



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, May 14, 2018
7:00 P.M.

1. **INVOCATION-** DR. ALYSSIA COATES, DIRECTOR OF DEVELOPMENT (EAST REGION)- UNIVERSITY OF NOTRE DAME

2. **PLEDGE TO THE FLAG**

3. **ROLL CALL**

4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**

5. **SPECIAL BUSINESS**

BILL NO.

05-18 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

6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**

TIME: _____

8. **BILLS ON THIRD READING**

TIME: _____

9. **RESOLUTIONS**

BILL NO.

18-20 A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS INTERSECTION OF SAMPLE ST. AND FRANKLIN ST., SOUTH BEND, IN 46601 AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF AN EIGHT (8) YEAR REAL PROPERTY TAX ABATEMENT FOR FRANKLIN STREET TECHNOLOGY PARK, LLC

18-21 A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 320 EAST COLFAX AVENUE, SOUTH BEND, IN 46617 AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A SIX (6) YEAR REAL PROPERTY TAX ABATEMENT FOR COMMERCIAL PROPERTY LOCATED AT WHARF PARTNERS, LLC

18-22 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ELECTING TO PARTICIPATE IN THE PUBLIC EMPLOYEES' RETIREMENT FUND'S MYCHOICE: RETIREMENT SAVINGS PLAN AS ADMINISTERED BY THE INDIANA PUBLIC RETIREMENT SYSTEM

10. **BILLS ON FIRST READING**

BILL NO.

22-18 FIRST READING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: FIRST NS ALLEY 14' IN WIDTH LYING W OF FELLOWS AND CARROLL STREETS, E OF MICHIGAN STREET, BOUNDED ON THE NORTH BY THE S RIGHT-OF-WAY OF BRONSON STREET, BOUNDED ON THE SOUTH BY THE N RIGHT-OF-WAY OF THE PENN CENTRAL RAILROAD, RUNNING APPROXIMATELY 248.78' IN LENGTH.

11. **UNFINISHED BUSINESS**

12. **NEW BUSINESS**

MOTION TO MOVE MAY 28TH COMMON COUNCIL MEETING

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: MAY 10, 2018
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **MONDAY, MAY 14, 2018:**

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

- 4:00 P.M.** **PUBLIC WORKS & PROPERTY VACATION** **JOHN VOORDE, CHAIRPERSON**
1. **Update-** Gas Tax Funds, Highway Funds for Paving, Curbs and Sidewalks- Eric Horvath
- 4:20 P.M.** **PERSONNEL & FINANCE** **KAREN L. WHITE, CHAIRPERSON**
1. [Bill No.18-22](#)- Resolution Electing to Participate in the Public Employee's Retirement Fund
- 4:30 P.M.** **PARC** **SHARON L. MCBRIDE, CHAIRPERSON**
1. **Update-** Aaron Perri- Venues, Parks & Arts
- 4:50 P.M.** **ZONING & ANNEXATION** **OLIVER J. DAVIS, CHAIRPERSON**
1. Organizational Meeting

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

cc: Mayor Pete Buttigieg
Committee Meeting List
Media

INTEGRITY | SERVICE | ACCESSIBILITY

JENNIFER M. COFFMAN
CHIEF DEPUTY/DIRECTOR OF OPERATIONS

BIANCA L. TIRADO
DEPUTY/DIRECTOR OF POLICY

JOSEPH R. MOLNAR
ORDINANCE VIOLATION CLERK

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

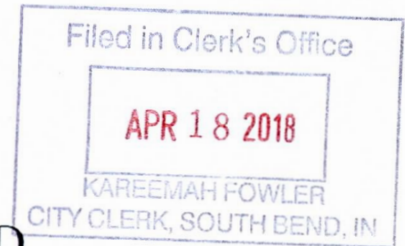
JOHN VOORDE, AT LARGE Council Member

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



CITY OF SOUTH BEND
COMMUNITY INVESTMENT
JAMES MUELLER, EXECUTIVE DIRECTOR

April 18, 2018

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

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

1400S County-City Building | 227 W. Jefferson Blvd. | South Bend, Indiana 46601 | p 574.235.9371 | www.southbendin.gov

BILL NO. 18-20

RESOLUTION NO. _____

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

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

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

Franklin Street Technology Park, LLC

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

WHEREAS, a Declaratory Resolution designated the area commonly known as the intersection of Sample Street and Franklin Street, South Bend, Indiana 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; and

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

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

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

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

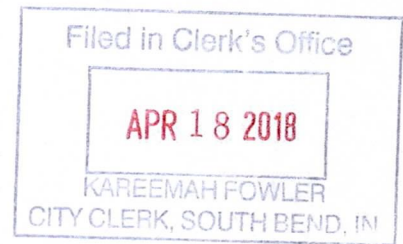
SECTION I. The Common Council hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such designation is for real property tax abatement only and is limited to four (4) calendar years from the date of adoption of the Declaratory Resolution by the Common Council.

SECTION II. The Common Council hereby determines that the property owner is qualified for and is granted real property tax deduction for a period of eight (8) years as shown by the schedule outlined below as well as the attachment pursuant to Indiana Code 6-1.1-12.1-17 and further determines that the petition, the Memorandum of Agreement between the Petitioner and the City of South Bend, and the Statement of Benefits comply with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12 et seq.

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

Tim Scott, Council President
South Bend Common Council



TAX ABATEMENT REPORT

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

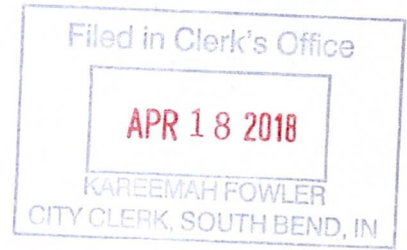
- Construction of the approximately 60,000 sq. ft. three standalone buildings with flexible use space.
- The proposed construction will be located on the block bounded by Sample Street, Franklin Street, Garst Street and Lafayette Street adjacent to the main campus of Ignition Park. The new space will 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.

PROJECT OVERVIEW

Filed in Clerk's Office

APR 18 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

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

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	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="margin: 0;">Filed in Clerk's Office</p> <div style="border: 1px solid black; padding: 5px; display: inline-block; text-align: center; color: red; font-weight: bold; font-size: 1.2em;">MAR 29 2018</div> <p style="margin: 0;">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							
	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:			275	293	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
---------------------------------	-------------------------

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
	Sub-total Project Related:			120
6	Super Size Projects (point values are cumulative):			
	A.	100% to 199%	Y	25
	B.	200% to 299%	Y	68
	C.	300% to 399%	Y	65
	D.	400% and Over	Y	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:			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:

- 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.
- 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.
- 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.
- 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)
- 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		DLGF taxing district number	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) SEE ATTACHED				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 0.00	Salaries	Number retained	Salaries	Number additional 0.00	Salaries
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 				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 (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**

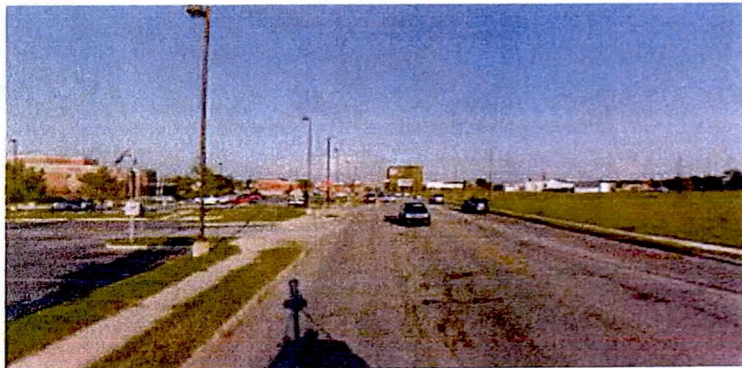
Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (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.



Google
Notre Dame
Turbo machinery...

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

MAY 08 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN**MEMORANDUM OF AGREEMENT**

This Memorandum of Agreement (Agreement) dated as of the Thursday, April 26th, 2018, serves as confirmation of a commitment by **Franklin Street Technology Park, LLC** (the "Applicant"), pending an May 14th, 2018, public hearing, to comply with the project description, job creation and retention (and associated wage rates and salaries) figures contained in its petition, Statement of Benefits, and attachments and this Agreement (Commitments).

1. Commitments of City and Applicant. Subject to the adoption of a Declaratory Resolution and a Confirmatory Resolution by the South Bend Common Council (the "SBCC"), the City of South Bend, Indiana (the "City") commits to provide a (8) eight-year real property tax abatement for the Applicant, based on the Applicant's commitment set forth in its Application. The Applicant commits to a capital expenditure of \$3,000,000 associated with the construction of three buildings located at the intersection of Sample Street and Franklin Street, South Bend, IN 46601 (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). This real property project will create at least sixty (60) indirect jobs within five years.

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

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

4. Substantial Compliance and Rights of Termination. The City, by and through the SBCC, reserves the right to terminate the Economic Revitalization Area designation and associated property tax abatement deductions if it determines that the Applicant has not made reasonable efforts to substantially comply with all the Commitments, and the Applicant's failure to substantially comply with the Commitments was not due to factors beyond its reasonable control. As used in this Agreement, "substantial compliance" shall mean the Applicant's compliance with the following: (a) expenditures of no less than Three Million dollars (\$3,000,000) of capital investment towards the construction of three buildings located at intersection of Sample Street and Franklin Street, South Bend, IN 46601; (b) this real property project will create at least sixty (60) indirect jobs within five years.

5. Factors Beyond Control. As used in this Agreement, factors beyond the control of the Applicant shall only include factors not reasonably foreseeable at the time of designation application and submission of Statement of Benefits which are not caused by any act or omission of the Applicant and which materially and adversely affect the ability of the Applicant to substantially comply with this Agreement.

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

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

8. Repayment. In the event the City requires repayment of the tax abatement savings as provided hereunder, it shall provide Applicant with a written statement calculating the amount due (Statement), and Applicant shall make such repayment to the City within 30 days of the date of the Statement. If the Applicant does not make timely repayment, the City shall be entitled to all reasonable costs and attorneys' fees incurred in the enforcement and collection of the tax abatement savings required to be repaid hereunder.

9. Modification/Entire Agreement. This Agreement and the schedules attached here to contain the entire understanding between the City and the Applicant with respect to the subject matter hereof, and supersede all prior and contemporaneous agreements and understandings, inducements, and conditions, expressed or implied, oral or written, except as herein contained. This Agreement may not be modified or amended other than by an agreement in writing signed by the City and the Applicant. The Applicant understands that any and all filings required to be made or actions required to be taken to initiate or maintain the abatement are solely the responsibility of the Applicant.

10. Waivers. Neither the failure nor any delay on the part of the City to exercise any right, remedy, power or privilege under this Agreement shall operate as a waiver thereof, nor shall any single or partial exercise of any right, remedy, power or privilege preclude any other or further exercise of the same or of any other right, remedy, power or privilege with respect to any occurrence or be construed as a waiver of such right, remedy, power or privilege with respect to any other occurrence. No waiver shall be effective unless it is in writing and is signed by the party asserted to have granted such waiver.

11. Governing Laws of Indiana. This Agreement and all questions relating to its validity, interpretation, performance, and enforcement shall be governed by the laws and decisions of the courts of the State of Indiana.

12. Applicant's Consent to Jurisdiction. The Applicant hereby irrevocably consents to the jurisdiction of the Courts of the State of Indiana and of the St. Joseph County Circuit or Superior Court in connection with any action or proceeding arising out of or relating to this Agreement or any documents or instrument delivered with respect to any of the obligations hereunder, and any action related to this Agreement shall be brought in such County and in such Court.

13. Notices. All notices, requests, demands, and other communications required or permitted under this Agreement shall be in writing and shall be deemed to have been received when delivered by hand or by facsimile (with confirmation by registered or certified mail) or on the third business day following the mailing, by registered or certified mail, postage prepaid, return receipt requested, thereof, addressed as set forth below:

If to Applicant:	Franklin Street Technology Park, LLC 814 Marietta Street South Bend, IN 46601 Attn: Charles Hayes
If to the City:	City of South Bend, Indiana 227 West Jefferson Blvd. Suite 1400S South Bend, Indiana 46601 Attn: Daniel Buckenmeyer, Department of Community Investment

14. Assignment and Transfer Prohibited. This Agreement shall be binding upon and inure to the benefit of the City and the Applicant and their successors and assigns, except that no party may assign or transfer its rights or obligations under this Agreement without the prior written consent of the other party hereto, in which consent shall not be unreasonably withheld.

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

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

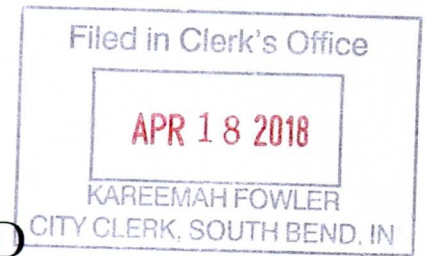
17. No Personal Liability. No official, director, officer, employee or agent of the City shall be charged personally by the Applicant, its employees or agents with any liabilities or expenses of defense or be held personally liable to the Applicant under any term or provision of this Agreement or because of the execution by such party of this Agreement or because of any default by such party hereunder.

[Remainder of page intentionally blank.]

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

<p>“Applicant”</p> <p>Franklin Street Technology Park, LLC</p> <p>By: <u>Anne Hayes</u> [insert contact name]</p> <p>Approved as to Legal Adequacy and Form this <u>1</u> day of <u>May</u>, 2018.</p> <p>Counsel, South Bend Common Council</p> <hr/> <p>Counsel for Applicant <u>N/A</u></p>	<p>“City”</p> <p>City of South Bend, Indiana</p> <p>By: _____ Tim Scott President, South Bend Common Council</p> <p>By: _____ Gavin Ferlic Chairperson, Community Investment Committee</p> <p>By: <u>DAB</u> Dan Buckenmeyer Department of Community Investment</p> <p>By: _____ Pete Buttigieg Mayor</p>
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Filed in Clerk's Office
MAY 08 2018
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



CITY OF SOUTH BEND
COMMUNITY INVESTMENT
JAMES MUELLER, EXECUTIVE DIRECTOR

April 18, 2018

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

SUBSTITUTE BILL NO. 18-21

RESOLUTION NO. _____

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

320 East Colfax Avenue, South Bend, IN 46617

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

COMMERCIAL PROPERTY LOCATED AT

Wharf Partners, LLC

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

WHEREAS, a Declaratory Resolution designated the area commonly known as 320 East Colfax Avenue, South Bend, Indiana described as follows:

Lots 2 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 018-5001-000204, and be designated as an Economic Revitalization Area; and

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South

Bend, Indiana, as follows:

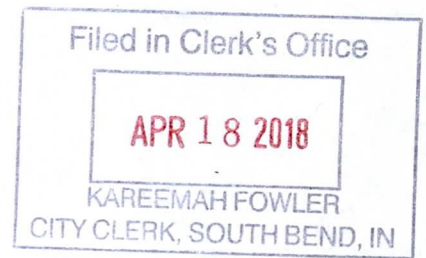
SECTION I. The Common Council hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such designation is for real property tax abatement only and is limited to four (4) calendar years from the date of adoption of the Declaratory Resolution by the Common Council.

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

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

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

Tim Scott, Council President
South Bend Common Council



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

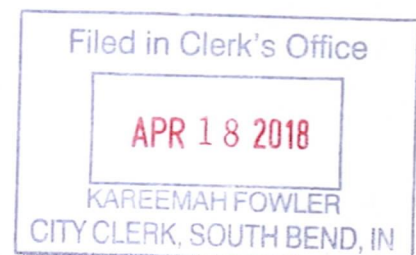
EMPLOYMENT IMPACT

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

APR 18 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

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

Assessed Value:	Current AV & Tax	Without Abatement	100% Year 1	100% Year 2	100% Year 3	100% Year 4	100% Year 5	100% Year 6
Current Assessed Value	0	0	0	0	0	0	0	0
Base Assessed Value	2,400,000	2,400,000	2,400,000	2,400,000	2,400,000	2,400,000	2,400,000	2,400,000
Less Abatement Deduction	0	0	(2,400,000)	(2,400,000)	(2,400,000)	(2,400,000)	(2,400,000)	(2,400,000)
Net Assessed Value	0	2,400,000	0	0	0	0	0	0

Property Taxes:	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	0	0	0	0	0
Less Circuit Breaker Credit	0	(58,941)	0	0	0	0	0	0
Net Tax	0	72,000	0	0	0	0	0	0

Circuit Breaker Cap	3.0000%	0	72,000	72,000	72,000	72,000	72,000	72,000
Debt Service	0.0000%	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

BILL NO. 18-21

*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

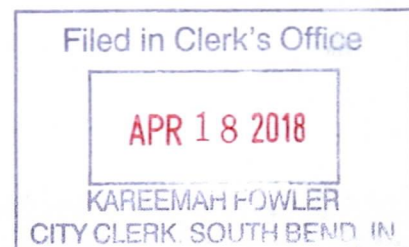
and is granted property tax deduction for a period of (6) six years as shown by the schedule outlined below as well as the attachment pursuant to Indiana Code 6-1.1-12.1-17.

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/Retrofitting								
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
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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
	Sub-total Project Related:			120
6	Super Size Projects (point values are cumulative):			
	A.	100% to 199%	y	25
	B.	200% to 299%	y	68
	C.	300% to 399%	y	65
	D.	400% and Over	y	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)

CITY CLERK, SOUTH BEND, IN

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 fperri@earthdesigns.com	
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body Common Council, City of South Bend, IN					Resolution number
Location of property LOT 2 CASCADE MINOR SUBDIVISION			County St. Joseph	DLGF taxing district number 026-5B 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 0	Salaries	Number retained	Salaries	Number additional 23 MINIMUM	Salaries 14⁰⁰/HR AVG.
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
			REAL ESTATE IMPROVEMENTS		
			COST	ASSESSED VALUE	
Current values				40,000 LAND ONLY	
Plus estimated values of proposed project			19,350,000		
Less values of any property being replaced					
Net estimated values upon completion of project			19,350,000		
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 <i>Frank Perri</i>				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	

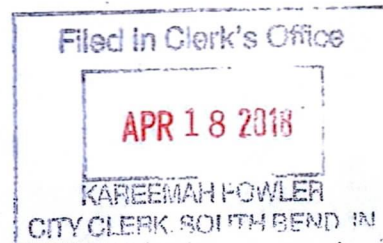
* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

- 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

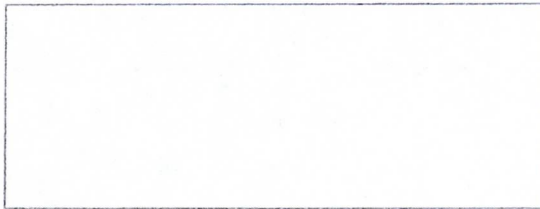
Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (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



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"

DEED OF DEDICATION

WE, THE UNDERSIGNED, OWNERS OF THE HEREIN SHOWN AND DESCRIBED LAND, HEREBY DO HEREBY LAY OUT, PLAT, AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THE REQUIREMENTS OF THE SUBDIVISION CONTROL ORDINANCE OF THE CITY OF SOUTH BEND, INDIANA. THIS SUBDIVISION SHALL BE KNOWN AND DESIGNATED AS:

CASCADE MINOR SUBDIVISION

ALL STREETS, RIGHTS-OF-WAY, ALLEYS, FUTURE ROADWAY EASEMENTS, AND PUBLIC OPEN SPACES SHOWN AND HEREIN DESCRIBED SHALL BE OPEN TO THE PUBLIC FOR THE USES DESIGNATED THEREON. THE FRONT YARD SETBACKS, SIDE YARD SETBACKS, AND REAR YARD SETBACKS SHOWN ON THIS PLAT SHALL BE MAINTAINED AND MARKED AS "EASEMENTS" AND NOT LIMITED TO THE INSTALLATION OF WATER AND SEWER MAINS, POLES, DIGITS, LINES AND WIRES. DRAINAGE SHALL BE MAINTAINED AND MARKED AS "EASEMENTS". THE UNDERSIGNED HEREBY RESOLVES TO CONVEY TO THE PUBLIC AUTHORITIES AND TO THE EASEMENT HOLDERS, AND TO THE EASEMENT HOLDERS, ALL RIGHTS TO BE EXERCISED OR MAINTAINED UPON SAID EASEMENTS OF LAND, BUT THE OWNERS OF SAID LOTS IN THIS PLAT ARE TO BE RESPONSIBLE FOR THE MAINTENANCE AND REPAIR OF SAID EASEMENTS, 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 HEREBY SET FORTH, AND DO HEREBY ACKNOWLEDGE AND ADOPT THE PLAT UNDER THE TITLE THEREON INDICATED, DATED THIS 26TH DAY OF MARCH, 2018.

DEPARTMENT OF REDEVELOPMENT
 227 W. BETTERSON BLVD.
 14TH FLOOR, CITY BUILDING
 SOUTH BEND, INDIANA 46601

[Signature]
 TOWN CLERK
 DEPARTMENT OF COMMUNITY INVESTMENT
 CITY OF SOUTH BEND

WMWF PARTNERS, LLC
 SOUTH BEND, INDIANA 46604

[Signature]
 WMWF PARTNERS, LLC

INCORPORATION STATEMENT

STATE OF INDIANA)
 COUNTY OF ST. JOSEPH)

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE DID PERSONALLY APPEAR THE ABOVE NOTED PERSONS, AND (EACH) SEPARATELY AND SEVERALLY ACKNOWLEDGED THE VALIDITY OF THE INSTRUMENT AND DEED FOR THE PURPOSES THEREIN EXPRESSED, WITNESSED BY HAND AND NOTARIAL SEAL THIS 26TH DAY OF MARCH, 2018.

MY COMMISSION EXPIRES NOVEMBER 13, 2022
[Signature]
 MICHAEL J. BUNCH
 NOTARY PUBLIC
 RESIDENT OF ST. JOSEPH COUNTY

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

SURVEYOR'S CERTIFICATE

R.L. HANMER, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, LICENSED IN INDIANA. I HAVE PERSONALLY EXAMINED THE SURVEY AND FOUND THAT THE SURVEY REPRESENTS A SURVEY COMPLETED OR CERTIFIED BY ME ON THE 26TH DAY OF JANUARY, 2018. THE INSTRUMENTS AND RECORDS REFERRED TO IN THIS CERTIFICATE ARE ACCURATELY SHOWN AND THAT THE SUBDIVISION CONTROL ORDINANCE WITH WHICH THE PROVISIONS OF THE SUBDIVISION CONTROL ORDINANCE OF CITY OF SOUTH BEND, INDIANA.

[Signature]
 R.L. HANMER #010032



I AFFIRM, UNDER THE PENALTIES FOR PERJURY, THAT I HAVE TAKEN THE NECESSARY PRECAUTIONS TO CONDUCT EACH SOCIAL SECURITY NUMBER IN THIS DOCUMENT, UNLESS REQUIRED BY LAW.
 ROL L. HANMER

CERTIFICATE OF APPEAL

PURSUANT TO INDIANA CODE SECTION 36-31-1-10, THE CITY OF SOUTH BEND HAS CONSIDERED AND GRANTED SECONDARY APPROVAL BY THE STAFF OF THE INDIANA LAND COMMISSION OF ST. JOSEPH COUNTY, INDIANA ON APRIL 16, 2018 AFTER THE CITY OF SOUTH BEND HAS REVIEWED THE APPEAL AND DETERMINED THAT THE APPEAL IS IN THE BEST INTERESTS OF THE CITY OF SOUTH BEND, INDIANA SUBDIVISION CONTROL ORDINANCE, AND THAT THE APPEAL IS IN ACCORDANCE WITH THE APPEAL PROCESS AND THAT THE APPEAL HAS BEEN GRANTED. A WRITING OF ALL INTERESTED PARTIES.

IN WITNESS WHEREOF, WE HAVE ATTACHED OUR SIGNATURES AND THE COMMISSION'S SEAL HERETOON:

[Signature]
 CHAIRMAN OF THE COMMISSION
 IN WITNESS P. MALLOZZI

Thank you,
 DANC
 2018-3-23

DAILY RETURNED FOR TAXATION
 ST. JOSEPH COUNTY, INDIANA
 SUBJECT TO PAID ACCEPTANCE
 FOR TRANSFER

SUBDIVISOR & ENGINEERS:
 DANCH, HANMER & ASSOCIATES, INC.
 1643 COMMERCE DRIVE
 SOUTH BEND, IN. 46626
 (765) 339-1000
 ATTY. MICHAEL DANCH

DATE	DATE BY	DATE BY	DATE BY
2/19/18	GIS		
SOIL	MADE		
FILE #	FILE #	FILE #	FILE #
180116.4			

DHMA
 Daniel Hanmer & Associates, Inc.
 Land Surveyors • Professional Engineers
 1800 Greenway Blvd., Suite 200, South Bend, IN 46608
 Phone: (765) 339-1000 • Fax: (765) 339-1010

SHEET 2 OF 2

MAY 09 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (Agreement) dated as of May 1st, 2018, serves as confirmation of a commitment by **Wharf Partners, LLC** (the "Applicant"), pending a May 14th, 2018, public hearing, to comply with the project description, job creation and retention (and associated wage rates and salaries) figures contained in its petition, Statement of Benefits, and attachments and this Agreement (Commitments).

1. Commitments of City and Applicant. Subject to the adoption of a Declaratory Resolution and a Confirmatory Resolution by the South Bend Common Council (the "SBCC"), the City of South Bend, Indiana (the "City") commits to provide a (6) six-year real property tax abatement for the Applicant, based on the Applicant's commitment set forth in its Application. The Applicant commits to a capital expenditure of \$19,350,000 associated with the construction of the mix use building located at 320 East Colfax Avenue, South Bend, IN 46617 (Key Number – 018-5001-000204). This real property project will create at least sixty (20) indirect jobs within three years.

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

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

4. Substantial Compliance and Rights of Termination. The City, by and through the SBCC, reserves the right to terminate the Economic Revitalization Area designation and associated property tax abatement deductions if it determines that the Applicant has not made reasonable efforts to substantially

comply with all the Commitments, and the Applicant's failure to substantially comply with the Commitments was not due to factors beyond its reasonable control. As used in this Agreement, "substantial compliance" shall mean the Applicant's compliance with the following: (a) expenditures of no less than Nineteen Million Three Hundred Fifty Thousand dollars (\$19,350,000) of capital investment towards the construction of the mix use building located at 320 East Colfax Avenue, South Bend, IN 46617; (b) this real property project will create at least twenty (20) indirect jobs within three years.

5. Factors Beyond Control. As used in this Agreement, factors beyond the control of the Applicant shall only include factors not reasonably foreseeable at the time of designation application and submission of Statement of Benefits which are not caused by any act or omission of the Applicant and which materially and adversely affect the ability of the Applicant to substantially comply with this Agreement.

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

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

8. Repayment. In the event the City requires repayment of the tax abatement savings as provided hereunder, it shall provide Applicant with a written statement calculating the amount due (Statement), and Applicant shall make such repayment to the City within 30 days of the date of the Statement. If the Applicant does not make timely repayment, the City shall be entitled to all reasonable costs and attorneys' fees incurred in the enforcement and collection of the tax abatement savings required to be repaid hereunder.

9. Modification/Entire Agreement. This Agreement and the schedules attached here to contain the entire understanding between the City and the Applicant with respect to the subject matter hereof, and supersede all prior and contemporaneous agreements and understandings, inducements, and conditions, expressed or implied, oral or written, except as herein contained. This Agreement may not be modified or amended other than by an agreement in writing signed by the City and the Applicant. The Applicant understands that any and all filings required to be made or actions required to be taken to initiate or maintain the abatement are solely the responsibility of the Applicant.

10. Waivers. Neither the failure nor any delay on the part of the City to exercise any right, remedy, power or privilege under this Agreement shall operate as a waiver thereof, nor shall any single or partial exercise of any right, remedy, power or privilege preclude any other or further exercise of the same or of any other right, remedy, power or privilege with respect to any occurrence or be construed as a waiver of such right, remedy, power or privilege with respect to any other occurrence. No waiver shall be effective unless it is in writing and is signed by the party asserted to have granted such waiver.

11. Governing Laws of Indiana. This Agreement and all questions relating to its validity, interpretation, performance, and enforcement shall be governed by the laws and decisions of the courts of the State of Indiana.

12. Applicant's Consent to Jurisdiction. The Applicant hereby irrevocably consents to the jurisdiction of the Courts of the State of Indiana and of the St. Joseph County Circuit or Superior Court in connection with any action or proceeding arising out of or relating to this Agreement or any documents or instrument delivered with respect to any of the obligations hereunder, and any action related to this Agreement shall be brought in such County and in such Court.

13. Notices. All notices, requests, demands, and other communications required or permitted under this Agreement shall be in writing and shall be deemed to have been received when delivered by hand or by facsimile (with confirmation by registered or certified mail) or on the third business day following the mailing, by registered or certified mail, postage prepaid, return receipt requested, thereof, addressed as set forth below:

If to Applicant:	Wharf Partners, LLC 416 E. Monroe St., Suite #320 South Bend, IN 46601 Attn: Frank Perri
If to the City:	City of South Bend, Indiana 227 West Jefferson Blvd. Suite 1400S South Bend, Indiana 46601 Attn: Daniel Buckenmeyer, Department of Community Investment

14. Assignment and Transfer Prohibited. This Agreement shall be binding upon and inure to the benefit of the City and the Applicant and their successors and assigns, except that no party may assign or transfer its rights or obligations under this Agreement without the prior written consent of the other party hereto, in which consent shall not be unreasonably withheld.

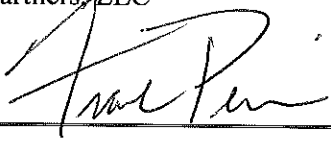

15. Valid and Binding Agreement. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original as against any party whose signature appears thereon, and all of which shall together constitute one and the same instrument. By executing this Agreement, each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

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

17. No Personal Liability. No official, director, officer, employee or agent of the City shall be charged personally by the Applicant, its employees or agents with any liabilities or expenses of defense or be held personally liable to the Applicant under any term or provision of this Agreement or because of the execution by such party of this Agreement or because of any default by such party hereunder.

[Remainder of page intentionally blank.]

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

<p>“Applicant”</p> <p>Wharf Partners, LLC</p> <p>By:  _____</p> <p>Frank Perri</p> <p>Approved as to Legal Adequacy and Form this _____ day of _____, 2018.</p> <p>Counsel, South Bend Common Council</p> <p>Counsel for Applicant</p> <p>N/A</p>	<p>“City”</p> <p>City of South Bend, Indiana</p> <p>By: _____</p> <p>Tim Scott President, South Bend Common Council</p> <p>By: _____</p> <p>Gavin Ferlic Chairperson, Community Investment Committee</p> <p>By:  _____</p> <p>Dan Buckenmeyer Department of Community Investment</p> <p>By: _____</p> <p>Pete Buttigieg Mayor</p>
--	--

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

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

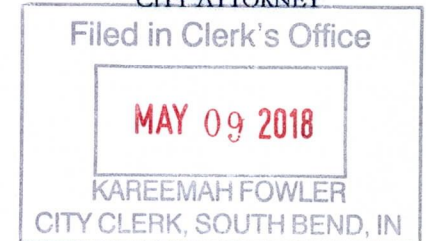
DEPARTMENT OF LAW

STEPHANIE STEELE
CORPORATION COUNSEL

ALADEAN M. DEROSE
CITY ATTORNEY

May 8, 2018

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



Re: Resolution Electing to Participate in the Public Employees' Retirement Fund's
MyChoice: Retirement Savings Plan as Administered by the Indiana Public
Retirement System

Dear Council President Scott:


Attached for filing with the South Bend Common Council is a Resolution electing to join the Public Employees' Retirement Fund's ("PERF") MyChoice: Retirement Savings Plan as administered by the Indiana Public Retirement System (copy also attached). Passage of this Resolution will enable the City of South Bend to offer its employees hired after July 1, 2018 the option between enrolling in the currently offered "PERF Hybrid Plan" and the new "MyChoice: Retirement Savings Plan."

The new MyChoice: Retirement Savings Plan would give the City more control over contribution rates while allowing participating employees to have a shorter vesting period and greater portability. Employees hired before July 1, 2018 would remain enrolled in the PERF Hybrid Plan.

Human Resources Director Kyra Clark and City Controller Jennifer Hockenhill will present this Resolution to the Council at its Committee and regular meeting.

Thank you for your consideration.

Sincerely,


Danielle Campbell Weiss
Assistant City Attorney

cc: Kyra Clark, Director of Human Resources
Jennifer Hockenhill, City Controller

ELLIOT A. ANDERSON
CLARA MCDANIELS

ASHLEY MILLS COLBORN
THOMAS E. PANOWICZ

SANDRA KENNEDY
DANIELLE CAMPBELL WEISS

MAY 09 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

BILL NO. 18-22

RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
SOUTH BEND, INDIANA, ELECTING TO PARTICIPATE IN THE
PUBLIC EMPLOYEES' RETIREMENT FUND'S MYCHOICE:
RETIREMENT SAVINGS PLAN AS ADMINISTERED BY THE INDIANA
PUBLIC RETIREMENT SYSTEM**

WHEREAS, the Common Council of the City of South Bend, Indiana is the governing body of the City of South Bend, a political subdivision or miscellaneous participating entity in the State of Indiana; and

WHEREAS, for the purposes of this document and interpretation of statutes governing the Public Employees Retirement Fund ("PERF"), the public employees' defined contribution plan under IC 5-10.3-12, known as the "My Choice: Retirement Savings Plan," shall be referred to as "the **Plan**." The PERF Hybrid defined benefit pension fund, known as "PERF Hybrid," shall be referred to as "the **Fund**."

WHEREAS, political subdivisions may participate in the **Plan** and also choose whether employees are required to become members of the **Plan**, the **Fund**, or whether employees may choose membership in either the **Plan** or the **Fund**.

WHEREAS, the Council as governing body is fully cognizant that, if it resolves that it will place any employees in the **Fund**, the percentage of cost of gross annual payroll of covered employees has been set at _____% *[to be filled in by INPRS]* by the actuary of the **Fund**, and that the Board of Trustees of the Indiana Public Retirement System directs the actuary to annually review the status of the employees covered and shall adjust the cost percentage accordingly so that the **Fund** will remain on an actuarially sound basis; and

WHEREAS, the Council as governing body is fully cognizant that, if it resolves to require employees to enter the **Plan** or offer employees a choice between **Fund** and **Plan** membership, the Council shall submit a resolution with the following information regarding their participation in the **Plan**:

1. Specify the political subdivision's contribution rate to the plan as a percentage of each member's compensation AND pay such contributions as required under IC 5-10.3-12-23 and IC 5-10.3-12-24.5. Such rates must be greater than or equal to zero percent (0%) and may not exceed the percentage that would produce the normal cost for participation in the fund under IC 5-10.2-2-11.
2. Specify the political subdivision's matching rate that is the percentage of each member's additional contributions to the plan that the political subdivision will

match. A political subdivision may specify only:

- (1) zero percent (0%); or
- (2) fifty percent (50%).

- 3. Specify whether the political subdivision will pay any part of a member's contribution on behalf of the member;
- 4. Specify whether employees will automatically be enrolled in the **Fund** or the **Plan** if an eligible employee does not make an affirmative election.

WHEREAS, if such governing body participates in the **Fund**, such governing body acknowledges its liability and that, pursuant to law, it and its successors in office, must appropriate sufficient funds each year to retire the employees' prior service liability in an orderly manner and also fund the current cost accruing annually.

WHEREAS, if such governing body participates in Plan, such governing body acknowledges its liability and that, pursuant to law, it and its successors in office must appropriate sufficient funds each year to meet all contribution obligations required by law.

WHEREAS, such governing body acknowledges and agrees to make a supplemental contribution to the fund in an amount necessary to pay the employer's share of the fund's actuarial unfunded liability that other employers would otherwise be required to pay because the employer's employees are becoming members of the plan instead of the fund.

WHEREAS, such governing body acknowledges and agrees, when an employee separates from service before the member is fully vested in the employer contribution subaccount, the amount in the employer contribution subaccount is forfeited as of the date the member separates from service. Such forfeited amounts shall be used to reduce the unfunded accrued liability of the fund as determined under IC 5-10.2-2-11(a)(3) and IC 5-10.2-2-11(a)(4). For employers without an unfunded liability, such as employers joining PERF for the first time and offering only Plan membership, such forfeited amounts will be returned to the employer in the form of a credit to the employer contribution subaccount.

WHEREAS, the General Assembly of the State of Indiana has authorized covered employers to pay all or part of members' mandatory contributions.

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

SECTION I: Election to Participate. The City of South Bend elects to continue as a participating political subdivision or miscellaneous participating entity in the Public Employees' Retirement Fund by including classes of employees as stated below in the coverage under Chapter 340 of the Acts of 1945, and all Acts amendatory thereof and supplemental thereto.

SECTION II: Retirement Plans Offered. The City of South Bend elects to offer the following retirement plan(s) under the Public Employees' Retirement Fund:

Both PERF Hybrid and My Choice: Retirement Savings Plan shall be offered to all new employees. The employee may choose the retirement plan in which the employee will participate. This choice of options shall only apply to new employees hired after July 1, 2018. Existing employees shall continue to receive benefits through the currently offered PERF Hybrid system.

SECTION III: Default Plan. If an employee is eligible to choose membership in either the Fund or the Plan, and that employee fails to make an election within the period set forth in IC 5-10.3-12-20 and 35 IAC 1.3-4-1, said employee will be enrolled automatically and irrevocably in the My Choice: Retirement Savings Plan ("the Plan").

SECTION IV: Employee Contribution. That, effective as of the 1st day of July, 2018, the City of South Bend, Indiana shall pay 1 ½% of the mandatory contribution for **Teamsters employees** who are members of PERF, or in the amount specified in the current Collective Bargaining Agreement. The term "mandatory contribution" means the mandatory 3% of gross wages required to be contributed in order for an employee to participate in the Plan. Said employees shall not be entitled to choose to receive the contributed amounts directly. The contributed amounts will be paid by the employer to the specified pension fund.

For all other classifications of employees, the City of South Bend, Indiana shall not pay any of the mandatory contribution requirement. Instead, said contributions shall be paid by the employee via a 3% reduction of the employee's salary, or as specified by City policy. Such contributions will not be included in the employee's gross income for certain tax reporting purposes, that is, for federal, state, or local income tax withholding, until distributed either through a pension benefit or a lump sum payment. Such contributions will be included in the employee's gross income for FICA taxes when they are made. These contributions are made on a pre-tax basis but are paid by the employee through a payroll deduction.

SECTION V: Employer Contribution. The employer contribution shall consist of the normal cost and supplemental rate, as required by INPRS. The "normal cost" is part of the rate employers pay into the employee's MyChoice: Retirement Savings Plan. This amount may range from 0% to the percentage that would produce the normal cost for participation in the fund under IC 5-10.2-2-11. The "supplemental rate" funds the unfunded liability in the Plan, and is paid to INPRS, not the employee's MyChoice: Retirement Savings Plan account. Both the normal rate and the supplemental rate are subject to change annually as determined by INPRS and the City will adjust its contribution rates in accordance with any INPRS changes.

The City of South Bend, as a participating political subdivision, offering the Plan, agrees to pay a contribution rate to the Plan as a percentage of each member's compensation in the amount of 1% less than the current normal cost paid in the PERF Hybrid Plan.

SECTION VI: Additional Employee Contributions. Employees are permitted to make additional voluntary contributions to the Plan in an amount not to exceed 10% of gross wages. The City of South Bend, as a participating political subdivision offering the Plan, will not match any additional contributions made by the employee.

SECTION VII: Employee Classifications. It is hereby declared that none of the classifications or positions specified in Section III are compensated on a fee basis or of an emergency nature, or in a part-time category.

SECTION VIII: Date of Active Participating Membership in the Plan. The active participation membership of the City of South Bend in the Plan shall begin on July 1, 2018.

SECTION IX: Effective Date of Resolution. This resolution shall be in full force and effect from the date of passage and upon approval of the Board of Trustees of the Indiana Public Retirement System, except that active participating membership shall begin on the date set forth in Section VIII.

Tim Scott, Council President
South Bend Common Council

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

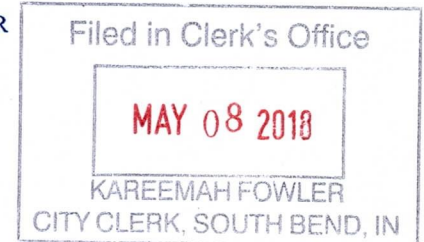


PHONE 574/235-9251
FAX 574/235-9171

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

April 24, 2018

Terry Lang
JPTC Real Estate
PO Box 600A
South Bend, IN 46624



RE: Alley Vacation – First North/South Alley West of Carroll Street, East of Michigan St.,
South of Bronson St., North of Penn Central Railroad (Preliminary Review)

Dear Mr. Lang:

The Board of Public Works, at its April 24, 2018, meeting, reviewed comments by the Engineering Division, Area Plan Commission, Community Investment Department, Fire Department and the Solid Waste Division. The vacation request was found to meet the criteria of IC 36-7-3-13 regarding alley vacations.

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

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

Sincerely,

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

Linda M. Martin, Clerk

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



LANG, FEENEY & ASSOCIATES, INC.

LAND SURVEYING – CONSTRUCTION ENGINEERING

715 SOUTH MICHIGAN STREET • SOUTH BEND, INDIANA 46601

TELEPHONE 574.233.1841 • FACSIMILE 574.674.0374

www.LangFeeney.com

WILLIAM D. LANG, PRES.

JOHN B. FEENEY, P.S.

TERANCE D. LANG, P.S.

FARM SURVEYS
SEPTIC DESIGNS
SITE DESIGN & DRAINAGE

SUB-DIVISIONS
LOT SURVEYS
CONSTRUCTION SURVEYS

May 2, 2018

City of South Bend
Common Council
Room 455 County-City Building
South Bend, Indiana 46601

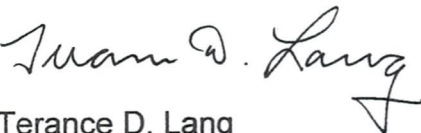
Re: Alley Vacation – JPTC Real Estate: 228 E Bronson Street

To The Common Council,

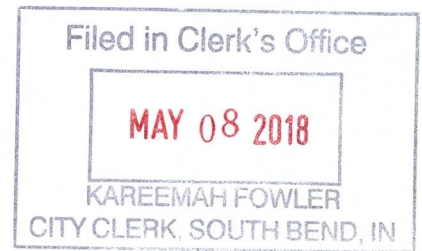
The vacation is a request for the first north-south alley lying west of Michigan Street, running south of Bronson Street to the Penn Central Rail Road. This alley is approximately 248.78' feet in length.

JPTC Real Estate currently owns all property adjacent to this alley. The alley serves no other properties therefore requesting the vacation of the alley. The vacation of the alley will facilitate a more productive use of the adjacent area which happens to be one business.

Sincerely,



Terance D. Lang



BILL NO. 22-18

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

FIRST NS ALLEY 14' IN WIDTH LYING W OF FELLOWS AND CARROLL STREETS, E OF MICHIGAN STREET, BOUNDED ON THE NORTH BY THE S RIGHT-OF-WAY OF BRONSON STREET, BOUNDED ON THE SOUTH BY THE N RIGHT-OF-WAY OF THE PENN CENTRAL RAILROAD, RUNNING APPROXIMATELY 248.78' IN LENGTH.

STATEMENT OF PURPOSE AND INTENT

Pursuant to Indiana Code Section 36-7-3-12, the Common Council is charged with the authority to hear all petitions to vacate public ways or public places within the City.

The following Ordinance vacates the above described public property.

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

SECTION I. The Common Council of the City of South Bend having held a Public Hearing on the petition to vacate the following property:

FIRST NS ALLEY 14' IN WIDTH LYING W OF FELLOWS AND CARROLL STREETS, E OF MICHIGAN STREET, BOUNDED ON THE NORTH BY THE S RIGHT-OF-WAY OF BRONSON STREET, BOUNDED ON THE SOUTH BY THE N RIGHT-OF-WAY OF THE PENN CENTRAL RAILROAD, RUNNING APPROXIMATELY 248.78' IN LENGTH

hereby determines that it is desirable to vacate said property.

SECTION II. The City of South Bend hereby reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana, to construct and maintain any facilities, including, but not limited to, the following: electric, telephone, gas, water, sewer, surface water control structures and ditches, within the vacated right-of-way, unless such rights are released by the individual utilities.

SECTION III. The following property may be injuriously or beneficially affected by such vacating:

018-3021-079201

018-3021-0793

Section IV. The purpose of the vacation of the real property is

The Petitioner currently owns all property adjacent to said alley and wishes to utilize this area in the function of the business.

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

Tim Scott, Council President
South Bend Common Council

Attest:

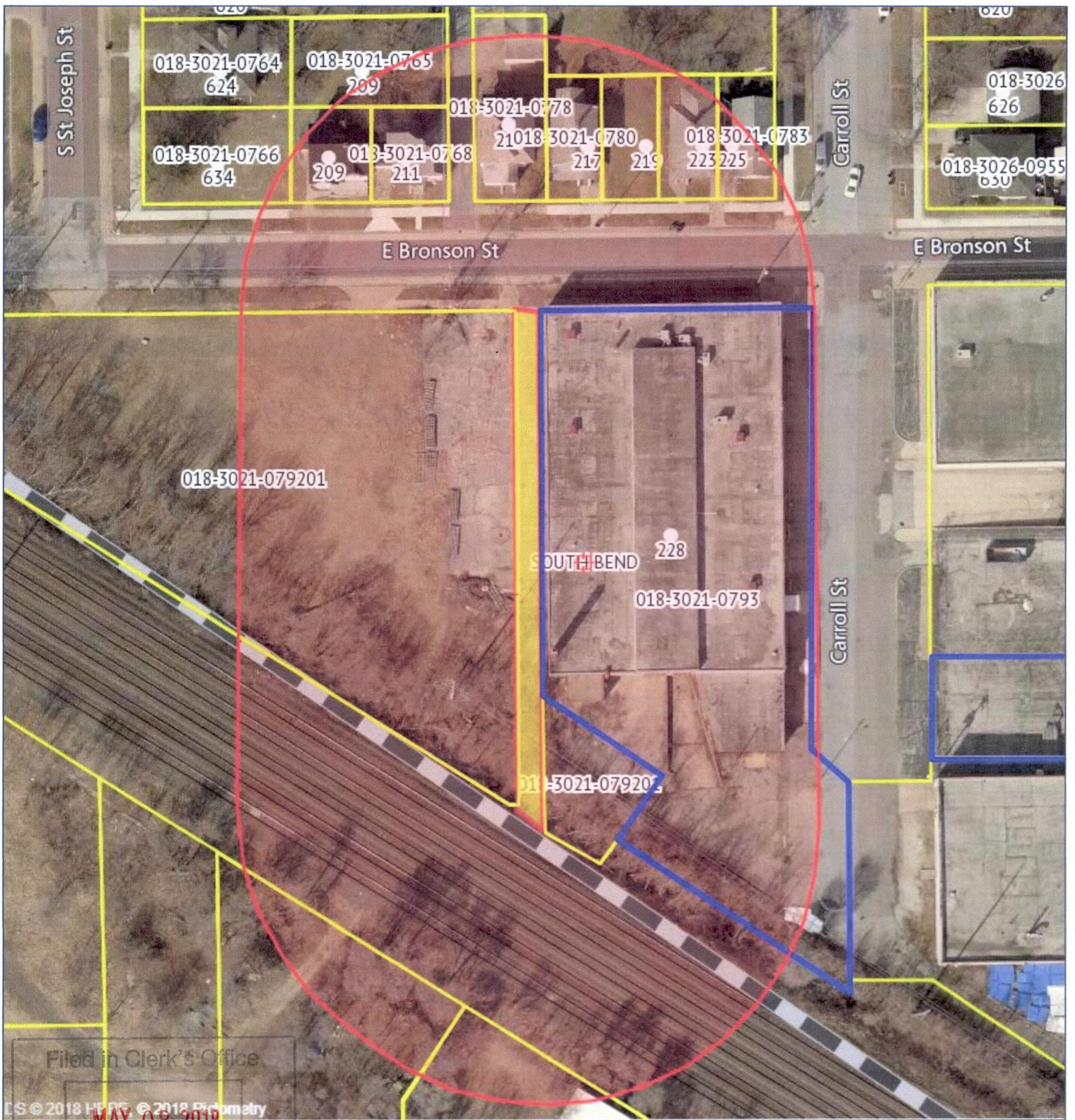
Kareemah N. Fowler, City Clerk
Office of the City Clerk

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

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

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

Pete Buttigieg, Mayor
City of South Bend, Indiana



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

150' Buffer
 *Address List attached

Date Prepared: 5/1/2018 DCH

Alley Vacation 150' Radius Map JPTC Real Estate | 228 E. Bronson

First NS alley 14' in width lying W of Fellows and Carroll Streets, E of Michigan Street, bounded on the north by the S right of way of Bronson Street, bounded on the south by the N right of way of the Penn Central Railroad, running approximately 248.78' in length.

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



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

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

Submission Date:		
Applicant Name:	JPTC Real Estate	Phone #: 574-237-0087
		Email:
Property Address:	P.O. BOX 600A SOUTH BEND, IN 46624	
Applicant property information: <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial		
Describe the general alley location with boundaries (ex. Church Pl, between E. Colfax Ave & E. LaSalle Ave):		SEE ATTACHED
Is your property adjacent to the alley of interest?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Do you own all adjacent properties to the alley of interest?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If no, use the attached table to provide the following information for all affected property owners: Name, Address, Consent for the proposed alley vacation		
Reason for street/alley vacation and proposed use:		
Owner recently acquired all adjacent properties an wishes to vacate the alley for future development use.		
Does the existing alley provide garage access to other property owners?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the alley receive daily traffic excluding your own use?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Would the vacation hinder public access to any of the following: a church, school, or any other public building or place?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

OFFICE USE ONLY:

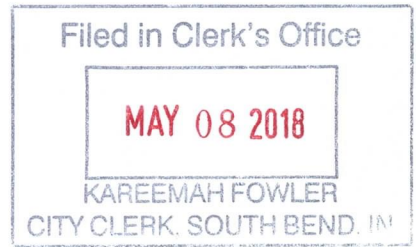
Board Recommendation for the proposed alley vacation: Yes No

Board of Public Works Authorized Signatures:

Gonzalez
Bill Pike

Filed in Clerk's Office
MAY 08 2018
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN

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



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

DATE: _____

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

A. THE ALLEY DESCRIBED AS:

First NS alley 14' in width lying W of Fellows and Carroll Streets, E of Michigan Street, bounded on the north by the S right-of-way of Bronson Street, bounded on the south by the N right-of-way of the Penn Central Railroad, running approximately 248.78' in length.

B. THE STREET DESCRIBED AS:

none

NAME (signed & printed)	ADDRESS	LOT #
X  JPTC Real Estate, LLC James M. Scott	PO Box 600A South Bend, Indiana 46624	Key No. 018-3021-0793 (228 E Bronson St) Key No. 018-3021-079201 (v/l west of 228 E Bronson St)

RETURN TO:
OFFICE OF THE CITY CLERK
KAREEMAH N. FOWLER, CITY CLERK
ROOM 455 COUNTY-CITY BUILDING
SOUTH BEND, INDIANA 46601
574-235-9221

CONTACT PERSON:
Lang, Feeney & Associates, Inc.
Terance D. Lang
715 South Michigan Street
South Bend, Indiana 46601
574-233-1841
terry@langfeeney.com

018-3021-0793
018-3021-079201

No SD Required TW

1808338
RECORDED AS PRESENTED ON
04/11/2018 11:21 AM
MARY BETH WISNIEWSKI
ST. JOSEPH COUNTY
RECORDER
PGS: 3 FEES: 25.00

Filed in Clerk's Office
MAY 08 2018
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

Transfer 23278
Taxing Unit South Bend
Date 04/11/2018

018-3021-0793
018-3021-079201

Transfer 21663/111
Taxing Unit South Bend
Date 03/19/2018

1806217
RECORDED AS PRESENTED ON
03/19/2018 08:23 AM
MARY BETH WISNIEWSKI
ST. JOSEPH COUNTY
RECORDER
PGS: 3 FEES: 25.00

~~XXXXXX~~

*Re-record to
Correct Sequence*

Tax ID No. _____
018-3021-0793, 018-3021-079201
71-08-12-378-002.000-026

WARRANTY DEED

THIS INDENTURE WITNESSETH THAT

Warren Holdings, LLC, an Indiana limited liability company

CONVEY(S) AND WARRANT(S) TO

JPTC Real Estate, LLC, for Ten Dollars and other valuable consideration the receipt whereof is hereby acknowledged, the following described REAL ESTATE in Saint Joseph County, in the State of Indiana, to wit:

B^G

SEE ATTACHED EXHIBIT "A"

Subject to Real Estate taxes now due and payable and thereafter.

Subject to covenants, restrictions and easements of record.

The undersigned person(s) executing this deed on behalf of the Limited Liability Company represent and certify that they are a current member/manager of said Limited Liability Company and have been fully empowered by a proper meeting and vote of the Limited Liability Company members to execute and deliver this deed.

IN WITNESS WHEREOF, the Grantor has executed this deed this 6th day of March, 2018.

Warren Holdings, LLC, an Indiana limited liability company

Fred W. Heaney
By: Fred W. Heaney
Title: Member

MTC File No.: 17-41956 (LLCWD)

Page 1 of 3

DULY ENTERED FOR TAXATION
ST. JOSEPH CO. INDIANA
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER

DULY ENTERED FOR TAXATION
ST. JOSEPH CO. INDIANA
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER

1806217

State of Indiana, County of Saint Joseph ss:

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named **Fred W. Heaney, Member of Warren Holdings, LLC, an Indiana limited liability company** who acknowledged the execution of the foregoing Deed and who, having been duly sworn, stated that the representations therein contained are true.

WITNESS, my hand and Seal this 6th day of March, 2018.

My Commission Expires: _____

Heather L Obermeyer
Signature of Notary Public

Printed Name of Notary Public

Notary Public County and State of Residence

This instrument was prepared by:
Debra A. Guy, Attorney-at-Law, IN #24473-71 MI #P69602
202 S. Michigan Street, Ste. 300, South Bend, IN 46601



Property Address:
228 Bronson Street
South Bend, IN 46624

Grantee's Address and Mail Tax Statements To:
53091 County Murray Dr.
Granger, IN 46530

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. Debra A. Guy

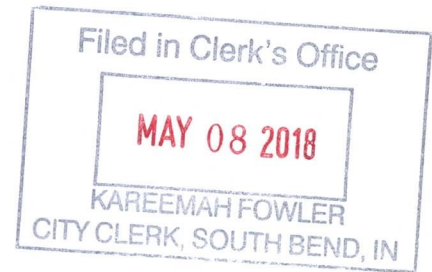


EXHIBIT A

PARCEL I: Lots Numbered Eighty (80), Eighty-one (81), Eighty-two (82), Eighty-three (83), Eighty-four (84), Eighty-five (85) and Eighty-six (86) as shown on the recorded Plat of Taylor's Field Second Addition to the City of South Bend, St. Joseph County, Indiana, excepting that portion off the Southerly end of said Lots heretofore conveyed to the New York Central Railroad Company for right of way purposes, more particularly described as follows: Beginning at the Northeast corner of Lot Number 80; thence along the North line of Lots 80 through 86, South 89°50'26" West, a distance of 379.68 feet to a point on the North right of way line of the Penn Central Railroad; thence South 57°49'00" East, along said North line a distance of 448.48 feet to a point on the East line of Lot Number 80; thence North 00°01'32" East, along said East line a distance of 239.93 feet to the point of beginning.

ALSO, a part of Lots Seventy-seven (77), Seventy-eight (78), and Seventy-nine (79) as shown on the plat of Taylor's Field Second Addition to the City of South Bend, St. Joseph County, Indiana, more particularly described as follows: Commencing at the Northwest corner of Lot Number 73; thence South 00°01'32" West, along the West line of Lots 73 through 77, a distance of 209.60 feet to the point of beginning of this description; thence South 55°21'42" East, a distance of 83.30 feet; thence South 32°31'35" West, a distance of 29.64 feet; thence North 57°49'01" West, a distance of 61.19 feet to a point on the West line of Lot Number 78; thence North 00°01'32" East, a distance of 39.18 feet to the point of beginning.

PARCEL II: An easement in, upon and over a spur tract in favor and for the benefit of Lots Numbered 80 to 86, both inclusive, and referred to in Deed Record 430, page 334 and known as Spur No. 1, which easement rights in said spur tract go in and across the Southerly parts of Lots Number 78 and 79.

PARCEL III: Lot Lettered "A" as shown on the recorded Plat of Monroe-Sample Replat, recorded January 31, 1990 as Document Number 9002533 in the Office of the Recorder of Saint Joseph County, Indiana.

JPTC Real Estate
 P.O. Box 600A
 South Bend, IN 46624
 574-237-0087
 Terry Lang Terry@langfeeney.com

Filed in Clerk's Office
MAY 08 2018
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN



First NS alley 14' in width lying W of Fellows and Carroll Streets, E of Michigan Street, bounded on the north by the S right of way of Bronson Street, bounded on the south by the N right of way of the Penn Central Railroad, running approximately 248.78' in length.

