to a church, school or other public building or space.
- 4 - The vacation would not hinder the use of a public right of way by a neighborhood in which it is located or to which it is contiguous.

Christopher D Dressel, AICP
Planner
Bicycle Coordinator
Brownfields Coordinator
Department of Community Investment
(574) 235-5847
cdressel@southbendin.gov
City of South Bend
227 W. Jefferson Blvd., Suite 1400S
South Bend, IN 46601

We deliver services that empower everyone to thrive.
Excellence | Accountability | Innovation | Inclusion | Empowerment

-----Original Message-----

From: Raschelle Beckwith
Sent: Monday, December 11, 2017 10:33 AM
To: Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Matt Longfellow <mlongfel@southbendin.gov>; Chris Dressel <cdressel@southbendin.gov>; Federico Rodriguez <frodrigu@southbendin.gov>; Imagioz@co.st-joseph.in.us; Eugene Eyster <eeyster@southbendin.gov>; pmgriffin@nisource.com
Subject: Street Vacation-Mendards Inc., A Wisconsin Corporation

Please Provide Recommendation

-----Original Message-----

From: SouthBend
Sent: Monday, December 11, 2017 10:21 AM
To: Raschelle Beckwith



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

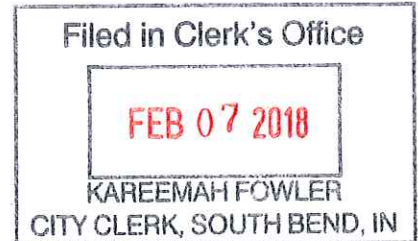
LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

February 7, 2018

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



RE: Northwest and Northeast corners of Western & William and the Southwest corner of Wayne & William
APC# 2861-18

Dear Council Members:

Enclosed in 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 February 12, 2018 Council meeting, and set it for public hearing at your March 26, 2018 Council meeting. The petition is tentatively scheduled for public hearing at the March 20, 2018 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,

A handwritten signature in black ink, appearing to read 'Jordan Wyatt'. The signature is fluid and cursive, with a long horizontal stroke extending to the left.

Jordan Wyatt
Planner

CC: Bob Palmer

BILL NO. 08-18

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY
GENERALLY LOCATED AT THE NORTHWEST AND NORTHEAST CORNERS OF
WESTERN AND WILLIAM AND THE SOUTHWEST CORNER OF WAYNE AND
WILLIAM COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND,
INDIANA**

STATEMENT OF PURPOSE AND INTENT

To allow for uses in the MU and CBD District consistent with the surrounding area and Comprehensive Plans.

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

SECTION I. 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:

Lots 1-6 and Lots 10-12 of Block 6 of Vail's Subdivision and the east half of the vacated alley adjacent to Lots 2-6 and the west half of the vacated alley adjacent to lots 10-12, excluding the first east-west alley north of Western

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

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

Lot B, Outlot A, and Outlot B of Vail's Subdivision First Replat

be and the same is hereby established as CBD Central Business District.

SECTION III.

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

SECTION IV. 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.

Tim Scott, Council President
South Bend Common Council

Attest:

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

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2018, at ____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

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:

Property 1: Portion of city block bounded by W. Wayne Street to the North; S. Taylor Street to the West; W. Western Avenue to the South; and S. William Street to the East. - South Bend, IN 46601

Property 2: 331-333 W. Western Avenue and 401 N. Lafayette Street. - South Bend, IN 46601

2) The property Tax Key Number(s) is/are:

Property 1: 018-3012-0412;018-3012-0420.01;018-3012-0421;018-3012-0422;018-3012-0424;018-3012-0425;

Property 2: 018-3012-0440.02;018-3012-0440.04;018-3012-0440.05

3) Legal Descriptions:

Property 1: Lots 10 Thru 12 & W 1/2 Vac Alley E & Adj Vails Sub Block 6 07/08 Split to 041201 5052WD 7/18/06; Lots 1, 2 & 3 Vails Sub Of Block 6; 3 Rds S End Ea Lots 2 & 3 & E 1/2 Vac Alley W & Adj Vails Sub Block 6; Lot 4 & E 1/2 Vac Alley W & Adj Vails Sub Block 6; Lot 5 & W 49.5' Lot 6 & E 1/2 Vac Alley W & Adj Vails Block 6; 66 Ft E End Lot 6 Vails Sub Block 6

Property 2: Lot B Vails Sub First Replat 14/15 NP#8037 10-04-2013; Outlot B Vails Sub First Replat 14/15 NP#8037 10-04-2013; Outlot A Vails Sub First Replat 14/15 NP#8037 10-04-2013

4) Total Site Area:

Property 1: 1.50 +/- Acres

Property 2: 1.75 +/- Acres

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

South Bend Redevelopment Commission
227 W. Jefferson Boulevard
1400 County-City Building
South Bend, IN 46601
574-235-5836
drelos@southbendin.gov

Name and address of additional property owners, if applicable: N/A

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

N/A

Name and address of additional property owners, if applicable: N/A

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

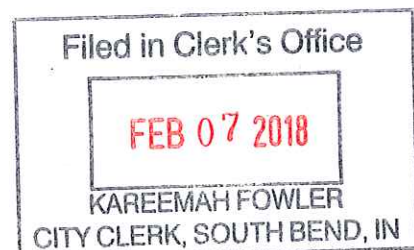
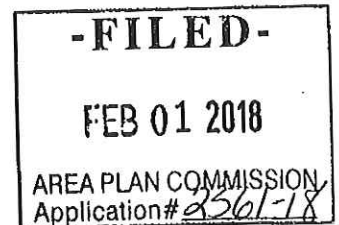
Property 1

Property 2

From: GB General Business District
To: MU Mixed Use District

GB General Business District
CBD Central Business District

8) This rezoning is requested to allow the following use(s): All uses allowed within the Mixed Use and Central Business districts.



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

1) *N/A*

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

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

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

* 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:

Chris Dressel
227 W. Jefferson Blvd.
South Bend, IN 46615
574-235-5847
cdressel@southbendin.gov

Filed in Clerk's Office
FEB 07 2018
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

-FILED-
FEB 01 2018
AREA PLAN COMMISSION
Application# 2561-16

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.

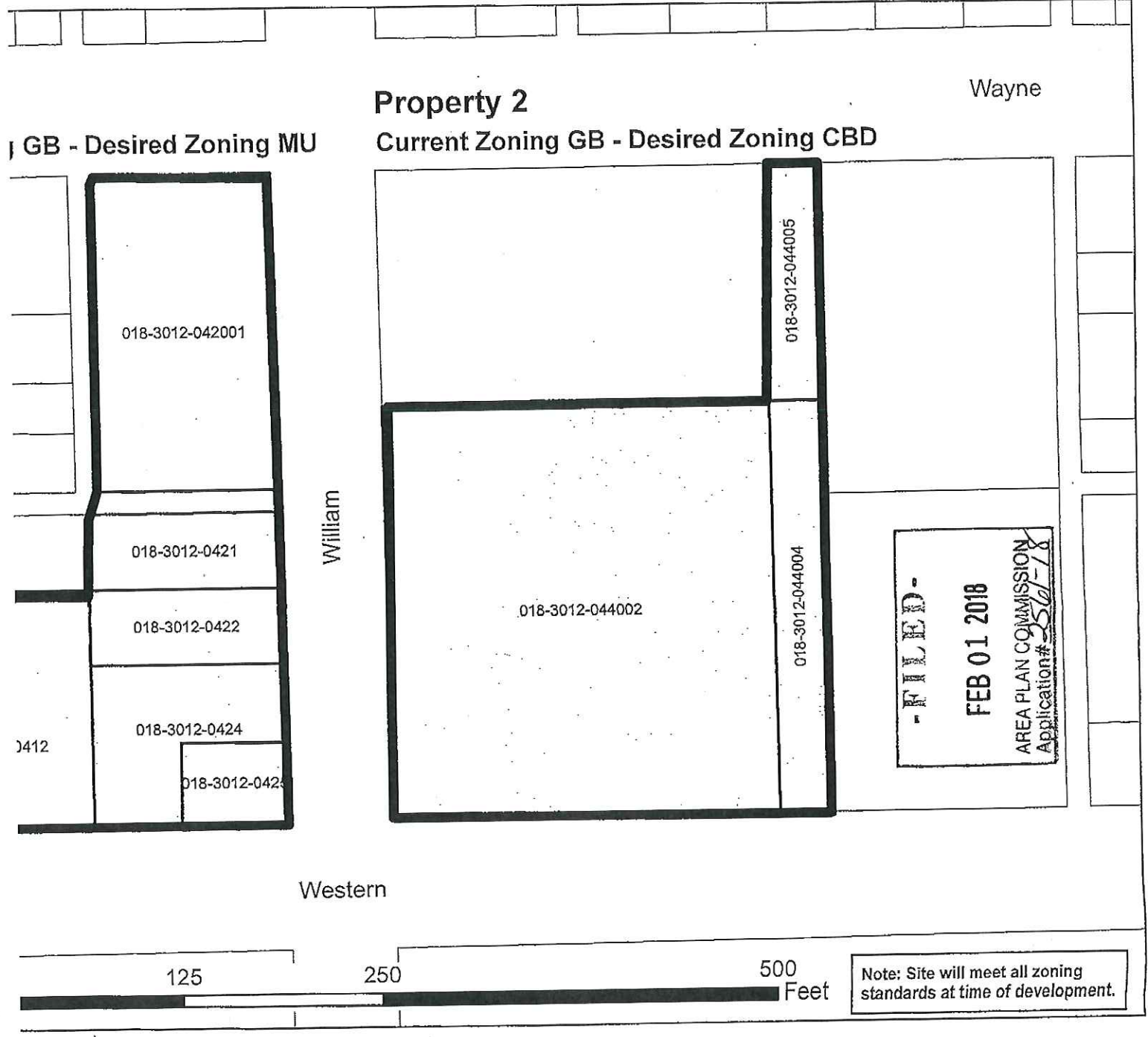
Signature(s) of all property owner(s), or signature of Attorney for all property owner(s):

Chris Dressel

Preliminary Site Plan

Taylor/Wayne/Lafayette/Western Block

N



Filed in Clerk's Office

FEB 07 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

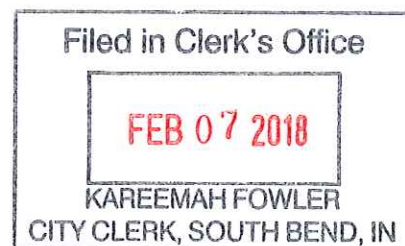
LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

February 7, 2018

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



RE: East Side of Olive Street between Calvert Street and Delaware Street
APC# 2862-18

Dear Council Members:

Enclosed in 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 February 12, 2018 Council meeting, and set it for public hearing at your March 26, 2018 Council meeting. The petition is tentatively scheduled for public hearing at the March 20, 2018 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,

A handwritten signature in black ink, appearing to be "Jordan Wyatt". The signature is written over a horizontal dashed line.

Jordan Wyatt
Planner

CC: Bob Palmer

BILL NO. 09-18

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND SEEKING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT THE EAST SIDE OF OLIVE STREET BETWEEN CALVERT STREET AND DELAWARE STREET, COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property from LI to GI for vehicle removal and storage.

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:

Lots 247 through 258 of Highland Park 2nd Addition and the vacated alley between Lots 252 and 253 therein.

be and the same is hereby established as GI: General Industrial District.

SECTION II. That a Special Exception Use for *Vehicle Storage and Outdoor Storage in Excess of 50% of the Total Lot Area* in a *GI: General Industrial District* is hereby granted subject to a site development plan hereby attached and made a part of this Ordinance and which site plan contains and lists all conditions, if any, of approval.

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

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 legal publication, and full execution of any conditions or Commitments placed upon the approval.

Tim Scott, Council President
South Bend Common Council

Attest:

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

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2018, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2018, at _____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

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:

*1906 S. Olive St.
South Bend, IN 46613*

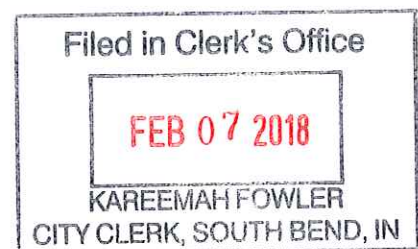
2) The property Tax Key Number(s) is/are: *018-8100-3806; 018-8100-3793; 018-8100-3792; 018-8100-3814; 018-8100-3815.*

3) Legal Descriptions: *Lots 251 252 253 254 255 256 257 258 and Vac Alley Btwn Lots 252 & 253 Highland Park 2nd Pro Sec 15 37 2e 17/18 Cons w/018-8100-3794,3804,3805,3807,3808,3809,3810 Per Owners Req.; Lots 250, 249, 248, 247 (2nd prop and 2nd address)*

4) Total Site Area: *1.18 acre*

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

*Paul J. Walters
921 Dale Ave.
Mishawaka, IN 46544
574-288-2727, 574-220-3160
asaptowingrecovery@yahoo.com*



Name and address of additional property owners, if applicable: John C. Cocquyt, The 4000 Group, 703 W. 16th St., Mishawaka, IN 46544

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



Name and address of additional property owners, if applicable:

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

From: LI Light Industrial District Additional zoning district, if applicable

To: GI General Industrial District

8) This rezoning is requested to allow the following use(s): *Vehicle removal and storage*

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

1) *List each variance being requested. Contact Commission Staff if you need assistance with wording.*

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: *Please explain how your variance petition addresses this criteria*

(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: *Please explain how your variance petition addresses this criteria*

- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *Please explain how your variance petition addresses this criteria*

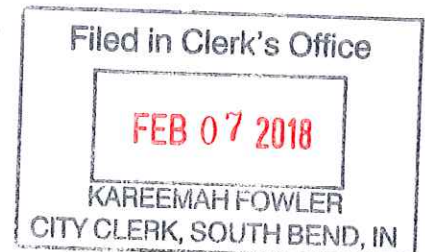
IF A SPECIAL EXCEPTION USE IS BEING REQUESTED, (if not, please skip to next section):

- 1) The Special Exception Use(s) being requested: *Vehicle removal and storage.*
- 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: *These lots are secured from the public with appropriate fencing and an electronic gate that can only be opened from inside the building or via remote(s).*
 - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: *An easement is already in place so that adjacent property will not be affected.*
 - (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: *The majority of Olive St. is zoned as G1.*
 - (d) The proposed use is compatible with the recommendations of the Comprehensive Plan. *Removal of the building listed as 2010 to be demolished at a later date as well as new fencing and clearing of the lot line due to these structures being an eyesore to the neighborhood. All lots to be combined at a later date to one address, 1906.*

* 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:

*Paul Walters / Becki Badders
1906 S. Olive St.
South Bend, In 46613
574-288-2727
asaptowingrecovery@yahoo.com*

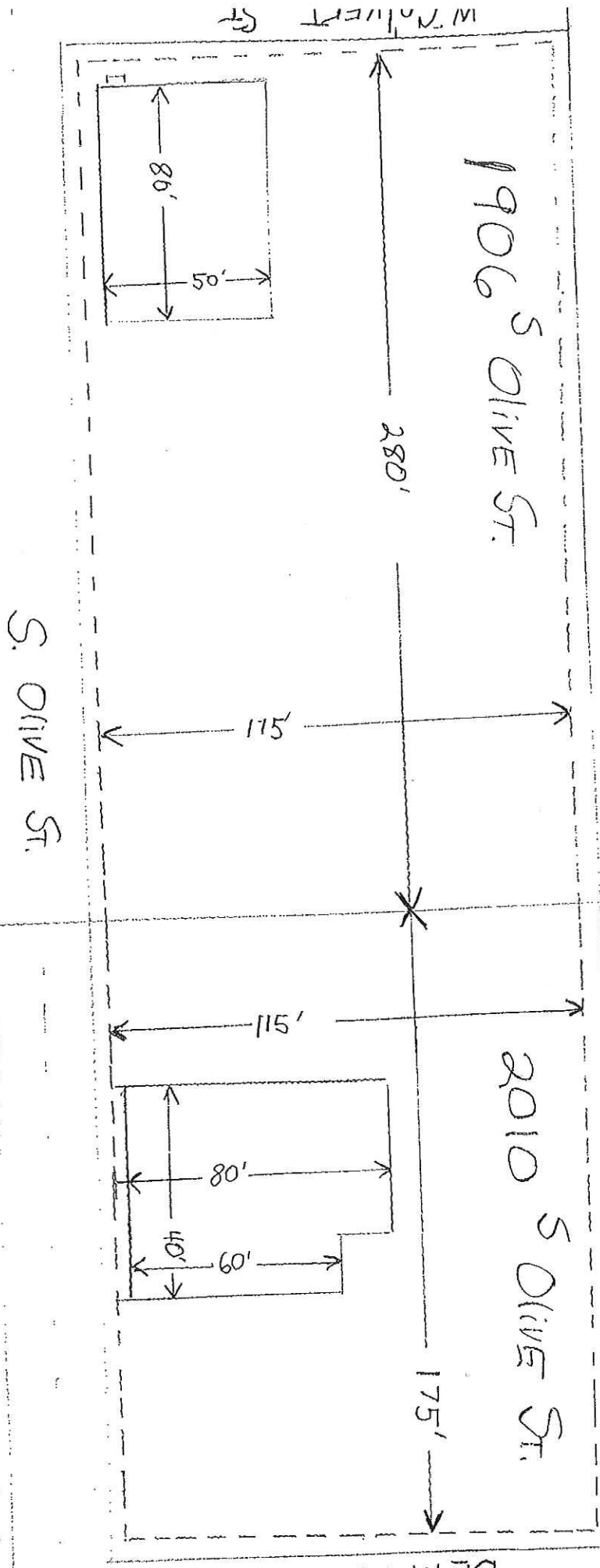
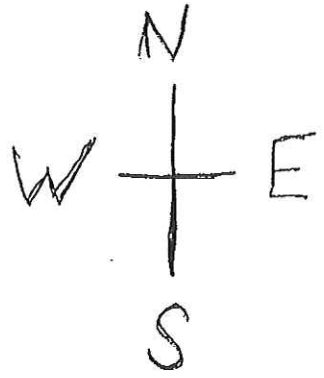


BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COMMON COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

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

Paul Walters
John C. Cozney





Filed in Clerk's Office
FEB 07 2018
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

-FILED-
FEB 02 2018
AREA PLAN COMMISSION
Application# 2862-18

2010 S. Olive St. building to be demolished at a later date.



321 E Walter St
South Bend, IN 46614
O: 574.299.4765
F: 574.299.4783
sbvpa.org

PETE BUTTIGIEG
Mayor

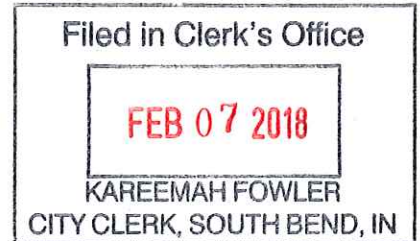
AARON PERRI
Executive Director

February 6, 2018

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

RE: Venues Parks & Arts Final Reorganization Phase

Dear President Scott,



Attached is **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING ORDINANCE NO. 10546-17 BY ADDING NEW SALARIED AND WAGE POSITIONS TO THE ORDINANCE FIXING MAXIMUM SALARIES AND WAGES OF APPOINTED OFFICERS AND NON-BARAING EMPLOYEES OF THE CITY OF SOUTH BEND FOR THE CALENDAR YEAR 2018.**

As discussed during budget season 2016 and 2017, the final phase of the Venues Parks & Arts reorganization creates a joint management structure for the Morris Performing Arts Complex and the Century Center. This effort underwent an analysis by HVS Consulting with the cooperation and input of the Civic Center Board of Managers, the Hotel Motel Tax Board, Visit South Bend Mishawaka, and current venue management. The results, which were delivered at a public meeting on August 29, 2017, project an annual savings of over \$200,000 and align a public private partnership for optimal care of the venues and customer experience.

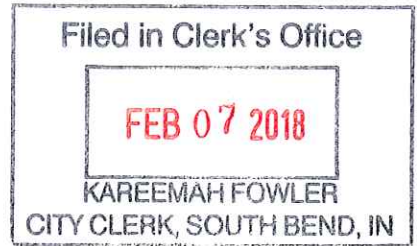
These efforts were unanimously approved at the Civic Center Board of Managers meeting on November 15, 2017. Current SMG employees and executive leadership have been involved with this process since last summer and all impacted employees were notified of pending changes in early December.

The ordinance before you is necessary to create new positions within the city's salary ordinance, however, these are not net new positions to the city's budget. The associated dollars were included and approved in the 2018 budget. As a result of the new management structure, eight employees will shift from contracted labor to the city workforce on April 2nd of this year. Each employee will be transferred to the city at compatible salary and benefit levels. This ordinance adds four titles and changes one title. The remainder of the positions fit within the existing salary ordinance. Thank you for your consideration. I will attend the committee and council meetings to present.

Respectfully,

Aaron Perri – Executive Director, VPA





Bill NO _____

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING ORDINANCE NO. 10546-17 BY ADDING NEW SALARIED AND WAGE POSITIONS TO THE ORDINANCE FIXING MAXIMUM SALARIES AND WAGES OF APPOINTED OFFICERS AND NON-BARAINING EMPLOYEES OF THE CITY OF SOUTH BEND FOR THE CALENDAR YEAR 2018

STATEMENT OF PURPOSE AND INTENT

On October 23, 2017 this Council passed Ordinance No. 10546-17, signed by the Mayor on October 24, 2017 which fixed maximum salaries and wages of appointed officers and non-bargaining employees of the City of South Bend for the calendar year 2018.

Since the enactment of Ordinance No. 10546-17, the City's executive has notified this Council that new circumstances have occurred which did not exist in October 2017 necessitating the addition of new job positions to the referenced attachment to Ordinance No. 10546-17. That attachment consists of a list by title of all non-bargaining City employees and their maximum salaries.

Among the change in circumstances is the consolidation of administrative and maintenance services of Century Center and the Morris Performing Arts Center (MPAC) and the transfer of Century Center staff personnel from SMG (the City's contractual manager of Century Center), to the City's personnel and payroll. This change is expected to result in ultimate cost savings to the City.

The new positions established in this Ordinance are the following: General Manager—Venues; Director of Operations—Venues; Maintenance Technician; and Security Guard. Additionally, the title of "Director of Box Office and Event Services" as set out in Exhibit A to Ordinance No. 10546-17 is being changed to "Director of Box Office and Event Services—Venues."

Fund No. 670 (Century Center Operating) is the source of funding for the newly added salaried and wage positions. These employee positions are fully covered by the City's 2018 Budget and its appropriation for wages and salaries of non-bargaining City employees during fiscal year 2018.

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

SECTION I. Ordinance No. 10546-17 is hereby amended to include the wage and salaried employee positions set forth in the amended attachment to Ordinance No. 10546-17 incorporated herein as Attachment "A." The newly created employee positions are highlighted in yellow for ease of identification.

SECTION II. All other portions and sections of Ordinance No. 10546-17 are unaffected by this amendment and are reconfirmed.

SECTION III. From and after its passage by the Common Council and approval by the Mayor, this ordinance shall take full effect on April 2, 2018

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, Indiana
 2018 Nonbargaining Salary Ordinance Schedule - as amended 2-26-18
 Maximum Salaries

Full-Time Positions	Status	Notes *	2012 Salary	2013 Salary	2014 Salary	2015 Salary	2016 Salary	2017 Salary	2018 Salary	2018 % Increase
311 Customer Service Liaison I	Full Time	11	new	40,500	41,310	42,136	42,979	43,839	44,716	2.00%
311 Customer Service Liaison II	Full Time	77	new	32,520	title change new	43,789	44,664	45,557	46,468	2.00%
Academic Coordinator-CB Center	Full Time	46	36,348	37,075	title change 40,305	41,111	41,933	42,772	43,627	2.00%
Academic Coordinator-MLK Center	Full Time	46	38,740	39,515	40,305	41,111	41,933	42,772	43,627	2.00%
Accounting Assistant	Full Time	58	30,186	30,790	31,406	32,034	32,674	33,328	33,995	2.00%
Accounting Clerk IV	Full Time	58	31,746	32,381	33,029	33,689	34,363	35,050	35,751	2.00%
Accounts Payable Administrator	Full Time	43	35,984	36,704	37,438	38,187	38,950	39,730	40,525	2.00%
Administrative Assistant I	Full Time	67	new	27,497	eliminated	39,318	40,104	40,906	41,724	2.00%
Administrative Assistant II	Full Time	67	37,050	37,791	38,547	39,318	40,104	40,906	41,724	2.00%
Administrative Assistant III - DCI (Adm & Finance Team)	Full Time	5,63	new	30,869	eliminated	38,187	38,957	39,730	eliminated	
Administrative Assistant III - DCI (Adm & Finance Team)	Full Time	5,155	new	36,704	37,438	38,187	38,957	39,730	40,525	2.00%
Administrative Assistant III - DCI (Neigh. Engagement Team)	Full Time	5,29, 156	new	36,704	37,438	38,187	38,957	39,730	40,525	2.00%
Alarm Specialist	Full Time	122	new	40,019	40,819	41,636	42,468	43,316	44,179	2.00%
Analyst I - DCI (Neighborhood Engagement Team)	Full Time	5, 138	31,252	31,877	32,515	33,165	33,828	34,505	35,195	2.00%
Animal Control Officer Assistant	Full Time	31	31,466	32,116	32,758	33,413	34,081	34,763	35,458	2.00%
Animal Control Officer Senior	Full Time	132	34,788	35,484	title change					
Applications Developer	Full Time	117	68,510	69,880	71,278	72,704	74,159	75,641	77,154	2.00%
Assistant City Attorney	Full Time	65	73,060	74,521	76,014	77,531	79,082	80,666	82,285	2.00%
Assistant City Engineer	Full Time	3, 117	46,202	47,126	title change new	72,704	74,159	75,641	77,154	2.00%
Assistant Director of Administration & Marketing	Full Time	36, 63	50,154	51,157	title change	82,245	83,890	85,566	87,277	2.00%
Assistant Director of Booking & Event Operation	Full Time	41	43,732	44,607	title change	52,020	53,060	54,172	55,204	2.00%
Assistant Director of Community and Economic Development	Full Time	21	45,084	50,000	51,000	52,020	53,060	54,172	55,204	2.00%
Assistant Director of Distribution	Full Time	5, 63	45,566	47,497	48,447	49,416	50,405	51,413	52,441	2.00%
Assistant Director of Human Resources	Full Time	63	51,376	52,404	53,452	54,521	55,611	56,722	57,854	2.00%
Assistant Director of MPAC Financial Reporting	Full Time	36, 63	44,824	45,720	46,635	47,568	48,519	49,487	50,472	2.00%
Assistant Director of Recreation	Full Time	29	51,246	52,271	53,300	54,342	55,400	56,472	57,559	2.00%
Assistant Director of SCADA Information Systems (formerly System Specialist IV)	Full Time	160	80,208	81,208	82,232	83,281	84,355	85,455	86,581	2.00%
Assistant Director of Treatment	Full Time	75, 107	46,306	47,292	48,317	49,340	50,373	51,415	52,467	2.00%
Assistant Director of Utilities	Full Time	132			new	81,500	83,130	84,793	86,487	2.00%
Assistant Manager - Customer Service	Full Time	132	title change	53,386	54,122	54,877	55,653	56,449	57,264	2.00%
Assistant To The Mayor	Full Time	4, 63	29, 68, 72	33, 365	57, 122	eliminated				
Assistant Zoning Administrator	Full Time	107, 138	52, 338	53, 365	54, 392	55, 428	56, 464	57, 500	58, 536	2.00%
Associate II - DCI - (Adm & Finance Team)	Full Time	5, 138	new	54, 870	55, 367	55, 854	56, 341	56, 828	57, 315	2.00%
Associate II - DCI - (Economic Resources Team)	Full Time	80	new	47, 000	new	60, 000	61, 200	62, 424	63, 672	2.00%
Budget Analyst - Senior	Full Time	42	77, 818	79, 374	80, 930	82, 486	84, 042	85, 598	87, 154	2.00%
Building and Code Inspector	Full Time	29, 66	43, 212	44, 078	44, 958	45, 847	46, 746	47, 655	48, 574	2.00%
Building Commissioner	Full Time	97	new	49, 000	49, 860	50, 722	51, 584	52, 446	53, 308	2.00%
Building Inspector	Full Time	44	new	50, 768	51, 802	52, 836	53, 870	54, 904	55, 938	2.00%
Business Analyst	Full Time	153	new	31, 690	45, 390	47, 224	49, 068	50, 912	52, 756	2.00%
Business Development Specialist (formerly Associate I - DCI - (Business Development))	Full Time	32	31, 070	31, 690	32, 310	32, 930	33, 550	34, 170	34, 790	2.00%
Business License Administrator (formerly Analyst II - DCI (Business Development))	Full Time	34	43, 888	44, 766	45, 644	46, 520	47, 396	48, 272	49, 148	2.00%
CAD Specialist - Senior	Full Time	5, 63	37, 050	title change	eliminated					
CAD Specialist II	Full Time	5, 63	53, 794	54, 720	55, 646	56, 572	57, 498	58, 424	59, 350	2.00%
CEC Specialist Senior	Full Time	5, 63	49, 790	50, 716	51, 642	52, 568	53, 494	54, 420	55, 346	2.00%
CEC Specialist VI	Full Time	5, 63	44, 876	45, 774	46, 689	47, 612	48, 535	49, 458	50, 381	2.00%
Chemist	Full Time	112	47, 736	48, 691	49, 646	50, 601	51, 556	52, 511	53, 466	2.00%
Chemist Lead	Full Time	184	44, 902	45, 800	46, 716	47, 632	48, 548	49, 464	50, 380	2.00%
Chemists/Safety Officer	Full Time	29	new	55, 000	55, 960	56, 920	57, 880	58, 840	59, 800	2.00%
Chief Administration Officer	Full Time	29, 66, 103	45, 318	46, 224	47, 130	48, 036	48, 942	49, 848	50, 754	2.00%
Chief Building Inspector	Full Time	65	45, 916	46, 834	47, 752	48, 670	49, 588	50, 506	51, 424	2.00%
Chief Deputy City Clerk	Full Time	71	65, 442	66, 751	68, 060	69, 369	70, 678	71, 987	73, 296	2.00%
Chief Innovation Officer	Full Time	3, 4, 29, 66	30, 264	30, 659	31, 054	31, 449	31, 844	32, 239	32, 634	2.00%
Chief of Staff to the Mayor	Full Time	71	94, 500	96, 390	98, 280	100, 170	102, 060	103, 950	105, 840	2.00%
Chief Technology Officer	Full Time	3, 26, 117	94, 500	96, 390	98, 280	100, 170	102, 060	103, 950	105, 840	2.00%
City Clerk, Secretary	Full Time	3, 26	94, 500	96, 390	98, 280	100, 170	102, 060	103, 950	105, 840	2.00%
City Controller	Full Time									
City Engineer	Full Time									

City of South Bend, Indiana
 2018 Non Bargaining Salary Ordinance Schedule - as amended 2-26-18
 Maximum Salaries

Job Title	Status	Notes *	2012 Salary	2013 Salary	2014 Salary	2015 Salary	2016 Salary	2017 Salary	2018 Salary	2018 % Increase
Director of Financial Services (Water Utility)	Full Time	140	59,098	60,280	61,466	62,715	63,970	65,249	66,554	2.00%
Director of Golf Operations	Full Time		56,992	58,132	59,294	60,480	61,692	62,924	64,182	2.00%
Director of Human Resources	Full Time	3	80,002	81,602	83,234	84,889	86,567	88,229	90,096	2.00%
Director of Information Technology	Full Time	29, 66, 98	54,262	55,347	56,221	60,405	61,614	70,000	71,400	2.00%
Director of Human Rights	Full Time	3, 71	87,000	88,740	90,515	eliminated				
Director of Infrastructure	Full Time	132					title change	73,440	74,908	2.00%
Director of Marketing & Promotions	Full Time	36	50,518	51,528	52,559	53,610	54,682	55,776	56,892	2.00%
Director of Neighborhood Development (formerly Director II - DCI - Neighborhood)	Full Time	153	new	69,721	71,115	72,538	76,000	77,520	79,070	2.00%
Director of Office of Sustainability	Full Time	38, 66	new	new	75,737	77,252	78,797	80,373	81,980	2.00%
Director of Operations - Venues	Full Time	181	75,530	77,041	title change			new	90,000	100.00%
Director of Parks & Recreation	Full Time	153			71,115	72,537	76,000	77,520	79,070	2.00%
Director of Planning (formerly Director II - DCI - (Planning Team))	Full Time	3, 26	108,248	110,413	110,413	112,621	114,874	117,171	119,514	2.00%
Director of Public Works	Full Time	168, 172			110,413	112,621	114,874	117,171	119,514	2.00%
Director of Purchasing	Full Time		42,458	43,307	44,173	45,057	47,797	47,797	47,797	title change
Director of Records Bureau (now Director of Civilian Services)	Full Time	88	62,738	67,000	68,340	69,707	71,101	72,523	73,973	2.00%
Director of Recreation (fka Deputy Parks & Recreation Director)	Full Time	14					new	77,520	79,000	2.00%
Director of Redevelopment Engineering	Full Time	119					title change	60,227	61,432	-7.12%
Director of Redevelopment Finance (formerly Director II - Admin/Finance Team)	Full Time	174			56,753	57,888	59,046	60,227	61,432	2.00%
Director of Safety & Risk	Full Time	40, 66			72,000	73,440	74,909	76,407	77,935	2.00%
Director of SCADA Information Systems	Full Time	45			new					
Director of Secretarial Services	Full Time	1	48,100	49,062	title change					
Director of Services	Full Time	132					title change	73,440	74,909	2.00%
Director of Solid Waste Operations	Full Time	132, 163			75,836	77,455	79,000	80,500	82,000	5.50%
Director of Streets & Sewers	Full Time	29, 66, 106	69,576	70,968	70,968	72,455	81,500	83,130	84,793	2.00%
Director of Treasury (formerly Director of City Finance)	Full Time		67,626	68,979	70,538	71,765	73,201	74,665	76,158	2.00%
Director of Treatment	Full Time		54,864	56,063	57,185	58,328	59,495	60,687	61,900	2.00%
Director of Utilities	Full Time	74			new	90,000	91,800	93,636	95,509	2.00%
Director of Utility Safety	Full Time	112				new	53,500	54,570	55,661	2.00%
Director of Wastewater	Full Time	67	67,392	68,740	title change					
Director of Wastewater Maintenance	Full Time	114	59,878	61,076	62,297	63,543	70,000	71,400	72,828	2.00%
Director of Water Quality & Laboratory	Full Time	110				new	70,000	71,400	72,828	2.00%
Director of Water Works	Full Time	29, 75	68,364	69,721	71,241	72,724	74,266	75,766	77,324	2.00%
Director of Zoo	Full Time		56,940	58,079	59,241	60,426	61,634	62,863	64,113	2.00%
Distribution Records Drafter	Full Time	29, 75	37,518	38,268	39,034	39,814	40,600	41,423	42,281	2.00%
Distribution System Specialist	Full Time	109				eliminated				
Diversity Compliance/Inclusion Officer	Full Time				81,000	82,821	84,666	86,533	88,421	2.00%
Economic Empowerment Specialist (formerly Associate I - DCI (Economic Resour	Full Time	24, 90	new	41,600	42,432	43,281	44,146	45,026	45,921	2.00%
Engineer Aide IV	Full Time	153	71,656	73,089	74,205	75,205	76,188	77,155	78,107	2.00%
Engineer I	Full Time	65	37,518	38,268	39,034	39,814	40,600	41,423	42,281	2.00%
Engineer II	Full Time				68,329	69,696	71,090	72,512	73,962	2.00%
Engineer Inspector	Full Time		65,676	66,990	68,329	69,696	71,090	72,512	73,962	2.00%
Event Service Technician I	Full Time	32	38,558	39,329	title change					
Event Service Technician II	Full Time		24,950	25,459	25,968	26,488	27,018	27,558	28,109	2.00%
Evidence Technician	Full Time	88	28,392	28,960	29,539	30,130	30,732	31,347	31,974	2.00%
Executive Administrative Assistant	Full Time	105	35,542	36,253	36,978	37,717	40,508	41,318	42,144	2.00%
Executive Assistant	Full Time	43, 117			45,000	45,900	46,818	47,742	48,671	2.00%
Executive Assistant - DCI - (Adm & Finance Team)	Full Time	65, 154			new	51,044	52,065	53,105	54,164	2.00%
Executive Assistant and Director of Special Projects	Full Time	1, 3, 62	48,100	49,062	50,043	51,044	52,065	53,105	54,164	2.00%
Executive Director of Community Investment	Full Time	3, 5, 26	94,500	96,390	98,300	99,318	100,284	101,290	102,336	2.00%
Executive Director Venues, Parks & Arts (fka Superintendent-Park)	Full Time	29, 64, 98, 114			new					
Financial Specialist I	Full Time		31,746	32,381	33,029	33,689	34,353	35,022	35,696	2.00%
Financial Specialist II	Full Time		34,672	35,325	36,031	36,752	37,487	38,237	39,002	2.00%
Financial Specialist III	Full Time		38,740	39,515	40,305	41,111	41,933	42,772	43,627	2.00%
Financial Specialist IV	Full Time	20, 44	42,899	43,757	44,632	45,525	46,435	47,364	48,311	2.00%
Financial Specialist Senior	Full Time		50,043	51,044	51,044	52,065	53,106	54,168	55,251	2.00%
Fingerprint/Photo Technician	Full Time		33,566	34,237	34,922	35,621	36,333	37,060	37,801	2.00%
Firearms B/S/N/B/N Tech	Full Time	134, 146				title change				
Fiscal Officer	Full Time	41, 138			52,180	53,224	54,288	55,374	56,481	2.00%
Fiscal Officer/Business Analyst	Full Time	65, 138			54,570	55,661	56,775	57,910	59,066	2.00%
Foreman IV	Full Time	118	37,856	38,613	39,385	40,177	40,977	41,792	42,621	2.00%
Foreman V	Full Time	56, 118	42,666	43,519	44,390	45,278	46,183	47,102	48,035	2.00%
Forensic Lab Tech	Full Time	149					57,103	58,245	59,404	2.00%
Forensic Scientist / Firearms & Tool Mark Examiner (formerly Crime Lab Firearms E	Full Time	145	52,754	53,809	54,895	55,983	57,103	58,245	59,404	2.00%
Forensic Scientist / Firearms & Tool Mark Examiner Trainee	Full Time	145						new	60,000	100.00%
General Manager - Venues	Full Time	181						new	98,500	100.00%

City of South Bend, Indiana
 2018 Nonbargaining Salary Ordinance Schedule - as amended 2-26-18
 Maximum Salaries

Job Title	Status	Notes *	2012 Salary	2013 Salary	2014 Salary	2015 Salary	2016 Salary	2017 Salary	2018 Salary	% Increase
General Zoo Curator	Full Time		47,008	47,948	48,907	49,885	50,883	eliminated		
GIS Manager	Full Time		56,030	57,151	58,294	59,459	60,649	61,862	63,099	2.00%
GIS Specialist - Senior	Full Time		45,370	46,277	47,203	48,147	49,110	50,092	51,094	2.00%
Graphic Administrator	Full Time	115					title change			
Graphic Designer	Full Time	130					new			
Greenskeeper	Full Time		41,158	41,981	42,821	43,677	44,551	45,442	46,351	2.00%
Hearing Secretary	Full Time	104					new			
Historic Preservation Administrator	Full Time	157					new			
Historic Preservation Specialist	Full Time	157					new			
Horticulturist Tech	Full Time	136					new			
Housing Counselor (formerly Associate II - DCI - Neighborhood Engagement Tea)	Full Time	133					new			
Housing Specialist Senior	Full Time	5, 63	50,440	title change						
Housing Specialist V	Full Time	5, 63	42,770	title change						
Housing Specialist VI	Full Time	5, 63	45,422	title change						
Human Resources Generalist - Senior (Public Safety Focus)	Full Time	91								
Human Resources Generalist	Full Time	65								
Human Resources Generalist/Benefits Coordinator	Full Time	89								
Human Resources Specialist IV	Full Time	13, 63	42,900	43,758	44,633	45,526	46,436	47,365	48,312	2.00%
HVAC Technician	Full Time	129								
Industrial Pretreatment Specialist I	Full Time		47,762	48,717	49,692	50,685	51,699	52,733	53,788	2.00%
Intake Office/Investigator	Full Time		31,642	32,275	32,920	33,579	34,250	34,935	35,634	2.00%
Internal Auditor	Full Time	63	54,678	55,772	56,887	58,025	59,185	60,369	61,576	2.00%
Inventory Control Technician II	Full Time		33,332	33,999	34,679	35,372	36,080	36,801	37,537	2.00%
Investigator I	Full Time		36,270	36,995	37,735	38,490	39,260	40,045	40,846	2.00%
Investigator II	Full Time		38,584	39,355	40,143	40,946	41,765	42,600	43,452	2.00%
Investigator III	Full Time		40,998	41,716	42,550	43,401	44,269	45,155	46,058	2.00%
Investigator IV	Full Time		42,900	43,758	44,633	45,526	46,436	47,365	48,312	2.00%
Investigator V	Full Time	83					new			
Investigator VI	Full Time		30,264	30,869	31,487	32,116	32,759	33,414	34,082	2.00%
Laboratory Technician	Full Time		35,542	36,253	36,978	37,717	38,470	39,237	40,019	2.00%
Latent Fingerprint Examiner (formerly Evidence Technician)	Full Time	88, 147	34,622	35,325	36,031	36,752	37,487	38,237	39,002	2.00%
License Clerk	Full Time	63	38,220	38,984	39,764	40,559	41,371	42,198	43,042	2.00%
Locator	Full Time		34,216	34,900	35,598	36,310	37,036	37,777	38,533	2.00%
Maintenance Foreman II	Full Time	181								
Maintenance Technician	Full Time	30								
Manager - Animal Shelter	Full Time	132								
Manager - Applications	Full Time	31, 68								
Manager - Assistant Animal Shelter	Full Time		32,266	32,911	33,570	34,241	34,926	35,624	36,336	2.00%
Manager - Assistant Facility Operations	Full Time	27, 89, 143								
Manager - Benefits	Full Time	36, 63	37,830	38,587	39,357	40,140	40,946	41,765	42,600	2.00%
Manager - Box Office	Full Time	153								
Manager - Business Development (formerly Associate III - DCI - Business Develop)	Full Time		54,860	55,957	57,076	58,218	59,382	60,570	61,781	2.00%
Manager - CSO Operations	Full Time	60, 162	44,226	45,111	46,013	46,933	47,872	48,829	49,805	2.00%
Manager - Customer Service	Full Time	132								
Manager - Data & GIS	Full Time	151								
Manager - Employment (Human Rights) (replacing (1) Investigator V)	Full Time	29, 66	59,566	60,757	62,010	63,310	64,656	66,048	67,480	2.00%
Manager - Environmental Compliance	Full Time	130								
Manager - Events	Full Time	50								
Manager - Facilities	Full Time	86	45,656	46,569	47,501	48,451	49,420	50,408	51,416	2.00%
Manager - Facility Operations	Full Time									
Manager - Facility Operations (MPAC)	Full Time									
Manager - Golf Course/Rink	Full Time	151	50,622	51,634	52,667	53,720	54,795	55,889	56,994	2.00%
Manager - Housing (Human Rights)(replacing (1) Investigator V)	Full Time	111								
Manager - Industrial Pretreatment	Full Time	132								
Manager - Infrastructure	Full Time	36								
Manager - Interactive Marketing	Full Time	114								
Manager - Maintenance	Full Time		53,274	54,339	55,426	56,535	57,665	58,819	59,995	2.00%
Manager - Maintenance (MPAC)	Full Time		new							
Manager - Neighborhood Grants (formerly Associate I - DCI - Neighborhood Enga	Full Time	153	33,098	33,786	34,435	35,124	35,826	36,543	37,274	2.00%
Manager - Office	Full Time	29, 50	58,240	59,405	60,594	61,807	63,044	64,305	65,590	2.00%
Manager - Operations	Full Time	132								
Manager - Operations - Distribution	Full Time	29, 66, 69	52,780	53,836	54,915	56,016	57,139	58,284	59,451	2.00%
Manager - Operations - Forester	Full Time	50								
Manager - Park Grounds Manager	Full Time	113	39,286	40,072	40,873	41,687	42,516	43,359	44,217	2.00%
Manager - Parts Maintenance	Full Time		new							
Manager - Performance Improvement	Full Time	12, 117, 138	43,888	44,766	45,661	46,574	47,505	48,456	49,425	2.00%
Manager - Permits	Full Time									

City of South Bend, Indiana
 2018 Nonbargaining Salary Ordinance Schedule - as amended 2-26-18
 Maximum Salaries

Job Title	Status	Notes *	2012	2013	2014	2015	2016	2017	2018	2018	
			Salary	Salary	Salary	Salary	Salary	Salary	Salary	Salary	% Increase
Security Guard	Full Time	181								37,000	100.00%
Senior Planner (formerly Associate I - DCI - (Planning Team))	Full Time	153	new	50,796	51,802	52,838	53,895	54,972	56,081	57,200	100.00%
Senior Purchasing Agent	Full Time	166, 172								60,500	100.00%
Site Acquisition Specialist	Full Time	173								67,000	100.00%
Special Events Assistant	Full Time		36,534	37,367	38,114	38,876	39,654	40,447	41,256	42,086	2.00%
Specialist of Infrastructure	Full Time	132								54,686	2.00%
Specialist of Infrastructure	Full Time	132								54,686	2.00%
Stock Room & Safety Coordinator	Full Time		44,928	45,827	46,743	47,678	48,632	49,604	50,596	51,604	2.00%
Superintendent - Maintenance	Full Time	48								66,569	2.00%
Superintendent - Park Maintenance	Full Time	48								50,801	2.00%
Superintendent III	Full Time		45,110	46,012	46,932	47,871	48,829	49,805	50,801	51,813	2.00%
Superintendent II	Full Time		46,566	47,497	48,447	49,416	50,405	51,413	52,441	53,488	2.00%
Superintendent IV	Full Time	53								56,204	2.00%
Superintendent V	Full Time	78								57,565	2.00%
Supervisor - 311 Customer Service	Full Time		51,116	52,138	53,181	54,245	55,330	56,436	57,565	58,714	2.00%
Supervisor - Accounts Payable	Full Time		43,550	44,421	45,309	46,216	47,140	48,083	49,045	49,926	2.00%
Supervisor - Administrative Assistant	Full Time	52								37,344	2.00%
Supervisor - Assistant Program	Full Time	55								36,612	2.00%
Supervisor - Athletic	Full Time	118								33,937	2.00%
Supervisor - Center	Full Time	47, 118								41,982	2.00%
Supervisor - Communication I	Full Time	21								42,822	2.00%
Supervisor - Communication II	Full Time	21								47,892	2.00%
Supervisor - Crime Laboratory	Full Time	146								48,816	2.00%
Supervisor - Customer Service	Full Time		41,132	41,955	42,794	43,650	44,523	45,416	46,326	47,251	2.00%
Supervisor - Data Processing	Full Time		41,132	41,955	42,794	43,650	44,523	45,416	46,326	47,251	2.00%
Supervisor - Fitness	Full Time	51								34,039	2.00%
Supervisor - Fitness/Wellness	Full Time	47								34,039	2.00%
Supervisor - Healthy Seniors	Full Time		34,684	35,398	36,133	36,889	37,665	38,461	39,278	40,115	2.00%
Supervisor - Maintenance Mechanic	Full Time		51,116	52,138	53,181	54,245	55,330	56,436	57,565	58,714	2.00%
Supervisor - Operations	Full Time	36								55,426	2.00%
Supervisor - Park Police	Full Time	79								53,339	2.00%
Supervisor - Park Ranger	Full Time	56, 79								44,389	2.00%
Supervisor - Payroll	Full Time	88, 141								45,277	2.00%
Supervisor - Program	Full Time	51, 52, 118								41,111	2.00%
Supervisor - Run Village Park	Full Time		38,740	39,515	40,305	41,111	41,932	42,767	43,616	44,480	2.00%
Supervisor - Shelter Operations	Full Time	131								42,822	2.00%
Supervisor - Signal	Full Time		47,362	48,109	48,871	49,649	50,442	51,251	52,081	52,931	2.00%
Supervisor - Special Events	Full Time		50,622	51,634	52,667	53,720	54,795	55,891	56,997	58,114	2.00%
Supervisor - Youth	Full Time	118								41,746	2.00%
System Specialist I	Full Time	55								42,822	2.00%
System Specialist II	Full Time	16								44,217	2.00%
System Specialist III	Full Time		new	42,500	43,350	44,217	45,101	46,003	46,923	47,863	2.00%
System Specialist IV	Full Time	45								53,613	2.00%
Utilities System Specialist	Full Time		53,716	54,790	55,886	57,004	58,144	59,307	60,493	61,704	2.00%
Violence Prevention Coordinator I	Full Time	54								62,432	2.00%
Violence Prevention Coordinator II	Full Time	54								63,987	2.00%
Volunteer Coordinator	Full Time	152								51,024	2.00%
Water Quality Specialist	Full Time	63, 73								32,620	2.00%
Water Treatment Operator PE	Full Time		52,026	53,067	54,128	55,210	56,315	57,441	58,588	59,756	2.00%
Water Works Special Projects Coordinator I	Full Time	63								41,955	2.00%
Water Works Special Projects Coordinator II	Full Time	63								42,794	2.00%
Youth Sports Compensation Specialist	Full Time	81								44,172	2.00%
Youth Sports Coordinator	Full Time	54								46,013	2.00%
Zoning and Business Services Administrator	Full Time	72, 98								46,013	2.00%
Zoning Specialist	Full Time	49								35,000	2.00%
Zoo Education Curator	Full Time	23								84,660	2.00%
Zoo Veterinarian	Full Time		55,582	56,594	57,626	58,678	59,750	60,841	61,952	63,083	2.00%
Part-Time Positions Receiving Benefits											
Chief Assistant City Attorney	Part Time	22, 25	42,146	42,889	eliminated	60,122	61,324	62,547	63,791	65,064	2.00%
City Attorney	Part Time	22, 117	56,654	57,787	58,943	60,122	61,324	62,547	63,791	65,064	2.00%
Deputy City Attorney III	Part Time		36,192	36,916	37,654	38,407	39,175	39,957	40,750	41,567	2.00%
Deputy City Attorney IV	Part Time		46,410	47,338	48,285	49,251	50,236	51,240	52,263	53,304	2.00%
Project Manager - Part Time	Part Time	176								39,273	100.00%

City of South Bend, Indiana
2018 Nonbargaining Salary Ordinance Schedule - as amended 2-26-18
Maximum Salaries

Job Title	Status	Notes *	2012		2013		2014		2015		2016		2017		2018	
			Salary	% Increase	Salary	% Increase	Salary	% Increase	Salary	% Increase	Salary	% Increase	Salary	% Increase		
311 Customer Service Liaison (hourly rate)	Part Time	57, 67, 99														
Administrative Assistant III	Part Time	95														
Associate IV - DCI - (Economic Resources Team) (20 hours)	Part Time	5	36,478		36,279		37,005		37,745		38,500		39,58		40,37	2.00%
City Engineer (hourly rate)	Part Time	6	new		36,57		37,30		38,05		38,81		39,58		40,37	2.00%
Code Inspector IV	Part Time	57	new		19,260		19,388		19,77		20,16		20,57		20,98	1.99%
Construction Inspector (hourly rate)	Part Time	7	new		19,00		19,38		19,77		20,16		20,57		20,98	1.99%
Engineer (29 hours per week)	Part Time	94	new		12,600		12,852		13,109		13,371		13,639		13,912	2.00%
Police Department Lab Technician (20 hour per week)	Part Time	18	new		14,50		14,79		15,09		15,39		15,70		16,01	1.99%
Secretary - Human Rights (hourly rate)	Part Time	57	new		27,46		28,07		28,57		29,14		29,72		30,31	1.99%
Secretary V (Mayor's Office) (hourly rate)	Part Time	21, 176	new													
Non Bargaining Maximum Hourly Rate (excluding above)	Part Time		26,92													
City Minimum Wage for All Positions	All Positions															0.00%
City Minimum Wage																
Other Compensation																
Water Utility	Off duty water technicians monitoring water operations off site		0.30		0.30		0.30		0.30		0.30		eliminated			
Sewer Insurance	Sewer Insurance off-call wages	19			5,000		5,100		5,202		5,306		eliminated			

- Notes
For 1-136, refer to prior year salary ordinance
2018 Revision Explanations:
181 - new position - Century Center Reorganization effective 4/1/18
182 - title change only

Filed in Clerk's Office
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN
FEB 07 2018

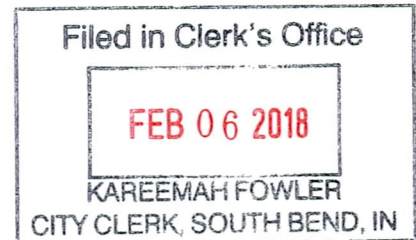
Bianca Tirado

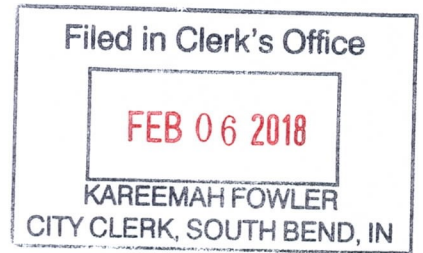
From: Angela Smith <ASmith@sjcindiana.com>
Sent: Tuesday, February 06, 2018 12:21 PM
To: Bianca Tirado
Cc: Kareemah Fowler; Bob Palmer
Subject: Special Exception Use
Attachments: 915 27th ordinance.docx; 2602 mishawka ordinance.docx

Attached are 2 Resolutions for Special Exception Uses. Please place them on your agenda for first reading at your February 12, 2018 Common Council Meeting. They will be heard by the ABZA at the February 14th meeting (1:30 in Council Chambers), with recommendation being forwarded on April 15th. The petitions should be ready for public hearing at your February 26th Council meeting.

Please let me know if you have any questions or if you need paper copies.

Angela M. Smith, Deputy Director
Area Plan Commission of St. Joseph County
(574) 235-9571





BILL NO. 18-03

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
915 27TH STREET**

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 property located at:

915 27TH STREET

In order to permit a Child Caring Institution in the OB Office Buffer District.

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:

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 of 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;

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.

Tim Scott, Council President
South Bend Common Council

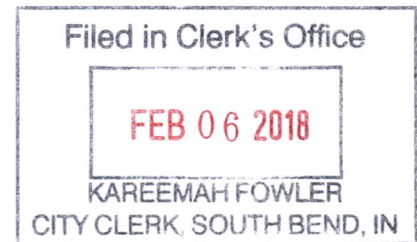
Bianca Tirado

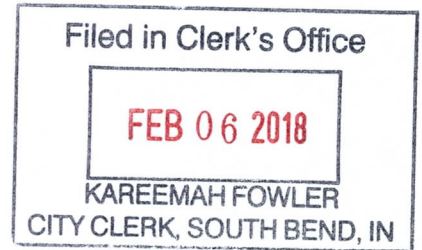
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Please let me know if you have any questions or if you need paper copies.

Angela M. Smith, Deputy Director
Area Plan Commission of St. Joseph County
(574) 235-9571





BILL NO. 18-04

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
2602 MISHAWAKA AVENUE**

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 property located at:

2602 MISHAWAKA AVENUE

In order to permit a Coffee Shop with Drive Through/up Window in the LB Local Business District.

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:

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 of 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;

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.

Tim Scott, Council President
South Bend Common Council