

RESOLUTION 0001-2018

**A RESOLUTION OF THE SOUTH BEND BOARD OF PARK COMMISSIONERS
TRANSFERRING REAL PROPERTY TO THE SOUTH BEND REDEVELOPMENT
COMMISSION**

WHEREAS, the South Bend Board of Park Commissioners (the “Park Board”) exists and operates pursuant to Ind. Code 36-10-3 and 36-1-4; and

WHEREAS, the South Bend Redevelopment Commission, the governing body of the City of South Bend, Indiana, Department of redevelopment (the “Commission”), exists and operates pursuant to Ind. Code 36-7-14 (the “Act”); and

WHEREAS, pursuant to its Resolution No. 3368 adopted on November 21, 2016, the Commission approved and executed for delivery to the Park Board a quit claim deed conveying to the Park Board the Commission’s interest in the Property; and

WHEREAS, the Park Board and the Commission desire to enter into an agreement with Forum related to the renovation, expansion and improvement of Seitz Park by the City (“the Project”); and

WHEREAS, following the finalization of Project title work, agreements, and replatting, the Commission will convey back to the Park Board approximately the Seitz Park property depicted in Exhibit B (the “Expanded Seitz Park Area”), attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE SOUTH BEND BOARD OF PARK COMMISSIONERS AS FOLLOWS:

1. The Park Board approves the conveyance of the Property to the Commission pursuant to Ind. Code 36-1-11-8.

2. The Park Board is authorized and instructed to execute and attest, respectively, a quit claim deed in the form attached hereto as Exhibit A conveying all of the Park Board’s right, title, and interest in the Property to the Commission.

3. The Park Board authorizes David Relos of the City’s Department of Community Investment to present for recordation in the Office of the Recorder of St. Joseph County the deed conveying the Property to the Commission.

4. This Resolution will be in full force and effect upon its adoption.

ADOPTED at a meeting of the South Bend Board of Park Commissioners held on August 20, 2018, at 321 E. Walter St., South Bend, Indiana 46614.

**SOUTH BEND BOARD OF
PARK COMMISSIONERS**

Mark Neal, President

Consuella Hopkins, Vice President

Dan Farrell, Member

Aimee Bucellato, Member

ATTEST:

Eva Ennis

EXHIBIT A

Form of Quit Claim Deed

QUIT CLAIM DEED

THIS INDENTURE WITNESSETH THAT the City of South Bend, Indiana, by and through its Board of Park Commissioners (the “Grantor”)

CONVEYS AND QUIT CLAIMS TO the Department of Redevelopment of the City of South Bend, for the use and benefit of the Department of Redevelopment by and through its governing body, the South Bend Redevelopment Commission, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the real estate located in St. Joseph County, Indiana, and more particularly described in attached Exhibit 1 (the “Property”).

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

The undersigned persons executing this Quit Claim Deed on behalf of the Grantor represent and certify that each has been fully empowered and authorized to execute this Quit Claim Deed and that all action necessary to complete this conveyance on Grantor’s behalf has been duly taken.

[Signature page follows.]

Dated this _____ day of _____, 2018.

GRANTOR:

City of South Bend, Indiana, by and through its Board of Park Commissioners

By: _____
Mark Neal, President

ATTEST:

By: _____
Eva Ennis, Clerk

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

Before me, the undersigned, a Notary Public for and in said County and State this _____ day of _____, 2018, personally appeared Mark Neal and Eva Ennis, to me known to be the President and Clerk of the Board of Park Commissioners of the City of South Bend, Indiana, the Grantor, and acknowledged execution of the foregoing Quit Claim Deed.

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

_____, Notary Public
Resident of _____ County, _____

Commission expires: _____

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. Clara McDaniels

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

Exhibit 1

A part of Lots 3 through 8, inclusive, as shown on the recorded Plat of Miller and Green's First Addition to the Town of Lowell, now City of South Bend, together with that part of Green Street, now vacated, adjacent to said Lots, and also all that land lying South of Washington Street and bounded on the East by the East Race, and on the South and the West by a tract of land owned by the City of South Bend, said tract being more particularly described as follows:

Beginning at a point on the West line of Gintz Avenue, 273.00 feet South of the South line of Colfax Avenue, measured at right angles to said South line of Colfax Avenue; thence South $05^{\circ}27'44''$ East, along said West line of Gintz Avenue, 137.22 feet; thence North $89^{\circ}54'36''$ East, 24.00 feet; thence South $03^{\circ}34'50''$ East, 227.30 feet to a point on the North line of a strip of land heretofore sold to the City of South Bend; thence South $54^{\circ}12'12''$ West, 32.03 feet; thence North $46^{\circ}07'59''$ West, 131.29 feet; thence North $41^{\circ}02'53''$ West, 31.37 feet; thence North $17^{\circ}50'28''$ West 66.26 feet; thence North $24^{\circ}37'29''$ West, 225.00 feet to a point 273.00 feet South of the South line of said Colfax Avenue; thence North $89^{\circ}57'36''$ East, parallel with said South line of Colfax Avenue, 204.05 feet to the place of beginning.

ALSO DESCRIBED AS:

All that part of a tract or parcel of land within the City of South bend, bounded on the North by Colfax avenue, on the East by the East Race, on the South and on the West by the St. Joseph River, which is South of a line 273 feet South of and parallel to the South line of Colfax avenue, remaining after conveyance by grantor of a portion thereof to the City of South Bend, a Municipal Corporation, by Warranty Deed dated November 4, 1977 and recorded January 6, 1978 as Document Number 7800296 in the Office of the Recorder of St. Joseph County, Indiana.

EXCEPTING THEREFROM:

That part of Lots 3 through 8 as shown on the recorded plat of Miller and Green's 1st Addition to the Town of Lowell, as recorded in the records of St. Joseph County, Indiana, which is described as beginning at a point which is South $26^{\circ}17'33''$ East, 109.20 feet, and South $20^{\circ}15'43''$ East, 103.83 feet ($20^{\circ}16'19''$ East, record) and South 273.00 feet from a point on the South line of Colfax Street which is West, 220.42 feet from the West line of Gintz Avenue; thence $57^{\circ}43'06''$ East, 19.64 feet; thence South $24^{\circ}36'05''$ East, 21.77 feet; thence South $17^{\circ}48'04''$ East, 66.26 feet; thence South $41^{\circ}00'29''$ East, 31.37 feet; thence South $46^{\circ}05'35''$ East, 42.47 feet; thence South $44^{\circ}13'06''$ West, 9.17 feet; thence North $46^{\circ}28'30''$ West, 42.54 feet; thence North $40^{\circ}07'21''$ West, 34.03 feet; thence North $26^{\circ}17'33''$ West, 85.65 feet to the point of beginning.

ALSO EXCEPTING THEREFROM:

That part of Lots 3 through 8 as shown on the recorded plat of Miller and Green's 1st Addition to the Town of Lowell, as recorded in the records of St. Joseph County, Indiana, which is described as: Beginning at a point which is North $57^{\circ}43'06''$ East, 19.64 feet and South $26^{\circ}17'35''$ East, 109.20 feet and South $20^{\circ}15'43''$ East, 103.83 feet (South $20^{\circ}16'19''$ East, record) and South,

273.00 feet from and south 20°15'43" East, 103.83 feet (South 20°16'19" East, record) and South, 273.00 feet from a point on the South line of Colfax Street which is West, 220.42 feet from the West line of Gintz Avenue; thence North 57°43'06" East, 25.54 feet; thence South 32°16'54" East, 149.75 feet; thence South 84°46'04" West, 41.28 feet (South 83°47'55" West, record); thence North 46°05'35" West, 14.66 feet, thence North 41°00'29" West, 31.37 feet; thence North 17°48'04" West, 66.26 feet; thence North 24°35'05" West, 21.77 feet to the Point of Beginning.

ALSO EXCEPTING THEREFORM:

A parcel of land described as commencing at the intersection of the South right-of-way line of Colfax Avenue with the right-of-way lines of Niles Avenue, thence North 89°54'00" West, along said South right-of-way line, a distance of 232.26 feet to the Easterly right-of-way line of Gintz Avenue; thence South 05°53'22" East, along said Easterly right-of-way line, a distance of 274.46 feet; thence South 5°27'44" East, along said Easterly right-of-way line, a distance of 137.81 feet; thence South 3°34'50" East, a distance of 144.46 feet; thence South 3°12'46" West, a distance of 8.90 feet; thence South 52°57'51" West, a distance of 32.89 feet to the Easterly meander line of the St. Joseph River; thence North 46°31'03" West along said Easterly meander line, a distance of 132.0 feet; thence North 83°47'35" East, a distance of 104.54 feet; thence North 3°34'50" West, a distance of 70.00 feet; thence North 86°25'10" East, a distance of 13.99 feet to the place of beginning.

Tax Parcel No. 018-5001-0005