



South Bend

# Redevelopment Commission

227 West Jefferson Boulevard, Room 1308, South Bend, Indiana

## Agenda

Regular Meeting, October 25, 2018 9:30 a.m.

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1. **Roll Call**
2. **Approval of Minutes**
  - A. Minutes of the Regular Meeting of Thursday, October 11, 2018
3. **Approval of Claims**
  - A. Claims Submitted October 25, 2018
4. **Old Business**
5. **New Business**
  - A. River West Development Area
    1. Resolution No. 3460 (Setting the Disposition Offering Price 900-1002 S. Lafayette) – D2
    2. Approval of Bid Specifications (900-1002 S. Lafayette) – D2
    3. Request to Advertise (900-1002 S. Lafayette) – D2
  - B. River East Development Area
    1. License Agreement For Use – D4
6. **Progress Reports**
  - A. Tax Abatement
  - B. Common Council
  - C. Other
7. **Next Commission Meeting:**

Thursday, November 8, 2018, 9:30 a.m.
8. **Adjournment**

**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.



South Bend  
**Redevelopment Commission**  
227 West Jefferson Boulevard, Room 1308, South Bend, IN

**SOUTH BEND REDEVELOPMENT COMMISSION  
REGULAR MEETING**

October 11, 2018

9:30 a.m.

Presiding: Marcia Jones, President

227 West Jefferson Boulevard  
South Bend, Indiana

The meeting was called to order at 9:30 a.m.

**1. ROLL CALL**

Members Present:            Marcia Jones, President  
                                      Dave Varner, Vice-President  
                                      Don Inks, Secretary  
                                      Gavin Ferlic, Commissioner  
                                      Quentin Phillips, Commissioner  
                                      Leslie Wesley, Commissioner

Members Absent:

Legal Counsel:            Sandra Kennedy, Esq.

Redevelopment Staff:    David Relos, RDC Staff  
                                      Mary Brazinsky, Board Secretary

Others Present:            James Mueller                            DCI  
                                      Elizabeth Leonard Inks                DCI  
                                      Austin Gammage                        DCI  
                                      Caleb Bauer                              South Bend Tribune  
                                      Eric Henderson                        Prism Environmental  
                                      Conrad Damian                         718 E Broadway  
                                      Rick Doolittle                         Cressy Commercial  
                                      Blair Wozny                              Cressy Commercial

**2. Approval of Minutes**

**A. Approval of Minutes of the Regular Meeting of Thursday, September 27, 2018**

Upon a motion by Commissioner Ferlic, seconded by Commissioner Phillips, the motion carried unanimously, the Commission approved the minutes of the regular meeting of Thursday, September 27, 2018.

**3. Approval of Claims**

**A. Claims Submitted October 11, 2018**

	Claims submitted	Explanation of Project
<b>REDEVELOPMENT COMMISSION</b>		
Redevelopment Commission Claims October 11, 2018 for approval		
<b>324 RIVER WEST DEVELOPMENT AREA</b>		
Selge Construction Co. Inc.	284,354.00	LWW/Charles Martin
R. Yoder Construction, Inc.	161,641.80	Hibberd Plaza Improvements
Reith Riely Construction Co., Inc.	5,321.93	Fellow Street Raised Crosswalk
Kolata Enterprise LLC	3,330.00	Professional Services
Premium Concrete Services, Inc.	131,264.73	100 Wayne St. Plaza and Streetscape
Gibson-Lewis, LLC	105,947.81	Charles Black Center Renovation
<b>429 FUND RIVER EAST DEVELOPMENT TIF</b>		
Alliance	20,137.00	Howard Park
<b>430 FUND SOUTH SIDE TIF AREA #1</b>		
Mc Cormick Engineering, LLC	1,957.50	Bowen St. Improvements
Total	713,954.77	

Upon a motion by Commissioner Ferlic, seconded by Secretary Inks, the motion carried unanimously, the Commission approved the claims submitted on Thursday, October 11, 2018.

**4. Old Business**

**5. New Business**

**A. 2019 Redevelopment Budget Presentation**

Mr. Mueller presented the 2019 Redevelopment budget to the Commission. The PowerPoint presentation is posted online under the October 11, 2018 meeting packet.

Mr. Mueller explained each fund that is drawn from the Community Investment budget and how much has been spent on each TIF area through this year and the projections for 2019/2020. In 2020 the debt service exemption from the state property tax goes away, and we do see a loss between 10% to 12%, which hits our

## South Bend Redevelopment Commission Regular Meeting – October 11, 2018

general fund also, including parks and schools. The River East area is expected to increase due to revenue from Eddy Street Phase II.

Mr. Mueller highlighted some of the projects in 2019, including a commitment to Public Works for the North Station Filtration Plant that will deflect the cost of raising rates as high. The Western Streetscape project will continue between Falcon to Dundee. We are studying the SE Master Plan for a TIF realignment. There is an 80/20 match for the Coal Line Trail project in 2021, which we will appropriate funds for out of next year's budget. We are looking at public housing for the Sherman-Harrison area with City acquired properties. Construction on the entrance to the City Cemetery is planned for 2020.

Mr. Mueller highlighted the projects coming out of Fund 433 (Pokagon Agreement) with a minimum of One Million Dollars, which are based around poverty and education in South Bend. The Lifelong Learning initiative is a \$5.5 Million opportunity (Phase II) with Google and Walmart each providing \$1 Million in funds. The Bloomberg Mayor's Challenge Grant is addressing the Last Mile to Work Program. We were awarded \$100,000 over the summer. During the pilot study we learned that by alleviating that last mile to work, employee attendance, performance and retention went up. We are also a potential finalist for a \$5 Million dollar grant from this program. We are looking into a small business microloan pilot with CDBG funds.

Mr. Mueller presented 2019 goals for Community Investment. We are looking to move toward a one-stop shop for development/land use, as well as centralized City licensing. This will continue to help developers get everything they need in one office instead of running around searching. This includes incentives such as tax abatements and working with our Business Development team that can consult with our other teams on projects easily, such as Planning or Zoning. The priority of this budget is neighborhoods and working with the Civil City. We are looking at residential housing, duplexes and missing middle housing. The State has designated up to 25% of their census tracts to Opportunity Zones as part of Federal Tax legislation. Our zone starts in Ignition Park and goes to Innovation Park, including Ivy Tech and Downtown, which will build on the Regional Cities initiatives.

### **B. Public Hearing**

#### **1. Resolution No. 3449 (River West Development Area)**

Mr. Relos presented Resolution No. 3449 (River West Development Area). This Resolution appropriates \$18,000,000 from the River West Development Area Fund 324 in 2019.

President Jones opened the floor to the public for discussion. No comments were made. President Jones closed the floor to public comments.

President Jones opened the floor to the Commission for discussion. No comments were made. President Jones closed the floor to Commission comments.

Upon a motion by Secretary Inks, seconded by Commissioner Ferlic, the motion carried unanimously, the Commission approved Resolution No. 3449 (River West Development Area) submitted on Thursday, October 11, 2018.

**2. Resolution No. 3450 (West Washington Chapin Development Area)**

Mr. Relos presented Resolution No. 3450 (West Washington Chapin Development Area). This Resolution appropriates \$900,000 from the West Washington Development Area Fund 422 in 2019.

President Jones opened the floor to the public for discussion. No comments were made. President Jones closed the floor to public comments.

President Jones opened the floor to the Commission for discussion. No comments were made. President Jones closed the floor to Commission comments.

Upon a motion by Secretary Inks, seconded by Commissioner Ferlic, the motion carried unanimously, the Commission approved Resolution No. 3450 (West Washington Chapin Development Area) submitted on Thursday, October 11, 2018.

**3. Resolution No. 3451 (River East Development Area)**

Mr. Relos presented Resolution No. 3451 (River East Development Area). This Resolution appropriates \$5,100,000 from the River East Development Area Fund 429 in 2019.

President Jones opened the floor to the public for discussion. No comments were made. President Jones closed the floor to public comments.

President Jones opened the floor to the Commission for discussion. No comments were made. President Jones closed the floor to Commission comments.

Upon a motion by Secretary Inks, seconded by Commissioner Ferlic, the motion carried unanimously, the Commission approved Resolution No. 3451 (River East Development Area) submitted on Thursday, October 11, 2018.

**4. Resolution No. 3452 (River East Residential Development Area)**

Mr. Relos presented Resolution No. 3452 (River East Residential Development Area). This Resolution appropriates \$4,275,000 from the River East Residential Development Area Fund 436 in 2019.

President Jones opened the floor to the public for discussion. No comments were made. President Jones closed the floor to public comments.

President Jones opened the floor to the Commission for discussion. No comments were made. President Jones closed the floor to Commission comments.

Upon a motion by Secretary Inks, seconded by Commissioner Ferlic, the motion carried unanimously, the Commission approved Resolution No. 3452 (River East Residential Development Area) submitted on Thursday, October 11, 2018.

**5. Resolution No. 3453 (South Side Development Area #1)**

Mr. Relos presented Resolution No. 3453 (South Side Development Area #1). This Resolution appropriates \$4,000,000 from the South Side Development Area #1 Fund 430 in 2019.

President Jones opened the floor to the public for discussion. No comments were made. President Jones closed the floor to public comments.

President Jones opened the floor to the Commission for discussion. No comments were made. President Jones closed the floor to Commission comments.

Upon a motion by Secretary Inks, seconded by Commissioner Ferlic, the motion carried unanimously, the Commission approved Resolution No. 3453 (South Side Development Area #1) submitted on Thursday, October 11, 2018.

**6. Resolution No. 3454 (Redevelopment General)**

Mr. Relos presented Resolution No. 3454 (Redevelopment General). This Resolution appropriates \$1,074,000 from the Redevelopment General Fund 433 in 2019.

President Jones opened the floor to the public for discussion. No comments were made. President Jones closed the floor to public comments.

President Jones opened the floor to the Commission for discussion. No comments were made. President Jones closed the floor to Commission comments.

Upon a motion by Secretary Inks, seconded by Commissioner Ferlic, the motion carried unanimously, the Commission approved Resolution No. 3454 (Redevelopment General) submitted on Thursday, October 11, 2018.

**7. Resolution No. 3455 (Certified Technology Park)**

Mr. Relos presented Resolution No. 3455 (Certified Technology Park). This Resolution appropriates \$625,000 from the Certified Tech Park Fund in 2019.

President Jones opened the floor to the public for discussion. No comments were made. President Jones closed the floor to public comments.

President Jones opened the floor to the Commission for discussion. No comments were made. President Jones closed the floor to Commission comments.

Upon a motion by Secretary Inks, seconded by Commissioner Ferlic, the motion carried unanimously, the Commission approved Resolution No. 3455 (Certified Technology Park) submitted on Thursday, October 11, 2018.

**8. Resolution No. 3456 (Airport Economic Development Area / Urban Enterprise Zone Special Zone Fund)**

Mr. Relos presented Resolution No. 3456 (Airport/Urban Enterprise Zone). This Resolution appropriates \$50,000 from the Airport/Urban Enterprise Zone Fund 454 in 2019.

President Jones opened the floor to the public for discussion. No comments were made. President Jones closed the floor to public comments.

President Jones opened the floor to the Commission for discussion. No comments were made. President Jones closed the floor to Commission comments.

Upon a motion by Secretary Inks, seconded by Commissioner Ferlic, the motion carried unanimously, the Commission approved Resolution No. 3456 (Airport Economic Development Area /Urban Enterprise Zone Special Zone Fund) submitted on Thursday, October 11, 2018.

**9. Resolution No. 3457 (Airport 2003 Debt Reserve Fund)**

Mr. Relos presented Resolution No. 3457 (Airport 2003 Debt Reserve Fund). This Resolution appropriates \$14,000 from the Airport Bond Debt Service Reserve Fund 315 and transfers it to the River West Development Area Fund 324 in 2019.

President Jones opened the floor to the public for discussion. No comments were made. President Jones closed the floor to public comments.

President Jones opened the floor to the Commission for discussion. No comments were made. President Jones closed the floor to Commission comments.

Upon a motion by Secretary Inks, seconded by Commissioner Ferlic, the motion carried unanimously, the Commission approved Resolution No. 3457 (Airport 2003 Debt Reserve Fund) submitted on Thursday, October 11, 2018.

**10. Resolution No. 3458 (SBCDA 2003 Debt Reserve Fund)**

Mr. Relos presented Resolution No. 3458 (SBCDA 2003 Debt Reserve Fund). This Resolution appropriates \$20,000 from the SBCDA 2003 Debt Reserve Fund 328 and transfers it to the River West Development Area Fund 324 in 2019.

President Jones opened the floor to the public for discussion. No comments were made. President Jones closed the floor to public comments.

President Jones opened the floor to the Commission for discussion. No comments were made. President Jones closed the floor to Commission comments.

Upon a motion by Secretary Inks, seconded by Commissioner Ferlic, the motion carried unanimously, the Commission approved Resolution No. 3458 (SBCDA 2003 Debt Reserve Fund) submitted on Thursday, October 11, 2018.

**C. River West Development Area**

**1. Development Agreement (REW, LLC)**

Mr. Gammage presented the Development Agreement for REW, LLC. REW is developing and leasing to Shambaugh & Son the property located at 5870 Carbonmill Drive, just north of the intersection of Cleveland and Brick Roads and Dylan Drive. The project will include no less than \$1,956,400 in private investment.

This project will combine and relocate two Shambaugh locations and retain and relocate 86 jobs to the City of South Bend. Further, the company intends to create at least 25 new, permanent full-time jobs within the next 3 years.

In order to enable the completion of this meaningful investment and job creation in the City of South Bend the developer is asking for a \$75,000 contribution to make the project possible. The project will be completed by June 1, 2019.

Rick Dolittle, with Cressy Commercial, stated that approximately a year ago they received a call to relocate Shambaugh & Sons. They liked South Bend because of its central location and closeness to key highways. This location is in the US 31 Industrial Park Phase II. The building is 13,500 square feet in which 50% is office and 50% is distribution/assembly space. The company employs union labor and pay above minimum wage for employees. This will cause growth in the area.

Upon a motion by Commissioner Ferlic, seconded by Commissioner Phillips, the motion carried unanimously, the Commission approved the Development Agreement with REW, LLC submitted on Thursday, October 11, 2018.

**2. Memorandum of Option (Bald Mountain, LLC)**

Mr. Relos presented the Memorandum of Option with Bald Mountain, LLC. This is for the new office building project at the southwest corner of Main and Jefferson. As part of our agreement the City retains an option to buy back 20 feet of land on the western side of the lot, allowing us access to a mid-block parking garage if needed for future development within this block. This Memorandum will be recorded as part of the closing on this property. Commission approval is requested.

Upon a motion by Vice-President Varner, seconded by Commissioner Ferlic, the motion carried unanimously, the Commission approved the Memorandum of Option (Bald Mountain, LLC) submitted on Thursday, October 11, 2018.



**D. Other**

**1. Ratification (Electric Conduit Construction Company)**

Mr. Relos presented the Ratification for Electric Conduit Construction Company. This company is a subcontractor to Comcast, which is replacing their lines downtown. This allows the company to use the property south of Bell Parts along Main Street, between Monroe and South streets. Commission ratification is requested.

Upon a motion by Commissioner Ferlic, seconded by Secretary Inks, the motion carried unanimously, the Commission approved the ratification (Electric Conduit Construction Company) submitted on Thursday, October 11, 2018.

**6. Progress Reports**

- A. Tax Abatement
- B. Common Council
  - 1. 2019 Budget Passed.
- C. Other

**7. Next Commission Meeting:**

Thursday, October 25, 2018, 9:30 a.m.

**8. Adjournment**

Thursday, October 11, 2018, 10:04 a.m.

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David Relos, Property Development Manager

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Marcia Jones, President

# ITEM: 3A

	Claims submitted	Explanation of Project
<b>REDEVELOPMENT COMMISSION</b> Redevelopment Commission Claims October 25, 2018 for approval		
<u>324 RIVER WEST DEVELOPMENT AREA</u>		
Hull & Associates Inc.	3,665.18	GWS & Vapor Intrusion / General Consulting
Walsh & Kelly, Inc.	610,411.56	Downtown Cross Street Improvements
CBS Services, LLC	173,721.28	Berlin Place No. 2 Electrical, Mechanical & Plumbing - Division
Walsh & Kelly, Inc.	28,175.56	Monroe Street Parking Lot
Selge Construction Co	190,488.34	Lincoln Way West Charles Martin Sr. Dr. Improvements
Black & Veatch Corporation	35,476.40	Training and Updates on Water CAD and Task
H. J. Umbaugh & Associates	7,936.00	Property Taxes Receivable Collection VS Levy TIF
<u>422 FUND WEST WASHINGTON DEVELOPMENT AREA</u>		
H. J. Umbaugh & Associates	148.00	Property Taxes Receivable Collection VS Levy TIF
<u>429 FUND RIVER EAST DEVELOPMENT TIF</u>		
H. J. Umbaugh & Associates	1,334.00	Property Taxes Receivable Collection VS Levy TIF
<u>430 FUND SOUTH SIDE TIF AREA #1</u>		
H. J. Umbaugh & Associates	1,056.00	Property Taxes Receivable Collection VS Levy TIF
McCormick Engineering, LLC	3,040.00	Bowen St. Drainage Improvements
<u>436 FUND TIF NORTHEAST RESIDENTIAL</u>		
H. J. Umbaugh & Associates	2,026.00	Property Taxes Receivable Collection VS Levy TIF
<u>452 TIF PARK BOND CAPITAL</u>		
Lawson-Fisher Associates	17,427.00	Parks Improvements Program Manager
Total	1,074,905.32	



# CITY OF SOUTH BEND

## REDEVELOPMENT COMMISSION

### Redevelopment Commission Agenda Item

DATE: October 25, 2018

FROM: David Relos, Property Development Manager *DR*

SUBJECT: Resolution No. 3460  
900 – 1002 S. Lafayette Blvd. Disposition Offering Price

Which TIF? (circle one) **River West**; River East; South Side; Douglas Road; West Washington

PURPOSE OF REQUEST:

Attached is Resolution No. 3460, which sets the disposition offering price for 900 – 1002 S. Lafayette Blvd. These parcels comprised part of the Hamilton Towing and Airgas facilities located at the southeast corner of Lafayette and Sample.

The proposed fair market value of the property, as derived by two independent appraisals, is found in “Exhibit A” in the attached resolution.

Staff requests approval of Resolution No. 3460.

INTERNAL USE ONLY: Project Code: \_\_\_\_\_;

Total Amount new/change (inc/dec) in budget: \_\_\_\_-0-\_\_\_\_\_; Breakdown:

Costs: Engineering Amt: \_\_\_\_\_; Other Prof Serv Amt \_\_\_\_\_;

Acquisition of Land/Bldg (circle one) Amt: \_\_\_\_\_; Street Const Amt \_\_\_\_\_;

Building Imp Amt \_\_\_\_\_; Sewers Amt \_\_\_\_\_; Other (specify) Amt: \_\_\_\_\_

\_\_\_\_\_ . Going to BPW for Contracting? Y/N

Is this item ready to encumber now? \_\_N/A\_\_ Existing PO# \_\_\_\_\_ Inc/Dec \$ \_\_\_\_\_

**RESOLUTION NO. 3460**

**RESOLUTION OF THE SOUTH BEND REDEVELOPMENT  
COMMISSION ESTABLISHING THE OFFERING PRICE OF  
PROPERTY IN THE RIVER WEST DEVELOPMENT AREA**

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

WHEREAS, the Commission may dispose of real property in accordance with Section 22 of the Act; and

WHEREAS, the real property identified at Exhibit A attached hereto and incorporated herein has been appraised by two qualified, independent, professional real estate appraisers and a written and signed copy of their appraisals is contained in the Commission's files; and

WHEREAS, each such appraisal has been reviewed by a qualified Redevelopment staff person, and no corrections, revisions, or additions were requested by such reviewer.

NOW, THEREFORE, BE IT RESOLVED by the Commission, pursuant to Section 22 of the Act, that based upon such appraisals, the offering price of the property described at Exhibit A is hereby established as stated therein, which amount is not less than the average of the two appraisals, and all documentation related to such determination is contained in the Commission's files.

ADOPTED at a meeting of the South Bend Redevelopment Commission held on October 25, 2018, at 1308 County-City Building, 227 West Jefferson Boulevard, South Bend, Indiana 46601.

**SOUTH BEND REDEVELOPMENT  
COMMISSION**

\_\_\_\_\_  
Marcia I. Jones, President

ATTEST:

\_\_\_\_\_  
Donald E. Inks, Secretary

**EXHIBIT A  
TO RESOLUTION NO. 3430**

<b>Property</b>	<b>Size</b>	<b>Minimum Offering Price</b>	<b>Proposed Use</b>
900 – 1002 S. Lafayette Blvd.	1.2 Acres +/-	<u>\$55,500</u>	<p>Commercial projects that are permitted within the Light Industrial or lesser zoning designation.</p> <p>Strong emphasis will be placed during the review process on compatibility with the goals and objectives of the River West Development Area, the Ignition Park planning area, and the surrounding businesses and neighborhood.</p>



# CITY OF SOUTH BEND REDEVELOPMENT COMMISSION

## Redevelopment Commission Agenda Item

DATE: October 25, 2018

FROM: David Relos, Property Development Manager *DR*

SUBJECT: Approval of Bid Specifications and Design Considerations  
900 – 1002 S. Lafayette Blvd.

Which TIF? (circle one) **River West**; River East; South Side; Douglas Road; West Washington

PURPOSE OF REQUEST:

Attached are the Bid Specifications and Design Considerations for the disposition of 900 – 1002 S. Lafayette Blvd.

The Bid Specifications outline the uses and development requirements that will be considered for this site.

Staff requests approval of the Bid Specifications and Design Considerations for the eventual disposition of this property.

INTERNAL USE ONLY: Project Code: \_\_\_\_\_;

Total Amount new/change (inc/dec) in budget: \_\_\_\_-0-\_\_\_\_\_; Breakdown:

Costs: Engineering Amt: \_\_\_\_\_; Other Prof Serv Amt \_\_\_\_\_;

Acquisition of Land/Bldg (circle one) Amt: \_\_\_\_\_; Street Const Amt \_\_\_\_\_;

Building Imp Amt \_\_\_\_\_; Sewers Amt \_\_\_\_\_; Other (specify) Amt: \_\_\_\_\_

\_\_\_\_\_ . Going to BPW for Contracting? Y/N

Is this item ready to encumber now? \_\_N/A\_\_ Existing PO# \_\_\_\_\_ Inc/Dec \$ \_\_\_\_\_

# **Bid Specifications & Design Considerations**

**Sale of Redevelopment Owned Property  
900 – 1002 S. Lafayette Blvd.  
River West Development Area**

1. All of the provisions of I.C. 36-7-14-22 will apply to the bidding process.
2. All offers must meet the minimum price listed on the Offering Sheet.
3. Proposals for redevelopment are required to be for commercial projects that are permitted within the Light Industrial or lesser zoning designation. All proposals must conform to the existing zoning provisions as outlined in the South Bend Zoning Ordinance Title 21 of the City of South Bend Municipal Code.

Proposals for the reuse of the property must include a basic reuse plan for the site and a project timeline detailing aspects of the site redevelopment and site improvements. During the review process, emphasis will be placed on compatibility with the goals and objectives of the surrounding businesses and neighborhood; Ignition Park planning area; and the Development Plan for the River West Development Area.

4. Bidders are prohibited from the use of the property for speculation or land-holding purposes.
5. All other provisions of the River West Development Area Development Plan must be met.



# CITY OF SOUTH BEND REDEVELOPMENT COMMISSION

## Redevelopment Commission Agenda Item

DATE: October 25, 2018  
FROM: David Relos, Property Development Manager *DR*  
SUBJECT: Request to Advertise  
900 – 1002 S. Lafayette Blvd. Disposition

Which TIF? (circle one) **River West**; River East; South Side; Douglas Road; West Washington

PURPOSE OF REQUEST:

Attached is the Notice of Intended Disposition of Property (Notice) for 900 – 1002 S. Lafayette Blvd., in the River West Development Area.

This Notice will be advertised in the South Bend Tribune on November 2 and November 9, 2018.

Staff requests approval of this Notice and the Request to Advertise, for the eventual disposition of this property.

INTERNAL USE ONLY: Project Code: \_\_\_\_\_;  
Total Amount new/change (inc/dec) in budget: \_\_\_-0-\_\_\_\_\_; Breakdown:  
Costs: Engineering Amt: \_\_\_\_\_; Other Prof Serv Amt \_\_\_\_\_;  
Acquisition of Land/Bldg (circle one) Amt: \_\_\_\_\_; Street Const Amt \_\_\_\_\_;  
Building Imp Amt \_\_\_\_\_; Sewers Amt \_\_\_\_\_; Other (specify) Amt: \_\_\_\_\_  
\_\_\_\_\_. Going to BPW for Contracting? Y/N  
Is this item ready to encumber now? \_\_N/A\_\_ Existing PO# \_\_\_\_\_ Inc/Dec \$ \_\_\_\_\_



## **Notice of Intended Disposition of Property**

RIVER WEST DEVELOPMENT AREA  
900 – 1002 S. Lafayette Blvd.  
South Bend, Indiana

Notice is hereby given that the Redevelopment Commission of the City of South Bend, Indiana, will receive sealed offers for the purchase of certain property situated in the River West Development Area until 9:00 a.m. (local time) on the 19th day of November, 2018 in the Office of the Department of Redevelopment, 1400 S. County-City Building, 227 West Jefferson Boulevard, South Bend, Indiana, 46601. All offers will be publicly opened and read aloud at 9:30 a.m. (local time) on the 19th day of November, 2018 at the Regular Meeting of the Redevelopment Commission to be held that date and time in Room 1308 County-City Building, 227 West Jefferson Boulevard, South Bend, IN 46601, or in the event of cancellation or rescheduling, at the Redevelopment Commission's subsequent regular meeting or rescheduled regular meeting held at a time and place given by public notice. Bid proposals for the purchase of the property offered will be considered.

The property being offered is located at 900 – 1002 S. Lafayette Blvd., in the River West Development Area, South Bend, Indiana. Any proposal submitted must be for the entire site. The required re-use of the property is for commercial projects that are permitted within the Light Industrial or lesser zoning designation. Strong emphasis will be placed during the review process on compatibility with the River West Development Area, Ignition Park planning area, and the surrounding businesses and neighborhood.

A packet containing bid forms, the Offering Sheet and other pertinent information may be picked up at the Department of Community Investment, 1400 S. County-City Building, 227 West Jefferson Boulevard, South Bend, IN 46601.

The Commission reserves the right to reject any and all bids, and to make the award to the highest and best bidder. In determining the best bid, the Commission will take into consideration the following:

1. The use of the improvements proposed to be made by each bidder on the property, and their compatibility with the proposed re-use as described in the Offering Sheet
2. Each bidder's ability to improve the property with reasonable promptness
3. Each bidder's proposed purchase price
4. Any factors which will assure the Commission that the sale, if made, will further the carrying out of the Development Plan for the River West Development Area and will best serve the interest of the community from the standpoint of human and economic welfare
5. The ability of each bidder to finance the proposed improvements to the property with reasonable promptness

The Commission further reserves the right to waive any formalities in bidding which are not mandatory requirements.

A bid submitted by a trust (as defined in IC 30-4-1-1(a)) must identify each:

- (A) beneficiary of the trust; and
- (B) settlor empowered to revoke or modify the trust.

To secure the execution of the disposition agreement, the purchase of the property and the redevelopment thereof in accordance with the agreement, the bidder must submit with the proposal a faithful performance guaranty, in the sum of ten percent (10%) of the amount offered for the purchase of the property. The guaranty sum may be in the form of a certified check, a cashier's check, surety bond, letter of credit from a bank or trust company as approved by the Redevelopment Commission, or by other sufficient security, but the form, substance and terms of the performance guaranty must be approved as satisfactory by the Redevelopment Commission. The performance guaranty, if by cashier's or certified check, shall be deposited in any account of the Department of Redevelopment, City of South Bend, in a bank or trust company selected by the Redevelopment Commission.

CITY OF SOUTH BEND, INDIANA  
DEPARTMENT OF COMMUNITY INVESTMENT  
James Mueller, Executive Director  
Publish Dates: November 2 and November 9, 2018

**LICENSE AGREEMENT FOR USE**

This License Agreement for Use (this “Agreement”) is made effective October 25, 2018, by and between the South Bend Redevelopment Commission, governing body of the City of South Bend Department of Redevelopment (the “Commission”), and University of Notre Dame du Lac (the “University”) (each a “Party,” and collectively, the “Parties”).

RECITALS

A. The Commission owns certain real property and improvements located within the River East Development Area of the City of South Bend, Indiana (the “City”), as more particularly described on **Exhibit A** (the “Property”).

B. University has a long-term lease to use the real property described in attached **Exhibit B** (the “University Parcel”), which abuts the Property along the Property’s southern boundary.

C. University desires access to the Property for ingress and egress to and from the University Parcel during a certain project (the “Use”).

D. The Commission is willing to permit University to gain access to and use the Property for the Use, subject to the terms and conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants set forth in this Agreement, the Parties agree as follows:

1. **License.** The Commission grants to University a non-exclusive license for the Use, provided that the Use is reasonable at all times and comports with the terms of this Agreement and all applicable laws. University’s license is limited to use of the paved areas of the Property only.

2. **Term and Termination.** University’s license to use the Property shall commence on October 25, 2018 and shall terminate upon thirty (30) days’ written notice to University from the Commission or the Commission’s authorized representative. Additionally, the Commission or its authorized representative may revoke and terminate the license upon thirty (30) days’ written notice at any time for any reason, including, without limitation, for the transfer of the Property, as determined in its, his, or her sole discretion. Notwithstanding the foregoing sentence, the Commission or the Commission’s authorized representative may revoke and terminate the license without notice in the event there exists any default of University’s obligations under this Agreement.

3. **No Lease or Easement; Assignment.** The Commission represents that it is the sole owner in fee simple of the Property and has the lawful right to permit University to use the Property under this Agreement. The Parties acknowledge and intend that this Agreement will not constitute a lease of or an easement over the Property, and University will have no right or authority to convey any leasehold or other interest in the Property to any other person or entity. Except as expressly provided in this Agreement, any attempt by University to grant or lease any interest in the Property

to any other person or entity will be void ab initio and of no force or effect. The Parties agree that neither this Agreement nor any of University's rights under this Agreement may be assigned, in whole or in part, to any other party without the Commission's prior written consent.

4. Maintenance. At all times during the period of the license, University will keep the Property in good order and condition.

5. Security. University understands and agrees that the Commission shall not be liable for any loss, damage, destruction, or any bodily harm or injury that may result from the University's use of the Property.

6. Storage. University agrees that it will not cause or permit, knowingly or unknowingly, any hazardous material to be brought or remain upon, kept, used, discharged, leaked, or emitted at the Property.

7. Regulations; Other Permits. University understands and agrees that it will, at its own expense, observe and comply with all applicable statutes, laws, ordinances, requirements, orders, rules, and regulations of all governmental authorities in relation to its use of the Property. University understands and agrees that it will secure in its own name and at its own expense all other permits and authorizations, if any, necessary for its use of the Property in accordance with the terms of this Agreement.

8. Commission's Use. The Commission reserves the right to use the Property during the Term of this Agreement for any purpose that does not substantially interfere with or obstruct University's license under this Agreement.

9. Restoration. To the extent that any portion of the Property is disturbed or damaged in connection with University's use of the Property, University, at University's sole expense, shall restore the Property to the condition that existed immediately prior to such disturbance or damage to the satisfaction of the Commission.

10. Indemnification. University agrees and undertakes to defend, indemnify, and hold harmless the City and the Commission, and their respective officials, employees, agents, successors, and assigns, from and against any liability, loss, costs, damages, or expenses, including attorneys' fees, which the City or the Commission may suffer or incur as a result of any claims or actions which may be brought by any person or entity arising out of the license granted herein by the Commission or University's use of the Property. If any action is brought against the City or the Commission, or their respective officials, employees, agents, successors, and assigns, in connection with University's use of the Property, University agrees to defend such action or proceedings at its own expense and to pay any judgment rendered therein.

11. Insurance. University, at University's sole expense, shall maintain during the term of this Agreement commercial general liability insurance covering University in an amount not less than Five Million Dollars (\$5,000,000.00) per occurrence, inclusive of the limit an umbrella or excess policy. University agrees to include the Commission and the City as additional insureds on any such policy and produce to the Commission evidence of the same, including without limitation a properly endorsed policy and a certificate of insurance within thirty (30) days of the

execution of this Agreement and annually thereafter. To the extent that the Commission or the City is harmed as a result of University's use of the Property, University hereby grants the Commission first priority on any proceeds received from University's insurance. Notwithstanding anything in this Agreement to the contrary, neither the Commission nor the City waive any governmental immunity or liability limitations available to them under Indiana law.

12. Integration; Amendment. This Agreement supersedes all prior negotiations, understandings, and agreements, whether written or oral, concerning the subject matter of this Agreement and constitutes the Parties' entire agreement. This Agreement may not be altered except by a written instrument signed by authorized representatives of both Parties.

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

14. Severability. If any term or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining terms and provisions of this Agreement shall continue in full force and effect unless amended or modified by mutual consent of the parties.

15. Counterparts; Signatures. This Agreement may be separately executed in counterparts by the Commission and University, and the same, when taken together, will be regarded as one original Agreement. Electronically transmitted signatures will be regarded as original signatures.

16. Authority. Each undersigned person signing on behalf of his or her respective Party certifies that he or she is duly authorized to bind his or her respective Party to the terms of this Agreement.

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

*SIGNATURE PAGE FOLLOWS*

IN WITNESS WHEREOF, the Parties have executed this License Agreement for Use to be effective as of the date set forth above.

SOUTH BEND REDEVELOPMENT  
COMMISSION

By: \_\_\_\_\_  
Marcia I. Jones, President

ATTEST:

\_\_\_\_\_  
Donald E. Inks, Secretary

UNIVERSITY OF NOTRE DAME DU LAC

By: \_\_\_\_\_  
Printed: \_\_\_\_\_  
Title: \_\_\_\_\_

## **EXHIBIT A**

### **Property**

Lot 4 of the plat of Cascade Minor Subdivision recorded on April 12, 2018, as Document No. 1808428, in the Office of the Recorder of St. Joseph County, Indiana.

Parcel Key No. 018-5001-000702

## **EXHIBIT B**

### **University Parcel**

Parcel I of that certain property set forth in a Ground Lease between the University of Notre Dame du Lac and the City of South Bend, Indiana, acting by and through its Board of Park Commissioners, commonly known as 340 East Colfax Avenue in the City of South Bend, St. Joseph County, Indiana, to wit:

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 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.