



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, April 23, 2018
7:00 P.M.

1. **INVOCATION- LARRY DWYER, BAHA'I FAITH**
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL**
4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**
5. **SPECIAL BUSINESS**

BILL NO.

18-13 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA COMMEMORATING AND THANKING CINDY PIECHMILLER ON THE OCCASION OF HER RETIREMENT

6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**

TIME: _____

BILL NO.

05-18 PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 3527 LINCOLN WAY WEST, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA (COUNCIL PORTION ONLY)

14-18 PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE AND SEEKING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 1619 S MICHIGAN STREET, COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

8. **BILLS ON THIRD READING**

TIME: _____

BILL NO.

[05-18](#) THIRD READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 3527 LINCOLN WAY WEST, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA (**COUNCIL PORTION ONLY**)

[14-18](#) THIRD READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE AND SEEKING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 1619 S MICHIGAN STREET, COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

9. **RESOLUTIONS**

BILL NO.

[18-15](#) 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 122 MILTON STREET

[18-16](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA APPROVING AN AGREEMENT EXTENDING THE ST. JOSEPH COUNTY HOUSING CONSORTIUM AND AUTHORIZING THE EXECUTION THEREOF

[18-17](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING RENEWAL OF THE HUMAN RIGHTS ORDINANCE INTERLOCAL AGREEMENT

[18-18](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS INTERSECTION OF SAMPLE ST. AND FRANKLIN ST., SOUTH BEND, IN 46601 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF AN (8) EIGHT-YEAR REAL PROPERTY TAX ABATEMENT FOR FRANKLIN STREET TECHNOLOGY PARK, LLC

[18-19](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 320 EAST COLFAX AVENUE, SOUTH BEND, IN 46617 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (6) SIX-YEAR REAL PROPERTY TAX ABATEMENT FOR COMMERCIAL PROPERTY LOCATED AT WHARF PARTNERS, LLC

- 10. **BILLS ON FIRST READING**
- 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, 4th Floor County-City Building. Reasonable efforts have been taken to provide an accurate translation of the text of the agenda, however, the official text is the English version. Any discrepancies which may be created in the translation, are not binding. Such translations do not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the Common Council or the City of South Bend, Indiana.



OFFICE OF THE CITY CLERK

KAREEMAH N. FOWLER, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: KAREEMAH N. FOWLER, CITY CLERK
DATE: APRIL 19, 2018
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **MONDAY, APRIL 23, 2018:**

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

- 3:30 P.M.** **HEALTH & PUBLIC SAFETY** **JO M. BRODEN, CHAIRPERSON**
1. [Bill No. 18-17](#)- Approving Extension of Human Rights Interlocal Agreement between City and St. Joseph County
 2. **St. Joseph County Health Department Update**
- 4:00 P.M.** **COMMUNITY INVESTMENT** **GAVIN FERLIC, CHAIRPERSON**
1. [Bill No. 18-16](#)- Executing Documents to Renew Interlocal Agreement between Cities of South Bend, Mishawaka, and St. Joseph County
 2. [Bill No. 18-18](#)- Designating Property Tax Abatement Petition: Franklin Street Technology Park, LLC
 3. [Bill No. 18-19](#)- Designating Property Tax Abatement Petition: Wharf Partners, LLC
- 4:20 P.M.** **ZONING & ANNEXATION** **OLIVER J. DAVIS, CHAIRPERSON**
1. [Bill No. 18-15](#) -Special Exception for Property at 122 Milton Street
 2. [Bill No. 14-18](#) -Zone Map Amendment for 1619 South Michigan Street
 3. [Bill No. 05-18](#)- Rezoning for Property located at 3527 Lincoln Way West- Notification
(**Committee of the Whole & Council Portion Only** at 7:00 P.M.)

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

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

INTEGRITY | SERVICE | ACCESSIBILITY

JENNIFER M. COFFMAN
CHIEF DEPUTY/DIRECTOR OF OPERATIONS

BIANCA L. TIRADO
DEPUTY/DIRECTOR OF POLICY

JOSEPH R. MOLNAR
ORDINANCE VIOLATION CLERK

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

455 County-City Building | 227 W. Jefferson Blvd. | South Bend, Indiana 46601 | p 574.235.9221 | f 574.235.9173 | www.southbendin.gov

cc: Mayor Pete Buttigieg
Committee Meeting List
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



2018 COMMON COUNCIL STANDING COMMITTEES (Rev. 02-26-18)

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

Sharon L. McBride, 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

Sharon L. McBride, 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

Sharon L. McBride, 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.

Sharon L. McBride, 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
Sharon L. McBride, 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

Sharon L. McBride, Member
Regina Williams-Preston, Member

ZONING AND ANNEXATION COMMITTEE

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

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

Gavin Ferlic, Member
Jo M. Broden, Member

SUB-COMMITTEE ON MINUTES

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

Tim Scott
Dr. David Varner



2018 COMMON COUNCIL STANDING COMMITTEES (Rev.02-26-18)

TIM SCOTT, 1ST District Council Member

President

Information and Technology, Chairperson

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

REGINA WILLIAMS-PRESTON 2ND District Council Member

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

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

SHARON L. MCBRIDE, 3RD District Council Member

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

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

JO M. BRODEN, 4TH District Council Member

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

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

DR. DAVID VARNER, 5TH District Council Member

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

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

OLIVER J. DAVIS, 6TH District Council Member

Vice President

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

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

GAVIN FERLIC, AT LARGE Council Member

Chairperson, Committee of the Whole

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

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

KAREN L. WHITE, AT LARGE Council Member

Residential Neighborhood Committee, Chairperson
Personnel & Finance Committee, Chairperson

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

JOHN VOORDE, AT LARGE Council Member

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

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



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

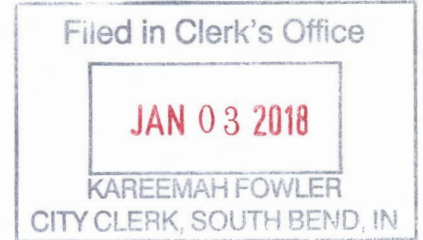
Angela M. Smith
Deputy Director

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

BILL NO. 05-18

January 3, 2018

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



RE: 3527 Lincoln Way West
APC# 2859-17

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,

Angela M. Smith
Deputy Director

CC: Bob Palmer

PETITION FOR ZONE MAP AMENDMENT
City of South Bend, Indiana

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

1) The property sought to be rezoned is located at:

3527 Lincoln Way West
South Bend, IN 46628

2) The property Tax Key Number(s) is/are: 018-2193-7244

3) Legal Description(s):

Beginning at a point ninety-one feet six inches (91.5') west of the northeast corner of the west half of the northeast quarter (NE 1/4) of Section four (4) Township thirty-seven (37) north, Range two (2) east; thence running south parallel with the east line of the west half (W 1/2) of said Section four (4) to the northerly line of Lincoln Way West, formerly Michigan Road; thence northwesterly along the northerly line of said road two hundred thirty-nine feet (239); thence north to the north line of said Section; thence east along the north line of said Section, two hundred twenty-four (224) feet to the place of beginning; excepting therefrom a parcel of land described as a point ninety-one and five tenths (91.5) feet west of the northeast corner of the northwest quarter (NW 1/4) of the northeast quarter (NE 1/4) of said Section four (4), Township and Range aforesaid; thence running due south to the northerly line of Lincoln Way West, formerly Michigan Road; thence northwesterly along the northerly line of said road, one hundred eight and twenty-six hundredths (108.26) feet; thence in a due northerly direction to the north line of said section; thence east along the north line of said section, 100 feet to the place of beginning, all in St. Joseph County, Indiana.

4) Total Site Area: 0.67 acres (29,133 square feet)

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

Women's Care Center, Inc.
360 N. Notre Dame Avenue
South Bend, IN 46617
(574) 968-7476
annmanion13@gmail.com

Name and address of additional property owners, if applicable:

Not Applicable

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

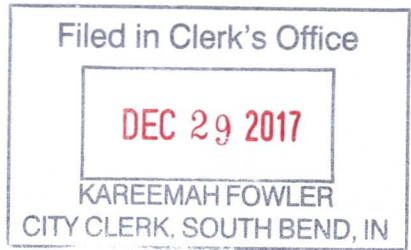
Not Applicable

Name and address of additional property owners, if applicable:

Not Applicable

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

From: SF1 Single-Family and Two-Family District
To: OB Office Buffer District



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

Counseling Offices

IF VARIANCE(S) ARE BEING REQUESTED:

Not Applicable

IF A SPECIAL EXCEPTION USE IS BEING REQUESTED:

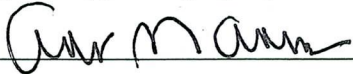
Not Applicable

CONTACT PERSON:

Richard A Nussbaum II
210 South Michigan Street
South Bend, IN 46601
574-234-3000
dickn@sni-law.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):



president, women's care center

BILL NO. 05-18
ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY
LOCATED AT 3527 LINCOLN WAY WEST, COUNCILMANIC DISTRICT NO. 1 IN
THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Petitioner is seeking a rezoning to OB Office Buffer for an office.

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:

Beginning at a point ninety-one feet six inches (91.5') west of the northeast corner of the west half of the northeast quarter (NE 1/4) of Section four (4) Township thirty-seven (37) north, Range two (2) east; thence running south parallel with the east line of the west half (W 1/2) of said Section four (4) to the northerly line of Lincoln Way West, formerly Michigan Road; thence northwesterly along the northerly line of said road two hundred thirty-nine feet (239); thence north to the north line of said Section; thence east along the north line of said Section, two hundred twenty-four (224) feet to the place of beginning; excepting therefrom a parcel of land described as a point ninety-one and five tenths (91.5) feet west of the northeast corner of the northwest quarter (NW 1/4) of the northeast quarter (NE 1/4) of said Section four (4), Township and Range aforesaid; thence running due south to the northerly line of Lincoln Way West, formerly Michigan Road; thence northwesterly along the northerly line of said road, one hundred eight and twenty-six hundredths (108.26) feet; thence in a due northerly direction to the north line of said section; thence east along the north line of said section, 100 feet to the place of beginning, all in St. Joseph County, Indiana.

be and the same is hereby established as OB Office-Buffer District.

SECTION II.

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

SECTION III. This ordinance shall be in full force and effect from and after its passage by the

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

Tim Scott, Council President
Member of the Common Council

Attest:

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

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

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

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

Pete Buttigieg, Mayor
City of South Bend, Indiana

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



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

BILL NO. 05-18

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

RE: A proposed ordinance of Women's Care Center, Inc. to zone from SF1 Single Family & Two Family District to OB Office Buffer District, property located at 3527 Lincoln Way West, City of South Bend - APC# 2859-17.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Women's Care Center, Inc. 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 Women's Care Center, Inc. to zone from SF1 Single Family & Two Family District to OB Office Buffer District, property located at 3527 Lincoln Way West, City of South Bend, is sent to the Common Council with a NO RECOMMENDATION.

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

Sincerely,

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

Lawrence P. Magliozzi

Attachment

CC: Women's Care Center, Inc.
Richard A. Nussbaum II

APC # 2859-17
Owner: Women's Care Center, Inc.
Location: 3527 Lincoln Way West
Jurisdiction: City of South Bend
Public Hearing Date: 2/20/2018

Requested Action:

The petitioner is requesting a zone change from SF1 Single Family & Two Family District to OB Office Buffer District

Land Uses and Zoning:

- On site: On site is a single family home and associated accessory structures.
- North: To the north, across from Elwood, are single family homes zoned SF2: Single Family and Two Family District.
- East: To the east is an office zoned OB: Office Buffer District.
- South: Across Lincoln Way are three parcels zone LB: Local Business District.
- West: To the west are single family homes zoned SF1: Single Family and Two Family District.

District Uses and Development Standards:

The O/B: Office/Buffer District is to provide specific areas where only certain limited offices may be developed. Since the district excludes retail, clinics, and business and commercial uses, and requires extensive screening and landscaping of permitted uses and associated parking areas, it may serve as a buffer between residential areas, and business and commercial developments. The O/B: Office/Buffer District is expressly intended to be limited to the area in association with commercial areas and certain streets where a gradual transition from existing residential use should occur.

Site Plan Description:

The site plan shows the remodeling and expansion of the existing home on the 0.57 acre lot, including the addition to that back of the house and the small addition on the south east corner of the house. Three structures will be removed. The existing structure and additions will house a medical clinic and offices. 20 parking spaces are proposed for the business, 15 are required. The site meets the landscaping requirements.

Zoning and Land Use History And Trends:

Parcels to the south and east have been rezoned to commercial or office districts. The parcel directly adjacent to the east was recently rezoned to OB: Office Buffer in 2002.

Traffic and Transportation Considerations:

Lincoln Way to the south has two lanes with a middle multi-directional left turn lane and seperated bike lanes in each direction. Elwood on the north side has two lanes.

Utilities:

The site will be served by municipal water and sewer.

Agency Comments:

Community Investment offers a favorable recommendation. The future land use plan in the West Side Main Streets Plan designates this parcel as the westernmost parcel in the Bendix Node. Thus, a use more intense than single-family residential would be appropriate, and

the proposed OB zoning would provide a transition from the single-family residential parcels to the west to the suburban commercial uses to the east.

Commitments:

The petitioner is not proposing any written commitments.

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

1. Comprehensive Plan:

Policy Plan:

The West Side Main Streets Plan (2014) states that the Bendix Node, in which this parcel is located, would be appropriate for commercial and medical office uses.

Land Use Plan:

The future land use plan identifies this area as the Bendix Node.

Plan Implementation/Other Plans:

The Petition is consistent with the Comprehensive Plan for the City of South Bend (2005), Objective LU 2.2: Pursue a mix of land uses along major corridors and other locations identified on the Future Land Use Map and Objective ED 7.3: Support neighborhood-based economic opportunities as identified in area-specific plans.

2. Current Conditions and Character:

Lincoln Way West is a mix of commercial and office businesses. To the north and south of the parcel, abutting the parcels along Lincoln Way, are primarily single-family residential homes.

3. Most Desirable Use:

The most desirable use is office or commercial use.

4. Conservation of Property Values:

Surrounding property values should not be affected negatively.

5. Responsible Development And Growth:

It is reasonable development and growth to encourage the development of office and commercial uses in the proposed mixed-use node.

Staff Comments:

The staff has no additional comments at this time.

Recommendation:

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

Analysis:

Rezoning this property to OB: Office Buffer will correspond well with the adjacent commercial and office properties along Lincoln Way. This rezoning corresponds with the City Comprehensive Plan and the West Side Main Streets Plan. Commercial and office use is appropriate for the Bendix Node (West Side Main Streets, 2014) which this parcel is located.



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

BILL NO. 05-18

February 21, 2018

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

RE: Bill #05-18
Rezoning: APC#2859-17
3527 Lincolnway

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 site plan was updated with more detail

There were no changes to the Ordinance.

Public Hearing Summary:

There was 1 person that spoke in favor of the petition stating the current facility had outgrown the space. There were 2 people that spoke in opposition stating that this development was dangerous to the community and is bad development. We received 11 letters in opposition to the petition.

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

Sincerely,

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

Angela M. Smith
Deputy Director

CC: Bob Palmer

REZONING
#2859-18

WELLINGTON

KENMORE

ELWOOD

BRENTWOOD

LINCOLN WAY

Portage Township
1 inch = 100 feet

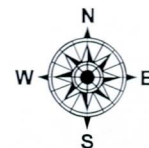




**Rezoning from: CITY OF SOUTH BEND
 SF1: SINGLE FAMILY & TWO FAMILY DISTRICT TO
 OB: OFFICE BUFFER DISTRICT**

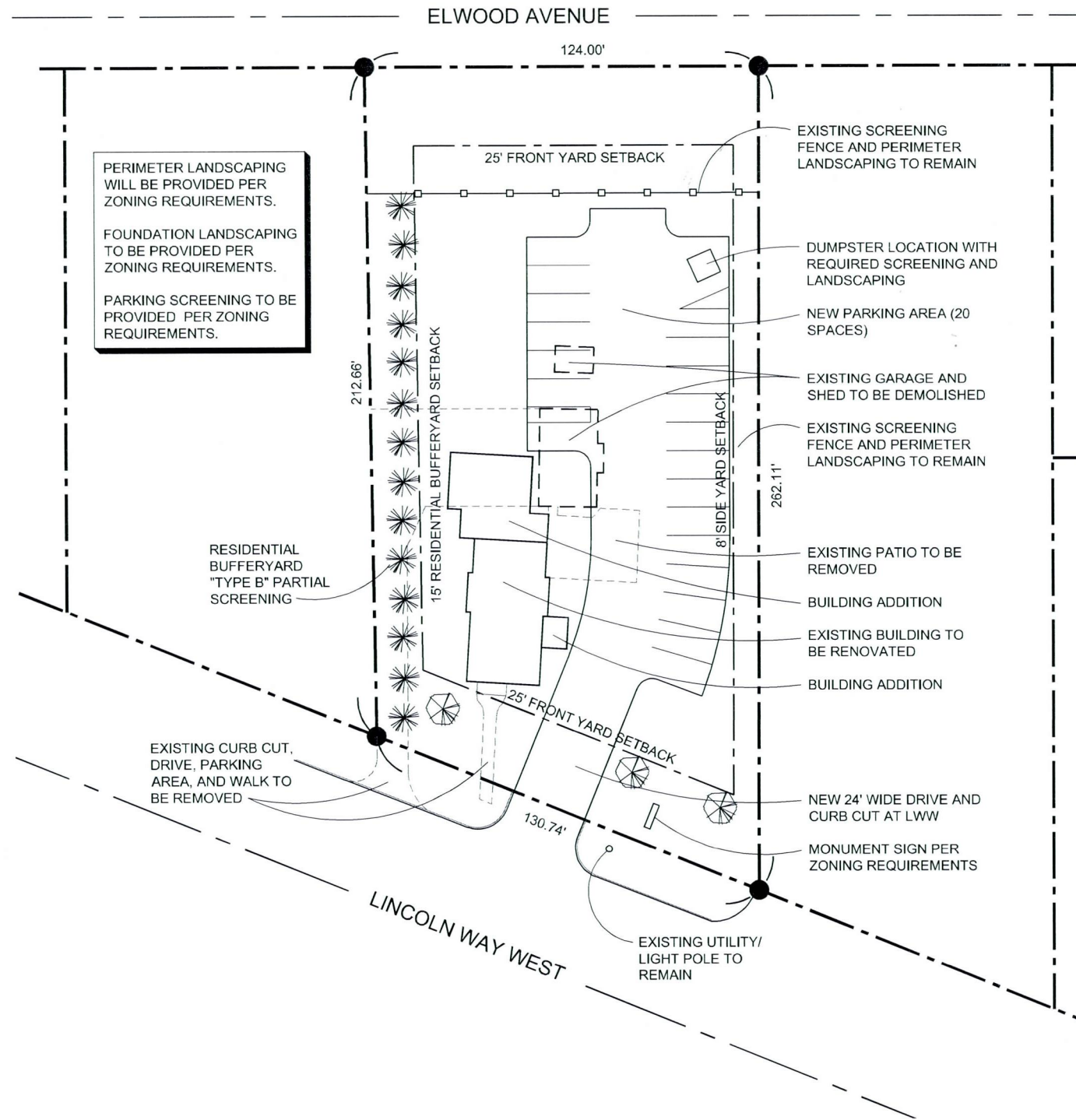
MASTER ZONING KEY

- 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 "LB" LOCAL BUSINESS DISTRICT
- SOUTH BEND "CB" COMMUNITY BUSINESS DISTRICT



1 inch = 100 feet

APC # 2859-18



PERIMETER LANDSCAPING WILL BE PROVIDED PER ZONING REQUIREMENTS.

FOUNDATION LANDSCAPING TO BE PROVIDED PER ZONING REQUIREMENTS.

PARKING SCREENING TO BE PROVIDED PER ZONING REQUIREMENTS.

124.00'

25' FRONT YARD SETBACK

EXISTING SCREENING FENCE AND PERIMETER LANDSCAPING TO REMAIN

DUMPSTER LOCATION WITH REQUIRED SCREENING AND LANDSCAPING

NEW PARKING AREA (20 SPACES)

EXISTING GARAGE AND SHED TO BE DEMOLISHED

EXISTING SCREENING FENCE AND PERIMETER LANDSCAPING TO REMAIN

212.66'

15' RESIDENTIAL BUFFERYARD SETBACK

8' SIDE YARD SETBACK

262.11'

EXISTING PATIO TO BE REMOVED

BUILDING ADDITION

EXISTING BUILDING TO BE RENOVATED

BUILDING ADDITION

25' FRONT YARD SETBACK

130.74'

EXISTING CURB CUT, DRIVE, PARKING AREA, AND WALK TO BE REMOVED

NEW 24' WIDE DRIVE AND CURB CUT AT LWW

MONUMENT SIGN PER ZONING REQUIREMENTS

EXISTING UTILITY/LIGHT POLE TO REMAIN

LINCOLN WAY WEST

TABULATED DATA

- APPLICABLE ZONING ORDINANCE: CITY OF SOUTH BEND ZONING ORDINANCE, EFFECTIVE DATE 5/7/04.
- ZONING DISTRICT: EXISTING: SF1 - SINGLE FAMILY AND TWO FAMILY DISTRICT
 PROPOSED: OB - OFFICE BUFFER DISTRICT
 PERMITTED USES/PRIMARY USES INCLUDE CLINIC MEDICAL AND OFFICE/PROFESSIONAL SERVICE.
- MINIMUM YARDS AND SETBACKS
 FRONT YARD AND BUILDING SETBACK: 25' FROM ROW
 SIDE YARD AND BUILDING SETBACK: 8'
 SIDE RESIDENTIAL BUFFER YARD SETBACK: 15'
 REAR YARD AND BUILDING SETBACK: 15'
 PARKING AREAS AND DRIVEWAYS ARE PERMITTED IN MINIMUM FRONT AND SIDE YARDS. PARKING AREAS MAY NOT BE CLOSER THAN 15' TO ROW IN FRONT YARDS.
 BUILDINGS AND STRUCTURES NOT PERMITTED IN RESIDENTIAL BUFFER YARD SETBACKS
- MAXIMUM PERMITTED BUILDING HEIGHT: 35', NOT TO EXCEED TWO AND ONE-HALF (2 1/2) STORIES
 PROPOSED BUILDING HEIGHT: 24'
 MAXIMUM PERMITTED GROSS FLOOR AREA: 5,000 S.F.
 PROPOSED GROSS FLOOR AREA: 2,594 S.F. EXISTING
 1,500 S.F. ADDITION
 4,094 S.F. TOTAL
- SIGNS:
 FREESTANDING SIGNS: MAXIMUM AREA OF 32 S.F. MONUMENT SIGN, 5' HIGH (MAX.)
 WALL SIGNS: 5% OF THE TOTAL AREA OF THE FRONT FACADE, AND 3% OF THE TOTAL AREA OF THE SIDE OR REAR FACADES
- OFF-STREET PARKING:
 REQUIRED: OFFICE USE (3.5 SPACES PER 1,000 GSF) 15
 PROPOSED 20
- OFF-STREET LOADING: NOT REQUIRED (OFFICE USE LESS THAN 10,000 SF)

ALLIANCE ARCHITECTS
 929 Lincolnway East, Suite 200 | South Bend, Indiana 46601

REZONING SUBMITTAL

RENOVATIONS FOR THE WOMEN'S CARE CENTER
 3527 LINCOLNWAY WEST
 SOUTH BEND, INDIANA

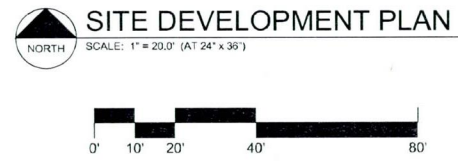
DATE: 12/29/17

© 2017 ALLIANCE ARCHITECTS ALL RIGHTS RESERVED

SHEET NO.

C1.0

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



FILED
 DEC 29 2017
 AREA PLAN COMMISSION
 APPLICATION NO. 2859-17

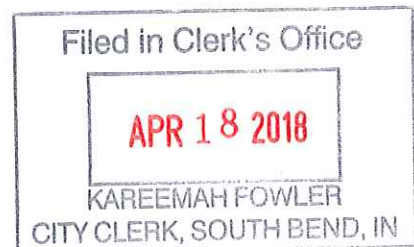
Regina and Gavin: I am attaching executed Written Commitments in support of the Women's Care Center, Inc. petition to rezone 3527 Lincolnway West (Bill No. 05-18). Bob Palmer requested I provide this document to the two of you as a result of your ad hoc role in facilitating a meeting between the Women's Care Center and representatives of the Whole Women's Health Alliance. In submitting these commitments to you please consider the following:

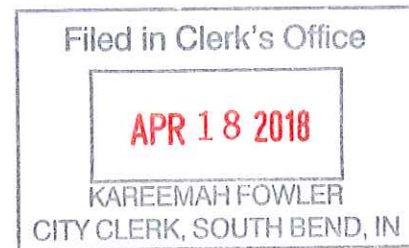
- I provided this draft to Bob Palmer upon getting authority to do so from my client, Women's Care Center to allow him an opportunity to review before providing it to the Council. I thank Bob for his professionalism and time in this process. I am very confident he will be able to respond to Council members if asked any questions about this document. He also advised me you would distribute to other Council Members, and therefore you will be the only recipients from me.
- We thank you both for meeting with us last Wednesday and Thursday to discuss this matter. We have worked very hard over the days following our meetings to address in good faith every one of the concerns raised by Whole Women's Health. There were some specific requests we simply can not do given the location of the property. However, each of the issues raised were considered with regard to location of the entrance, signage, no protestors or protest signs on our property, landscaping to separate our property from our neighbor to the east; no auxiliary buildings; and a willingness to work in good faith to provide a protocol for communication to address concerns which may arise in the future.
- We did not include in these Commitments our promise to keep the Chapin Street Clinic open 2 days a week with the concurrence of Bob Palmer since that issue is really not appropriate in a written commitment for a specific parcel of real estate. However, we reiterate our promise to keep open our Chapin Street location for 2 days a week in addition to the operation of our services at the Lincolnway West location.
- By its terms the Written Commitments can be enforced by the Area Plan Commission, City of South Bens including the City Attorney, Zoning Administrator (who I understand is now the APC but in the past has been the Building Department) or any other appropriate enforcement officials OR all property owners within 300 feet of 3527 LWW.

Based upon my experience as City Attorney and in other engagements involving municipal issues, I can not recall more significant commitments being offered by a Petitioner. We are very hopeful these commitments will help answer all questions and concerns raised at the public hearings as well as in the meetings we participated in with the 2 of you so that the Council can comfortably vote to approve this rezoning. If so, this Council will never regret such an action.

Richard A. Nussbaum, II
Sopko, Nussbaum, Inabnit & Kaczmarek
210 South Michigan Street
5th Floor - Plaza Building
South Bend, Indiana 46601
Tel: 574/234-3000
Fax: 574/234-4220
E-mail: dickn@sni-law.com

President, Midwest League of Professional
Baseball Clubs, Inc.





**COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL
ESTATE MADE IN CONNECTION WITH A REZONING REQUIRED BY THE CITY
OF SOUTH BEND ZONING ORDINANCE**

In accordance with I.C. 36-7-4-1015, Women's Care Center, Inc., an Indiana not for profit tax exempt corporation ("Owner") of the real estate located in St. Joseph County, Indiana which is described below, makes the following COMMITMENTS concerning the use and development of the following described parcel of real estate:

LEGAL DESCRIPTION: See Attached Exhibit "A" ("Real Estate")

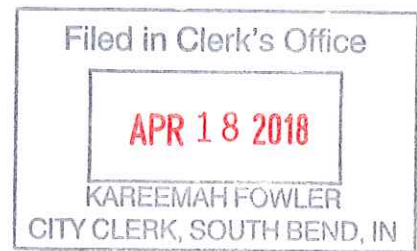
SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

STATEMENT OF COMMITMENTS:

1. Owner (i) will not permit any protestors, protests, protest signs, amplified sound supporting a protest, (collectively "Protests") on the Real Estate, and (ii) will request any Protests in the Public Right of Way in front of or back of the Real Estate to cease and desist such protests.
2. Owner will make reasonable efforts to locate the Entrance to the Real Estate from Lincolnway West as far to the west as possible giving due consideration to engineering issues resulting from the location of the current structure on the Real Estate.
3. Owner will not construct any accessory or auxiliary buildings as defined in the Municipal Code of the City of South Bend, IN ("Code")

4. Owner will agree to limit its signage to the following criteria:
 - a. Signage permitted by the Code in an OB Zoning District, but in no event larger than the sign found on the real estate parcel immediately to the east of the Real Estate owned by Stirrups, LLC including a monument sign and awnings. The type of signage will be substantially similar in content to the signs and awnings depicted in Exhibit "B" attached;
 - b. No window or digital signage;
 - c. No temporary signage except as allowed by the Code but in no event shall there be any signs which can be construed as signs of protest.
 - d. Signage will be placed on the Real Estate which limits parking to employees or business invitees of the Owner;
 - e. To the extent necessary signage in support of Commitment 1 can be placed on the real estate
 - f. No murals will be placed on the building or any fencing on the Real Estate
5. Owner will extend landscaping permitted by the Code from the fence line on the east side of the Real Estate toward Lincolnway West to the extent such landscaping does not negatively impact the visibility of the monument sign or the Building located on the Real Estate from vehicular traffic on Lincolnway West.
6. Owner will work in good faith with Stirrups, LLC or any tenant of Stirrups, LLC (collectively "Neighbor") to establish a protocol for communicating with Neighbor to address any concerns of either the Owner or the Neighbor in the use of the Real Estate of the parcel owned by Neighbor including but not limited the implementation of the Commitments made herein.

These COMMITMENTS shall run with the land, binding (i) the Owner of the Real Estate; (ii) subsequent owners of the Real Estate and (iii) other persons or entities acquiring an interest therein. These COMMITMENTS may only be modified or terminated by a decision of the City of South Bend Common Council made at a public hearing after proper legal notice has been given.



These COMMITMENTS (i) be effective upon the approval by the Common Council of the City of South Bend of rezoning petition of the Owner described in Bill No. 05-18, signed by the Mayor of the City of South Bend all pursuant to the Code, (collectively "Approval") and (ii) continue in effect until the proposed use by the Owner of the Real Estate permanently terminates, but only after the City of South Bend Common Council makes such a finding after a public hearing as described above; or, modified or terminated by the City of South Bend Common Council.

These COMMITMENTS may be enforced jointly or severally by:

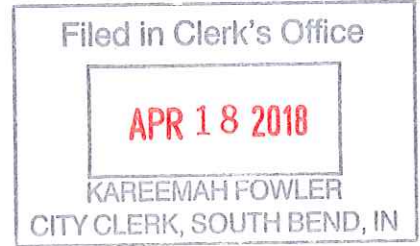
1. The Area Plan Commission of St. Joseph County;
2. The City of South Bend, Indiana;
3. Owners of all parcels of ground adjoining the real estate within three-hundred (300) feet of the subject parcel and all owners of real estate within the area included in the petition who were not petitioners for approval;
4. The City of South Bend Attorney, Zoning Administrator, appropriate enforcement official, and other specially affected persons designated in such commitments;

The undersigned hereby authorizes the City Clerk or her designee to record this Commitment in the Office of the Recorder of St. Joseph County, Indiana, upon Approval of Bill No. 05-18.

IN WITNESS WHEREOF, Owner has executed this instrument this 16th day of April, 2018

Women's Care Center, Inc.

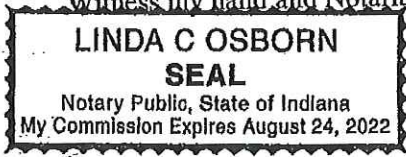
By Ann Manion
Ann Manion, President



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

Before me, a Notary Public in and for said County and State, personally appeared Ann Manion, President of the Women's Care Center, Inc. owner of the Real Estate who acknowledged the execution of the foregoing instrument in such capacity and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 16 day of April, 2018



Signature Linda C Osborn

Printed LINDA C. Osborn

County of Residence ST JOSEPH COUNTY

My Commission expires: 8/24/2022

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. -- Richard A. Nussbaum, II

This instrument was prepared by Richard A. Nussbaum, II, Attorney at Law, 210 South Michigan Street 5th Floor South Bend, IN 46601

Filed in Clerk's Office

APR 18 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

EXHIBIT "A"

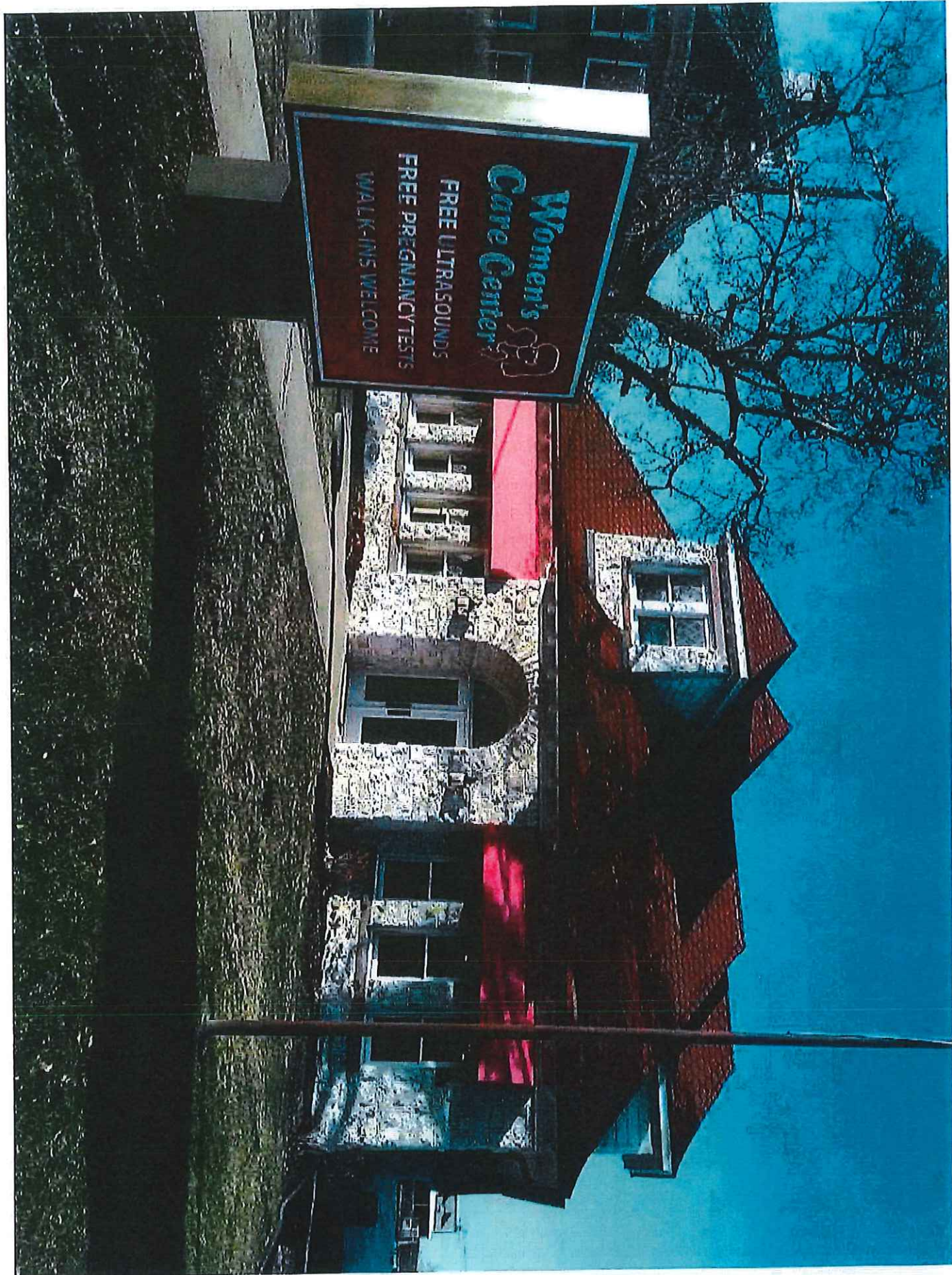
Beginning at a point Ninety-one feet six inches (91.6) West of the Northeast corner of the West Half of the Northeast Quarter (NE $\frac{1}{4}$) of Section Four (4) Township Thirty-seven (37) North, Range Two (2) East; thence running South parallel with the East line of the West Half (W $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Four (4) to the Northerly line of Lincolnway West, formerly Michigan Road, thence Northwesterly along the Northerly line of said Road Two Hundred Thirty-nine feet (239); thence North to the North line of said Section; thence East along the North line of said Section, Two Hundred Twenty-four (224) feet to the place of beginning; Excepting Therefrom a parcel of land described at a point Ninety-one and five tenths (91.5) feet West of the Northeast corner of the Northwest Quarter (NW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of said Section Four (4), Township and Range aforesaid; thence running due South to the Northerly line of Lincolnway West, formerly Michigan Road; thence Northwesterly along the Northerly line of said road, One Hundred Eight and Twenty-six hundredths (108.26) feet; thence in a due Northerly direction to the North line of said Section; thence East along the North line of said Section, 100 feet to the place of beginning, all in St. Joseph County, Indiana.

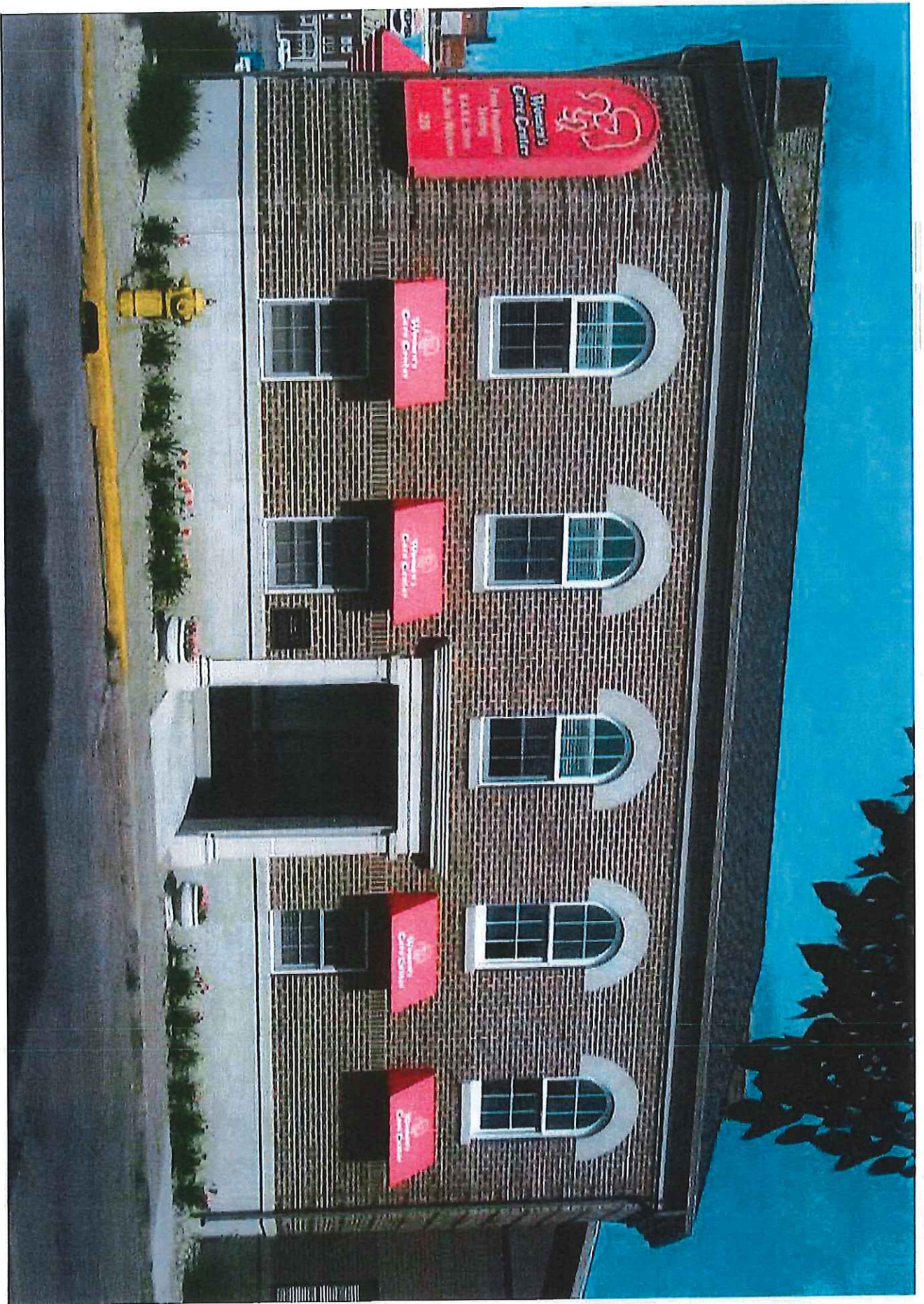
Property Address Reference: 3527 Lincolnway West, South Bend, IN 46628

Filed in Clerk's Office
APR 18 2018
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

EXHIBIT "B"

Women's
Care Center
FREE ULTRASOUNDS
FREE PREGNANCY TESTS
WALK-INS WELCOME







AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

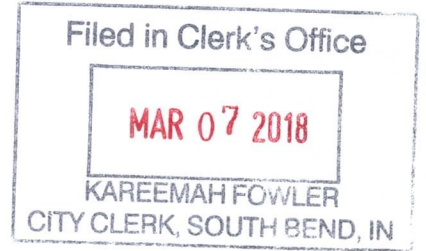
Angela M. Smith
Deputy Director

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

BILL NO. 14-18

March 6, 2018

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



RE: 1619 South Michigan Street
APC# 2865-18

Dear Council Members:

Enclosed in an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your March 12, 2018 Council meeting, and set it for public hearing at your April 23, 2018 Council meeting. The petition is tentatively scheduled for public hearing at the April 17, 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.

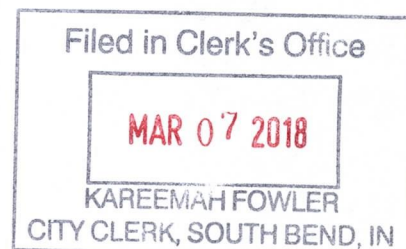
If you have any questions, please feel free to contact our office.

Sincerely,

Jordan Wyatt
Planner

CC: Bob Palmer

BILL NO. 14-18
ORDINANCE NO. _____



AN ORDINANCE AMENDING THE ZONING ORDINANCE AND SEEKING A SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 1619 S MICHIGAN STREET, COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property from LB to CB for automobile sales and carry-out restaurant.

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:

Part of the West half of the Southwest Quarter of Section 13, Township 37 North, Range 2 East, St. Joseph County, Indiana being more particularly described as follows: Commencing at a point on the West line of Michigan Street, 163 feet South of the North line of said West half of the Southwest Quarter of Section 13 for the Point of beginning; Thence running West along the South line of a 20 foot alley to the East line of a 14 foot alley, a distance of 165 feet; Thence South, along the East line of said 14 foot alley, a distance of 132 feet; Thence East, parallel with the South line of said 20 foot alley to the West line of said Michigan Street, a distance of 165 feet; Thence North, along the West line of said Michigan Street, a distance of 132 feet to the
Point of beginning

Containing 0.50 acres more or less, subject to all legal easements.

be and the same is hereby established as CB: Community Business District.

SECTION II. That a Special Exception Use for *Automobile Sales* in a *CB: Community Business District* is hereby granted subject to a site development plan hereby attached and made a part of this Ordinance and which site plan contains and lists all conditions, if any, of approval.

SECTION III. This ordinance is and shall be subject to commitments as provided by Chapter 21-

09.02(d) Commitments, if applicable.

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

Tim Scott, Council President
South Bend Common Council

Attest:

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

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

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

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

Pete Buttigieg, Mayor
City of South Bend, Indiana

PETITION FOR ZONE MAP AMENDMENT

City of South Bend, Indiana

BILL NO. 14-18

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: 1619 South Michigan Street, South Bend, Indiana 46613
- 2) The property Tax Key Number(s) is/are: 018-8008-039101
- 3) Legal Descriptions:

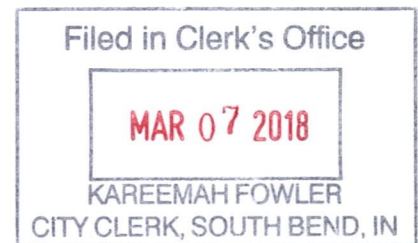
Part of the West half of the Southwest Quarter of Section 13, Township 37 North, Range 2 East, St. Joseph County, Indiana being more particularly described as follows: Commencing at a point on the West line of Michigan Street, 163 feet South of the North line of said West half of the Southwest Quarter of Section 13 for the Point of beginning; Thence running West along the South line of a 20 foot alley to the East line of a 14 foot alley, a distance of 165 feet; Thence South, along the East line of said 14 foot alley, a distance of 132 feet; Thence East, parallel with the South line of said 20 foot alley to the West line of said Michigan Street, a distance of 165 feet; Thence North, along the West line of said Michigan Street, a distance of 132 feet to the Point of beginning

Containing 0.50 acres more or less, subject to all legal easements.

- 4) Total Site Area: 0.50 acres
- 5) Name and address of property owner(s) of the petition site:

Delta One Properties, LLC
1619 South Michigan Street
South Bend, Indiana 46613

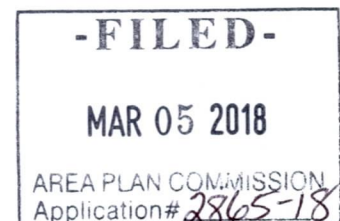
Name and address of additional property owners, if applicable:



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

Jay Amer & Amjad Ahmed
Michiana Auto Sales
1619 South Michigan Street
South Bend, Indiana 46613
574-326-46613

Name and address of additional property owners, if applicable:



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

From: LB Local Business District

To: CB Community Business District

- 8) This rezoning is requested to allow the following use(s): Automobile Sales And Carry-out Restaurant

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

- 1) A variance from the required foundation landscaping to no foundation landscaping
A variance from the required parking lot screening to no parking lot screening
A variance from the required interior parking lot landscaped islands to no interior parking lot landscaped islands
- 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: we will not be changing any property lines, building or the parking lot
 - (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 use of the said parcel will be an automobile sales and a carry out restaurant that will use the existing building and parking lot.
 - (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: by not letting the property owners to benefit from the most applicable use of their property.

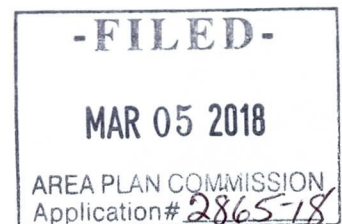
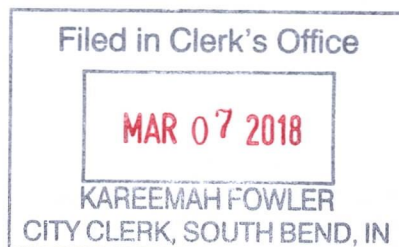
IF A SPECIAL EXCEPTION USE IS BEING REQUESTED, (if not, please skip to next section):

- 1) The Special Exception Use(s) being requested: to have an automobile sales on said parcel
- 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: as there is no request being made of any purpose other than to use the existing parking lot and building for a automobile sales and a carry out restaurant
 - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: there will be no changes made to said parcel, the parking lot will exist as it is and the building will be a carry out restaurant and small office spaces.
 - (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: by allowing the existing building and parking lot to remain.
 - (d) The proposed use is compatible with the recommendations of the Comprehensive Plan. No property lines will be changed and there are no property line encroachments exist or are proposed.

* 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:

Lang, Feeney & Associates, INC
715 South Michigan Street
South Bend, Indiana 46613
574-233-1841



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):

~~Amjad~~ Amjad ahmed
Amjad amer

Delta One Properties, LLC

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

-FILED-
MAR 05 2018
AREA PLAN COMMISSION
Application# 286578

REZONING

PART OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 37 NORTH, RANGE 2 EAST, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA FOR

1619 SOUTH MICHIGAN STREET
SOUTH BEND, INDIANA 46613
C/O MICHIANA AUTO SALES
JAY AMER & AMJAD AHMED

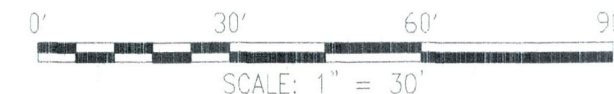
NOTE:
THIS BUILDING IS SERVED BY MUNICIPAL WATER AND SANITARY SEWER

PARKING:
DRIVE-IN RESTAURANT: ONE SPACE PER EMPLOYEE (MIN 5 SPACES)
3 EMPLOYEES = 5 SPACES SUPPLIED (4 REGULAR, 1 HC)

AUTO SALES ONE SPACES PER 300 SF OF SALES FLOOR AREA IN EXCESS OF 1000 SF (NONE)
PLUS ONE SPACES PER 2000 SF OF OPEN AREA.
2430 SF OPEN AREA = 2 SPACES REQUIRED
5 SPACES SUPPLIED (4 REGULAR, 1 HC)

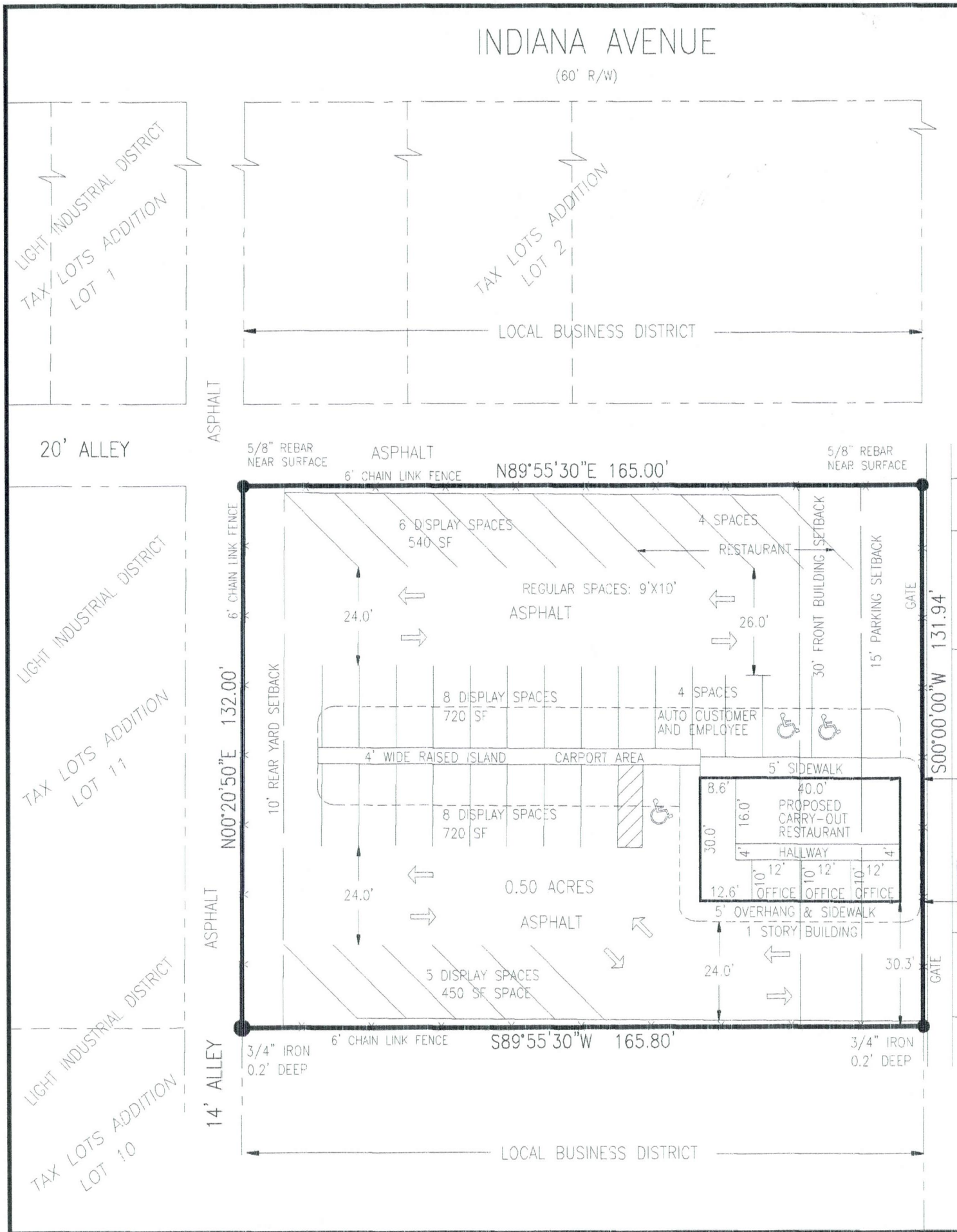
LEGEND

- IRON FOUND
- (M) MEASURED
- x— FENCE



LEGAL DESCRIPTION:

PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 37 NORTH, RANGE 2 EAST, ST. JOSEPH COUNTY, INDIANA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE WEST LINE OF MICHIGAN STREET, 163 FEET SOUTH OF THE NORTH LINE OF SAID WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 13 FOR THE POINT OF BEGINNING; THENCE RUNNING WEST ALONG THE SOUTH LINE OF A 20 FOOT ALLEY TO THE EAST LINE OF A 14 FOOT ALLEY, A DISTANCE OF 165 FEET; THENCE SOUTH, ALONG THE EAST LINE OF SAID 14 FOOT ALLEY, A DISTANCE OF 132 FEET; THENCE EAST, PARALLEL WITH THE SOUTH LINE OF SAID 20 FOOT ALLEY TO THE WEST LINE OF SAID MICHIGAN STREET, A DISTANCE OF 165 FEET; THENCE NORTH, ALONG THE WEST LINE OF SAID MICHIGAN STREET, A DISTANCE OF 132 FEET TO THE POINT OF BEGINNING CONTAINING 0.50 ACRES MORE OR LESS, SUBJECT TO ALL LEGAL EASEMENTS.



MICHIGAN STREET
(100' R/W)

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

-FILED-
MAR 05 2018
AREA PLAN COMMISSION
Application# 2865-18



Lang, Feeney & Associates, Inc.
715 S. Michigan Street
South Bend, Indiana 46601
Phone (574) 233-1841

Land Surveyors • Soil Scientists	
Scale 1" = 30'	Drawn KAW
Date 3/01/18	Job Name MichianaAutoSalesMichiganStreet-Res zoning
Rev. -	Job No. -
Rev. -	-



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

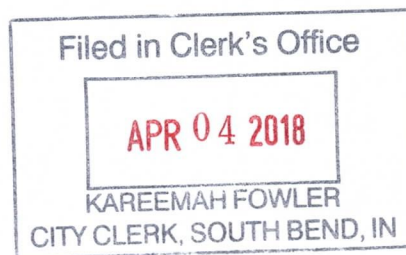
Angela M. Smith
Deputy Director

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

BILL NO. 18-15

April 4, 2018

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



RE: 122 Milton Street – Special Exception Use

Dear Council Members:

Enclosed in an Ordinance for the proposed Special Exception Use at the above referenced location. Please include the attached Resolution on the Council agenda for first reading at your April 9th, 2018 Council meeting, and set it for public hearing at your April 23rd, 2018 Council meeting. The petition is tentatively scheduled for public hearing at the April 11th, 2018 Area Board of Zoning Appeals meeting. The recommendation of the Area Board of Zoning Appeals will be forwarded to your office following the public hearing.

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

Sincerely,

Angela M. Smith
Deputy Director

CC: Bob Palmer

BILL NO. 18-15

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
122 MILTON 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:

122 MILTON STREET

In order to permit insert a Two Family Dwelling.

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 or Common Council, which are on file in the office of the City Clerk.

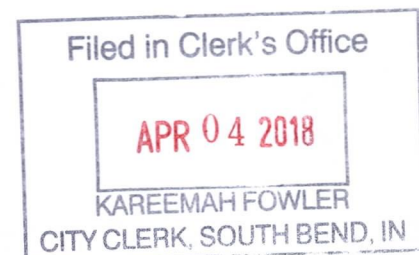
SECTION V. The Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Tim Scott, Council President
South Bend Common Council

~~PRESENTED~~

~~NOT APPROVED~~

~~ADOPTED~~



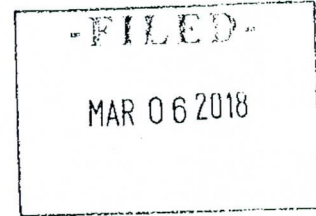
CITY OF SOUTH BEND
PETITION FOR VARIANCE and/or SPECIAL EXCEPTION USE

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are: 018-7034-1333

The property address:

122 Milton St, South Bend, IN 46613



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: n/a

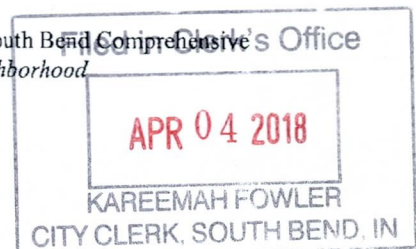
VARIANCE INFORMATION:

List each variance being requested. The variance request must specifically list the requirement and the desired request (e.g. From the required [enter requirement] to [enter request going to]) Additional examples can be found on our website. Please contact the Staff if you need assistance.

- 1) 1 Variance consisting of minimum 4 required off street parking spaces to 1
- 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 property contains a one car garage along with a driveway for an extra vehicle. There is also two undeveloped lots directly across the street.*
 - (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: *After the rehab of the existing structure into a well kept property, the property value will go up for this home and others in the area.*
 - (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *This Property will not cause a parking problem on the street due empty lots across the street and ample distance between houses. Parking is consistently available on this street.*

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 : *I would like to convert the house back into a two family dwelling.*
- 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: *This property will beautify and thus improve the community with a well maintained house replacing the current dilapidated property*
 - (b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein: *The current structure is dilapidated. The rehab will increase property values on 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: *There is a variety of housing types in the area and this was previously a duplex. The House has two kitche I have extensive rehab experience in the neighborhood so the property will be up the area standards*
 - (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *The city would like to rehab the many dilapidated houses in this neighborhood*



PETITIONER INFORMATION:

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

*Brian Horwitz/ BH Investments
2269 Chestnut St #280
San Francisco, CA 94123
949-910-8691
ticketshop@gmail.com*



Name and address of additional property owners, if applicable:


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

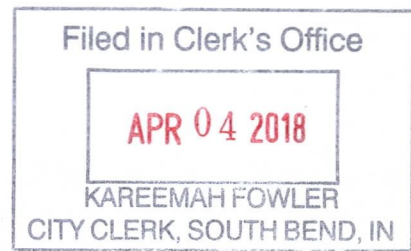
Name and address of additional property owners, if applicable:

CONTACT PERSON:

*Cindy Hendrick
1921 S Lafayette St
South Bend, IN 46613
949-910-8691
ticketshop@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 RELATED TO THIS PETITION.

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





018-7043-1886

40

35

35

35

MILTON

52

45

45

45

45

SOUTH BEND

018-103-1335

018-733-1100

018-7034-1332

64-1332

018-7034-1330

6-7034-1341

01

64.5

128:9

64.5

Empty lot

Empty lot

Fishing Pond area

Information shown on this map is not warranted for accuracy or merchantability. Reproduction of this material is not possible without the written permission of St. Joseph County, Indiana.

Date: 3/5/2018

1 in = 20 feet

AREA BOARD OF ZONING APPEALS

BILL NO. 18-15

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

Thursday, April 12, 2018

Common Council
227 W. Jefferson Boulevard
South Bend, IN 46601

RE: The petition of BH INVESTMENTS LLC seeking a Special Use for a two family dwelling in the SF2 Single Family & Two Family District for property located at 122 MILTON ST, City of South Bend


Dear Council Members:

I hereby Certify that the above referenced ordinance of BH INVESTMENTS LLC was legally advertised on March 29, 2018 and that the Area Board of Zoning Appeals at its public hearing on April 11, 2018 took the following action:

Upon a motion by Michael Urbanski, being seconded by Kathy Schuth and unanimously carried, a petition by BH INVESTMENTS LLC seeking a Special Use for a two family dwelling for property located at 122 MILTON ST, City of South Bend, was sent to the Council with no recommendation, and will issue written Findings of Fact.

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, Executive Director

Attachment

CC: BH INVESTMENTS LLC
Cindy Hendrick



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

The following comments are being made concerning items to be heard at the Area Board of Zoning Appeals meeting on APRIL 11, 2018.

Special Exception / Special Use

A special exception use / special use may only be granted upon making a written determination and adopting appropriate Findings of Fact, 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;*
- (2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;*
- (3) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;*
- (4) The proposed use is compatible with the recommendations of the Comprehensive Plan*

Petition of BH Investments LLC

Based on information available prior to the public hearing, the staff recommends the Special Exception Use be sent to the Common Council with a favorable recommendation.

- (1) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare.*
The proposed use is residential. I should not be injurious to the public health, safety, or general welfare of the community.
- (2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein.*
Because of the residential nature of the proposed two-family dwelling, it would not affect the use or value of the adjacent property values.
- (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 two-family dwelling is consistent with the character of the area and the SF2 Single Family & Two Family District. This area is in a medium density residential area with close proximity to a major commercial corridor.
- (4) The proposed use is compatible with the recommendations of the Comprehensive Plan.*
The proposed use is consistent with the City Plan, South Bend Comprehensive Plan (November 2006): Objective H1: Ensure that an adequate supply of housing is available to meet the needs, preference, and financial capability of households now and in the future.

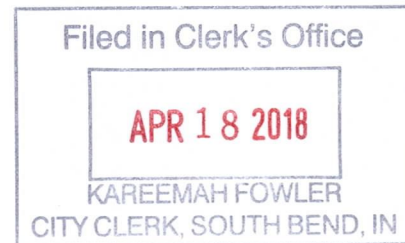


CITY OF SOUTH BEND
COMMUNITY INVESTMENT
JAMES MUELLER, EXECUTIVE DIRECTOR

BILL NO. 18-16

April 18, 2018

Tim Scott, President
South Bend Common Council
400 County City Building
South Bend, IN 46601



President Scott:

The attached resolution will authorize the Mayor of South Bend to execute documents to renew the St. Joseph County Housing Consortium under an inter-local agreement between the Cities of South Bend, Mishawaka, and St. Joseph County. The Consortium was originally established in 1991 and since that time has brought over 14 million dollars of HOME program funding for low-income assistance into our community.

The Consortium's current agreement covering the period of 2016-18 is set to expire on December 31, 2018. The Department of Housing and Urban Development (HUD) process requires the passage of a resolution authorizing the chief elected officer of the jurisdiction to execute renewal documents. The renewal agreement will cover years 2019-2021 and is attached.

Re-establishing the Consortium will allow continuation of this valuable community resource. Staff will present this resolution at the April 23, 2018 meeting. Please call me at 235-5845 with any questions prior to then. Thank you.

Sincerely,

Pamela C. Meyer
Director, Neighborhood Development

DANIEL J. BUCKENMEYER
BUSINESS DEVELOPMENT

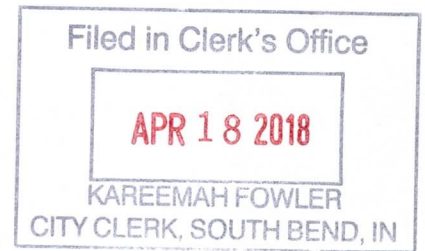
ALKEYNA ALDRIDGE
ENGAGEMENT & ECONOMIC EMPOWERMENT

PAMELA MEYER
NEIGHBORHOOD DEVELOPMENT

TIM CORCORAN
PLANNING & COMMUNITY RESOURCES

BILL NO. 18-16

RESOLUTION NO. _____



A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA APPROVING AN AGREEMENT EXTENDING THE ST. JOSEPH COUNTY
HOUSING CONSORTIUM AND AUTHORIZING THE EXECUTION THEREOF

WHEREAS, On November 28, 1990, the National Affordable Housing Act (NAHA) of 1990, also known as the Cranston-Gonzales Act, became law, to implement its stated goal that every American family be able to afford a decent home; and

WHEREAS, NAHA requires any governmental unit to formulate and submit appropriate plans in order to be eligible to receive funds from several existing federal programs, including Community Development Block Grant (CDBG), the HOME Investment Partnership Program (HOME), Emergency Solutions Grant (ESG), as well as to be eligible to receive funds from new housing assistance programs created by NAHA; and

WHEREAS, NAHA provides for the designation of geographically contiguous units of general local government to participate as consortia in, and thereby be considered a single Unit of general local government, for purposes of HOME; and

WHEREAS, I. C. 36-1-7, the Interlocal Cooperation Act, authorizes one or more governmental entities to exercise, jointly or by one entity on behalf of the others, powers that may be exercised by such units severally; and

WHEREAS, pursuant to the Interlocal Cooperation Act, the Cities of South Bend and Mishawaka, and the County of St. Joseph, being contiguous units of general local government have formed the St. Joseph Housing Consortium, which, by agreement of the member entities, is to terminate on **December 31, 2018**; and

WHEREAS, the Cities of South Bend, Mishawaka, and St. Joseph County are desirous of re-establishing the Consortium for the purposes of receiving an allocation and participating in HOME, and all other housing programs administered by HUD for which they may be eligible, and for the purpose of cooperating to undertake or to assist in the undertaking of housing assistance activities for HOME and other HUD programs, including using a January 1st program year; and

WHEREAS, substantially similar resolutions will be approved by the St. Joseph County Council and the Mishawaka Common Council.

NOW, THEREFORE, AND PURSUANT TO THE AUTHORITY GRANTED THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA UNDER I.C. 36-1-7, THE INDIANA INTERLOCAL COOPERATION ACT, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND AS FOLLOWS:

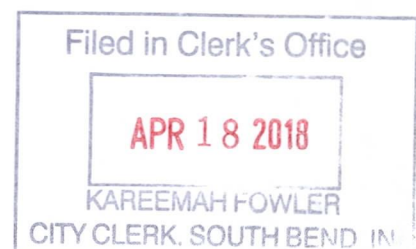
Section I. The Common Council of the City of South Bend, Indiana has considered and hereby approves the extension of and participation in the St. Joseph County Housing Consortium for purposes of the formulation, update, submission and implementation of applicable plans and programs and the implementation of the HOME Investment Partnerships Program (HOME), Emergency Solutions Grant (ESG) and other housing assistance programs funded by the Department of Housing and Urban Development (HUD) under the National Affordable Housing Act of 1990 (NAHA).

Section II. The Common Council of the City of South Bend, Indiana hereby authorizes the Mayor, or his designee, to enter into an Agreement extending the St. Joseph County Housing Consortium, in form and substance the same as or similar to that of the Agreement attached hereto.

Section III. The Common Council of the City of South Bend, Indiana hereby confirms its commitment to the goals and the reality of fair housing within the City of South Bend.

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

Tim Scott, Council President
South Bend Common Council



AN AGREEMENT AMONG THE CITIES OF SOUTH BEND, MISHAWAKA, AND THE COUNTY OF ST. JOSEPH EXTENDING THE ST. JOSEPH COUNTY HOUSING CONSORTIUM

THIS INTERLOCAL AGREEMENT (Agreement) is entered into this _____ day of _____, 2018 by and among the City of South Bend, Indiana (South Bend), the City of Mishawaka, Indiana (Mishawaka), and The County of Saint Joseph, Indiana (St. Joseph County).

RECITALS

WHEREAS, on November 28, 1990, the National Affordable Housing Act (NAHA) of 1990, also known as the Cranston-Gonzales Act, became law, to implement its stated goal that every American family be able to afford a decent home; and

WHEREAS, NAHA requires any governmental unit to formulate and submit applicable plans in order to be eligible to receive funds from several existing federal programs, including Community Development Block Grants (CDBG), Emergency Solutions Grant (ESG), and the HOME Investment Partnerships Program (HOME); and

WHEREAS, NAHA provides for the designation of geographically contiguous units of general local government to participate as a consortia in, and thereby be considered a single unit of general local government for the purpose of HOME; and

WHEREAS, South Bend, Mishawaka, and the St. Joseph County (collectively, "Consortium Members"), being contiguous units of general local government, first formed a consortium on August 27, 1991, with continual renewals every three years, for the purposes of formulating and submitting required plans for the purpose of receiving an allocation and participating in the HOME, CDBG, ESG, and all other housing programs administered by the Department of Housing and Urban Development (HUD) for which they may be eligible, and for the purpose of cooperating to undertake or to assist in the undertaking of housing assistance activities for HOME and other HUD programs, which consortium expires by its terms unless it is extended prior to December 31, 2018; and

WHEREAS, HUD's Notice CPD-06-04 and 24 CFR Parts 91 and 92 set forth requirements for a consortium agreement, and the intent of this Agreement is to comply with the Notice and CFR Parts 91 and 92.

NOW, THEREFORE, for and in consideration of the mutual covenants and promises contained herein, and pursuant to the authority granted the parties under I.C. 36-1-7, the Indiana Interlocal Cooperation Act, the Consortium Members AGREE as follows:

1. Preamble

Program Activity. Consortium Members agree to cooperate to undertake or to assist in undertaking housing assistance activities for the HOME Program.

Fair Housing. Consortium Members confirm their commitment to cooperate and further the goal of decent, safe, sanitary and affordable housing for every American, as set forth under NAHA, by taking affirmative steps to strengthen partnerships between public and private institutions, and to undertake such activities in conformance with fair housing policies.

Program Year. Consortium Members agree to a program year start date of January 1.

2. Consortium

Term. This Agreement shall specify the three year qualification period of the Consortium to be 2019, 2020, and 2021. This Agreement shall terminate at the later of the following dates: December 31, 2021 or the date on which all activities funded under NAHA during the federal fiscal years 2019, 2020, and 2021 have been carried out.

Prior to the termination of this Agreement the Consortium may elect to extend the term of this Agreement, by the adoption of substantially similar resolutions of each of the governing bodies of each consortium member, approving the extension of the Consortium and the amendment of this Agreement, and authorizing the chief elected official of each member to execute the amendments to this Agreement.

During the duration of this Agreement, no Consortium member may take any action to withdraw from the Agreement while it is in effect; terminate the Consortium, this Agreement, or the membership of that or another member in the Consortium.

Amendment. Changes and amendments to this Agreement shall be made only upon the affirmative vote of two-thirds of the Consortium membership voting upon a motion to change or amend at a meeting of the Consortium.

Limitations. No Consortium Member may obstruct implementation of the Consortium's approved Consolidated Plan.

Representative Appointment. South Bend, Mishawaka, and St. Joseph County hereby designate South Bend as the Consortium's Lead Entity and authorize South Bend to act in a representative capacity, as Lead Entity for the Consortium, for purposes of HOME, and to exercise through its Department of Community Investment the activities of a Lead Entity.

Representative Responsibilities. South Bend, as representative member of the parties to this Agreement, and acting through its Department of Community Investment shall:

- (a) Assume overall responsibility for ensuring that the Consortium's HOME program is carried out in compliance with the requirements of the HOME Program.
- (b) Assume overall responsibility for the formulation, update, and timely submission of any required plans, including, but not limited to a Consolidated Plan as identified by HUD's Notice CPD-060-04 and approved of by the Consortium; overall responsibility for formulating and updating a community profile (including a needs assessment and assessment of the Consortium's housing market and inventory) and the formulating and updating of a five (5) year strategy (including a plan that addresses geographic and program priorities) and addresses the issues of homelessness and other fair housing issues.
- (c) Assume overall responsibility for implementing required plans within the Consortium.
- (d) Assume overall responsibility for administration and management of all housing activities funded through HOME and other NAHA programs, within the Consortium, including but not limited to, application processing, applicant capacity review, property and market reviews, recommendations for funding, contract processing, and monitoring.
- (e) Assume the overall responsibility to monitor and assure compliance with all HOME requirements during project implementation and the affordability period; including the right to enforce provisions of this Agreement and, to the reallocation of funds from activities for non-performance or non-compliance.

Allocation of Project Funds. The initial funding of an activity, as well as any program income derived from that activity, shall be allocated on a project based method.

Allocation of Administrative Funds. Administrative funds to compensate the Lead Entity South Bend Department of Community Investment for the services to the Consortium members will be determined on an annual basis.

Consortium Membership: Membership of the Consortium shall be composed of the following:

- (a) The Mayor of South Bend or designee;

- (b) A member appointed by the Mayor of South Bend;
- (c) The Mayor of Mishawaka or designee;
- (d) A member appointed by the Mayor of Mishawaka;
- (e) President of the Board of County Commissioners of St. Joseph County or designee;
- (f) A member appointed by the President of the Board of County Commissioners of St. Joseph County

Each chief elected official member of the Consortium who elects to be represented by a designated alternate, shall, upon designating that alternate, so advise the Lead Entity, South Bend.

Consortium Communications. The Consortium shall meet from time to time, as necessary to carry out its responsibilities and purposes hereunder, and shall publish notice of its meetings and conduct its meetings in accordance with the provisions of I.C. 5-14-1.5.

Quorum and Majority. A simple majority of the Consortium membership shall constitute a quorum at any meeting of the Consortium. The act of the majority of the members present and voting at a meeting at which a quorum is present shall be the act of the Consortium.

Consortium Administration and Duties. To the extent not inconsistent herewith or restricted hereby, and to the extent not inconsistent with nor restricted by federal, state or local law, the Consortium may authorize any officer or officers, agent or agents, including employees of the Lead Entity, the City of South Bend Department of Community Investment, to enter into any contract or execute and deliver any instrument in the name of or on behalf of the Consortium, and such authority may be general or confined to specific instances. Further the Consortium shall:

- (a) Conduct its business and affairs for the benefit of the Consortium Members.
- (b) Provide policy direction to the Lead Entity, in its exercise of its obligations here under.
- (c) Review and approve the applications made to HUD for funding for other housing programs funded under NAHA to be implemented by the Consortium.

- (d) Enter into, make and perform contracts directly with private corporations, partnerships, associations, or foundations public and private, the United States of America, the State of Indiana, or any political subdivision or agency in order to implement and further the purposes of this Agreement.
- (e) Accept grants and gifts from Consortium members, the United States of America, the State of Indiana, other units of general government, and from any unit, private corporation, partnership, association or individual provided, however, that no gift or grant may be accepted from any individual receiving services or from any member of the professional or clerical staff of the South Bend Department of Community Investment. Further, any grant or gift received by the Consortium shall be transferred for deposit in the St. Joseph County Housing Consortium Checking Account.
- (f) In general, exercise all powers which now or hereafter may be conferred by law upon the Consortium for purposes of carrying out the purposes of this Agreement.

3. Fiscal Responsibility

Financial and fiscal responsibility for all funds received and administered in connection with this Agreement, shall, on a day-to-day basis, be vested in the Lead Entity the City of South Bend Department of Community Investment and/or the City of South Bend's Controller. The Department of Community Investment and/or the South Bend Controller shall be responsible for the receipt, disbursement, and accounting of all Consortium funds.

4. Expansion of Consortium.

During the term of this Agreement, any other unit of general local government contiguous to South Bend, Mishawaka, and/or St. Joseph County, may petition the Housing Consortium to join, and thereby expand the Consortium. Such petition shall be signed by the Chief elected Official of the petitioning governmental unit and shall demonstrate the interest, desire, and commitment of that governmental unit to participate in and further, affirmatively, the purposes of the Consortium. The Consortium shall consider and vote on such petition at a regular or special Consortium meeting. Upon the unanimous vote of the current Consortium membership approving such a petition, the Consortium shall direct the petitioning governmental unit to seek the adoption of a resolution by its governing body, resolving to join the Consortium and authorizing the Chief elected Official of the petitioning governmental unit to execute and join the Agreement.

The membership of the Consortium shall be expanded automatically, from time to time, by the addition of additional contiguous units of general local government,

as they are accepted for membership upon petition and resolution as provided herein; provided, however, that the expansion of Consortium membership shall have no effect upon the designation of South Bend herein as representative member of the Consortium, not shall such expansion have any effect upon the composition, number, operations, and authority of the Consortium, as set forth herein.

5. Existing Programs

Some Consortium members' existing programs may need to be modified if the programs are to be carried out with HOME funds; however, the Consortium's activities do not impact CDBG funded programs.

6. Recitals and Headings

The headings in this Agreement are for convenience and reference only and will not be considered in the interpretations of this Agreement. The recitals are an integral part of the Agreement and are incorporated by reference.

7. Authorizing Resolution

Each Consortium Member previously adopted a resolution resolving to approve this Agreement, and authorizing the execution of this Agreement by the chief elected official of the respective local unit of general government. True and accurate copies of each Consortium Member's resolutions are incorporated by reference and attached hereto as Exhibit 1.

It is desirable and advantageous, and in the public interest to enter into an Agreement for joint and cooperative action, as embodied in this Agreement.

NOW, THEREFORE, the elected officials of each of the previously mentioned local units of government approve this Agreement, and as authorized representatives of their unit of government pledges cooperation and enter into such Agreement as previously authorized and directed.

FOR ST. JOSEPH COUNTY:

DATE

Andrew Kostielney, President
Board of Commissioners for St. Joseph County

FOR THE CITY OF MISHAWAKA:

DATE

David A. Wood, Mayor
City of Mishawaka, Indiana

FOR THE CITY OF SOUTH BEND:

DATE

Pete Buttigieg, Mayor
City of South Bend, Indiana

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



PHONE 574/235-9241
FAX 574/235-7670
TTY 574/235-5567

BILL 18-17

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

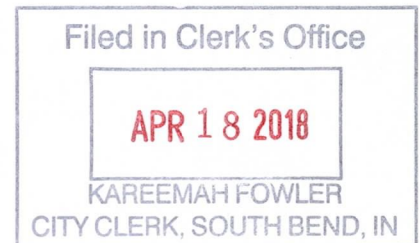
DEPARTMENT OF LAW

STEPHANIE STEELE
CORPORATION COUNSEL

ALADEAN M. DEROSE
CITY ATTORNEY

April 18, 2018

Mr. Tim Scott, President
South Bend Common Council
227 West Jefferson Blvd., 4th Floor
South Bend, IN 46601



Re: Resolution Approving Extension of Human Rights Interlocal Agreement
Between City and St. Joseph County

Dear Council President Scott:

Attached for filing with the South Bend Common Council is a Resolution to approve extension of the previously approved Interlocal Agreement (copy also attached) between the City of South Bend Human Rights Commission and St. Joseph County. Passage of this Resolution will enable the South Bend Human Rights Commission to continue through December 31, 2018 its investigation and related services for discrimination claims arising in St. Joseph County.

At this time and through December 2018, there is no monetary contribution from the County for the cost of these services. That is because the data is inadequate to properly assess costs. The South Bend Human Rights Commission will use this time to continue reviewing and analyzing the case information. The Interlocal Agreement provides the potential for County cost participation in 2019 and thereafter. I understand the County has or shortly will approve this Extension of Interlocal Agreement.

Human Rights Commission Director Lonnie Douglas will most likely present this Resolution to the Council at its Committee and regular meeting. I may also be present.

Thank you for your consideration.

Sincerely,

Aladean DeRose, City Attorney

Filed in Clerk's Office

APR 18 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

Bill No. 18-17

RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, APPROVING RENEWAL OF THE HUMAN RIGHTS ORDINANCE
INTERLOCAL AGREEMENT**

WHEREAS, the St. Joseph County Council approved the St. Joseph County Human Rights Ordinance, No. 18-17, on February 14, 2017 which was subsequently approved by the St. Joseph County Board of Commissioners on February 21, 2017, which Ordinance is substantially identical to the South Bend Human Rights Ordinance, as amended; and

WHEREAS, the St. Joseph County Human Rights Ordinance designated the Indiana Civil Rights Commission as the agency to enforce the St. Joseph County Human Rights Ordinance, but St. Joseph County reserved the right to designate an alternative local agency to enforce the St. Joseph County Human Rights Ordinance at such time as the alternative local agency would be in existence and eligible to carry out that enforcement; and

WHEREAS, the St. Joseph County Council by Ordinance by No. 66-17 passed on September 12, 2017, and approved by the Board of Commissioners of St. Joseph County on September 14, 2017, and the South Bend Common Council by Ordinance No. 10542-17 passed on September 26, 2017, approved and entered into an Interlocal Agreement whereby the South Bend Human Rights Commission was designated as the enforcement body for the St. Joseph County Human Rights Ordinance (“the Interlocal Agreement”); and

WHEREAS, both parties desire to renew the terms of the Interlocal Agreement through calendar year 2018, and, therefore, desire to enter into the 2018 Renewal of Interlocal Agreement Between the City of South Bend Human Rights Commission which is attached hereto as Exhibit A; and

WHEREAS, it is in the mutual interest of the City of South Bend and the County of St. Joseph that the South Bend Human Rights Commission continue to be the enforcement body for the St. Joseph County Human Rights Ordinance.

NOW, THEREFORE, be it RESOLVED by the Common Council of the City of South Bend, Indiana, that:

Section I. The Council hereby approves the 2018 Renewal of Interlocal Agreement Between the City of South Bend Human Rights Commission and the County of St. Joseph for Enforcement of the County’s Human Rights Ordinance in the form attached hereto as Exhibit “A”.

Section II. No funds are required from St. Joseph County (“the County”) during this Renewal Term. However, the data for investigation and other services rendered in the County will continue to be analyzed to determine whether the County should contribute to the costs of the South Bend Human Rights Commission in calendar year 2019 and thereafter.

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

Tim Scott, Council President
South Bend Common Council

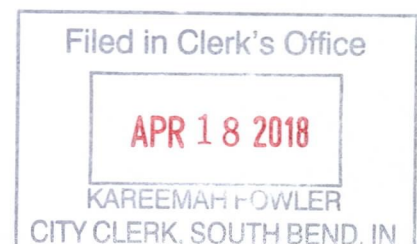


EXHIBIT A

Interlocal Agreement between the City of South Bend Human Rights
Commission and the County of St. Joseph for Enforcement of the
County's Human Rights Ordinance Dated September 29, 2018

INTERLOCAL AGREEMENT BETWEEN THE CITY OF SOUTH BEND HUMAN RIGHTS COMMISSION AND THE COUNTY OF ST. JOSEPH FOR ENFORCEMENT OF THE COUNTY'S HUMAN RIGHTS ORDINANCE

This Agreement is made and entered into this 29 day of September, 2017, by and between St. Joseph County, Indiana (the "County"), and the City of South Bend (the City) through the South Bend Human Rights Commission (the "Commission").

WITNESSETH

WHEREAS, The South Bend Human Rights Commission (the "Commission") is an agency of the City of South Bend (the City) and both the City and the County of St. Joseph (the County) are political subdivisions organized and existing pursuant to the laws of the State of Indiana. Both the City and the County are empowered pursuant to Ind. Code §36-1-7 to enter into this Interlocal Agreement and to cooperate in furtherance of the joint action described in this Agreement; and

WHEREAS, the County has previously enacted a Human Rights Ordinance (St. Joseph County Code, Title III, Chapter 37) which is effective in those parts of St. Joseph County which are not part of the corporate limits of the City of South Bend; and

WHEREAS, as part of that Human Rights Ordinance, the County designated the Indiana Civil Rights Commission as the enforcing body, but reserved the right to designate an alternative local agency at such a time as the alternative local agency would be in existence and eligible to carry out that enforcement; and

WHEREAS, entering into an interlocal agreement with the South Bend Human Rights Commission would make the Commission "eligible" to carry out enforcement of the Human Rights Ordinance for claims under the Human Rights Ordinance occurring outside the corporate limits of the City of South Bend; and

WHEREAS, the County desires to designate the South Bend Human Rights Commission, as an alternative local agency which is in existence and made eligible by this Interlocal Agreement, as the enforcing body of the St. Joseph County Human Rights Ordinance; and

WHEREAS, the Commission is amenable to being designated as the enforcing body of the St. Joseph County Human Rights Ordinance.

NOW, THEREFORE, the County and the Commission agree as follows:

I. Purpose of Inter-Local Agreement. The purpose of this agreement is to designate the South Bend Human Rights Commission as the enforcing body for claims under the St. Joseph County Human Rights Ordinance arising out of occurrences located outside the

corporate boundaries of the City of South Bend. The City through the Commission will investigate and make recommendations for charges of discrimination within the scope of the County's Human Rights ordinance in the same manner as if the charges had originated within the City's corporate limits or within the jurisdiction of the City's Human Rights ordinance. In so doing, it will use its staff, office and other resources.

2. Compensation. The Commission will be the enforcing body for the St. Joseph County Human Rights Ordinance for no compensation during the initial short term of this Interlocal Agreement, the parties recognizing that until services are actually provided for the County's benefit, the Commission cannot determine what financial impact this Agreement will have upon its resources. Both parties acknowledge that the annual cost of a full time investigator including benefits is about \$52,000.00.

3. Duration. This Agreement is intended to be of an initial short duration in order for the parties to examine and assess the results and impact. Therefore, this Agreement will expire after May 1, 2018. Upon or before expiration, the parties shall mutually determine whether to renew for a similar or different term, or to renegotiate the terms of the Agreement. Each party may also terminate this agreement with thirty (30) days' written notice to the other party.

4. Notice. Any notice required or permitted by this Agreement shall be in writing and shall be deemed given when delivered personally or deposited in the U.S. mail, first class with postage prepaid, and addressed to the parties below, or such other address as a party may request by notifying the other in writing:

To the County: St. Joseph County Board of Commissioners
7th Floor, County-City Building
227 W. Jefferson Blvd.
South Bend, IN 46601

And

St. Joseph County Council
County-City Building, Room 411
227 W. Jefferson Blvd.
South Bend, IN 46601

To the Commission: South Bend Human Rights Commission
319 N. Niles Ave.
South Bend, IN 46617

5. Entire Agreement. This Agreement constitutes the entire agreement between the parties. No alterations, modifications, or additions to this Agreement shall be binding unless reduced to writing and signed by the parties.

6. Amendments. The terms and conditions of this Agreement may not be modified or amended except by an instrument executed by each of the parties hereto. No oral modifications shall be enforceable.

7. Effective Date. This Interlocal Agreement is effective on the date stated in the first paragraph of this Agreement.

8. Authority. Each party signing hereto states that they have authority to bind the party they are signing on behalf of this Agreement.

(signature page follows)

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

Adrian Weber

IN WITNESS WHEREOF, the following agree to the terms of the Agreement:

St. Joseph County
Board of Commissioners

Andrew Kostielny
Andrew Kostielny, President

Deborah Fleming, D.M.D.
Deborah Fleming, D.M.D., Vice-President

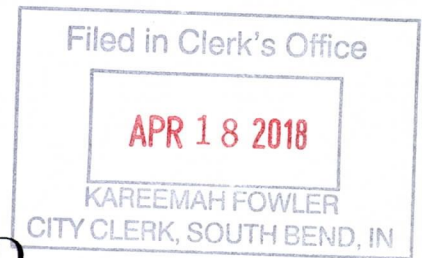
Dave Thomas
Dave Thomas, Member

South Bend Human Rights Commission

Jonnie L. Dayle
Executive Director

St. Joseph County Council

Rafael Morton
Rafael Morton, President



CITY OF SOUTH BEND
COMMUNITY INVESTMENT
JAMES MUELLER, EXECUTIVE DIRECTOR

April 18, 2018

BILL NO. 18-18

Council Member Gavin Ferlic, Chairperson
Community Investment Committee
South Bend Common Council
4th Floor, County City Building
South Bend, IN 46601

RE: Real Property Tax Abatement Petition for: **Franklin Street Technology Park, LLC**

Dear Council Member Ferlic:

Please find attached the Department of Community Investment's report on a real property tax abatement petition for the above-referenced petitioner. Also attached is a copy of the petition, Statement of Benefits form, and supporting information. The project calls for the construction of three office buildings, located at the intersection of Sample Street and Franklin Street, South Bend.

The report contains the Department's findings relative to the above petition. The total cost for the construction is estimated at \$3,000,000 over a four year period. The project meets the qualifications for an eight-year real property tax abatement and a representative from Franklin Street Technology Park, LLC will be available to meet with the Committee on Monday, April 23, 2018.

Should you or any of the other Council members have any questions concerning the report, or need additional information, please feel free to call me at 235-5823.

Sincerely,

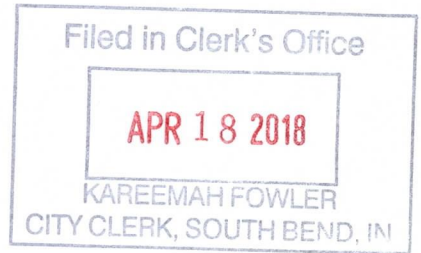
Daniel J. Buckenmeyer
Director of Business Development and Economic Resources

DANIEL J. BUCKENMEYER
BUSINESS DEVELOPMENT

ALKEYNA ALDRIDGE
ENGAGEMENT & ECONOMIC EMPOWERMENT

PAMELA MEYER
NEIGHBORHOOD DEVELOPMENT

TIM CORCORAN
PLANNING & COMMUNITY RESOURCES



TAX ABATEMENT REPORT

BILL NO. 18-18

TO: SOUTH BEND COMMON COUNCIL
FROM: DANIEL BUCKENMEYER
SUBJECT: REAL PROPERTY TAX ABATEMENT PETITION FOR:
Franklin Street Technology Park, LLC
DATE: April 18, 2018

On Thursday March 29th, 2018, a petition from Franklin Street Technology Park, LLC was received and subsequently filed with the City Clerk for real property tax abatement consideration for property to be located at the intersection of Sample Street and Franklin Street, South Bend, IN 46601. Pursuant to Chapter 2, Article 6, Section 2-84.2 of the Municipal Code of the City of South Bend, this petition was referred to the Department of Community Investment for purposes of investigation and preparation of a report determining whether the area qualifies as an Economic Revitalization Area pursuant to I.C.6-1.1-12.1 and whether all zoning requirements have been met.

The Department of Community Investment has reviewed the petition (a copy of which is attached), investigated the area, and makes the following report.

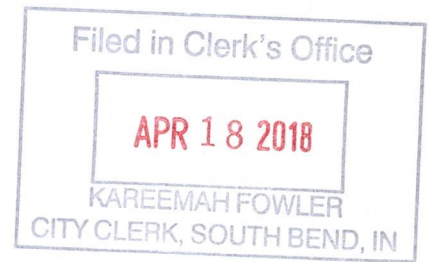
PROJECT SUMMARY

- Construction of the approximately 60,000 sq. ft. three standalone buildings with flexible use space.
- The proposed construction will be located on the block bounded by Sample Street, Franklin Street, Garst Street and Lafayette Street adjacent to the main campus of Ignition Park. The new space will be leased out to various small companies for a variety of uses including light manufacturing and assembly, service contractors, distribution companies and technology maintenance and support companies.
- In the first phase a building approximately 30,000 sq.ft. will be built as speculative space in anticipation of tenant needs. An additional 30,000 sq.ft. will be designed and added as specific needs and tenants are identified. The space will allow various types of companies to start operations or to expand into larger spaces. This type of space will complement the larger structures contemplated for Ignition Park.
- The project is expected to create approximately 60 indirect jobs in the next five years.
- \$3,000,000 private investment in the buildings construction.
- Land purchase from the Redevelopment Commission for \$84,000.
- Estimated taxes being paid during eight year abatement period – \$137,488
- Estimated taxes being abated during eight year abatement period – \$438,512

EMPLOYMENT IMPACT

Per the petition, it is estimated that the total project will:

- Create sixty (60) indirect jobs



ABATEMENT QUALIFICATION

1. A review of the tax abatements previously granted, finds that the petitioner has not been granted or associated with any previous abatements.
2. The Area Plan Commission has reviewed the petition and finds the property to be properly zoned for the proposed project.
3. A review of the South Bend Redevelopment designation areas finds that the property is located in the River West Development Area.
4. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner meets the qualifications for an (8) eight-year real property tax abatement under section 2-84.2, Tangible Real Property Tax Abatement.

8 YEAR

17-Apr-18

Franklin Street Technology Park, LLC

South Bend Portage Township

Real Property Tax Abatement Schedule*

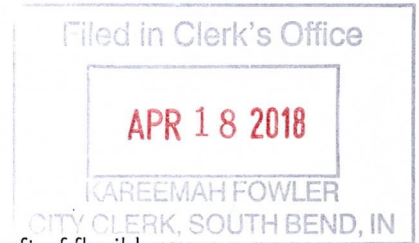
Assessed Value: Current Assessed Value Base Assessed Value Less Abatement Deduction Net Assessed Value	Tax Key Number Current Assessed Value: Estimated Project Cost:	Multiple parcels 3,000,000											
		Without Abatement	100% Year 1	100% Year 2	95% Year 3	90% Year 4	85% Year 5	80% Year 6	75% Year 7	70% Year 8			
0	0	0	0	0	0	0	0	0	0	0	0	0	0
2,400,000	0	2,400,000	2,400,000	2,400,000	2,400,000	2,400,000	2,400,000	2,400,000	2,400,000	2,400,000	2,400,000	2,400,000	2,400,000
0	0	0	(2,400,000)	(2,400,000)	(2,280,000)	(2,160,000)	(2,040,000)	(1,920,000)	(1,800,000)	(1,680,000)	(1,560,000)	(1,440,000)	(1,320,000)
		5.4559%	5.4559%	5.4559%	5.4559%	5.4559%	5.4559%	5.4559%	5.4559%	5.4559%	5.4559%	5.4559%	5.4559%
Assume constant tax rate of													
Gross Tax (tax rate x net assessed value)		0	130,941	0	6,547	13,094	19,641	26,188	32,735	39,282	45,829	52,376	58,923
Less Circuit Breaker Credit		0	(58,941)	0	0	0	0	0	0	0	0	0	0
Net Tax		0	72,000	0	6,547	13,094	19,641	26,188	32,735	39,282	45,829	52,376	58,923
Circuit Breaker Cap		0	72,000	72,000	72,000	72,000	72,000	72,000	72,000	72,000	72,000	72,000	72,000
Debt Service	0.0000%	0	0	0	0	0	0	0	0	0	0	0	0
Circuit Braker Cap		0	72,000	72,000	72,000	72,000	72,000	72,000	72,000	72,000	72,000	72,000	72,000
Totals		0	576,000	576,000	576,000	576,000	576,000	576,000	576,000	576,000	576,000	576,000	576,000

*This schedule is for estimation purposes only and assumes constant tax rates. The true tax values will ultimately be determined by the actual assessed valuation and the then current tax rates.

Filed in Clerk's Office

APR 18 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



PROJECT OVERVIEW

Franklin Street Technology Park LLC proposes to construct approximately 60,000 sqft of flexible use space in three phases concluding in 2022.

The proposed construction will be located on a block just south of the county jail bounded by Sample Street, Franklin Street, Garst Street and Lafayette Street adjacent to the main campus of Ignition Park.

The intent is to lease the space to various small companies for a variety of uses including light manufacturing and assembly, service contractors, distribution companies and technology maintenance and support companies.

Based on an estimate of one employee per 1,000 sqft of space, it is estimated that the project will support the employment of 60 people.

The first phase, (approx. 30,000 sqft) will be built as speculative space in anticipation of tenant needs. An additional 30,000 sqft of space will be designed and added as specific needs and tenants are identified. The space, as constructed, will allow various types of companies to start operations or to expand into larger spaces. This type of space will complement the larger and higher-end structures contemplated for Ignition Park.

BILL NO. 18-18

RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

Intersection of Sample St. and Franklin St., South Bend, IN 46601

AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF AN (8) EIGHT-YEAR REAL PROPERTY TAX ABATEMENT FOR

Franklin Street Technology Park, LLC

WHEREAS, a petition for real property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that portions of the property located at the intersection of Sample Street and Franklin Street, South Bend, Indiana which is more particularly described as follows:

Parcel I: Lot Numbered One (1) as shown on the recorded Plat of Studebaker Corridor Fourth Minor Subdivision, recorded May 7, 1993 as Document Number 9315731 in the Office of the Recorder of St. Joseph County, Indiana.

Parcel II: Lots Numbered Fifty-three (53) and Fifty-four (54) as shown on the recorded Plat of South Bend City, as platted by Samuel Morrison, now a part of the City of South Bend, in St. Joseph County, Indiana.

Parcel III: Lots Numbered Fifty-five (55) and Fifty-six (56) as shown on the recorded Plat of South Bend City, as platted by Samuel Morrison, now a part of the City of South Bend, in St. Joseph County, Indiana.

Parcel IV: Lots Numbered Fifty-seven (57), Fifty-eight (58), Fifty-nine (59), Sixty (60), Seventy-one (71), Seventy-two (72), Seventy-three (73) and Seventy-four (74) all as shown on the recorded Plat of South Bend City, platted by Samuel Morrison, now within and a part of the City of South Bend, Indiana.

and which have Key Numbers 018-8002-0061, 018-8002-0070, 018-8002-0071, 018-8002-0073, 018-8002-0074, 018-8002-0075, 018-8002-0076, 018-8002-0077, 018-8002-0078, 018-8002-0079, 018-8002-0094, 018-8002-0096, 018-8002-0097, 018-8002-0098, 018-8002-0099, 018-8002-0100, 018-8002-0101, 018-8002-0102, and 018-8002-0104, and be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq., and South Bend

Municipal Code Sections 2-76 et seq., and;

WHEREAS, the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under Indiana Code 6-1.1-12.1, et seq., and South Bend Municipal Code Sections 2-76, et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

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

SECTION I. The Common Council hereby determines and finds that the Petition for Real Property Tax Abatement and the Statement of Benefits form completed by the Petitioner meet the requirements of Indiana Code § 6-1.1-12.1 et seq., for tax abatement.

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

- A. That the description of the proposed redevelopment or rehabilitation meets the applicable standards for such development;
- B. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature;
- C. That the estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed described redevelopment or rehabilitation;
- D. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed redevelopment or rehabilitation;
- E. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation; and
- F. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of Indiana Code § 6-1.1-12.1-3.

SECTION III. The Common Council hereby determines and finds that the proposed described redevelopment or rehabilitation can be reasonably expected to yield benefits identified in the Statement of Benefits, Sections 1 through 3 of the Petition for Real Property Tax Abatement

Consideration and the Memorandum of Agreement between the Petitioner and the City of South Bend, and that the Statement of Benefits form completed by the petitioner, said form being prescribed by the State Board of Accounts, are sufficient to justify the deduction granted under Indiana Code § 6-1.1-12.1-3.

SECTION IV. The Common Council hereby accepts the report and recommendation of the Community Investment Committee that the area herein described be designated as an Economic Revitalization Area and hereby adopts a Resolution designating this area as an Economic Revitalization Area for purposes of real property tax abatement.

SECTION V. The designation as an Economic Revitalization Area shall be limited to four (4) calendar years from the date of the adoption of this Resolution by the Common Council.


SECTION VI. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of (8) eight years as shown by the schedule outlined below as well as the attachment pursuant to Indiana Code 6-1.1-12.1-17.

Year 1 - 100%
Year 2 - 100%
Year 3 - 95%
Year 4 - 90%
Year 5 - 85%
Year 6 - 80%
Year 7 - 75%
Year 8 - 70%

SECTION VII. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana Code § 5-3-1 and Indiana Code § 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

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

Tim Scott, Council President
South Bend Common Council

<h2 style="text-align: center;">City of South Bend</h2> <h3 style="text-align: center;">Petition for Incentives</h3> <p style="text-align: center; font-size: small;">Petition must include a \$250 filing fee payable to the City Clerk's Office or online via the City's website at http://southbendin.gov/government/content/tax-abatement before processing can be complete</p>				
General Information	Project Name	900Franklin	Project Number	
Legal name as registered with Secretary of State	Franklin Street Technology Park LLC			
Business structure	Indiana Limited Liability Company			
Company website	900FranklinStreet.com			
Proposed Project Information				
Proposed project address	900 Franklin Street	Parent company name	Five Corners LLC	
City, State, Zip	South Bend, IN 46601	Legal owner		
Site acreage or acreage required	4.5 acres	Is the real estate owned or leased	to be owned	
Square feet of facility	60,000	If leased by whom		
Primary Contact Information				
Primary company contact name	Charles Hayes	Title	Managing Member	
Address of company contact	814 Marietta Street	Phone	574-233-1296	
City, State, Zip	South Bend, IN 46601	Email	cshayes@telecompark.com	
Senior Official Information				
Company senior official name	Charles S Hayes	Title	Managing Member	
Address of company contact (if different from above)		Phone		
City, State, Zip		Email		
Consultant Information/Agent				
Hired business consultant/agent name		Consultant release (Y/N)		
Address		Local economic development partners approval (Y/N)		
City, State, Zip		Email		
Project Overview				
Brief description of your company, project, and why the property is necessary for economic growth	See Attached			
	<div style="border: 1px solid black; padding: 10px; width: fit-content; margin: auto;"> <p style="text-align: center;">Filed in Clerk's Office</p> <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: auto; color: red; font-weight: bold; font-size: 1.2em;">MAR 29 2018</div> <p style="text-align: center; font-weight: bold; font-size: 0.8em;">KAREEMAH FOWLER CITY CLERK, SOUTH BEND, IN</p> </div>			
Certified Technology Park appropriate	Yes			
Is the project in a Tax Incremental Financing (TIF) area? If so, which?	River West			
Certify that the Building Permit has not been issued (Y/N)	Yes	Number of residential units created by project	n/a	
If this is a petition for personal property tax abatement, has the equipment been installed	n/a			

Investment Details			
Public Infrastructure needs (Off-site of project in dollars)	Has any 504 funding been received?	What is the value of any equipment being purchased in Indiana for the project?	What is the value of any equipment being purchased from out of state for the project?

New Project Investments								
Calendar Year	2016	2017	2018	2019	2020	2021	2022	2023
Land Acquisition			\$ 84,000					
Building Lease Payments								
Building Purchase Costs								
New Building Construction					\$ 1,500,000	\$ 750,000	\$ 750,000	
Existing Building Improvements								
New Machinery & Equipment								
Special Tooling/Retrofitting								
New Furniture/Fixtures								
New Computer/IT Hardware								
New Software								
On-site Rail Infrastructure								
On-site Fiber Infrastructure								
TOTAL	\$ 0	\$ 0	\$ 84,000	\$ 0	\$ 1,500,000	\$ 750,000	\$ 750,000	\$ 0

Full-Time Permanent Indiana-Resident Positions by Calendar Year						
Calendar Year	Jobs retained	Total hourly wage w/o fringe or bonuses	Cumulative # of net NEW full time permanent jobs created at project	Hourly average wage, w/o benefits or bonuses, of cumulative net new jobs	Total training expenditure - not cumulative	Total # to be trained - not cumulative
2016						
2017						
2018						
2019						
2020						
2021						
2022						
2023						
2024						
2025						
2026						
2027						

Provide hourly wage information for new employees in the following positions.		
	Full time	Part time
Laborers		
Technical		
Managerial		
Administrative		

Who will be the individual responsible for coordinating with WorkOne on recruiting? _____

Does your company have an EEO hiring policy? _____ Are you an EEO employer? _____

Please list the number of full time and part time minority and/or female employees for each of the last three years:						Please describe your commitment to diversity and inclusion by detailing your outreach and recruitment efforts for the last three years as well as current policies.	
Year	2016		2017		2018		
	Full Time	Part Time	Full Time	Part Time	Full Time		Part Time
Black							
Hispanic							
Asian							
Indian							
Female							
Other							

**Complete below for Real or Personal Property Tax Abatement only.
Please sign for all requested incentives.**

Public Benefit Item:

Information is required on both the construction companies and the companies which will provide materials purchased for this project. Please complete the table below with the appropriate information. If you qualify for the points, please enter the full amount of available points.		Qualify (Yes or No)	Earned Points	Available Points	
1	Construction Related (Contractors):				
	A.	Employ Local Companies (75%)	y	20	20
	B.	Purchase Materials from Local Companies (75%)	y	20	20
	C.	Require Employees vs. Independent Contractors	y	19	19
	D.	Require Prevailing Wage (Davis Bacon)	y	22	22
	E.	Require Health Benefits	y	22	22
	F.	Require Pension Benefits	y	18	18
	G.	Maintain Affirmative Action Plan	y	20	20
		Sub-total Construction Related:		141	141
2	Wage & Benefit Related (Owner):				
	A.	Pay Target Wage Levels	n	0	33
	B.	Provide Health Benefits	n	0	34
	C.	Provide Pension Benefits	n	0	29
	D.	Provide Training	n	0	28
	E.	Provide Child Care	n	0	15
	F.	Provide Transportation Assistance	n	0	14
	G.	Provide Employer Assisted Housing program	n	0	9
	Sub-total Wage & Benefit Related:		0	162	
3	Workforce Related:				
	A.	Create New Jobs	y	42	42
	B.	Retain Existing Jobs	y	41	41
	C.	Maintain Affirmative Action Plan	y	35	35
	D.	Provide Targeted Hiring Preference	y	34	34
	Sub-total Workforce Related:		152	152	
4	Support a Municipal Facility:				
	A.	Support a SB Municipal Facility (donations to the zoo, conservatory, museum, etc.)	n	0	84
		Name of Facility			
	Sub-total Municipal Facility:		0	84	
Sub-total from Above:			273 <i>293</i>	539	

The undersigned owner(s) of real property, located within the City of South Bend, hereby petition the Common Council of the City of South Bend for a real and/or personal property tax abatement consideration and pursuant to I.C., 6-1.1-12.1-1, et seq., and South Bend Municipal Code Sec. 2-76 et seq., for this petition state the above.

Submitted By:	Anne Hayes	Date:	03/28/2018
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For Staff Use Only Below This Line

What is the current assessed value?	Real Property:		Personal Property:	
What is the projected assessed value?	Real Property:		Personal Property:	
What is the tax key number for this project?				
What is the six digit NAICS code?				
Please attach a Google map and street view of the location.				
Please list the amount of real and personal property taxes paid for the last five years when applicable.		Real Property Taxes:	Personal Property Taxes:	
Year One				
Year Two				
Year Three				
Year Four				
Year Five				

Please fill out the following Public Benefit Summary Information and add to total from above.

			(Y or N)	Points	Points
Public Benefit Item:					
Project Related:					
5	A.	Redevelop a Site that has Special Needs			49
	B.	Develop Based on Local University Research			35
	C.	Achieve a Physical Element of a Plan	Y	36	36
	Sub-total Project Related:				120
6	Super Size Projects (point values are cumulative):				
	A.	100% to 199%	Y	25	25
	B.	200% to 299%	Y	68	68
	C.	300% to 399%	Y	65	65
	D.	400% and Over	Y	52	52
Sub-total Super Size Projects:			210	210	
7	Pay for Municipal Infrastructure:				
	A.	Pay for Oversizing or Upgrading			14
	B.	Pay for 26-50% of Extension Cost			26
	C.	Pay for 51-75% of Extension Cost			39
	D.	Pay for 76-100% of Extension Cost			52
Sub-total Infrastructure Related:				131	
Total from Applicant Section:				293	539
Total from Staff Section:				246	461
Total Public Benefit Points:				539	1000



**STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R6 / 10-14)
Prescribed by the Department of Local Government Finance

Filed in Clerk's Office
MAR 29 2018
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

20 ____ PAY 20 ____
FORM SB-1 / Real Property
PRIVACY NOTICE
Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (*check one box*):
 Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
 Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

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

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer Franklin Street Technology Park LLC		
Address of taxpayer (number and street, city, state, and ZIP code) 814 Marietta Street South Bend, IN 46601		
Name of contact person Anne Hayes	Telephone number (574) 233-1296	E-mail address ahayes@telecompark.com

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body	Resolution number
Location of property 900 Franklin Street	County St Joseph
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) SEE ATTACHED	DLGF taxing district number
	Estimated start date (month, day, year) July 2018
	Estimated completion date (month, day, year) July 2022

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

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
0.00				0.00	

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values	84,000.00	
Plus estimated values of proposed project	3,000,000.00	
Less values of any property being replaced		
Net estimated values upon completion of project	3,084,000.00	

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

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

Other benefits

SECTION 6 TAXPAYER CERTIFICATION

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

Signature of authorized representative <i>Anne Hayes</i>	Date signed (month, day, year) 03/28/2018
Printed name of authorized representative Anne Hayes	Title Member

FOR USE OF THE DESIGNATING BODY

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

- A. The designated area has been limited to a period of time not to exceed _____ calendar years* (*see below*). The date this designation expires is _____.
- B. The type of deduction that is allowed in the designated area is limited to:
 1. Redevelopment or rehabilitation of real estate improvements Yes No
 2. Residentially distressed areas Yes No
- C. The amount of the deduction applicable is limited to \$ _____.
- D. Other limitations or conditions (*specify*) _____
- E. Number of years allowed: Year 1 Year 2 Year 3 Year 4 Year 5 (* see below)
 Year 6 Year 7 Year 8 Year 9 Year 10
- F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
 Yes No
 If yes, attach a copy of the abatement schedule to this form.
 If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

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

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

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

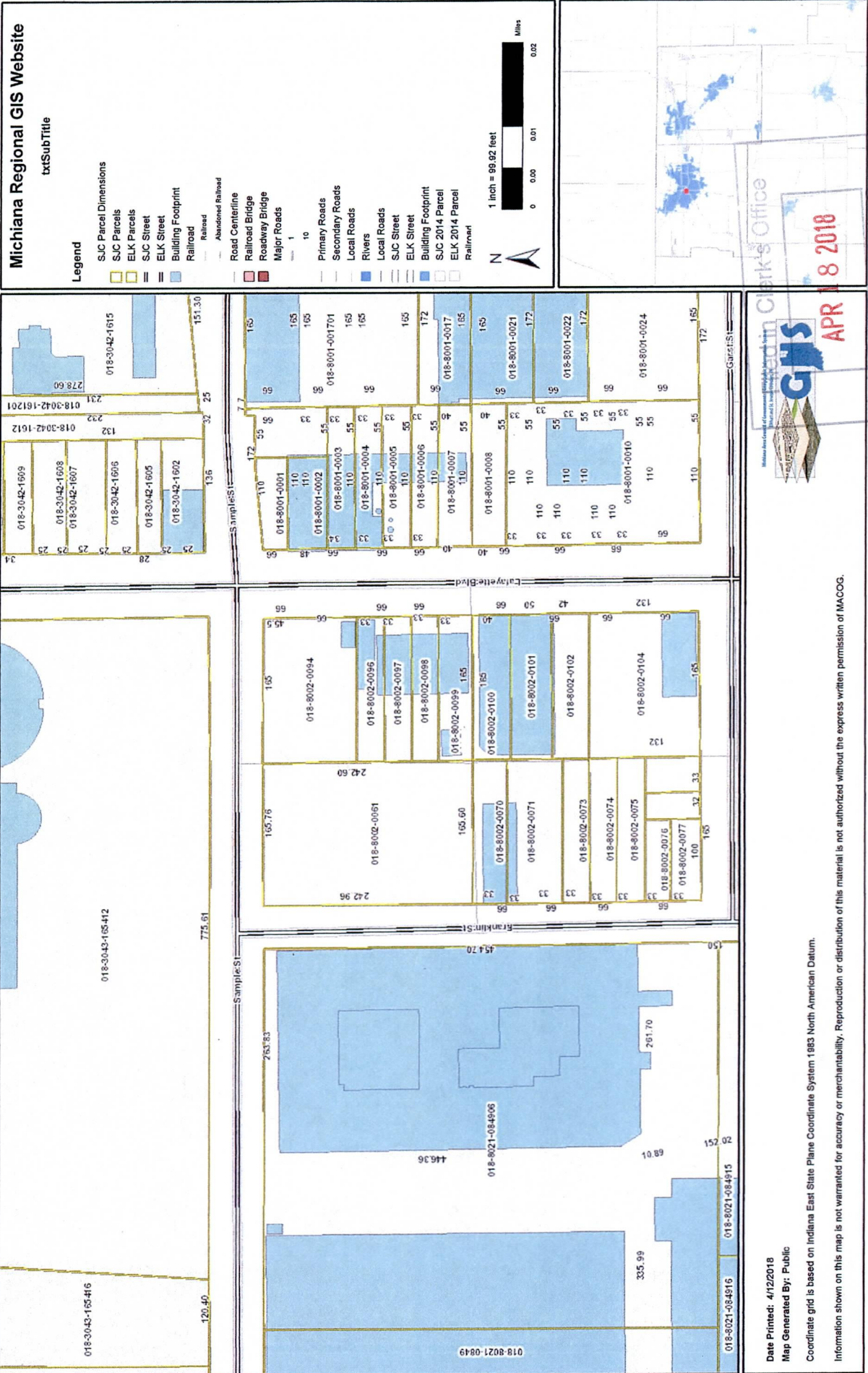
- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. The deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17

Abatement schedules

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

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



APR 18 2018

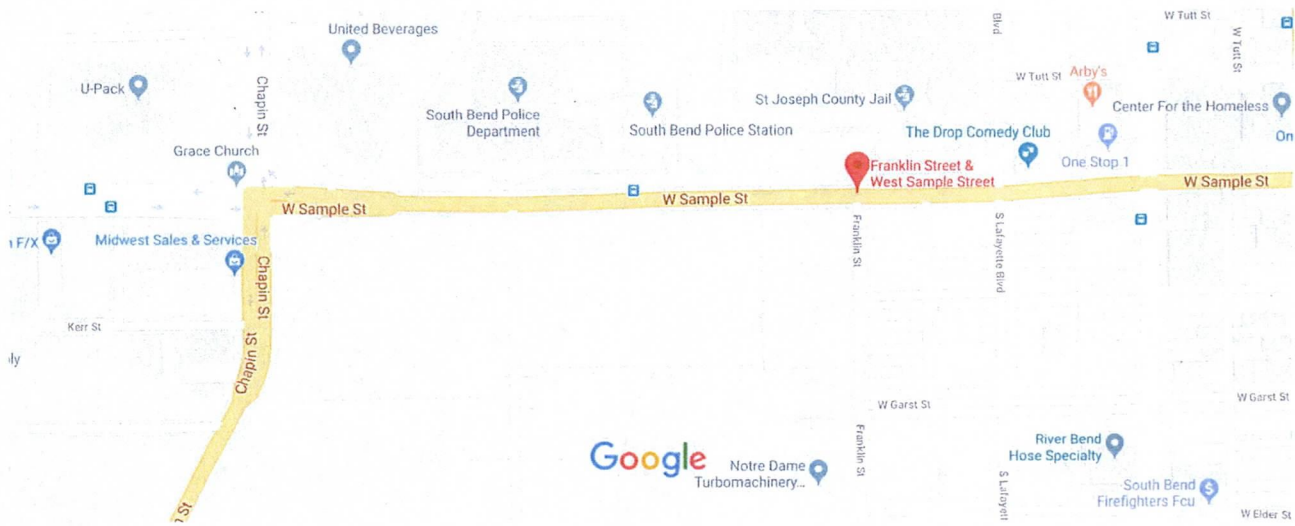
GIS

Clark's Office

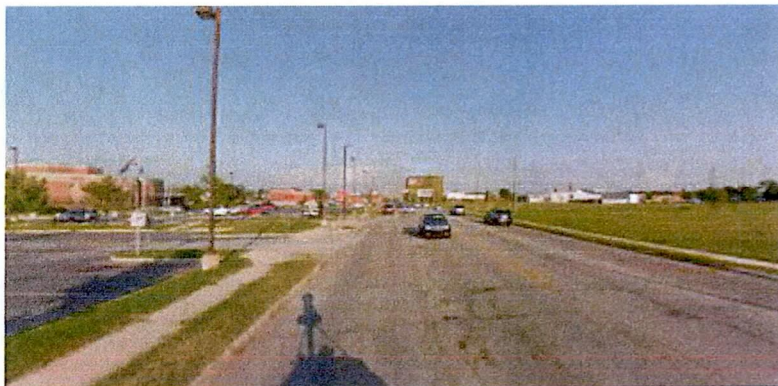
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

Date Printed: 4/12/2018
Map Generated By: Public
Coordinate grid is based on Indiana East State Plane Coordinate System 1983 North American Datum.
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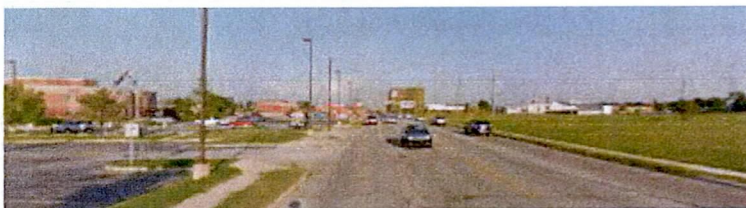
Google Maps Franklin St & W Sample St



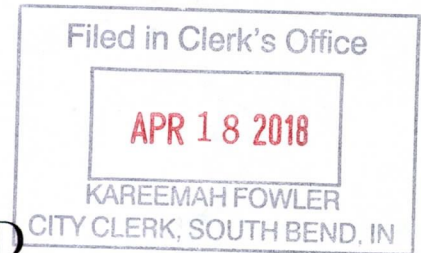
Map data ©2018 Google 200 ft



Franklin St & W Sample St
South Bend, IN 46601



Filed in Clerk's Office
APR 18 2018
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN



CITY OF SOUTH BEND
COMMUNITY INVESTMENT
JAMES MUELLER, EXECUTIVE DIRECTOR

April 18, 2018

BILL NO. 18-19

Council Member Gavin Ferlic, Chairperson
Community Investment Committee
South Bend Common Council
4th Floor, County City Building
South Bend, IN 46601

RE: Real Property Tax Abatement Petition for: **Wharf Partners, LLC**

Dear Council Member Ferlic:

Please find attached the Department of Community Investment's report on a real property tax abatement petition for the above-referenced petitioner. Also attached is a copy of the petition, Statement of Benefits form, and supporting information. The project calls for the construction of a mixed use building, located at 320 East Colfax Avenue, South Bend.

The report contains the Department's findings relative to the above petition. The total cost for the construction (Phase I) is estimated at \$19,350,000 over a two year period. The project meets the qualifications for a six-year real property tax abatement and a representative from Wharf Partners, LLC will be available to meet with the Committee on Monday, April 23, 2018.

Should you or any of the other Council members have any questions concerning the report, or need additional information, please feel free to call me at 235-5823.

Sincerely,

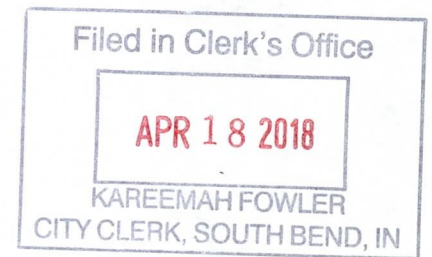
Daniel J. Buckenmeyer
Director of Business Development and Economic Resources

DANIEL J. BUCKENMEYER
BUSINESS DEVELOPMENT

ALKEYNA ALDRIDGE
ENGAGEMENT & ECONOMIC EMPOWERMENT

PAMELA MEYER
NEIGHBORHOOD DEVELOPMENT

TIM CORCORAN
PLANNING & COMMUNITY RESOURCES



TAX ABATEMENT REPORT

TO: SOUTH BEND COMMON COUNCIL
FROM: DANIEL BUCKENMEYER
SUBJECT: REAL PROPERTY TAX ABATEMENT PETITION FOR:
Wharf Partners, LLC (Phase 1)
DATE: April 18, 2018

On Monday April 16th, 2018, a petition from Wharf Partners, LLC was received and subsequently filed with the City Clerk for real property tax abatement consideration for property to be located at 320 East Colfax Avenue, South Bend, IN 46617. Pursuant to Chapter 2, Article 6, Section 2-84.2 of the Municipal Code of the City of South Bend, this petition was referred to the Department of Community Investment for purposes of investigation and preparation of a report determining whether the area qualifies as an Economic Revitalization Area pursuant to I.C.6-1.1-12.1 and whether all zoning requirements have been met.

The Department of Community Investment has reviewed the petition (a copy of which is attached), investigated the area, and makes the following report.

PROJECT SUMMARY

- Construction of the approximately 77,000 sq. ft. mix use building containing commercial and residential space.
- The proposed construction will be located on the riverfront land located within the Central Business District.
- The high quality mid-rise building will promote further confidence in the real estate investment community and spur additional investments, especially in the East Bank Village.
- The project is expected to create approximately 20 indirect jobs in the next three years.
- \$19,350,000 private investment in the buildings construction.
- Estimated taxes being paid during the six year abatement period – \$1,468,000 (residential property)
- Estimated taxes being abated during the six year abatement period – \$432,000

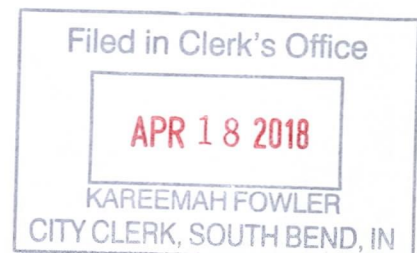
EMPLOYMENT IMPACT

Per the petition, it is estimated that the total project will:

- Create sixty (20) indirect jobs

ABATEMENT QUALIFICATION

1. A review of the tax abatements previously granted, finds that the petitioner has not been granted or associated with any previous abatements.
2. The Area Plan Commission has reviewed the petition and finds the property to be properly zoned for the proposed project.
3. A review of the South Bend Redevelopment designation areas finds that the property is located in the River East Development Area.
4. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner meets the qualifications for a (6) six-year real property tax abatement under section 2-84.2, Tangible Real Property Tax Abatement.



6 YEAR

18-Apr-18

Filed in Clerk's Office

Wharf Partners, LLC

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

APR 18 2018

South Bend Portage Township
South Bend Portage Township Real Property Tax Abatement Schedule*

Assessed Value: Current Assessed Value Base Assessed Value Less Abatement Deduction Net Assessed Value	Tax Key Number 100% 80%	Commercial Property ONLY						100% Year 6
		Current AV & Tax	Without Abatement	100% Year 1	100% Year 2	100% Year 3	100% Year 4	
		0	0	0	0	0	0	0
		3,000,000						
		2,400,000	2,400,000	2,400,000	2,400,000	2,400,000	2,400,000	2,400,000
		(2,400,000)	(2,400,000)	(2,400,000)	(2,400,000)	(2,400,000)	(2,400,000)	(2,400,000)
		0	2,400,000	0	0	0	0	0

Property Taxes:	5.4559%	5.4559%	5.4559%	5.4559%	5.4559%	5.4559%	5.4559%
Assume constant tax rate of							
Gross Tax (tax rate x net assessed value)	0	130,941	0	0	0	0	0
Less Circuit Breaker Credit	0	(58,941)	0	0	0	0	0
Net Tax	0	72,000	0	0	0	0	0

Circuit Breaker Cap	3.0000%	72,000	72,000	72,000	72,000	72,000	72,000
Circuit Breaker	0	72,000	72,000	72,000	72,000	72,000	72,000
Debt Service	0	0	0	0	0	0	0
Circuit Braker Cap	0	72,000	72,000	72,000	72,000	72,000	72,000

Year	Existing Taxes	New Project Taxes	Combined Existing & New Taxes	Tax Abated	Net Tax Paid	Residential Property Tax Paid
1	0	72,000	72,000	72,000	0	244,800
2	0	72,000	72,000	72,000	0	244,800
3	0	72,000	72,000	72,000	0	244,800
4	0	72,000	72,000	72,000	0	244,800
5	0	72,000	72,000	72,000	0	244,800
6	0	72,000	72,000	72,000	0	244,800
Totals	0	432,000	432,000	432,000	0	1,468,800

*This schedule is for estimation purposes only and assumes constant tax rates. The true tax values will ultimately be determined by the actual assessed valuation and the then current tax rates.

BILL NO. 18-19
RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN
THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

320 East Colfax Avenue, South Bend, IN 46617

AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A
(6) SIX-YEAR REAL PROPERTY TAX ABATEMENT FOR

COMMERCIAL PROPERTY LOCATED AT

Wharf Partners, LLC

WHEREAS, a petition for real property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that portions of the property located at 320 East Colfax Avenue, South Bend, Indiana which is more particularly described as follows:

Lots 1, 2 and 3 of the Cascade Minor Subdivision recorded on April 12, 2018 as Document No. 1808428 in the office of the Recorder of St. Joseph County, Indiana

and which has Key Number (TBD), and be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq., and;

WHEREAS, the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under Indiana Code 6-1.1-12.1, et seq., and South Bend Municipal Code Sections 2-76, et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

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

SECTION I. The Common Council hereby determines and finds that the Petition for Real Property Tax Abatement and the Statement of Benefits form completed by the Petitioner meet the requirements of Indiana Code § 6-1.1-12.1 et seq., for tax abatement.

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

- A. That the description of the proposed redevelopment or rehabilitation meets the applicable standards for such development;
- B. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature;
- C. That the estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed described redevelopment or rehabilitation;
- D. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed redevelopment or rehabilitation;
- E. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation; and
- F. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of Indiana Code § 6-1.1-12.1-3.

SECTION III. The Common Council hereby determines and finds that the proposed described redevelopment or rehabilitation can be reasonably expected to yield benefits identified in the Statement of Benefits, Sections 1 through 3 of the Petition for Real Property Tax Abatement Consideration and the Memorandum of Agreement between the Petitioner and the City of South Bend, and that the Statement of Benefits form completed by the petitioner, said form being prescribed by the State Board of Accounts, are sufficient to justify the deduction granted under Indiana Code § 6-1.1-12.1-3.

SECTION IV. The Common Council hereby accepts the report and recommendation of the Community Investment Committee that the area herein described be designated as an Economic Revitalization Area and hereby adopts a Resolution designating this area as an Economic Revitalization Area for purposes of real property tax abatement.

SECTION V. The designation as an Economic Revitalization Area shall be limited to two (2) calendar years from the date of the adoption of this Resolution by the Common Council.

SECTION VI. The Common Council hereby determines that the property owner is qualified for

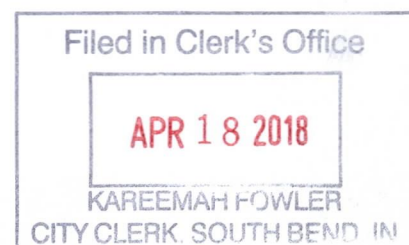
and is granted property tax deduction for a period of (6) six years as shown by the schedule outlined below as well as the attachment pursuant to Indiana Code 6-1.1-12.1-17.

Year 1 - 100%
Year 2 - 100%
Year 3 - 100%
Year 4 - 100%
Year 5 - 100%
Year 6 - 100%

SECTION VII. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana Code § 5-3-1 and Indiana Code § 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

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

Tim Scott, Council President
South Bend Common Council



City of South Bend Petition for Incentives

Petition must include a \$250 filing fee payable to the City Clerk's Office or online via the City's website at <http://southbendin.gov/government/content/tax-abatement> before processing can be complete



General Information		Project Name	Project Number
Legal name as registered with Secretary of State	Wharf Partners LLC		
Business structure	Limited Liability Company		
Company website	atthecascade.com		
Proposed Project Information			
Proposed project address	320 East Colfax Avenue	Parent company name	N/A
City, State, Zip	South Bend, IN 46617	Legal owner	Wharf Partners LLC
Site acreage or acreage required	~ one-half acre	Is the real estate owned or leased	owned
Square feet of facility	~ 77,000 sq ft	If leased by whom	
Primary Contact Information			
Primary company contact name	Frank Perri	Title	Managing Member
Address of company contact	P O Box 148	Phone	574 532 5646
City, State, Zip	South Bend, IN 46624	Email	fperri@earthdesignsred.com
Senior Official Information			
Company senior official name	Frank Perri	Title	Managing Member
Address of company contact (if different from above)		Phone	
City, State, Zip		Email	
Consultant Information/Agent			
Hired business consultant/agent name		Consultant release (Y/N)	
Address		Local economic development partners approval (Y/N)	
City, State, Zip		Email	
Project Overview			
Brief description of your company, project, and why the property is necessary for economic growth	<p>Wharf Partners LLC was formed in 2011 as a single asset entity, in order to develop the last remaining vacant parcel of riverfront land located within the Central Business District in the City of South Bend. The development is a mixed use project containing residential and commercial uses, constructed in 2-3 phases and totals an investment in excess of \$43,000,000.</p> <p>The high quality mid rise buildings planned for this key site, will sow confidence in the real estate investment community and spur additional investments, especially in the East Bank Village neighborhood, which primarily consists of lower density, lower quality structures.</p> <p>This development will also help validate the current public investment strategy being made by the City of South Bend and the State of Indiana in creating quality of place projects. These public and private investments provide a platform for growth, resulting in new opportunities for both residents and the business community.</p>		
Certified Technology Park appropriate	No		
Is the project in a Tax Incremental Financing (TIF) area? If so, which?	Yes, River East		
Certify that the Building Permit has not been issued (Y/N)		Number of residential units created by project	15-20 1st phase/ 60 - 80 (all phases)
If this is a petition for personal property tax abatement, has the equipment been installed	N/A		

Investment Details			
Public Infrastructure needs (Off-site of project in dollars)	Has any 504 funding been received?	What is the value of any equipment being purchased in Indiana for the project?	What is the value of any equipment being purchased from out of state for the project?
None	No		

New Project Investments								
Calendar Year	2016	2017	2018	2019	2020	2021	2022	2023
Land Acquisition			\$ 1,050,000					
Building Lease Payments								
Building Purchase Costs								
New Building Construction			\$ 7,300,000	\$ 10,000,000	\$ 1,000,000			
Existing Building Improvements								
New Machinery & Equipment								
Special Tooling/Retooling								
New Furniture/Fixtures								
New Computer/IT Hardware								
New Software								
On-site Rail Infrastructure								
On-site Fiber Infrastructure								
TOTAL	\$ 0	\$ 0						

Full-Time Permanent Indiana-Resident Positions by Calendar Year						
Calendar Year	Jobs retained	Total hourly wage w/o fringe or bonuses	Cumulative # of net NEW full time permanent jobs created at project	Hourly average wage, w/o benefits or bonuses, of cumulative net new jobs	Total training expenditure - not cumulative	Total # to be trained - not cumulative
2016						
2017						
2018			1	35		
2019			2	14		
2020			20	14		
2021						
2022						
2023						
2024						
2025						
2026						
2027						

Provide hourly wage information for new employees in the following positions.

	Full time	Part time
Laborers		
Technical		
Managerial		
Administrative		

Who will be the individual responsible for coordinating with WorkOne on recruiting?

Does your company have an EEO hiring policy?

Are you an EEO employer?

Please list the number of full time and part time minority and/or female employees for each of the last three years:

Please describe your commitment to diversity and inclusion by detailing your outreach and recruitment efforts for the last three years as well as current policies.

Year	2016		2017		2018	
	Full Time	Part Time	Full Time	Part Time	Full Time	Part Time
Black						
Hispanic						
Asian						
Indian						
Female						
Other						

**Complete below for Real or Personal Property Tax Abatement only.
Please sign for all requested incentives.**

Public Benefit Item:

Information is required on both the construction companies and the companies which will provide materials purchased for this project. Please complete the table below with the appropriate information. If you qualify for the points, please enter the full amount of available points.		Qualify (Yes or No)	Earned Points	Available Points	
1	Construction Related (Contractors):				
	A.	Employ Local Companies (75%)	yes	20	20
	B.	Purchase Materials from Local Companies (75%)	yes	20	20
	C.	Require Employees vs. Independent Contractors	yes	19	19
	D.	Require Prevailing Wage (Davis Bacon)	no		22
	E.	Require Health Benefits	no		22
	F.	Require Pension Benefits	no		18
	G.	Maintain Affirmative Action Plan	yes	20	20
		Sub-total Construction Related:		79	141
2	Wage & Benefit Related (Owner):				
	A.	Pay Target Wage Levels	yes	33	33
	B.	Provide Health Benefits	yes	34	34
	C.	Provide Pension Benefits	no		29
	D.	Provide Training	yes	28	28
	E.	Provide Child Care	no		15
	F.	Provide Transportation Assistance	no		14
	G.	Provide Employer Assisted Housing program	no		9
	Sub-total Wage & Benefit Related:		95	162	
3	Workforce Related:				
	A.	Create New Jobs	yes	42	42
	B.	Retain Existing Jobs	yes	41	41
	C.	Maintain Affirmative Action Plan	yes	35	35
	D.	Provide Targeted Hiring Preference	no		34
	Sub-total Workforce Related:		118	152	
4	Support a Municipal Facility:				
	A.	Support a SB Municipal Facility (donations to the zoo, conservatory, museum, etc.)	yes	84	84
		Name of Facility	Parks & Venues		
	Sub-total Municipal Facility:		84	84	
Sub-total from Above:			376	539	

The undersigned owner(s) of real property, located within the City of South Bend, hereby petition the Common Council of the City of South Bend for a real and/or personal property tax abatement consideration and pursuant to I.C., 6-1.1-12.1-1, et seq., and South Bend Municipal Code Sec. 2-76 et seq., for this petition state the above.

Submitted By: Frank Perri	Date: April 12, 2018
----------------------------------	-----------------------------

For Staff Use Only Below This Line

What is the current assessed value?	Real Property:		Personal Property:		
What is the projected assessed value?	Real Property:		Personal Property:		
What is the tax key number for this project?					
What is the six digit NAICS code?					
Please attach a Google map and street view of the location.					
Please list the amount of real and personal property taxes paid for the last five years when applicable.		Real Property Taxes:	Personal Property Taxes:		
Year One					
Year Two					
Year Three					
Year Four					
Year Five					
Please fill out the following Public Benefit Summary Information and add to total from above.					
			(Y or N)	Points	Points
Public Benefit Item:					
Project Related:					
5	A.	Redevelop a Site that has Special Needs	-		49
	B.	Develop Based on Local University Research	-		35
	C.	Achieve a Physical Element of a Plan	y	36	36
	Sub-total Project Related:				120
6	Super Size Projects (point values are cumulative):				
	A.	100% to 199%	y	25	25
	B.	200% to 299%	y	68	68
	C.	300% to 399%	y	65	65
	D.	400% and Over	y	52	52
Sub-total Super Size Projects:				210	
7	Pay for Municipal Infrastructure:				
	A.	Pay for Oversizing or Upgrading			14
	B.	Pay for 26-50% of Extension Cost			26
	C.	Pay for 51-75% of Extension Cost			39
	D.	Pay for 76-100% of Extension Cost			52
Sub-total Infrastructure Related:				131	
Total from Applicant Section:				376	539
Total from Staff Section:				246	461
Total Public Benefit Points:				622	1000



**STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R6 / 10-14)
Prescribed by the Department of Local Government Finance

Filed in Clerk's Office

APR 18 2018

20 19 PAY 20 20

FORM SB-1 / Real Property

PRIVACY NOTICE

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

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

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

INSTRUCTIONS:

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

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer: WHARF PARTNERS LLC

Address of taxpayer (number and street, city, state, and ZIP code): 3617 MCKINLEY AVENUE, South Bend, IN 46615

Name of contact person: FRANK PERRI Telephone number: (574) 532-5646 E-mail address: fperrie@earthdesign.com

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body: Common Council, City of South Bend, IN Resolution number: 026-SB PORTAGE

Location of property: LOT 2 CASCADE MINOR SUBDIVISION County: St. Joseph DLGF taxing district number: 026-SB PORTAGE

Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary): SEVEN (7) STORY CONCRETE BUILDING WITH UNDERGROUND GARAGE CONTAINING APPROX SEVENTY-SEVEN (77,000) SQFT OF MIXED USE SPACE TO INCLUDE CONDOMINIUMS, MULTI-FAMILY & COMMERCIAL

Estimated start date (month, day, year): MAY 15, 2018

Estimated completion date (month, day, year): JULY 31, 2019

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

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
<u>0</u>				<u>23 MINIMUM</u>	<u>14⁰⁰/HR AVG.</u>

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values		<u>40,000 LAND ONLY</u>
Plus estimated values of proposed project	<u>19,350,000</u>	
Less values of any property being replaced		
Net estimated values upon completion of project	<u>19,350,000</u>	

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (pounds): N/A Estimated hazardous waste converted (pounds): N/A

Other benefits:

SECTION 6 TAXPAYER CERTIFICATION

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

Signature of authorized representative: [Signature] Date signed (month, day, year): 04/12/2018

Printed name of authorized representative: FRANK PERRI Title: MANAGING MEMBER

FOR USE OF THE DESIGNATING BODY

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

- A. The designated area has been limited to a period of time not to exceed _____ calendar years* (see below). The date this designation expires is _____.
- B. The type of deduction that is allowed in the designated area is limited to:
 1. Redevelopment or rehabilitation of real estate improvements Yes No
 2. Residentially distressed areas Yes No
- C. The amount of the deduction applicable is limited to \$ _____.
- D. Other limitations or conditions (specify) _____
- E. Number of years allowed: Year 1 Year 2 Year 3 Year 4 Year 5 (* see below)
 Year 6 Year 7 Year 8 Year 9 Year 10
- F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
 Yes No
 If yes, attach a copy of the abatement schedule to this form.
 If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

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

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

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

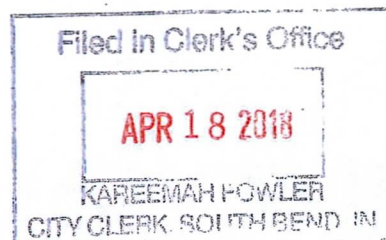
- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. The deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17

Abatement schedules

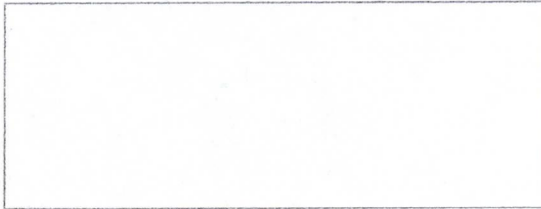
Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

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



bing maps

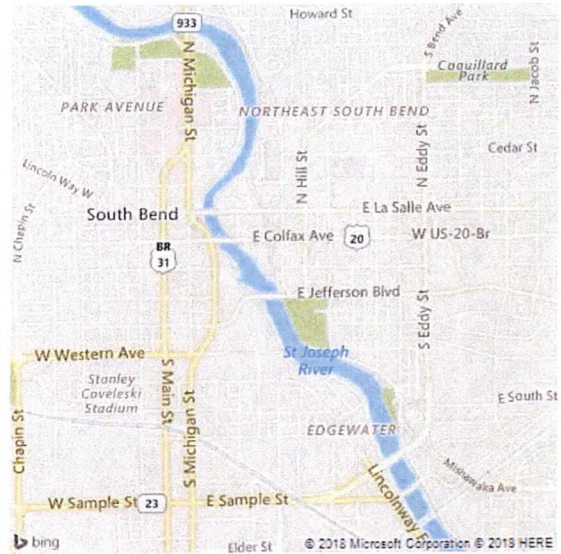
Notes



Filed in Clerk's Office

APR 18 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



Filed in Clerk's Office

APR 18 2018

KARLEMAH FOWLE & ASSOCIATES, INC. CITY OF SYCAMORE SOUTH BEND, IN (66.0' R/W)

CASCADE MINOR SUBDIVISION PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA. (BEING A RE-SUBDIVISION OF A PORTION OF LOT # 25 IN THE PLAT OF "LOWELL, ORIGINAL TOWN" AND A PORTION OF LOTS # 1, 2, 8, 9, 10, 11 IN THE PLAT OF "MILLER & GREEN ADDITION" AND A PORTION OF VACATED GREEN STREET AND LOT # 2 OF THE PLAT OF "OPELIKA MINOR SUBDIVISION")

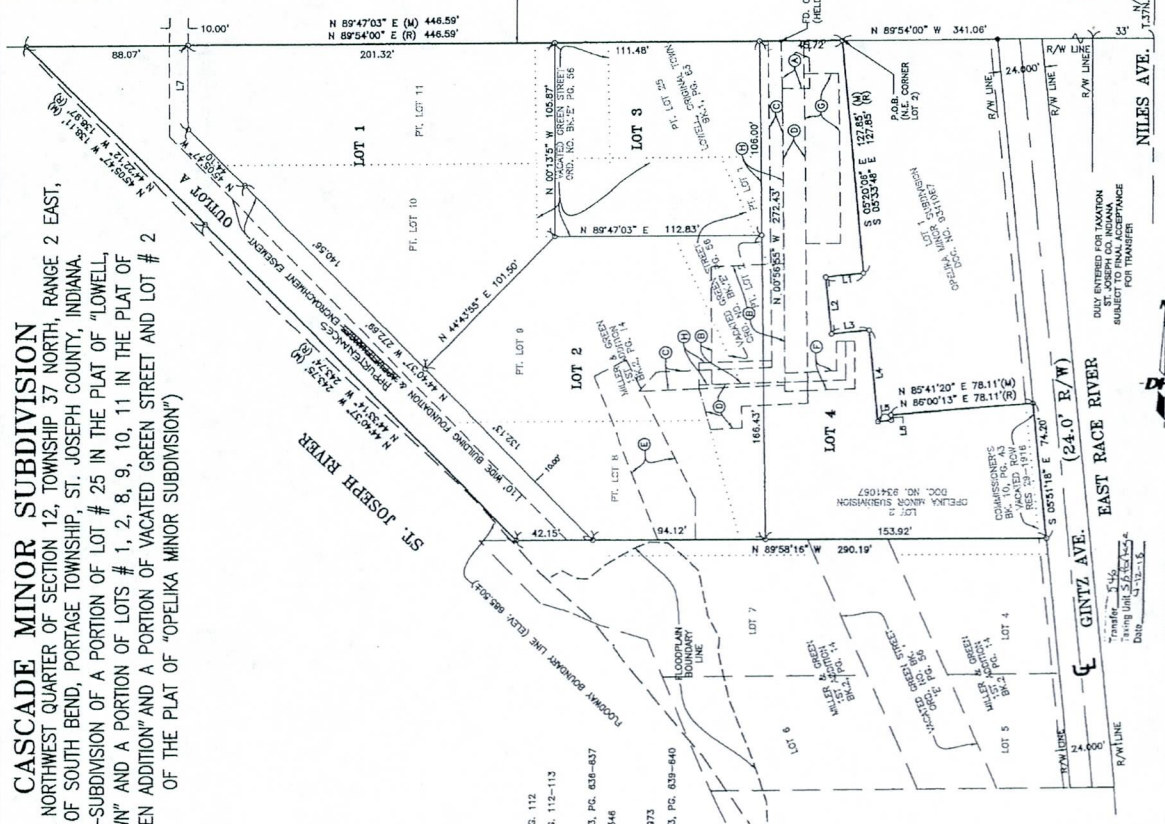
LEGAL DESCRIPTION: A PARCEL LOCATED IN THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, AS SHOWN ON PLAT # 25 IN THE PLAT OF "LOWELL, ORIGINAL TOWN" AS RECORDED IN PLAT BOOK # 1 ON PAGE # 63 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDERS OFFICE, AND A PORTION OF LOTS # 1, 2, 8, 9, 10, 11 IN THE PLAT OF "MILLER & GREEN ADDITION" AS RECORDED IN PLAT BOOK # 2 ON PAGE # 14 IN THE RECORDS OF SAID COUNTY AND A PORTION OF VACATED GREEN STREET AS VACATED PER ORDINANCE SHOWN IN BOOK # 2 ON PAGE # 237 IN THE RECORDS OF SAID COUNTY AND A PORTION OF VACATED GREEN STREET AND LOT # 2 OF THE PLAT OF "OPELIKA MINOR SUBDIVISION" AS RECORDED BY DOCUMENT NO. 934000 IN THE RECORDS OF SAID COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF LOT # 2 OF SAID SUBDIVISION; THENCE S89°54'47" W 289 FEET, AND NORTH 84°07'19" (REC. NORTH 84°28'12" EAST, 7.20 FEET, AND NORTH 84°18'40" WEST (REC. NORTH 02°59'47" WEST) 2.89 FEET, AND NORTH 80°57'00" WEST OF GINTZ AVENUE, AND SOUTH 02°51'18" WEST OF SAID WEST RIGHT-OF-WAY LINE, 74.20 FEET TO THE SOUTHEAST CORNER OF SAID LOT # 2; THENCE ALONG SAID SOUTH LINE AND ITS WESTERLY ADJACENT CORNER OF SAID LOT # 2, 124.13 FEET, AND WEST 124.13 FEET; THENCE NORTH 45°03'47" WEST, 138.11 FEET (NORTH 44°22'12" WEST, 138.97 FEET) TO THE SOUTH RIGHT-OF-WAY LINE OF COLFAX AVENUE, THENCE NORTH 89°47'03" EAST (REC. NORTH 89°47'00" EAST) 106.00 FEET, AND SOUTH RIGHT-OF-WAY LINE, 446.29 FEET TO THE POINT OF BEGINNING; CONTAINING 2.18 ACRES MORE OR LESS AND CONSISTING OF FOUR (4) LOTS AND (1) OUTLOT, TOGETHER WITH ALL RIGHTS, EASEMENTS, AND RESTRICTIONS OF RECORD. ALL LEGAL, RIGHT-OF-WAYS, EASEMENTS, AND RESTRICTIONS

- EXISTING EASEMENT LEGEND: 1. MANUVERING EASEMENT BK. 15, PG. 112 2. MANUVERING EASEMENT BK. 15, PG. 112-113 3. IMA EASEMENT DOC. NO. 1410239 4. INGRESS/EGRESS EASEMENT BK. 873, PG. 638-637 5. SANITARY EASEMENT BK. 608, PG. 346 6. IMA EASEMENT 7. PARKING EASEMENT DOC. NO. 9528973 8. INGRESS/EGRESS EASEMENT BK. 873, PG. 639-640

- FLOOD HAZARD AREAS SHOWN ARE DEFINED ON AND SCALED FROM THE COMMUNITY PANEL MAPS ESTABLISHED BY FEMA FOR FLOOD INSURANCE (COMMUNITY PANEL NO. 1814100211D, DATED JANUARY 08, 2011).
- STREET CLASSIFICATION NOTE: NAME CLASSIFICATION COLLECTOR LOCAL 1. COLFAX AVENUE 2. GINTZ AVENUE WIDTH AS SHOWN AS SHOWN
- EASEMENT NOTE: TO THE BEST OF OUR RESEARCH AND FROM THE INFORMATION SUPPLIED TO US BY THE OWNERS, ALL EASEMENTS OF RECORD ARE SHOWN ON THIS PLAT.
- BUILDING SETBACK NOTE: BUILDING SETBACKS SHALL CONFORM TO THE APPLICABLE PROVISIONS OF THE ZONING ORDINANCE.
- SUBDIVISION WATER NOTE: THE PLAT COMMITTEE AT ITS APRIL 2018 MEETING GRANTED THE FOLLOWING WATER FROM THE ST. JOSEPH COUNTY SUBDIVISION CONTROL ORDINANCE: 1. FROM SECTION 21-14.04 (D)(1)(A)(i), REQUESTING A WATER FROM THE REQUIREMENT OF SHOWING DIMENSIONED BUILDING SETBACK LINES. 2. FROM SECTION 21-14.03 (I)(1), REQUESTING A WATER FROM THE REQUIREMENT OF EVERY LOT SHALL ABUT ON A PUBLIC STREET.

ST. JOSEPH RIVER

LINE	BEARING	DISTANCE
L1	S 84°07'19" W	20.82
L1	S 84°25'12" W	20.82
L2	S 85°53'48" E	11.43
L2	S 85°53'48" E	11.43
L3	N 84°07'19" E	20.60
L3	N 84°28'12" E	20.60
L4	S 85°53'48" E	50.00
L4	S 85°53'48" E	50.00
L5	N 84°07'19" E	7.30
L5	N 84°28'12" E	7.30
L6	N 84°28'12" E	2.89
L7	N 02°57'00" W	46.08



REVISIONS

DATE	ISSUED BY	DESCRIPTION
2/19/18	MAJ	CHANGES MADE PER THE ENGINEERING

SCALE 1" = 30'

DATE: 10/11/14

DANK, HARMER & ASSOCIATES, INC. SURVEYORS & ENGINEERS. 100 SOUTH BEND, IN. 46705 (219) 334-4000

Scale: 1" = 30'

North Arrow

DANK, HARMER & ASSOCIATES, INC. 100 SOUTH BEND, IN. 46705 (219) 334-4000

ST. JOSEPH COUNTY RECORDS

740.141 RECORD

3/27/18 5:00 PM

FILE # 181116.4

ST. JOSEPH COUNTY RECORDS

740.141 RECORD

3/27/18 5:00 PM

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3/27/18 5:00 PM

FILE # 181116.4

ST. JOSEPH COUNTY RECORDS

740.141 RECORD

3/27/18 5:00 PM

FILE # 181116.4

CASCADE MINOR SUBDIVISION
 PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 2 EAST,
 CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

(BEING A RE-SUBDIVISION OF A PORTION OF LOT # 25 IN THE PLAT OF "LOWELL, ORIGINAL TOWN" AND A PORTION OF LOTS # 1, 2, 8, 9, 10, 11 IN THE PLAT OF "MILLER & GREEN ADDITION" AND A PORTION OF VACATED GREEN STREET AND LOT # 2 OF THE PLAT OF "OPELIKA MINOR SUBDIVISION")

NEED OF DEDICATION

WE, THE UNDERSIGNED, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY LAY OFF, PLAT, AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION ACT, CHAPTER 36, ARTICLE 14, OF THE CONSTITUTION OF THE STATE OF INDIANA, THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS:

CASCADE MINOR SUBDIVISION

ALL STREETS, RIGHTS-OF-WAY, UTILITIES, FUTURE ROADWAY EASEMENTS, AND PUBLIC OPEN SPACES SHOWN AND HEREIN, FRONT-OR-REAR YARD SETBACKS, AND PUBLIC OPEN SPACES SHOWN AND HEREIN, FRONT BUILDING SETBACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THIS PLAT, BETWEEN WHICH LINES AND THE RIGHT-OF-WAY LINE OF THE STREET(S), THERE SHALL BE ERIGED OR MAINTAINED NO SIGNAGE, LIGHTS, OR STRUCTURES OF ANY KIND, AND NO SIGNAGE, LIGHTS, OR STRUCTURES OF ANY KIND ARE RESERVED FOR THE USES AS DESIGNATED FOR THE USE OF THE PUBLIC UTILITIES AND INCLUDE BUT ARE NOT LIMITED TO: ELECTRIC, GAS, WATER, SEWER, TELEPHONE, CABLE, AND ALL OTHER UTILITIES AND STRUCTURES. THE UNDERSIGNED HEREBY WARRANTS AND AGREES TO MAINTAIN ALL UTILITIES AND STRUCTURES ARE TO BE MAINTAINED IN ACCORDANCE WITH ALL APPLICABLE ORDINANCES AND REGULATIONS OF THE CITY OF SOUTH BEND, INDIANA, AND TO THE EXTENT PERMITTED BY LAW, TO MAINTAIN THE RIGHTS OF THE PUBLIC UTILITIES, AND TO THE RIGHTS OF THE OWNERS OF THE OTHER LOTS IN THIS SUBDIVISION.

OWNER'S CERTIFICATE

THIS IS TO CERTIFY THAT THE UNDERSIGNED ARE THE OWNERS OF THE LAND DESCRIBED IN THE PLAT HEREIN, AND THAT THEY HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS INDICATED THEREON, UNDER THE TITLE AND TITLE HEREON INDICATED, DATED THIS 28TH DAY OF MARCH, 2018.

DEPARTMENT OF REDEVELOPMENT
 227 W. JEFFERSON BLVD.
 SOUTH BEND, INDIANA 46601

WARF PARTNERS, LLC
 PO BOX 148
 SOUTH BEND, INDIANA 46664

[Signature]
 DON RINKS, SECRETARY
 REDEVELOPMENT COMMISSION
 CITY OF SOUTH BEND

[Signature]
 JAMES MUELLER, EXECUTIVE DIRECTOR
 DEPARTMENT OF COMMUNITY INVESTMENT
 CITY OF SOUTH BEND

[Signature]
 PAUL PANICK, PARTNER
 WARF PARTNERS, LLC

NOTARIZATION - STATEMATIC

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

BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE DID PERSONALLY APPEAR THE ABOVE NOTED PERSON(S), AND (EACH) SEPARATELY AND JOINTLY ACKNOWLEDGED THE VERACITY OF THE CONTENTS OF THE FOREGOING INSTRUMENTS AND NOTARIAL SEAL THIS 28TH DAY OF MARCH, 2018.

MY COMMISSION EXPIRES NOVEMBER 13, 2022.
[Signature]
 AMANDA L. CRESS
 NOTARY PUBLIC
 RESIDENT OF ST. JOSEPH COUNTY

SURVEYOR'S CERTIFICATE

I, R.L. HARNER, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA. THAT THIS PLAT CORRECTLY REPRESENTS THE SURVEY MADE BY ME OR UNDER MY SUPERVISION ON JANUARY, 2018; THAT THE LOCATION, SIZE, TYPE, AND MATERIAL OF ALL MONUMENTS ARE ACCURATELY SHOWN AND THAT THE MONUMENTS WILL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SUBDIVISION CONTROL ORDINANCE OF CITY OF SOUTH BEND, INDIANA.

[Signature]
 R.L. HARNER #110323



I, ATRINA, UNDER THE PERMITTES FOR PERMITS, HAS / HAVE TAKEN REASONABLE CARE TO REDACT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT UNLESS REQUIRED BY LAW.

CERTIFICATE OF APPROVAL

PURSUANT TO INDIANA CODE SECTION 36-7-4, THE UNDERSIGNED CERTIFY THAT THE CASCADE MINOR SUBDIVISION WAS CONSIDERED AND GRANTED SECONDARY APPROVAL BY THE STAFF OF THE CITY OF SOUTH BEND, INDIANA, ON MARCH 28, 2018. THE DETERMINATION WAS MADE THAT THE SUBDIVISION COMPLES WITH THE STANDARDS SET FORTH IN THE CITY OF SOUTH BEND SUBDIVISION CONTROL ORDINANCE AND THAT THE TIME PROVIDED FOR APPEAL HAS EXPIRED, OR THAT THE RIGHT OF APPEAL HAS BEEN WAIVED, IN WRITING, BY ALL INTERESTED PARTIES.

IN WITNESS WHEREOF, WE HAVE ATTACHED OUR SIGNATURES AND THE COMMISSIONS SEAL HEREOF:

[Signature]
 JEFFREY L. HARRIS
 CHAIRMAN OF THE COMMITTEE
 CITY OF SOUTH BEND

[Signature]
 L. A. [Signature]
 SECRETARY OF THE COMMITTEE
 CITY OF SOUTH BEND

DAILY ENTERED FOR RECORD
 BY ST. JOSEPH CO. INDIANA
 SURVEYOR'S OFFICE
 FOR TRANSCRIPTION

Tasler, Suk
 28th Unit 2018-03-28
 2018-03-28

DHA
 Dunch, Harner & Associates, Inc.
 Land Surveyors, Architects, Engineers & Planners
 1843 Commerce Drive • South Bend, IN 46601
 (765) 234-4033

DATE	REASON FOR	DATE	BY
2/27/18	ISS		
3/1/18	SALE		
3/1/18	MD		
3/1/18	FILE		
3/1/18	SHM		

SURVEYOR & ENGINEER:
 DANCH, HARNER & ASSOCIATES, INC.
 1643 COMMERCE DRIVE
 SOUTH BEND, INDIANA 46601
 (765) 234-4033
 ATRINA MICHEL DANCH

Filed in Clerk's Office

APR 18 2018

KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN