



## **SOUTH BEND COMMON COUNCIL**

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### **MEETING AGENDA**

Monday, February 26, 2018

7:00 P.M.

1. **INVOCATION-PASTOR MARCIA TAYLOR- MOUNT CARMEL MISSIONARY BAPTIST CHURCH**
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL**
4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**
5. **SPECIAL BUSINESS**
6. **REPORTS FROM CITY OFFICES- UPDATES FROM ADMINISTRATION ON CURRENT FLOODING STATUS**
7. **COMMITTEE OF THE WHOLE** **TIME:** \_\_\_\_\_

BILL NO.

04-18 PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE AND SEEKING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 2104, 2108, AND 2112 E MISHAWAKA AVENUE, AND 914 AND 918 S 21<sup>ST</sup> STREET, COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

07-18 PUBLIC HEARING 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

10-18 PUBLIC HEARING 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

8. **BILLS ON THIRD READING**

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

BILL NO.

04-18 THIRD READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE AND SEEKING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 2104, 2108, AND 2112 E MISHAWAKA AVENUE, AND 914 AND 918 S 21<sup>st</sup> STREET, COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

07-18 THIRD 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

10-18 THIRD 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

9. **RESOLUTIONS**

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 27<sup>TH</sup> 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

18-07 A RESOLUTION OF THE CITY OF SOUTH BEND WAIVING PETITIONER, THE LASALLE APARTMENTS, LLC NON-COMPLIANCE WITH IND. CODE §6-1.1-12.1.6 ET SEQ.

10. **BILLS ON FIRST READING**

BILL NO.

13-18 FIRST READING ON AN ALLEY VACATION- EAST/WEST ALLEY 14' IN WIDTH AND APPROXIMATELY 120' LONG FROM EAST RIGHT-OF-WAY OF EMERSON STREET AND EAST RIGHT-OF-WAY OF NORTH/SOUTH ALLEY BETWEEN NORTHSIDE BOULEVARD AND HILDRETH STREET, SOUTH BEND, INDIANA

11. **UNFINISHED BUSINESS**

12. **NEW BUSINESS**

13. **PRIVILEGE OF THE FLOOR**

14. **ADJOURNMENT**

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

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

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





## OFFICE OF THE CITY CLERK

KAREEMAH FOWLER, CITY CLERK

### MEMORANDUM

**TO:** MEMBERS OF THE COMMON COUNCIL  
**FROM:** KAREEMAH FOWLER, CITY CLERK  
**DATE:** FEBRUARY 22, 2018  
**SUBJECT:** COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **MONDAY, FEBRUARY 26, 2018:**

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

- 3:30 P.M.**      **COMMUNITY INVESTMENT**      **GAVIN FERLIC, CHAIRPERSON**  
1. [Bill No. 18-07](#)- Petition for Non-Compliance Waiver- The LaSalle Apartments, LLC
- 3:40 P.M.**      **PUBLIC WORKS & PROPERTY VACATION**      **JOHN VOORDE, CHAIRPERSON**  
1. [Bill No. 07-18](#)- Menard, Inc. Petition to Vacate
- 3:50 P.M.**      **PERSONNEL & FINANCE**      **KAREN L. WHITE, CHAIRPERSON**  
1. [Bill No. 10-18](#)- Venues Parks & Arts Final Reorganization Phase  
2. **Update**- 2018 Budget Amendment Schedule & City Wage Information Posted in Gateway- Jennifer Hockenull, Administration & Finance
- 4:15 P.M.**      **UTILITIES**      **DR. DAVID VARNER, CHAIRPERSON**  
1. **Update**- Solarize Program- Therese Dorau, Director- Office of Sustainability
- 4:30 P.M.**      **ZONING & ANNEXATION**      **OLIVER J. DAVIS, CHAIRPERSON**  
1. **Update**- Future Request to Rezone City Owned Properties- Chris Dressel, DCI  
2. [Bill No. 04-18](#)- 2104, 2108, 2112 E. Mishawaka Ave and 914, 918 S. 21st Street Zone Map Amendment  
3. [Bill No. 18-03](#)- Special Exception for Property 915 27<sup>th</sup> Street  
4. [Bill No. 18-04](#)- Special Exception for Property 2602 Mishawaka Ave.

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

cc: Mayor Pete Buttigieg  
Committee Meeting List  
News Media

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

455 County-City Building • 227 W. Jefferson Boulevard • South Bend, Indiana 46601  
Phone 574-235-9221 • Fax 574-235-9173 • TDD 574-235-5567 • [www.SouthBendIN.gov](http://www.SouthBendIN.gov)

JENNIFER M. COFFMAN  
CHIEF DEPUTY  
DIRECTOR OF OPERATIONS

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

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### **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, 1<sup>ST</sup> District Council Member**

#### **President**

Information and Technology, Chairperson

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

### **REGINA WILLIAMS-PRESTON 2<sup>ND</sup> 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, 3<sup>RD</sup> 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, 4<sup>TH</sup> 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, 5<sup>TH</sup> 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, 6<sup>TH</sup> 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





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 3, 2018

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



RE: 2104, 2108, and 2112 E. Mishawaka Ave. and 914 and 918 S. 21<sup>st</sup> Street  
APC# 2858-17

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 January 8, 2018 Council meeting, and set it for public hearing at your February 26, 2018 Council meeting. The petition is tentatively scheduled for public hearing at the February 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.

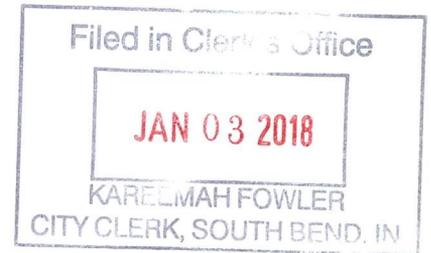
If you have any questions, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink that reads 'Angela M. Smith'.

Angela M. Smith  
Deputy Director

CC: Bob Palmer



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

AN ORDINANCE AMENDING THE ZONING ORDINANCE AND SEEKING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 2104, 2108, AND 2112 E MISHAWAKA AVENUE, AND 914 AND 918 S 21<sup>st</sup> STREET, COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property to MU Mixed Use, and seek a Special Exception for a fire station.

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 1 - 5 of B F Dunns 1<sup>st</sup> Addition and the vacated alley north of & adjacent to Lot 4.

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

SECTION II. That a Special Exception Use for *a fire station* in a *MU Mixed Use 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.

\_\_\_\_\_  
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

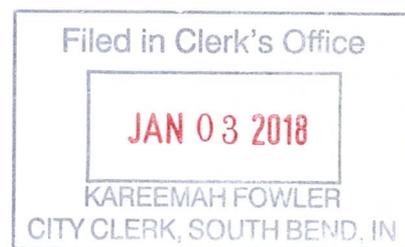
Approved and signed by me on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_. m.

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

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:  
*2104 E Mishawaka Ave  
South Bend, IN. 46601*
- 2) The property Tax Key Number(s) is/are: *EXEMPT PROPERTY OWNED BY A MUNICIPALITY*
- 3) Legal Descriptions: *Lot 3 B F Dunns 1st Add; Lot 2 B F Dunns 1st Add; Lot 1 N 93.7 Ft B F Dunns; S 38 Ft Lot 1 & N 1/2 Vac Alley S & Adj B F Dunns 1st; Lot 4 B F Dunns 1st Add & Vac Alley N & Adj. Ex 6'X41' Nw Cor Of Vac.alley; Lot 5 B F Dunns 1st Add;*
- 4) Total Site Area: *0.68acres*
- 5) Name and address of property owner(s) of the petition site:  
*CIVIL CITY OF SOUTH BEND | South Bend Fire Department  
1222 S Michigan St  
South Bend, IN 46601  
(574) 235-9255  
scox@southbendin.gov*



Name and address of additional property owners, if applicable:

- 6) Name and address of contingent purchaser(s), if applicable:  
*Name  
Address  
City, State Zip Code  
Phone number with Area Code  
E-Mail Address*

Name and address of additional property owners, if applicable:

- 7) It is desired and requested that this property be rezoned:  
  
From: *SF2 Single Family Two Family District Additional zoning district, if applicable*  
  
To: *MU Mixed Use District*

- 8) This rezoning is requested to allow the following use(s): *Fire Station*

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

- 1) *1. Setback/Facade Along Mishawaka Avenue Frontage Requirement to None*
- 2) *2. Perimeter Landscape Requirements Along North and East To None*
- 3) *3. Front Yard Setback Along 21<sup>st</sup> Street From 5' Minimum to 1.3'*



- 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: *Approving requested variances (1 and 2) increases visibility for Fire Safety vehicles exiting the Apparatus Bay, thereby improving public safety. In addition, reducing Landscaping requirements along the East to none ensures that required trees do not impede the alleyway over time. Approving requested variance #3 does not impact the public HSW because the building still maintains 3' from the*

*existing sidewalk and 16.5' from 21<sup>st</sup> St. while also allowing for appropriate stormwater routing along the East side of the property.*

- (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: *The new station will improve the existing site conditions and streetscapes along both Mishawaka Ave. and 21<sup>st</sup> Street, investing over \$3,000,000 into the construction of the station and site.*
- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *1. Setbacks along Mishawaka strictly observed reduce the necessary visibility of the exiting Fire Safety vehicles. 2. Perimeter landscaping as required along Mishawaka Ave (North Frontage) also limits visibility of exiting Fire Safety vehicles. Perimeter landscaping along East side yard are limited in appropriate growth area and may impede alleyway over time. Landscaping is provided where possible and partially meets requirement.*

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

- 1) The Special Exception Use(s) being requested: *Special Exception: Fire Station in MU*
- 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: *The station is a public safety facility and will improve the safety of the public*
  - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: *In addition to the new facility improving the existing site conditions, the existing fire station is just 8 blocks away (facing Mishawaka Ave. on the same side of the street).*
  - (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: *As previously noted, the existing station is within a close proximity to the proposed station. In addition to that, the proposed station will meet building height requirements and fit within the existing setbacks along Mishawaka Ave.*
  - (d) The proposed use is compatible with the recommendations of the Comprehensive Plan. *It meets response times and fire suppression coverage requirements outlined within the Public Facilities and Services section, specifically Objective PF 1.1.4*

\* 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.

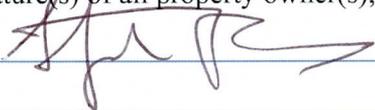
CONTACT PERSON:

*Jonathon Geels - Troyer Group  
550 Union St.  
Mishawaka, IN. 46544  
574.259.9976  
jsg@troyergroup.com*

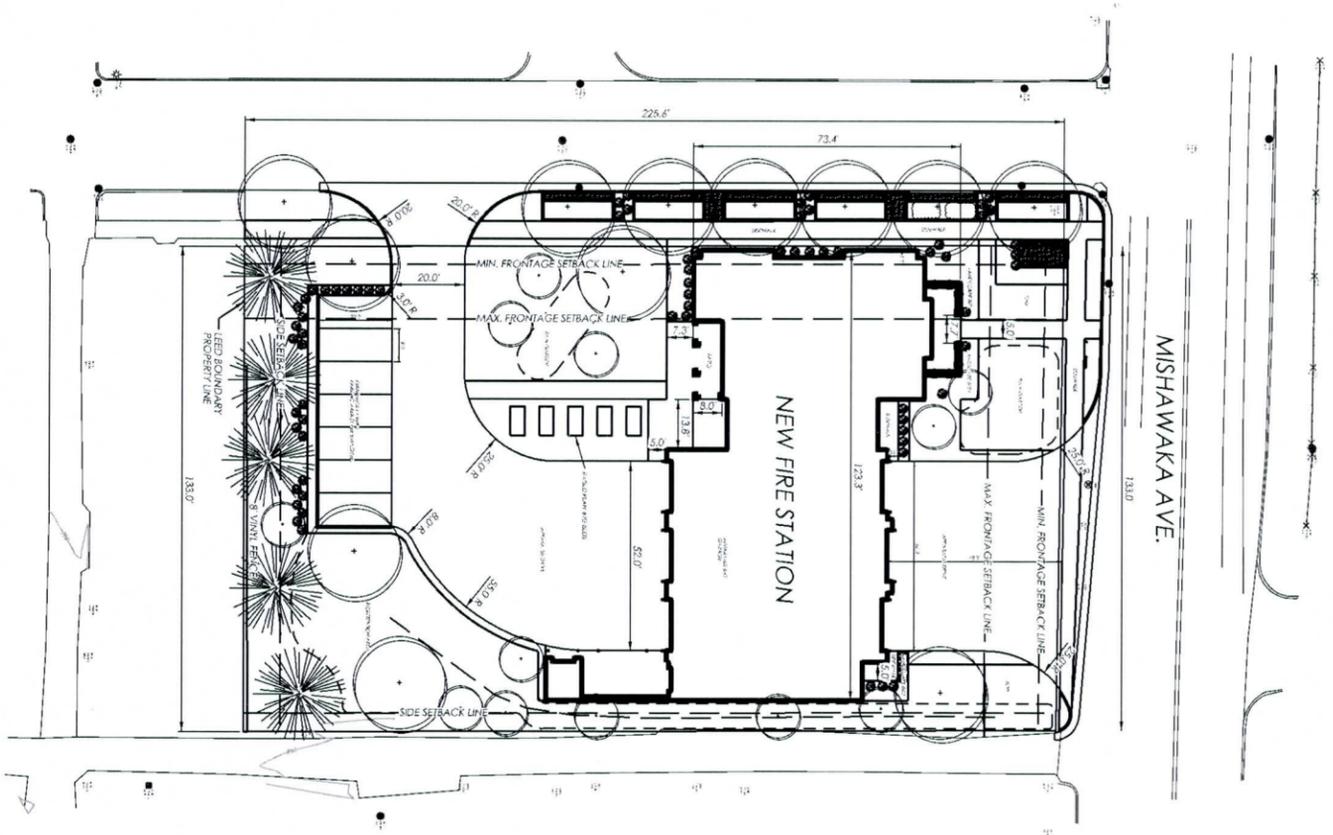


**BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COMMON COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.**

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

A handwritten signature in black ink, appearing to be 'J. R. ...', is written on the first of four horizontal lines provided for signatures.

**FILED**  
DEC 22 2017  
AREA PLAN COMMISSION  
APPLICATION NO. 2858-11



MISHAWAKA AVE.  
133.0'

- ZONING  
SITE: U-69AC
- MISHAWAKA AVE. PROPERTY LINE: 133' - 0"
- TREES NEEDED: 3
- TREES PROVIDED: 0
- REASON: VISIBILITY FOR SAFETY VEHICLES ALONG FRONTAGE
- MISHAWAKA AVE. FRONTAGE: 123' - 3"
- FACADE PROVIDED WITHIN SETBACK: 61.5'
- REASON: VISIBILITY FOR SAFETY VEHICLES ALONG FRONTAGE
- ALSO MAINTAINS SIMILAR EXISTING SETBACK OF ADJACENT BUILDINGS ALONG FRONTAGE
- 21ST STREET PROPERTY LINE: 225' - 6"
- TREES NEEDED: 5+7
- TREES PROVIDED: 7
- 21ST STREET FRONTAGE: 99' - 8 1/4"
- FACADE WITHIN SETBACK: 49' - 6"
- Minimum from setback: 5'
- Minimum from setback: 20'
- EVERGREEN SCREENING TREES REQUIRED: 10
- W/FENCE REQUIRED: 5
- EVERGREEN PROVIDED: 5
- VARIANCES REQUEST:
1. Setback/Facade Along Mishawaka Avenue Frontage Requirement to None
  2. Perimeter Landscaping Requirements Along North and East to None
  3. Front Yard Setback Along 21st Street From Minimum of 5' to 1.3'
- REASON REQUEST:
1. Property to be rezoned from SF 2 to MU
- SPECIAL EXCEPTION REQUEST:
1. Property to be a fire station

Filed in Clerk's Office  
**JAN 03 2018**  
 KAREEMAH FOWLER  
 CITY CLERK, SOUTH BEND, IN

**FILED**  
 DEC 22 2017  
 AREA PLAN COMMISSION  
 APPLICATION NO. 2858-17

**troyer group**  
 troyergroup.com | Together, We Will

NEW SITE LAYOUT FOR:  
 HIBBARD BUILDING  
**PLAZA DESIGN**  
 323 S MAIN ST.  
 SOUTH BEND, 46601

DESIGNED BY	DATE	DESIGNED FOR
CHECKED BY	DATE	
DATE	12/2/2017	

PRELIMINARY  
 NOT FOR CONSTRUCTION

**troyer group**  
 troyergroup.com | Together, We Will

PROJECT NUMBER: 18008.00

SHEET TITLE: SITE LAYOUT PLAN

SHEET: C1-100

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:

2104 E Mishawaka Ave  
South Bend, IN. 46601

2) The property Tax Key Number(s) is/are: EXEMPT PROPERTY OWNED BY A MUNICIPALITY

3) Legal Descriptions: Lot 3 B F Dunns 1st Add; Lot 2 B F Dunns 1st Add; Lot 1 N 93.7 Ft B F Dunns; S 38 Ft Lot 1 & N 1/2 Vac Alley S & Adj B F Dunns 1st; Lot 4 B F Dunns 1st Add & Vac Alley N & Adj B F Dunns 1st; Lot 5 B F Dunns 1st Add;

4) Total Site Area: 0.68 acres

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

CIVIL CITY OF SOUTH BEND | South Bend Fire Department  
1222 S Michigan St  
South Bend, IN 46601  
(574) 235-9255  
scox@southbendin.gov

For Council

Name and address of additional property owners, if applicable:

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

Name  
Address  
City, State Zip Code  
Phone number with Area Code  
E-Mail Address

Name and address of additional property owners, if applicable:

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

From: SF2 Single Family Two Family District Additional zoning district, if applicable

To: MU Mixed Use District

8) This rezoning is requested to allow the following use(s): Fire Station

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

- 1) 1. Setback/Facade Along Mishawaka Avenue Frontage Requirement to None
2. Perimeter Landscape Requirements Along North and East To None
3. Front Yard Setback Along 21<sup>st</sup> Street From 5' Minimum to 1.3'

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: Approving requested variances (1 and 2) increases visibility for Fire Safety vehicles exiting the Apparatus Bay, thereby improving public safety. In addition, reducing Landscaping requirements along the East to none ensures that required trees do not impede the alleyway over time. Approving requested variance #3 does not impact the public HSW because the building still maintains 3' from the





AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI  
EXECUTIVE DIRECTOR

Angela M. Smith  
Deputy Director

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

Wednesday, February 21, 2018

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

RE: A proposed ordinance of Civil City of South Bend to zone from SF2 Single Family & Two Family District and MU Mixed Use District to MU Mixed Use District and seeking a Special Exception Use to allow a Fire Station, property located at 2104, 2108, and 2112 E. Mishawaka Avenue and 914 and 918 S 21st Street, City of South Bend – APC# 2858-17.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Civil City of South Bend was legally advertised on February 8, 2018 and that the Area Plan Commission at its public hearing on February 20, 2018 took the following action:

Upon a motion by Oliver Davis, being seconded by Jacob Holloway and unanimously carried, a proposed ordinance of Civil City of South Bend to zone from SF2 Single Family & Two Family District and MU Mixed Use District to MU Mixed Use District, property located at 2104, 2108, and 2112 E. Mishawaka Avenue and 914 and 918 S 21st Street, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation, subject to the following written commitment(s) 1) installing a 6' vinyl fence on the south property line. Rezoning the site to MU Mixed Use will allow a consistent zoning district for harmonious development of the site. Approval of the Special Exception Use for the fire station will allow the City to improve its public safety services to the community.

Upon a motion by Elizabeth Maradik, being seconded by Robert Hawley and unanimously carried, a Special Exception Use for a Fire Station, property located at 2104, 2108, and 2112 E. Mishawaka Avenue and 914 and 918 S 21st Street, City of South Bend, was sent to the Common Council with a FAVORABLE recommendation, subject to the rezoning being approved by the Common Council

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,

Lawrence P. Magliozzi

Attachment

CC: Civil City of South Bend  
Troyer Group

**Staff Report**

2/8/2018

APC # 2858-17  
 Owner: Civil City of South Bend  
 Location: 2104, 2108, and 2112 E. Mishawaka Avenue and 914 and 918 S 21st Street  
 Jurisdiction: City of South Bend  
 Public Hearing Date: 2/20/2018

**Requested Action:**

The petitioner is requesting a zone change from SF2 Single Family & Two Family District and MU Mixed Use District to MU Mixed Use District, seeking a Special Exception Use for a Fire Station, and requesting 3 variances from the development standards.

**Land Uses and Zoning:**

- On site: On site is a vacant lot.
- North: To the north, across Mishawaka Avenue, is the Potawatomi Conservatories zoned SF1 Single Family & Two Family District.
- East: To the east is a gas station zoned CB Community Business District.
- South: To the south are single family homes zoned SF2 Single Family & Two Family District.
- West: To the west, across 21st Street, is a library zoned OB Office Buffer District.

**District Uses and Development Standards:**

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

**Site Plan Description:**

The 0.69 acre site includes a proposed fire station oriented toward Mishawaka Avenue. Parking and secondary access is provided along 21st Avenue. The site complies with the required landscaping and buffering.

**Zoning and Land Use History And Trends:**

A portion of this property was rezoned to Commercial in 2001. The majority of the site was reclassified as Mixed Use with the adoption of the new Zoning Map in 2004.

**Traffic and Transportation Considerations:**

Mishawaka Avenue has 2 lanes with a designated bike lane. Just east of the site, the bike lane is eliminated to allow for a designated left turn lane. 21st Street has 2 lanes with on-street parking.

**Utilities:**

The site will be served by municipal water and sewer.

**Agency Comments:**

The Department of Community Investment (DCI) offers a favorable recommendation. The proposed zoning would be consistent with the mixed-use character of the area. DCI also offers a favorable recommendation to the variance requests.

**Commitments:**

The petitioner is not proposing any written commitments.

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

**1. Comprehensive Plan:**

**Policy Plan:**

This petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006) Policy LU 2.2 Pursue a mix of land uses along major corridors and other locations identified on the Future Land Use Map.

**Land Use Plan:**

The future land use plan identifies this area as mixed use.

**Plan Implementation/Other Plans:**

There are no other plans in effect for this area.

**2. Current Conditions and Character:**

Mishawaka Avenue has developed as a mixed use corridor with nodes of heavier commercial at major intersections.

**3. Most Desirable Use:**

The most desirable use for this property is mixed use.

**4. Conservation of Property Values:**

With proper landscaping and buffering, adjacent property values should not be affected.

**5. Responsible Development And Growth:**

It is responsible development and growth to allow a fire station to develop on this site in order to better serve the community.

**Combined Public Hearing**

This is a combined public hearing procedure, which includes a rezoning, a Special Exception Use, and 3 variances from the development standards. The Commission will forward the rezoning and the Special Exception Use to the Council with or without a recommendation and either approve or deny the variances.

The petitioner is seeking a Special Use to allow:

a Fire Station

**A Special Use may only be granted upon making a written determination, based upon the evidence presented at a public hearing, that:**

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

The proposed fire station is designed to promote the public health and safety of the

community.

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

With proper landscaping and buffering, the proposed use should not adversely affect the use or value of adjacent properties.

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

The proposed fire station is consistent with the mixed-use zoning district and the character of the area in which it is located.

**(4) The proposed use is compatible with the recommendations of the Comprehensive Plan.**

The proposed fire station is consistent with City Plan, South Bend Comprehensive Plan (November 2006) Policy LU 2.2 Pursue a mix of land uses along major corridors and other locations identified on the Future Land Use Map.

**The petitioner is seeking the following variance(s):**

- 1) from the 12' maximum front yard and building setback to 50' on Mishawaka Avenue
- 2) from the minimum 24' width of a parking maneuvering aisle to 20';
- 3) from the required minimum of 70% glazing on the front façade to 11%, and from the required 12% glazing on the secondary façade to 10%

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

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

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

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

With proper buffering and landscaping, the use and value of the adjacent properties should not be adversely impacted.

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

The strict application of the setbacks along Mishawaka would reduce visibility of the exiting Fire Safety vehicles. Strict application of the drive aisle width and glazing would decrease efficiency of the site, which is designed to improve energy use (for LEED) and improve security for the equipment stored within the building.

**Staff Comments:**

The staff has no additional comments.

**Recommendation:**

Based on information available prior to the public hearing, the staff recommends sending the rezoning petition and Special Exception Use to the Common Council with a favorable recommendation. The staff recommends approval of the variances.

**Analysis:**

Rezoning the site to MU Mixed Use will allow a consistent zoning district for harmonious development of the site. Approval of the Special Exception Use for the fire station will allow the City to improve its public safety services to the community.

REZONING  
#2858-17



PORTAGE TOWNSHIP  
1 inch = 100 feet

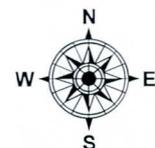




**Rezoning from: CITY OF SOUTH BEND  
SF2 SINGLE FAMILY & TWO FAMILY DISTRICT  
AND MU MIXED USE DISTRICT  
to MU MIXED USE DISTRICT**

**MASTER ZONING KEY**

- SOUTH BEND "SF1" SINGLE FAMILY AND TWO FAMILY DISTRICT
- SOUTH BEND "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT
- SOUTH BEND "OB" OFFICE BUFFER DISTRICT
- SOUTH BEND "MU" MIXED USE DISTRICT
- SOUTH BEND "LB" LOCAL BUSINESS DISTRICT
- SOUTH BEND "CB" COMMUNITY BUSINESS DISTRICT

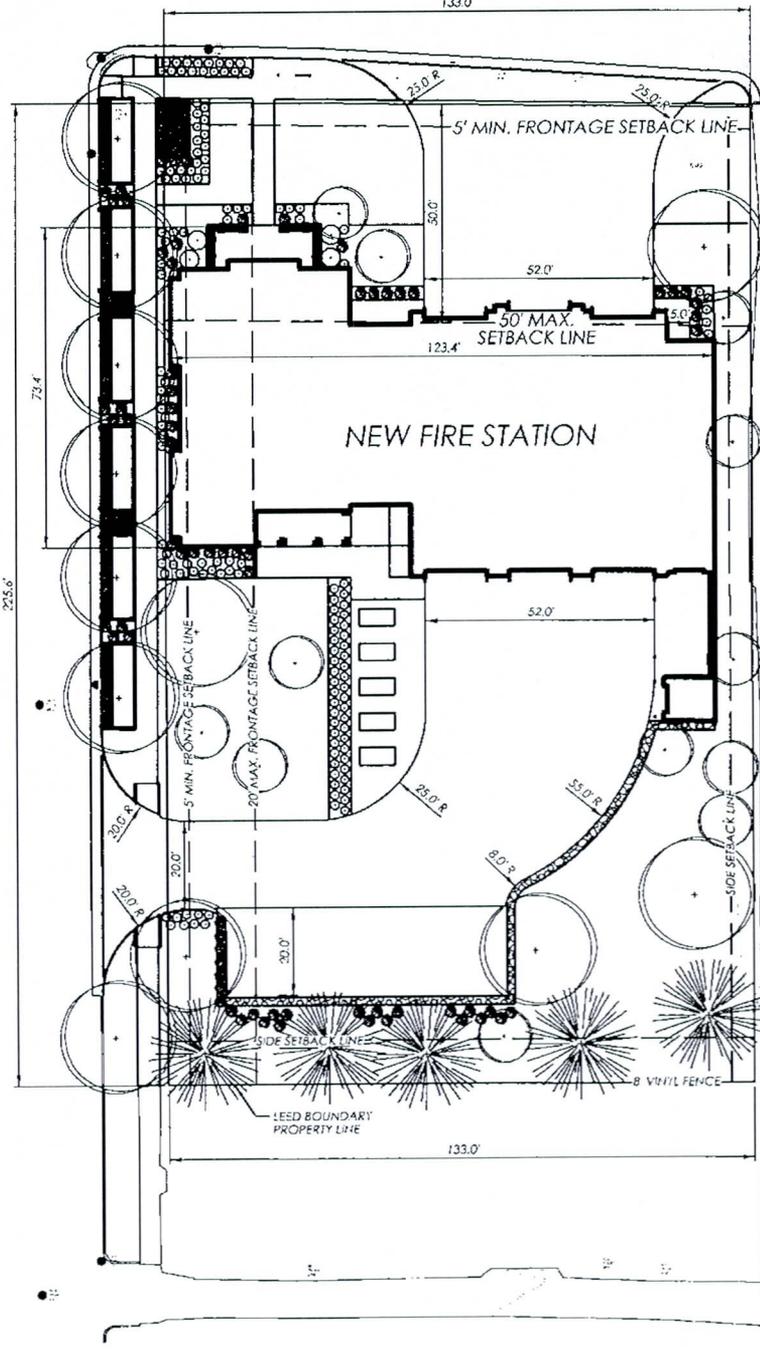


1 inch = 100 feet

**APC # 2858-17**

MISHAWAKA AVE.

133.0'



NEW FIRE STATION

LEED BOUNDARY  
PROPERTY LINE

8" VINYL FENCE

## Jennifer Parcell

---

**From:** Erin Blasko <erinblasko@outlook.com>  
**Sent:** Monday, February 19, 2018 1:25 PM  
**To:** Jennifer Parcell; Larry Magliozzi  
**Cc:** kwhite@southbendin.gov; gferlic@southbendin.gov; jvoorde@southbendin.gov  
**Subject:** Petition to rezone various parcels and seeking a special exception for Fire Station No. 9

President Brewer and members of the commission:

I write to you on behalf of my mother- and father-in-law regarding the petition to rezone 2104, 2108 and 2112 E. Mishawaka Ave. and 914 and 918 S. 21st St. from Single Family and Two Family District and Mixed Use District to Mixed Use District and seeking a special exception for a fire station.

Chingiz and Renada Ragimbekov, 922 s. 21st St., live directly south of the proposed fire station. With the demolition of several homes for the project, theirs is now the only property contiguous to the site, which otherwise is bounded by Mishawaka Avenue to the north, 21st Street to the west and the north-south alley between 21st Street and Ironwood Drive to the east.

Given their unique relationship to the property, they previously met with Fire Chief Stephen Cox and Kyle Copelin, principal with Epoch Architecture + Planning, to request that a white, vinyl privacy fence be erected along the southern edge of the property to further shield their home from the station and to keep any trash or debris from blowing into their backyard. The fence also would prevent people from using their backyard as a shortcut between Mishawaka Avenue or 21st Street and the east-west alley that runs alongside their house and provides access to their driveway.

While they are pleased to see that the fence has been included in the proposed site plan for the project, they would like to request that it be added to the petition in the form of a written commitment as well. This would provide them with a degree of comfort in the form of an avenue for legal recourse should plans for the project change in any way between now and the end of construction.

Subject to this commitment, they offer their full support for the project, which will greatly enhance public safety in River Park with the addition of an ambulance and river rescue unit; provide for vastly improved working and living conditions for the firefighters themselves; and improve the overall look of the area with the redevelopment of several formerly vacant properties.

Thank you for your consideration of this matter.

Regards,

Erin Blasko

3291 Colony Ct.

Mishawaka, Ind.

574-386-1758

[erinblasko@outlook.com](mailto:erinblasko@outlook.com)



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 21, 2018

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

RE: Bill #04-18  
Rezoning: APC#2858-17  
2104, 2108 and 2112 E Mishawaka Ave and 914 and 918 S 21<sup>st</sup> Street

Dear Council Members:

The Area Plan Commission held a public hearing on February 20, 2018 for the above reference petition. This petition is set for public hearing before the Common Council on Monday, February 26, 2018.

**Ordinance & Petition Amendments:**

The following changes were made to the petition:

- 1) The petition was updated with the correct address and tax key numbers
- 2) The variances requested were updated to reflect the new MU Mixed Use District standards

There were no changes to the Ordinance.

**Public Hearing Summary:**

There were 2 people that spoke in favor of the petition stating the Fire Chief had worked closely with the neighbors to determine a good alternative that the neighborhood is happy with. We received 1 letter in favor of the petition provided a written commitment for a 6' vinyl fence was included.

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'.

Angela M. Smith  
Deputy Director

CC: Bob Palmer

SERVING ST. JOSEPH COUNTY, SOUTH BEND, LAKEVILLE, NEW CARLISLE, NORTH LIBERTY, OSCEOLA & ROSELAND

WWW.STJOSEPHCOUNTYINDIANA.COM/AREA PLAN

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:

2104, 2108, and 2112 E Mishawaka Ave  
and 914 and 918 S 21<sup>st</sup> Street, South Bend, IN. 46601

2) The property Tax Key Number(s) is/are: 018-6027-0744, 018-6027-0745, 018-6027-0746, 018-6027-074601, 018-6027-0747, 018-6027-0748

3) Legal Descriptions: Lot 3 B F Dunns 1st Add; Lot 2 B F Dunns 1st Add; Lot 1 N 93.7 Ft B F Dunns; S 38 Ft Lot 1 & N 1.2 Vac Alley S & Adj B F Dunns 1st; Lot 4 B F Dunns 1st Add & Vac Alley N & Adj. Ex 6'X41' Nw Cor Of Vac.alley; Lot 5 B F Dunns 1st Add;

4) Total Site Area: 0.68acres

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

CIVIL CITY OF SOUTH BEND | South Bend Fire Department  
1222 S Michigan St  
South Bend, IN 46601  
(574) 235-9255  
scox@southbendin.gov

Name and address of additional property owners, if applicable:

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

Name  
Address  
City, State Zip Code  
Phone number with Area Code  
E-Mail Address

Name and address of additional property owners, if applicable:

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

From: SF2 Single Family Two Family District MU Mixed Use District

To: MU Mixed Use District



8) This rezoning is requested to allow the following use(s): Fire Station

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

- 1) 1. Maximum Setback Along Mishawaka Avenue Frontage Requirement From 12' to 50'
2. Drive Isle Width Requirement From 24' to 20'
3. Minimum Requirement of 70% Glazing to 11% Glazing on the front façade. and 12% to 10% on the secondary façade.

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: Approving requested variance 1 increases visibility for Fire Safety vehicles exiting the Apparatus Bay, thereby improving public safety. Approving variance 2 will not impact public HSW

*because this is not a public drive. There is also ample room to maneuver vehicles as the adjacent apparatus drive opens significantly for most of the parking area. There is also no curb to impede turning movements. Approving requested variance #3 does not impact the public HSW because the building still maintains the character of the neighborhood.*

- (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:** *The new station will improve the existing site conditions and streetscapes along both Mishawaka Ave. and 21<sup>st</sup> Street, investing over \$3,000,000 into the construction of the station and site.*
- (c) **The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property:** *1. Setbacks along Mishawaka strictly observed reduce the necessary visibility of the exiting Fire Safety vehicles. 2. The drive isle reduction contributes to overall stormwater management; there is a significant amount of impervious surface and this reduction aids with adjacent stormwater storage areas. 3. The building is designed to improve energy use (for LEED) and improve security for the equipment stored within the apparatus bay, hence using the large solid doors which is the majority of the façade.*

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

1) **The Special Exception Use(s) being requested:** *Special Exception: Fire Station in MU*

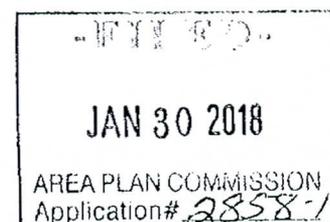
2) **A statement on how each of the following standards for the granting of a Special Exception Use is met:**

- (a) **The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare:** *The station is a public safety facility and will improve the safety of the public*
- (b) **The proposed use will not injure or adversely affect the use of the adjacent area or property values therein:** *In addition to the new facility improving the existing site conditions, the existing fire station is just 8 blocks away (facing Mishawaka Ave. on the same side of the street).*
- (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:** *As previously noted, the existing station is within a close proximity to the proposed station. In addition to that, the proposed station will meet building height requirements and fit within the existing setbacks along Mishawaka Ave.*
- (d) **The proposed use is compatible with the recommendations of the Comprehensive Plan. It meets response times and fire suppression coverage requirements outlined within the Public Facilities and Services section, specifically Objective PF 1.1.4**

\* **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.**

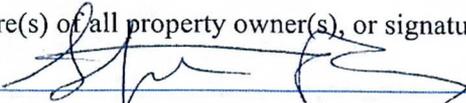
**CONTACT PERSON:**

*Jonathon Geels - Troyer Group  
550 Union St.  
Mishawaka, IN. 46544  
574.259.9976  
jsg@troyergroup.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):



STEVE COX, FIRE CHIEF

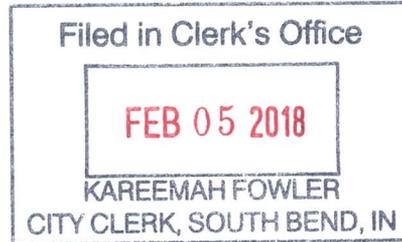
-FILED-

JAN 30 2018

AREA PLAN COMMISSION  
Application# 2858-17

**MENARD, INC.**

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.

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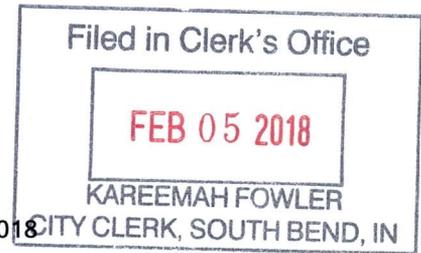
Kareemah N. Fowler, City Clerk  
Office of the City Clerk

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

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

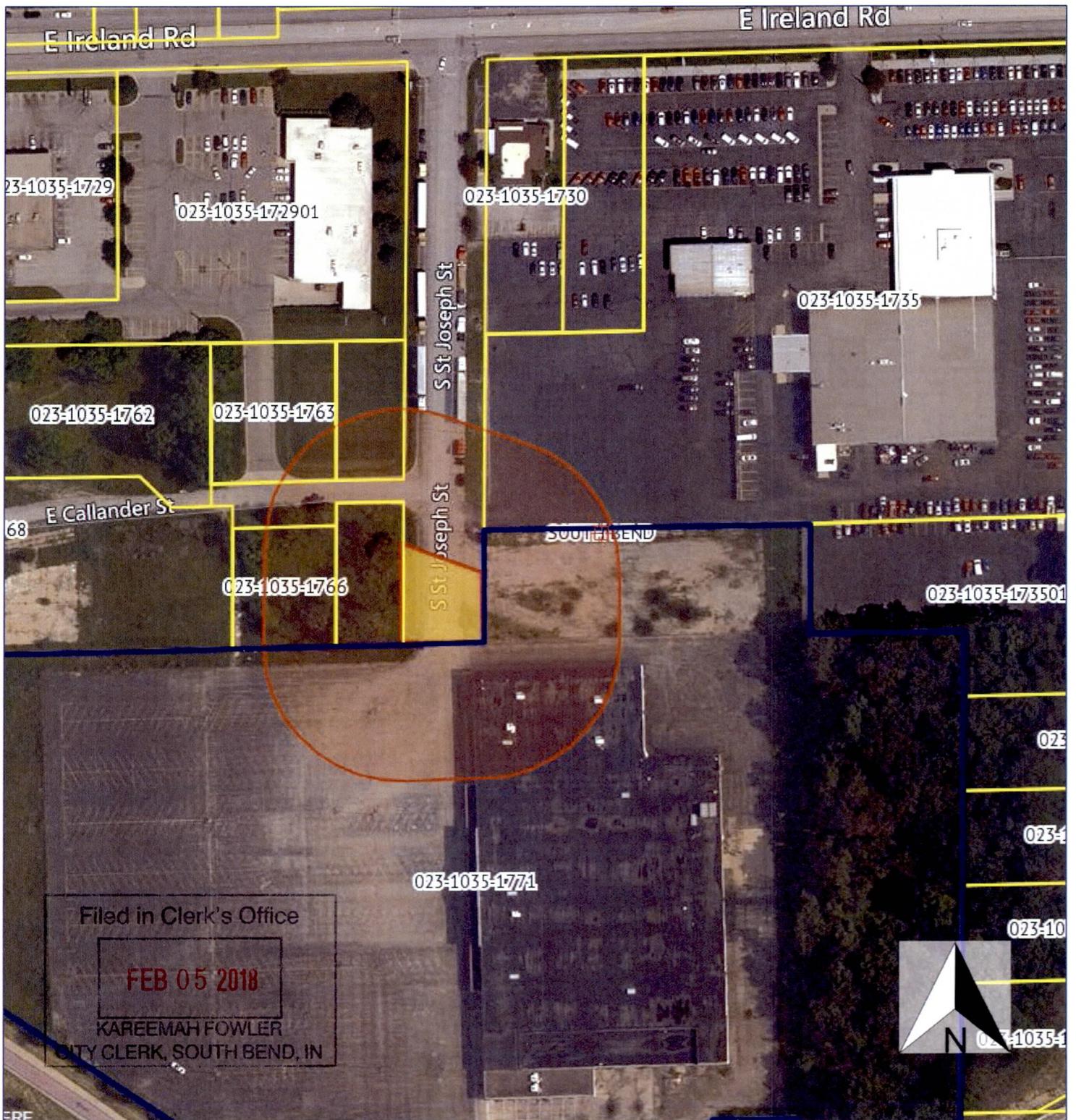
RETURN TO:

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](mailto:lmaglioz@co.st-joseph.in.us) or 235-9813 fax)  
 Gene Eyster, Police Department  
FROM: Phil Griffin, NIPSCO ([pmgriffin@nisource.com](mailto: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](tel:235-9171) / [lmartin@southbend.in.gov](mailto: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:

---

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	

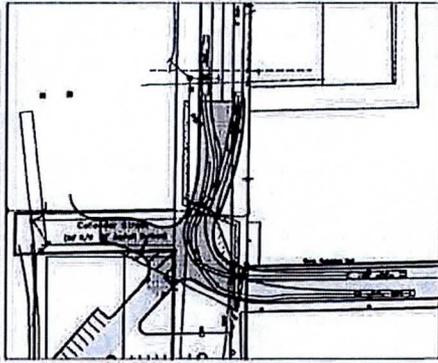
**OFFICE USE ONLY:**

Board Recommendation for the proposed alley vacation:     Yes     No

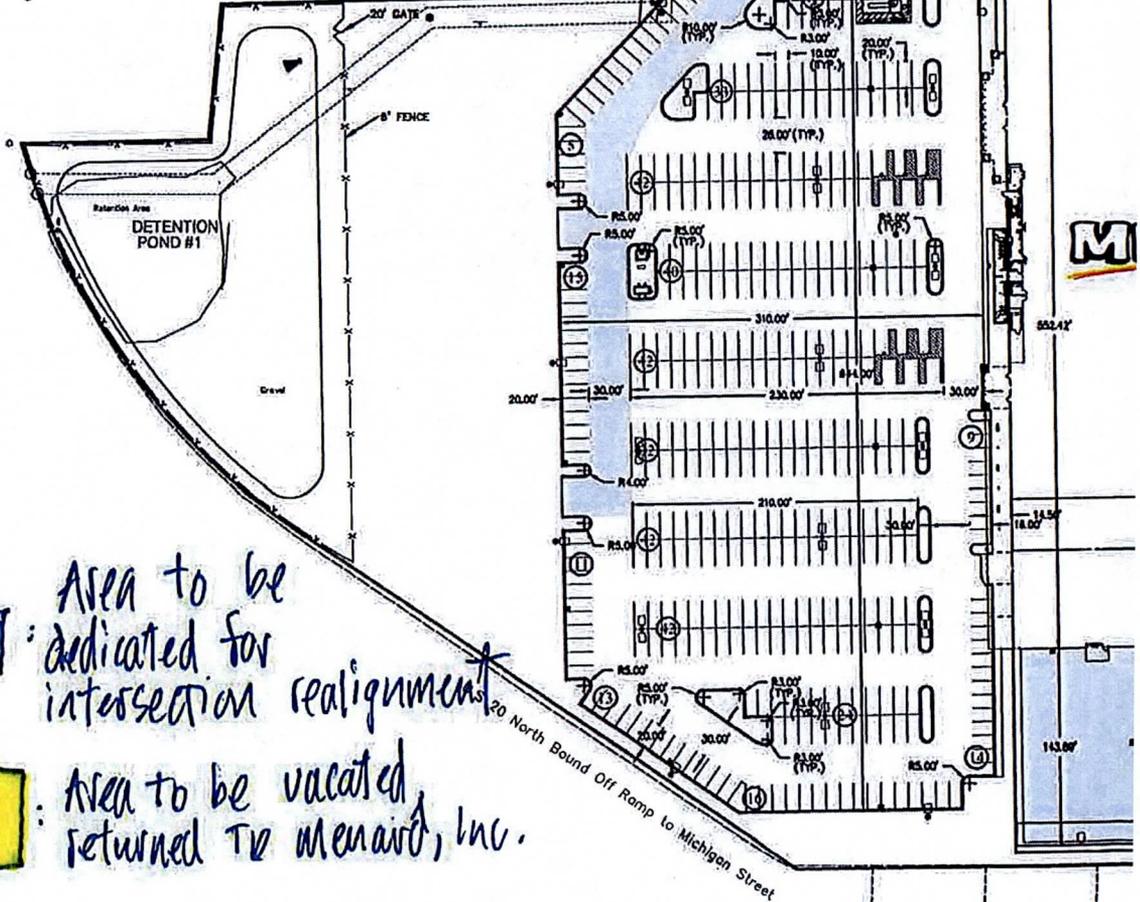
Board of Public Works Authorized Signatures:

*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 FOR THE SPECIFIC PURPOSE 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*

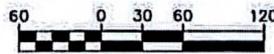
*Area to be vacated, returned to Menard, Inc.*



**PAVEMENT LEGEND**

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

**GRAPHIC SCALE**



(SCALE 1" = 60')



## 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-----

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**Sent:** Monday, December 11, 2017 10:21 AM  
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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-----

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Sent: Monday, December 11, 2017 10:21 AM  
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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 Maglozzi, Area Plan Commission (lomaglozzi@co.st-joseph.mo.us or 235-0613 fax)  
Gene Eyster, Police Department  
Phil Griffin, NIPSCO (pgriffin@npscource.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  
13<sup>th</sup> 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"

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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.  
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-----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>; Imagloz@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



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,

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

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.

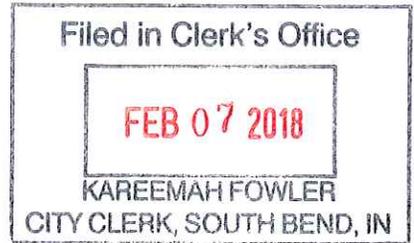
These efforts were unanimously approved at the Civic Center Board of Managers meeting on November 15, 2017. Current SMG employees and executive leadership have been involved with this process since last summer and all impacted employees were notified of pending changes in early December.

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 2<sup>nd</sup> 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**

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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

Job Title	Status	Notes *	2012 Salary	2013 Salary	2014 Salary	2015 Salary	2016 Salary	2017 Salary	2018 Salary	2018 % Increase
Full-Time Positions										
311 Customer Service Liaison	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	43,789	44,664	45,557	46,468	2.00%
Academic Coordinator-OB Center	Full Time	46	36,348	37,075	title change	41,111	41,933	42,772	43,627	2.00%
Academic Coordinator-MLK Center	Full Time	46	38,740	39,515	40,305	41,106	41,924	42,756	43,603	2.00%
Accounting Assistant	Full Time	58	31,186	32,090	32,995	33,904	34,818	35,737	36,661	2.00%
Accounting Clerk IV	Full Time	58	31,746	32,381	33,029	33,689	34,359	35,039	35,719	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	5, 63	new	27,497	eliminated					
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	30,889	eliminated					
Administrative Assistant III - DCI (Adm & Finance Team)	Full Time	5, 155	new	36,704	37,438	38,187	38,951	39,730	40,525	2.00%
Administrative Assistant III - DCI (Neigh. Engagement Team)	Full Time	5, 28, 156	new	36,704	37,438	38,187	38,951	39,730	40,525	2.00%
Alarm Specialist	Full Time	122								
Analyst I - DCI (Neighborhood Engagement Team)	Full Time	5, 138	new	40,019	40,819	41,636	42,468	43,316	44,179	2.00%
Animal Control Officer	Full Time	31	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%
Applications Developer	Full Time	132	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	76,011	77,531	79,082	80,664	82,276	2.00%
Assistant City Engineer	Full Time	3, 117	46,202	47,126	48,069	49,031	49,993	50,965	51,947	2.00%
Assistant Director of Administration & Marketing	Full Time	36, 63	50,154	51,157	52,182	53,228	54,295	55,383	56,492	2.00%
Assistant Director of Administrative Services	Full Time	41	43,732	44,607	45,507	46,431	47,379	48,351	49,347	2.00%
Assistant Director of Booking & Event Operation	Full Time	36, 63	45,084	46,000	46,947	47,916	48,906	49,917	50,949	2.00%
Assistant Director of Community and Economic Development	Full Time	21	56,758	57,738	58,747	59,785	60,852	61,947	63,071	2.00%
Assistant Director of Communication Center	Full Time	5, 63	48,566	49,497	50,454	51,437	52,446	53,481	54,541	2.00%
Assistant Director of Distribution	Full Time	63	51,376	52,404	53,459	54,541	55,651	56,787	57,949	2.00%
Assistant Director of Human Resources	Full Time	36, 63	44,824	45,720	46,635	47,568	48,519	49,497	50,493	2.00%
Assistant Director of MPAC Financial Reporting	Full Time	29	51,246	52,271	53,322	54,399	55,502	56,631	57,786	2.00%
Assistant Director of Recreation	Full Time	160	60,008	61,208	62,432	63,681	64,955	66,254	67,579	2.00%
Assistant Director of SCADA Information Systems (formerly System Specialist IV)	Full Time	160	46,306	47,232	48,177	49,140	50,123	51,125	52,147	2.00%
Assistant Director of Treatment	Full Time	75, 107	46,306	47,232	48,177	49,140	50,123	51,125	52,147	2.00%
Assistant Director of Utilities	Full Time	132								
Assistant Manager - Customer Service	Full Time	132	29, 66, 72	30, 666	31, 666	32, 666	33, 666	34, 666	35, 666	2.00%
Assistant To The Mayor	Full Time	4, 63	52, 338	53, 385	54, 452	55, 539	56, 646	57, 773	58, 920	2.00%
Assistant Zoning Administrator	Full Time	101, 138	new	54, 810	55, 367	55, 924	56, 491	57, 068	57, 655	2.00%
Associate II - DCI - (Adm & Finance Team)	Full Time	3, 138	new	54, 810	55, 367	55, 924	56, 491	57, 068	57, 655	2.00%
Associate II - DCI - (Economic Resources Team)	Full Time	80	new	54, 810	55, 367	55, 924	56, 491	57, 068	57, 655	2.00%
Budget Analyst - Senior	Full Time	42	77, 818	79, 374	80, 958	82, 568	84, 204	85, 866	87, 554	2.00%
Building and Code Inspector	Full Time	29, 66	43, 212	44, 076	44, 958	45, 857	46, 774	47, 716	48, 684	2.00%
Building Commissioner	Full Time	97	new	49, 000	49, 900	50, 820	51, 760	52, 720	53, 700	2.00%
Building Inspector	Full Time	44	new	50, 786	51, 802	52, 838	53, 895	54, 972	56, 071	2.00%
Business Analyst	Full Time	153	new	31, 670	32, 696	33, 743	34, 811	35, 900	37, 010	2.00%
Business Development Specialist (formerly Associate I - DCI - (Business Development	Full Time	32	43, 888	44, 766	45, 666	46, 594	47, 541	48, 507	49, 493	2.00%
Business License Administrator (formerly Analyst II - DCI (Business Development	Full Time	34	37, 050	37, 950	38, 866	39, 799	40, 750	41, 719	42, 706	2.00%
CAD Specialist - Senior	Full Time	5, 63	53, 794	54, 794	55, 814	56, 854	57, 914	58, 994	60, 094	2.00%
CEO Specialist II	Full Time	5, 63	49, 790	50, 790	51, 810	52, 850	53, 910	54, 990	56, 090	2.00%
CEO Specialist Senior	Full Time	5, 63	44, 876	45, 774	46, 689	47, 623	48, 576	49, 549	50, 541	2.00%
CEO Specialist VI	Full Time	5, 63	47, 736	48, 691	49, 665	50, 658	51, 671	52, 704	53, 758	2.00%
Chemist	Full Time	112	44, 902	45, 800	46, 716	47, 650	48, 600	49, 566	50, 549	2.00%
Chemist Lead	Full Time	184	new	55, 000	56, 000	57, 000	58, 000	59, 000	60, 000	2.00%
Chemists/Safety Officer	Full Time	29	45, 318	46, 224	47, 151	48, 099	49, 069	49, 951	50, 855	2.00%
Chief Administration Officer	Full Time	29, 66, 103	45, 916	46, 834	47, 771	48, 728	49, 706	50, 704	51, 722	2.00%
Chief Building Inspector	Full Time	65	65, 442	66, 751	68, 089	69, 456	70, 852	72, 277	73, 731	2.00%
Chief Deputy City Clerk	Full Time	3, 4, 28, 66	30, 264	30, 659	31, 067	31, 488	31, 921	32, 366	32, 822	2.00%
Chief Innovation Officer	Full Time	71	94, 500	96, 390	98, 300	100, 230	102, 190	104, 179	106, 197	2.00%
Chief of Staff to the Mayor	Full Time	3, 26, 117	94, 500	96, 390	98, 300	100, 230	102, 190	104, 179	106, 197	2.00%
Chief Technology Officer	Full Time	3, 26	94, 500	96, 390	98, 300	100, 230	102, 190	104, 179	106, 197	2.00%
City Clerk Secretary	Full Time									
City Controller	Full Time									
City Engineer	Full Time									

City of South Bend, Indiana  
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 Maximum Salaries

Job Title	Status	Notes *	2012 Salary	2013 Salary	2014 Salary	2015 Salary	2016 Salary	2017 Salary	2018 Salary	2018 % Increase	
Clerk Terminal Operator (now Records Specialist)	Full Time		26,520	27,050	27,591	28,143	28,706	the change	50,207	51,211	2.00%
Club Pro Municipal Golf Course	Full Time	103	45,474	46,583	47,311	48,257	49,223	the change	40,877	41,695	2.00%
Code Inspector	Full Time	103	37,024	37,764	38,520	39,290	40,076	40,877	42,583	44,304	2.00%
Code Inspector - Senior	Full Time	35	32,006	32,646	the change	new	49,113	50,095	51,097	51,097	2.00%
Commercial Combination Inspector	Full Time	26	30,888	33,500	34,170	34,853	35,550	36,261	36,986	36,986	2.00%
Communication Specialist I	Full Time	21	34,528	41,500	42,330	43,177	44,040	44,921	45,819	45,819	2.00%
Communication Specialist II	Full Time	21	35,022	43,000	43,860	44,737	45,632	46,545	47,476	47,476	2.00%
Communication Specialist III	Full Time	170	35,022	43,000	43,860	44,737	45,632	46,545	47,476	47,476	2.00%
Communications Coordinator (VPA)	Full Time		94,500	96,390	96,390	98,318	100,284	102,289	104,333	106,416	2.00%
Corporation Counsel	Full Time	3,22,26,117	31,616	32,248	32,893	33,551	34,222	34,907	35,605	36,305	2.00%
Court Liaison	Full Time		34,632	35,325	36,031	36,752	37,487	38,237	39,002	39,782	2.00%
Crime Analyst	Full Time		22,620	23,072	23,533	24,004	24,484	24,974	25,473	25,982	2.00%
Customer Service Coordinator	Full Time	8	39,329	39,329	40,116	40,918	41,736	42,571	43,422	44,289	2.00%
Data Entry/Alarms Coordinator	Full Time		28,808	29,384	29,972	30,571	31,183	31,806	32,442	33,090	2.00%
Data Entry Records Coordinator	Full Time	92	32,552	33,203	33,867	34,544	the change	the change	35,000	35,700	2.00%
Data Entry Specialist	Full Time	124	28,262	28,927	29,404	29,992	30,592	31,204	31,828	32,464	2.00%
Data Entry Specialist II	Full Time		43,212	44,076	44,958	45,897	46,774	47,710	48,664	49,634	2.00%
Departmental System Specialist	Full Time	3, 4, 29, 66	62,170	63,413	64,682	65,987	67,327	68,700	70,109	71,544	2.00%
Deputy Chief of Staff to the Mayor	Full Time	69, 179	39,338	40,125	40,927	41,746	42,589	43,457	44,350	45,268	2.00%
Deputy City Clerk	Full Time	29, 66, 117	72,000	73,440	74,961	76,561	78,240	80,000	81,840	83,760	2.00%
Deputy City Controller	Full Time	131	new	60,000	61,200	62,400	63,600	64,800	66,000	67,200	2.00%
Deputy Director of Code Enforcement	Full Time	13, 29, 142	new	90,000	91,800	93,600	95,400	97,200	99,000	100,800	2.00%
Deputy Director of Human Resources (formerly Manager - Talent)	Full Time	33	76,270	76,775	77,280	77,785	78,290	78,795	79,300	79,805	2.00%
Deputy Director of Public Works	Full Time	29	55,172	56,271	57,370	58,469	59,568	60,667	61,766	62,865	2.00%
Deputy Director of Venues, Parks & Arts (fka Exec Director Morris PAC)	Full Time	37	33,566	34,237	34,922	35,621	36,333	37,050	37,772	38,500	2.00%
Deputy Mayor	Full Time	17, 146	new	55,172	56,271	57,370	58,469	59,568	60,667	61,766	2.00%
Design Plan Review Specialist	Full Time	125	new	63,913	65,191	66,495	67,825	69,181	70,564	71,976	2.00%
Digital (Forecast) Lab Technician	Full Time	5, 138	new	63,913	65,191	66,495	67,825	69,181	70,564	71,976	2.00%
Digital Communications & Multimedia Training Coordinator	Full Time	5, 138	new	63,913	65,191	66,495	67,825	69,181	70,564	71,976	2.00%
Director - DCI - (Admin/Finance Team)	Full Time	11, 60, 66, 132	new	52,000	55,640	59,280	62,920	66,560	70,200	73,840	2.00%
Director - DCI - (Planning Team)	Full Time	116	56,992	58,132	the change	the change	the change	the change	74,909	74,909	2.00%
Director of 311 Customer Service	Full Time	30	56,992	58,132	the change	the change	the change	the change	74,909	74,909	2.00%
Director of Accounting and Budget	Full Time	76	56,992	58,132	the change	the change	the change	the change	74,909	74,909	2.00%
Director of Administrative Services - Parks	Full Time	132	56,992	58,132	the change	the change	the change	the change	74,909	74,909	2.00%
Director of Administrative Services	Full Time	178	56,992	58,132	the change	the change	the change	the change	74,909	74,909	2.00%
Director of Applications	Full Time	67	56,992	58,132	the change	the change	the change	the change	74,909	74,909	2.00%
Director of Assets and Information Systems	Full Time	85, 182	56,992	58,132	the change	the change	the change	the change	74,909	74,909	2.00%
Director of Booking & Event Services	Full Time	132	56,992	58,132	the change	the change	the change	the change	74,909	74,909	2.00%
Director of Box Office & Event Services - Venues	Full Time	132	56,992	58,132	the change	the change	the change	the change	74,909	74,909	2.00%
Director of Business Analytics	Full Time	153	new	69,721	71,115	72,538	73,991	75,464	76,957	78,480	2.00%
Director of Business Development (formerly Director II - DCI - (Economic Resource	Full Time	138	68,354	69,721	71,115	72,538	73,991	75,464	76,957	78,480	2.00%
Director of Central Services	Full Time	158	68,354	69,721	71,115	72,538	73,991	75,464	76,957	78,480	2.00%
Director of Civic Innovation	Full Time	135	69,238	70,623	72,027	73,450	74,893	76,356	77,839	79,342	2.00%
Director of Civil Services (fka Director of Records Bureau)	Full Time	29, 66	55,432	56,541	57,650	58,769	59,898	61,037	62,186	63,345	2.00%
Director of Code Enforcement	Full Time	29, 66	58,344	59,511	60,701	61,915	63,153	64,416	65,704	67,017	2.00%
Director of Code Enforcement Center	Full Time	2, 3	53,338	53,385	54,482	55,542	56,652	57,785	58,941	60,114	2.00%
Director of Communications	Full Time	8, 95	new	39,642	40,435	41,244	42,067	42,904	43,756	44,623	2.00%
Director of Communications & Radio	Full Time	5, 63	68,354	the change	49,500	50,490	51,490	52,500	53,520	54,550	2.00%
Director of Community Development	Full Time	21, 29, 92, 137	new	43,000	44,000	45,000	46,000	47,000	48,000	49,000	2.00%
Director of Community Outreach	Full Time	117	72,122	74,176	75,650	77,173	78,717	80,289	81,889	83,508	2.00%
Director of CSO Project Management	Full Time	108, 161	56,446	57,575	58,726	59,898	61,091	62,306	63,543	64,802	2.00%
Director of Customer Service & Billing Office	Full Time	76, 130	58,422	59,590	60,782	61,998	63,238	64,501	65,786	67,094	2.00%
Director of Development - Venues, Parks & Arts	Full Time	159	58,422	59,590	60,782	61,998	63,238	64,501	65,786	67,094	2.00%
Director of Distributions	Full Time	5, 63	68,354	the change	49,500	50,490	51,490	52,500	53,520	54,550	2.00%
Director of Economic Development	Full Time	38	69,394	70,782	the change	the change	the change	the change	72,189	73,611	2.00%
Director of Energy Conservation	Full Time	153	new	81,500	83,232	84,997	86,794	88,623	90,484	92,377	2.00%
Director of Engagement & Economic Empowerment (replacing Asst Director posit	Full Time	167	54,418	55,506	56,616	57,749	58,904	60,082	61,284	62,509	2.00%
Director of Equipment Services (formerly Manager - Equipment Services)	Full Time	39, 133, 175	64,506	65,796	67,112	68,454	69,823	71,220	72,644	74,097	2.00%
Director of Facilities Management (formerly Sustainability Project Manager)	Full Time	138	62,660	the change	65,796	68,454	71,220	74,097	77,000	80,000	2.00%
Director of Finance (Public Works)	Full Time	5, 63	62,660	the change	65,796	68,454	71,220	74,097	77,000	80,000	2.00%
Director of Financial & Program Management	Full Time	116, 140	55,172	56,275	57,401	58,549	59,720	60,914	62,132	63,384	2.00%
Director of Financial Services	Full Time	140	56,446	57,575	58,726	59,901	61,099	62,321	63,574	64,852	2.00%
Director of Financial Services (Park Administration)	Full Time	140	56,446	57,575	58,726	59,901	61,099	62,321	63,574	64,852	2.00%

City of South Bend, Indiana  
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 Maximum Salaries

Job Title	Status	Notes *	2012	2013	2014	2015	2016	2017	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 Infrastructure	Full Time	3, 71	87,000	88,740	90,515	eliminated				
Director of Marketing & Promotions	Full Time	132					title change	73,440	74,908	2.00%
Director of Neighborhood Development (formerly Director II - DCI - Neighborhood)	Full Time	36	50,518	51,528	52,559	53,610	54,682	55,776	56,892	2.00%
Director of Office of Sustainability	Full Time	153	new	69,721	71,115	72,538	76,000	77,520	79,070	2.00%
Director of Operations - Venues	Full Time	38, 66	new	new	75,737	77,252	78,797	80,373	81,980	2.00%
Director of Parks & Recreation	Full Time	181	75,530	77,041	title change			new	90,000	100.00%
Director of Planning (formerly Director II - DCI - (Planning Team))	Full Time	153		new	71,115	72,537	76,000	77,520	79,070	2.00%
Director of Public Works	Full Time	3, 26	108,248	110,413	110,413	112,621	114,874	117,171	119,514	2.00%
Director of Purchasing	Full Time	168, 172					47,797	title change	80,000	100.00%
Director of Records Bureau (now Director of Civilian Services)	Full Time	88	42,458	43,307	44,173	45,057	47,797	72,523	73,973	2.00%
Director of Recreation (fka Deputy Parks & Recreation Director)	Full Time	14	62,738	67,000	68,340	69,707	71,101	72,523	74,000	2.00%
Director of Redevelopment Engineering	Full Time	119		new	56,753	57,888	59,046	60,227	61,432	-7.12%
Director of Redevelopment Finance (formerly Director II - Admin/Finance Team)	Full Time	174		new	72,000	73,440	74,909	76,407	77,935	2.00%
Director of Safety & Risk	Full Time	40, 66		new	new					
Director of SCADA Information Systems	Full Time	45		new	72,000	73,440	74,909	76,407	77,935	2.00%
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					title change	65,400	69,000	5.50%
Director of Streets & Sewers	Full Time	29, 66, 106	69,576	70,968	75,836	77,455	81,500	83,130	84,793	2.00%
Director of Treasury (formerly Director of City Finance)	Full Time		67,626	68,979	70,558	71,765	73,201	74,665	76,158	2.00%
Director of Treatment	Full Time		54,964	56,063	57,185	58,328	59,495	60,627	61,822	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	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	71,000	72,426	73,900	75,423	76,946	2.00%
Director of Zoo	Full Time	29, 75	56,940	58,079	59,241	60,426	61,634	62,867	64,126	2.00%
Distribution Records Drafter	Full Time		37,518	38,268	39,034	39,814	40,600	41,423	42,251	2.00%
Distribution System Specialist	Full Time	109				eliminated				
Diversity Compliance/Inclusion Officer	Full Time	24, 90	new	41,600	42,432	43,281	44,144	45,021	45,903	2.00%
Division Director of Environmental Services	Full Time	29, 67, 66, 74	71,656	73,089	74,205	75,205	76,188	77,155	78,107	2.00%
Economic Empowerment Specialist (formerly Associate I - DCI (Economic Resour	Full Time	153	new	50,786	51,802	52,836	53,885	54,972	56,071	2.00%
Engineer Aide IV	Full Time		37,518	38,268	39,034	39,814	40,611	41,423	42,251	2.00%
Engineer I	Full Time	65			new	64,000	65,280	66,586	67,918	2.00%
Engineer II	Full Time		65,676	66,990	68,329	69,696	71,090	72,512	73,962	2.00%
Engineer Inspector	Full Time		38,558	39,329	title change					
Event Service Technician I	Full Time	32	24,950	25,459	25,968	26,488	27,018	27,558	28,109	2.00%
Event Service Technician II	Full Time		28,392	28,960	29,539	30,130	30,732	31,347	31,974	2.00%
Evidence Technician	Full Time	88	35,542	36,253	36,978	37,717	40,010	40,810	41,626	2.00%
Executive Administrative Assistant	Full Time	105				new	40,508	41,318	42,144	2.00%
Executive Assistant	Full Time	43, 117			45,000	45,900	46,818	47,722	48,647	2.00%
Executive Assistant - DCI - (Adm & Finance Team)	Full Time	65, 154			new	51,044	52,065	53,105	54,168	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	54,168	2.00%
Executive Director of Community Investment	Full Time	3, 5, 26	94,500	96,390	96,390	98,318	100,284	102,290	104,336	2.00%
Executive Director Venues, Parks & Arts (fka Superintendent-Park)	Full Time	29, 64, 98, 114		new	90,000	91,800	93,636	95,509	97,423	2.00%
Financial Specialist I	Full Time		31,746	32,381	33,029	33,689	34,353	35,022	35,711	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		49,062	50,043	51,044	52,065	53,105	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			45,000	21.42%
Fiscal Officer	Full Time	41, 138		new	52,180	53,224	54,288	55,374	56,471	2.00%
Fiscal Officer/Business Analyst	Full Time	65, 138		new	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	42,622	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			54,895	55,983	57,103	58,245	59,409	2.00%
Forensic Scientist / Firearms & Tool Mark Examiner (formerly Crime Lab Firearms E	Full Time	145	52,754	53,809				new	60,000	25.33%
Forensic Scientist / Firearms & Tool Mark Examiner Trainee	Full Time	145						new	60,000	100.00%
General Manager - Venues	Full Time	161						new	98,500	100.00%

City of South Bend, Indiana  
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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	54,870	55,967	57,087	58,228	59,393	60,581	2.00%
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			new	33,000	33,660	34,333	35,020	2.00%
Human Resources Generalist/Benefits Coordinator	Full Time	89			new	new	40,000	40,800	41,616	2.00%
Human Resources Specialist IV	Full Time	129	42,900	43,758	44,633	45,526	46,436	47,365	48,312	2.00%
HVAC Technician	Full Time						new			
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	39,356	40,143	40,946	41,765	42,600	43,452	2.00%
Investigator IV	Full Time		40,998	41,716	42,550	43,401	44,269	45,155	46,058	2.00%
Investigator V	Full Time		42,900	43,758	44,633	45,526	46,436	47,365	48,312	2.00%
Investigator VI	Full Time	83				new				
Laboratory Technician	Full Time		30,264	30,869	31,487	32,116	32,759	33,414	34,082	2.00%
Latent Fingerprint Examiner (formerly Evidence Technician)	Full Time	88, 147	35,542	36,253	36,978	37,717	38,470	39,237	40,010	34.77%
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		new	47,501	48,451	49,420	50,408	51,416	100.00%
Manager - Animal Shelter	Full Time	132					title change			
Manager - Applications	Full Time	31, 68		new	40,000	40,800	41,616	42,448	43,297	2.00%
Manager - Assistant Animal Shelter	Full Time		32,266	32,911	33,570	34,241	34,926	35,624	36,336	2.00%
Manager - Business Development (formerly Associate III - DCI - (Business Develop	Full Time		27, 89, 143	new	55,000	56,100	title change			
Manager - Box Office	Full Time	36, 63	37,830	38,587	39,357	40,138	40,931	41,736	42,553	2.00%
Manager - Business Development (formerly Associate III - DCI - (Business Develop	Full Time	153		new	60,728	61,942	63,181	64,445	65,734	2.00%
Manager - CSO Operations	Full Time		54,860	55,957	57,076	58,218	59,382	60,570	61,781	2.00%
Manager - Customer Service	Full Time	60, 162	44,226	45,111	46,013	46,933	47,872	48,829	49,806	6.00%
Manager - Data & GIS	Full Time	132					title change			
Manager - Employment (Human Rights) (replacing (1) Investigator V)	Full Time	151								
Manager - Environmental Compliance	Full Time	29, 66	59,566	60,757	62,010	63,310	64,656	66,049	67,480	2.00%
Manager - Events	Full Time	130					new			
Manager - Facilities	Full Time	50		new	57,996	59,156	60,339	61,546	62,777	2.00%
Manager - Facility Operations	Full Time		45,656	46,569	47,501	48,451	49,420	50,408	51,416	2.00%
Manager - Facility Operations (MPAC)	Full Time	86				title change				
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							eliminated		
Manager - Industrial Pretreatment	Full Time	112				new	59,000	60,180	61,384	2.00%
Manager - Infrastructure	Full Time	132					title change			
Manager - Interactive Marketing	Full Time	36		new	35,815	36,531	37,262	38,007	38,765	2.00%
Manager - Maintenance	Full Time	114	53,274	54,339	55,426	56,535	57,665	58,819	60,000	2.00%
Manager - Maintenance (MPAC)	Full Time		53,274	54,339	55,426	56,535	57,665	58,819	60,000	2.00%
Manager - Neighborhood Grants (formerly Associate I - DCI - (Neighborhood Engne	Full Time	153	new	50,786	51,802	52,838	53,895	54,971	56,068	10.20%
Manager - Office	Full Time	29, 50	33,098	33,760	34,435	35,124	35,826	36,543	37,274	2.00%
Manager - Operations	Full Time	132	58,240	59,405	60,664	61,957	63,276	64,622	66,000	2.00%
Manager - Operations - Distribution	Full Time		52,780	53,836	54,915	56,016	57,139	58,284	59,451	2.00%
Manager - Operations - Forester	Full Time	50		new	57,996	59,156	60,339	61,546	62,777	2.00%
Manager - Park Grounds Manager	Full Time	113	39,286	40,072	40,873	41,691	42,524	43,372	44,234	2.00%
Manager - Parts Maintenance	Full Time		12, 117, 138	67,626	68,979	70,358	71,765	73,200	74,662	2.00%
Manager - Performance Improvement	Full Time		new	44,766	45,661	46,574	47,506	48,456	49,425	2.00%
Manager - Permits	Full Time		43,888							

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		% Increase
			Salary	Step	Salary	Step	Salary	Step	Salary	Step	Salary	Step	Salary	Step	Salary	Step	
Manager - Print Shop	Full Time		42,666		43,519		44,390		45,278		46,183		47,107		48,049		2.00%
Manager - Production	Full Time	84, 118	37,180		37,924		38,682		39,456		40,246		41,051		41,872		2.00%
Manager - Property & Evidence	Full Time	126															
Manager - Property Development (formerly Associate III - DCI - (Economic Resou	Full Time	153															
Manager - Public Construction	Full Time		60,138		61,341		62,568		63,819		65,095		66,397		67,725		2.00%
Manager - Purchasing	Full Time	168	60,008		61,208		62,432		63,681		64,955		66,254		67,579		2.00%
Manager - Records Bureau	Full Time	92															
Manager - Safety & Risk	Full Time	40	52,000		53,040		the change										
Manager - Safety Contracts & General Supplies	Full Time	165, 172															
Manager - Services	Full Time	132															
Manager - Sewer Operations	Full Time		60,008		61,208		62,432		63,681		64,955		66,254		67,579		2.00%
Manager - Solid Waste Operations	Full Time		55,952		57,071		58,212		59,377		60,564		61,776		63,012		2.00%
Manager - Streets	Full Time	131															
Manager - Traffic & Lighting	Full Time	131															
Manager - Utility Purchasing & Storage	Full Time	113															
Manager - Wireless Construction	Full Time	173															
Manager - Zoo Concessions & Gift Shop	Full Time	50															
Manager I - Assistant Box Office	Full Time		30,732		31,347		31,974		32,613		33,265		33,931		34,610		2.00%
Manager II - Assistant Box Office	Full Time	49	34,346		35,033		35,734		36,448		37,177		37,921		38,679		2.00%
Marketing and Education Curator	Full Time		38,584		39,356		the change										
Naturalist	Full Time		33,514		33,514		34,226		34,931		35,629		36,342		37,069		2.00%
Neighborhood Program Specialist (formerly Analyst II - DCI) (Neighborhood Engage	Full Time	153															
Network Engineer	Full Time	28, 66	53,664		54,737		55,859		57,029		58,244		59,504		60,809		2.00%
Operations Analyst (Code) (formerly Data Analyst)	Full Time	65, 168															
Operations Analyst (Code) (formerly Data Analyst)	Full Time	29	33,202		33,865		34,543		35,236		35,944		36,667		37,405		2.00%
Ordinance Violations Bureau Clerk	Full Time	117	40,768		41,583		42,415		43,263		44,129		45,012		45,911		2.00%
Paralegal	Full Time	70	32,240		32,885		33,542		34,213		34,897		35,595		36,307		2.00%
Park Police II	Full Time	70															
Park Ranger	Full Time	6, 63	49,790		the change												
Planner VI	Full Time	128															
Police Crime Intelligence Analyst	Full Time		37,414		38,162		38,926		39,704		40,498		41,308		42,134		2.00%
Preventative Maintenance Coordinator	Full Time	153															
Principal Planner (formerly Associate II - DCI - (Planning))	Full Time		35,048		35,749		36,464		37,193		37,937		38,696		39,470		2.00%
Print Shop Technician	Full Time	46, 118															
Program Coordinator	Full Time		41,692		42,485		43,335		44,201		45,085		45,987		46,907		2.00%
Programmer Analyst I	Full Time		42,446		44,315		45,201		46,105		47,027		47,968		48,927		2.00%
Programmer Analyst II	Full Time	5, 63															
Project Analyst VI	Full Time	5, 63	42,094		the change												
Project Analyst VIII	Full Time	93, 117	45,474		the change												
Project Inspector	Full Time	93	43,888		44,766		45,661		46,574		47,504		48,451		49,415		2.00%
Project Inspector I	Full Time	83	46,748		47,683		48,637		49,609		50,600		51,611		52,642		2.00%
Project Inspector II	Full Time	32	48,256		49,221		50,206		51,210		52,234		53,279		54,345		2.00%
Project Manager	Full Time	153															
Project Development Analyst (formerly Associate I - DCI - (Adm & Finance Team	Full Time	153															
Property Inspector (formerly Associate I - DCI - (Neighborhood Engagement Team	Full Time		new		50,786		51,802		52,838		53,895		54,972		56,071		2.00%
Property/Evidence Custodian- Senior	Full Time		32,500		33,150		33,813		34,489		35,179		35,883		36,601		2.00%
Public Access Coordinator	Full Time	121															
Public Assistance Clerk II (now Records Specialist)	Full Time		27,638		28,191		28,755		29,330		29,916		30,514		31,124		2.00%
Public Assistance Specialist	Full Time	63	40,326		41,133		41,955		42,794		43,650		44,523		45,413		2.00%
Public Service Officer	Full Time	122															
Public Works Public Information Officer	Full Time	144															
Public Works Safety Coordinator	Full Time	102	44,928		45,827		46,743		47,678		48,632		49,605		50,598		2.00%
Quality Assurance Distribution Technician	Full Time		37,856		38,613		39,385		40,173		40,977		41,796		42,632		2.00%
Quality Assurance Treatment Technician	Full Time	73															
Radio Technician I	Full Time		43,056		43,917		44,795		45,691		46,605		47,537		48,488		2.00%
Radio Technician II	Full Time		44,460		45,349		46,256		47,181		48,125		49,087		50,069		2.00%
Radio Technician III	Full Time	120	47,814		48,770		49,746		50,741		51,755		52,791		53,847		2.00%
Records Specialist	Full Time	96															
Residential Combustion Inspector	Full Time	5, 63	58,370		the change												
Residential Marketing Specialist	Full Time		34,424		35,112		35,817		36,539		37,277		38,031		38,801		2.00%
Sales/Event Associate	Full Time	35	50,622		51,634		52,667		53,720		54,795		55,891		57,009		2.00%
SCADA Instrument Specialist	Full Time		25,766		26,281		26,807		27,343		27,890		28,448		29,017		2.00%
Secretary II	Full Time	35	27,066		27,607		28,159		28,723		29,297		29,883		30,481		2.00%
Secretary III	Full Time		28,730		29,305		29,891		30,489		31,098		31,720		32,354		2.00%
Secretary IV	Full Time	62	40,534		41,345		the change										
Secretary of the Board	Full Time		30,264		30,869		31,487		32,116		32,759		33,414		34,082		2.00%



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	2018 % Increase
311 Customer Service Liaison (hourly rate)	Part Time	95			17.00	17.34	20.66	21.07	21.49	1.99%
Administrative Assistant III	Part Time	5	36,478	36,279	37,005	37,745	38,500	39.58	40.37	2.00%
Associate IV - DCI - (Economic Resources Team) (20 hours)	Part Time	6	new	36.57	37.30	38.05	38.81	39.58	40.37	2.00%
City Engineer (hourly rate)	Part Time	57	new	19,645	19,260	19,875	20,038	20,439	20,846	1.99%
Code Inspector IV	Part Time	7	new	19.00	19.38	19.77	20.16	20.57	20.98	1.99%
Construction Inspector (hourly rate)	Part Time	94	new	12,600	12,852	13,109	13,371	13,639	13,912	2.00%
Engineer (29 hours per week)	Part Time	18	new	14.50	14.79	15.09	15.39	15.70	16.01	1.99%
Police Department Lab Technician (20 hour per week)	Part Time	57	new	27.46						
Secretary - Human Rights (hourly rate)	Part Time	21, 176	26.92		28.01		29.14			
Secretary V (Mayor's Office) (hourly rate)	Part Time									
Non Bargaining Maximum Hourly Rate (excluding above)										
City Minimum Wage for All Positions	All Positions							10.10	10.10	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  
**FEB 07 2018**  
 KAREEMAH FOWLER  
 CITY CLERK, SOUTH BEND, IN

**Bianca Tirado**

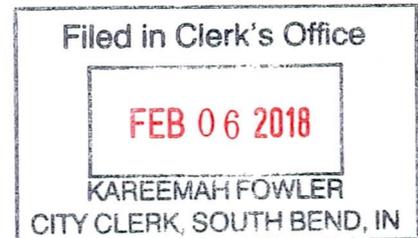
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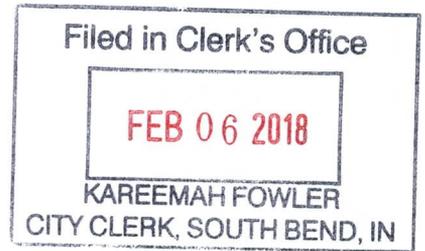
**From:** Angela Smith <ASmith@sjcindiana.com>  
**Sent:** Tuesday, February 06, 2018 12:21 PM  
**To:** Bianca Tirado  
**Cc:** Kareemah Fowler; Bob Palmer  
**Subject:** Special Exception Use  
**Attachments:** 915 27th ordinance.docx; 2602 mishawka ordinance.docx

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 14<sup>th</sup> meeting (1:30 in Council Chambers), with recommendation being forwarded on April 15<sup>th</sup>. The petitions should be ready for public hearing at your February 26<sup>th</sup> 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 27<sup>TH</sup> 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 27<sup>TH</sup> 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

# AREA BOARD OF ZONING APPEALS

1140 County-City Building  
227 W. Jefferson Boulevard  
South Bend, IN 46601  
www.sjcindiana.com  
Phone - 574-235-9571 - Fax - 574-235-9813

Friday, February 16, 2018

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

RE: The petition of Rite of Passage seeking a Special Use for a Child Caring Institution in the OB Office Buffer District for property located at 915 27TH, City of South Bend

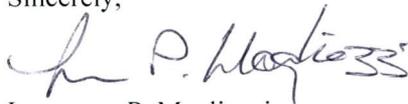
Dear Council Members:

I hereby Certify that the above referenced ordinance of Rite of Passage was legally advertised on February 1, 2018 and that the Area Board of Zoning Appeals at its public hearing on February 14, 2018 took the following action:

Upon a motion by John Leszcynski, being seconded by Jack Young and carried, a petition by Rite of Passage seeking a Special Use for a Child Caring Institution for property located at 915 27TH, City of South Bend, was sent to the Council with a favorable recommendation.

The deliberations of the Area Board of Zoning Appeals 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,



Lawrence P. Magliozzi

Attachment

CC: Rite of Passage

Dr. William Bruinsma, Regional Director  
Brendan Crumlish

**PETITION FOR VARIANCE and/or SPECIAL EXCEPTION USE**

**PROPERTY INFORMATION:**

The property Tax Key Number(s) is/are: Tax ID# 018-6038-1198  
Parcel #71-0917-126-015.000-026

The property address:  
915 S. 27th  
South Bend, IN 46615

If the application only includes a portion of the property listed above, provide the Legal Description for the petition area and the total site area:  
Lot 155 & Lot 154 Ex W 70' of N 40' of River Park. Also Lot 3 Ex W 20' Muia's Replat

**VARIANCE INFORMATION:**

- 1) V1 From required 14 parking spaces to 12.
- V2 From required 15' side building setback to 4'-0" .
- V3 From required rear and side parking setback of 15' to 0' on west side and south side.
- V4 From maximum gross floor area of 5,000 SF to 9,550 SF.
- V5 From required perimeter landscaping to none.
- V6 From required Parking screening to none.
- V7 From required 25' front building setback to 20'-0".
- V8 From required vehicle maneuvering space of 24'-0" along alley to zero.

2) A statement on how each of the following standards for the granting of variances is met:

- (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: because the child care institution is a very similar operation to the previous nursing home at this address.
- (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: virtually no changes shall occur to the exterior of the existing building.
- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: by not allowing the owners the most applicable use of their property.

**SPECIAL EXCEPTION USE INFORMATION** (if the petition does not include a Special Exception Use, please skip to next section):

1) The Special Exception Use(s) being requested: To allow a Child Care Institution in an 'Office Buffer' district.

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: because the proposed residential use for children is very similar to the previous nursing home operation at this address.
- (b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein: because the Owner intends to maintain the existing 40-year old building in the same or better condition than previously. The new residents will have jobs and

schooling in the community, but will use public transportation, only, and will not create any more vehicular traffic than the previous nursing home.

- (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 proposed uses (combined offices and residential) will be consistent with the character of the district in which it is located and the land uses authorized for Office Buffer districts, including facilities that naturally transition from office-to-residential, such as the previous nursing home, and now the proposed new child care institution.
- (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan because it involves the adaptive reuse of an existing structure.

- 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.

**PETITIONER INFORMATION:**

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

Rite of Passage  
Rusty Alexander, Business Managing Director (Property Owner)  
2560 Business Parkway, Suite A  
Minden, NV 89423  
775-392-2639  
rusty.alexander@rop.com

Name and address of additional property owners, if applicable:

Name and address of petitioner(s), if different than the petitioner(s):

Rite of Passage  
Dr. William Bruinsma, Regional Director (Petitioner & Presenter)  
2560 Business Parkway, Suite A  
Minden, NV 89423  
775-392-2639  
william.bruinsma@rop.com

Name and address of additional property owners, if applicable:

**CONTACT PERSON:**

Brendan Crumlish (Preparer)  
Crumlish & Crumlish Architects, Inc.  
3215-B Sugar Maple Ct.  
South Bend, IN 46628  
574-282-2998  
crumlisharchitects@gmail.com

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

Signature(s) of all property owner(s):

Rusty E. Alexander, PM  
William Bruinsma, Regional Director, ROP  
\_\_\_\_\_  
\_\_\_\_\_



January 17, 2018

St. Joseph County Area Plan Commission  
Angela Smith, Deputy Zoning Director  
227 W. Jefferson Blvd.  
4<sup>th</sup> Floor City County Building  
South Bend, IN 46601

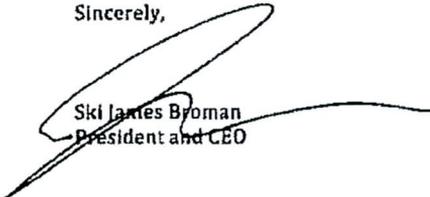
Dear Mrs. Smith:

I hereby grant authorization for Rusty Alexander and William Bruinsma to act as representatives for Rite of Passage, Inc. in its Petition for Variance and Special Exception Use with the South Bend Area Plan Commission for our proposed project located at 915 S. 27<sup>th</sup> Street, South Bend, IN 46615. These individuals may both sign documents related to the Petition and act as representatives at formal hearings.

Please let me know if you have any questions or would like to discuss this matter further.

Rite of Passage, Inc. looks forward to helping meet the needs of Indiana's youth.

Sincerely,



Ski James Byoman  
President and CEO

---

**RITE OF PASSAGE**

*"Celebrating Thirty Years of Improving the Lives of Youth"*

2560 BUSINESS PARKWAY, SUITE A • MINDEN • NV • 89423 • 775-267-9411 • FAX 775-267-9420 • INFO@RITEOFPASSAGE.COM



**Bianca Tirado**

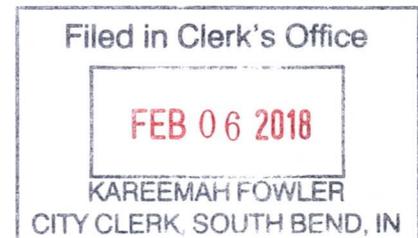
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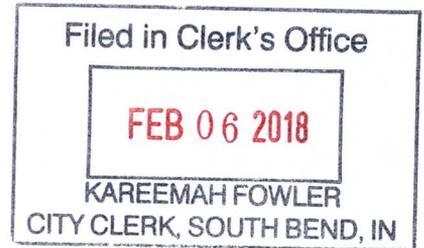
**From:** Angela Smith <ASmith@sjcindiana.com>  
**Sent:** Tuesday, February 06, 2018 12:21 PM  
**To:** Bianca Tirado  
**Cc:** Kareemah Fowler; Bob Palmer  
**Subject:** Special Exception Use  
**Attachments:** 915 27th ordinance.docx; 2602 mishawka ordinance.docx

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 14<sup>th</sup> meeting (1:30 in Council Chambers), with recommendation being forwarded on April 15<sup>th</sup>. The petitions should be ready for public hearing at your February 26<sup>th</sup> 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. 18-04**

**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

# AREA BOARD OF ZONING APPEALS

1140 County-City Building  
227 W. Jefferson Boulevard  
South Bend, IN 46601  
www.sjcindiana.com  
Phone - 574-235-9571 - Fax - 574-235-9813

Friday, February 16, 2018

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

RE: The petition of 1st Source Leasing Inc seeking a Special Use for a Coffee Shop with Drive Through/up Window in the LB Local Business District for property located at 2602 MISHAWAKA, City of South Bend

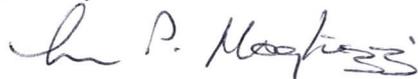
Dear Council Members:

I hereby Certify that the above referenced ordinance of 1st Source Leasing Inc was legally advertised on February 1, 2018 and that the Area Board of Zoning Appeals at its public hearing on February 14, 2018 took the following action:

Upon a motion by Jack Young, being seconded by John Leszcynski and unanimously carried, a petition by 1st Source Leasing Inc seeking a Special Use for a Coffee Shop with Drive Through/up Window for property located at 2602 MISHAWAKA, City of South Bend, was sent to the Council with a favorable recommendation.

The deliberations of the Area Board of Zoning Appeals 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,



Lawrence P. Magliozzi

Attachment

CC: 1st Source Leasing Inc  
Caskie Capital Management c/o Ryan Smith

**PETITION FOR VARIANCE and/or SPECIAL EXCEPTION USE**

**PROPERTY INFORMATION:**

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

71-09-17-126-001.000-026

71-09-17-126-002.000-026

71-09-17-126-005.000.026

The property address:

*Address: 2602 & 2614 Mishawaka Ave*

*South Bend, IN 46615*

If the application only includes a portion of the property listed above, provide the Legal Description for the petition area and the total site area:

**VARIANCE INFORMATION:**

1) *Special Exemption Use (existing bank drive through to be used as the Biggby Coffee Shop drive through)*

1. *From the required Minimum 30' Front Setback to 0' on the north and 5' on the east;*
2. *From the required Minimum 15' Front Parking Setback to 0';*
3. *From the required Minimum 20' Side Residential Bufferyard to 10'*
4. *From the required Type B Residential Bufferyard Landscaping to none;*
5. *From the required Foundation Landscaping on the north to none;*
6. *From the required Parking Area Screening to none;*

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:** *The vacant bank will be converted to a Biggby Coffee Shop. Biggby is a top-ranked coffee shop company known for excellent community support and involvement in each town that they open in. A coffee shop is not known to cause any public health, safety, morals or general welfare issues.*
- (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:** *Replacing a vacant bank building with a vibrant coffee shop creates jobs for people in the area and provides a community gathering place that brings positive energy and discourages crime. The new owner of the building plans to invest over \$200,000 into the property and that investment will have a very positive effect on nearby property owners values as it adds an attractive amenity to the area. The City of South Bend has offered the new owner a grant to improve the exterior of the property as it is located in the Mishawaka Ave Improvement area and fits the South Bend Plan well.*
- (c) **The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property:** *The building is already in place and is established in the neighborhood. The drive through window has been there for decades. This is a very good fit for the Biggby Coffee Shop operator. To be required to adhere to current zoning setbacks would be impossible and cause the building to be demolished and rebuilt. The Biggby operator would not consider this building if that were the case or if the drive through window was not allowed.*

**SPECIAL EXCEPTION USE INFORMATION** (if the petition does not include a Special Exception Use, please skip to next section):

- 1) The Special Exception Use(s) being requested : *Coffee Shop with Drive Up Window .*
- 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: *Professionally run coffee shops are considered to be very positive neighborhood anchors, especially when occupying a currently vacant building. Coffee shops are not known to have negative effect on public health, safety, comort or community moral standards.*
  - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: *Biggby Coffee shops have been awarded community improvement awards and community appreciation awards in several of the markets they open in. Converting a vacant building into a vibrant business is known to create a very positive effect to the nearby property values as it creates an attractive amenity for the neighborhood and can raise nearby home values as a result.*
  - (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 operator will maintain the character of the building and the neighborhood. The coffee shop will blend in well with the commercial and residential surroundings.*
  - (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *The South Bend Economic Development Team has been helpful in providing a grant opportunity for exterior building improvements. The staff members that we talked to were genuinely enthusiastic about a Biggby Coffee Shop considering opening there as it fit their Mishawaka Avenue Redevelopment Plan very well.*

\* 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.

**PETITIONER INFORMATION:**

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

*1<sup>st</sup> Source Bank  
Attn: Ingrid Mathias-Leuthold  
100 N. Michigan Street  
South Bend, IN 46601  
574-235-2670*

*Leutholdi@1stsource.com*

Name and address of additional property owners, if applicable: None

Name and address of petitioner(s), if different than the petitioner):

*Ryan Smith, Caskie Capital Management LLC for a Biggby Coffee Franchise Location  
325 Enterprise Drive  
Breckenridge, MI 48615*

*989-708-6850  
ryan@gemini-capitalmgt.com*

Name and address of additional property owners, if applicable:

**CONTACT PERSON:**

*Ryan Smith, Caskie Capital Management LLC for a Biggby Coffee Franchise Location  
325 Enterprise Drive  
Breckenridge, MI 48615  
989-708-6850  
ryan@gemini-capitalmgt.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 BOARD OF ZONING APPEALS AND COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.**

Signature(s) of all property owner(s):

*Mathias 1st Source Bank*  
\_\_\_\_\_  
*100 N. Michigan St.*  
\_\_\_\_\_  
*South Bend, IN 46601*  
\_\_\_\_\_  
*Leutholdi@1stsource.com*  
\_\_\_\_\_  
*AVP, ADMIN. SERVICES*



Dear Area Planning Commission and Zoning Board of Appeals Members,

We are excited to have you review and hopefully approve the necessary items needed so we can open a Biggby Coffee Shop in the vacant bank located at 2602 E. Mishawaka.

The franchisee that will own the coffee shop is an award winning Biggby franchisee. The husband and wife team plans to move to Indiana from Michigan.

The Coffee Shop is expected to have 12 full time employees and 10 part time employees. The franchisee is known as an excellent trainer for baristas and employees.

This Biggby will have a small community room that can be used for small gatherings such as Girl Scouts, Boy Scouts, Rotary and other community organizations.

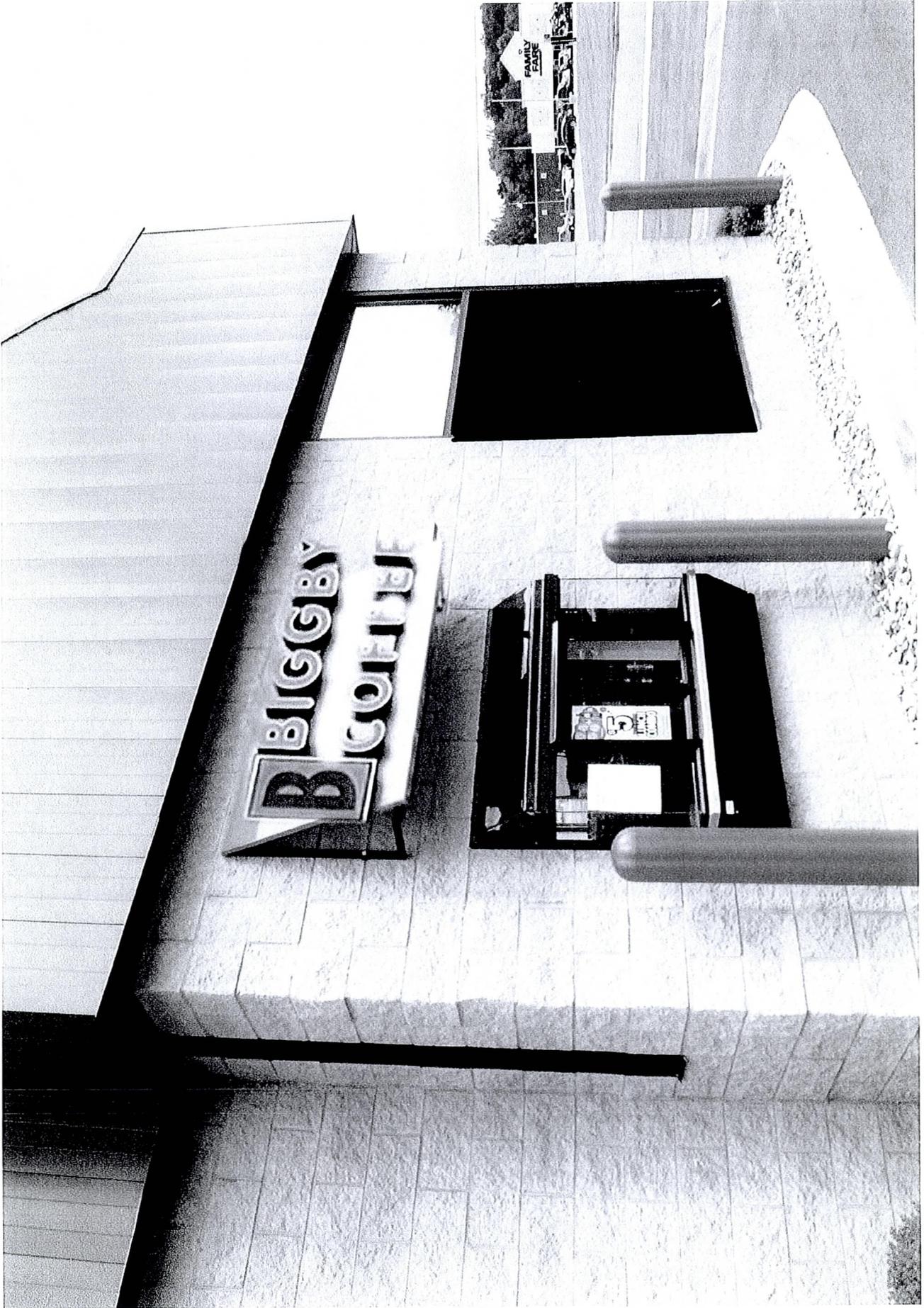
Our team plans to make a substantial investment to remodel the interior and create the coffee shop.

We appreciate your support.

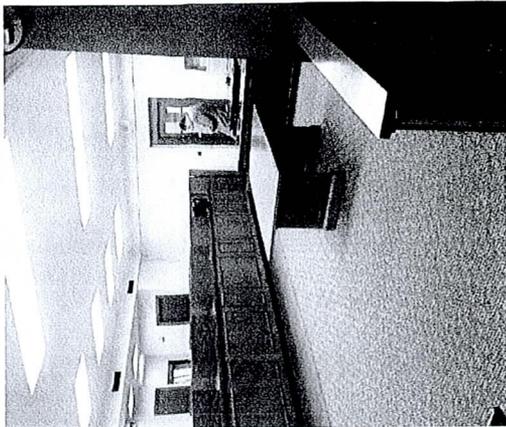
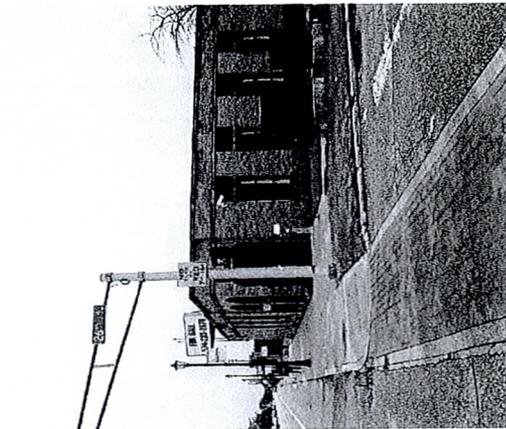
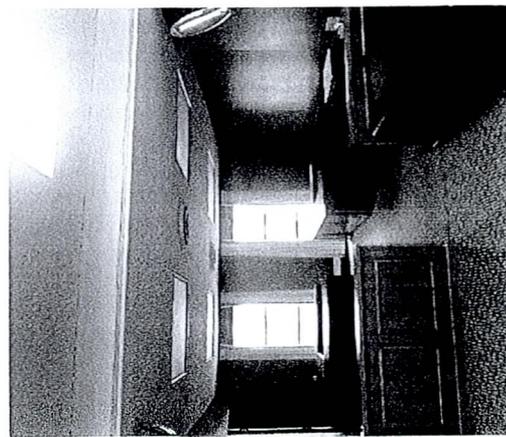
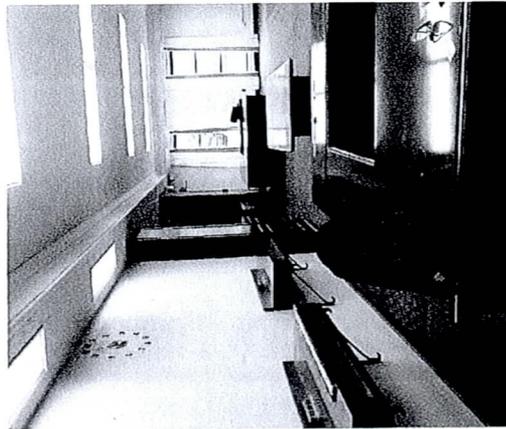
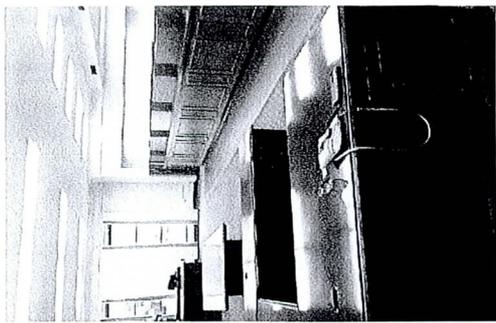
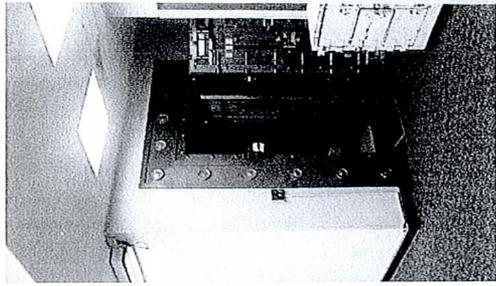
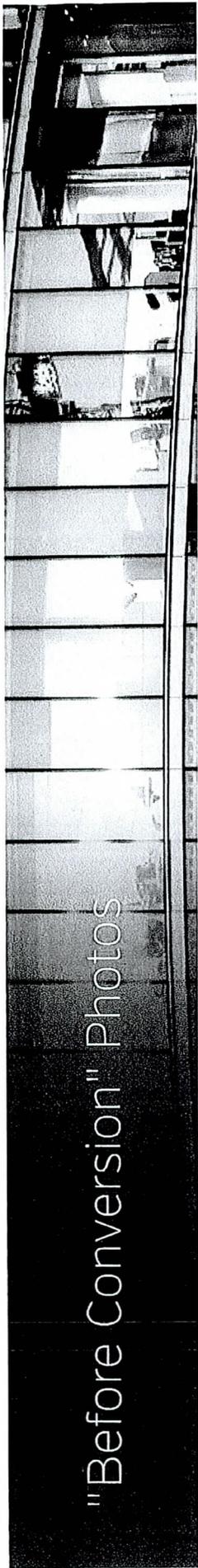
Sincerely,

*Peter Chris Ryan Bob Deb*

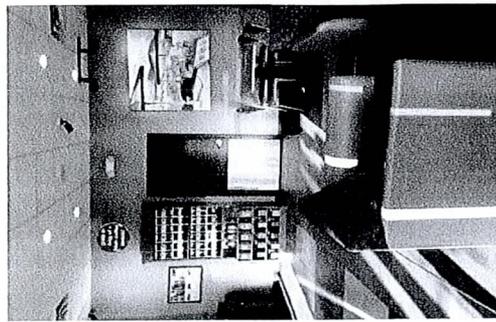
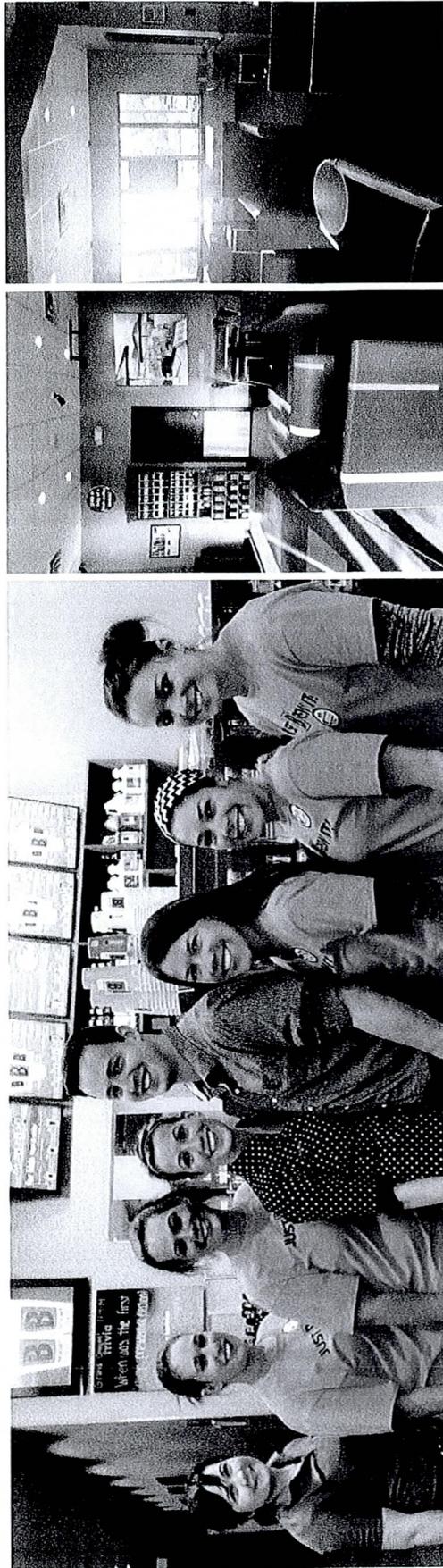
*and the future employees of Biggby Coffee on Mishawaka!*



# "Before Conversion" Photos



# Example Of A Finished Conversion



2602 E Mishawaka Ave



PROJECT NUMBER	DRAIN BY: W.J. TRAHAN
REVISION DATE:	DATE: JANUARY 8, 2018
	REVISED DATE:

018-6037-4710

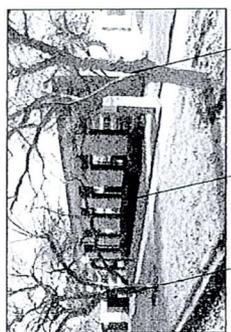
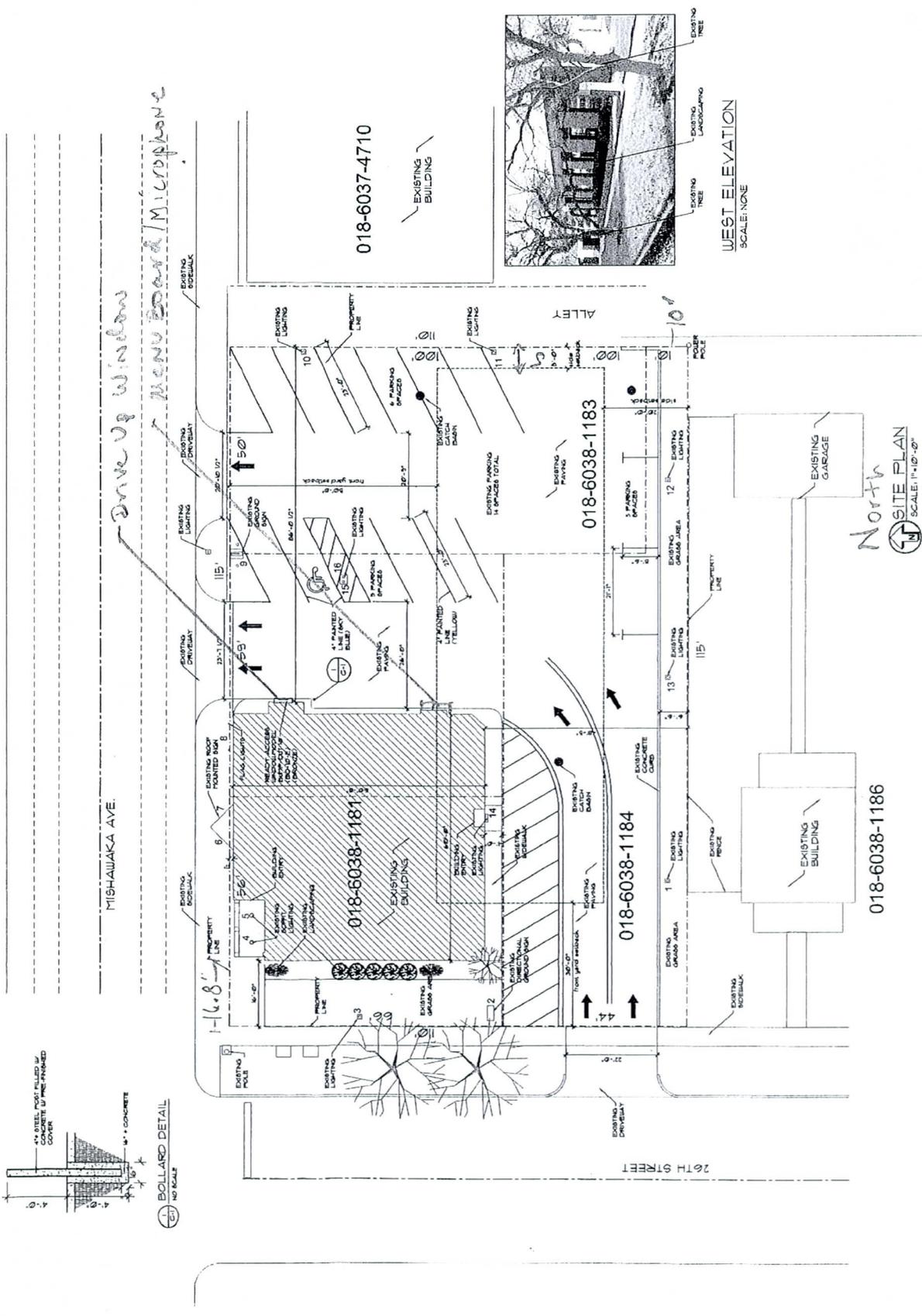
**WJ MANN**  
 CONSULTING INC.  
 P. (889) 533-1175  
 F. (889) 533-1175  
 WWW.WJMANNCONSULTING.COM  
 PO Box 609 280 E. Oak St.  
 Harrison, NJ 08025

**SHEET CONTENTS**  
 SITE PLAN

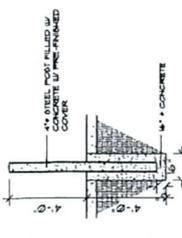
**PROJECT NAME**  
 BIGBY COFFEE  
 2602 E. MISHAWAKA  
 SOUTH BEND IN

APPROVED FOR PERMIT  
 018-6037-4710  
 018-6038-1183  
 018-6038-1184  
 018-6038-1186  
 018-6038-1188

**C-1**



**WEST ELEVATION**  
 SCALE: NONE





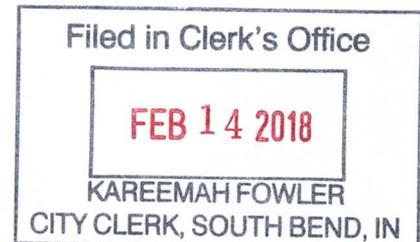


10501 Hague Road  
Fishers, IN 46038  
Office 317 . 815 . 5929  
Fax 317 . 815 . 5930

February 13, 2018

City of South Bend Common Council  
227 West Jefferson Blvd., Suite 400S  
South Bend, IN 46601

RE: The LaSalle Apartments, LLC – 237 N. Michigan St.



Dear Common Council:

Please find enclosed the Petition for Waiver of Non-Compliance associated with the development referenced above. We request that this Petition be taken before the Common Council as soon as possible (February 26, 2018 meeting) so that we can rectify this situation.

Based on discussions with the St. Joseph County Auditor, The LaSalle Apartments, LLC has learned that its tax abatement was not recognized by the Treasurer because The LaSalle Apartments, LLC inadvertently did not file an abatement application in the spring of 2016.

The LaSalle Apartments did not receive the re-assessment notice from the Assessor for Tax Year 2017 (Pay 2018). Consequently, The LaSalle Apartments, LLC was unaware that it was obligated to file its annual abatement deduction application within thirty days of the date of the Assessor's re-assessment notice. Immediately after learning of this oversight, The LaSalle Apartments, LLC filed the Tax Year 2017 (Pay 2018) abatement application with the Auditor.

If there are any questions or additional information needed regarding the Petition or getting it put before the Common Council, please contact me directly at (317) 815-5929.

Sincerely,

Jeffrey A. Ryan  
Vice President of Development  
RealAmerica Companies

**BILL NO. 18-07**  
**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY OF SOUTH BEND  
WAIVING PETITIONER, THE LASALLE APARTMENTS, LLC NON-COMPLIANCE  
WITH IND. CODE §6-1.1-12.1.6 *ET SEQ.*

---

WHEREAS, The LaSalle Apartments, LLC is the owner of real property in the City of South Bend commonly called The LaSalle Apartments, South Bend, Indiana, on which The LaSalle Apartments, LLC has remodeled a nine story building formerly known as The LaSalle Hotel, which has been re-purposed as apartments and commercial space.

WHEREAS, in conjunction with The LaSalle Apartments, LLC's development of the former LaSalle Hotel, the City of South Bend granted The LaSalle Apartments, LLC a ten-year tax abatement which remains in effect and was codified as Resolution 4417-15, and

WHEREAS, it has come to the City of South Bend's attention that The LaSalle Apartments, LLC failed to timely file an abatement deduction application with the St. Joseph County Auditor for the following tax periods: Tax Year 2017 (Pay 2018), and, as a result, The LaSalle Apartments, LLC may lose the benefit of the ten-year tax abatement for following: Tax Year 2017 (Pay 2018), and

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

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

WHEREAS, pursuant to I.C. § 6-1.1-12.1-11.3(c), the City of South Bend has heard and considered The LaSalle Apartments, LLC's 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 CITY OF SOUTH BEND, INDIANA, THAT:**

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

SECTION 2. The City of South Bend hereby affirms that the ten-year tax abatement previously granted to The LaSalle Apartments, LLC as Resolution 4417-15 remains in effect and directs The LaSalle Apartments, LLC to file this resolution for record with The St. Joseph County Auditor and/or St. Joseph County Assessor.

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

Passed and adopted this February \_\_, 2018.

---

Tim Scott, Council President  
South Bend Common Council



# 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 <b>St. Joseph</b>	Township <b>Portage</b>	DLGF taxing district number	Key number
Name of owner <b>The LaSalle Apartments, LLC</b>		Legal description from Form 11 <b>Lot 1 O P South Bend; Lot 2 &amp; N 33.45'; Lot 3 O P</b>	
Property address (number and street, city, state, and ZIP code) <b>237 Michigan, South Bend, IN 46601</b>			Date of Form 11 (month, day, year) <b>05/01/2017</b>
Type of structure <b>Residential and Commercial Historic Building</b>			Use of structure <b>Rental</b>
Governing body that approved ERA designation <b>Common Council of the City of South Bend, Indiana</b>		Date ERA designation approved (month, day, year) <b>03/14/2016</b>	Resolution number <b>4535-16</b>
SECTION II - VERIFICATION OF OWNER OR REPRESENTATIVE			
Signature of owner or representative (I hereby certify that the representations on this application are true.)			Date signed (month, day, year) <b>February 12, 2018</b>
Printed name of owner or representative <b>Ronda Shrewsbury Weybright</b>		Address (number and street, city, state, and ZIP code) <b>10501 Hague Road, Fishers, Indiana 46038</b>	
SECTION III - STRUCTURES			AUDITOR'S USE
A. Rehabilitation structure	1. Assessed valuation AFTER rehabilitation	\$	6,700,000.00
	2. Assessed valuation BEFORE rehabilitation	\$	862,600.00
	3. Difference in assessed valuation (Line 1 minus Line 2)	\$	5,837,400.00
	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)	\$	5,837,400.00
B. New structure	1. Assessed valuation	\$	
	2. Assessed valuation eligible for deduction	\$	
SECTION IV - VERIFICATION OF ASSESSING OFFICIAL			
I verify that the above described structure was assessed and the owner was notified on _____, with the effective date of the assessment being January 1, 20 _____, and that the assessed valuations in Section III are correct.			
Signature of assessing official		Printed name of assessing official	Date (month, day, year)

**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*	YEAR OF DEDUCTION / ASSESSED VALUE / PERCENTAGE / DEDUCTION**
(1) For deductions allowed over a one (1) year period:	(8) For deductions allowed over a eight (8) year period:
1 20__ pay 20__ \$_____ 100% * ___% \$_____	1 20__ pay 20__ \$_____ 100% * ___% \$_____
(2) For deductions allowed over a two (2) year period:	2 20__ pay 20__ \$_____ 88% * ___% \$_____
1 20__ pay 20__ \$_____ 100% * ___% \$_____	3 20__ pay 20__ \$_____ 75% * ___% \$_____
2 20__ pay 20__ \$_____ 50% * ___% \$_____	4 20__ pay 20__ \$_____ 63% * ___% \$_____
(3) For deductions allowed over a three (3) year period:	5 20__ pay 20__ \$_____ 50% * ___% \$_____
1 20__ pay 20__ \$_____ 100% * ___% \$_____	6 20__ pay 20__ \$_____ 38% * ___% \$_____
2 20__ pay 20__ \$_____ 66% * ___% \$_____	7 20__ pay 20__ \$_____ 25% * ___% \$_____
3 20__ pay 20__ \$_____ 33% * ___% \$_____	8 20__ pay 20__ \$_____ 13% * ___% \$_____
(4) For deductions allowed over a four (4) year period:	(9) For deductions allowed over a nine (9) year period:
1 20__ pay 20__ \$_____ 100% * ___% \$_____	1 20__ pay 20__ \$_____ 100% * ___% \$_____
2 20__ pay 20__ \$_____ 75% * ___% \$_____	2 20__ pay 20__ \$_____ 88% * ___% \$_____
3 20__ pay 20__ \$_____ 50% * ___% \$_____	3 20__ pay 20__ \$_____ 77% * ___% \$_____
4 20__ pay 20__ \$_____ 25% * ___% \$_____	4 20__ pay 20__ \$_____ 66% * ___% \$_____
(5) For deductions allowed over a five (5) year period:	5 20__ pay 20__ \$_____ 55% * ___% \$_____
1 20__ pay 20__ \$_____ 100% * ___% \$_____	6 20__ pay 20__ \$_____ 44% * ___% \$_____
2 20__ pay 20__ \$_____ 80% * ___% \$_____	7 20__ pay 20__ \$_____ 33% * ___% \$_____
3 20__ pay 20__ \$_____ 60% * ___% \$_____	8 20__ pay 20__ \$_____ 22% * ___% \$_____
4 20__ pay 20__ \$_____ 40% * ___% \$_____	9 20__ pay 20__ \$_____ 11% * ___% \$_____
5 20__ pay 20__ \$_____ 20% * ___% \$_____	(10) For deductions allowed over a ten (10) year period:
(6) For deductions allowed over a six (6) year period:	1 20__ pay 20__ \$_____ 100% * ___% \$_____
1 20__ pay 20__ \$_____ 100% * ___% \$_____	2 20__ pay 20__ \$_____ 95% * ___% \$_____
2 20__ pay 20__ \$_____ 85% * ___% \$_____	3 20__ pay 20__ \$_____ 80% * ___% \$_____
3 20__ pay 20__ \$_____ 66% * ___% \$_____	4 20__ pay 20__ \$_____ 65% * ___% \$_____
4 20__ pay 20__ \$_____ 50% * ___% \$_____	5 20__ pay 20__ \$_____ 50% * ___% \$_____
5 20__ pay 20__ \$_____ 34% * ___% \$_____	6 20__ pay 20__ \$_____ 40% * ___% \$_____
6 20__ pay 20__ \$_____ 17% * ___% \$_____	7 20__ pay 20__ \$_____ 30% * ___% \$_____
(7) For deductions allowed over a seven (7) year period:	8 20__ pay 20__ \$_____ 20% * ___% \$_____
1 20__ pay 20__ \$_____ 100% * ___% \$_____	9 20__ pay 20__ \$_____ 10% * ___% \$_____
2 20__ pay 20__ \$_____ 85% * ___% \$_____	10 20__ pay 20__ \$_____ 5% * ___% \$_____
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% * ___% \$_____	

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)
-----------------------------	--------------------------------	--------------------------------

STATE OF INDIANA )  
 )  
ST. JOSEPH COUNTY )  
 )  
The LaSalle Apartments, LLC )  
 )  
Petitioner )

BEFORE THE CITY OF SOUTH BEND  
  
Subject Real Estate  
237 N. Michigan Street  
South Bend, IN 46601

**THE LASALLE APARTMENTS, LLC  
PETITION FOR WAIVER OF NON-COMPLIANCE**

The petitioner, The LaSalle Apartments, LLC, brings this petition pursuant to Ind. Code § 6-1.1-12.1-11.3 (2017) to respectfully request that the City of South Bend, Indiana by its City Council, grant The LaSalle Apartments, LLC a waiver of non-compliance concerning the tax abatement previously granted to , The LaSalle Apartments, LLC, for 237 N. Michigan Street, South Bend, Indiana. In support of this petition, 237 N. Michigan Street, states:

**Background**

1. The LaSalle Apartments, LLC is the owner 237 N. Michigan Street, South Bend, Indiana. The LaSalle Apartments, LLC remodeled the building formerly known as the LaSalle Hotel, the property. The LaSalle Apartments, LLC invested over \$9 Million in land acquisition and construction costs for the newly remodeled apartment building, and created several new jobs.
2. In connection with The LaSalle Apartments, LLC's development of The LaSalle Apartments the City of South Bend granted The LaSalle Apartments, LLC a ten- ear tax abatement. The abatement was codified as Resolution 4417-15. A true copy of Resolution 4417-15 is attached to this petition as Exhibit 1.
3. The LaSalle Apartments, LLC has recently received its Tax Year 2017 (Pay in 2018) tax bill from the St. Joseph County Treasurer. The bill does not account for The LaSalle Apartments, LLC's abatement and, instead, charges the company for 237 N. Michigan Street's entire tax liability.
4. Based on discussions with the St. Joseph County Auditor, The LaSalle Apartments, LLC has learned that its tax abatement was not recognized by the Treasurer because The LaSalle Apartments, LLC did not file an abatement application in the spring of 2016. This, however, was an instance of excusable and innocent neglect.
5. Each year, the St. Joseph County Assessor is required to send St. Joseph County property owners a notice of re-assessment. See I.C. § 6-1.1-4-22. If a property owner has an active tax abatement, the property owner is required to file an annual abatement deduction application with the Auditor no later than thirty days after the date of the Assessor's re-assessment notice to the property-owner. See I.C. § 6-1.1-12.1-5(b). The Assessor's re-assessment notices are typically mailed in the fall preceding the new tax year, making abatement deduction applications

due typically between September and November of the same year that the re-assessment notice is issued.

6. In this case, The LaSalle Apartments, LLC did not receive a re-assessment notice from the Assessor for Tax Year 2017 (Pay in 2018). Consequently The LaSalle Apartments, LLC was unaware that it was obligated to file its annual abatement deduction application within thirty days of the date of the Assessor's re-assessment notice. Immediately after learning of this oversight The LaSalle Apartments, LLC filed its Tax Year 2017 (Pay in 2018) abatement application with the Auditor. True copies of the company's abatement application and letter to the Auditor are attached to this petition collectively, as Exhibit 2.

7. The Auditor has informed The LaSalle Apartments, LLC that the Auditor has accepted The LaSalle Apartments, LLC's abatement application as a valid deduction for *next* tax year; that is, Tax Year 2018 (Pay in 2019). However, the Auditor has informed The LaSalle Apartments, LLC that it must obtain a waiver of noncompliance from the City of South Bend before the Auditor will apply, The LaSalle Apartments, LLC's abatement retroactively to Tax Year 2016 (Pay in 2017).

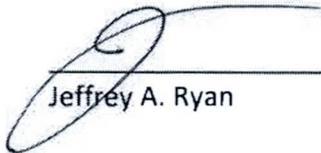
#### **Request for Waiver**

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

9. To do so, the City of South Bend must first conduct a public hearing on the taxpayer's request for a waiver, then pass a resolution waiving the taxpayer's non-compliance. See I.C. § 6-1.1-12.1-11.3(c). In accordance with these provisions of Indiana law, The LaSalle Apartments, LLC respectfully requests the City of South Bend to consider this petition at a public hearing then grant The LaSalle Apartments, LLC a waiver of its inadvertent failure to timely file an abatement application with the Auditor for Tax Year 2017 (Pay in 2018).

10. The LaSalle Apartments, LLC's failure to submit the abatement deduction application earlier was unintentional and was corrected immediately after The LaSalle Apartments, LLC became aware of the problem. The company has taken steps to ensure that it does not fail to file its deduction application again. Additionally The LaSalle Apartments, LLC would note that it successfully completed the project and has tried to be a good corporate citizen of the City of South Bend. The LaSalle Apartments, LLC's corporate representative will address any concerns the City of South Bend may have when this matter comes before the council.

Respectfully submitted,

  
\_\_\_\_\_  
Jeffrey A. Ryan

# 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 4417-15**

**A RESOLUTION RECONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION 4330-14 DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 237 NORTH MICHIGAN STREET AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A TEN (10) YEAR REAL PROPERTY TAX ABATEMENT FOR THE LASALLE APARTMENTS LLC**

**ADOPTED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, JANUARY 26, 2015**

**PRESENTED TO, APPROVED AND SIGNED BY MAYOR PETE BUTTIGIEG, FEBRUARY 3, 2015**

**ATTEST: TIM SCOTT, 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 13<sup>th</sup> day of February 20 15.

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

By: Jamie Talbot  
Deputy

RESOLUTION NO. 4417-15

A RESOLUTION RECONFIRMING THE ADOPTION OF A  
DECLARATORY RESOLUTION 4330-14 DESIGNATING CERTAIN  
AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA,  
COMMONLY KNOWN AS

**237 North Michigan Street**  
AS AN ECONOMIC REVITALIZATION AREA FOR  
PURPOSES OF A TEN (10) YEAR REAL  
PROPERTY TAX ABATEMENT FOR

**The LaSalle Apartments LLC**

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

WHEREAS, a Declaratory Resolution designated the area located at 237 North Michigan Street and which is more particularly described as follows:

Lot 1 O P So Bend  
Lot 2 & N 33.45'  
Lot 3 O P

and which has Key Numbers 71-08-12-107-005.000-026 and 71-08-12-107-006.000-026 presently at this point in time, be designated as an Economic Revitalization Area; and

WHEREAS, petitioner has agreed to and has accepted responsibility to report any changes in the final legal description and to report the final, appropriate Key Number to the Department of Community Investment and to the Office of the City Clerk; 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 an economic revitalization area have been met.

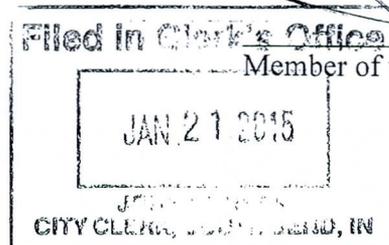
NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

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

SECTION II. The Common Council hereby determines that the property owner is qualified for and is granted Real property tax deduction for a period of ten (10) years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17. This resolution is passed as an exception to the current City Code regarding the applicable deduction percentages for a 10 year abatement for the following reasons: 1. The property has been designated by the Economic Development Commission as an Economic Development Target Area located in the CBD; 2. The property is currently owned by the City Redevelopment Commission and requires annual management and maintenance by the City; 3. The property has been vacant and there has been no realized tax revenue generated from the property for at least ten years; 4. The private investment proposed for the project will exceed three times the amount of the taxes to be abated; 5. The project will pay taxes and those revenues will be net new taxes to the community; 6. The project is aligned with the goals of the SBCDA plan, which specifically targets multi-use projects including support for residential occupancy in the CBD; and 7. There is a significant cost to cure required in the project to make the property functional, conform to the historical nature of the property and return the property to economic viability.

SECTION III. This Re-confirming resolution references Confirming Resolution 4330-14. Real America Development LLC is assuming the approved tax abatement for the LaSalle Hotel property located at 237 North Michigan Street approved by the Common Council on March 24, 2014 for Great Lakes Capital Development. Subject to the adoption of the Re-Confirming Resolution by the South Bend Common Council (the "SBCC"), the City of South Bend, Indiana (the "City") commits to providing a 10-year real property tax abatement for the Applicant, based on the Applicant's commitment set forth in the Commitments regarding the rehabilitation of a building located on property identified as 237 North Michigan Street, South Bend, Indiana, approved as part of the Commitments. The Applicant commits to a capital expenditure (from all sources of funds) of approximately \$9,537,076 to renovate a building. This project will create nine (9) existing, permanent full-time jobs and zero (0) part-time job with an annual payroll estimated at \$315,000. The project will maintain zero (0) existing permanent full-time and zero (0) existing permanent part-time positions.

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



PRESENTED 1-26-15  
NOT APPROVED  
ADOPTED 1-26-15

## MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (the "Agreement") dated as of the 23<sup>rd</sup> day of January, 2015, serves as a confirmation of the commitment by The LaSalle Apartments, LLC, (the "Applicant") pending a January 26, 2015, public hearing, to comply with the project description, job creation and retention (and associated wage rates and salaries) figures contained in its petition, Statement of Benefits, and attachments and this Agreement (the "Commitments").

1. Commitments of City and Applicant: Subject to the adoption of the Designating and Confirming Resolutions by the South Bend Common Council (the "SBCC"), the City of South Bend, Indiana (the "City") commits to providing a 10-year real property tax abatement for the Applicant, based on the Applicant's commitment set forth in the Commitments regarding the rehabilitation of a building located on property identified as 237 North Michigan Street, South Bend, Indiana, approved as part of the Commitments. The Applicant commits to a capital expenditure (from all sources of funds) of approximately \$9,537,076 to renovate a building. This project will create nine (9) existing, permanent full-time jobs and zero (0) part-time job with an annual payroll estimated at \$315,000. The project will maintain zero (0) existing permanent full-time and zero (0) existing permanent part-time positions.

2. Potential Impact of State of Indiana Circuit Breaker Law: The parties note that the calculations regarding the affect of the tax abatement in question are based on the State of Indiana's tax rates currently in effect at the time of entering into this Memorandum of Agreement. The complete impact of the State of Indiana's Circuit Breaker law on the City's property tax revenues is unknown at this time. To assure that the City receives the projected amount of property tax revenues, which amounts were calculated at the time of granting the tax abatement for the Applicant, the parties to this Memorandum of Agreement agree to adjust the length of the abatement and/or the percentage of deduction if the tax revenues due under the Circuit Breaker Law are less than what was initially projected and represented to the Common Council, as evidenced by the supporting documentation submitted to the Council with the Applicant's tax abatement petition. However, in no case will the adjustments cause the property taxes to

be paid to exceed the tax payments as initially projected and represented to the Common Council by the aforementioned supporting documentation.

3. Applicant's Compliance with City and State Laws: During the term of the abatement, the Applicant shall comply with Chapter 2, Article 6 of the *South Bend Municipal Code* entitled "Tax Abatement Procedures" and all governing provisions of the Indiana Code. During the term of the abatement, the City may annually request information from the Applicant concerning the nature of the Project and the approved capital expenditures of the Project, and the Applicant shall provide the City with adequate written evidence thereof within 15 days of such request (the "Annual Survey"). The City shall utilize this information and the information required to be filed by the Applicant in the CF-1 Compliance with the Statement of Benefits form (CF-1/Real Property) to verify that the Applicant has complied with the commitments contained in the Commitments at all times after the Commitment Date and during the duration of the abatement. The Applicant further agrees to provide the City with such additional information requested by the City related to the information provided in the Annual Survey and the CF-1 form within a reasonable time following any such additional request.

4. Substantial Compliance and Rights of Termination: The City, by and through the SBCC, reserves the right to terminate the Economic Revitalization Area designation and associated property tax abatement deductions if it determines that the Applicant has not made reasonable efforts to substantially comply with all the Commitments, and the Applicant's failure to substantially comply with the Commitments was not due to factors beyond its control. As used in this Agreement, "substantial compliance" shall mean the Applicant's compliance with the following: (a) making a capital expenditure which will (when combined with capital expenditures/contributions from all sources) total an amount not less than Nine million five hundred thirty seven thousand and seventy six dollars (\$9,537,076) to renovate a building ; and (b) this project will create nine (9) permanent full-time jobs and zero (0) part-time job with an annual payroll estimated at \$315,000. The project will not maintain any jobs.

5. Factors Beyond Control: As used in this Agreement, factors beyond the control of the Applicant shall only include factors not reasonably foreseeable at the time

of designation application and submission of the Statement of Benefits which are not caused by any act or omission of the Applicant and which materially and adversely affect the ability of the Applicant to substantially comply with this Agreement.

6. Repayment of Tax Abatement Savings: If at any time during the term of the abatement the Applicant shall: (i) be delinquent or in default with respect to any property tax payment in St. Joseph County, Indiana, other than as may be permitted under IND. CODE § 6-1.1-15-10; or (ii) cease operations at the facility for which the tax abatement was granted; or (iii) announce the cessation of operations at such facility, then the City may immediately terminate the Economic Revitalization Area designation and associated tax abatement deductions, and upon such termination, require Applicant to repay all of the tax abatement savings received through the date of such termination.

7. Notice/Hearing of Termination: In the event that the City determines that the Economic Revitalization Area designation and associated tax abatement deductions should be terminated or that all or a portion of the tax abatement savings should be repaid, it will give the Applicant notice of such determination, including a written statement calculating the amount due from the Applicant, and will provide the Applicant with an opportunity to meet with the City's designated representatives to show cause why the abatement should not be terminated and/or the tax savings repaid. Such notice shall state the name of the person with whom the Applicant may meet and will provide that the Applicant shall have thirty days from the date of such notice to arrange such meeting and to provide its evidence concerning why the abatement termination and/or tax savings repayment should not occur. If, after giving such notice and receiving such evidence, if any, the City determines that the abatement termination and/or the tax repayment action is proper, the Applicant shall be provided with written notice and a hearing before the SBCC before any final action shall be taken terminating the abatement and/or requiring repayment of tax benefits. The Applicant shall be entitled to appeal that determination to a St. Joseph County Superior or Circuit Court.

8. Repayment: In the event the City requires repayment of the tax abatement savings as provided hereunder, it shall provide Applicant with a written statement calculating the amounts due (the "Statement"), and Applicant shall make such repayment to the City within 30 days of the date of the Statement. If the Applicant does not make

have been received when delivered by hand or by facsimile (with confirmation by registered or certified mail) or on the third business day following the mailing, by registered or certified mail, postage prepaid, return receipt requested, thereof, addressed as set forth below:

If to Applicant:	Real America Development LLC 10711 America Way, Suite 200 Fishers IN 46038
If to the City:	City of South Bend, Indiana 227 W Jefferson Blvd. Suite 1400S South Bend, Indiana 46601 Attn: Brock Zeeb Department of Community Investment

14. Assignment and Transfer Prohibited: This Agreement shall be binding upon and inure to the benefit of the City and the Applicant and their successors and assigns, except that no party may assign or transfer its rights or obligations under this Agreement without the prior written consent of the other party hereto, in which consent shall not be unreasonably withheld (provided no consent shall be required for an assignment to an affiliate that is owned or controlled by such party).

~~15. Valid and Binding Agreement: This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original as against any party whose signature appears thereon, and all of which shall together constitute one and the same instrument. By executing this Agreement, each person so executing affirms that he has been duly authorized to execute this Agreement on behalf of such party and that this Agreement constitutes a valid and binding obligation of the party.~~

16. Severability: The provisions of this Agreement and of each section or other subdivision herein are independent of and separable from each other, and no provision shall be affected or rendered invalid or unenforceable by virtue of the fact that for any reason any other or others of them may be invalid or unenforceable in whole or in part unless this Agreement is rendered totally unenforceable thereby.

17. No Personal Liability: No official, director, officer, employee or agent of the City shall be charged personally by the Applicant, its employees or agents with any

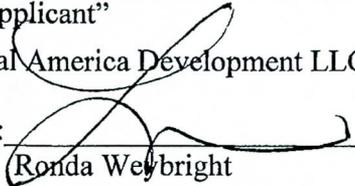
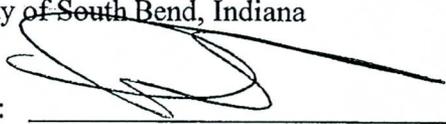
Memorandum of Agreement

Page 6 of 7

liabilities or expenses of defense or be held personally liable to the Applicant under any term or provision of this Agreement or because of the execution by such party of this Agreement or because of any default by such party hereunder.

**[Remainder of page intentionally blank.]**

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of  
the day and year first above written.

<p>"Applicant" Real America Development LLC</p>	<p>"City" City of South Bend, Indiana</p>
<p>By:  Ronda Weibright</p> <p>Approved as to Legal Adequacy and Form this <u>20<sup>th</sup></u> day of January, 2015.</p>	<p>By:  Tim Scott President, South Bend Common Council</p>
<p> Kathleen Cekanski-Farrand Counsel, South Bend Common Council</p>	<p>By:  Gavin Ferlic Chairperson, Community Investment Committee</p>
<p>Counsel for Applicant Kuhl &amp; Grant LLP 55 Monument Circle, Suite 201 Indianapolis, IN 46204</p>	<p>By:  Brock Zeeb Department of Community Investment</p> <p>By:  Pete Buttigieg Mayor</p>



**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 <u>17</u> PAY 20 <u>18</u>
<b>FORM 322 / RE</b>

**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 <b>St. Joseph</b>	Township <b>Portage</b>	DLGF taxing district number	Key number	
Name of owner <b>The LaSalle Apartments, LLC</b>		Legal description from Form 11 <b>Lot 1 O P South Bend; Lot 2 &amp; N 33.45'; Lot 3 O P</b>		
Property address (number and street, city, state, and ZIP code) <b>237 Michigan, South Bend, IN 46601</b>			Date of Form 11 (month, day, year) <b>05/01/2017</b>	
Type of structure <b>Residential and Commercial Historic Building</b>			Use of structure <b>Rental</b>	
Governing body that approved ERA designation <b>Common Council of the City of South Bend, Indiana</b>		Date ERA designation approved (month, day, year) <b>03/14/2016</b>	Resolution number <b>4535-16</b>	
SECTION II - VERIFICATION OF OWNER OR REPRESENTATIVE				
Signature of owner or representative (I hereby certify that the representations on this application are true.) 			Date signed (month, day, year) <b>February 12, 2018</b>	
Printed name of owner or representative <b>Ronda Shrewsbury Weybright</b>		Address (number and street, city, state, and ZIP code) <b>10501 Hague Road, Fishers, Indiana 46038</b>		
SECTION III - STRUCTURES			AUDITOR'S USE	
A. Rehabilitation structure	1. Assessed valuation AFTER rehabilitation	\$	6,700,000.00	
	2. Assessed valuation BEFORE rehabilitation	\$	862,600.00	
	3. Difference in assessed valuation (Line 1 minus Line 2)	\$	5,837,400.00	
	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)	\$	5,837,400.00	
B. New structure	1. Assessed valuation	\$		
	2. Assessed valuation eligible for deduction	\$		
SECTION IV - VERIFICATION OF ASSESSING OFFICIAL				
I verify that the above described structure was assessed and the owner was notified on _____, with the effective date of the assessment being January 1, 20 _____, and that the assessed valuations in Section III are correct.				
Signature of assessing official		Printed name of assessing official	Date (month, day, year)	

**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*	YEAR OF DEDUCTION / ASSESSED VALUE / PERCENTAGE / DEDUCTION**
<p>(1) For deductions allowed over a one (1) year period:</p> <p>1 20__ pay 20__ \$_____ 100% * ___% \$_____</p>	
<p>(2) For deductions allowed over a two (2) year period:</p> <p>1 20__ pay 20__ \$_____ 100% * ___% \$_____</p> <p>2 20__ pay 20__ \$_____ 50% * ___% \$_____</p>	
<p>(3) For deductions allowed over a three (3) year period:</p> <p>1 20__ pay 20__ \$_____ 100% * ___% \$_____</p> <p>2 20__ pay 20__ \$_____ 66% * ___% \$_____</p> <p>3 20__ pay 20__ \$_____ 33% * ___% \$_____</p>	
<p>(4) For deductions allowed over a four (4) year period:</p> <p>1 20__ pay 20__ \$_____ 100% * ___% \$_____</p> <p>2 20__ pay 20__ \$_____ 75% * ___% \$_____</p> <p>3 20__ pay 20__ \$_____ 50% * ___% \$_____</p> <p>4 20__ pay 20__ \$_____ 25% * ___% \$_____</p>	
<p>(5) For deductions allowed over a five (5) year period:</p> <p>1 20__ pay 20__ \$_____ 100% * ___% \$_____</p> <p>2 20__ pay 20__ \$_____ 80% * ___% \$_____</p> <p>3 20__ pay 20__ \$_____ 60% * ___% \$_____</p> <p>4 20__ pay 20__ \$_____ 40% * ___% \$_____</p> <p>5 20__ pay 20__ \$_____ 20% * ___% \$_____</p>	
<p>(6) For deductions allowed over a six (6) year period:</p> <p>1 20__ pay 20__ \$_____ 100% * ___% \$_____</p> <p>2 20__ pay 20__ \$_____ 85% * ___% \$_____</p> <p>3 20__ pay 20__ \$_____ 66% * ___% \$_____</p> <p>4 20__ pay 20__ \$_____ 50% * ___% \$_____</p> <p>5 20__ pay 20__ \$_____ 34% * ___% \$_____</p> <p>6 20__ pay 20__ \$_____ 17% * ___% \$_____</p>	
<p>(7) For deductions allowed over a seven (7) year period:</p> <p>1 20__ pay 20__ \$_____ 100% * ___% \$_____</p> <p>2 20__ pay 20__ \$_____ 85% * ___% \$_____</p> <p>3 20__ pay 20__ \$_____ 71% * ___% \$_____</p> <p>4 20__ pay 20__ \$_____ 57% * ___% \$_____</p> <p>5 20__ pay 20__ \$_____ 43% * ___% \$_____</p> <p>6 20__ pay 20__ \$_____ 29% * ___% \$_____</p> <p>7 20__ pay 20__ \$_____ 14% * ___% \$_____</p>	
<p>(8) For deductions allowed over a eight (8) year period:</p> <p>1 20__ pay 20__ \$_____ 100% * ___% \$_____</p> <p>2 20__ pay 20__ \$_____ 88% * ___% \$_____</p> <p>3 20__ pay 20__ \$_____ 75% * ___% \$_____</p> <p>4 20__ pay 20__ \$_____ 63% * ___% \$_____</p> <p>5 20__ pay 20__ \$_____ 50% * ___% \$_____</p> <p>6 20__ pay 20__ \$_____ 38% * ___% \$_____</p> <p>7 20__ pay 20__ \$_____ 25% * ___% \$_____</p> <p>8 20__ pay 20__ \$_____ 13% * ___% \$_____</p>	
<p>(9) For deductions allowed over a nine (9) year period:</p> <p>1 20__ pay 20__ \$_____ 100% * ___% \$_____</p> <p>2 20__ pay 20__ \$_____ 88% * ___% \$_____</p> <p>3 20__ pay 20__ \$_____ 77% * ___% \$_____</p> <p>4 20__ pay 20__ \$_____ 66% * ___% \$_____</p> <p>5 20__ pay 20__ \$_____ 55% * ___% \$_____</p> <p>6 20__ pay 20__ \$_____ 44% * ___% \$_____</p> <p>7 20__ pay 20__ \$_____ 33% * ___% \$_____</p> <p>8 20__ pay 20__ \$_____ 22% * ___% \$_____</p> <p>9 20__ pay 20__ \$_____ 11% * ___% \$_____</p>	
<p>(10) For deductions allowed over a ten (10) year period:</p> <p>1 20__ pay 20__ \$_____ 100% * ___% \$_____</p> <p>2 20__ pay 20__ \$_____ 95% * ___% \$_____</p> <p>3 20__ pay 20__ \$_____ 80% * ___% \$_____</p> <p>4 20__ pay 20__ \$_____ 65% * ___% \$_____</p> <p>5 20__ pay 20__ \$_____ 50% * ___% \$_____</p> <p>6 20__ pay 20__ \$_____ 40% * ___% \$_____</p> <p>7 20__ pay 20__ \$_____ 30% * ___% \$_____</p> <p>8 20__ pay 20__ \$_____ 20% * ___% \$_____</p> <p>9 20__ pay 20__ \$_____ 10% * ___% \$_____</p> <p>10 20__ pay 20__ \$_____ 5% * ___% \$_____</p>	
<p>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.</p>	
<p>* 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).</p>	

**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.

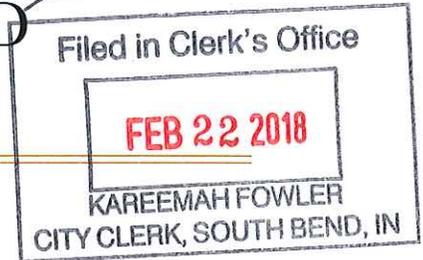
**SECTION VII - APPROVAL OF COUNTY AUDITOR (COMPLETE ONLY IF APPROVED)**

This application is approved in the amounts shown above.

Signature of County Auditor	Printed name of County Auditor	Date signed (month, day, year)
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## CITY OF SOUTH BEND COMMUNITY INVESTMENT



February 15, 2018

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

Esteemed Council Members,

A Petition for Waiver of Non-Compliance for 237 N. Michigan St. in South Bend was recently received at DCI. This request comes from RealAmerica, developers of the successful LaSalle Apartments project.

On January 21, 2015, Real America Development was granted a tax abatement. (Technically a transfer of an original abatement granted for the property to a previous developer.) The RealAmerica committed over \$9,000,000.00 in private investment to remodel the apartment building, creating several new jobs.

Each year the County Assessor is required to send St. Joseph County property owners a notice of re-assessment, prompting property owners with tax abatements to file the appropriate paperwork to receive their annual abatement deduction. RealAmerica/LaSalle Apartments, LLC did not receive said notice from the Assessor. DCI learned of this situation in mid-February.

DCI confirms that the company has been in compliance with its investment and job commitments and support this waiver. DCI also agrees that, in the words of the developer, this "was an instance of excusable and innocent neglect."

**DCI therefore sends this Petition for Waiver of Non-Compliance to Council with a Favorable Recommendation.**

Respectfully,

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



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

Murray Miller  
St. Joseph Building Trades  
1345 Northside Blvd.  
South Bend, IN 46615

RE: Alley Vacation – East/West Alley 14' in Width and Approximately 120' Long from East Right-of-Way of Emerson Street and East Right-of-Way of North/South Alley between Northside Boulevard and Hildreth Street (Preliminary Review)

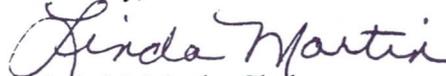
Dear Mr. Miller:

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 alley.

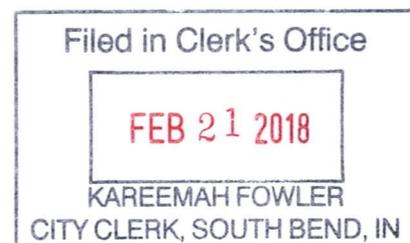
Therefore, the Board of Public Works submitted a favorable recommendation for the vacation of this alley.

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

Sincerely,

  
Linda M. Martin, Clerk

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



**BILL NO. 13-18**

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

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

**ALLEY VACATION- EAST/WEST ALLEY 14' IN WIDTH AND APPROXIMATELY 120' LONG FROM EAST RIGHT-OF-WAY OF EMERSON STREET AND EAST RIGHT-OF-WAY OF NORTH/SOUTH ALLEY BETWEEN NORTHSIDE BOULEVARD AND HILDRETH STREET, 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 property:

Right of way to be vacated is the East West alley 14' in width and approximately 120' long from East ROW of Emerson Street. and East ROW of North South alley between North Side and Hildreth Street, South Bend, Indiana.

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:

Lot 114 Ex4 Feet. Northside & 2 Feet Northside Lot 115 Oakland Park.

SECTION IV. The purpose of the vacation of the real property is due to needed repairs and repavement.

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

\_\_\_\_\_  
Tim Scott, Council President  
South Bend Common Council

Attest:

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

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

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



Filed in Clerk's Office  
**FEB 21 2018**  
 KAREEMAH FOWLER  
 CITY CLERK, SOUTH BEND, IN

Image ©CNES (2018) Distribution Airbus DS © 2018 HERE



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: 2/6/2018 DCH

### Alley Vacation 150' Radius Map Murray Miller 1345 Northside Blvd.

Right of way to be vacated is the EW alley 14' in width and approximately 120' long from E ROW of Emerson St and E ROW of NS Alley between North Side Blvd and Hildreth St.

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:	11-1-17		
Applicant Name:	MURRAY MILLER	Phone #:	574-287-2969
	ST JOSEPH BUILDINGS TRADES	Email:	millsbi@pbw.com
Property Address:	1345 Northside Blvd		
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):	Northside Blvd    EMERISON		
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:	Alley IS IN NEED OF REPAIR		
Build Trades uses THE alley			
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

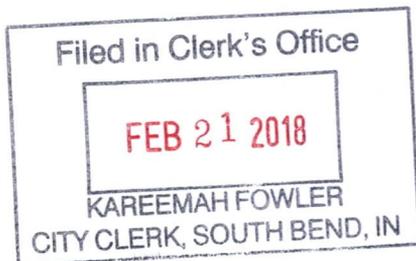
Board of Public Works Authorized Signatures:

\_\_\_\_\_

\_\_\_\_\_

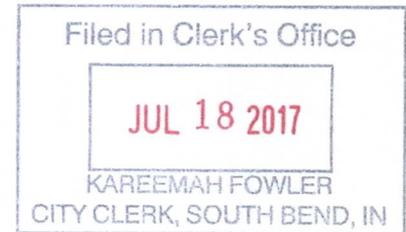
\_\_\_\_\_

\_\_\_\_\_



July 17, 2017

Office of the City Clerk  
Kareemah Fowler, City Clerk  
455 County-City Building  
227 W. Jefferson Blvd.  
South Bend, IN 46601



To whom it may concern:

Attached are the documents required for the public right-of-way vacation of the alley extending from the 1100 block of W. Jefferson Blvd. north towards Washington St. and south towards Thomas St. You will find the following items to support our request:

1. Petition to Vacate
2. Ordinance
3. Envelopes addressed and stamped with certified mail for all property owners within one hundred fifty feet (150') of the right-of-way to be vacated
4. Filing fee of \$150 (check).
5. A copy of the radius map.

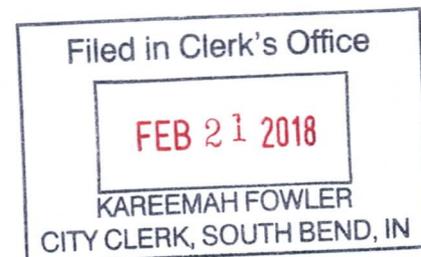
Please consider this letter the final requirement of "a letter briefly explaining why you are submitting a petition to vacate."

We have lived at 1102 W. Jefferson since 2001, and have acquired the properties located at 1042 W. Jefferson and 1035 W. Jefferson over the past several years. 1035 W. Jefferson is being maintained as a "pocket park" for the neighborhood, and we are in the process of major renovations to our home, which will eventually be moved to 1042 W. Jefferson. Vacation of the alleys will enhance pedestrian safety (especially considering neighborhood children often play in the park at 1035 W. Jefferson) and reduce the possibility of dumping in the alleys (which is often an issue). Further, we plan to parcel 1042 and 1102 together for simplification of the renovation process. We plan to restrict automobile traffic through both alleys, although proper access will be provided for utility vehicles as needed. We appreciate the Board of Public Works' assistance with this process and look forward to a smooth hearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Karl and Margaret Edmonson".

Karl and Margaret Edmonson



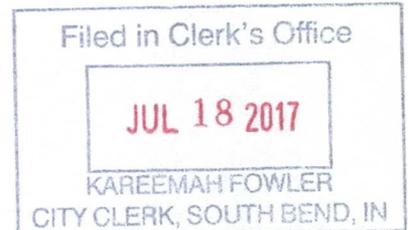
1316 COUNTY-CITY BUILDING  
227 W. JEFFERSON BOULEVARD  
SOUTH BEND, INDIANA 46601-1830



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

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

June 13, 2017



Karl and Megyn Edmondson  
1042 W. Jefferson Blvd.  
South Bend, IN 46601

RE: Alley Vacation – North/South Alley West of Laurel Street running South from Jefferson Blvd. to 1<sup>st</sup> East/West Alley, and North from Jefferson Blvd. to 1<sup>st</sup> East/West Alley (Preliminary Review)

Dear Mr. and Mrs. Edmondson:

The Board of Public Works, at its June 13, 2017, meeting, reviewed comments by the Engineering Division, Area Plan Commission, Community Investment, Fire Department, Police Department, and the Solid Waste Division. The following comments and recommendations were submitted:

Area Plan stated, per IC 36-7-3-13, the vacation would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous. The vacation would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient. The vacation would not hinder the public's access to a church, school or other public building or place. The vacation would not hinder the use of a public right of way by the neighborhood in which it is located or to which it is contiguous.

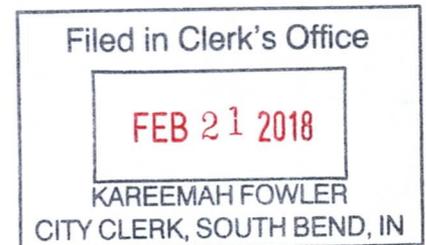
Therefore, the Board of Public Works submitted a favorable recommendation for the vacation of this alley.

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

Sincerely,

Linda M. Martin, Clerk

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



Filed in Clerk's Office  
**FEB 21 2018**  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN



Filed in Clerk's Office  
**JUL 18 2017**  
KAREEMAH FOWLER  
CITY CLERK, SOUTH BEND, IN

## SOUTH BEND COMMON COUNCIL

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

DATE: 7/17/17

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

1. THE ALLEY DESCRIBED AS:

The first N/S alley W 585' of E. RoW of Laurel St. running N ~157' from  
W. Jefferson north RoW and running S ~ 159' from W. Jefferson south RoW.

2. THE STREET DESCRIBED AS:

N/A

Abutting Property Owner(s) Signatures:

Name (print):	Signature	Address	Lot Number
Randy Beckman		1105 W. Jefferson Blvd.	018-3070-2728
<u>1. (Centennial Properties, LLC)</u>			

2.

3.

All other abutting properties owned by petitioner.

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

JENNIFER M. COFFMAN  
CHIEF DEPUTY/ CHIEF OF STAFF

ALKEYNA M. ALDRIDGE  
DEPUTY/ DIRECTOR OF POLICY

JOSEPH R. MOLNAR  
ORDINANCE VIOLATION CLERK

# Public Vacations Checklist

Petitioner: St. Joseph Valley Building & Construction Trades  
Address/Description: \_\_\_\_\_  
Bill No. \_\_\_\_\_

1. Have you been through Engineering/Board of Public Works?

- Yes
- Received recommendation documentation?
- No

2. Filing Documents

- Completed Vacation Petition
- Ordinance
- 150' Radius Map
- Addressed envelops w/ postage
- Payment
  - Receipt # 10400

3. Reading Schedule

- First Reading 2/26/18
- 2<sup>nd</sup>/3<sup>rd</sup> Reading \_\_\_\_\_
- Date passed? \_\_\_\_\_
- Effective Date? \_\_\_\_\_
- Ordinance No. \_\_\_\_\_

4. Public hearing notification

- To 150' list date \_\_\_\_\_
- Petitioner
- Public Works/Engineering
- Vacation & Public Works Committee

5. Advertising

- Public Hearing advertisement \_\_\_\_\_
- Passed advertisement (in full) \_\_\_\_\_

6. Effective Notification date (30 days after passage publication) \_\_\_\_\_

- Electronic notification sent (include ordinance)

7. Certifications

- |  |  |
|--|--|
| <input type="checkbox"/> Recorder (no blue back) | <input type="checkbox"/> Petitioner            |
| <input type="checkbox"/> Auditor (include map)   | <input type="checkbox"/> Area Plan Commission  |
| <input type="checkbox"/> Assessor                | <input type="checkbox"/> Board of Public Works |
| <input type="checkbox"/> Receipt                 |  |

} **Electronic Copies**



INTER-OFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS

DATE SENT: 11/3/2017

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](mailto:lmaglioz@co.st-joseph.in.us) or 235-9813 fax)  
Gene Eyster, Police Department  
Phil Griffin, NIPSCO ([pmgriffin@nisource.com](mailto:pmgriffin@nisource.com)) (FYI Only)  
Linda M. Martin, Clerk

FROM:

SUBJECT: REQUEST FOR RECOMMENDATION –ALLEY VACATION

---

APPLICANT: Murray Miller

---

LOCATION: EW alley 14' in width and approximately 120' long from E ROW of Emerson St and E Row of NS Alley between Northside Blvd and Hildreth St

---

DATE DUE: November 7, 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:

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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

Murray Miller  
St. Joseph Building Trades  
1345 Northside Blvd.  
South Bend, IN 46615

RE: Alley Vacation – East/West Alley 14' in Width and Approximately 120' Long from East Right-of-Way of Emerson Street and East Right-of-Way of North/South Alley between Northside Boulevard and Hildreth Street (Preliminary Review)

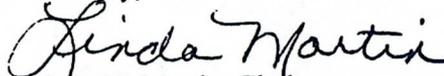
Dear Mr. Miller:

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 alley.

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

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

Sincerely,

  
Linda M. Martin, Clerk

c: Federico Rodriguez, Fire Department  
Donna Hanson, Engineering  
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:	11-1-17		
Applicant Name:	MURRAY MILLER	Phone #:	574-287-2969
	ST JOSEPH BUILDING TRADES	Email:	millisbi@por.com
Property Address:	1345 Northside Blvd		
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):	Northside Blvd Emerson		
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:	Alley is in need of repair		
	Build Trades uses the alley		
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

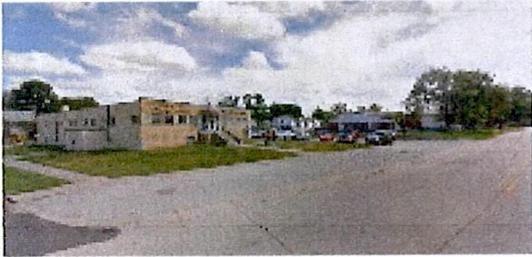
Board of Public Works Authorized Signatures:

*Gary Asstot*  
 \_\_\_\_\_  
*[Signature]*  
 \_\_\_\_\_  
 \_\_\_\_\_





Imagery ©2017 Google, Map data ©2017 Google 20 ft



### St Joe Valley Building

Construction Company

📍 1345 Northside Blvd # 2, South Bend, IN 46615

🌐 sjvt.com

☎ (574) 232-8453

Add missing information ⓘ



## Raschelle Beckwith

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**From:** Federico Rodriguez  
**Sent:** Friday, November 03, 2017 10:01 AM  
**To:** Raschelle Beckwith  
**Subject:** RE: Alley Vacation-Recommendation- Murray Miller

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  
frodrigu@southbendin.gov

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

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

From: Raschelle Beckwith  
Sent: Friday, November 3, 2017 9:26 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>; Imaglioz@co.st-joseph.in.us; Eugene Eyster <eeyster@southbendin.gov>; pmgriffin@nisource.com  
Subject: Alley Vacation-Recommendation- Murray Miller

Please Provide Recommendation

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

From: SouthBend  
Sent: Friday, November 03, 2017 9:21 AM  
To: Raschelle Beckwith  
Subject: Message from "RNP002673DD3E73"

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

Scan Date: 11.03.2017 09:20:56 (-0400)  
Queries to: southbend@southbendin.gov



INTER-OFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS

DATE SENT: 11/3/2017

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 ([lmagloz@co.st-joseph.in.us](mailto:lmagloz@co.st-joseph.in.us) or 235-9813 fax)  
Gene Eyster, Police Department  
Phil Griffin, NIPSCO ([pmgriffin@nisource.com](mailto:pmgriffin@nisource.com)) (FYI Only)  
Linda M. Martin, Clerk *LM*

FROM: Linda M. Martin, Clerk *LM*

SUBJECT: REQUEST FOR RECOMMENDATION –ALLEY VACATION

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APPLICANT: Murray Miller

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LOCATION: EW alley 14' in width and approximately 120' long from E ROW of Emerson St and E Row of NS Alley between Northside Blvd and Hildreth St

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DATE DUE: November 7, 2017

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FAX OR E-MAIL TO: [235-9171 / lmartin@southbend.in.gov](mailto: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 affect Solid Waste's collection services.

*Mike Bronstetter*

## Raschelle Beckwith

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**From:** Matt Longfellow  
**Sent:** Tuesday, November 07, 2017 12:15 PM  
**To:** Raschelle Beckwith  
**Cc:** Toy Villa; Kara Boyles; Roger Nawrot  
**Subject:** RE: Alley Vacation-Recommendation- Murray Miller  
**Attachments:** engin response.pdf

Engineering has no objections to this vacation.

Matt

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

**From:** Raschelle Beckwith  
**Sent:** Friday, November 03, 2017 9:26 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>; Imaglioiz@co.st-joseph.in.us; Eugene Eyster <eeyster@southbendin.gov>; pmgriffin@nisource.com  
**Subject:** Alley Vacation-Recommendation- Murray Miller

Please Provide Recommendation

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## Raschelle Beckwith

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**From:** Chris Dressel  
**Sent:** Wednesday, November 08, 2017 12:02 PM  
**To:** Raschelle Beckwith  
**Cc:** Tim Corcoran; Matt Longfellow  
**Subject:** RE: Alley Vacation-Recommendation- Murray Miller

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.  
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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>; Imaglio@co.st-joseph.in.us; Eugene Eyster <eeyster@southbendin.gov>; pmgriffin@nisource.com  
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Please Provide Recommendation

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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) 233-9571

December 6, 2017

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

RE: Street & Alley Vacation  
Applicant: Murray Miller/Building Trades  
Location: 1<sup>st</sup> EW Alley N of Northside Blvd. between Emerson & Oakland.

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 alley is not an integral part of the circulation system, where its absence would hinder growth and development.

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

The petitioner owns all properties adjacent to the alley proposed to be vacated. Surrounding owners have access to Hildreth and Northside via the N/S alley.

- (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. The N/S alley provides access to the public streets.

The vacation request, as submitted, meets the criteria for approval. Consideration should be given to the dedication of additional right-of-way off the SE corner of Lot 43 and the NE corner of Lot 42 to provide additional maneuvering room to the garages owned by Douglas Streich (Lot 114) and Timothy and Jennifer Wells (Lot 113).

Sincerely,

Larry Magliozzi

## Raschelle Beckwith

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**From:** Pete Kaminski  
**Sent:** Monday, December 11, 2017 11:31 AM  
**To:** Raschelle Beckwith  
**Cc:** Derick Roberts  
**Subject:** RE: Alley Vacation-Recommendation- Murray Miller 3rd Request

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 8:27 AM  
**To:** Eugene Eyster <eeyster@southbendin.gov>; Pete Kaminski <pkaminsk@southbendin.gov>  
**Subject:** FW: Alley Vacation-Recommendation- Murray Miller 3rd Request

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

**From:** Raschelle Beckwith  
**Sent:** Tuesday, December 05, 2017 12:57 PM  
**To:** Pete Kaminski; 'Imaglio@co.st-joseph.in.us'; Eugene Eyster  
**Subject:** FW: Alley Vacation-Recommendation- Murray Miller-2nd Request

Please Provide Recommendation, We would like to get this on the 12/12/17 Agenda.

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

**From:** Raschelle Beckwith  
**Sent:** Friday, November 03, 2017 9:26 AM  
**To:** Pete Kaminski; Michael Bronstetter; Matt Longfellow; Chris Dressel; Federico Rodriguez; 'Imaglio@co.st-joseph.in.us'; Eugene Eyster; 'pmgriffin@nisource.com'  
**Subject:** Alley Vacation-Recommendation- Murray Miller

Please Provide Recommendation

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