

RESOLUTION NO. 202

**A RESOLUTION OF THE SOUTH BEND REDEVELOPMENT AUTHORITY
APPROVING THE TRANSFER OF HALL OF FAME TO THE SOUTH BEND
REDEVELOPMENT COMMISSION**

WHEREAS, the South Bend Redevelopment Authority (the “Authority”) exists and operates pursuant to I.C. 36-7-14.5 as a separate body corporate and politic and an instrumentality of the City of South Bend, Indiana (the “City”); and

WHEREAS, the South Bend Redevelopment Commission (the “Commission”), governing body of the South Bend Department of Redevelopment, exists and operates pursuant to I.C. 36-7-14; and

WHEREAS, the Authority, as lessor, and the Commission, as lessee, are parties to a certain Lease dated November 1, 1993, as amended by the Addendum to Lease dated June 3, 1994, and as further amended by a Second Addendum to Lease dated July 1, 1994, Third Addendum to Lease dated November 20, 2000, Fourth Addendum to Lease dated August 16, 2011, and Fifth Addendum to Lease dated June 20, 2016 (collectively, the “Lease”), for the real property and improvements in the City commonly known as the College Football Hall of Fame (the “Facility”) in connection with the Authority’s Taxable Lease Rental Revenue Refunding Bonds (College Football Hall of Fame Project) (the “Bonds”); and

WHEREAS, Section 14 of the Lease provides that upon the expiration of the term of the Lease and upon the full discharge and performance by the Commission of its obligations under the Lease, the Authority shall convey the Facility to the Commission; and

WHEREAS, the Bonds have been retired and the Commission has satisfied its obligations under the Lease; and

WHEREAS, the Authority desires to complete its conveyance of the Facility to the Commission in accordance with Section 14 of the Lease, subject to the terms of this Resolution.

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

1. The Authority hereby approves, and will execute simultaneously with this Resolution, the quitclaim deed attached hereto as Exhibit A (the “Deed”) completing the conveyance of the Facility to the Commission in accordance with the Lease.

2. The Authority also approves, and will execute simultaneously with this Resolution, the Lease Termination Agreement attached hereto as Exhibit B (the “Lease Termination”), which Lease Termination, upon subsequent approval by the Commission, shall be recorded in the Office of the Recorder of St. Joseph County, Indiana.


3. The Authority hereby authorizes and instructs David Relos of the City's Department of Community Investment to deliver the Deed to an authorized representative of the Commission, deliver the Lease Termination to the Commission for the Commission's approval, and to take on behalf of the Authority all necessary administrative actions to accomplish the purposes of this Resolution, including recordation of the Lease Termination and Deed.

4. The Authority also approves the release of all bond-related title exceptions, and authorizes and instructs staff of the City's Department of Community Investment, working with staff of the City's Department of Law, to determine and perform any steps necessary to effectuate any such release, and the Authority further approves and authorizes the Authority's officers to execute any documents as necessary to carry out this provision.

5. This Resolution will be in full force and effect upon its adoption by the Authority.

ADOPTED at a regular meeting of the South Bend Redevelopment Authority held on April 16, 2018, at 1308 County-City Building, 227 West Jefferson Boulevard, South Bend, Indiana 46601.

SOUTH BEND REDEVELOPMENT AUTHORITY


Richard Klee, President

ATTEST:


Erin Hanig, Vice President

4100.0000005 46,451,049

EXHIBIT A

Quitclaim Deed

[See attached.]

QUITCLAIM DEED

THIS INDENTURE WITNESSETH THAT the South Bend Redevelopment Authority, a separate body corporate and politic and an instrumentality of the City of South Bend, Indiana, 1400 S. County-City Building, 227 W. Jefferson Boulevard, South Bend, Indiana (the "Grantor")

CONVEYS AND QUITCLAIMS TO the Department of Redevelopment of the City of South Bend, by and through its governing body, the South Bend Redevelopment Commission, 1400 S. County-City Building, 227 W. Jefferson Boulevard, South Bend, Indiana (the "Grantee") for and in consideration of one dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, any and all remaining interest that the Grantor has or may have in the following real estate (the "Property"):

Lot 1 and Lot 2 of the recorded plat of Hall of Fame Second Minor Subdivision, recorded July 22, 2015 as Document Number 1518735, in the Office of the Recorder of St. Joseph County, Indiana.

Parcel Key Nos. 018-3091-347405 and 018-3091-347406.

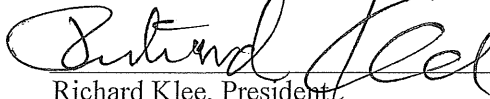
Grantor hereby conveys the Property in fee simple to Grantee subject to all easements, covenants, restrictions, and other matters of record.

Each undersigned person executing this Quitclaim Deed on behalf of the Grantor represents and certifies that he or she has been fully empowered and authorized to execute this Quitclaim Deed and that all action necessary to complete this conveyance on Grantor's behalf has been duly taken.

Dated this 16 day of April, 2018.

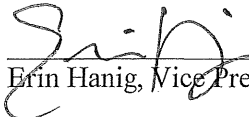
GRANTOR:

SOUTH BEND REDEVELOPMENT AUTHORITY



Richard Klee, President

ATTEST:



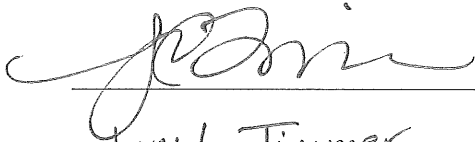
Erin Hanig, Vice President

STATE OF INDIANA)
) SS:
ST. JOSEPH COUNTY)

Before me, the undersigned, a Notary Public for and in said County and State this 16th day of April, 2018, personally appeared Richard Klee and Erin Hanig, to me known to be the President and Vice President, respectively, of the South Bend Redevelopment Authority, the Grantor, and acknowledged execution of the foregoing Quitclaim Deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.





Lory L. Timmer, Notary Public

Commission expires: September 23, 2025 Resident of St. Joseph County, IN

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Elliot A. Anderson.

Prepared by Elliot A. Anderson, Assistant City Attorney, 1200 S. County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana 46601.

EXHIBIT B

Lease Termination Agreement

[See attached.]

LEASE TERMINATION AGREEMENT

This Lease Termination Agreement (this "Agreement") is made on April 26, 2018 (the "Effective Date"), by and between the South Bend Redevelopment Authority, a body corporate and politic organized and existing under Indiana Code 36-7-14.5 ("Lessor"), and the South Bend Redevelopment Commission, governing body of the South Bend Department of Redevelopment ("Lessee") (each a "Party," and together the "Parties").

RECITALS

A. Lessor exists and operates pursuant to I.C. 36-7-14.5 (the "Act") as a separate body corporate and politic and an instrumentality of the City of South Bend, Indiana (the "City"), and Lessee exists and operates pursuant to I.C. 36-7-14.

B. In furtherance of its purposes under the Act, Lessor leases to Lessee certain real property and improvements located in the City and commonly known as the College Football Hall of Fame, pursuant to a certain Lease dated November 1, 1993 (Nos. 9423717 and 9351906), as amended by the Addendum to Lease dated June 3, 1994 (Nos. 9423718 and 9424203), and as further amended by a Second Addendum to Lease dated July 1, 1994 (No. 9425893), Third Addendum to Lease dated November 20, 2000 (Nos. 0055375 and 0055069), Fourth Addendum to Lease dated August 16, 2011 (No. 1120940), and Fifth Addendum to Lease dated June 20, 2016 (No. 1615725) (collectively, the "Lease"), in connection with the Authority's Taxable Lease Rental Revenue Refunding Bonds (College Football Hall of Fame Project) (the "Bonds").

C. The Bonds have been retired and Lessee has satisfied its obligations under the Lease, and the Parties now desire to terminate the Lease and to place of record the termination.

NOW, THEREFORE, in consideration of the mutual covenants and promises in this Agreement and other good and valuable consideration, the receipt of which is hereby acknowledged, the Parties agree as follows:

1. Termination. The Lease, including all of the Parties' covenants, rights, and obligations thereunder, is hereby released and terminated and of no further force or effect.

2. Governing Law. This Agreement will be governed by and construed in accordance with the laws of the State of Indiana.

3. Recordation. Promptly following execution, the Parties will record this Agreement in the Office of the Recorder of St. Joseph County, Indiana.

IN WITNESS WHEREOF, the Parties hereby execute this Lease Termination Agreement to be effective as of the Effective Date stated above.

SOUTH BEND REDEVELOPMENT AUTHORITY

Richard Klee
Richard Klee, President

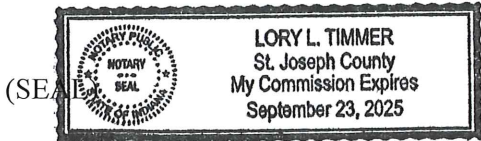
ATTEST:

Erin Hanig
Erin Hanig, Vice President

STATE OF INDIANA)
) SS:
ST. JOSEPH COUNTY)

Before me, the undersigned, a Notary Public for and in said County and State this 16th day of April, 2018, personally appeared Richard Klee and Erin Hanig, to me known to be the President and Vice President, respectively, of the South Bend Redevelopment Authority, the Lessor, and acknowledged execution of the foregoing Lease Termination Agreement.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.



Lory L. Timmer
Lory L. Timmer, Notary Public

Commission expires: September 23, 2025 Resident of St. Joseph County, IN

SOUTH BEND REDEVELOPMENT COMMISSION

David Varner, Vice President

ATTEST:

Donald E. Inks, Secretary

STATE OF INDIANA)
) SS:
ST. JOSEPH COUNTY)

Before me, the undersigned, a Notary Public for and in said County and State this ____ day of _____, 2018, personally appeared David Varner and Donald E. Inks, to me known to be the Vice President and Secretary, respectively, of the South Bend Redevelopment Commission, the Lessee, and acknowledged execution of the foregoing Lease Termination Agreement.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

(SEAL)

_____, Notary Public

Commission expires: _____ Resident of _____ County, _____

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Elliot A. Anderson.

Prepared by Elliot A. Anderson, Assistant City Attorney, 1200 S. County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana 46601.