



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

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

1. **INVOCATION- REV. DAVID WARUI- CHRISTIAN CHURCH INTERNATIONAL**
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL**
4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**
5. **SPECIAL BUSINESS**
6. **REPORTS FROM CITY OFFICES**
7. **COMMITTEE OF THE WHOLE** **TIME: _____**

BILL NO.

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

[25-18](#) PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 4546, 4566 & 4612 NORTH LAKE BLACKTHORN DRIVE, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

[31-18](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING §13-75.5(O)(6) OF CHAPTER 13, ARTICLE 5 OF THE SOUTH BEND MUNICIPAL CODE PERTAINING TO DISORDERLY HOUSES AND PROHIBITING DEALING IN MARIJUANA, HASH OIL, HASHISH, SALVIA, SYNTHETIC DRUGS AND SYNTHETIC DRUG LOOKALIKE SUBSTANCES

[32-18](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING ORDINANCE NO.

10546-17 BY ADDING NEW SALARIED AND WAGE POSITIONS TO THE ORDINANCE FIXING MAXIMUM SALARIES AND WAGES OF APPOINTED OFFICERS AND NON-BARGAINING EMPLOYEES OF THE CITY OF SOUTH BEND FOR THE CALENDAR YEAR 2018

8. **BILLS ON THIRD READING**

TIME: _____

BILL NO.

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

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[32-18](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AMENDING ORDINANCE NO. 10546-17 BY ADDING NEW SALARIED AND WAGE POSITIONS TO THE ORDINANCE FIXING MAXIMUM SALARIES AND WAGES OF APPOINTED OFFICERS AND NON-BARGAINING EMPLOYEES OF THE CITY OF SOUTH BEND FOR THE CALENDAR YEAR 2018

9. **RESOLUTIONS**

BILL NO.

[18-26](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 1235 W NAPIER

[18-31](#) A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING A CERTAIN AREA WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 902 N. ALLEN, 1145 N. BROOKFIELD, 1306 N. BROOKFIELD, 914 N. CLEVELAND 903 N. COLLEGE, 917 N. ELMER, 1101 N. ELMER, 1229 N. ELMER, 1329 N. HUEY, 1110 N. JOHNSON, 749 N. LAWNSDALE, 913 N. LAWNSDALE, 1138 N. OLIVE, 1530 VAN BUREN. AS A RESIDENTIALLY DISTRESSED AREA FOR

PURPOSES OF A (5) FIVE-YEAR RESIDENTIAL REAL PROPERTY TAX ABATEMENT FOR HISTORIC LINCOLN WAY WEST HOMES, LP

[18-32](#) A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS SOUTH BEND BREWERY PLACE AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A TEN (10) YEAR REAL PROPERTY TAX ABATEMENT FOR HISTORIC LINCOLN WAY WEST HOMES, LP

[18-35](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, REAFFIRMING AND APPROVING THE NECESSITY OF THE LEASE OF BUILDING LOCATED AT 319 NILES AVENUE, SOUTH BEND, INDIANA FOR THE USE BY THE SOUTH BEND HUMAN RIGHTS COMMISSION

10. **BILLS ON FIRST READING**

BILL NO.

[33-18](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE AND ESTABLISHING HISTORIC LANDMARKS STATUS FOR THE STRUCTURE AND REAL PROPERTY KNOWN AS THE CIVIL RIGHTS HERITAGE CENTER FORMERLY THE ENGMAN NATATORIUM, AND LOCATED AT 1040 WEST WASHINGTON STREET, IN THE CITY OF SOUTH BEND, INDIANA

11. **UNFINISHED BUSINESS**

BILL NO.

[18-34](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 719 AND 721 W. REX STREET

12. **NEW BUSINESS**

13. **PRIVILEGE OF THE FLOOR**

14. **ADJOURNMENT**

TIME: _____

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

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



OFFICE OF THE CITY CLERK
KAREEMAH FOWLER, CITY CLERK

MEMORANDUM

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

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

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

- 3:45 P.M.** **PERSONNEL & FINANCE** **KAREN L. WHITE, CHAIRPERSON**
1. [Bill No. 32-18](#)- 2018 Non-Bargaining Employee and Officer Salary Ordinance- Amended For AmeriCorps Grant Positions
2. [Bill No. 18-35](#)- Resolution Approving Continuance of Human Rights Commission Rights Lease
- 4:05 P.M.** **HEALTH & PUBLIC SAFETY** **JO. M. BRODEN, CHAIRPERSON**
1. [Bill No. 31-18](#)- Amendment to South Bend Synthetic Drug Ordinance, §13-75.5(o)(6)
- 4:20 P.M.** **ZONING & ANNEXATION** **OLIVER J. DAVIS, CHAIRPERSON**
1. [Bill No. 18-26](#)- 1235 W. Napier St- Special Exception Use
2. [Bill No. 25-18](#)- 4546, 4566, & 4612 North Lake Blackthorn Drive Rezoning
3. [Bill No. 14-18](#)- 1619 S. Michigan Street Rezoning

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

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

INTEGRITY | SERVICE | ACCESSIBILITY

JENNIFER M. COFFMAN
CHIEF DEPUTY/DIRECTOR OF OPERATIONS

BIANCA L. TIRADO
DEPUTY/DIRECTOR OF POLICY

JOSEPH R. MOLNAR
ORDINANCE VIOLATION CLERK

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



2018 COMMON COUNCIL STANDING COMMITTEES (Rev. 06-14-18)

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

Jake Teshka, 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*.

Tim Scott, Member

Jake Teshka, 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

Jake Teshka, Vice-Chairperson

Gavin Ferlic, 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

Gavin Ferlic, Vice-Chairperson

Oliver J. Davis, Member

John Voorde, Member



2018 COMMON COUNCIL STANDING COMMITTEES (Rev. 06-14-18)

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.

Jake Teshka, 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
Jake Teshka



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

JAKE TESHKA, 5TH District Council Member

Utilities Committee, Chairperson

Information and Technology Committee, Vice-Chairperson

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

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

PARC Committee, Vice-Chairperson

Personnel & Finance Committee, Vice-Chairperson

Information & Technology Committee, Member
Public Works & Property Vacation, Member
Zoning & Annexation Committee, Member
Council Rules Committee, Member

KAREN L. WHITE, AT LARGE Council Member

Residential Neighborhood Committee, Chairperson

Personnel & Finance Committee, Chairperson

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

JOHN VOORDE, AT LARGE Council Member

Public Works & Property Vacation, Chairperson

Health and Public Safety, Vice-Chairperson

Zoning & Annexation Committee, Vice-Chairperson

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



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

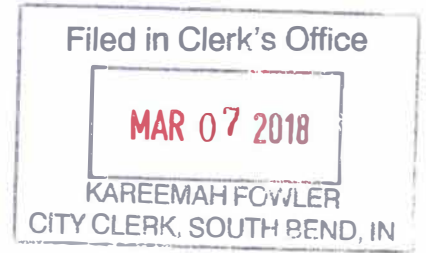
Angela M. Smith
Deputy Director

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

March 6, 2018

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

RE: 1619 South Michigan Street
APC# 2865-18



Dear Council Members:

Enclosed in an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your March 12, 2018 Council meeting, and set it for public hearing at your April 23, 2018 Council meeting. The petition is tentatively scheduled for public hearing at the April 17, 2018 Area Plan Commission meeting. The recommendation of the Area Plan Commission will be forwarded to your office by noon on the day following the public hearing.

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

Sincerely,

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

Jordan Wyatt
Planner

CC: Bob Palmer



LAWRENCE P. MAGLIOZZI

EXECUTIVE DIRECTOR

Angela M. Smith

Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

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

Wednesday, May 16, 2018

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

RE: A proposed ordinance of Delta One Properties, LLC to zone from LB Local Business District to CB Community Business District and seeking a Special Exception Use to allow automobile sales, property located at 1619 South Michigan Street, City of South Bend – APC# 2865-18.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Delta One Properties, LLC was legally advertised on May 3, 2018 and that the Area Plan Commission at its public hearing on May 15, 2018 took the following action:

Upon a motion by John McNamara, being seconded by Matthew Peterson and unanimously carried, a proposed ordinance of Delta One Properties, LLC to zone from LB Local Business District to CB Community Business District, property located at 1619 South Michigan Street, City of South Bend, is sent to the Common Council with a UNFAVORABLE recommendation. Rezoning this property to CB Community Business District could lead to development that is out of character for this section of Michigan Street and create an environment that opposes the community's vision outlined in the Comprehensive Plan.

Upon a motion by John McNamara, being seconded by Oliver Davis and unanimously carried, a Special Exception Use for automobile sales property located at 1619 South Michigan Street, City of South Bend, was sent to the Common Council with an UNFAVORABLE recommendation.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'L. P. Magliozzi'.

Lawrence P. Magliozzi

Attachment

CC: Delta One Properties, LLC
Lang, Feeny & Associates
Michiana Auto Sales Attn: Jay Amer & Amjad Ahmed

Staff Report

5/4/2018

APC # 2865-18
Owner: Delta One Properties, LLC
Location: 1619 South Michigan Street
Jurisdiction: City of South Bend
Public Hearing Date: 5/15/2018

Requested Action:

The petitioner is requesting a zone change from LB Local Business District to CB Community Business District, seeking a Special Exception Use and seeking 4 variances from the development standards.

Land Uses and Zoning:

- On site: On site is a carry out restaurant.
- North: To the north, across an alley, is a vacant business zoned LB Local Business District.
- East: To the east, across Michigan Street, are single-family homes zoned MU Mixed Use District.
- South: To the south is a Family Dollar zoned LB Local Business District.
- West: To the west, across an alley, are properties zoned LI Light Industrial District.

District Uses and Development Standards:

The CB - Community Business District is established to provide a location for high volume and high intensity commercial uses. Activities in this district are often large space users which may include limited amounts of outdoor sales or outdoor operations. Developments within the CB District shall be coordinated to facilitate vehicular and pedestrian access from nearby residential districts.

Site Plan Description:

The site plan shows that the building and parking lot will remain. The parking lot will be used for parking for the restaurant and display spaces for the car dealership.

Zoning and Land Use History And Trends:

The properties across Michigan Street were rezoned with the adoption of the MU Mixed Use District in 2004.

Traffic and Transportation Considerations:

The site is adjacent to an alley on the north and west. Michigan Street is two lanes, with on-street parking and a center turn lane.

Utilities:

The site is served by municipal water and sewer.

Agency Comments:

The Department of Community Investment offers an unfavorable recommendation of the rezoning. This section of Michigan Street should feature fairly walkable land uses

compatible with an urban neighborhood. The proposed zoning is inconsistent and more intense than all of the neighboring properties. Development standards of the proposed zone, including sign regulations, could lead to disjointed development. Should the Commission or Council approve the rezoning and variances, DCI recommends the following to mitigate any negative impacts: 1) Offer a written commitment to limit the number of vehicles to 27 as shown on the site plan; 2) In lieu of providing foundation landscaping, add 1-2 replacement trees in the public tree lawn; 3) In lieu of providing full parking lot screening, provide landscaped areas with 3' hedges at the northeast corner of building and the northeast corner of the lot; 4) Install landscaped island to separate the restaurant spaces from the display spaces along the north property line; and 5) Bring the fence into compliance which is a maximum 4' in height and no barbed wire.

Commitments:

The petitioner is not proposing any written commitments.

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

1. Comprehensive Plan:

Policy Plan:

The proposed rezoning is inconsistent with City Plan, South Bend Comprehensive Plan (2006) Policy UD 4: Improve the character of the community's entryways and corridors and Policy LU 2.3: Ensure coordination of land uses among adjacent area-specific plans.

Land Use Plan:

The Future Land Use Plan identifies this area for mixed use development.

Plan Implementation/Other Plans:

The Southeast Neighborhood Master Plan (2015) calls for commercial uses to be located along major corridors. Strategy 1 states: Create pedestrian-friendly streetscapes along community corridors.

2. Current Conditions and Character:

Michigan Street has been a major commercial corridor for the neighborhoods south of downtown, with a mix of commercial and residential uses.

3. Most Desirable Use:

The most desirable use for this site would be low intensity commercial developments that serve the needs of the surrounding neighborhood.

4. Conservation of Property Values:

The approval of this rezoning for a car dealership would not conserve the value of the surrounding properties.

5. Responsible Development And Growth:

It is not responsible development and growth to approve this rezoning. The proposed zone has development standards and uses that are out of character for this neighborhood.

Combined Public Hearing

This is a combined public hearing procedure, which includes a rezoning, a Special Exception Use, and 4 variances from the development standards. The Commission will forward the

rezoning and Special Exception Use to the Council with or without a recommendation and either approve or deny the variances.

The petitioner is seeking a Special Use to allow:

automobile sales

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

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

The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare.

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

The use would negativley affect adjacent property values by creating an auto oriented use in a district design for pedestrian friendly development.

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

The approval of the Special Exception Use would be out of character of adjacent area. The zoning if surrounding properties along and across Michigan Street permit uses that are designed to be low intensity and provide for the needs of an urban neighborhood.

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

The proposed rezoning is inconsitant with City Plan, South Bend Comprehensive Plan (2006) Policy UD 4: Improve the character of the community's entryways and corridors and Policy ED 7.3: Support neighborhood-based economic opportunities as identified in area-specific plans, specifically the Southeast Neighborhood Master Plan which encourages creating pedestrian-friendly streetscapes along community corridors.

The petitioner is seeking the following variance(s):

- 1) from the required foundation landscaping to none
- 2) from the required parking lot screening to none
- 3) from the required interior off-street parking area landscaping to none;
- 4) from the maximum allowed 4' fence to 6' fence with barbed wire

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

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

The approval of the variances will not be injurious to the public health, safety, moral and general welfare of the community.

(2) The use and value of the area adjacent to the property included in the variance

will not be affected in a substantially adverse manner;

The value of adjacent properties would be negatively affected if approval of these variances were granted, giving permission to develop a site with intense use and without proper screening and buffering.

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

Strict application of the development standards for parking lot landscaping and fencing would not impose any practical difficulties in the use of this property. Strict application of the foundation landscaping would impose practical difficulties on the property owner.

Staff Comments:

The staff has no additional comments at this time.

Recommendation:

Based on information available prior to the public hearing, the staff recommends the rezoning and Special Exception Use be sent to the Common Council with an unfavorable recommendation. Staff recommends denial of the variances.

Analysis:

Rezoning this property to CB Community Business District could lead to development that is out of character for this section of Michigan Street and create an environment that opposes the community's vision outlined in the Comprehensive Plan.

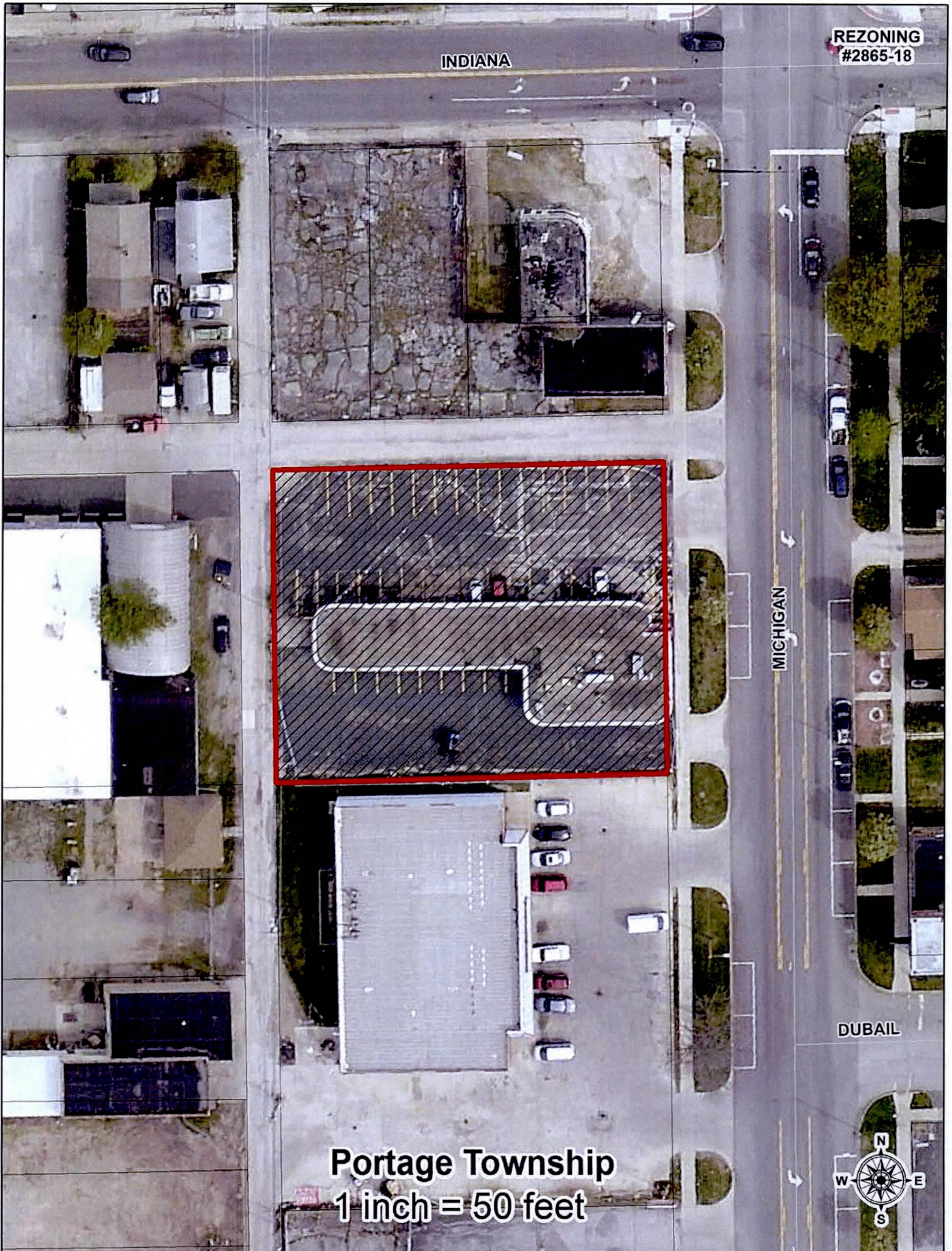
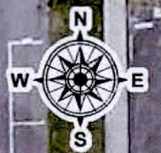
REZONING
#2865-18

INDIANA

MICHIGAN

DUBAIL






Portage Township
1 inch = 50 feet

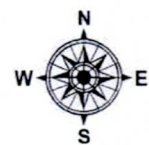




**Rezoning from: CITY OF SOUTH BEND
 LB: LOCAL BUSINESS DISTRICT to CB: COMMUNITY BUSINESS DISTRICT**

MASTER ZONING KEY

-  SOUTH BEND "SF2" SINGLE FAMILY AND TWO FAMILY DISTRICT
-  SOUTH BEND "MU" MIXED USE DISTRICT
-  SOUTH BEND "LB" LOCAL BUSINESS DISTRICT
-  SOUTH BEND "GB" GENERAL BUSINESS DISTRICT
-  SOUTH BEND "LI" LIGHT INDUSTRIAL DISTRICT



1 inch = 100 feet

APC # 2865-18



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

May 16, 2018

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

RE: Bill #14-18
Rezoning: APC #2865-18 – 1619 South Michigan Street

Dear Council Members:

The Area Plan Commission held a public hearing on May 15, 2018 for the above reference petition. This petition is set for public hearing before the Common Council on Monday, May 29, 2018.

Ordinance & Petition Amendments:

The petition was updated to add a variance request for fence height and barbed wire.

Public Hearing Summary:

There was no one to speak in favor or against this petition.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Jordan Wyatt', written over a horizontal dashed line.

Jordan Wyatt
Zoning Planner

CC: Bob Palmer

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

- 1) A variance from the required foundation landscaping to no foundation landscaping;
A variance from the required parking lot screening to no parking lot screening;
A variance from the required interior parking lot landscaped islands to no interior parking lot landscaped islands; and
A variance to allow the existing 6' chain link fence to remain in place.
- 2) A statement on how each of the following standards for the granting of variances is met:
 - (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: we will not be changing any property lines, building or the parking lot
 - (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: The use of the said parcel will be an automobile sales and a carry out restaurant that will use the existing building and parking lot.
 - (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: by not letting the property owners to benefit from the most applicable use of their property.

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

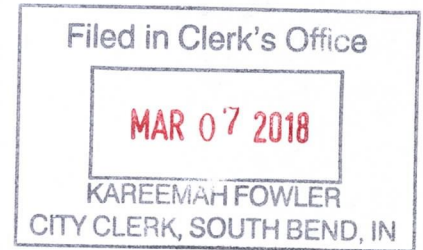
- 1) The Special Exception Use(s) being requested: to have an automobile sales on said parcel
- 2) A statement on how each of the following standards for the granting of a Special Exception Use is met:
 - (a) The proposed *use* will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: as there is no request being made of any purpose other than to use the existing parking lot and building for a automobile sales and a carry out restaurant
 - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: there will be no changes made to said parcel, the parking lot will exist as it is and the building will be a carry out restaurant and small office spaces.
 - (c) The proposed *use* will be consistent with the character of the *district* in which it is located and the land uses authorized therein; and: by allowing the existing building and parking lot to remain.
 - (d) The proposed use is compatible with the recommendations of the Comprehensive Plan. No property lines will be changed and there are no property line encroachments exist or are proposed.

* In the case of a Special Exception Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

CONTACT PERSON:

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

BILL NO. 14-18
ORDINANCE NO. _____



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

STATEMENT OF PURPOSE AND INTENT

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

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

SECTION 1. Ordinance No. 9495-04, is amended, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby is amended in order that the zoning classification of the following described real estate in the City of South Bend, St. Joseph County, State of Indiana:

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

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

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

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

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

09.02(d) Commitments, if applicable.

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

Tim Scott, Council President
South Bend Common Council

Attest:

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

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

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

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

Pete Buttigieg, Mayor
City of South Bend, Indiana

PETITION FOR ZONE MAP AMENDMENT
City of South Bend, Indiana

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

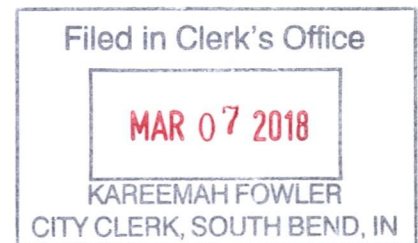
- 1) The property sought to be rezoned is located at: 1619 South Michigan Street, South Bend, Indiana 46613
- 2) The property Tax Key Number(s) is/are: 018-8008-039101
- 3) Legal Descriptions:

Part of the West half of the Southwest Quarter of Section 13, Township 37 North, Range 2 East, St. Joseph County, Indiana being more particularly described as follows: Commencing at a point on the West line of Michigan Street, 163 feet South of the North line of said West half of the Southwest Quarter of Section 13 for the Point of beginning; Thence running West along the South line of a 20 foot alley to the East line of a 14 foot alley, a distance of 165 feet; Thence South, along the East line of said 14 foot alley, a distance of 132 feet; Thence East, parallel with the South line of said 20 foot alley to the West line of said Michigan Street, a distance of 165 feet; Thence North, along the West line of said Michigan Street, a distance of 132 feet to the Point of beginning
Containing 0.50 acres more or less, subject to all legal easements.

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

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

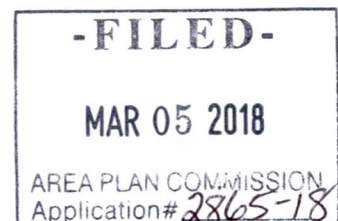
Name and address of additional property owners, if applicable:



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

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

Name and address of additional property owners, if applicable:



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

From: LB Local Business District

To: CB Community Business District

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

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

- 1) A variance from the required foundation landscaping to no foundation landscaping
A variance from the required parking lot screening to no parking lot screening
A variance from the required interior parking lot landscaped islands to no interior parking lot landscaped islands
- 2) A statement on how each of the following standards for the granting of variances is met:
 - (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: we will not be changing any property lines, building or the parking lot
 - (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: The use of the said parcel will be an automobile sales and a carry out restaurant that will use the existing building and parking lot.
 - (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: by not letting the property owners to benefit from the most applicable use of their property.

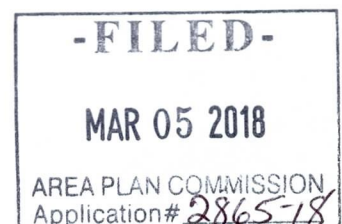
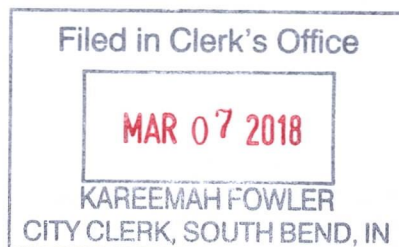
IF A SPECIAL EXCEPTION USE IS BEING REQUESTED, (if not, please skip to next section):

- 1) The Special Exception Use(s) being requested: to have an automobile sales on said parcel
- 2) A statement on how each of the following standards for the granting of a Special Exception Use is met:
 - (a) The proposed *use* will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: as there is no request being made of any purpose other than to use the existing parking lot and building for a automobile sales and a carry out restaurant
 - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: there will be no changes made to said parcel, the parking lot will exist as it is and the building will be a carry out restaurant and small office spaces.
 - (c) The proposed *use* will be consistent with the character of the *district* in which it is located and the land uses authorized therein; and: by allowing the existing building and parking lot to remain.
 - (d) The proposed use is compatible with the recommendations of the Comprehensive Plan. No property lines will be changed and there are no property line encroachments exist or are proposed.

* In the case of a Special Exception Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

CONTACT PERSON:

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



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

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

~~Amjad~~ Amjad ahmed
Amjad amer

Delta One Properties, LLC

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

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

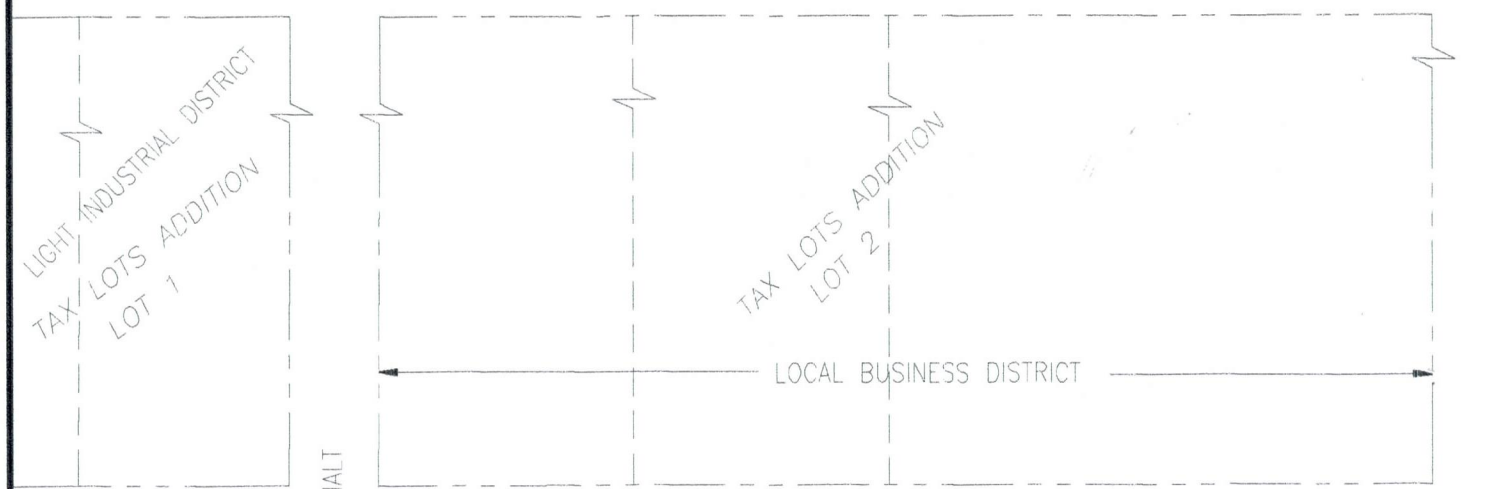
INDIANA AVENUE

(60' R/W)

REZONING

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

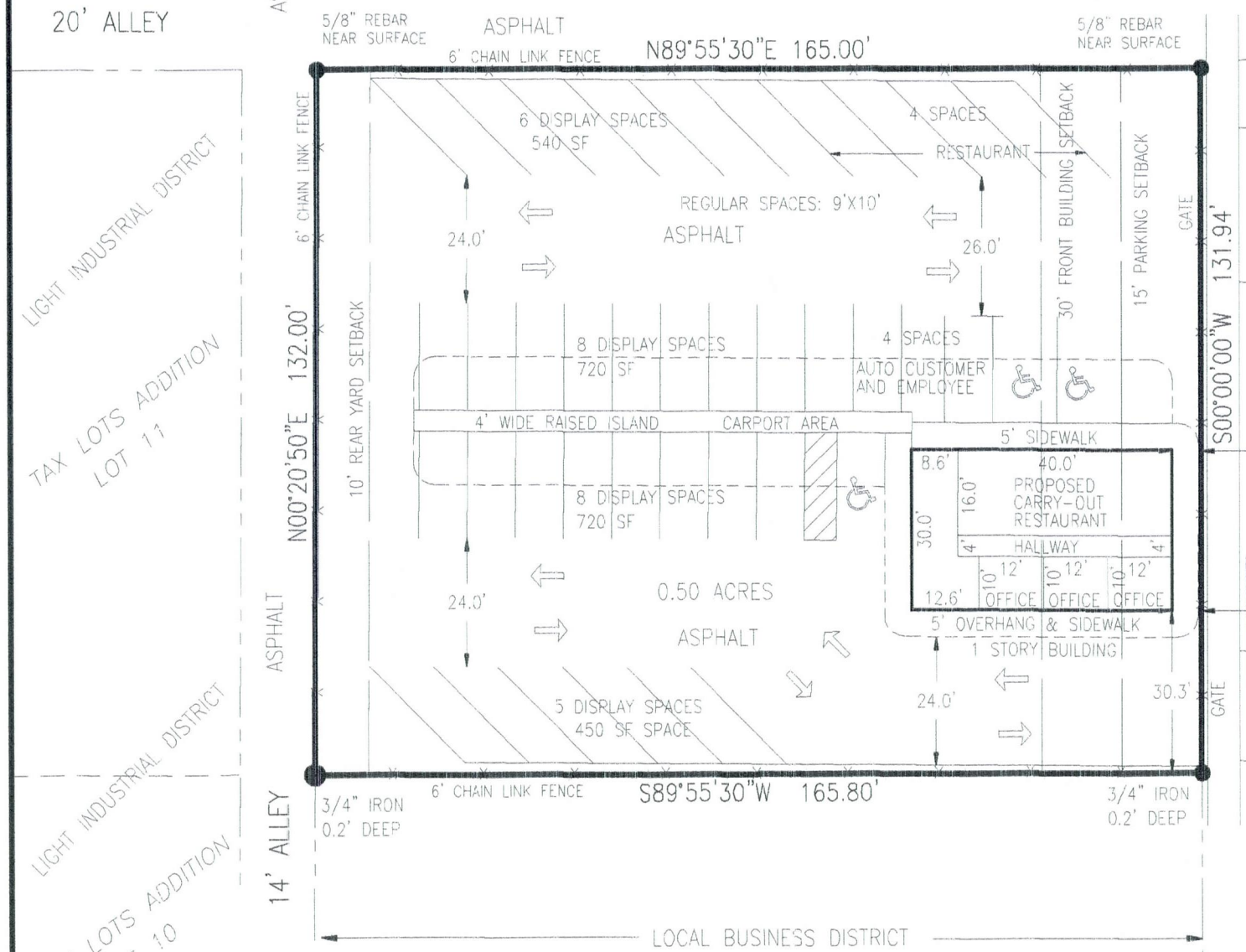
1619 SOUTH MICHIGAN STREET
SOUTH BEND, INDIANA 46613
C/O MICHIANA AUTO SALES
JAY AMER & AMJAD AHMED



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

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

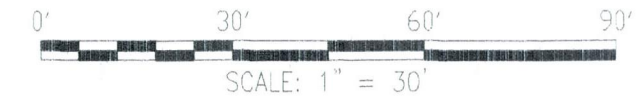
AUTO SALES ONE SPACES PER 300 SF OF SALES FLOOR
AREA IN EXCESS OF 1000 SF (NONE)
PLUS ONE SPACES PER 2000 SF OF OPEN AREA.
2430 SF OPEN AREA = 2 SPACES REQUIRED
5 SPACES SUPPLIED (4 REGULAR, 1 HC)



MICHIGAN STREET
(100' R/W)

LEGEND

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



LEGAL DESCRIPTION:

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

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

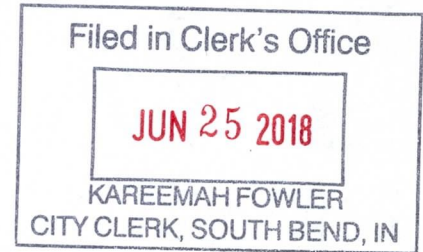
-FILED-
MAR 05 2018
AREA PLAN COMMISSION
Application # 2865-18



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

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

Bill 14-18



COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A DEVELOPMENT PLAN APPROVAL, ZONE MAP CHANGE OR PLANNED UNIT DEVELOPMENT REQUIRED BY THE CITY OF SOUTH BEND ZONING ORDINANCE

In accordance with I.C. 36-7-4-1015, the Owner of the real estate located in St. Joseph County, Indiana which is described below, makes the following COMMITMENTS concerning the use and development of the following described parcel of real estate:

LEGAL DESCRIPTION:

Part of the West half of the Southwest Quarter of Section 13, Township 37 North, Range 2 East, St. Joseph County, Indiana being more particularly described as follows: Commencing at a point on the West line of Michigan Street, 163 feet South of the North line of said West half of the Southwest Quarter of Section 13 for the Point of beginning; Thence running West along the South line of a 20 foot alley to the East line of a 14 foot alley, a distance of 165 feet; Thence South, along the East line of said 14 foot alley, a distance of 132 feet; Thence East, parallel with the South line of said 20 foot alley to the West line of said Michigan Street, a distance of 165 feet; Thence North, along the West line of said Michigan Street, a distance of 132 feet to the Point of beginning Containing 0.50 acres more or less, subject to all legal easements.

STATEMENT OF COMMITMENTS:

1. The maximum number of vehicles to be displayed for sale on the property will be 27.
2. Add 2 trees to the public tree lawn in lieu of foundation landscaping.
3. Provide landscaped areas with 3' hedges at the northeast corner of the building and the northeast corner of the lot.
4. Install landscaped islands to separate the restaurant spaces from the display spaces.
5. Remove the barbed wire from the fence.

These COMMITMENTS shall run with the land, be binding on the Owner of the above-described real estate, subsequent owners of the above-described real estate and other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated by a decision of the Area Plan Commission of St. Joseph County made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the approval of petition **APC #2865-17** pursuant to the City of South Bend Zoning Ordinance, and shall continue in effect until: (i) the real estate is rezoned; or, (ii) modified or terminated by the Area Plan Commission of St. Joseph County.

These COMMITMENTS may be enforced jointly or severally by:

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

The undersigned hereby authorizes the Executive Director of the Area Plan Commission of St. Joseph County to record this Commitment in the Office of the Recorder of St. Joseph County, Indiana, upon final approval of petition APC #2865-17.

IN WITNESS WHEREOF, Owner has executed this instrument this ____ day of _____, _____.

(Organization Owner)

By _____

Printed _____

Title _____

(Organization Acknowledgment)

STATE OF _____)

COUNTY OF _____)

SS:

Before me, a Notary Public in and for said County and State, personally appeared _____, the _____ of _____, a(n) _____, Owner(s) of the real estate described above who acknowledged the execution of the foregoing instrument in such capacity and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this ____ day of _____, _____.

Signature _____

Printed _____

County of Residence _____

My Commission expires: _____

This instrument was prepared by Angela M. Smith, Area Plan Commission.

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. Angela M. Smith



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

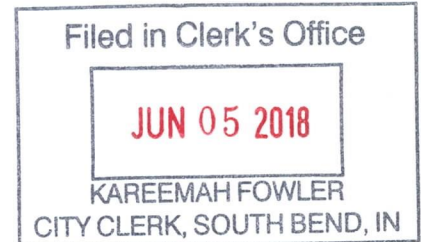
LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

June 4, 2018

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



RE: 4546, 4566 & 4612 North Lake Blackthorn Drive, South Bend, Indiana 46628
APC# 2870-18

Dear Council Members:

Enclosed in an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your June 11, 2018 Council meeting, and set it for public hearing at your July, 23 2018 Council meeting. The petition is tentatively scheduled for public hearing at the July 17, 2018 Area Plan Commission meeting. The recommendation of the Area Plan Commission will be forwarded to your office by noon on the day following the public hearing.

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

Sincerely,

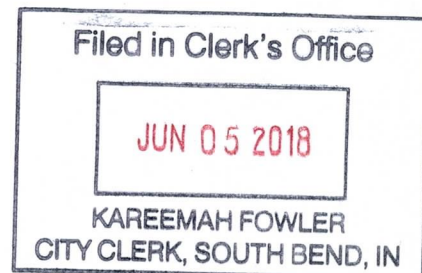
A handwritten signature in black ink, appearing to be "Jordan Wyatt".

Jordan Wyatt
Planner

CC: Bob Palmer

BILL NO. 25-18

ORDINANCE NO. _____



**AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY
LOCATED AT 4546, 4566 & 4612 NORTH LAKE BLACKTHORN DRIVE,
COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property from LB to SF1 for single-family homes.

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

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

That Part of the Southeast Quarter of Section 18, Township 38 North, Range 2 East, City of South Bend, German Township, St. Joseph County, Indiana which is Described as: Lots #3, 4 and 5 of the Plat of "The Villas at Lake Blackthorn, Section One" as Recorded by Document Number 0323151 in the Records of the St. Joseph County, Indiana Recorder's Office. Containing 0.76 Acres More or Less. Subject to all Legal Highways, Easements and Restrictions of Record.

be and the same is hereby established as SF1: Single Family & Two Family District.

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

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

Tim Scott, Council President
South Bend Common Council

Attest:

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

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

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

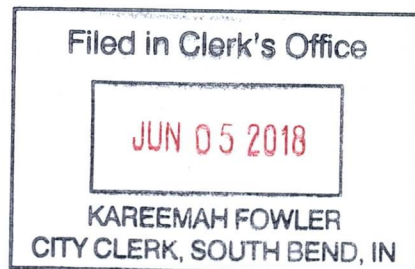
Approved and signed by me on the _____ day of _____, 2018, at ____ o'clock ____ .m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

PETITION FOR ZONE MAP AMENDMENT
City of South Bend, Indiana

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

- 1) The property sought to be rezoned is located at:
Address(es) -, 4546, 4566 & 4612 North Lake Blackthorn Drive, South Bend, Indiana 46628.
- 2) The property Tax Key Number(s) is/are: *Enter property tax key number(s):025-1010-017621, 025-1010-017622 & 025-1010-017623*
- 3) Legal Descriptions: *Enter full legal description: See attached.*
- 4) Total Site Area: *Enter total acres to be rezoned: 0.76 Acres +/-.*
- 5) Name and address of property owner(s) of the petition site:
*Cooreman Real Estate Group, INC.
Attn: Mr. Steve Cooreman
4404 Technology Drive, South Bend, Indiana 46628
Ph. No. 574-277-0116
E-Mail Address N/A*



Name and address of additional property owners, if applicable:

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

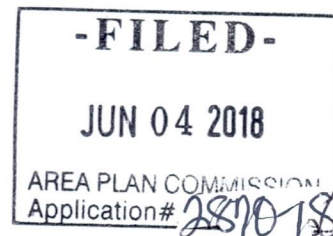
E-mail N/A

Name and address of additional property owners, if applicable:

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

From: *LB Local Business District N/A*

To: *SF1 Single Family Two Family District*



- 8) This rezoning is requested to allow the following use(s): *Insert intended use(s): Residential Uses.*

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

- 1) *List each variance being requested.*
- 2) A statement on how each of the following standards for the granting of variances is met:
 - (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community:

- (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and:
- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property:

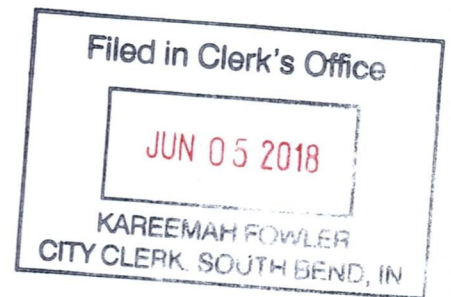
IF A SPECIAL EXCEPTION USE IS BEING REQUESTED, (if not, please skip to next section):

- 1) A detailed description and purpose of the Special Exception Use(s) being requested: *N/A*
- 2) A statement on how each of the following standards for the granting of a Special Exception Use is met:
 - (a) The proposed *use* will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare:
 - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein:
 - (c) The proposed *use* will be consistent with the character of the *district* in which it is located and the land uses authorized therein; and:
 - (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan.

* In the case of a Special Exception Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

CONTACT PERSON:

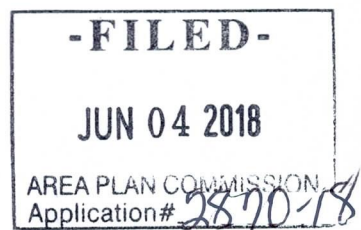
*Name: Danch, Harner & Associates, Inc.
 Address: 1643 Commerce Drive
 South Bend, Indiana 46628
 574-234-4003 mdanch@danchharner.com*



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

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

[Handwritten signature]



LEGAL DESCRIPTION:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, GERMAN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: LOTS # 3, 4 AND 5 OF THE PLAT OF "THE VILLAS AT LAKE BLACKTHORN, SECTION ONE" AS RECORDED BY DOCUMENT NUMBER 0323151 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE. CONTAINING 0.76 ACRES MORE OR LESS.
SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

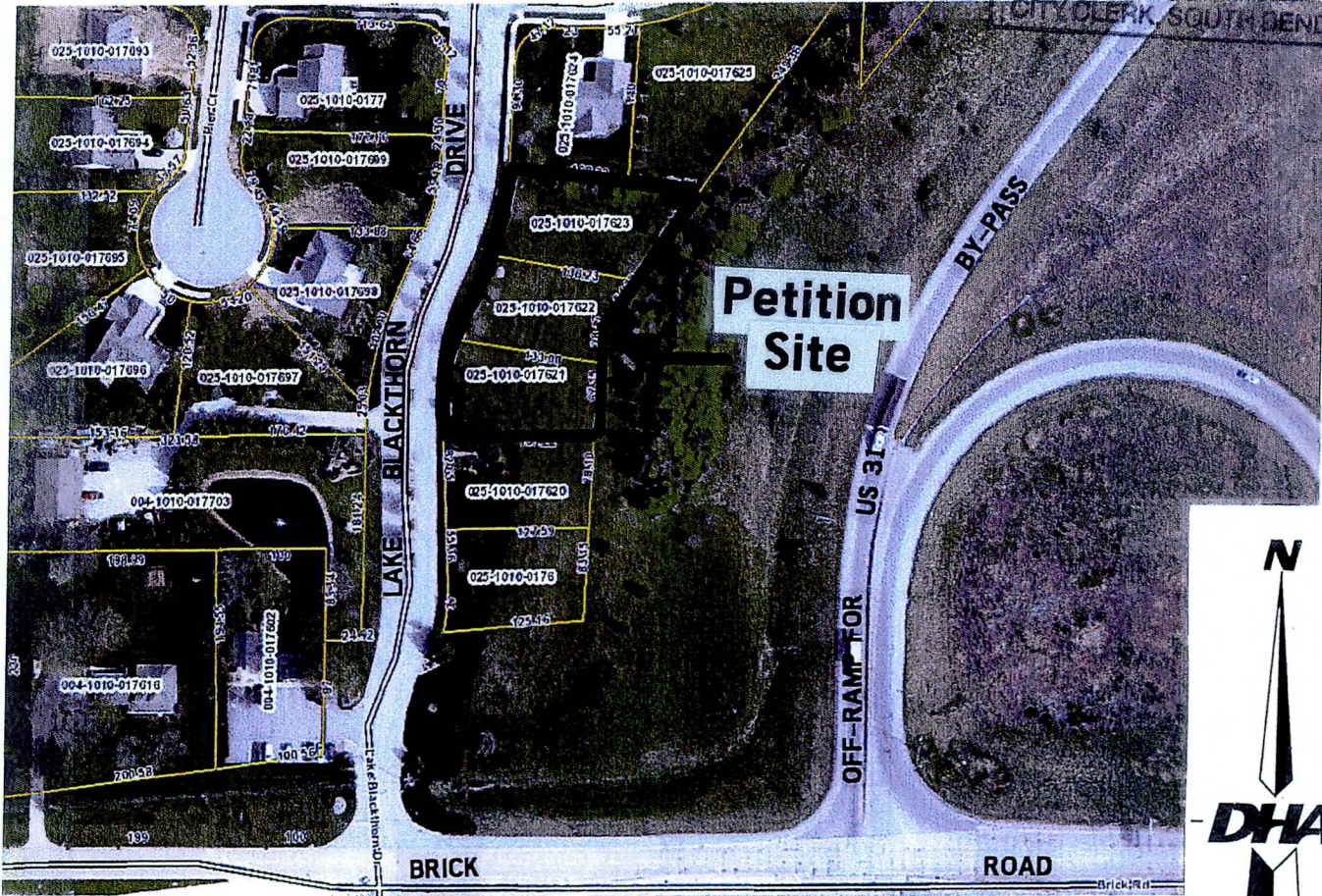
Filed in Clerk's Office
JUN 05 2018
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

- FILED -
JUN 04 2018
AREA PLAN COMMISSION
Application# 2870-18

Filed in Clerk's Office

JUN 05 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



Rezoning Aerial

LEGAL DESCRIPTION:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, GERMAN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: LOTS # 3, 4 AND 5 OF THE PLAT OF "THE VILLAS AT LAKE BLACKTHORN, SECTION ONE" AS RECORDED BY DOCUMENT NUMBER 0323151 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE CONTAINING 0.76 ACRES MORE OR LESS.

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

FILED -

JUN 04 2018

AREA PLAN COMMISSION
Application# 2870-18

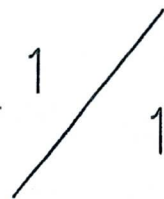
Danch, Harner & Associates, Inc.



Land Surveyors • Professional Engineers
Landscape Architects • Land Planners

Office: (574)234-4003 / (800)594-4003 • Fax: (574)234-4119
1643 Commerce Drive • South Bend, IN 46628

© Copyright 2011 Danch, Harner & Associates, Inc.





LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

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

Wednesday, July 18, 2018

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

RE: A proposed ordinance of Cooreman Real Estate Group, Inc. to zone from LB Local Business District to SF1 Single Family & Two Family District, property located at 4546, 4566 & 4612 North Lake Blackthorn Drive, City of South Bend - APC# 2870-18.

Dear Council Members:

I hereby Certify that the above referenced ordinance of Cooreman Real Estate Group, Inc. was legally advertised on July 5, 2018 and that the Area Plan Commission at its public hearing on July 17, 2018 took the following action:

Upon a motion by John DeLee, being seconded by Oliver Davis and unanimously carried, a proposed ordinance of Cooreman Real Estate Group, Inc. to zone from LB Local Business District to SF1 Single Family & Two Family District, property located at 4546, 4566 & 4612 North Lake Blackthorn Drive, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation. Rezoning the site to SF1 Single Family and Two Family will correspond with the rest of the surrounding properties.

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

Sincerely,

A handwritten signature in blue ink that reads 'L. P. Magliozzi'.

Lawrence P. Magliozzi

Attachment

CC: Cooreman Real Estate Group, Inc.
Danch, Harner & Associates, Inc.

Staff Report

7/9/2018

APC # 2870-18
Owner: Cooreman Real Estate Group, Inc.
Location: 4546, 4566 & 4612 North Lake Blackthorn Drive
Jurisdiction: St. Joseph County
Public Hearing Date: 7/17/2018

Requested Action:

The petitioner is requesting a zone change from LB Local Business District to SF1 Single Family & Two Family District

Land Uses and Zoning:

- On site: On site are three vacant parcels.
- North: To the north are single-family homes zoned SF1 Single Family & Two Family District.
- East: To the east is the St. Joseph Valley Parkway.
- South: To the south are vacant parcels zoned LB Local Business District.
- West: To the west, across Lake Blackthorn Drive, are single-family homes zoned SF1 Single Family & Two Family District.

District Uses and Development Standards:

The SF1 District is established to protect, promote and maintain the development of single family dwellings and two family dwellings as well as to provide for limited public and institutional uses that are compatible with an urban residential neighborhood. The availability of public facilities (e.g., public water, public sanitary sewer, storm sewer, natural gas, electricity, telephone, etc.) is required for development within this district.

Site Plan Description:

There is no proposed site plan for development at this time. Future development will need to adhere to development standards for the appropriate district.

Zoning and Land Use History And Trends:

The parcels in this petition were rezoned to LB Local Business District in 2004. The property to the southwest was rezoned to C: Commercial District (St. Joseph County) in 2003.

Traffic and Transportation Considerations:

Lake Blackthorn Drive is a two lane road.

Utilities:

The site will be served by municipal water and sewer.

Agency Comments:

The Department of Community Investment provides a favorable recommendation.

Commitments:

The petitioner is not proposing any written commitments.

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

1. Comprehensive Plan:

Policy Plan:

The petition is consistent with City Plan, South Bend Comprehensive Plan (November 2006), Objective H 1: Ensure that an adequate supply of housing is available to meet the needs, preferences and financial capabilities of households now and in the future.

Land Use Plan:

The Future Land Use Map identifies this area for low density residential growth.

Plan Implementation/Other Plans:

There are no other plans in effect for this area.

2. Current Conditions and Character:

This area has developed as a neighborhood of single-family homes.

3. Most Desirable Use:

The most desirable use for the property is single-family homes.

4. Conservation of Property Values:

Rezoning to SF1 Single Family & Two Family District would not affect the property values of the surrounding single-family homes.

5. Responsible Development And Growth:

It is responsible development and growth to rezone the parcels to SF1 Single Family & Two Family District.

Staff Comments:

The staff has no additional comments at this time.

Recommendation:

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

Analysis:

Rezoning the site to SF1 Single Family and Two Family will correspond with the rest of the surrounding properties.

REZONING
#2870-18



GERMAN TOWNSHIP
1 inch = 200 feet



REZONING
#2870-18



GERMAN TOWNSHIP
1 inch = 200 feet





AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

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

7/18/2018

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

RE: Bill #25-18
Rezoning: APC#2870-18 – 4546, 4566 & 4612 North Lake Blackthorn Drive

Dear Council Members:

The Area Plan Commission held a public hearing on July 17, 2018 for the above referenced petition. This petition is set for public hearing before the Common Council on Monday, July 23, 2018.

Ordinance & Petition Amendments:

No amendments.

Public Hearing Summary:

There was no one to speak in favor or against this petition.

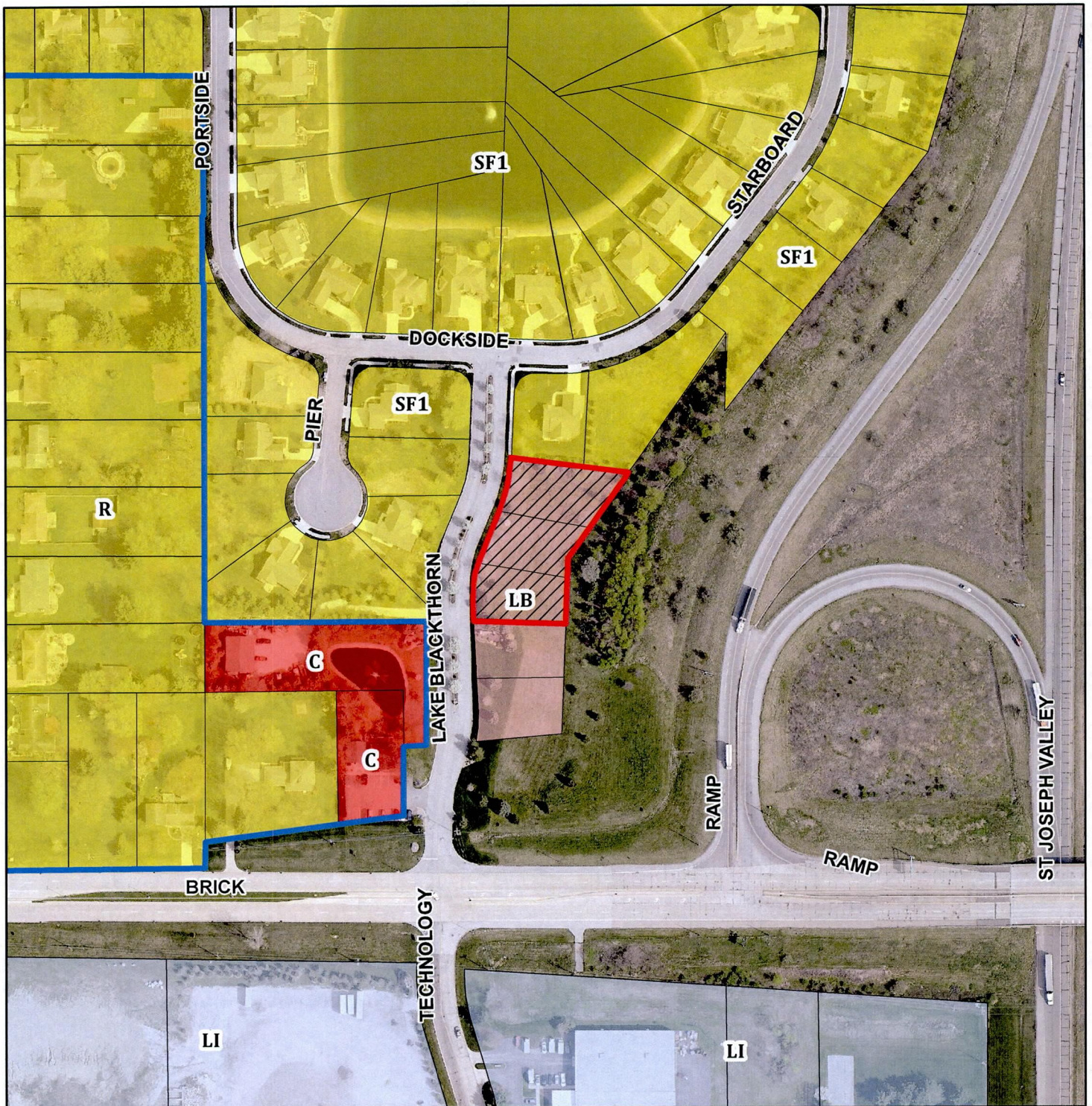
If you have any further questions, please feel free to contact me at (574) 235-9571.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jordan Wyatt', written over a horizontal line.

Jordan Wyatt
Planner

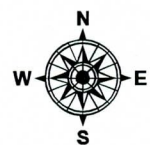
CC: Bob Palmer



**Rezoning from: CITY OF SOUTH BEND
LB LOCAL BUSINESS DISTRICT TO
SF1 SINGLE FAMILY & TWO FAMILY DISTRICT**

MASTER ZONING KEY

- COUNTY "R" SINGLE FAMILY DISTRICT
- COUNTY "C" COMMERCIAL DISTRICT
- SOUTH BEND "SF1" SINGLE FAMILY & TWO FAMILY DISTRICT
- SOUTH BEND "LB" LOCAL BUSINESS DISTRICT
- SOUTH BEND "LI" LIGHT INDUSTRIAL DISTRICT



1 inch = 200 feet

APC # 2870-18



City of South Bend Common Council

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

(574) 235-9321
Fax (574) 235-9173
TDD (574) 235-5567
<http://www.southbendin.gov>

Tim Scott
President

July 3, 2018

Oliver Davis
Vice-President

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

Gavin Ferlic
Chairperson, Committee
of the Whole

Re: *Amendment to South Bend Synthetic Drug Ordinance, §13-75.5(o)(6)*

Tim Scott
First District

Dear Council Members:

Regina Williams-Preston
Second District

We are filing the attached proposed text amendment to the disorderly house ordinance and the prohibition of dealing certain substances including synthetic drugs and synthetic drug lookalikes. The nature and chemical composition of synthetic drugs and synthetic drug lookalike substances are constantly changing, requiring the Indiana Legislature to continually amend and update various definitions of these substances. The purpose of this amendment is to update the ordinance to be in conformity with recent statutory amendments, many of which became effective July 1, 2018.

Sharon L. McBride
Third District

Jo M. Broden
Fourth District

Jake Teshka
Fifth District

Oliver Davis
Sixth District

We would like first reading on the proposed amendment for July 9, 2018, with second and third readings and public hearing scheduled for July 23, 2018.

Gavin Ferlic
At Large

Thank you for your consideration.

John Voorde
At Large

Karen White
At Large

Sincerely Yours,

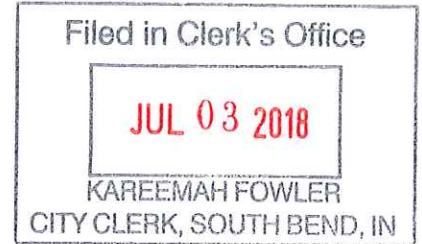
Tim Scott, President

Karen L. White

South Bend Common Council,

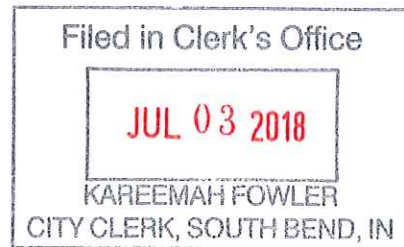
South Bend Common Council, At Large

District 1



BILL NO. 31-18

ORDINANCE NO. _____



AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING §13-75.5(O)(6) OF CHAPTER 13, ARTICLE 5 OF THE SOUTH BEND MUNICIPAL CODE PERTAINING TO DISORDERLY HOUSES AND PROHIBITING DEALING IN MARIJUANA, HASH OIL, HASHISH, SALVIA, SYNTHETIC DRUGS AND SYNTHETIC DRUG LOOKALIKE SUBSTANCES

STATEMENT OF PURPOSE AND INTENT

The South Bend Municipal Code prohibits various conduct which would constitute a disorderly house. The prohibited conduct includes, among other things, dealing with substances including synthetic drugs or synthetic drug lookalike substances. The current ordinance refers to State statutes in defining violations. The purpose of this amendment is to conform with recent amendments to State statutes defining synthetic drugs and synthetic drug lookalike substances. The amendment also eliminates reference to I.C. 16-42-28.6 *et seq.* because those statutes have been repealed.

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

Section I. Chapter 13, Article 5, is amended to replace Section 13-75.5(o)(6) with the following:

(6) Dealing in marijuana, hash oil, hashish, salvia, a synthetic drug, as defined by IC 35-31.5-2-321 or IC 25-26-13-4.1 as those statutes are from time to time amended, or a synthetic drug lookalike substance, as defined in IC 35-31.5-2-321.5 as from time to time amended, in violation of IC 35-48-4-4.5, 35-48-4-4.6, 35-48-4-5, IC 35-48-4-10, or IC 35-48-4-11.5. The distribution of low THC hemp extract in full compliance with IC 24-4-21-1 *et seq.* is excluded from this subpart.

SECTION II. This Ordinance shall take effect upon passage by this Common Council, approval by the Mayor, and any publication required by law.

PASSED AND ADOPTED by the Common Council of the City of South Bend, Indiana this _____ day of _____, 2018.

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.

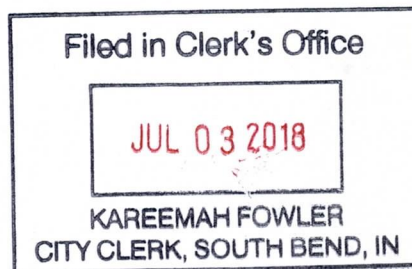
Pete Buttigieg, Mayor
City of South Bend, Indiana



BILL NO. 32-18

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

July 3, 2018



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

Re: 2018 Non-Bargaining Employee and Officer Salary Ordinance – Amended for AmeriCorps Grant Positions

Dear President Scott:

Enclosed please find the amended 2018 Non-Bargaining Employee and Officer Salary Ordinance.

The amended ordinance requests two (2) new positions relating to the recently awarded AmeriCorps Grant for which these positions will be responsible for administering and overseeing the day to day operations.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on July 9, 2018, with 2nd reading, public hearing and 3rd reading scheduled for July 23, 2018. If you have any further questions or need additional information, please let me know.

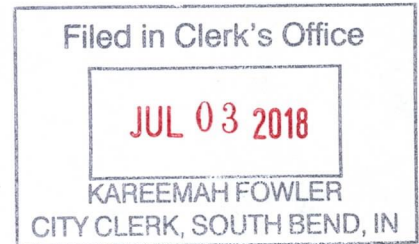
Thank you for your consideration.

Sincerely,

Jennifer C. Hockenhull
City Controller

Bill NO. 32-18

ORDINANCE NO. _____



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

STATEMENT OF PURPOSE AND INTENT

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

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

Among the change in circumstances is the award of an AmeriCorps Grant for program year 2018/2019 for which 2 full time positions are required to manage the program. The grant will cover up to 66% of the wages and expenses of the program.

The new positions established in this Ordinance are the following: Program Manager – AmeriCorps and Manager – Operations – AmeriCorps as set out in Exhibit A to Ordinance No. 10546-17.

Fund No. 101 (General Fund) is the source of funding for the newly added salaried positions. These employee positions are fully covered by the City's 2018 Budget and its appropriation for wages and salaries of non-bargaining City employees during fiscal year 2018.

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

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

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

SECTION III. From and after its passage by the Common Council and approval by the Mayor, this ordinance shall take full effect on July 23, 2018

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, Indiana
2018 Nonbargaining Salary Ordinance Schedule - as amended 7-3-18
Maximum Salaries

Job Title	Status	Notes *	2012 Salary	2013 Salary	2014 Salary	2015 Salary	2016 Salary	2017 Salary	2018 Salary	2018 % Increase
311 Customer Service Liaison	Full Time	11	new	40,500	41,310	42,136	42,979	43,839	44,716	2.00%
311 Customer Service Liaison II	Full Time	77			new	43,788	44,664	45,557	46,468	2.00%
Academic Coordinator-CB Center	Full Time	46	31,980	32,620	title change					
Academic Coordinator-MLK Center	Full Time	46	36,348	37,075	title change					
Accounting Assistant	Full Time	48	38,740	39,515	40,305	41,111	41,933	42,772	43,627	2.00%
Accounting Clerk IV	Full Time	58	30,186	30,790	31,406	32,034	32,674	33,328	33,995	2.00%
Accounts Payable Administrator	Full Time	43	31,746	32,381	33,029	33,689	34,363	35,050	35,751	2.00%
Administrative Assistant I	Full Time	5, 63	35,984	36,704	37,438	38,187	38,950	39,730	40,525	2.00%
Administrative Assistant II - DCI (Adm & Finance Team)	Full Time	67	27,487	28,271	eliminated					
Administrative Assistant II - DCI (Adm & Finance Team)	Full Time	5, 63	37,050	37,791	38,547	39,318	40,104	40,906	41,724	2.00%
Administrative Assistant III - DCI (Adm & Finance Team)	Full Time	5, 63	30,869	31,669	eliminated					
Administrative Assistant III - DCI (Adm & Finance Team)	Full Time	5, 155	36,704	37,438	38,187	38,951	39,730	39,730	eliminated	
Administrative Assistant III - DCI (Neigh. Engagement Team)	Full Time	5, 28, 156	36,704	37,438	38,187	38,951	39,730	39,730	eliminated	
Alarm Specialist	Full Time	122				title change				
Analyst I - DCI (Neighborhood Engagement Team)	Full Time	5, 138	40,019	40,819	41,636	42,468	43,318	43,318	eliminated	
Animal Control Assistant	Full Time	31, 252	31,877	32,515	33,165	33,828	34,505	35,195	35,890	2.00%
Animal Control Officer	Full Time	31, 486	32,116	32,758	33,413	34,081	34,763	35,458	36,158	2.00%
Animal Control Officer Senior	Full Time	31	34,788	35,484	title change					
Applications Developer	Full Time	132								
Assistant City Attorney	Full Time	68, 510	69, 880	71, 278	72, 704	74, 158	75, 641	77, 154	78, 696	2.00%
Assistant City Attorney/Claims Adjuster	Full Time	117	73, 060	74, 521	76, 011	77, 531	79, 082	80, 666	82, 274	2.00%
Assistant City Engineer	Full Time	65	46, 202	47, 126	48, 081	49, 066	50, 081	51, 126	52, 202	2.00%
Assistant Director of Administration & Marketing	Full Time	3, 117	47, 126	48, 081	49, 066	50, 081	51, 126	52, 202	53, 317	2.00%
Assistant Director of Administrative Services	Full Time	36, 63	51, 157	52, 202	53, 287	54, 402	55, 547	56, 722	57, 937	2.00%
Assistant Director of Booking & Event Operation	Full Time	41	44, 607	45, 752	46, 927	48, 132	49, 367	50, 632	51, 927	2.00%
Assistant Director of Civilian Services	Full Time	36, 63	43, 732	44, 607	45, 522	46, 477	47, 472	48, 507	49, 582	2.00%
Assistant Director of Communication Center	Full Time	127								
Assistant Director of Community and Economic Development	Full Time	21	45, 084	50, 000	51, 000	52, 020	53, 060	54, 122	55, 204	2.00%
Assistant Director of Distribution	Full Time	5, 63	56, 758	57, 758	58, 788	59, 848	60, 938	62, 058	63, 208	2.00%
Assistant Director of Human Resources	Full Time	46, 566	47, 497	48, 447	49, 416	50, 405	51, 415	52, 441	53, 484	2.00%
Assistant Director of MPAC Financial Reporting	Full Time	51, 376	52, 404	53, 452	54, 521	55, 611	56, 722	57, 857	59, 017	2.00%
Assistant Director of Recreation	Full Time	44, 824	45, 720	46, 635	47, 568	48, 519	49, 487	50, 472	51, 474	2.00%
Assistant Director of SCADA Information Systems (formerly System Specialist IV)	Full Time	29	51, 246	52, 271	53, 320	54, 393	55, 490	56, 612	57, 759	2.00%
Assistant Director of Treatment	Full Time	160	60, 008	61, 208	62, 432	63, 681	64, 955	66, 254	67, 579	2.00%
Assistant Director of Utilities	Full Time	46, 306	47, 232	48, 177	49, 140	50, 123	51, 125	52, 147	53, 189	2.00%
Assistant Manager - Customer Service	Full Time	75, 107								
Assistant To The Mayor	Full Time	132	title change							
Assistant Zoning Administrator	Full Time	4, 63	53, 385	53, 385	57, 122	eliminated				
Associate II - DCI - (Adm & Finance Team)	Full Time	29, 66, 72	52, 338	53, 385	57, 122	eliminated				
Associate II - DCI - (Economic Resources Team)	Full Time	101, 138	52, 338	53, 385	57, 122	eliminated				
Budget Analyst - Senior	Full Time	5, 138	new	54, 870	55, 967	57, 087	58, 228	59, 393	60, 584	2.00%
Building and Code Inspector	Full Time	80	47, 940	48, 899	49, 877	50, 875	51, 893	52, 937	54, 007	2.00%
Building Commissioner	Full Time	42	new	77, 818	79, 374	80, 952	82, 554	84, 181	85, 834	2.00%
Building Inspector	Full Time	29, 66	43, 212	44, 076	44, 958	45, 857	46, 774	47, 710	48, 664	2.00%
Business Analyst	Full Time	97	49, 000	49, 980	50, 980	51, 999	53, 039	54, 099	55, 179	2.00%
Business Development Specialist (formerly Associate I - DCI - (Business Development)	Full Time	44	new	50, 786	51, 800	52, 838	53, 895	54, 972	56, 071	2.00%
Business License Administrator (formerly Analyst II - DCI (Business Development)	Full Time	153	31, 070	31, 691	32, 339	33, 016	33, 722	34, 457	35, 222	2.00%
CAD Specialist - Senior	Full Time	28	43, 888	44, 766	45, 666	46, 589	47, 534	48, 501	49, 489	2.00%
GED Specialist II	Full Time	34	37, 050	37, 944	38, 854	39, 779	40, 719	41, 674	42, 644	2.00%
GED Specialist Senior	Full Time	5, 63	53, 794	54, 736	55, 694	56, 668	57, 657	58, 661	59, 680	2.00%
GED Specialist VI	Full Time	5, 63	49, 790	50, 736	51, 694	52, 668	53, 657	54, 661	55, 680	2.00%
Chemist	Full Time	112	44, 902	45, 800	46, 716	47, 650	48, 604	49, 578	50, 572	2.00%
Chemist/Safety Officer	Full Time	164	45, 318	46, 224	47, 150	48, 096	49, 062	49, 948	50, 854	2.00%
Chief Administration Officer	Full Time	29	45, 916	46, 834	47, 771	48, 726	49, 701	50, 695	51, 709	2.00%
Chief Building Inspector	Full Time	29, 66, 103	65, 442	66, 751	68, 081	69, 431	70, 801	72, 191	73, 601	2.00%
Chief Code Inspector	Full Time	65	30, 264	30, 869	31, 487	32, 116	32, 759	33, 414	34, 082	2.00%
Chief Deputy City Clerk	Full Time	3, 4, 29, 66	94, 500	96, 390	98, 318	100, 284	102, 290	104, 336	106, 424	2.00%
Chief Innovation Officer	Full Time	71	30, 264	30, 869	31, 487	32, 116	32, 759	33, 414	34, 082	2.00%
Chief of Staff to the Mayor	Full Time		94, 500	96, 390	98, 318	100, 284	102, 290	104, 336	106, 424	2.00%
Chief Technology Officer	Full Time	3, 26, 117	94, 500	96, 390	98, 318	100, 284	102, 290	104, 336	106, 424	2.00%
City Clerk Secretary	Full Time	3, 26	94, 500	96, 390	98, 318	100, 284	102, 290	104, 336	106, 424	2.00%
City Controller	Full Time	3, 26	94, 500	96, 390	98, 318	100, 284	102, 290	104, 336	106, 424	2.00%
City Engineer	Full Time	3, 26	94, 500	96, 390	98, 318	100, 284	102, 290	104, 336	106, 424	2.00%

City of South Bend, Indiana
2018 Nonbargaining Salary Ordinance Schedule - as amended 7-3-18
Maximum Salaries

Job Title	Status	Notes *	2012 Salary	2013 Salary	2014 Salary	2015 Salary	2016 Salary	2017 Salary	2018 Salary	2018 % Increase
Clerk Terminal Operator (now Records Specialist)	Full Time		26,520	27,050	27,591	28,143	28,706	title change		
Club Pro Municipal Golf Course	Full Time		45,474	46,383	47,311	48,257	49,223	50,207	51,211	2.00%
Code Inspector	Full Time	103	37,024	37,764	38,520	39,290	40,076	40,877	41,695	2.00%
Code Inspector - Senior	Full Time	103				new	42,583	43,435	44,304	2.00%
Collection Specialist	Full Time	35	32,006	32,646	title change					
Commercial Combination Inspector	Full Time	96				new	49,113	50,095	51,097	2.00%
Communication Specialist I	Full Time	21	30,888	33,500	34,170	34,853	35,550	36,261	36,986	2.00%
Communication Specialist II	Full Time	21	34,528	41,500	42,330	44,040	44,921	45,819	46,719	2.00%
Communication Specialist III	Full Time	21	35,022	43,000	43,860	44,737	45,632	46,545	47,476	2.00%
Communications Coordinator (NPA)	Full Time	170						new	30,000	100.00%
Corporation Counsel	Full Time	3,22,26,117	94,500	96,390	98,318	100,284	102,299	122,189	124,633	2.00%
Court Liaison	Full Time		31,616	32,248	32,893	33,551	34,222	34,907	35,605	2.00%
Crime Analyst	Full Time		34,632	35,325	36,031	36,752	37,487	38,237	39,002	2.00%
Custodian	Full Time		22,620	23,072	23,533	24,004	24,484	24,974	25,473	2.00%
Customer Service Coordinator	Full Time	8	38,558	39,329	40,116	40,918	41,736	42,571	43,422	2.00%
Data Entry /Alarms Coordinator	Full Time		28,808	29,384	29,972	30,571	31,183	31,806	32,442	2.00%
Data Entry Records Coordinator	Full Time	92	32,552	33,203	33,867	34,544	title change			
Data Entry Specialist	Full Time	124					title change	35,000	35,700	2.00%
Data Entry Specialist II	Full Time		28,262	28,827	29,404	29,992	30,592	31,204	31,828	2.00%
Departmental System Specialist	Full Time		43,212	44,076	44,958	45,857	46,774	47,710	48,664	2.00%
Deputy Chief of Staff to the Mayor	Full Time	3, 4, 29, 66	62,170	63,413	64,673	65,952	67,252	68,582	69,942	2.00%
Deputy City Clerk	Full Time	69, 179	39,338	40,125	40,927	43,246	44,111	44,993	50,000	11.13%
Deputy City Controller	Full Time	29, 66, 117	72,000	73,440	74,880	80,153	81,756	95,509	97,419	2.00%
Deputy Director of Code Enforcement	Full Time	131					new	75,000	76,500	2.00%
Deputy Director of Human Resources (formerly Manager - Talent)	Full Time	13, 29, 142	new	60,000	61,200	65,000	66,300	67,626	76,500	13.12%
Deputy Director of Public Works	Full Time	33	90,000	90,000	90,000	91,800	93,636	95,509	97,419	2.00%
Deputy Director of Venues, Parks & Arts (fka Exec Director Morris PAC)	Full Time	29	75,270	76,775	78,280	79,785	81,290	82,795	84,300	2.00%
Deputy Mayor	Full Time	37								
Design/Plan Review Specialist	Full Time		55,172	56,275	57,401	58,549	59,720	60,914	62,132	2.00%
Digital (Forensic) Lab Technician	Full Time	17, 146	33,566	34,237	34,922	35,621	36,333	37,060	55,080	48.41%
Digital Communications & Multimedia Training Coordinator	Full Time	125					new	54,000	55,080	2.00%
Director I - DCI - (Admin/Finance Team)	Full Time		63,913	63,913	65,191	66,495	67,825	69,181	eliminated	
Director I - DCI - (Planning Team)	Full Time	5, 138	new	63,913	65,191	66,495	67,825	69,181	eliminated	
Director of 311 Customer Service	Full Time	5, 138	new	63,913	65,191	66,495	67,825	69,181	eliminated	
Director of Accounting and Budget	Full Time	11, 60, 66, 132	new	52,000	55,940	56,753	57,888	73,440	74,909	2.00%
Director of Administrative Services	Full Time	16					new title	73,201	74,665	2.00%
Director of Administrative Services - Parks	Full Time	30	56,992	58,132	title change	eliminated				
Director of Administrative Services - Venues	Full Time	76	56,992	58,132	59,294					
Director of Applications	Full Time	132					title change	73,440	74,909	2.00%
Director of Assets and Information Systems	Full Time	178						new	83,000	100.00%
Director of Booking & Event Services	Full Time	87					title change	58,818	59,994	2.00%
Director of Box Office & Event Services - Venues	Full Time	85, 182					title change	57,665	58,818	2.00%
Director of Business Analytics	Full Time	132					title change	73,440	74,909	2.00%
Director of Business Development (formerly Director II - DCI - (Economic Resource	Full Time	153	new	69,721	71,115	72,538	76,000	77,520	79,070	2.00%
Director of Central Services	Full Time	138	68,354	69,721	74,601	76,093	77,615	81,000	eliminated	
Director of Civic Innovation	Full Time	158						new	74,909	100.00%
Director of Civilian Services (fka Director of Records Bureau)	Full Time	135						60,000	61,200	2.00%
Director of Code Enforcement	Full Time	29, 66	69,238	70,623	75,567	77,078	78,620	80,192	81,796	2.00%
Director of Communication Center	Full Time	29, 66	55,432	56,541	60,499	61,709	62,943	64,202	65,486	2.00%
Director of Communications & Radio	Full Time	2, 3	58,344	60,701	63,153	61,915	63,153	64,416	65,704	2.00%
Director of Communications Public Works	Full Time	8, 95	52,338	53,385	54,452	55,542	56,652	57,785	58,941	2.00%
Director of Community Development	Full Time	5, 63	new	title change	40,435	41,244	eliminated			
Director of Community Outreach	Full Time	21, 29, 82, 137	new	45,000	49,500	50,490	55,000	56,100	64,416	14.82%
Director of CSO Project Management	Full Time	117	72,722	74,176	75,660	77,173	78,717	81,865	83,502	2.00%
Director of Customer Service & Billing Office	Full Time	108, 161						new	67,320	6.00%
Director of Distributions - Venues, Parks & Arts	Full Time	76, 130	56,446	57,575	58,726	60,782	61,998	63,238	64,500	2.00%
Director of Economic Development	Full Time	159	58,422	59,590	60,782	61,998	63,238	64,500	65,765	2.00%
Director of Energy Conservation	Full Time	5, 63	68,354	title change						
Director of Energy Conservation	Full Time	38	69,394	70,782	title change					
Director of Engagement & Economic Empowerment (replacing Asst Director, positk	Full Time	153	new	81,600	83,232	84,897	86,600	88,347	90,126	-17.53%
Director of Equipment Services (formerly Manager - Equipment Services)	Full Time	167	54,418	55,506	56,616	57,749	58,904	60,094	61,318	2.00%
Director of Facilities Management (formerly Sustainability Project Manager)	Full Time	39, 133, 175	new	61,000	62,220	63,464	64,734	66,029	67,344	2.00%
Director of Finance (Public Works)	Full Time	138	64,506	65,796	67,112	68,454	69,823	71,220	72,644	2.00%
Director of Financial & Program Management	Full Time	5, 63	62,660	title change						
Director of Financial Services	Full Time	116, 140	55,172	56,275	57,401	58,549	59,720	60,914	62,132	9.26%
Director of Financial Services (Park Administration)	Full Time	140	56,446	57,575	58,726	59,901	61,099	62,321	63,574	6.79%

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Job Title	Status	Notes *	2012 Salary	2013 Salary	2014 Salary	2015 Salary	2016 Salary	2017 Salary	2018 Salary	2018 % Increase
Director of Financial Services (Water Utility)	Full Time	140	59,098	60,280	61,486	62,715	63,970	65,249	66,554	2.00%
Director of Golf Operations	Full Time		56,992	56,132	59,294	61,690	61,690	64,182	64,182	2.00%
Director of Human Resources	Full Time	3	80,002	81,602	83,234	84,899	86,597	88,329	90,096	2.00%
Director of Human Rights	Full Time	29, 66, 98	54,262	55,347	59,221	60,405	61,614	70,000	71,400	2.00%
Director of Information Technology	Full Time	3, 71	87,000	88,740	90,515	eliminated				
Director of Infrastructure	Full Time	132				title change		73,440	74,909	2.00%
Director of Marketing & Promotions	Full Time	36	50,518	51,528	52,559	53,610	54,682	55,776	56,892	2.00%
Director of Neighborhood Development (formerly Director II - DCI - (Neighborhood))	Full Time	153	new	69,721	71,115	72,538	76,000	77,520	79,070	2.00%
Director of Office of Sustainability	Full Time	38, 66	new	new	75,737	77,252	78,797	80,373	81,980	2.00%
Director of Operations - Venues	Full Time	181						new	90,000	100.00%
Director of Parks & Recreation	Full Time		75,530	77,041	title change					
Director of Planning (formerly Director II - DCI - (Planning Team))	Full Time	153	new	new	71,115	72,537	76,000	77,520	79,070	2.00%
Director of Public Works	Full Time	3, 26	108,248	110,413	110,413	112,621	114,874	117,171	119,514	2.00%
Director of Purchasing	Full Time	168, 172						new	80,000	100.00%
Director of Records Bureau (now Director of Civilian Services)	Full Time	88	42,458	43,307	44,173	45,057	47,797	title change	73,973	2.00%
Director of Recreation (aka Deputy Parks & Recreation Director)	Full Time	14	62,738	67,000	68,340	69,707	71,101	72,523	73,973	2.00%
Director of Redevelopment/Engineering	Full Time	119					new	97,238	99,183	2.00%
Director of Redevelopment Finance (formerly Director II - Admin/Finance Team)	Full Time	174				title change		77,520	72,000	-7.12%
Director of Safety & Risk	Full Time	40, 66		new	56,753	57,888	59,046	60,227	61,432	2.00%
Director of SCADA Information Systems	Full Time	45		new	72,000	73,440	74,909	76,407	77,935	2.00%
Director of Secretarial Services	Full Time	1	48,100	49,062	title change					
Director of Services	Full Time	132					title change	73,440	74,909	2.00%
Director of Solid Waste Operations	Full Time	132, 163					title change	65,400	69,000	5.50%
Director of Streets & Sewers	Full Time	29, 66, 106	69,576	70,968	75,936	77,455	81,500	83,130	84,793	2.00%
Director of Treasury (formerly Director of City Finance)	Full Time		67,626	68,979	70,358	71,765	73,201	74,665	76,158	2.00%
Director of Treatment	Full Time	54, 964		56,063	57,185	58,328	59,495	eliminated		
Director of Utilities	Full Time	74		new		90,000	91,800	93,636	95,509	2.00%
Director of Utility Safety	Full Time	112				new	53,500	54,570	55,661	2.00%
Director of Wastewater	Full Time	61	67,392	68,740	title change					
Director of Wastewater Maintenance	Full Time	114	59,878	61,076	62,297	63,543	70,000	71,400	72,828	2.00%
Director of Water Quality & Laboratory	Full Time	110				new	70,000	71,400	72,828	2.00%
Director of Water Works	Full Time	29, 75	68,354	69,721	81,000	eliminated				
Director of Zoo	Full Time		56,940	58,079	59,241	60,426	61,634	eliminated		
Distribution Records Drafter	Full Time		37,518	38,268	39,034	39,814	40,611	41,423	42,251	2.00%
Distribution System Specialist	Full Time					new	66,000	67,320	68,666	2.00%
Diversity Compliance/Inclusion Officer	Full Time	109					75,000	76,500	78,030	2.00%
Division Director of Environmental Services	Full Time	24, 90	new	41,600	42,432	43,281				
Economic Empowerment Specialist (formerly Associate I - DCI (Economic Resource))	Full Time	29,61,66,74	71,656	73,089	74,205	75,205	76,205	77,205	78,205	2.00%
Engineer Aide IV	Full Time	153	new	50,786	51,802	52,838	53,895	54,972	56,071	2.00%
Engineer I	Full Time		37,518	38,268	39,034	39,814	40,611	41,423	42,251	2.00%
Engineer II	Full Time	65			new	65,280	66,586	67,918	69,266	2.00%
Engineer Inspector	Full Time		65,676	66,990	68,329	69,696	71,090	72,512	73,962	2.00%
Event Service Technician I	Full Time	32	38,558	39,329	title change					
Event Service Technician II	Full Time		24,960	25,459	25,968	26,488	27,018	27,558	28,109	2.00%
Evidence Technician	Full Time		28,392	28,960	29,539	30,130	30,732	31,347	31,974	2.00%
Executive Administrative Assistant	Full Time	88	35,542	36,253	36,978	37,717	40,010	40,810	41,626	2.00%
Executive Assistant	Full Time	105				new	40,508	41,318	42,144	2.00%
Executive Assistant - DCI - (Adm & Finance Team)	Full Time	43, 117	new	new	45,000	45,900	46,818	47,751	48,697	2.00%
Executive Assistant and Director of Special Projects	Full Time	65, 154				51,044	52,065	53,106	54,168	2.00%
Executive Director of Community Investment	Full Time	1, 3, 62	48,100	49,062	50,043	51,044	52,065	53,106	54,168	2.00%
Executive Director Venues, Parks & Arts (aka Superintendent-Park)	Full Time	3, 5, 26	94,500	96,390	98,390	100,284	102,290	104,336	106,436	2.00%
Financial Specialist I	Full Time	29, 64, 98, 114		new	90,000	91,800	93,636	95,509	97,423	2.00%
Financial Specialist II	Full Time		31,746	32,381	33,029	33,689	34,363	35,050	35,751	2.00%
Financial Specialist III	Full Time		34,632	35,325	36,031	36,752	37,487	38,237	39,002	2.00%
Financial Specialist IV	Full Time		38,740	39,515	40,305	41,111	41,933	42,772	43,627	2.00%
Financial Specialist Senior	Full Time	20, 44	42,899	43,757	44,632	45,525	46,435	47,364	48,311	2.00%
Fingerprint/Photo Technician	Full Time		49,062	50,043	51,044	52,065	53,106	54,168	55,251	2.00%
Firearms IBIS/NIBIN Tech	Full Time		33,566	34,237	34,922	35,621	36,333	37,060	37,801	2.00%
Fiscal Officer	Full Time	134, 146				title change				
Fiscal Officer/Business Analyst	Full Time	41, 138	new	new	52,180	53,224	54,288	55,374	56,480	2.00%
Foreman IV	Full Time	65, 138			54,570	55,661	56,775	57,910	59,066	2.00%
Forensic Lab Tech	Full Time	118	37,856	38,613	39,385	40,173	40,977	41,797	42,632	2.00%
Forensic Scientist / Firearm & Tool Mark Examiner (formerly Crime Lab Firearms E)	Full Time	56, 118	42,666	43,519	44,390	45,278	46,183	47,113	48,066	2.00%
Forensic Scientist / Firearm & Tool Mark Examiner Trainee	Full Time	149						new	60,000	100.00%
General Manager - Venues	Full Time	145	52,754	53,809	54,885	55,983	57,103	58,245	59,400	2.00%
	Full Time	145						new	60,000	100.00%
	Full Time	181						new	98,500	100.00%

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Job Title	Status	Notes *	2012 Salary	2013 Salary	2014 Salary	2015 Salary	2016 Salary	2017 Salary	2018 Salary	2018 % Increase
General Zoo Curator	Full Time		47,008	47,948	48,907	49,865	50,883	eliminated		
GIS Manager	Full Time		56,030	57,151	58,294	59,459	60,649	61,862	63,099	2.00%
GIS Specialist - Senior	Full Time		45,370	46,277	47,203	48,147	49,110	50,092	51,094	2.00%
Grants Administrator	Full Time	115					title change	60,456	61,665	2.00%
Graphic Designer	Full Time	130					new	47,892	48,850	2.00%
Greenskeeper	Full Time		41,158	41,981	42,821	43,677	44,551	45,442	46,351	2.00%
Hearing Secretary	Full Time	104				new	38,694	39,468	40,257	2.00%
Historic Preservation Administrator	Full Time	157						new	56,071	100.00%
Historic Preservation Specialist	Full Time	157					new	42,000	48,850	2.00%
Horticulturalist Tech	Full Time	136							59,393	2.00%
Housing Counselor (formerly Associate II - DCI - (Neighborhood Engagement Tea	Full Time	153	new	54,870	55,967	57,087	58,228			
Housing Specialist Senior	Full Time	5, 63	50,440	title change						
Housing Specialist V	Full Time	5, 63	42,770	title change						
Housing Specialist VI	Full Time	5, 63	45,422	title change						
Housing Specialist VII	Full Time	91								
Human Resource Generalist - Senior (Public Safety Focus)	Full Time	65								
Human Resources Generalist	Full Time	89								
Human Resources Generalist/Benefits Coordinator	Full Time	13, 63	42,900	43,758						
Human Resources Specialist IV	Full Time	129								
HVAC Technician	Full Time		47,762	48,717	49,692	50,685	51,699	52,733	53,788	2.00%
Industrial Pretreatment Specialist I	Full Time		31,642	32,275	32,920	33,579	34,250	34,935	35,634	2.00%
Intake Officer/Investigator	Full Time	63	54,678	55,772	56,887	58,025	59,185	60,369	61,576	2.00%
Internal Auditor	Full Time		33,332	33,999	34,679	35,372	36,080	36,801	37,537	2.00%
Inventory Control Technician II	Full Time		36,270	36,995	37,735	38,490	39,260	40,045	40,846	2.00%
Investigator II	Full Time		38,584	39,356	40,143	40,946	41,765	42,600	43,452	2.00%
Investigator III	Full Time		40,898	41,716	42,550	43,401	44,269	45,155	46,058	2.00%
Investigator IV	Full Time		42,900	43,758	44,633	45,526	46,436	47,365	48,312	2.00%
Investigator V	Full Time					new	47,589	48,541	49,512	2.00%
Investigator VI	Full Time	83								
Laboratory Technician	Full Time		30,264	30,869	31,487	32,116	32,759	33,414	34,082	2.00%
Latent Fingerprint Examiner (formerly Evidence Technician)	Full Time	88, 147	35,542	36,253	36,978	37,717	40,010	40,810	55,000	34.77%
License Clerk	Full Time	63	34,632	35,325	36,031	36,752	37,487	38,237	39,002	2.00%
Locator	Full Time		38,220	38,984	39,764	40,559	41,371	42,198	43,042	2.00%
Maintenance Foreman II	Full Time		34,216	34,900	35,598	36,310	37,036	37,777	38,533	2.00%
Maintenance Technician	Full Time	181								
Manager - Animal Shelter	Full Time	30		new	47,501	48,451	49,420	50,408	51,416	2.00%
Manager - Applications	Full Time	132					title change	66,254	67,579	2.00%
Manager - Assistant Animal Shelter	Full Time	31, 68		new	40,000	40,800	41,616	42,448	43,297	2.00%
Manager - Assistant Facility Operations	Full Time		32,266	32,911	33,570	34,241	34,926	35,624	36,336	2.00%
Manager - Benefits	Full Time			new	55,000	56,100	title change	reinstated	59,466	2.00%
Manager - Box Office	Full Time	27, 89, 143								
Manager - Business Development (formerly Associate III - DCI - (Business Develo	Full Time	36, 63	37,830	38,587	title change					
Manager - CSO Operations	Full Time	153	new	59,537	60,728	61,942	63,181	64,445	65,734	2.00%
Manager - Customer Service	Full Time		54,860	55,957	57,076	58,218	59,382	60,570	61,781	2.00%
Manager - Data & GIS	Full Time	60, 162	44,226	45,111	46,013	46,933	47,872	48,829	49,806	2.00%
Manager - Employment (Human Rights) (replacing (1) Investigator V)	Full Time	132					title change	66,254	67,579	2.00%
Manager - Environmental Compliance	Full Time	151								
Manager - Events	Full Time	29, 66	59,566	60,757	65,010	66,310	67,636	68,989	70,369	2.00%
Manager - Facilities	Full Time	130		new	57,996	59,156	60,339	61,546	62,777	2.00%
Manager - Facility Operations	Full Time	50	45,656	46,569	47,501	48,451	49,420	50,408	51,416	2.00%
Manager - Facility Operations (MPAC)	Full Time	86				title change	57,665	58,818	59,994	2.00%
Manager - Golf Course/Rink	Full Time		50,622	51,634	52,667	53,720	54,795	55,889	56,994	2.00%
Manager - Housing (Human Rights)(replacing (1) Investigator V)	Full Time	151								
Manager - Industrial Pretreatment	Full Time	111								
Manager - Infrastructure	Full Time	132								
Manager - Interactive Marketing	Full Time	36		new	35,815	36,531	37,262	38,007	38,766	2.00%
Manager - Maintenance	Full Time	114	53,274	54,339	55,426	56,535	57,665	58,819	59,995	2.00%
Manager - Maintenance (MPAC)	Full Time		53,274	54,339	55,426	56,535	57,665	58,819	59,995	2.00%
Manager - Neighborhood Grants (formerly Associate I - DCI - (Neighborhood Eng	Full Time	153	new	50,786	51,802	52,838	53,895	54,972	56,071	10.20%
Manager - Office	Full Time		33,098	34,435	35,826	37,274	38,782	39,343	40,906	2.00%
Manager - Operations	Full Time	29, 50	58,240	59,405	64,664	65,957	67,276	68,622	69,994	2.00%
Manager - Operations - AmeriCorps	Full Time	183						new	40,000	100.00%
Manager - Operations - Distribution	Full Time	132					title change	65,400	66,708	2.00%
Manager - Operations - Forester	Full Time	29, 66, 69	52,780	53,836	55,751	59,156	60,339	61,546	62,777	2.00%
Manager - Park Grounds Manager	Full Time	50		new	57,996	59,156	60,339	61,546	62,777	2.00%
Manager - Parts Maintenance	Full Time	113	39,286	40,072	40,873	41,691	42,534	43,402	44,294	2.00%
Manager - Performance Improvement	Full Time	12, 117, 138	new	67,626	68,979	70,358	71,765	73,200	74,673	2.00%

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Job Title	Status	Notes *	2012 Salary	2013 Salary	2014 Salary	2015 Salary	2016 Salary	2017 Salary	2018 Salary	2018 % Increase
Manager - Permits	Full Time		43,888	44,766	45,661	46,574	47,506	48,456	49,425	2.00%
Manager - Print Shop	Full Time		42,666	43,519	44,390	45,278	46,183	47,107	48,049	2.00%
Manager - Production	Full Time	84, 118	37,180	37,924	38,682	39,456	40,246	41,051	41,871	2.00%
Manager - Property & Evidence	Full Time	126					title change	43,000	43,860	2.00%
Manager - Property Development (formerly Associate III - DCI - (Economic Resou	Full Time	153			60,728	61,943	63,181	64,445	65,734	2.00%
Manager - Public Construction	Full Time		60,138	61,341	62,568	63,819	65,095	66,397	67,725	2.00%
Manager - Purchasing	Full Time	168	60,008	61,208	62,432	63,681	64,955	66,254	67,579	2.00%
Manager - Records Bureau	Full Time	92			title change		36,645	37,378	38,126	2.00%
Manager - Safety & Risk	Full Time	40	52,000	53,040	title change					
Manager - Service Contracts & General Supplies	Full Time	165, 172								
Manager - Services	Full Time	132					title change	59,307	60,000	100.00%
Manager - Sewer Operations	Full Time		60,008	61,208	62,432	63,681	64,955	66,254	67,579	2.00%
Manager - Solid Waste Operations	Full Time		55,952	57,071	58,212	59,377	60,564	61,776	63,012	2.00%
Manager - Streets	Full Time	131	55,952	57,071	58,212	59,377	60,564	61,776	63,012	2.00%
Manager - Traffic & Lighting	Full Time	131	55,952	57,071	58,212	59,377	60,564	61,776	63,012	2.00%
Manager - Utility Purchasing & Storeroom	Full Time	113			58,212	59,377	60,564	61,776	63,012	2.00%
Manager - Wireless Construction	Full Time	173					51,000	52,020	53,060	2.00%
Manager - Zoo Concessions & Gift shop	Full Time	50			33,921	34,599	35,291	36,000	36,720	100.00%
Manager I - Assistant Box Office	Full Time		30,732	31,347	31,974	32,613	33,265	33,931	34,610	2.00%
Manager II - Assistant Box Office	Full Time		34,346	35,033	35,734	36,448	37,177	37,921	38,679	2.00%
Marketing and Education Curator	Full Time	49			title change					
Naturalist	Full Time		32,916	33,574	34,246	34,931	35,629	36,342	37,069	2.00%
Neighborhood Program Specialist (formerly Analyst II - DCI (Neighborhood Engage	Full Time	153			46,298	47,224	48,168	49,132	50,115	2.00%
Network Engineer	Full Time	29, 66			58,569	59,740	60,935	62,154	63,397	2.00%
Operations Analyst (Code) (formerly Data Analyst)	Full Time	65, 169			new	50,000	51,000	52,020	53,060	10.00%
Ordinance Violations Bureau Clerk	Full Time	29	33,202	33,866	34,543	35,233	35,936	36,652	37,381	2.00%
Paralegal	Full Time	117	40,768	41,583	42,415	43,263	44,129	45,012	45,911	2.00%
Park Police II	Full Time	70	32,240	32,885	33,542	34,213	34,897	35,595	36,307	2.00%
Park Ranger	Full Time	70		title change						
Planner VI	Full Time	5, 63	49,790							
Police Crime Intelligence Analyst	Full Time	128					new	43,000	43,860	2.00%
Preventative Maintenance Coordinator	Full Time		37,414	38,162	38,926	39,704	40,498	41,308	42,134	2.00%
Principal Planner (formerly Associate II - DCI - (Planning))	Full Time	153			55,967	57,086	58,228	59,393	60,574	10.68%
Print Shop Technician	Full Time		35,048	35,749	36,464	37,193	37,937	38,696	39,470	2.00%
Program Coordinator	Full Time	46, 118			33,272	33,937	34,616	35,307	36,011	2.00%
Program Director - AmeriCorps	Full Time	183						new	55,000	100.00%
Programmer Analyst I	Full Time		41,652	42,485	43,335	44,201	45,085	45,987	46,907	2.00%
Programmer Analyst II	Full Time		43,446	44,315	45,201	46,105	47,027	47,968	48,927	2.00%
Project Analyst VI	Full Time	5, 63	42,094	title change						
Project Analyst VIII	Full Time	5, 63	45,474	title change						
Project Inspector	Full Time	93, 117								
Project Inspector I	Full Time		43,888	44,766	45,661	46,574	47,506	48,456	49,425	2.00%
Project Inspector II	Full Time	93	46,748	47,683	48,637	49,609	50,602	51,615	52,648	2.00%
Project Manager	Full Time	93	48,256	49,221	50,206	51,210	52,234	53,279	54,345	2.00%
Property Development Analyst (formerly Associate I - DCI - (Adm & Finance Team	Full Time	153			50,786	51,802	52,838	53,895	54,972	2.00%
Property Inspector (formerly Associate I - DCI - (Neighborhood Engagement Team	Full Time	153			new	50,786	51,802	52,838	53,895	2.00%
Property/Evidence Custodian - Senior	Full Time		32,500	33,150	33,813	34,489	35,179	35,883	36,601	2.00%
Public Access Coordinator	Full Time	121					title change	36,125	36,848	2.00%
Public Assistance Clerk II (now Records Specialist)	Full Time		27,638	28,191	28,755	29,330	29,916	30,514	31,125	2.00%
Public Relations Specialist	Full Time	63	40,326	41,133	41,955	42,794	43,650	44,523	45,413	2.00%
Public Service Officer	Full Time	122					title change	33,000	33,660	2.00%
Public Works Public Information Officer	Full Time	144						new	65,704	100.00%
Public Works Safety Coordinator	Full Time	102	44,928	45,827	46,743	47,678	48,632	49,606	50,599	2.00%
Quality Assurance Distribution Technician	Full Time		37,856	38,613	39,385	40,173	40,977	41,796	42,632	2.00%
Quality Assurance Treatment Technician	Full Time	73	40,534	41,345	42,172	43,016	43,885	44,769	45,668	2.00%
Radio Technician I	Full Time		43,056	43,917	44,795	45,691	46,605	47,537	48,488	2.00%
Radio Technician II	Full Time		44,460	45,349	46,256	47,181	48,125	49,087	50,060	2.00%
Radio Technician III	Full Time		47,814	48,770	49,746	50,741	51,755	52,791	53,847	2.00%
Records Specialist	Full Time	120					title change	33,000	33,660	2.00%
Residential Combination Inspector	Full Time							47,710	48,664	2.00%
Residential Marketing Specialist	Full Time	96	58,370	title change						
Sales/Event Associate	Full Time	5, 63	34,424	35,112	35,819	36,544	37,287	38,048	38,827	2.00%
SCADA Instrument Specialist	Full Time	36	50,622	51,634	52,667	53,720	54,795	55,891	57,009	2.00%
Secretary II	Full Time		25,766	26,281	26,807	27,343	27,890	28,448	29,017	2.00%
Secretary III	Full Time	35	27,066	27,607	28,159	28,723	29,297	29,883	30,481	2.00%
Secretary IV	Full Time		28,730	29,305	29,891	30,489	31,098	31,720	32,354	2.00%

City of South Bend, Indiana
2018 Nonbargaining Salary Ordinance Schedule - as amended 7-3-18
Maximum Salaries

Job Title	Status	Notes *	2012 Salary	2013 Salary	2014 Salary	2015 Salary	2016 Salary	2017 Salary	2018 Salary	2018 % Increase
Secretary of the Board	Full Time	62	40,534	41,345	title change	32,116	32,759	33,414	34,082	2.00%
Security Guard	Full Time		30,264	30,869				new	37,000	100.00%
Senior Planner (formerly Associate I - DCI - (Planning Team))	Full Time	181				52,838	53,895	54,972	60,581	10.20%
Senior Purchasing Agent	Full Time	153	new	50,786	51,802				50,000	100.00%
Site Acquisition Specialist	Full Time	166, 172						new	67,000	100.00%
Special Events Assistant	Full Time	173	36,634	37,367	38,114	38,876	39,654	40,447	41,256	2.00%
Specialist of Infrastructure	Full Time	132					title change	54,686	55,780	2.00%
Specialist of Services	Full Time	132					title change	54,686	55,780	2.00%
Stock Room & Safety Coordinator	Full Time		44,928	45,827	46,743	47,678	48,632	49,604	50,596	2.00%
Superintendent - Maintenance	Full Time	48	56,992	58,132	title change					
Superintendent - Park Maintenance	Full Time	48	45,110	46,072	47,050	48,050	49,070	50,110	51,170	2.00%
Superintendent II	Full Time		46,566	47,497	48,447	49,416	50,405	51,413	52,441	2.00%
Superintendent III	Full Time	53	51,000	52,020	53,060	54,122	55,204	56,306	57,428	2.00%
Superintendent IV	Full Time		51,116	52,138	53,181	54,245	55,330	56,436	57,565	2.00%
Superintendent V	Full Time	78			new	46,267	47,192	48,136	49,099	2.00%
Supervisor - 311 Customer Service	Full Time		43,550	44,421	45,309	46,216	47,140	48,083	49,045	2.00%
Supervisor - Accounts Payable	Full Time			new	34,500	35,190	35,894	36,612	37,344	2.00%
Supervisor - Administrative Assistant	Full Time	52	40,352	41,159	41,982	42,822	43,678	44,550	45,438	2.00%
Supervisor - Assistant Program	Full Time	55		new	33,272	33,937	34,616	35,309	36,015	2.00%
Supervisor - Athletic	Full Time	118	40,352	41,159	41,982	42,822	43,678	44,550	45,438	2.00%
Supervisor - Center	Full Time	47, 118	40,352	41,159	41,982	42,822	43,678	44,550	45,438	2.00%
Supervisor - Communication I	Full Time	21	41,678	46,000	46,920	47,858	48,816	49,792	50,788	2.00%
Supervisor - Communication II	Full Time	21	41,678	46,000	46,920	47,858	48,816	49,792	50,788	2.00%
Supervisor - Crime Laboratory	Full Time	146	51,974	53,073	54,195	55,339	56,506	57,696	58,908	2.00%
Supervisor - Customer Service	Full Time		41,132	41,955	42,794	43,650	44,523	45,414	46,324	2.00%
Supervisor - Data Processing	Full Time		41,132	41,955	42,794	43,650	44,523	45,414	46,324	2.00%
Supervisor - Fitness	Full Time		40,352	41,159	41,982	42,822	43,678	44,550	45,438	2.00%
Supervisor - Fitness/Wellness	Full Time	51		new	33,372	34,039	34,720	35,415	36,123	2.00%
Supervisor - Healthy Seniors	Full Time	47	34,684	title change						
Supervisor - Maintenance Mechanic	Full Time		51,116	52,138	53,181	54,245	55,330	56,436	57,565	2.00%
Supervisor - Operations	Full Time	36	53,274	54,339	55,426	56,535	57,665	58,819	59,995	2.00%
Supervisor - Park Police	Full Time	56, 79		new	44,389	eliminated				
Supervisor - Park Ranger	Full Time	79			new	45,277	46,183	47,106	48,048	2.00%
Supervisor - Payroll	Full Time	88, 141	38,740	39,515	40,305	41,111	45,000	45,900	50,000	8.93%
Supervisor - Program	Full Time	51, 52, 118	40,352	41,159	41,982	42,822	43,678	44,550	45,438	2.00%
Supervisor - Rum Village Park	Full Time		37,362	38,109	38,871	39,649	40,442	41,251	42,076	2.00%
Supervisor - Shelter Operations	Full Time	131					title change	36,200	36,924	2.00%
Supervisor - Signal	Full Time		50,622	51,634	52,667	53,720	54,795	55,891	57,009	2.00%
Supervisor - Special Events	Full Time	118	39,338	40,125	40,927	41,746	42,581	43,432	44,300	2.00%
Supervisor - Youth	Full Time	55	40,352	41,159	41,982	42,822	43,678	44,550	45,438	2.00%
System Specialist I	Full Time	16	new	42,500	43,350	44,217	45,101	46,003	46,923	2.00%
System Specialist II	Full Time		49,530	50,521	51,531	52,562	53,613	54,685	55,779	2.00%
System Specialist III	Full Time		53,716	54,790	55,886	57,004	58,144	59,307	60,493	2.00%
System Specialist IV	Full Time	45	60,008	61,208	62,432	63,681	64,955	66,254	67,579	2.00%
Utilities System Specialist	Full Time		50,024	51,024	52,045	53,086	54,148	55,231	56,336	2.00%
Violence Prevention Coordinator I	Full Time	54	31,980	32,620	title change					
Violence Prevention Coordinator II	Full Time	54	35,802	36,518	37,248	37,993	38,753	39,528	40,319	2.00%
Volunteer Coordinator	Full Time	152						new	48,850	100.00%
Water Quality Specialist	Full Time	63, 73	52,026	53,067	54,128	55,210	56,315	57,441	58,590	2.00%
Water Treatment Operator PF	Full Time		41,132	41,955	42,794	43,650	44,523	45,414	46,324	2.00%
Water Works Special Projects Coordinator I	Full Time	63	40,534	41,345	42,172	43,015	43,875	44,750	45,640	2.00%
Water Works Special Projects Coordinator II	Full Time	63	44,226	45,111	46,013	46,933	47,872	48,830	49,808	2.00%
Worker's Compensation Specialist	Full Time	81			new	35,000	35,700	36,414	37,142	2.00%
Youth Sports Coordinator	Full Time	54	31,980	32,620	title change					
Zoning and Business Services Administrator	Full Time	72, 98			new	58,264	59,720	60,914	62,132	2.00%
Zoning Specialist	Full Time		38,532	39,303	40,089	40,890	41,708	42,542	43,393	2.00%
Zoo Education Curator	Full Time	49			35,500	36,210	36,934	37,672	38,425	2.00%
Zoo Veterinarian	Full Time	23	55,562	83,000	84,660	86,353	88,080	eliminated	eliminated	
Part-Time Positions Receiving Benefits										
Chief Assistant City Attorney	Part Time	22, 25	42,146	42,989	eliminated					
City Attorney	Part Time	22, 117	56,654	57,787	58,943	60,122	61,324	65,078	66,380	2.00%
Deputy City Attorney III	Part Time		36,192	36,916	37,654	38,407	39,175	40,000	40,850	2.00%
Deputy City Attorney IV	Part Time		46,410	47,338	48,285	49,251	50,236	51,240	52,264	2.00%
Project Manager - Part Time	Part Time	176						new	39,273	100.00%

City of South Bend, Indiana
 2018 Nonbargaining Salary Ordinance Schedule - as amended 7-3-18
 Maximum Salaries

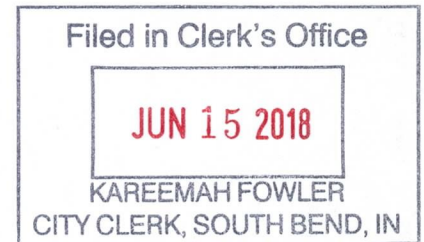
Job Title	Status	Notes *	2012 Salary	2013 Salary	2014 Salary	2015 Salary	2016 Salary	2017 Salary	2018 Salary	2018 % Increase
Other Part Time Positions										
311 Customer Service Liaison (hourly rate)	Part Time	57, 67, 99		new	17.00	17.34	20.66	21.07	21.49	1.99%
Administrative Assistant III	Part Time	95				new	20.23	20.63	21.04	1.99%
Associate IV - DCI - (Economic Resources Team) (20 hours)	Part Time	5	36,478	36,279	37,005	37,745	38,500	eliminated		
City Engineer (hourly rate)	Part Time	6	new	36.57	37.30	38.05	38.81	39.58	40.37	2.00%
Code Inspector IV	Part Time	7	new	19.00	19.260	19.645	20.038	20.439	20.848	2.00%
Construction Inspector (hourly rate)	Part Time	7	new	19.00	19.38	19.77	20.16	20.57	20.98	1.99%
Engineer (29 hours per week)	Part Time	94				new	29.14	29.72	30.31	1.99%
Police Department Lab Technician (20 hour per week)	Part Time	18	new	12,600	12,852	13,109	13,371	13,639	13,912	2.00%
Secretary - Human Rights (hourly rate)	Part Time	57		new	10.00	10.20	10.40	eliminated		
Secretary V (Mayor's Office) (hourly rate)	Part Time	21, 176	new	14.50	14.79	15.09	15.39	15.70	eliminated	
Non Bargaining Maximum Hourly Rate (excluding above)	Part Time		26.92	27.46	28.01	28.57	29.14	29.72	30.31	1.99%
City Minimum Wage for All Positions										
City Minimum Wage	All Positions							10.10	10.10	0.00%
Other Compensation										
Water Utility	Hourly		0.30	0.30	0.30	0.30	0.30	eliminated		
Sewer Insurance	Annual	19	5,000	5,000	5,700	5,202	5,306	eliminated		

* Notes
 For 1-136, refer to prior year salary ordinance
 2018 Revision Explanations:
 183 - new position -reimbursed by AmenCorps program up to 66%; renewed in 3-year cycles.

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

AREA BOARD OF ZONING APPEALS

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



Friday, June 15, 2018

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

RE: The petition of GETHSEMANE CHURCH OF GOD seeking a Special Use for an off-site parking lot within 500' of an existing church in the SF2 Single Family & Two Family District (South Bend) for property located at 1235 W NAPIER ST, City of South Bend

Dear Council Members:

I hereby Certify that the above referenced ordinance of GETHSEMANE CHURCH OF GOD was legally advertised on May 31, 2018 and that the Area Board of Zoning Appeals at its public hearing on June 13, 2018 took the following action:

Upon a motion by Michael Urbanski, being seconded by Robert Hawley and unanimously carried, a petition by GETHSEMANE CHURCH OF GOD seeking a Special Use for an off-site parking lot within 500' of an existing church for property located at 1235 W NAPIER ST, City of South Bend, was sent to the Council with a favorable recommendation, and will issue written Findings of Fact.

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

Sincerely,


Lawrence P. Magliozzi, Executive Director

Attachment

CC: GETHSEMANE CHURCH OF GOD

JUN 15 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

BILL NO. 18-26

RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS
FOR THE PROPERTY LOCATED AT 1235 W NAPIER

WHEREAS, Indiana Code Section 36-7-4-918.6, requires the Common Council to give notice pursuant to Indiana Code Section 5-14-1.5-5, of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests pursuant to Indiana Code Section 36-7-4-918.4; and

WHEREAS, the Area Board of Zoning Appeals has made a recommendation, pursuant to applicable state law.

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

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Area Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for property located at:

1235 W NAPIER

In order to permit offsite parking within 500' of an existing church.

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Area Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

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

2. The proposed use will not injure or adversely affect the use of the adjacent area of property values therein;
3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive plan;

SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions established by the Area Board of Zoning Appeals which are on file in the office of the City Clerk.

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

Tim Scott, Council President
South Bend Common Council



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601

Filed in Clerk's Office

JUN 15 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

Special Exception / Special Use

A special exception use / special use may only be granted upon making a written determination and adopting appropriate Findings of Fact, based upon the evidence presented at a public hearing, that:

- (1) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
- (2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;
- (3) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;
- (4) The proposed use is compatible with the recommendations of the Comprehensive Plan

17. Petition of Gethsemane Church of God

Based on information available prior to the public hearing, the staff recommends the Special Exception Use be sent to the Common Council with a favorable recommendation. The staff recommends the front setback be a minimum of 15' on the west property line and the drive aisle on the south be reduced to allow for a larger setback. The staff recommends the perimeter landscaping variance be denied on the west and south. The staff further recommends the denial of the interior off-street parking landscape islands to none.

- (1) *The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare.*
The proposed parking lot will not be injurious to the public health, safety, or general welfare of the community.
- (2) *The proposed use will not injure or adversely affect the use of the adjacent area or property values therein.*
With proper landscaping and buffering, the proposed use will not adversely affect the use or value of the adjacent properties.
- (3) *The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein.*
The proposed use is for the expansion of a church that has been in the neighborhood for a long time. With the proper buffering, the use can be consistent with the character of the residential district and neighborhood in which it is located.
- (4) *The proposed use is compatible with the recommendations of the Comprehensive Plan.*
There is no specific reference to this particular use in the Comprehensive Plan.

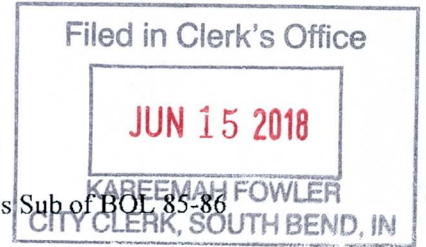
CITY OF SOUTH BEND
PETITION FOR VARIANCE and/or SPECIAL EXCEPTION USE

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are: 018-3074-2923 & 018-3074-2924

The property address: 1235 W Napier Street and the vacant lot lying west and adjacent

Legal Description: Lot 49 and Lot 50 as shown on the recorded plat of Commissioner's Sub of BOL 85-86



VARIANCE INFORMATION:

- 1) (1) A variance from the required 25' front setback to 3' on the south and 6' on the west;
(2) A variance from the required 20' side yard setback to 3' on the north and east;
(3) A variance from the required parking stops to none;
(4) A variance from the required 2 interior off-street parking landscape islands to none;
(5) A variance from the required Type A perimeter landscaping to none;
- 2) A statement on how each of the following standards for the granting of variances is met:
 - (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community;
 - (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and:
 - (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property:

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

- 1) The Special Exception Use(s) being requested: *to allow an offsite parking lot within 500' of an existing church, in the SF2 Single Family and Two Family District.*
- 2) A statement on how each of the following standards for the granting of a Special Exception Use is met:
 - (a) The proposed *use* will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: *This parking is best suited on this corner lot, while having an existing cross walk provided to the south where the church is located.*
 - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: *religious use is permitted within the SF2 Single Family and Two Family District. This petition is for the parking lot.*
 - (c) The proposed *use* will be consistent with the character of the *district* in which it is located and the land uses authorized therein; and: *This parking lot shall serve the existing church.*
 - (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *This church is one of 2 long standing congregations in this neighborhood. As such, the church has acted as a stabilizing influence on the nearby residential community and the members of the congregation. The addition of a formal parking for this church enhances its image of stability and service in the community and the congregation*

* In the case of a Special Exception Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

PETITIONER INFORMATION:

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

**Gethsemane Church of God
Karl Nichols
308 S. Walnut Street
South Bend, Indiana 46601
574-276-5842
director@cwpartners.org**

Name and address of additional property owners, if applicable: n/a

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

n/a

Name and address of additional property owners, if applicable: n/a

CONTACT PERSON:

Lang, Feeney & Associates, Inc.
715 South Michigan Street
South Bend, Indiana 46601
574-233-1841
Terry@LangFeeney.com

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

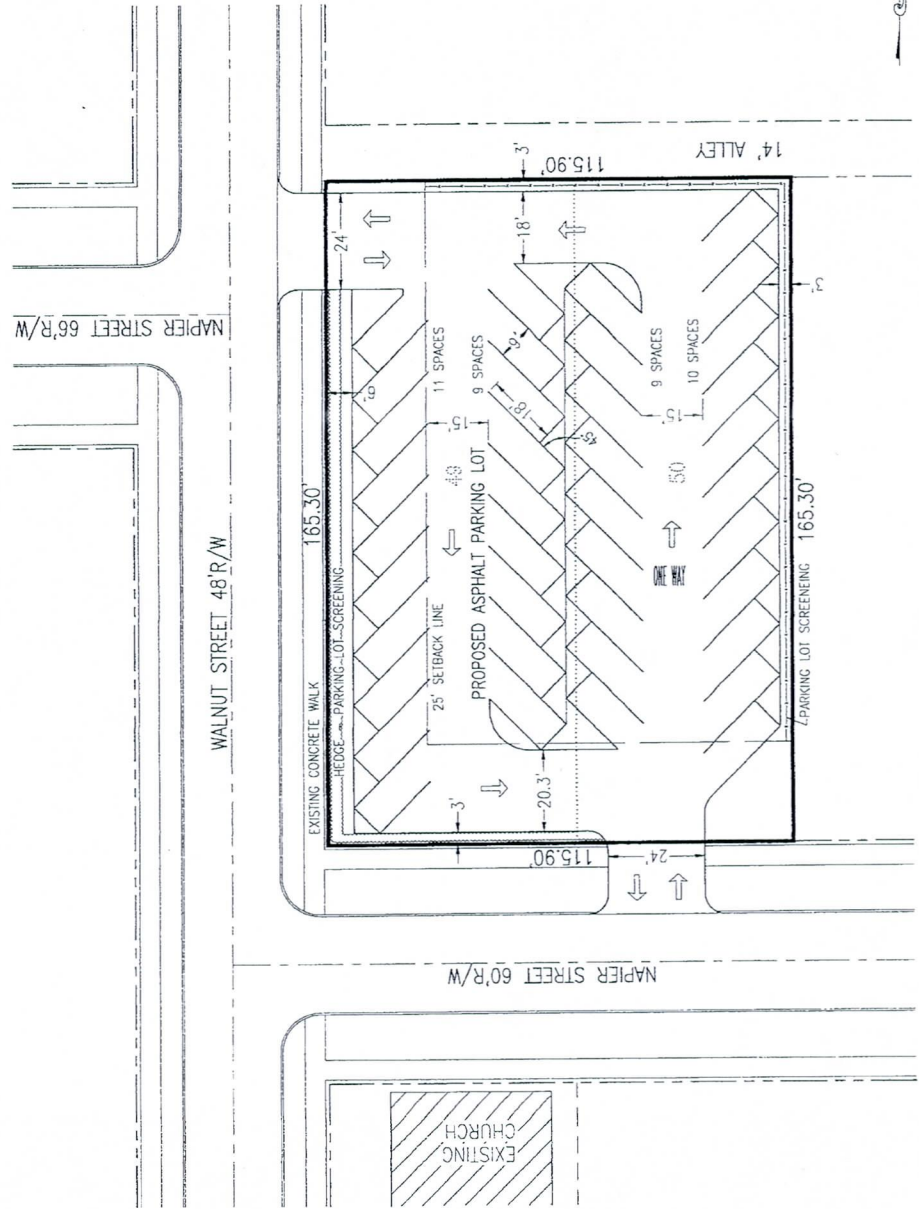
Signature(s) of all property owner(s):

X Karl Nichols

Gethsemane Church of God
Karl Nichols

AREA BOARD OF ZONING APPEALS SITE PLAN

Filed in Clerk's Office
JUN 15 2018
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



LEGAL DESCRIPTION:
LOT 49 AND LOT 50 AS SHOWN ON THE RECORDED PLAT OF COMMISSIONER'S SUBDIVISION.

PROPERTY ADDRESS:
1235 W NAPIER STREET AND A VACANT LOT LYING WEST AND ADJACENT TO IT.

ZONING:
SF2 SINGLE FAMILY AND TWO FAMILY DISTRICT.

CURRENT USE:
VACANT LAND

PROPOSED USE:
PARKING LOT FOR EXISTING CHURCH LOCATED SOUTH AND ACROSS NAPIER STREET.

REQUIRED PARKING SPACES:
1 SPACES FOR EVERY 4 SEATS IN MAIN SPACE. 90 SEATS = 23 SPACES REQUIRED
39 SPACES SUPPLIED

-FILED-
MAY 18 2018

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

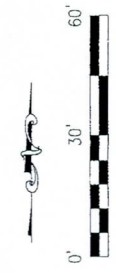
Land Surveyors • Soil Scientists

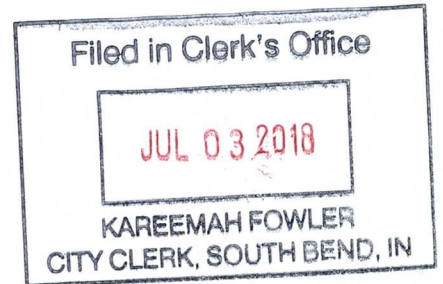
Scale 1" = 30'

Date 5-15-18

Drawn JMS

Job Name NICHOLS/Karl BZA





CITY OF SOUTH BEND
COMMUNITY INVESTMENT
JAMES MUELLER, EXECUTIVE DIRECTOR

July 2, 2018

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

RE: Residential Real Property Tax Abatement Petition for: **Historic Lincoln Way West Homes, L.P.**

Dear Council Member Ferlic:

Please find the attached information pertaining to a residential real property tax abatement petition submitted by Lincoln Way West Homes, L.P. to build 14 single-family homes as part of a housing cooperative in the area north of Lincoln Way West and west of Sherman Street. This petition package includes:

- Department of Community Investment's summary report
- Petition
- Statement of Benefits form
- Supporting information.

The report contains the Department's findings relative to the above petition. The petitioner proposes to build 14 single-family homes with an approximate assessed value of \$910,000. The project meets the qualifications for a (5) five-year residential property tax abatement and a representative from Historic Lincoln Way West Homes, L.P. will be available to meet with the Committee on Monday, July 9, 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 Buckenmeyer

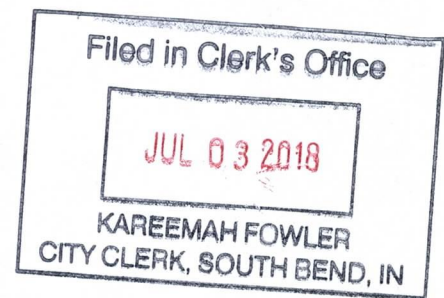
Director Business Development

DANIEL J. BUCKENMEYER
BUSINESS DEVELOPMENT

ALKEYNA ALDRIDGE
ENGAGEMENT & ECONOMIC EMPOWERMENT

PAMELA MEYER
NEIGHBORHOOD DEVELOPMENT

TIM CORCORAN
PLANNING & COMMUNITY RESOURCES



BILL NO. 18-31
RESOLUTION NO. _____

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

**902 N. Allen, 1145 N. Brookfield, 1306 N. Brookfield, 914 N. Cleveland
903 N. College, 917 N. Elmer, 1101 N. Elmer, 1229 N. Elmer, 1329 N. Huey,
1110 N. Johnson, 749 N. Lawndale, 913 N. Lawndale, 1138 N. Olive,
1530 Van Buren.**

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

Historic Lincoln Way West Homes, LP

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

WHEREAS, a Declaratory Resolution designated the area commonly known as 902 N. Allen, 1145 N. Brookfield, 1306 N. Brookfield, 914 N. Cleveland, 903 N. College, 917 N. Elmer, 1101 N. Elmer, 1229 N. Elmer, 1329 N. Huey, 1110 N. Johnson, 749 N. Lawndale, 913 N. Lawndale, 1138 N. Olive, 1530 Van Buren South Bend, Indiana, and which is more particularly described as follows:

- 1) Address: 902 N. Allen
Parcel ID#: 18-1085-3578
Legal Description: Lot Numbered Sixty-five (65) in Mussels Plat, First Addition to the City of South Bend as per plat thereof recorded in Plat Book 8, page 23 in the Office of the Recorder of Saint Joseph County, Indiana, together with the North Half of the vacated alley lying South and adjacent.
- 2) Address: 1145 N. Brookfield
Parcel # 18-2080-2896

Legal Description: Lot Numbered Sixty-two (62) in C.R. Smith's First Subdivision in the City of South Bend as per plat thereof recorded July 2, 1919 in Plat Book 10, page 83 in the Office of the Recorder of Saint Joseph County, Indiana.

- 3) Address: 1306 N. Brookfield
Tax ID#: 18-2083-3051
Legal Description: Lot Numbered One Hundred Forty-four (144) in Carmi R. Smith's Second Subdivision, as per plat thereof recorded May 16, 1922 in Plat Book 10, page 190 in the Office of the Recorder of Saint Joseph County, Indiana.
- 4) Address: 914 N. Cleveland
Tax ID#: 18-1086-3640
Legal Description: Lot Numbered One Hundred Twenty-five (125) in Muessel's Second, an Addition to the City of South Bend, as per plat thereof recorded August 14, 1905 in Plat Book 9, page 13 in the Office of the Recorder of Saint Joseph County, Indiana.
- 5) Address: 903 N. College
Tax ID#: 8-2072-2667
Legal Description: Lot Numbered Fifty-two (52) in Augustine's Addition to the City of South Bend, as per plat thereof recorded April 26, 1905 in Plat Book 8, page 194 in the Office of the Recorder of Saint Joseph County, Indiana.
- 6) Address: 917 N. Elmer
Tax ID#: 18-2031-1028
Legal Description: Lot Numbered Fifteen (15) in Jacob Miller's Addition to the City of South Bend as per plat thereof in Plat Book 7, page 53 in the Office of the Recorder of Saint Joseph County, Indiana.
- 7) Address: 1101 N. Elmer
Tax ID#: 18-2090-3402
Legal Description: Lot Numbered Two Hundred Ninety (290) as shown on the recorded Plat of Mayr's Michigan Avenue Addition to the City of South Bend, as per plat thereof, recorded March 8, 1905 in Plat Book 8, page 190 in the Office of the Recorder of Saint Joseph County, Indiana.
- 8) Address: 1229 N. Elmer
Tax ID#: 18-2086-3224
Legal Description: Lot Numbered Three Hundred Ten (310) in Mayr's Michigan Avenue Addition to the City of South Bend, Indiana, as per plat thereof recorded March 9, 1905 in Plat Book 8, page 190 in the Office of the Recorder of Saint Joseph County, Indiana.
- 9) Address: 1329 N. Huey
Tax ID#: 18-2087-3242

Legal Description: Lot Numbered Two Hundred Fifty-six (256) in Mayr's Michigan Avenue Addition to the City of South Bend, as per plat thereof recorded March 8, 1905 in Plat Book 8, page 190 in the Office of the Recorder of Saint Joseph County, Indiana.

10) Address: 1110 N. Johnson

Tax ID#: 18-2078-2832

Legal Description: Lot Numbered Sixty-four (64) in Rockhill's First Addition in Portage Township, now within and a part of the City of South Bend as per plat thereof recorded April 9, 1908 in Plat Book 9, page 87 in the Office of the Recorder of Saint Joseph County, Indiana.

11) Address: 749 N. Lawndale

Tax ID#: 18-1082-3429

Legal Description: Lot Numbered 136 in A.G. Cushing's Sixth Addition to the City of South Bend as per plat thereof recorded June 7, 1901 in Plat Book 8, page 28 in the Office of the Recorder of Saint Joseph County, Indiana.

12) Address: 913 N. Lawndale

Tax ID#: 18-1089-3756

Address: Lot Numbered 206 in Vassar Park Addition to the City of South Bend, as per plat thereof recorded July 30, 1919 in Plat Book 10, page 87 in the Office of the Recorder of Saint Joseph County, Indiana. Together with a right-of-way over the North 4 feet of the East 75 feet of Lot Numbered 205.

13) Address: 1138 N. Olive Street

Tax ID#: 18-2090-3369

Legal Description: Lot Numbered Three Hundred Forty-nine (349) in Mayr's Michigan Avenue Addition to the City of South Bend as per plat thereof recorded March 8, 1905 in Plat Book 8, page 190 in the Office of the Recorder of Saint Joseph County, Indiana.

14) Address: 1530 Van Buren

Tax ID#: 18-1083-3458

Legal Description: Lot Numbered Eleven (11) as shown on the recorded Plat of John L. Taylor's Addition to the City of South Bend, recorded April 9, 1924 in Plat Book 11, page 140 in the Office of the Recorder of Saint Joseph County, Indiana.

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

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

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

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

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

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

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

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

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

- A. That the description of the proposed redevelopment meets the applicable standards for such development.
- B. That the estimate of the value of the redevelopment is reasonable for projects of this nature;
- C. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment; and
- D. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of Indiana Code 6-1.1-12.1-3.

- E. The deduction will not be allowed unless the dwelling is rehabilitated to meet local code standards for habitability.
- F. The deduction will not be allowed unless the dwelling rehabilitation is completed within three (3) calendar years from the date of the adoption of this Resolution by the Common Council.

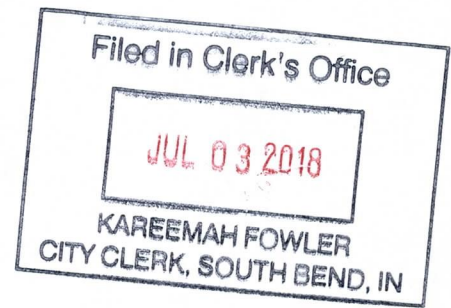
SECTION IV. The Common Council hereby confirms its Declaratory Resolution designating the area described herein as a Residentially Distressed Area for the purposes of tax abatement. Such designation is for Real property tax abatement only and is limited to three (3) calendar years from the date of adoption of the Declaratory Resolution by the Common Council as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.

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

Year 1 – 100%
Year 2 – 100%
Year 3 – 100%
Year 4 – 100%
Year 5 – 100%

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

Tim Scott, Council President
South Bend Common Council



BILL NO. 18-29
RESOLUTION NO. _____

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

**902 N. Allen, 1145 N. Brookfield, 1306 N. Brookfield, 914 N. Cleveland
903 N. College, 917 N. Elmer, 1101 N. Elmer, 1229 N. Elmer, 1329 N. Huey,
1110 N. Johnson, 749 N. Lawndale, 913 N. Lawndale, 1138 N. Olive,
1530 Van Buren.**

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

Historic Lincoln Way West Homes, LP

WHEREAS, a Statement of Benefits and a petition for residential real property tax abatement have been submitted to and filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area commonly known as 902 N. Allen, 1145 N. Brookfield, 1306 N. Brookfield, 914 N. Cleveland, 903 N. College, 917 N. Elmer, 1101 N. Elmer, 1229 N. Elmer, 1329 N. Huey, 1110 N. Johnson, 749 N. Lawndale, 913 N. Lawndale, 1138 N. Olive, 1530 Van Buren South Bend, Indiana, and which is more particularly described as follows:

- 1) Address: 902 N. Allen
Parcel ID#: 18-1085-3578
Legal Description: Lot Numbered Sixty-five (65) in Mussels Plat, First Addition to the City of South Bend as per plat thereof recorded in Plat Book 8, page 23 in the Office of the Recorder of Saint Joseph County, Indiana, together with the North Half of the vacated alley lying South and adjacent.
- 2) Address: 1145 N. Brookfield
Parcel # 18-2080-2896
Legal Description: Lot Numbered Sixty-two (62) in C.R. Smith's First Subdivision in the City of South Bend as per plat thereof recorded July 2, 1919 in Plat Book 10, page 83 in the Office of the Recorder of Saint Joseph County, Indiana.

- 3) Address: 1306 N. Brookfield
Tax ID#: 18-2083-3051
Legal Description: Lot Numbered One Hundred Forty-four (144) in Carmi R. Smith's Second Subdivision, as per plat thereof recorded May 16, 1922 in Plat Book 10, page 190 in the Office of the Recorder of Saint Joseph County, Indiana.
- 4) Address: 914 N. Cleveland
Tax ID#: 18-1086-3640
Legal Description: Lot Numbered One Hundred Twenty-five (125) in Muessel's Second, an Addition to the City of South Bend, as per plat thereof recorded August 14, 1905 in Plat Book 9, page 13 in the Office of the Recorder of Saint Joseph County, Indiana.
- 5) Address: 903 N. College
Tax ID#: 8-2072-2667
Legal Description: Lot Numbered Fifty-two (52) in Augustine's Addition to the City of South Bend, as per plat thereof recorded April 26, 1905 in Plat Book 8, page 194 in the Office of the Recorder of Saint Joseph County, Indiana.
- 6) Address: 917 N. Elmer
Tax ID#: 18-2031-1028
Legal Description: Lot Numbered Fifteen (15) in Jacob Miller's Addition to the City of South Bend as per plat thereof in Plat Book 7, page 53 in the Office of the Recorder of Saint Joseph County, Indiana.
- 7) Address: 1101 N. Elmer
Tax ID#: 18-2090-3402
Legal Description: Lot Numbered Two Hundred Ninety (290) as shown on the recorded Plat of Mayr's Michigan Avenue Addition to the City of South Bend, as per plat thereof, recorded March 8, 1905 in Plat Book 8, page 190 in the Office of the Recorder of Saint Joseph County, Indiana.
- 8) Address: 1229 N. Elmer
Tax ID#: 18-2086-3224
Legal Description: Lot Numbered Three Hundred Ten (310) in Mayr's Michigan Avenue Addition to the City of South Bend, Indiana, as per plat thereof recorded March 9, 1905 in Plat Book 8, page 190 in the Office of the Recorder of Saint Joseph County, Indiana.
- 9) Address: 1329 N. Huey
Tax ID#: 18-2087-3242
Legal Description: Lot Numbered Two Hundred Fifty-six (256) in Mayr's Michigan Avenue Addition to the City of South Bend, as per plat thereof recorded March 8, 1905 in Plat Book 8, page 190 in the Office of the Recorder of Saint Joseph County, Indiana.

- 10) Address: 1110 N. Johnson
Tax ID#: 18-2078-2832
Legal Description: Lot Numbered Sixty-four (64) in Rockhill's First Addition in Portage Township, now within and a part of the City of South Bend as per plat thereof recorded April 9, 1908 in Plat Book 9, page 87 in the Office of the Recorder of Saint Joseph County, Indiana.

- 11) Address: 749 N. Lawndale
Tax ID#: 18-1082-3429
Legal Description: Lot Numbered 136 in A.G. Cushing's Sixth Addition to the City of South Bend as per plat thereof recorded June 7, 1901 in Plat Book 8, page 28 in the Office of the Recorder of Saint Joseph County, Indiana.

- 12) Address: 913 N. Lawndale
Tax ID#: 18-1089-3756
Address: Lot Numbered 206 in Vassar Park Addition to the City of South Bend, as per plat thereof recorded July 30, 1919 in Plat Book 10, page 87 in the Office of the Recorder of Saint Joseph County, Indiana. Together with a right-of-way over the North 4 feet of the East 75 feet of Lot Numbered 205.

- 13) Address: 1138 N. Olive Street
Tax ID#: 18-2090-3369
Legal Description: Lot Numbered Three Hundred Forty-nine (349) in Mayr's Michigan Avenue Addition to the City of South Bend as per plat thereof recorded March 8, 1905 in Plat Book 8, page 190 in the Office of the Recorder of Saint Joseph County, Indiana.

- 14) Address: 1530 Van Buren
Tax ID#: 18-1083-3458
Legal Description: Lot Numbered Eleven (11) as shown on the recorded Plat of John L. Taylor's Addition to the City of South Bend, recorded April 9, 1924 in Plat Book 11, page 140 in the Office of the Recorder of Saint Joseph County, Indiana.

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

WHEREAS, 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 a Residentially Distressed 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 a Residentially Distressed 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 meet the requirements of Indiana Code 6-1.1-12.1 et seq., for tax abatement.

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

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

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

- A. That the description of the proposed redevelopment meets the applicable standards for such development.
- B. That the estimate of the value of the redevelopment is reasonable for projects of this nature;

- C. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment; and
- D. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of Indiana Code 6-1.1-12.1-3.
- E. The deduction will not be allowed unless the dwelling is rehabilitated to meet local code standards for habitability.
- F. The deduction will not be allowed unless the dwelling rehabilitation is completed within three (3) calendar years from the date of the adoption of this Resolution by the Common Council.

SECTION IV. The Common Council hereby determines and finds that the proposed described redevelopment can be reasonably expected to yield benefits identified in the Statement of Benefits and the petition for real property tax abatement consideration and that the Statement of Benefits form prescribed by the State Board of Accounts are sufficient to justify the deduction granted under Indiana Code 6-1.1-12.1-3.

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

SECTION VI. The designation as a Residentially Distressed Area shall be limited to three (3) calendar years from the date of the adoption of this Resolution by the Common Council.

SECTION VII. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of five (5) years as shown below.

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

SECTION VIII. 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 IX. Pursuant to Indiana Code 6-1.1-12.1-2, the rehabilitation must meet all local code standards for habitability as a specific condition of having such property designated as a residentially distressed area.

SECTION X. 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

TAX ABATEMENT REPORT

TO: South Bend Common Council

FROM: Daniel Buckenmeyer, Director of Business Development

SUBJECT: RESIDENTIAL REAL PROPERTY TAX ABATEMENT PETITION FOR:
Historic Lincoln Way West Homes, L.P.

DATE: July 3, 2018

On Monday, July 2, 2018, a petition from Historic Lincoln Way West Homes, L.P. was received and subsequently filed with the City Clerk for residential real property tax abatement consideration for 14 single-family homes in the area north of Lincoln Way West and west of Sherman Street. 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

- (14) Fourteen single-family homes at an approximate assessed value of 910,000. The homes will have three or four bedrooms and 1,176 to 2,111 square feet. Each home will have an unfinished basement and a two car garage.
- The project is important in order to improve the residential area and property values of the surrounding neighborhood.
- The estimated cost of the construction project is \$3,495,750.
- New project taxes during five year abatement period – \$104,900
- Estimated taxes being abated during five year abatement period – \$66,982
- Total taxes to be paid during five year abatement period – \$37,918

ABATEMENT QUALIFICATION

1. A review of the tax abatements previously granted, finds that the petitioner has not been granted or is 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 properties are not located in a Development Area.
4. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner meets the qualifications for a (5) five-year residential property tax abatement under section 2-77.1, Single Family Residential Construction.

Filed in Clerk's Office

JUL 02 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

CITY OF SOUTH BEND, INDIANA
PETITION FOR RESIDENTIAL TAX ABATEMENT CONSIDERATION

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 Residential Real 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 following:

- Describe the proposed construction project, including information about square footage, number of rooms, number of stories, other amenities such as finished basements and garages, the amount of land to be used, the proposed use of the improvements, and a general statement as to the importance of the project (use additional sheet for long project descriptions):
 This project will consist of 14 single family homes to be constructed in the area north of Lincoln Way West and west of Sherman St. The homes will have three or four bedrooms and 1,176 to 2,111 square feet.
 Each home will have an unfinished basement and a two car garage. The project is important in order to improve the residential fabric and the property values of the surrounding neighborhood.

2. Estimate the dollar value of the construction project (do not include land cost): \$ \$3,495,750

3. The real property for which tax abatement consideration is petitioned (Property) is owned or to be owned by the following individual(s) or corporation(s) (if the business organization is publicly held, indicate also the name of the corporate parent, if any, and the name under which the corporation has filed with the Securities and Exchange Commission):

Name	Address	Interest
Historic Lincoln Way West Homes, LP	803 Lincoln Way West, SB, IN 46616	
Historic Lincoln Way Homes, GP, LLC*	803 Lincoln Way West, SB, IN 46616	.01%
Equity Investor (to be determined)		99.99%

* a subsidiary of South Bend Heritage Foundation

- The commonly known address of the Property is: See the attached list (Exhibit D) and having tax key no.: See the attached list ((Ex. D) (use additional sheet for multiple addresses or key numbers).
- A legal description of said Property(s) is attached hereto, marked Exhibit A, and is incorporated herein.
- A map and/or plat indicating the location of the Property(s) is attached hereto, marked Exhibit B, and is incorporated herein.
- Photographs of the Property(s), taken within two (2) weeks of the filing of this petition, are attached hereto, marked Exhibit C, and incorporated herein.
- The current assessed valuation of the property before construction is \$ See Exhibit D use additional sheet for multiple addresses). (Information may be obtained from the St. Joseph County Assessor's Office, 235-9523).
- List the real property taxes paid at the location during the previous two years, whether paid by the current owner or a previous owner (use additional sheet for multiple addresses):
See the attached statement. (Exhibit D)

(This information may be obtained from the St. Joseph County Treasurers office, 235-9531)

10. What is your best estimate of the after completion market value of the property: \$ 1,190,000

①

11. No building permit has been issued for construction on the property in connection with the improvement in question as of the date of filing of this petition. The building permit may be issued after the South Bend Common Council has approved the Declaratory Resolution. (Tax abatement is not available if a building permit has already been issued). The signature below is verification of this statement.

12. List other anticipated public financing for the project, including any assistance to be sought or already authorized through the United States Department of Housing and Urban Development funds from the City of South Bend, South Bend Housing Authority, Housing Assistance Office, St. Joseph County Housing Consortium or other public financial assistance, including but not limited to public works improvements:
This project will not receive any funding from the above sources.

13. Describe how the property has become undesirable for or impossible of normal development because of a lack of development, cessation of growth, deterioration of improvements or other factors which have impaired values and prevent a normal development of the property:

Normal development of this property is not possible because of low property values in the surrounding neighborhood.

14. The current use of the property is vacant land. and the current zoning is SF2 (use). (This information may be obtained from the Building Department 235-9553)

15. The property is located in the following Allocation Area (if any) declared and confirmed by the South Bend Redevelopment Commission (requiring approval of the tax abatement by the Redevelopment Commission):
Economically Distressed Census Tracts

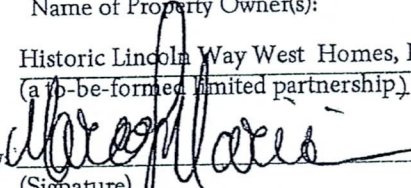
16. The following person should be contacted as the petitioner's agent regarding additional information and public hearing notifications:

Name Anne Mannix, Neighborhood Development Associates, LLC , Co-Developer
Address 724 W. Washington Street
City, State, Zip South Bend, IN 46601
Telephone 574-288-4369
E-mail Address amannix.nda@gmail.com

WHEREFORE, Petitioner has paid the required fee of \$50.00 and requests that the Common Council of the City of South Bend, Indiana, adopt a declaratory resolution designating the area described herein as a residentially distressed area for the purposes of real property tax abatement consideration, and after publication of notice and public hearing, determine that the qualifications for a residentially distressed area have been met and confirm such resolution.

Name of Property Owner(s):

Historic Lincoln Way West Homes, LP
(a to-be-formed limited partnership)

By: 
(Signature)

Marco Mariani, Co-Developer
(Typed or printed name and capacity)

Executive Director, South Bend Heritage Foundation

CITY OF SOUTH BEND, INDIANA
REQUIREMENTS FOR ALL PETITIONERS SEEKING SINGLE-FAMILY
RESIDENTIAL DEVELOPMENT REAL PROPERTY TAX ABATEMENT
CONSIDERATION FOR MULTIPLE PARCELS

As a condition of granting a petition which seeks single-family residential real property tax abatement consideration for development of multiple parcels in the City of South Bend, Indiana, the petitioner seeking such abatement pursuant to the applicable provisions of the *Indiana Code*, the *Indiana Administration Code* and the *South Bend Municipal Code* must additionally agree to the following:

1. **Filing Requirement with the Office of The City Clerk:** File with the Office of the City Clerk, 4th Floor County-City Building, South Bend, Indiana 46601, prior to the South Bend Common Council taking final action on a petitioner's Confirmatory Resolution for single-family residential construction where multiple parcels are involved and which is specifically addressed in § 2-77 of the *South Bend Municipal Code*, the petitioner's written information statement to be given to all individuals inquiring about any parcels in the petitioned area.

2. **Required Contents of Information Statement:** Said information statement must be on the petitioner's official stationary which lists their business name, street address, city, state and zip code, telephone and facsimile numbers, email address if any, and contact person(s) and which must include the following:

- Official name of the development as listed in the documents of record with the Office of the City Clerk of South Bend, Indiana
- A map of the development addressed by the abatement listing the property key number for the parcel in question as well as its street address
- Verification of the number of years granted by the tax abatement and the month/year the final action was taken by the South Bend Common Council
- Verification and confirmation of the abatement's maximum dollar amount of the assessed value of the improvements on the parcel in question and a statement that the assessed value of the land is not abated
- Verification of the petitioner (developer's) duties with regard to the Statement of Benefits form (SB-1)
- Verification of the proposed property owner(s)' duties with regard to the FORM 322/RE which must be completed and filed by the owner and builder after completion of the home and prior to occupancy, with said form being attached to the Information Statement

- An attachment of the Confirmatory Resolution which approved the abatement in question
- Inclusion of contact information, including but not limited to:

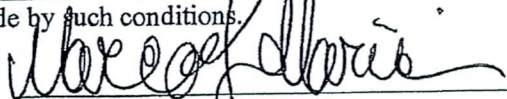
Department of Community and Economic Development
 Division of Economic Development
 1200 County-City Building
 South Bend, Indiana 46601
 (574) 235-9371 (574) 235-9021 Facsimile

St. Joseph County Auditor's Office
 2nd Floor County-City Building
 South Bend, Indiana 46601
 (574) 235-9668 (574) 235-5024 Facsimile

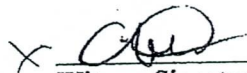
Office of the City Clerk
 4th Floor County-City Building
 South Bend, Indiana 46601
 (574) 235-9221 (574) 235-9173 Facsimile

3. **Required Filing of All Revised Information Statements:** Any Information Statements which are revised should be filed with of Office of the City Clerk as soon as practicable by the petitioner/developer and in no event filed later than their first use with prospective property owners in the affected tax abatement area.

I, Marco Mariani, the petitioner of record seeking single-family residential development real property tax abatement consideration for multiple parcels in the City of South Bend, Indiana, for the abatement commonly referred to as Historic Lincoln Way West Home hereby acknowledge the requirements set forth herein and agree to abide by such conditions.



(Signature)
 Typed Name of Record
 Address and Telephone Number of Record

X  Christine Deutscher Project Manager Neighborhood Development LLC
 Witness Signature 724 W. Washington St. South Bend, IN 46601
 Typed Name and Official Capacity (574) 288-4369
 Address and Telephone Number

Signed this 2nd day of July, 2018



**STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R2 / 1-07)
Prescribed by the Department of Local Government Finance

Filed in Clerk's Office
JUL 02 2018
FAHEEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

20__ PAY 20__
FORM SB-1 / Real Property

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)
 Eligible vacant building (IC 6-1.1-12.1-4.8)

INSTRUCTIONS:

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
- Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, **BEFORE** a deduction may be approved.
- To obtain a deduction, application Form 322 ERA/RE or Form 322 ERA/VBD, whichever is applicable, must be filed with the County Auditor by the later of: (1) May 10; or (2) thirty (30) days after the notice of addition to assessed valuation or new assessment is mailed to the property owner at the address shown on the records of the township assessor.
- Property owners whose Statement of Benefits was approved after June 30, 1991, must attach a Form CF-1/Real Property annually to the application to show compliance with the Statement of Benefits. [IC 6-1.1-12.1-5.1(b) and IC 6-1.1-12.1-5.3(j)]
- The schedules established under IC 6-1.1-12.1-4(d) for rehabilitated property and under IC 6-1.1-12.1-4.8(1) for vacant buildings apply to any statement of benefits approved on or after July 1, 2000. The schedules effective prior to July 1, 2000, shall continue to apply to a statement of benefits filed before July 1, 2000.

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer
Historic Lincoln Way West Homes, L.P.

Address of taxpayer (number and street, city, state, and ZIP code)
803 Lincoln Way West, South Bend, IN 46616

Name of contact person Telephone number E-mail address

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body
South Bend Common Council Resolution number

Location of property
see attached list. County St. Joseph DLGF taxing district number

Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary)
Single family homes with basements and garages Estimated start date (month, day, year)
5/1/2019 Estimated completion date (month, day, year)
5/1/2020

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

Current number	Salaries	Number retained	Salaries	Number additional	Salaries

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values	-0-	\$14,000
Plus estimated values of proposed project	3,618,418	\$910,000
Less values of any property being replaced	-0-	-0-
Net estimated values upon completion of project		\$924,000

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

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

Other benefits
Improving the residential fabric of the neighborhood.

SECTION 6 TAXPAYER CERTIFICATION

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

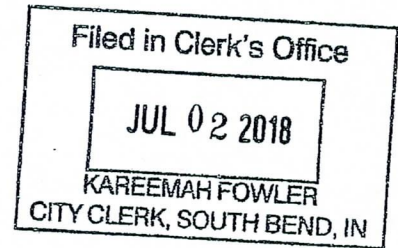
Signature of authorized representative _____ Title Exec. Dir. Date signed (month, day, year) 7/2/18

5

Historic Lincoln Way West Homes

Exhibit A

Legal Descriptions



PARCEL I: Lot Numbered Sixty-five (65) in Mussels Plat, First Addition to the City of South Bend as per plat thereof recorded in Plat Book 8, page 23 in the Office of the Recorder of Saint Joseph County, Indiana, together with the North Half of the vacated alley lying South and adjacent. (902 N. Allen)

PARCEL II: Lot Numbered Sixty-two (62) in C.R. Smith's First Subdivision in the City of South Bend as per plat thereof recorded July 2, 1919 in Plat Book 10, page 83 in the Office of the Recorder of Saint Joseph County, Indiana. (1145 Brookfield)

PARCEL III: Lot Numbered One Hundred Forty-four (144) in Carmi R. Smith's Second Subdivision, as per plat thereof recorded May 16, 1922 in Plat Book 10, page 190 in the Office of the Recorder of Saint Joseph County, Indiana. (1306 Brookfield)

PARCEL IV: Lot Numbered One Hundred Twenty-five (125) in Muessel's Second, an Addition to the City of South Bend, as per plat thereof recorded August 14, 1905 in Plat Book 9, page 13 in the Office of the Recorder of Saint Joseph County, Indiana. (914 Cleveland)

PARCEL V: Lot Numbered Fifty-two (52) in Augustine's Addition to the City of South Bend, as per plat thereof recorded April 26, 1905 in Plat Book 8, page 194 in the Office of the Recorder of Saint Joseph County, Indiana. (903 College)

PARCEL VI: Lot Numbered Fifteen (15) in Jacob Miller's Addition to the City of South Bend as per plat thereof in Plat Book 7, page 53 in the Office of the Recorder of Saint Joseph County, Indiana. (917 Elmer)

PARCEL VII: Lot Numbered Two Hundred Ninety (290) as shown on the recorded Plat of Mayr's Michigan Avenue Addition to the City of South Bend, as per plat thereof, recorded March 8, 1905 in Plat Book 8, page 190 in the Office of the Recorder of Saint Joseph County, Indiana. (1101 N. Elmer St.)

PARCEL VIII: Lot Numbered Three Hundred Ten (310) in Mayr's Michigan Avenue Addition to the City of South Bend, Indiana, as per plat thereof recorded March 9, 1905 in Plat Book 8, page 190 in the Office of the Recorder of Saint Joseph County, Indiana. (1229 Elmer)

PARCEL IX: Lot Numbered Two Hundred Fifty-six (256) in Mayr's Michigan Avenue Addition to the City of South Bend, as per plat thereof recorded March 8, 1905 in Plat Book 8, page 190 in the Office of the Recorder of Saint Joseph County, Indiana. (1329 N. Huey)

PARCEL X: Lot Numbered Sixty-four (64) in Rockhill's First Addition in Portage Township, now within and a part of the City of South Bend as per plat thereof recorded April 9, 1908 in Plat Book 9, page 87 in the Office of the Recorder of Saint Joseph County, Indiana. (1110 N. Johnson)

PARCEL XI: Lot Numbered 136 in A.G. Cushing's Sixth Addition to the City of South Bend as per plat thereof recorded June 7, 1901 in Plat Book 8, page 28 in the Office of the Recorder of Saint Joseph County, Indiana. (749 Lawndale)

PARCEL XII: Lot Numbered 206 in Vassar Park Addition to the City of South Bend, as per plat thereof recorded July 30, 1919 in Plat Book 10, page 87 in the Office of the Recorder of Saint Joseph County, Indiana. Together with a right-of-way over the North 4 feet of the East 75 feet of Lot Numbered 205. (913 Lawndale)

PARCEL XIII: Lot Numbered Three Hundred Forty-nine (349) in Mayr's Michigan Avenue Addition to the City of South Bend as per plat thereof recorded March 8, 1905 in Plat Book 8, page 190 in the Office of the Recorder of Saint Joseph County, Indiana. (1138 Olive)

PARCEL XIII: Lot Numbered Eleven (11) as shown on the recorded Plat of John L. Taylor's Addition to the City of South Bend, recorded April 9, 1924 in Plat Book 11, page 140 in the Office of the Recorder of Saint Joseph County, Indiana. (1530 Van Buren)

Exhibit B

Single Family Home Sites



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 © Copyright 2002 by Geographic Data Technology, Inc. All rights reserved. © 2002 Navigation Technologies. All rights reserved. This data includes information taken with permission from Canadian authorities © 1991-2002 Government of Canada (Statistics Canada and/or Geomatics Canada), all rights reserved.

EXHIBIT C

902 N. Allen (looking east)



1145 N. Brookfield

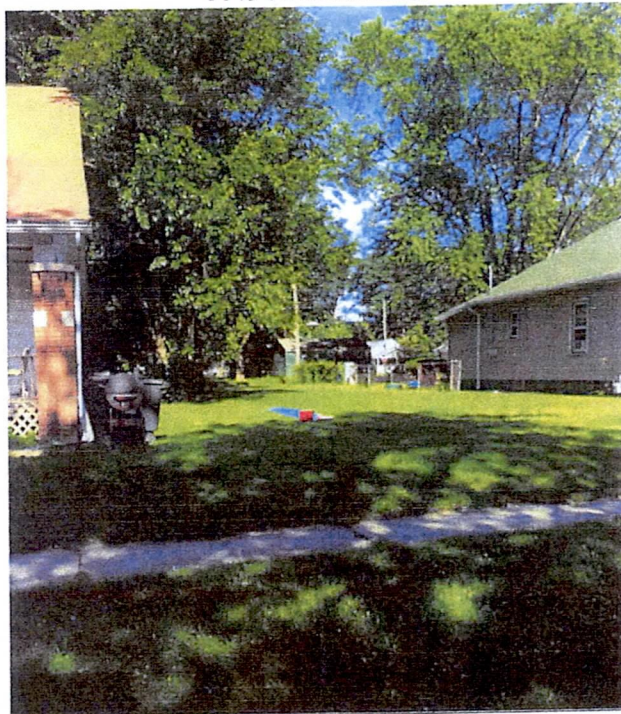


EXHIBIT C

1306 N. Brookfield



914 N. Cleveland



EXHIBIT C

903 N. College (looking west)



1229 N. Elmer (looking west)



Handwritten mark

EXHIBIT C

917 N. Elmer (looking west)



1320 Huey (looking west)



12

EXHIBIT C

1110 N. Johnson (looking east)



749 Lawndale (looking west)

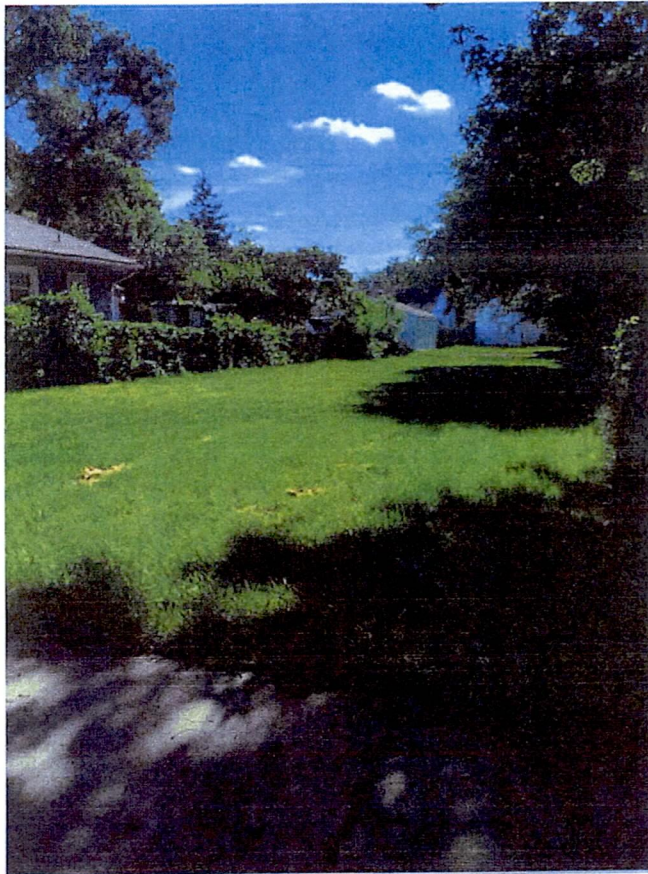


EXHIBIT C

913 N. Lawndale (looking west)



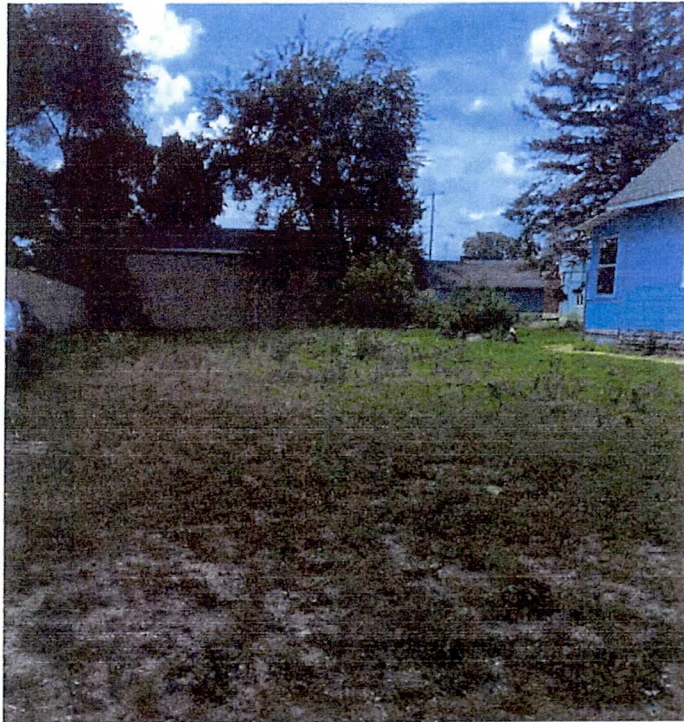
1138 N. Olive



101

EXHIBIT C

1530 VanBuren



1101 N. Elmer (looking west)

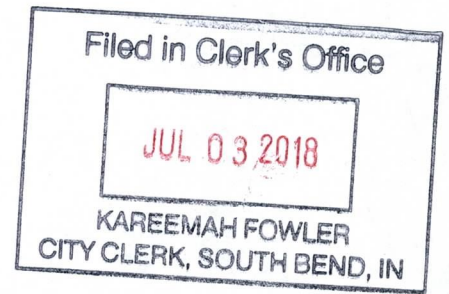


40

Exhibit D

**Historic Lincoln Way West Homes
Residential Property Tax Abatement Application
Lots Where New Homes Will be Constructed**

Street #	Street	Key #	Short Legal Description	Assessed Value	Taxes Paid	
					2016	2017
1	902 N Allen	18-1085-3578	Lot 65 in Mussels Plat, First Addition	\$ 3,100	\$ 1,690.08	0
2	1145 N Brookfield	18-2080-2896	Lot 62 in C.R. Smith's First Subdivision	\$ 1,300	\$ 4,524.20	0
3	1306 N Brookfield	18-2083-3051	Lot 144 in Carmi Smith's Second Subdivision	\$ 1,300	\$ 499.22	0
4	914 N Cleveland	18-1086-3640	Lot 125 Muesel's Second Addition	\$ 1,300	\$ 925.64	0
5	903 N College	18-2072-2667	Lot 52, Augustine's Addition	\$ 1,300	\$ 517.82	0
6	1229 N Elmer	18-2086-3224	Lot 310 in Mayr's Michigan Avenue Addition	\$ 1,300	\$ 624.40	0
7	917 N Elmer	18-2031-1028	Lot 15, Jacob Miller's Addition	\$ 4,900	\$ 655.24	0
8	1329 N Huey	18-2087-3242	Lot 256 in Mayr's Michigan Avenue Addition	\$ 1,300	\$ 252.40	0
9	1110 N Johnson	18-2078-2832	Lot 64, Rockhill's First Addition	\$ 1,400	\$ -	0
10	749 N Lawndale	18-1082-3429	Lot 136 in A.G. Cushing's Sixth Addition	\$ 2,700	\$ 1,534.48	0
11	913 N Lawndale	18-1089-3756	Lot 206 Vassar Park Addition	\$ 2,200	\$ 1,461.28	0
12	1138 N Olive	18-2090-3369	Lot 349 in Mayr's Michigan Avenue Addition	\$ 1,300	\$ 143.00	0
13	1530 Van Buren	18-1083-3458	Lot 11 John L. Taylor's Addition	\$ 2,100	\$ 163.80	0
14	1101 N Elmer	18-2090-3402	Lot 290 Mayr's Michigan Avenue Addition	\$ 1,200	\$ 306.82	0
				\$ 26,700	\$ 13,298.38	



CITY OF SOUTH BEND
COMMUNITY INVESTMENT
JAMES MUELLER, EXECUTIVE DIRECTOR

July 2, 2018

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

RE: Multifamily Real Property Tax Abatement Petition for: **Historic Lincoln Way West Homes, L.P.**

Dear Council Member Ferlic:

Please find the attached information pertaining to a real property tax abatement petition submitted by Lincoln Way West Homes, L.P. to renovate a former brewery building located at 1636 Lincoln Way West Street, South Bend. The building will be converted to a residential structure with 22 apartments and common spaces for resident use. This petition package includes:

- Department of Community Investment's summary report
- Petition
- Statement of Benefits form
- Supporting information.

The report contains the Department's findings relative to the above petition. The petitioner proposes to renovate the building with estimated cost of \$6,404,000. The project meets the qualifications for a (10) ten-year multifamily property tax abatement and a representative from Historic Lincoln Way West Homes, L.P. will be available to meet with the Committee on Monday, July 9, 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 Buckenmeyer

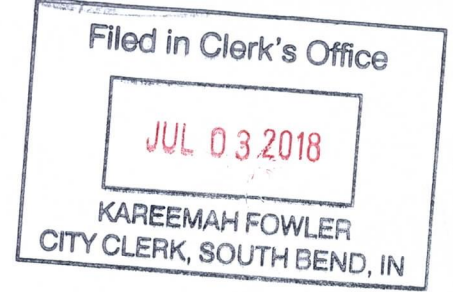
Director Business Development

DANIEL J. BUCKENMEYER
BUSINESS DEVELOPMENT

ALKEYNA ALDRIDGE
ENGAGEMENT & ECONOMIC EMPOWERMENT

PAMELA MEYER
NEIGHBORHOOD DEVELOPMENT

TIM CORCORAN
PLANNING & COMMUNITY RESOURCES



BILL NO. 18-32
RESOLUTION NO. _____

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

SOUTH BEND BREWERY PLACE

AS AN ECONOMIC REVITALIZATION AREA FOR
PURPOSES OF A TEN (10) YEAR REAL
PROPERTY TAX ABATEMENT FOR

Historic Lincoln Way West Homes, LP

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 1636 Lincoln Way West, South Bend, IN 46628 and which is more particularly described as follows:

A part of the North Half of the Northeast Quarter of the Southeast Quarter of Section 3, Township 37 North, Range 2 East, now within and a part of the City of South Bend, which part is bounded by a line running as follows:

Beginning at the intersection of the East line of College Street with the Southerly line of Lincolnway West (formerly Michigan Avenue) in the City of South Bend, thence running South 67 1/2 degrees East with the Southerly line of Lincolnway West, a distance of 411.6 feet, more or less to the Northwest corner of a tract of land formerly owned by Herman Huffman; thence South parallel with the East line of said Section 3 to the North line of Rupel Street; thence West with the North line of Rupel Street to the intersection of said North line of Rupel Street with the East line of College Street; thence North with said East line of College Street, to the place of beginning, excepting therefrom the right of way across said tract occupied

by the Indiana, Illinois and Iowa Railway Company, a branch of the New York Central Lines, and excepting therefrom the following described tract:

Beginning at the intersection of the South line of Lincolnway West (formerly Michigan Avenue) with the East line of the right of way of the Indiana, Illinois and Iowa Railway Company, a branch of the New York Central lines, which point is 329.3 feet South 67 1/2 degrees East of the point of intersection of the East line of College Street with the Southerly line of Lincolnway West, thence running South 67 1/2 degrees East with the Southerly line of said Lincolnway West a distance of 81.4 feet, more or less, to the Northwest corner of a tract of land conveyed to Herman Hoffman by Jonathan P. Creed and Lucretia M. Creed, by deed dated December 2, 1896 and recorded in Deed Record 102, pages 560-1, Recorder's Office of St. Joseph County, Indiana; thence South parallel with the East line of said Section 3, 173.2 feet, more or less to the North line of Rupel Street, thence West along the North line of Rupel Street 215.29 feet, more or less to the East line of said right of way of Indiana, Illinois and Iowa Railway Company, thence Northeasterly along the Easterly line of said right of way 247 feet, more or less, to the place of beginning.

and which has Key Numbers 18-2018-0536 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 three (3) 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 a real property tax deduction for a period of (10) ten years as shown below 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 - 100%
Year 4 – 100%
Year 5 – 100%
Year 6 – 95%
Year 7 – 95%
Year 8 – 95%
Year 9 – 90%
Year 10 – 90%

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

JUL 03 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

BILL NO. 18-30

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

SOUTH BEND BREWERY PLACE

AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A
TEN (10) YEAR REAL PROPERTY TAX ABATEMENT FOR

Historic Lincoln Way West Homes, LP

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 the area commonly known as 1636 Lincoln Way West, South Bend, IN 46628 and which is more particularly described as:

A part of the North Half of the Northeast Quarter of the Southeast Quarter of Section 3, Township 37 North, Range 2 East, now within and a part of the City of South Bend, which part is bounded by a line running as follows:

Beginning at the intersection of the East line of College Street with the Southerly line of Lincolnway West (formerly Michigan Avenue) in the City of South Bend, thence running South 67 1/2 degrees East with the Southerly line of Lincolnway West, a distance of 411.6 feet, more or less to the - Northwest corner of a tract of land formerly owned by Herman Huffman; thence South parallel with the East line of said Section 3 to the North line of Rupel Street; thence West with the North line of Rupel Street to the intersection of said North line of Rupel Street with the East line of College Street; thence North with said East line of College Street, to the place of beginning, excepting therefrom the right of way across said tract occupied by the Indiana, Illinois and Iowa Railway Company, a branch of the New York Central Lines, and excepting therefrom the following described tract:

Beginning at the intersection of the South line of Lincolnway West (formerly Michigan Avenue) with the East line of the right of way of the Indiana, Illinois and Iowa Railway Company, a branch of the New York Central lines, which point is

329.3 feet South 67 1/2 degrees East of the point of intersection of the East line of College Street with the Southerly line of Lincolnway West, thence running South 67 1/2 degrees East with the Southerly line of said Lincolnway West a distance of 81.4 feet, more or less, to the Northwest corner of a tract of land conveyed to Herman Hoffman by Jonathan P. Creed and Lucretia M. Creed, by deed dated December 2, 1896 and recorded in Deed Record 102, pages 560-1, Recorder's Office of St. Joseph County, Indiana; thence South parallel with the East line of said Section 3, 173.2 feet, more or less to the North line of Rupel Street, thence West along the North line of Rupel Street 215.29 feet, more or less to the East line of said right of way of Indiana, Illinois and Iowa Railway Company, thence Northeasterly along the Easterly line of said right of way 247 feet, more or less, to the place of beginning.

and which has Key Numbers 018-2018-0536 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, petitioner has agreed to and has accepted responsibility to report any changes in the final legal description and to report the final, appropriate Key Number to the Department of Community Investment and to the Office of the City Clerk; and

WHEREAS, 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 three (3) 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 (10) ten years as shown below.

Year 1 – 100%
Year 2 - 100%
Year 3 - 100%
Year 4 – 100%
Year 5 – 100%
Year 6 – 95%
Year 7 – 95%
Year 8 – 95%
Year 9 – 90%
Year 10 – 90%

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

TAX ABATEMENT REPORT

TO: South Bend Common Council

FROM: Daniel Buckenmeyer, Director of Business Development

SUBJECT: REAL PROPERTY TAX ABATEMENT PETITION FOR:
Historic Lincoln Way West Homes, L.P.

DATE: July 3, 2018

On Monday, July 2, 2018, a petition from Historic Lincoln Way West Homes, L.P. was received and subsequently filed with the City Clerk for real property tax abatement consideration for property located at *1636 Lincoln Way West Street, South Bend, IN 46628*. 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

- Estimated \$6,404,000 renovation of a former brewery building which is currently being used for an antique store and glass repair facility. The building will be converted to a residential structure with 22 apartments and common spaces for resident use. This project will result in the improvement of a blighted structure that is located on a major artery that leads from the airport to downtown South Bend.
- All apartments will be available for use by low and moderate income individuals and families for the duration of the abatement
- Estimated total taxes on the renovated building during the ten (10) year abatement period – \$664,520
- Estimated taxes being abated during the ten (10) year abatement period – \$537,578
- Estimated taxes to be paid during the ten (10) year abatement period – \$126,942

EMPLOYMENT IMPACT

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

- Create 1 permanent, full-time jobs within three years, representing a new estimate annual payroll of \$40,000

ABATEMENT QUALIFICATION

1. A review of the tax abatements previously granted, finds that the petitioner has not been granted or associated with 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 a (10) ten-year real property tax abatement under section 2-84.2, Real Property Tax Abatement.

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>

Filed in Clerk's Office
JUL 02 2018
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

General Information		Project Name	Project Number
Legal name as registered with Secretary of State		Historic LWW Homes	
Business structure		Historic Lincoln Way West Homes, L.P.	
Company website		a to-be-formed limited partnership	
		www.sbheritage.org	
Proposed Project Information			
Proposed project address		1636 Lincoln Way West	Parent company name
City, State, Zip		South Bend, IN 46628	South Bend Heritage Foundation
Site acreage or acreage required		1.13 acres	Legal owner
Square feet of facility		28,858 sq. ft.	Ethel Anderson
			Is the real estate owned or leased
			Owned
			If leased by whom
			NA
Primary Contact Information			
Primary company contact name		Anne Mannix	Title
Address of company contact		724 W. Washington	Co-Developer
City, State, Zip		South Bend, IN 46601	Phone
			574-288-4369
			Email
			amannix.nda@gmail.com
Senior Official Information			
Company senior official name		Marco Mariani	Title
Address of company contact (if different from above)		803 Lincoln Way West	Co-Developer, Executive Director
City, State, Zip		South Bend, IN 46616	Phone
			289-1066
			Email
			marcomariani@sbheritage.org
Consultant Information/Agent			
Hired business consultant/agent name			Consultant release (Y/N)
Address			Local economic development partners approval (Y/N)
City, State, Zip			
Project Overview			
Brief description of your company, project, and why the property is necessary for economic growth:		This property is a former brewery which is currently being used for an antique store and a glass repair facility. The building will be converted to a residential structure with 22 apartments and common spaces for resident use. This project will result in the improvement of a blighted structure that is located on a major artery that leads from the airport to downtown South Bend.	
Certified Technology Park appropriate		NA	
Is the project in a Tax Incremental Financing (TIF) area? If so, which?		Yes	
Certify that the Building Permit has not been issued (Y/N)		No permit issued	Number of residential units created by project
If this is a petition for personal property tax abatement, has the equipment been installed		NA	22

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?
-0-	No	-0-	-0-

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New Project Investments								
Calendar Year	2016	2017	2018	2019	2020	2021	2022	2023
Land Acquisition				\$ 12,000				
Building Lease Payments								
Building Purchase Costs				\$ 112,500				
New Building Construction								
Existing Building Improvements				\$ 4,269,333	\$ 2,134,667			
New Machinery & Equipment								
Special Tooling/Retooling								
New Furniture/Fixtures				\$ 80,000				
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						
2019			1	19 = 23		
2020			1	19 = 23		
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	2017		2017		2017		
	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			19
	D.	Require Prevailing Wage (Davis Bacon)			22
	E.	Require Health Benefits			22
	F.	Require Pension Benefits			18
	G.	Maintain Affirmative Action Plan	Yes	20	20
		Sub-total Construction Related:		60	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			29
	D.	Provide Training	Yes	28	28
	E.	Provide Child Care			15
	F.	Provide Transportation Assistance			14
	G.	Provide Employer Assisted Housing program			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			35
	D.	Provide Targeted Hiring Preference			34
	Sub-total Workforce Related:		83	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: <u>Parks Dept.</u>			
	Sub-total Municipal Facility:		84	84	
Sub-total from Above:			322	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: [Signature] Date: 1/2/18

(3)

For Staff Use Only Below This Line

What is the current assessed value?	Real Property:	\$78,200	Personal Property:	
What is the projected assessed value?	Real Property:	\$990,000	Personal Property:	\$20,000
What is the tax key number for this project?	018-2018-0536			

What is the six digit NAICS code?

Please attach a Google map and street view of the location: **Attached.**

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	-0-
Year Two	-0-	-0-
Year Three	-0-	-0-
Year Four	-0-	-0-
Year Five	-0-	-0-

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

Public Benefit Item		(Yes/No)	Points	Points
Project Related				
5	A. Redevelop a site that has Special Needs	Yes	49	49
	B. Develop Based on Local University Research			35
	C. Achieve a Physical Element of a Plan	Yes	36	36
	Sub-total Project Related	85	85	120
Super-Size Projects (point values are cumulative)				
6	A. 100% to 199%		25	25
	B. 200% to 299%		68	68
	C. 300% to 399%		65	65
	D. 400% and Over		52	52
	Sub-total Super-Size Projects		210	210
Pay for Municipal Infrastructure				
7	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:		85	281	539
Total from Staff Section:			295	461
Total Public Benefit Points:			576	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
JUL 02 2018
KARLEMAH 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 6-1.1-12.1-4.1)
 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 Historic Lincoln Way West Homes, L.P. (a to be formed limited partnership)					
Address of taxpayer (number and street, city, state, and ZIP code) 803 Lincoln Way West, South Bend, IN 46616					
Name of contact person			Telephone number () 322	E-mail address	
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body				Resolution number	
Location of property			County	DLGF taxing district number \$ 0	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) Conversion of a former brewery building into 22 residential apartments.				Estimated start date (month, day, year) 5/1/2019	
				Estimated completion date (month, day, year) 5/1/2020	
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number	Salaries	Number retained	Salaries	Number additional	Salaries
No permit issued				1	\$40,000
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
			REAL ESTATE IMPROVEMENTS		
			COST	ASSESSED VALUE	
Current values			\$ 125,000	\$ 120,600	
Plus estimated values of proposed project			\$6,404,000	\$ 1,430,000	
Less values of any property being replaced			-0-	-0-	
Net estimated values upon completion of project			\$6,529,000	\$ 1,550,600	
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER					
Estimated solid waste converted (pounds) _____			Estimated hazardous waste converted (pounds) _____		
Other benefits - Improvement of a deteriorated property on a major arterial road that leads from the airport to downtown South Bend.					
SECTION 6 TAXPAYER CERTIFICATION					
I hereby certify that the representations in this statement are true.					
Signature of authorized representative 				Date signed (month, day, year) July 2, 2018	
Printed name of authorized representative Marco Mariani, Executive Director			Title Executive Director		

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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.

(6)

EXHIBIT "A"

A part of the North Half of the Northeast Quarter of the Southeast Quarter of Section 3, Township 37 North, Range 2 East, now within and a part of the City of South Bend, which part is bounded by a line running as follows:

Beginning at the intersection of the East line of College Street with the Southerly line of Lincolnway West (formerly Michigan Avenue) in the City of South Bend, thence running South 67 1/2 degrees East with the Southerly line of Lincolnway West, a distance of 411.6 feet, more or less to the Northwest corner of a tract of land formerly owned by Herman Huffman; thence South parallel with the East line of said Section 3 to the North line of Rupel Street; thence West with the North line of Rupel Street to the intersection of said North line of Rupel Street with the East line of College Street; thence North with said East line of College Street, to the place of beginning, excepting therefrom the right of way across said tract occupied by the Indiana, Illinois and Iowa Railway Company, a branch of the New York Central Lines, and excepting therefrom the following described tract: Beginning at the intersection of the South line of Lincolnway West (formerly Michigan Avenue) with the East line of the right of way of the Indiana, Illinois and Iowa Railway Company, a branch of the New York Central lines, which point is 329.3 feet South 67 1/2 degrees East of the point of intersection of the East line of College Street with the Southerly line of Lincolnway West, thence running South 67 1/2 degrees East with the Southerly line of said Lincolnway West a distance of 81.4 feet, more or less, to the Northwest corner of a tract of land conveyed to Herman Hoffman by Jonathan P. Creed and Lucretia M. Creed, by deed dated December 2, 1896 and recorded in Deed Record 102, pages 560-1, Recorder's Office of St. Joseph County, Indiana; thence South parallel with the East line of said Section 3, 173.2 feet, more or less to the North line of Rupel Street, thence West along the North line of Rupe1 Street 215.29 feet, more or less to the East line of said right of way of Indiana, Illinois and Iowa Railway Company, thence Northeasterly along the Easterly line of said right of way 247 feet, more or less, to the place of beginning.

Property Address Reference: 1636 Lincolnway West, South Bend, IN 46628

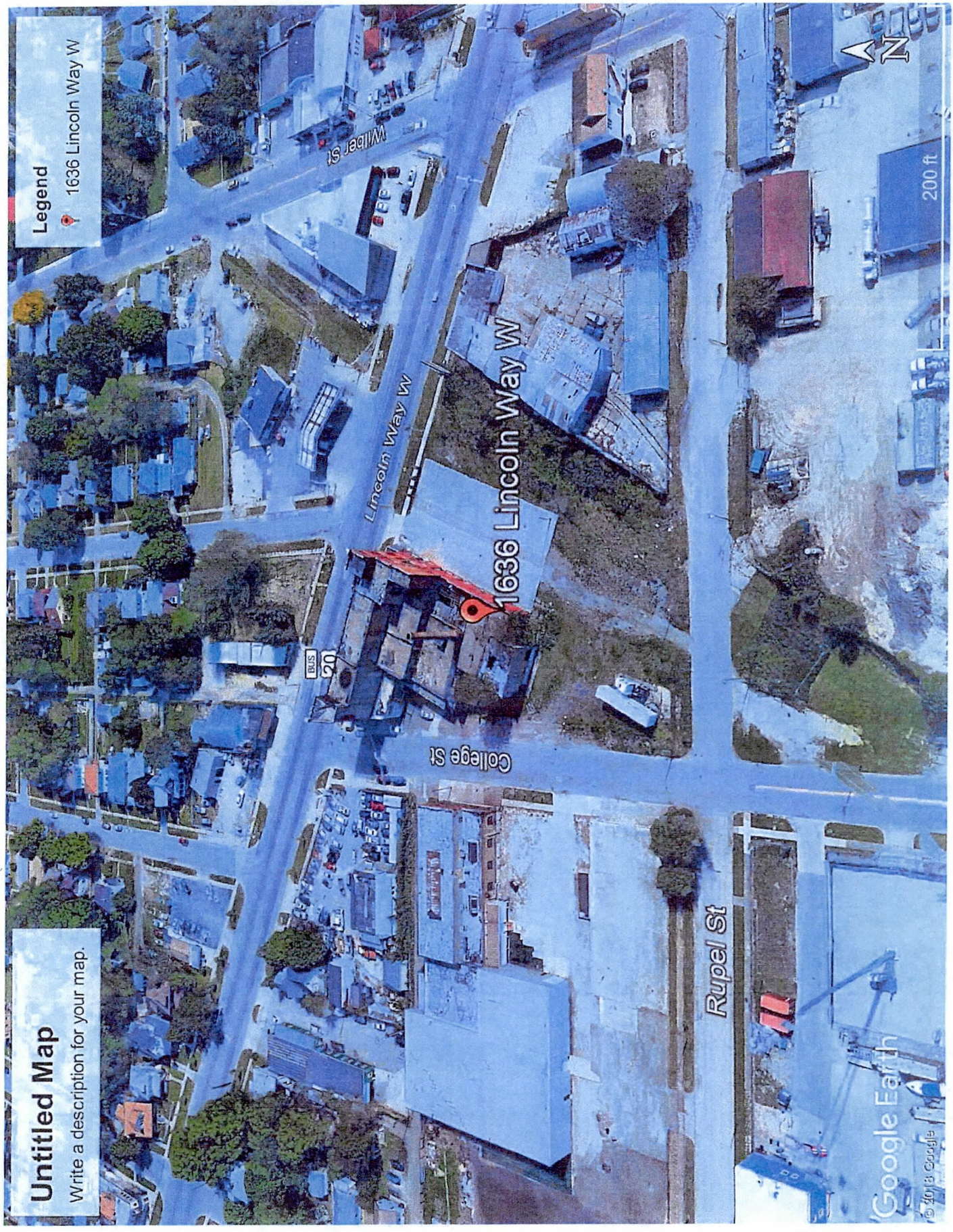


Untitled Map

Write a description for your map.

Legend

📍 1636 Lincoln Way W



89

5



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



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

BILL NO. 18-35

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

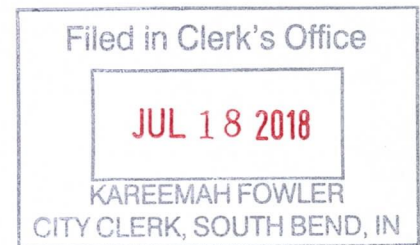
DEPARTMENT OF LAW

STEPHANIE STEELE
CORPORATION COUNSEL

ALADEAN M. DEROSE
CITY ATTORNEY

July 18, 2018

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



Re: Resolution Approving Continuance of Human Commission Rights Lease

Dear Council President Scott:

Attached for filing with the South Bend Common Council is a Resolution concerning the South Bend Human Rights Commission's (HRC) lease of office space at 319 Niles Avenue, South Bend. The City has had a lease of this space since 2012 when the Council made its original finding that the lease was necessary (Common Council Resolution No. 4193-12 passed July 9, 2012). That fact remains true; no other property owned by the City can provide the HRC and its many clients with centrally located, fully accessible space close to a bus route. For that reason the City administration seeks Council's finding pursuant to Ind. Code that a further lease of the same space is needed.

A copy of the proposed lease is attached. It commences on August 1, 2018 and is terminable July 31, 2023 at the latest. Prior to that it is terminable under certain conditions with six months' notice.

The Board of Public Works will hold public hearing on this lease at a public meeting scheduled for July 19, 2018, and I will provide the Council with a copy of that resolution.

Placement of this resolution on the Council's agenda for its meeting on July 23, 2018 is requested. It may be presented by any one or combination of the following persons: Jennifer Hockenull, Christina Brooks, Lonnie Douglas, and/or myself.

ELLIOT A. ANDERSON
SANDRA KENNEDY

ASHLEY MILLS COLBORN
THOMAS E. PANOWICZ

CLARA MCDANIELS
DANIELLE CAMPBELL WEISS

Mr. Tim Scott, President
July 18, 2018
Page 2

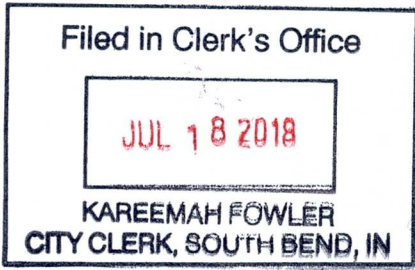
Thank you for your consideration.

Sincerely,



Aladean DeRose
City Attorney

c: Jennifer Hockenhull
Lonnie Douglas
Christina Brooks
Benjamin Daugherty



BILL NO. 18-35

RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, REAFFIRMING AND APPROVING THE NECESSITY OF THE LEASE OF BUILDING LOCATED AT 319 NILES AVENUE, SOUTH BEND, INDIANA FOR USE BY THE SOUTH BEND HUMAN RIGHTS COMMISSION

WHEREAS, this Council, by Resolution No. 4193-12 on July 9, 2012 previously determined that it was necessary for the City of South Bend to enter into a real estate lease for property located at 319 Niles Avenue, South Bend, Indiana (Property), as office space used by the South Bend Human Rights Commission (HRC); and

WHEREAS, the City entered into a five year lease with then-owner 319 Niles, LLC, and the HRC space of the leased premises was redesigned and reconfigured to the specific needs of the HRC; and

WHEREAS, the original five (5) year lease term has expired, and the City on behalf of the HRC desires to enter a similar lease for another five year term with current owner and landlord MedPro Properties, LLC; and

WHEREAS, since this Common Council initially determined the need for this leased property in 2012, there has been no change in the circumstances of the HRC's need for this fully accessible space which is convenient to the HRC and its many service applicants which space is not available in any currently City owned real estate ; and

WHEREAS, the Board of Public Works held a public hearing pursuant to Ind. Code § 36-1-10-13 with respect to the appropriateness of the proposed lease renewal at its meeting on July 19, 2018 approved Resolution No. 37-2018 (attached) recommending continuance of the City's lease at this property; and

WHEREAS, pursuant to I.C. § 36-1-10-7, the Common Council must determine that the structure remains needed by the HRC.

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

Section I. The Common Council determines that the improved building located at 319 Niles Avenue currently used as the administrative office of the South Bend Human Rights Commission remains needed for that purpose, and that it is appropriate to continue the City's tenancy at the Property.

Section II. The City of South Bend is hereby authorized to lease the Property on terms approved by the Board of Public works, as the same may be renewed, extended, or modified with the approval of the Board of Public Works.

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

Tim Scott, Council President
South Bend Common Council

LEASE AGREEMENT

The parties to this Lease Agreement ("Lease"), entered into on August 1, 2018 and effective May 1, 2018, between MedPro Properties LLC ("Landlord") and Human Rights Commission City of South Bend ("Tenant"), hereby agree as follows:

1. PREMISES AND PREPARATION.

The Landlord hereby leases to the Tenant and the Tenant leases from the Landlord, subject to all of the terms and conditions hereinafter set forth, office space as shown on the space plan attached hereto as "Exhibit A" containing approximately 2,975 square feet of rentable space (the "Premises") in the office building which is commonly known as 319 Niles Avenue, in St. Joseph County, Indiana, (the "Building") and which is situated on the tract of land described in "Exhibit B" attached hereto.

2. TERM.

The term of the Lease of the Premises shall be sixty months commencing August 1, 2018, and ending July 31, 2023. However, after ~~April~~ July 31, 2020²⁰¹⁹, Tenant shall have the option to terminate this Lease for any reason upon giving Landlord six months advance written notice of intent to terminate. Landlord shall have the right within that six month period from notice of lease termination to show the premises to other potential tenants during business hours upon 24 hours' notice to Tenant, notwithstanding any other term in this Agreement.

3. USE.

The Premises shall be occupied and used by the Tenant for general office use as an administrative facility for the South Bend Human Rights Commission use and for no other purposes.

4. BASIC RENT.

A. For the entire Term, the Tenant agrees to pay to Landlord rental payable in advance in equal monthly installments on the first day of each calendar month which shall be in the amounts set forth in this Section and in this Lease as "Basic Rent."

B. Basic Rent for the initial year of the Lease shall be approximately Twenty Thousand Eight Hundred Twenty-Five Dollars and Zero Cents (\$20,825), payable in equal monthly installments of Seventeen Hundred Thirty-Five Dollars and Forty-One Cents (\$1,735.41) payable in advance on the commencement date of the Lease and thereafter on the first day of each calendar month. During the initial year of the Term, Basic Rent equates to an annual rate of Seven Dollars and Zero Cents (\$7.00) per rentable square foot year.

C. Effective on the first day of the month following the initial year of the Term, and the first day of the month following every year thereafter, Basic Rent shall increase by three (3) percent of the preceding year's annual rent. The following table summarizes Basic Rent throughout the Term of the Lease.

Lease Years	Annual Rent	Monthly Rent	Per Rentable Square Foot
08/01/18 to 07/31/19	\$ 20,825.00	\$ 1,735.41	\$ 7.00
08/01/199 to 07/31/20	\$ 21,449.75	\$ 1,787.47	\$ 7.21
08/01/20 to 07/31/21	\$ 22,093.24	\$ 1,841.10	\$ 7.43
08/01/21 to 07/31/22	\$ 22,756.04	\$ 1,896.33	\$ 7.65
08/01/22 to 07/31/23	\$ 23,438.72	\$ 1,953.22	\$ 7.88

D. The basic rent together with the additional rent as defined in paragraph 5 hereof are referred to hereinafter as "Rental". Tenant hereby agrees to pay the Rental monthly to Landlord at Landlord's building management office or at such other location as Landlord may designate from time to time, without demand. Any portion of the Rental or other charges not paid when due shall bear a delinquency service charge equal to five (5%) percent of such delinquency, provided

Landlord has submitted an invoice for payment by Tenant to the Director of the South Bend Human Rights Commission no later than 30 days prior to Rental payment due date. In addition, the Tenant shall be charged a Fifty (\$50.00) Dollar processing penalty for any Rental check that is returned to the Landlord as uncollectible or insufficient funds. All Rental and other charges payable by Tenant pursuant to the terms of this Lease shall be payable without relief from valuation or appraisal laws.

5. ADDITIONAL RENT.

A. In addition to the basic rent, Tenant shall pay as part of the Rental 32.92% of the Operating Costs of the Building. "Operating Costs," as that term is used herein, beginning with the rent payment due January 1, 2019 and thereafter, shall exclude real property taxes due to Tenant's non-profit, property tax exempt status pursuant the conditions of Sections 5.A. The Executive Director of the South Bend Human Rights Commission, on behalf of the Tenant, shall provide to Landlord or Landlord's authorized agent within at least four (4) business weeks before March 1, 2019 and before March 1 of each lease year thereafter all information known to and concerning Tenant as required on the St. Joseph County real property tax exemption application form, such as a description of its operations, its personnel and similar matters, so that Landlord may file such form with the appropriate office of St. Joseph County on or before the filing deadline. ~~Alternatively,~~ Tenant's assistance may include completion of that portion of the Tax Waiver Application concerning Tenant's leasehold and operations, and return of the form to Landlord or agent within the time stated above.

Landlord's failure to timely file the application form for tax exemption shall not alter the exclusion of real property tax from Tenant's share of the Operating Costs provided Tenant

timely submits the application to Landlord as described hereinabove. Landlord shall promptly and within ten (10) days of receiving notice from the County, communicate to Tenant whether the tax exemption application has been approved or denied.

In the event that a tax exemption application is timely filed but denied by officials of St. Joseph County, Landlord shall cooperate in good faith to take prompt, necessary action to re-submit, alter, amend, or otherwise cure a rejected exemption filing. If such curative action is not successful, Landlord shall promptly notify Tenant, Tenant may terminate this lease upon written Notice to Landlord within forty-five (45) days from receipt of notice of exemption denial from Landlord, and the lease termination shall be effective sixty (60) days after the date of Tenant's notice of termination to Landlord, during which sixty (60) day period following notice of termination, Landlord may show the premises to other potential tenants during business hours upon 24 hours' notice to Tenant, notwithstanding any other term in this Agreement. Furthermore, Tenant agrees to disburse to Landlord all unpaid accrued real estate taxes applicable to the denied exemption period within thirty (30) days following Landlord's notification to Tenant of its denial and Tenant further agrees to increase future monthly additional rent payments by the accrued real estate tax until January 1 of the following year in which the real estate tax exemption can be submitted.

For the full lease term "Operating Costs" shall also exclude replacement costs of structural or major components of the Building including but not limited to roof, parking lot re-pavement, heating systems, air conditioning units, windows, doors, walls, water pipes due to defect or age deterioration, sinks, toilets, and electrical components Furthermore, "Operating Costs" do not include specific costs uniquely incurred by specific tenants which are separately billed to and reimbursed by such specific tenants, but shall consist of all other

regular and routine operating costs of the Building, which shall be computed on the accrual basis in accordance with generally accepted accounting principles consistently applied. These include but are not limited to the following:

1. All reasonably necessary supplies and materials used in the operation, cleaning and maintenance of the Building, parking lot, and all of its machinery and equipment.

2. Costs of utilities, including water and power for heating, lighting, air conditioning and ventilating the entire Building (including all common and service areas), fuel adjustment charges, sewer use charges and any utility taxes. Tenant may, at any time and solely at Tenant expense, choose to provide a separate meter for any utility used by Tenant, such as water, sewer, and/or electricity and shall pay the cost of that utility directly. Such utility shall then be excluded from Tenant's portion of the "Operating Cost" allocation. Landlord shall cooperate as needed with the separation of utilities if desired by Tenant.

3. Costs of all management, including management fees paid to a third party, maintenance and service agreements for the Building and the equipment therein, including, without limitation, alarm service, trash removal, window cleaning and elevator maintenance.

4. Accounting costs, including the costs of audits by certified public accountants, pertaining solely to the management and operation of the Building.

5. Costs of, fire, casualty, and liability insurance for the Building, along with such Landlord personal property and equipment used solely for operation and maintenance of the building.

6. Costs of ordinary and usual repairs, and general maintenance of the Building excluding repairs and general maintenance paid by proceeds of insurance or by Tenant or by other third parties, and alterations attributable solely to other Tenants of the Building.

7. Snow removal, landscaping and any and all other common area maintenance costs related to public areas, including sidewalks and landscaping on the Building's site.

B. Except as provided otherwise in this paragraph, Tenant shall pay to Landlord as part of the Rental 32.92% of the Operating Cost within fifteen (15) days after delivery to Tenant of a statement of the Operating Cost and a computation of Tenant's share of the Operating Cost.

C. Landlord may estimate the Operating Cost for the Building for any calendar year. Such costs for 2019 are estimated to be \$4.50 per square foot, which rate excludes real property taxes allocable to the portion of the Building occupied by Tenant. Landlord shall notify Tenant at least fifteen (15) days prior to the next Rental payment date and Tenant shall pay to Landlord as part of the Rental 32.92% of such estimated annual cost. Estimated annual Operating Cost shall be payable in monthly installments as nearly equal as possible beginning on the Rental payment date next following the date of notice to Tenant as above stated and ending on the last Rental payment date for such calendar year. Within a reasonable period of time after the end of such calendar year, Landlord shall render to Tenant a statement of the Operating Cost for such calendar year and a computation of Tenant's share of the Operating Cost. Within fifteen (15) days thereafter, Tenant shall pay to Landlord Tenant's share of the Operating Cost, less amounts previously paid by Tenants as a result of Landlord's estimate. If the computation shows that a refund is due Tenant, such amount shall be credited by Landlord against the next Rental payment due. Tenant shall have the right to see and examine original records of invoices, estimates and other proof of Landlord's operating costs upon request.

D. In accordance **with** Indiana law, all payments by the City under this Lease

Agreement are subject to annual appropriation by its fiscal body.

6. SERVICES TO BE PROVIDED BY THE LANDLORD.

The Landlord shall provide the following services to the Premises during reasonable business hours:

A. Heat and air conditioning to provide, in the Landlord's judgment, comfortable occupancy, within government regulations, of the Premises under normal business operations daily from 7:00 a.m. to 6:00 p.m., Monday through Friday, holidays excepted. Wherever heat-generating machines or equipment are used or business operations are conducted in the Premises which, in the judgment of the Landlord, affect the temperature otherwise maintained by the air conditioning system, the Landlord reserves the right to modify said system, including the installation of supplementary air conditioning units in the Premises, and the cost and expense of operation and maintenance thereof shall be paid by the Tenant to the Landlord.

B. Water from city mains, drawn through fixtures installed by the Landlord for drinking, lavatory, and toilet purposes, including a reasonable amount of hot water, unless Tenant obtains its own water service.

C. Electrical wiring system in the Premises for standard electrical receptacles and lighting fixtures. Such electricity will be used only for normal equipment and accessories. Replacement lighting tubes, lamps, bulbs, and ballasts required for the overhead lighting fixtures in the Premises will be installed at the Tenant's expense.

D. Snow-removal services for the outside parking facilities, related driveways, and

sidewalks at all reasonable times.

E. Lavatories for the use of Tenant's employees and invitees in common with other Tenants in the building.

The Landlord does not warrant that any of the services above mentioned will be free from interruptions caused by repairs, renewals, improvements, alterations, strikes, lockouts, accidents, inability of the Landlord to obtain fuel or supplies, or any other cause beyond the reasonable control of the Landlord. Any such interruption of service will not constitute an eviction or disturbance of the Tenant's use and possession of the Premises, or any part thereof, or render the Landlord liable to the Tenant for damages, or relieve the Tenant from performance of the Tenant's obligations under this Lease. The Landlord will use reasonable efforts to promptly remedy any situation which has interrupted such services.

Tenant shall be responsible for Janitorial service for Tenant's space and any and all costs and expenses relating to Internet service for Tenant's space including any and all costs associated with providing Metro net services to the Building.

8. LANDLORD'S TITLE.

The Landlord's title is and always shall be paramount to the title of the Tenant, and nothing contained herein authorizes the Tenant to do any act which may encumber the title of the Landlord. This Lease is subject and subordinate to all ground and underlying leases, and to all mortgages which may now or hereafter affect such ground and underlying leases, or the real property or Building, of which the Premises form a part, and to all renewals, modifications, consolidations, replacements, and extensions thereof, and to all advances made or hereafter to be made on the security of any such mortgages. Provided, however, that notwithstanding the foregoing, the mortgagee may recognize this Lease and, in the event of a

foreclosure sale under such mortgage or conveyance by deed in lieu of foreclosure, this Lease shall continue in full force and effect at the option of such mortgagee or purchaser under any such foreclosure sale or deed in lieu thereof. The Tenant covenants and agrees that it will, upon the written request of such mortgagee or such purchaser, attorn thereto and execute, acknowledge, and deliver any instrument that has for its purposes and effect subordination of this Lease to said mortgage.

9. ASSIGNMENT AND SUBLETTING.

A. The Tenant may not assign or transfer all or any part of its rights and interests under this Lease, and may not sublet or permit the use and occupancy of all or any part of the Premises, to or by a third party without the prior written consent of the Landlord. The Landlord's consent under this sub-paragraph shall be in its absolute discretion and subject to such conditions as the Landlord may impose. If the Landlord grants its consent, then all consideration paid or to be paid by such third party, including any amounts in excess of the rent due under this Lease, shall be paid directly to the Landlord, and the Tenant shall be responsible to the Landlord for any such consideration and the rent and other monies due under this Lease.

B. The Landlord may transfer and assign, in whole or in part, all of its rights and obligations under this Lease and in the Building and related real estate. After such transfer or assignment, the Landlord named in this Lease will have no further liability to the Tenant under this Lease for the obligations assumed by the assignee or transferee provided, however, the Tenant shall remain liable for the payment of the rent due hereunder until released by the Landlord from such liability. Landlord shall notify Tenant as soon as reasonably possible of

any transfer or assignment of rights, or at least 30 days in advance of the next rental due date. However, if the transfer/assignment event occurs within less than 30 days of the next rental due date, then notice to Tenant shall be given within 72 hours of Landlord's knowledge of the transfer or assignment

10. UNTENANTABILITY.

If the Premises or the Building is made untenable by fire or other cause, the Landlord may elect (a) to terminate this Lease as of the date of such casualty by notice to the Tenant within thirty (30) days after that date, or (b) to repair all damages to the Premises or the Building so that the same shall be restored to such condition as existed immediately prior to such damage. If the Landlord elects to terminate this Lease, the rent shall be abated on a per diem basis and be paid to the date of the fire or casualty. If the Landlord elects to restore the Premises and Building, such restoration shall be completed with reasonable promptness. If the Premises are unusable during such restoration, or if the Tenant is reasonably required to close its operation while such repairs are made, the rent shall abate during such period of repair while such operations have ceased and the Premises are completely closed. If the Tenant continues to operate on the Premises during such repairs, but is unable to use a substantial portion thereof, then the rent shall be prorated in the proportion which the area of unusable leased space bears to the total Premises for the period that said space is unusable. The Landlord will not be liable for business losses to the Tenant by reason of damage to the Premises. If such untenability is caused by the fault of the Tenant, there will be no apportionment or abatement of rent. Notwithstanding anything contained in this paragraph to the contrary, if the Premises is not or cannot be made tenantable within one hundred and

eighty (180) days after said damage for any reason whatsoever, the Tenant may terminate this Lease.

11. SIGNS.

Tenant shall pay for all signs related to the Tenant's use of the Premises. Signage shall be permitted on the outside of the Building as approved by the Landlord. No additional sign, advertisement, or notice may be inscribed, painted, or affixed on any part of the outside or inside of the Premises or building by the Tenant except on the doors of the Premises leased by the Tenant and on the directory board, and then at the Tenant's expense and only of such color, size, style, and material as is specified by the Landlord in writing. The Landlord reserves the right to remove all other signs at the expense of the Tenant. At the expiration of the lease term, the Tenant shall remove its signs from such doors and restore the Premises to substantially the same condition as existed prior to the commencement of the lease.

12. ALTERATIONS.

No alterations or additions may be made and no fixtures may be affixed to the Premises or the building without prior written consent of the Landlord. All such alterations, additions, and fixtures, except the Tenant's trade fixtures and business machines, shall be and remain the property of the Landlord unless otherwise agreed in writing by the Landlord. The Tenant upon vacating the Premises will repair any damage caused by any alterations so that the Premises is in substantially the same condition as it was in at the commencement of the lease.

13. USE OF THE PREMISES.

The Tenant (a) shall occupy and use the Premises during the term for the purposes specified in Paragraph 3, above, and none other; (b) may not make or permit any use of the

Premises which, directly or indirectly, is forbidden by public law, ordinance, or government regulations or which may be dangerous to life, limb, or property, or which may invalidate or increase the premium cost of any policy of insurance carried on the building or covering its operations; (c) may not obstruct or use for storage or for any purpose other than ingress and egress the sidewalks, entrances, courts, corridors, vestibules, halls, elevators, and stairways of the Building; (d) may not make or permit any noise or odor that is objectionable to other occupants of the Building to emanate from the Premises, may not create or maintain a nuisance thereon, may not disturb, solicit, or canvass any occupant of the building, and may not do any act tending to interfere with the quiet enjoyment of their leased space in the Building by other Tenants, or to injure the reputation of the Building; (e) may not install any antennae, aerial wires or other equipment inside or outside the Building; (f) may not place, or permit to be placed, any article of any kind on the window ledges or on the exterior walls and may not throw, or permit to be thrown or dropped, any article from any window of the Building; (g) may not attach additional locks or similar devices to any door or window and, upon the termination of this Lease or of the Tenant's possession, shall surrender all keys to the Premises and shall explain to the Landlord all combination locks on safes, cabinets, and vaults; (h) shall be responsible for locking the doors and closing the transoms and windows in and to the Premises; (i) may not install any blinds, shades, awnings, or other form of inside or outside window covering or window ventilators or similar devices without the prior written consent of the Landlord; (j) may not overload any floor, shall route and locate safes and other heavy articles as the Landlord may direct, shall bring safes, furniture, and all large articles through the Building and onto the Premises at such times and in such manner as the Landlord directs

and at the Tenant's sole risk and responsibility, and shall list all furniture, equipment, and similar articles to be removed from the Building for approval at the office of the Management before the removal of such articles; (k) may not install in the Premises any equipment which uses a substantial amount of electricity without the advance written consent of the Landlord, shall ascertain from the Landlord the maximum amount of electrical current which can safely be used in the premises, taking into account the capacity of the electrical wiring in the Building and the Premises and the needs of other Tenants in the Building and, notwithstanding the Landlord's consent to such installation, may not use more electricity than such safe capacity; (l) shall be responsible for the cost of modification, installation, maintenance, repair, and additional operating and utility expenses related to any supplementary air conditioning required by heat-generating machines or equipment used by the Tenant.

All persons entering or leaving the Building between the hours of 6:00 p.m. and 8:00 a.m. Monday through Friday or any time Saturdays, Sundays, or holidays, may be required to identify themselves to a watchman, by registration or otherwise, and to establish their right to enter or leave the Building. Provided further that nothing contained herein shall be construed to require the Landlord to provide watchmen or other security agents on or about the Building. The Landlord may exclude or repel any peddler, solicitor, or beggar. In addition to all other liabilities for breach of any covenant of this Paragraph, the Tenant shall pay to the Landlord, as additional rent hereunder, an amount equal to any increase in insurance premiums caused by such breach. The violation of any covenant of this Paragraph may be restrained by injunction.

14. REPAIRS.

The Tenant shall take good care of the Premises and the fixtures therein and shall keep the Premises in good order, condition, and repair at the Tenant's expense during the term of this Lease, including the replacement of all interior broken glass. Exterior glass broken by the Tenant will be replaced by Landlord, at Tenant's sole cost and expense and the Tenant shall promptly pay the Landlord for the costs thereof as additional rent for glass of the same size and quality. If the Tenant does not make necessary repairs within a reasonable time and adequately, the Landlord shall promptly notify Tenant in writing of the incompleteness or inadequate completion, and Landlord may, but need not, make such repairs and the Tenant shall promptly pay the Landlord for the costs thereof as additional rent. On the expiration or early termination or cancellation of this Lease, the Tenant shall surrender the Premises and the Landlord's fixtures in as good condition as of the time of delivery to the Tenant, subject to reasonable wear and tear. All injury to the building or fixtures caused by moving of the Tenant in and out of the Building and any and all breakage or any other injury whatsoever to the Building, fixtures or to the property of any Tenants of the Building caused by the Tenant and any damage done by water, steam, electricity, fire, or other substance to the Building or fixtures, or to the property of other Tenants in the Building caused by the Tenant may be repaired by the Landlord at the expense of the Tenant, and the cost thereof shall become due and payable by the Tenant as additional rent upon the delivery of a statement of such costs by the Landlord to the Tenant, or mailing the same, postage prepaid, to the Tenant at its last known address.

15. EMINENT DOMAIN.

If the Building, or any portion thereof, which includes a substantial part of the Premises or which prevents the reasonable operation of the Tenant's business shall be taken or condemned by a competent authority for any public use or purpose, the term of this Lease shall end upon, and not before, the date when the possession of the part so taken shall be required for such use or purpose. The Tenant may not share in the condemnation award, except for its personal property and relocation awards, if any.

16. RIGHTS RESERVED TO LANDLORD.

The Landlord reserves all rights incident to its ownership of the Building, including, but not limited to, the right (a) to change the name or street address of the Building without notice or liability; (b) to install and maintain signs on the exterior of the Building; (c) to approve all sources furnishing sign painting and lettering, and drinking water, used on the Premises; (d) if, during or prior to the termination of this Lease, the Tenant vacates the Premises, to decorate, remodel, repair, alter, or otherwise prepare the Premises for reoccupancy; (e) to have pass keys to the Premises; (f) to exhibit the Premises during the last ninety (90) days of the lease term; (g) to take any and all measures, including inspections, repairs alterations, additions, and improvements to the Premises or to the Building as may be necessary or desirable for the safety, protection, or preservation of the Premises or the Building or the Landlord's interest therein, or as may be necessary or desirable in the operation of the Building; (h) to approve all movers employed by the Tenant to move the Tenant's furnishings, fixtures, and equipment in or out of the Premises.

The Landlord may enter upon the Premises and may exercise any or all of the foregoing rights

hereby reserved without being deemed guilty of an eviction or disturbance of the Tenant's use or possession and without being liable in any manner to the Tenant.

17. HOLDING OVER.

In the event Tenant should remain in possession of the Premises after expiration of the term of this Lease without execution by Landlord and Tenant of a new Lease, then Tenant shall be deemed to be occupying the leased Premises as a tenant at sufferance subject to all of the covenants and obligations of this Lease and at a daily rental of twice the per diem rate of rental provided hereunder computed on the basis of a thirty (30) day month. Landlord, upon notice to Tenant, shall have the right to deem the continuing occupancy of Tenant to constitute the creation of a month to month tenancy at a monthly rental of twice the monthly rental provided hereunder, which month to month tenancy shall continue until either party shall have given the other one full calendar months' notice of an intention to terminate such month to month tenancy.

18. NOTICE AND PAYMENTS.

Any notice which the Landlord may desire or be required to give the Tenant shall be deemed sufficiently given or rendered if delivered in writing to the Tenant personally or sent by certified or registered mail, addressed to the Tenant at the Premises, return receipt requested. Notices to Tenant shall be sent to the Director of the South Bend Human Rights Commission with a copy to the City Controller whose offices are at 224 West Jefferson Boulevard, 1200 County City Building, South Bend, Indiana, 46601. All payments to the Landlord and any notice which the Tenant may desire or be required to give the Landlord shall be deemed sufficiently given or rendered if delivered in writing to the Landlord

personally or sent certified or registered mail, return receipt requested, addressed to the Landlord at 3930 Edison Lakes Parkway, Suite 200. Mishawaka, Indiana 46545 or at such other place as the Landlord may, from time to time, designate in writing.

19. DEFAULT BY TENANT.

In the event of a default by the Tenant under this Lease, the Landlord shall promptly provide Tenant with Notice of Default identifying with reasonable specificity the term or condition of the lease, or other reason for default permitted by law. Tenant shall have a reasonable time in which to cure the default. If Tenant has not cured the default or notified Landlord within 30 days of the date of Notice of Default of the steps it intends to take to cure the default, provided the steps are reasonable, and as such, acceptable to Landlord, Landlord will have the following remedies:

A. The Tenant shall pay upon demand all the Landlord's costs, charges, and expenses, including reasonable fees of attorneys, agents, and others retained by the Landlord, incurred in enforcing the Tenant's obligations hereunder or incurred by the Landlord in any litigation, negotiation, or transaction involving the Tenant, in which the Landlord becomes involved or concerned without the Landlord's fault. Landlord shall pay all the Tenant's costs, charges and expenses, including reasonable fees of attorneys, agents, and others retained by the Tenant, incurred in defending or enforcing the Tenant's rights hereunder or incurred by the Tenant in any litigation, negotiation, or transaction involving the Landlord which the Tenant becomes involved or concerned without the Tenant's fault.

B. If the Tenant either fails to pay any rent or other monies owed to the Landlord on the date it is due, or is otherwise in default of any of its obligations or duties under this Lease, and if

Landlord has complied with the terms for Notice of Default, then the Landlord may enter into and upon the Premises, or any part thereof, and repossess the same, with or without terminating this Lease and without prejudice to any of its remedies for rent or breach of covenant and may, at its option, terminate this Lease by giving written notice of its election to do so or may, at its option, lease the Premises, or any part thereof, as the agent of the Tenant, or otherwise. The Tenant shall, without demand or further process of law, pay to the Landlord at the end of each month during the full term of this Lease the difference between the rent due the Landlord from the Tenant under this Lease, including any increases in rent due under this Lease, and the net receipts, if any, being received by the Landlord from the Premises (such net receipts to be calculated by deducting from the gross receipts the expense incurred by the Landlord in connection with the reletting of the Premises and performing the Tenant's obligations hereunder). In the event the rent for reletting the Premises is higher than the monthly rent under the term of this Lease, then such excess rent shall belong to the Landlord and the Tenant will have no claim or right thereto.

20. The Tenant shall pay upon demand all the Landlord's costs, charges, and expenses, including reasonable fees of attorneys, agents, and others retained by the Landlord, incurred in enforcing the Tenant's obligations hereunder or incurred by the Landlord in any litigation, negotiation, or transaction involving the Tenant in which the Landlord becomes involved or concerned without the Landlord's fault.

21. **DEFAULT BY LANDLORD.**

If the Premises, or any part thereof, are at any time subject to a mortgage, a deed of trust, or a similar lien instrument, and this Lease or the rentals are assigned to such mortgagee, trustee, or beneficiary, and the Tenant is given written notice thereof, including the post office address of such assignee, then the Tenant may not terminate this Lease for any default on the

part of the Landlord without first giving written notice by certified or registered mail, return receipt requested, to such assignee, to the attention of the mortgage loan department, specifying the default in reasonable detail, and affording such assignee a reasonable opportunity to make performance at its election for and on behalf of the Landlord.

In the event of a default by the Landlord under this Lease, the Tenant shall promptly provide Landlord with Notice of Default identifying with reasonable specificity the term or condition of the lease, or other reason for default permitted by law. Landlord shall have a reasonable time in which to cure the default. If Landlord has not cured the default or notified Tenant within 30 days of the date of Notice of Default of the steps it intends to take to cure the default, provided the steps are reasonable, and as such, acceptable to Tenant Landlord shall pay, provided Tenant has complied with the terms for Notice of Default, any costs, charges, and expenses including reasonable fees of attorneys, agents and others retained by Tenant incurred in enforcing any of Landlord's obligations under this Lease or incurred by the Tenant in any litigation, negotiation, or transaction involving the Landlord in which the Tenant becomes involved or concerned without the Tenant's fault

22. LIABILITY INSURANCE.

The Tenant shall have the right to self-insure, the City of South Bend carries a blanket insurance policy covering property in which the City holds an interest, which shall include the Premises. In addition, the City is a municipal corporation that is self-insured under provisions of Indiana statutes and local ordinance. Specifically, the City of South Bend is covered by a non-reverting insurance premium and liability reserve fund created by the City of South Bend, Ordinance § 6657-79, pursuant to Indiana Code 34-13-3-4, as amended from

time to time. The City's liability limits, subject to change by Indiana statute, are as follows:

- \$700,000.00 for bodily injury, including death for any one (1) person in any one (1) occurrence;
- \$5,000,000.00 for such injuries for all persons for any one (1) occurrence;
- \$1, 000,000.00 property damage insurance, or a combined single limit in the amount of \$6,000,000.00.

23. WAIYER OF SUBROGATION.

Each party hereby waives all claims for recovery from the other party for any loss or damage to any of its property insured under valid and collectible insurance policies to the extent of any recovery collectible under such Insurance, subject to the limitation that this waiver shall apply when permitted by the applicable policy of Insurance.

24. INDEMNIFY AND HOLD HARMLESS.

Tenant agrees to indemnify Landlord for, and hold Landlord harmless from and against all fines, suits, claims, demands, liabilities and actions (including reasonable costs and expenses of defending against such claims) resulting or alleged to result from any breach, violation or non-performance of any covenant or condition hereof, or from the use of occupancy of the Leased Premises, by Tenant or Tenant's agents, employees, licensees, or invitees, for any damage to person or property resulting from any act or omission or negligence of any co-tenant, visitor or other occupant of the Leased Premises except as Landlord' s own negligence may contribute thereto. Under the latter circumstances of Landlord negligence, Landlord agrees to indemnify Tenant for, and hold Tenant harmless from and against all fines, suits, claims, demands, liabilities and actions (including reasonable costs and expenses of defending against such claims) resulting or alleged to result from any breach, violation or non-

performance of any covenant or condition hereof, or from the use or occupancy of the Leased Premises by Landlord or Landlord's agents, employees, licensees, or invitees, for any damage to the person of Tenant's agents, employees, licensees or invitees, or damage to the property of such persons resulting from any act or omission or negligence of any employee, agent, licensee or invitee of Landlord.

25. OFFSET STATEMENTS.

The Tenant agrees to any time and from time to time, upon not less than twenty (20) days prior written request by the Landlord, to execute, acknowledge, and deliver to the Landlord a statement in writing certifying that this Lease is unmodified and in full force and effect (or, if there have been modifications, stating the modifications, and that the Lease, as so modified, is in full force and effect), the commencement and termination dates of this Lease, that the Tenant has accepted the Premises, and the date to which the rental and other charges have been paid in advance, if any, and that the Tenant has no claims against the Landlord or offsets against rent. It is intended that such statement may be relied upon by prospective purchasers of the Landlord's interest in the land and building, or by a mortgagee or assignee of any mortgage upon the Landlord's interest in the land and building.

26. LIENS.

Public policy and necessity prohibits the acquisition and enforcement of mechanics lien against public property held for public use, therefore neither the Landlord nor the Tenant may not do any act which in any way encumbers the title of the Landlord or interest of the Tenant in and to the Premises and the building, nor shall the interest or estate of the Landlord or Tenant in said Premises and building be in any way subject to any claim by way of lien or

encumbrance, whether by operation of law or by virtue of any expenses or implied contract by t either party. Neither the Landlord nor the Tenant will permit the Premises and the building to become subject to any mechanics', laborers', or materialmen's liens on account of labor or material furnished, or claimed to have been furnished, to the Landlord or the Tenant for or on the Premises and building.

27. HAZARDOUS MATERIALS.

Tenant shall not cause or permit any Hazardous Materials to be brought upon, kept or used in or about the Premises or the real estate described in Exhibit B (the "Real Estate") by Tenant, its agents, employees, contractors or invitees without the prior written consent of Landlord, which consent shall not be unreasonably withheld as long as Tenant demonstrates to Landlord's reasonable satisfaction that such Hazardous Material is necessary or useful to Tenant's business and will be used, kept and stored in a manner that complies with all laws regulating any such Hazardous Material so brought upon or used or kept in or about the Premises or Real Estate. If Tenant breaches the obligations stated in the preceding sentence, or if the presence of Hazardous Material on the Premises or Real Estate caused or permitted by Tenant results in contamination of the Premises or Real Estate or if contamination of the Premises or Real Estate by Hazardous Material otherwise occurs for which Tenant is legally responsible to Landlord for damage resulting therefrom, then Tenant shall indemnify, defend and hold Landlord harmless from any and all claims, judgments, damages, penalties, fines, costs, liabilities or losses (including, without limitation, diminution in value of the Premises or Real Estate, damages for the loss or restriction on use of rentable or usable space or of any amenity of the Premises or Real Estate, damages arising from any adverse impact on marketing of space in the Building, and sums paid in settlement of claims, attorney's fees,

consultants' fees and expert fees) which arise during or after the lease term as a result of such contamination. This indemnification of Landlord by Tenant includes, without limitation, costs incurred in connection with any investigation of site conditions or any clean up, remedial, removal or restoration work required by any federal, state or local governmental agency or political subdivision because of Hazardous Material present in the soil or ground water on or under the Real Estate. Without limiting the foregoing, if the presence of any Hazardous Material on the Premises or Real Estate caused or permitted by Tenant results in any contamination of the Premises or Real Estate, Tenant shall promptly take all actions, at its sole expense, as are necessary to return the Premises to the condition existing prior to the introduction of any such Hazardous Material to the Premises or Real Estate; provided that Landlord's written approval of such actions shall be first be obtained, which approval shall not be unreasonably withheld so long as such actions would not potentially have any material adverse long term or short term effect on the Premises or Real Estate. The foregoing indemnity shall survive the expiration or earlier termination of the Lease. As used herein, the term "Hazardous Material" means any hazardous or toxic substance, material or waste, including, but not limited to, those substances, materials and wastes defined or specified in 42 U.S.C Sec. 9601 et seq. and any similar state statute or local ordinance applicable to the Real Estate as well as any rules and regulations promulgated, administered or enforced by any governmental agency or authority pursuant thereto including any subsequent amendments thereof.

27. EXCULPATION. Tenant's source of satisfaction of Landlord's obligation hereunder shall be limited to the Property and Tenant shall not seek to procure payment out of any other assets of Landlord or any person or entity comprising Landlord, or to seek any

judgment for any sums which are or may be payable under this Lease.

28. MISCELLANEOUS.

A. The invalidity of any provision, clause, or phrase will not serve to render the balance of this Lease ineffective or void.

B. This Lease shall be binding upon and inure to the benefit of the respective parties hereto, their heirs, executors, administrators, devisees, successors, and assigns. Any reference to the Tenant or Landlord shall, for the purpose of determining liability for property damage, personal injury, and the like, be deemed to include the Tenant, the Landlord, his or her respective agents, employees, servants, partners, independent contractors, licensees, invitees, guests or visitors.

C. This Lease supersedes and cancels all prior negotiations and agreements whatsoever, and this Lease shall be amended only upon the joint written agreement of the parties.

D. Except as elsewhere herein expressly provided, all amounts owed by the Tenant to the Landlord hereunder shall be deemed to be additional rent and shall be deemed payable within thirty-five (35) days from the date the Landlord renders a statement of account therefore to the Tenant and in accordance with I.C. 5-17-5-1 late payments shall bear interest at the rate of one (1) percent per month thereafter until paid.

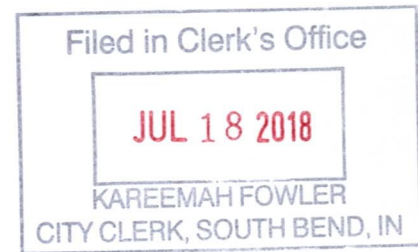
E. The Tenant shall abide by all reasonable rules and regulations existing or hereinafter adopted by the Landlord pertaining to the operation and management of the Building. Smoking is not permitted in any of the common areas of the Building including hallways, lobbies, stairwells and bathrooms. Tenant shall not permit any of its employees or invitees to smoke in any common areas of the Building. If any rules and regulations adopted by the Landlord are contrary to the

terms of this Lease, the terms of this Lease shall govern.

F. If the parties are unable to resolve any disputes arising under this Agreement, then before initiating litigation, the parties will endeavor to settle any such disputes between them by mediation under the Indiana Rules for Alternative Dispute Resolution (ADR). If within ten days after the parties cease direct negotiations and they cannot agree upon a mediator, Tenant will provide Landlord with a list of three individuals then listed on Indiana's list of registered civil mediators, who are available to conduct mediation within forty-five days from date of such mediator's selection, and who have no unwaived conflict of interest with respect to either Party. Landlord shall (within ten (10) business days after receipt of such list) select one (1) of the individuals from such list as mediator. Each party will bear its own cost of mediation; provided, however, the cost charged by any independent third party mediator will be borne equally by the parties. In the mediation, each Party may be represented by their own counsel. All negotiations and discussions pursuant to mediation will be confidential non-discoverable and inadmissible for litigation. The parties shall endeavor to complete mediation as expeditiously as possible; however, either party may withdraw from mediation if the mediation continues or cannot be completed within forty-five (45) days from date of selection of a mediator. If a dispute has not been resolved through mediation, either party may file suit to enforce its rights in a competent court in St. Joseph County, Indiana, and Indiana law shall apply.

LANDLORD:
MedPro Properties, LLC

By: _____
Title: _____
Attest: _____



TENANT:
City of South Bend, Indiana, on behalf of the Human Rights Commission as designated by the Board of Public Works in Resolution No. 37-2018

By: _____
Title: _____
Attest: _____

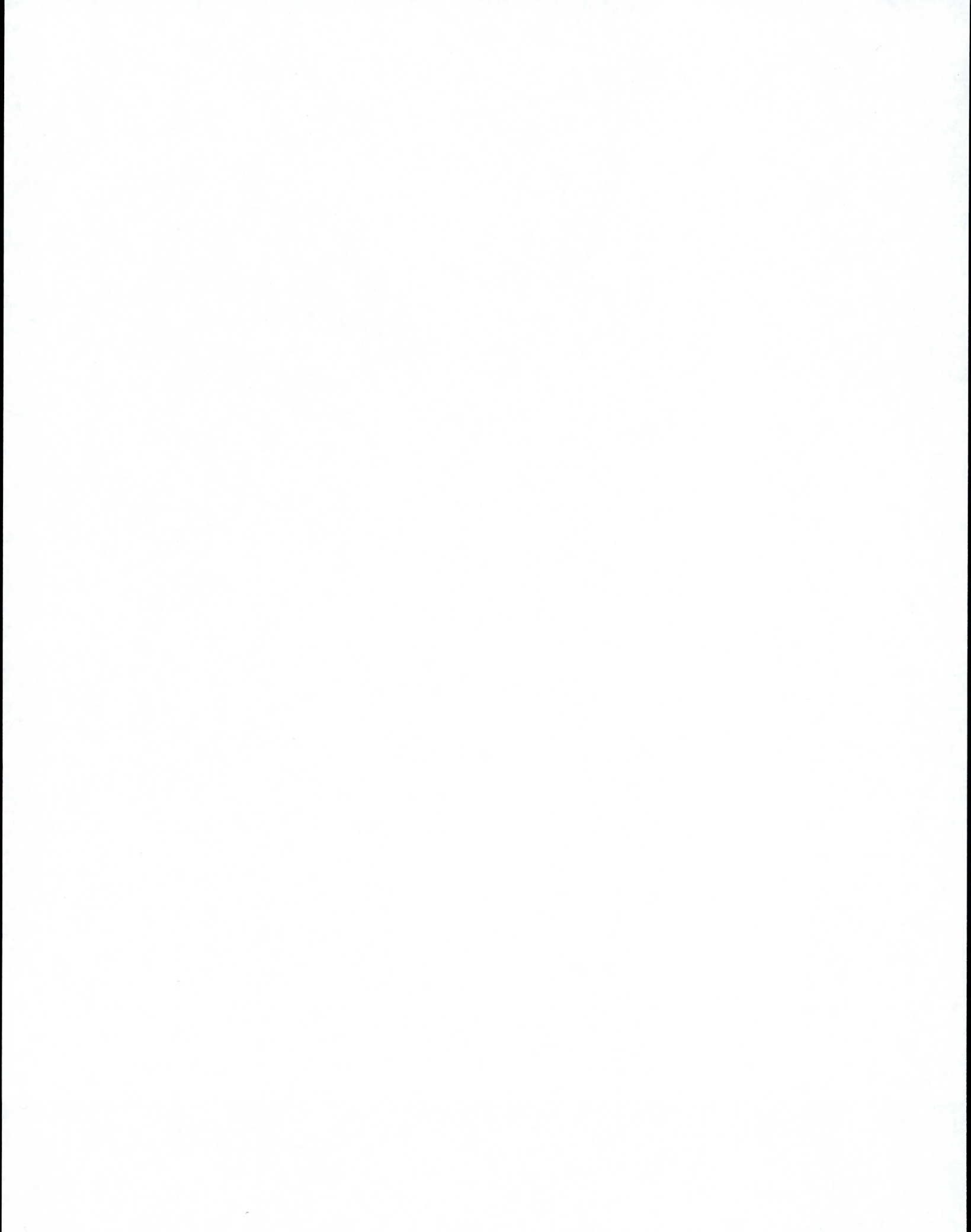


EXHIBIT A

Depiction of Premises

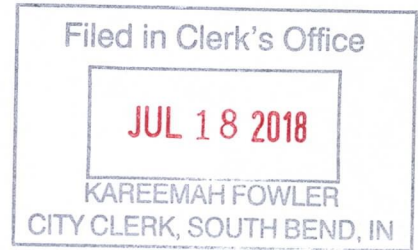
Filed in Clerk's Office

JUL 18 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

EXHIBIT B

Description of Real Estate



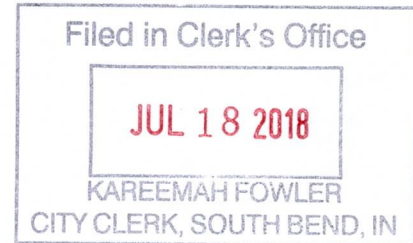


CITY OF SOUTH BEND

HISTORIC PRESERVATION COMMISSION

18 July 2018

South Bend Common Council
County—City Building
South Bend, IN 46601



Dear Council Members,

At the July 16, 2018 meeting of the Historic Preservation Commission of South Bend & St. Joseph County, the Commission held second reading on the proposed Local Landmark Designation for 1040 West Washington, commonly known as the Engman Public Natatorium and the current home of the IUSB Civil Rights Heritage Center. A representative of the Civil Rights Heritage Center spoke in favor of the nomination, and none spoke in opposition. The Commission unanimously passed a Resolution recommending to the Common Council the establishment of 1040 West Washington, for Historic Landmark status.

A copy of Resolution No. 18-02 is enclosed, as well as a copy of the Proposed Local Landmark staff report, a draft of the proposed ordinance, and a signed Owner Consent form. Historic Preservation Specialist Adam Toering will present this proposal to the Council. The Historic Preservation Commission request its inclusion on the upcoming Council agenda and staff is available to answer any questions you may have.

Sincerely,

Elicia Feasel
Historic Preservation Administrator

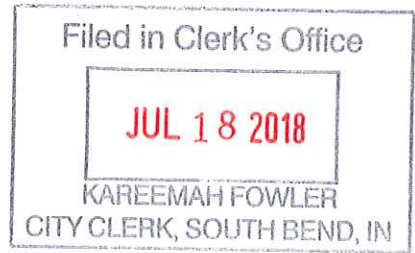
Adam Toering
Historic Preservation Specialist

PRESIDENT

A CERTIFIED LOCAL GOVERNMENT
OF THE NATIONAL PARK SERVICE

ELICIA FEASEL
HISTORIC PRESERVATION ADMINISTRATOR

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT



BILL NO. 33-18

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE AND ESTABLISHING HISTORIC LANDMARK STATUS FOR THE STRUCTURE AND REAL PROPERTY KNOWN AS THE CIVIL RIGHTS HERITAGE CENTER FORMERLY THE ENGMAN NATATORIUM, AND LOCATED AT 1040 WEST WASHINGTON STREET, IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

The building and a portion of its exterior grounds including the former pool now a reflecting garden, located at 1040 West Washington Street (the "Property"), in the City of South Bend, Indiana, currently known as the Civil Rights Heritage Center, and formerly as the Engman Natatorium, an all-white "public pool" from 1922 until its integration in 1950, played a unique role in the civil rights history of South Bend.

The current owner of the Property has petitioned the Historic Preservation Commission of South Bend and St. Joseph County (the "Commission") to have the Property designated as a Historic Landmark pursuant to South Bend City Ordinance No. 5565-73, as amended. The Property is now a site for the recording, preservation, and highlighting of the struggles of all people for equal rights and social justice.

The Property was opened 1922, and is recognized in the Indiana Historic Sites and Structures Inventory of South Bend with a rating of "Outstanding" meaning that the property may be eligible for National Register listing.

The Commission's staff prepared a report and recommendation for the Commission, as did the Commission's Historic Landmarks Committee, both of which reports were approved by the Commission at its meeting on July 16, 2018. At that time public hearing was held and the Commission unanimously approved a Resolution recommending that this Council designate 1040 West Washington as a Local Historic Landmark. (Exhibit 1 hereto). The building meets the criteria in at least three areas.

Historical and cultural significance.

When it opened in 1922 as a "Public Bath House and Swimming Pool" the Natatorium excluded African American persons. Around 1946 after the Natatorium was about to be reopened after closure for repairs, local civil rights activist and lawyer Chester Allen requested that because there were over 5,000 citizens of color living in South Bend, that all racial restrictions be dropped so that all persons could use this public building. The race restrictions were not lifted at that time, but a schedule was later arranged so that African Americans could use the pool. The pool was fully integrated in 1950.

The historical significance of this structure is best captured by a statement from George Garner, Curator of the Civil Rights Heritage Center: "No other building in the City speaks to the history of the African American experience like the Natatorium... We believe that activism works

best when rooted in an understanding of the challenges communities have faced for generations and the experiences of those who had fought for positive changes.”

Its suitability for preservation.

The building was constructed in 1921-1922 and was designed by Walter W. Schneider, a local architect of note, to model the Culver Natatorium and also the Chicago Athletic Club. The Natatorium was constructed with a top of the line heating system and innovative plumbing and pumps. It is Neo-Classical in design. In 2010 extensive modifications were made resulting in the building’s current configuration. At that time portions of the actual pool were demolished and replaced with a contemplative garden.

Educational Value.

The basic form and structure of the original 1922 building is intact, with the façade remaining virtually unchanged and the interior and back two thirds of the original building adopted for 20th century usage. The major exterior change in 2010 consists of the transformation of most of the original pool to a contemplative garden. This alteration is in keeping with the highly significant history of the building as a symbol of the transition from a segregated public space to an integrated facility due to the efforts of local civil rights champions.

The Commission conducted a public hearing on July 16, 2018, for the purposes of hearing comments on the designation of the Property as a Historic Landmark and for delivering a recommendation to the Common Council. Following the public hearing, the Commission gave its favorable recommendation to the Common Council of the City of South Bend to designate the Property as a Historic Landmark pursuant to Ordinance No. 5565- 73, as amended.

Based on the HPC's Local Landmarks Criteria as adopted by the Common Council, and based upon the Commission’s Resolution and recommendation, the site at 1040 West Washington Street, South Bend, Indiana, should be designated as a Local Historic Landmark.

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

Section 1. The building now known as the Civil Rights Heritage Center and formerly as the Engman Natatorium, located at 1040 West Washington Street, South Bend, St. Joseph County, Indiana, together with its surrounding grounds and structures including the original pool now used as a reflecting garden, but excluding the parking lot, is hereby designated and established as a Historic Landmark of the City of South Bend, Indiana pursuant to Ordinance No. 5565-73, as amended, which realty excluding parking lot is described more specifically as follows:

Part of Bank Out Lot Numbered Eighty-nine (89) of the Second Plat of Out Lots of the Town, now City of South Bend, in St. Joseph County, Indiana, platted by the State of Indiana, described as beginning at the Northwest corner of said Lot Numbered Eighty-nine (89); thence East 1 chain 82 4/5 links; thence South 144.54 feet to the North line of an alley; thence West on the North line of said alley 1 chain 82 4/5 links to the West

line of said Lot Numbered Eighty-nine (89); thence North 144.54 to the place of beginning.

EXCEPTING THEREFROM the easterly 40' therefrom.

Section 2. This Ordinance shall take effect upon its adoption by the Common Council, signature by the Mayor, and any publication required by law.

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

Filed in Clerk's Office

JUL 18 2018

KAREEMAH FOWLER
CLERK, SOUTH BEND, IN

RESOLUTION NO. 18-02

**A RESOLUTION OF THE HISTORIC PRESERVATION
COMMISSION OF SOUTH BEND AND ST. JOSEPH COUNTY,
INDIANA
RECOMMENDING THE ESTABLISHMENT OF
1040 WEST WASHINGTON, SOUTH BEND, INDIANA
FOR HISTORIC LANDMARK STATUS**

WHEREAS, the Historic Preservation Commission of South Bend and St. Joseph County, Indiana (the "Commission") exists and operates under the provisions of ordinances enacted by the Common Council of the City of South Bend, Indiana, and the County Council of St. Joseph County, Indiana (the "Enabling Ordinances"); and

WHEREAS, the Commission is empowered, pursuant to the Enabling Ordinances, to make recommendations to the Common Council of the City of South Bend, Indiana for the establishment of local historic landmarks; and

WHEREAS, the owner of the property located at 1040 West Washington, South Bend, Indiana, (the "Property") has petitioned the Commission to have the Property designated as a Historic Landmark pursuant to South Bend City Ordinance No. 5565-73, as amended; and

WHEREAS, the Property is recognized in the Indiana Historic Sites and Structures Inventory of South Bend with a rating of "Outstanding"; and

WHEREAS, the Commission's staff has prepared a report recommending Historic Landmark status of the Property, and the Commission's Landmark Committee has reviewed the staff's report along with the petition and the Consent of the owner, and has recommended designation of the Property as a Historic Landmark; and

WHEREAS, the Commission conducted a public hearing on July 16, 2018, for the purposes of hearing comments on the designation of the Property as a Historic Landmark and for delivering a recommendation to the Common Council of the City of South Bend to designate the Property as a Historic Landmark pursuant to Ordinance No. 5565-73, as amended, and a majority of the Commissioners have voted to approve the Historic Landmark designation and the recommendation for Common Council action.

NOW, THEREFORE, BE IT RESOLVED BY THE HISTORIC PRESERVATION COMMISSION OF SOUTH BEND AND ST. JOSEPH COUNTY AS FOLLOWS:

Section 1. The building located at 1040 West Washington Street, South Bend, St. Joseph County, Indiana, together with its surrounding grounds and structures including the original pool now used as a reflecting garden, but excluding the parking lot is hereby recommended to the Common Council of the City of South Bend, Indiana, for establishment as a Historic Landmark pursuant to Ordinance No. 5565-73, as amended, which realty excluding parking lot is described more specifically as follows:

Part of Bank Out Lot Numbered Eighty-nine (89) of the Second Plat of Out Lots of the Town, now City of South Bend, in St. Joseph County, Indiana, platted by the State of Indiana, described as beginning at the Northwest corner of said Lot Numbered Eighty-nine (89); thence East 1 chain 82 4/5 links; thence South 144.54 feet to the North line of an alley; thence West on the North line of said alley 1 chain 82 4/5 links to the West line of said Lot Numbered Eighty-nine (89); thence North 144.54 to the place of beginning.

EXCEPTING THEREFROM the easterly 40' therefrom.

Section 2. This Resolution shall take effect immediately upon its adoption by the Commission.

ADOPTED at a meeting of the Historic Preservation Commission of South Bend and St. Joseph County, Indiana, held on July 16, 2018 in the Conference Room, 1308 County-City Building, and 227 W. Jefferson Blvd., South Bend, Indiana 46601.

**HISTORIC PRESERVATION
COMMISSION OF SOUTH BEND AND
ST. JOSEPH COUNTY**



President

ATTEST:



Secretary

PROPOSED LOCAL LANDMARK
Engman Public Natatorium
1040 West Washington
SOUTH BEND, INDIANA

Filed in Clerk's Office

JUL 18 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



HISTORIC PRESERVATION COMMISSION
OF SOUTH BEND AND ST. JOSEPH COUNTY

JULY 2018

Engman Natatorium

Pursuant to City of South Bend Ordinance No. 10572-17, as adopted by the Common Council, the structure located at 1040 West Washington, commonly known as the Engman Public Natatorium, is recommended by the Historic Preservation Commission to the Common Council for designation as a Local Historic Landmark.

Designation of historic landmarks is considered on the basis of:

1. Historical and cultural significance
2. Educational value
3. Suitability for preservation

Historical Context:

This property is located on West Washington in South Bend. The property was platted as Bank Lot number eight-nine. The site was formerly at the corner of the now vacated Chapel Lane.

The lot was donated to the City of South Bend by Harry Engman, Jr. Mr. Engman was a partner in the Engman, Matthews Range company of South Bend. The City built the Natatorium in 1921-1922 and named it after Engman. The building was designed by Walter W. Schneider, a local architect of note, to model the Culver Natatorium and that of the Chicago Athletic Club. The Board of Park Commissioners were given \$80,000.00 for the construction and contracting of the "Public Bath House and Swimming Pool". Their president, Mr. Richard Elbel, contracted the pools construction on August 11, 1921 for \$55,501.00 to local contractor Kuehn and Jordan and the remaining moneys were set aside for upkeep and future repairs. The Natatorium was constructed with a top of the line heating system and innovating plumbing and pumps.

In its first ten years the pool was used for public swimming, swimming lessons for young and old and safety instructor training. By 1936, only fourteen years after it first opened, the Natatorium was closed as a result of being declared unsafe. The problems listed in the declaration were all problems that were found to be conditions inherent in buildings devoted to natatoriums: the high humidity within the building contrasted with the cold winter temperatures outside which proceeded to produce condensation on walls, windows, and the roof causing rotting. To remedy the problems the City hired architect Ernest W. Young and allocated \$25,000.00 for the repair of the structure and the installation of a new machine designed to dry the air. The repairs took four months to implement. Upon the reopening of the pool the State ordered that the City must provide a schedule for use of the Natatorium by African-Americans. Local Civil Rights activist J. Chester Allen requested that due to the fact that there were over 5,000 citizens of color living in South Bend that all restrictions should be dropped so all people could use the pool at any time. Mr. John a Rothrock, representative of the State Board of Tax Commissioners who were the sponsors of the renovation project, stated that "he hadn't seen a city as large as South Bend that didn't provide facilities to blacks", however he did

not approve the plan of African Americans using the pool at the same time as the whites. Eventually a schedule was reached that allowed African Americans to use the facility, but, not at the same time as whites.

In 1946 the pool was again closed for a few months for reconditioning. The price for a single swim at this time was \$0.30; a five-swim card cost \$1.20. The Natatorium was open noon to 9:00pm and it offered open swimming, swim lessons for all, as well as private ladies classes and life-saving courses. By the late 1940s the Natatorium offered an adult only night on Wednesdays for those seeking to relax apart from children. The building was also used for water ballet, graduation exercises and water exhibitions.

By 1950 the Natatorium was at the peak of its popularity with over 18,179 people visiting the pool that summer. In 1951 the pool gave lessons in Water Basketball, rented the facility to clubs and associations and began Swim for Health lessons for the handicapped. By 1957 the pool had added 22 new swim classes year-round to handle the huge numbers of patrons and in 1958—to further alleviate the crowding—the pool was opened for four hours on Sunday afternoons. However, as the 1960s approached, the Natatorium began showing signs of age and use, leading to its closing for additional renovations on October 23, 1960. At this time new heating, plumbing, and ventilation systems were installed, as well as new showers and filters for the pool. The City allocated \$37,900.00 through the sale of bonds for these improvements and the pool reopened two months later.

The Natatorium continued to be open for lessons, water shows, High School swim meets and general swimming throughout the 1970s despite dwindling use. By July of 1978 the Natatorium again needed renovations, although the City chose to close the facility instead of executing those updates.

By the 1990s, the property was in dire need of preservation. Community interest resulted in an attempt to designate the structure as a Local Landmark 1997, and again in 2003. In August of 2010, the property was purchased by the South Bend Heritage Foundation, who entered into an agreement to restore and rehabilitate the structure, leading to the establishment of Indiana University's Civil Rights Heritage Center at the Natatorium.

Description of Structure:

The structure is a one story public pool building, rectangular in plan and Neo-Classical in design. The building has a flat roof with a terra-cotta parapet coping and walls with multi-course brick work with additional terra cotta detailing. The windows are 4" glass block in brick openings with terra cotta sills and head and the front door is made from aluminum. The entrance enclosure consists of terra cotta columns at the end with engaged terra cotta pilasters supporting the entablature which reads "Public Natatorium." There are engaged brick pilasters with terra cotta column capitals and plinth on either side of the entrance doors. The foundation is granite, the steps are

concrete, and a tall chimney made of brick with terra cotta detailing and wrought iron detailing.

Extensive modifications were made in 2010 resulting in the building's current configuration. The rear (southern) portions of the natatorium were demolished and replaced with a contemplative garden and modern restroom facilities and office space.

Location Notes/Legal Description:

PARCEL I: Part of Bank Out Lot numbered Eighty-nine (89) of the Second Plat of Out Lots of the Town, now City of South Bend, in St. Joseph County, Indiana, platted by the State of Indiana, described as beginning at the Northwest corner of said Lot Numbered Eighty-nine (89); thence East 1 chain 82 4/5 links; thence South 144.5 feet to the North line of an alley; thence West on the north line of said alley 1 chain 82 4/5 links to the West line of said Lot Numbered Eighty-nine (89); thence North 144.5 to the place of beginning.

EXCEPTING THEREFROM: the easterly 40' therefrom.

Landmarks Criteria:

1. Historical and cultural significance

The building fulfills this criteria as an excellent example of a movement in public entertainment and health. In its beginning the pool was built as part of a movement throughout Indiana and the United States that showed the public interest in swimming as a diversion from heat and as a place for socializing. As time passed and new courses were offered the interest changed from purely social to concerns over health and fitness and water safety. The structure's history also shows the advent of segregation and—eventually—desegregation.

2. Educational value

The building fulfills this criteria as an excellent example of a Neo-Classical designed public building. It was rated Significant according to the May 19, 1986 survey card. The structure is currently rated Outstanding by the Indiana State Historic Architectural and Archaeological Research Database (SHAARD).

To quote George Garner, Curator of the Civil Rights Heritage Center:

“No other building in the city speaks to the history of the African American experience like the Natatorium. Today, as the IU South Bend Civil Rights Heritage Center, we offer public tours for multiple age groups that shares this history and engages in discussion about contemporary issues. In addition to South Bend Community and other K-12 school districts, we regularly welcome

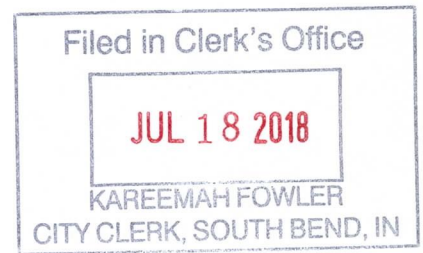
students from Indiana University South Bend, the University of Notre Dame, St. Mary's College, and Holy Cross College. We offer regular public events to enrich and educate such as a monthly film and discussion series, open-microphone poetry readings, lectures, exhibitions of local art and history, and more. We also regularly host meetings for various civil rights and social justice organizations, allowing those who fight today's injustices a place to gather and work towards full equality.

As all of our activities are funded by Indiana University South Bend, our educational mission is paramount. Further, we believe that activism works best when rooted in an understanding of the challenges communities have faced for generations and the experiences of those who had fought for positive changes."

3. Suitability for preservation

The building's alterations in 2010 have significantly changed the composition of the structure, but care was undertaken to execute this process in a sympathetic and façade-preserving manner. The primary street-facing façade of the structure is intact. The main swimming chamber to the rear of the lot was demolished and replaced with a contemplative garden and pool. To quote George Garner, again:

"In 2010, the building underwent a significant renovation. The building's facade remains virtually unchanged, with the interior structure and the back two-thirds of the original building adapted for 21st century use. While recognizing that there have already been extensive changes to the original structure, we are confident that the work of South Bend Heritage Foundation to transform the space into the IU South Bend Civil Rights Heritage Center breathed new life into a building that had, in the late 1990s, been targeted for demolition. Historic landmark status confirms and adds protections for future generations, ensuring that the history of this building and the story it tells remains vital."



Landmarks Committee

Meeting Date: 7/3/18, 1:30 P.M.

Agenda: Discuss and provide recommendation on the following properties for consideration as landmarks:

1. Engman Public Natatorium
2. LaSalle Avenue Bridge
3. Jefferson Boulevard Bridge
4. Twyckenham Drive Bridge

Members Present: Joseph Molnar (Chair), Adam Toering, Greta Fisher, Velvet Canada

Members Absent: None

Others Present: Elicia Feasel (Historic Preservation Administrator)

Below are the minutes from the meeting, in bold are the official recommendations of the Committee to the Historic Preservation Commission.

The Landmarks Committee met in the Informal Chambers of the South Bend Common Council on July 3rd, 2018 at 1:30 P.M.

Adam Toering provided the draft staff report for the Engman Public Natatorium. The Committee discussed how much of the property should be proposed for landmarking. The consensus was reached that all of Parcel #1 of the property should be considered for landmarking. This consists of the entire building and the garden behind the building where the pool was once located. Committeemember Fisher stated the garden should be included because the pool location itself is as significant as the building in terms of historical memory in the community. This does not include the parking lot adjacent to the building which is a separate parcel.

Committeemember Greta Fisher made a motion to send the Engman Public Natatorium to the full Commission with a favorable recommendation for the entirety of Parcel #1. Committeemember Adam Toering seconded the motion which carried with a vote of four (4) ayes and zero (0) nays.

Elicia Feasel provided and discussed the draft staff reports for the LaSalle Bridge, Jefferson Bridge, and Twyckenham Bridge. The Committee decided it made sense to discuss the bridges as one discussion item. Ms. Feasel informed the Committee that the Howard Park Walking Bridge is not being considered for landmarking at this time.

The process of landmarking bridges is efforts previously made to landmark bridges in St. Joseph County that are of historical significance. Previously the Michigan Bridge and Angela Bridge have both been landmarked. The Committee agreed with the decision that the Colfax Bridge is not suitable for landmarking at this time.

All three bridges discussed have historic and unique architectural designs that would no longer be considered in the construction of modern bridges. All three bridges have undergone recent renovations that have been sympathetic to their historical character. Considering that all three bridges represent a specific time in the City of South Bend and St. Joseph County's history, in addition to retaining their unique architectural features, it was the opinion of the Committee that they are acceptable for landmark status.

Committeemember Velvet Canada made a motion to send the LaSalle Avenue Bridge to the full Commission with a favorable recommendation. Committeemember Greta Fisher seconded the motion which carried with a vote of four (4) ayes and zero (0) nays.

Committee Chair Joseph Molnar made a motion to send the Jefferson Boulevard Bridge to the full Commission with a favorable recommendation. Committeemember Adam Toering seconded the motion which carried with a vote of four (4) ayes and zero (0) nays.

Committeemember Greta Fisher made a motion to send the Twyckenham Drive Bridge to the full Commission with a favorable recommendation. Committeemember Velvet Canada seconded the motion which carried with a vote of four (4) ayes and zero (0) nays.

With all business decided, Committee Chair Joseph Molnar adjourned the meeting at 2:15 p.m.

Joseph Molnar,
Landmarks Committee Chair



HISTORIC PRESERVATION COMMISSION

OF SOUTH BEND AND ST. JOSEPH COUNTY

County—City Building, South Bend, IN 46601

<http://www.southbendin.gov/government/departments/community-investment>

Phone: 574/235.9371

Fax: 574/235.9021

Email: hpesbsjc@southbendin.gov

Timothy S. Klusezinski, President

A Certified Local Government of the National Park Service

Elicia Feasel, Historic Preservation
Administrator

LOCAL HISTORIC LANDMARK – OWNER CONSENT

I, the undersigned property owner, grant the Historic Preservation Commission of South Bend and St. Joseph

County permission to have the property located at: 1040 W. WASHINGTON ST

SOUTH BEND, IN 46601

Declared a Local Historic Landmark under ordinance.

I do also approve of the classification of this building under Group B Standards for Local Historic Landmarks.

Signature of Owner:

Marcel Wilbur

Date:

3.12.18

EXECUTIVE DIRECTOR, SOUTH BEND HERITAGE

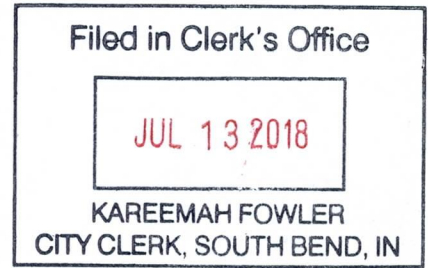
Filed in Clerk's Office

JUL 18 2018

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

AREA BOARD OF ZONING APPEALS

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



Thursday, July 12, 2018

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

RE: The petition of THRIVE MICHIANA LLC seeking a Special Use for to allow an accessory parking lot in the SF2 Single Family and Two Family District for property located at 719 and 721 W. REX ST., City of South Bend

Dear Council Members:

I hereby Certify that the above referenced ordinance was legally advertised on June 28, 2018 and that the Area Board of Zoning Appeals at its public hearing on July 11, 2018 took the following action:

Upon a motion by Robert Hawley, being seconded by John Leszczynski and unanimously carried, a petition by THRIVE MICHIANA LLC seeking a Special Use for to allow an accessory parking lot for property located at 719 and 721 W. REX ST., City of South Bend, was sent to the Council with a favorable recommendation, and will issue written Findings of Fact.

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

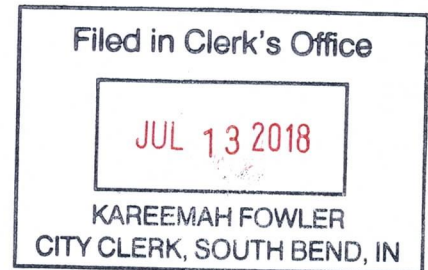
Sincerely,

A handwritten signature in black ink that reads "L. P. Magliozzi".

Lawrence P. Magliozzi, Executive Director

Attachment

CC: RICHARD L AND LINDA L FORD
Director of Planning & Community Resources
Mike Keen
Kathy Schuth



BILL NO. 18-34

RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, APPROVING A PETITION OF THE AREA BOARD OF ZONING APPEALS
FOR THE PROPERTY LOCATED AT 719 and 721 W. REX STREET**

WHEREAS, Indiana Code Section 36-7-4-918.6, requires the Common Council to give notice pursuant to Indiana Code Section 5-14-1.5-5, of its intention to consider Petitions from the Board of Zoning Appeals for approval or disapproval; and

WHEREAS, the Common Council must take action within sixty (60) days after the Board of Zoning Appeals makes its recommendation to the Council; and

WHEREAS, the Common Council is required to make a determination in writing on such requests pursuant to Indiana Code Section 36-7-4-918.4; and

WHEREAS, the Area Board of Zoning Appeals has made a recommendation, pursuant to applicable state law.

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

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Area Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for property located at:

719 and 721 W. REX STREET

In order to permit an accessory parking lot.

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Area Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

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

2. The proposed use will not injure or adversely affect the use of the adjacent area of property values therein;
3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive plan;

SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions established by the Area Board of Zoning Appeals which are on file in the office of the City Clerk.

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

Tim Scott, Council President
South Bend Common Council

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

FILED

JUN 14 2018

PROPERTY INFORMATION:

The property Tax Key Number(s) is/are: 018-1060-2535, 018-1060-2536, 018-1062-2658, 018-1060-2537, 018-1060-2538, 018-1059-2488, 018-1059-2489, 018-1059-2490, 018-1059-2491, 018-1059-2492, 018-1059-2505

The property address:

906, 908-910 Portage Ave; 736 California Ave; 808-838 Portage Ave; 719 W. Rex St

South Bend, IN 46616

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

VARIANCE INFORMATION:

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

- 1) a. *From the required 12 foot maximum setback to 35 feet maximum setback for 50% of the building elevation along Rex Street.*
- b. *From the parking setback of 5 feet behind the front building line to 5 feet behind the property line.*
- c. *From a 24-foot parking maneuvering aisle to a 14 foot maneuvering aisle.*
- d. *From the required landscaping of required perimeter yard to as shown on Site Plan.*
- e. *From the required off-street parking area screening to screening as shown on Site Plan*

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

- (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: *The proposed development will fill a need in the neighborhood for affordable housing, supporting the general welfare of the community.*
- (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: *The reuse of a blighted/vacant structure and the development of existing vacant land should not adversely affect surrounding property values.*
- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *Due to the layout of the existing building and odd configuration of the lots, the placement of buildings & parking will result in overcoming the practical difficulties in the reuse of the properties. The proximity along Portage and the desire to keep the parking away from view of Portage Ave will help ease the otherwise strict application of this Ordinance for the development of these sites.*

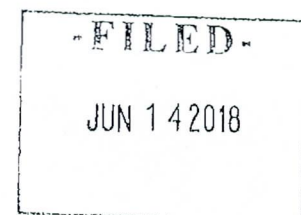
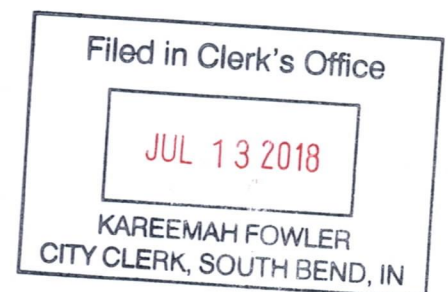
SPECIAL EXCEPTION USE INFORMATION (if the petition does not include a Special Exception Use, please skip to next section):

- 1) The Special Exception Use(s) being requested: *Lots 018-1060-2537 & 018-1060-2538 are being proposed to allow use as an accessory parking lot.*
- 2) A statement on how each of the following standards for the granting of a Special Exception Use is met:
 - (a) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: *The proposed development is located along a public transportation route and this parking will supplement the development to create a marketable amenity for those that will*

own a vehicle. Granting the special use for parking instead of vacant lots should not be injurious to the general welfare of the community.

- (b) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein: *With proper landscaping and screening, the adjacent residential uses should not be adversely affected.*
- (c) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein; and: *The proposed additional parking allows for structures to remain/added to Portage Avenue and locating parking behind these structures and/or properly landscaped/screened from view.*
- (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *As currently single-family zoning, the decision was made to honor the Comprehensive Plan/current zoning by applying for Special Exemption Use pertinent to the adjacent development plans. If in the future parking needs are not as great, granting the Special Exemption Use allows transformation of the property to single family use.*

* In the case of a Special Exception Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.



Filed in Clerk's Office
JUL 13 2018
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

PETITIONER INFORMATION:

Name and address of property owner(s) of the petition site:
Richard & Linda Ford
86 Marina Avenue
Key Largo, FL 33037
Unknown - Phone number with Area Code
Unknown - E-Mail Address

Name and address of additional property owners, if applicable:

Tim Corcoran
Director, Planning & Community Resources
City of South Bend
1400 S. County-City Building
227 W. Jefferson Blvd
South Bend, IN 46601

Mike Keen
Thrive Michigan LLC
1012 Riverside Drive
South Bend, IN 46616
574-514-2096
mfkeen1@gmail.com

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

Kathy Schuth
1007 Portage Avenue
South Bend, IN 46616
574-232-9182
nnndirector@nearnorthwest.org

Name and address of additional property owners, if applicable:

CONTACT PERSON:

Kathy Schuth
1007 Portage Avenue
South Bend, IN 46616
574-232-9182
nnndirector@nearnorthwest.org

- FILED -
JUN 14 2018

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

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

[Handwritten Signature] TIM CORCORAN, DIR. OF PLANNING + COMMUNITY RESOURCES
[Handwritten Signature] MIKE KEEN 221 W. N. E. THRIVE MICHIGAN LLC 5/14/18

