

RESOLUTION NO. 3459

**A RESOLUTION OF THE SOUTH BEND REDEVELOPMENT COMMISSION
ACCEPTING THE TRANSFER OF REAL PROPERTY FROM AND
TRANSFERRING REAL PROPERTY TO WHARF PARTNERS LLC**

WHEREAS, the South Bend Redevelopment Commission (the "Commission") is the governing body of the City of South Bend, Indiana Department of Redevelopment ("Redevelopment Department") and exists and operates pursuant to Indiana Code Section 36-7-14 (the "Act"); and

WHEREAS, the Commission and Wharf Partners LLC (the "Developer") entered into a Development Agreement, dated February 22, 2018, as the same may be amended from time to time (collectively, the "Agreement"); and

WHEREAS, pursuant to Section 5.2(a)(ii) of the Agreement, the Developer is obligated to transfer its interest in certain portions of its properties to the Commission, as set forth more specifically in Exhibit A, attached hereto (the "Parcels 1 and 2"); and

WHEREAS, pursuant to Section 5.2(a)(i) of the Agreement, the Developer completed a subdivision replat of the Developer Property (as defined in the Agreement) (the "Replat"), which Replat is attached hereto as Exhibit B, was accepted by the Redevelopment Department, and recorded as Document No. 1808428 on April 12, 2018, in the Office of the St. Joseph County, Indiana Recorder; and

WHEREAS, the Replat necessitates the transfer to the Developer of the Commission's interest in a certain portion of property held by the Commission, as set forth more specifically in Exhibit C, attached hereto (the "Commission Property"); and

WHEREAS, the Commission Property previously was offered for sale as a part of a larger parcel, but the Commission Property was not sold; and

WHEREAS, the Commission and the Developer desire to transfer and accept such properties as required to fulfill their respective obligations arising under the terms of the Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE SOUTH BEND REDEVELOPMENT COMMISSION AS FOLLOWS:

1. The Commission hereby accepts the conveyance of Parcels 1 and 2 from the Developer in the form of a quit claim deed substantially similar to the document attached hereto as Exhibit D, conveying all of the Developer's right, title, and interest in Parcels 1 and 2 to the Commission.

2. The Commission authorizes David Relos of the City's Department of Community Investment to act on behalf of the Commission in presenting the deeds for recordation in the

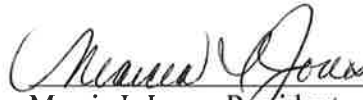
Office of the Recorder of St. Joseph County, Indiana and executing any other document necessary to effect the Commission's acceptance of Parcels 1 and 2.

3. The Commission hereby transfers the Commission Property to the Developer, subject to all easements and restrictions of record, in the form of a quit claim deed substantially similar to the document attached hereto as Exhibit E, conveying all of the Commission's right, title, and interest in the Commission Property to the Developer.

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

ADOPTED at a meeting of the South Bend Redevelopment Commission held on December 13, 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

Parcel 1

Outlot A 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. 018-5001-000203

Parcel 2

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

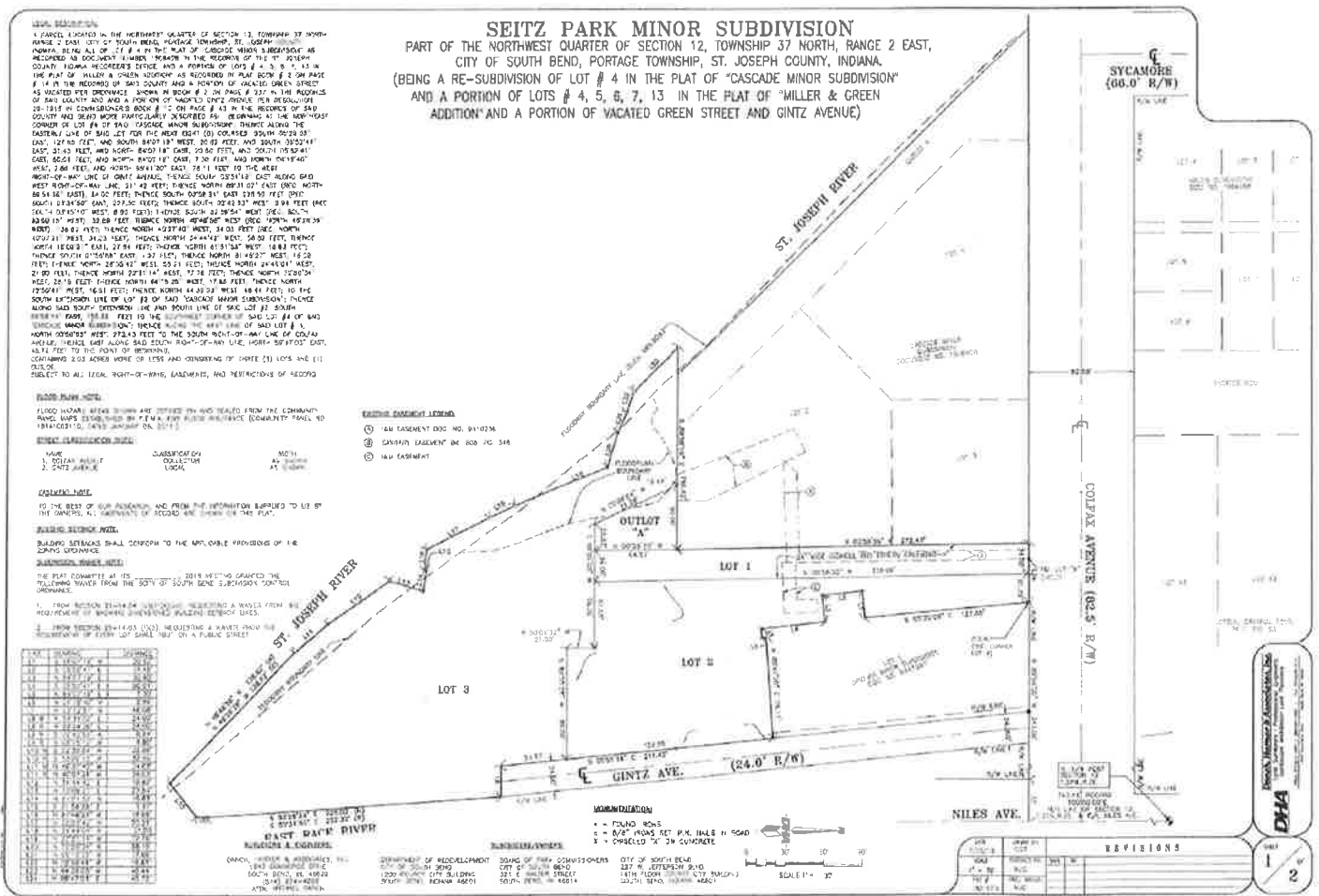
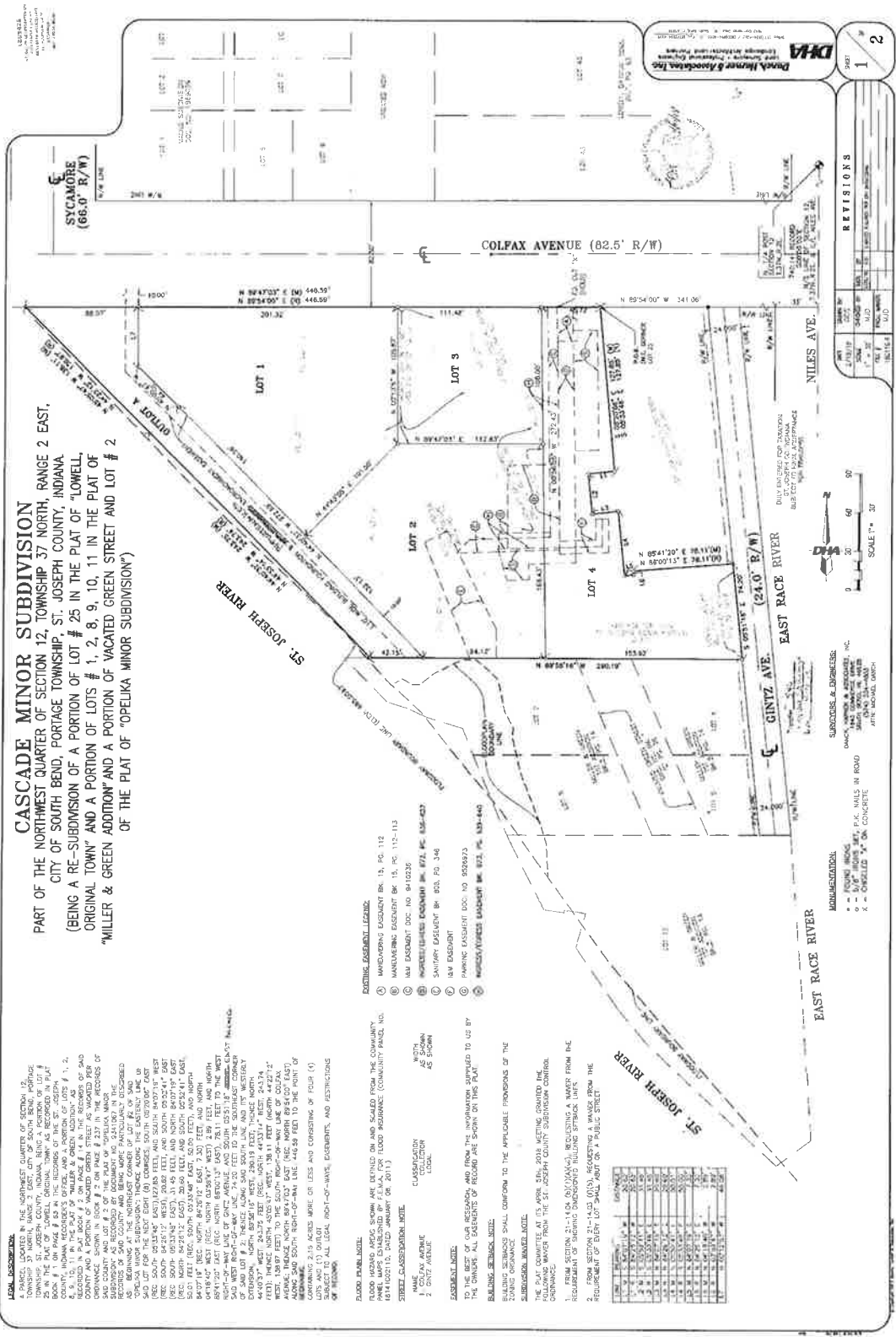


EXHIBIT B

Replat



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

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

EXISTING DOCUMENTS:
 1. MARSHALLS RECORD No. 13, PG. 113
 2. MARSHALLS RECORD No. 13, PG. 113-114
 3. MARSHALLS RECORD No. 13, PG. 113-114
 4. MARSHALLS RECORD No. 13, PG. 113-114
 5. MARSHALLS RECORD No. 13, PG. 113-114
 6. MARSHALLS RECORD No. 13, PG. 113-114
 7. MARSHALLS RECORD No. 13, PG. 113-114
 8. MARSHALLS RECORD No. 13, PG. 113-114
 9. MARSHALLS RECORD No. 13, PG. 113-114
 10. MARSHALLS RECORD No. 13, PG. 113-114

TABLE OF LOTS:

LOT NO.	ACRES	OWNER	ADDRESS
1	0.15	ST. JOSEPH RIVER	
2	0.15	ST. JOSEPH RIVER	
3	0.15	ST. JOSEPH RIVER	
4	0.15	ST. JOSEPH RIVER	

REVISIONS:

NO.	DATE	DESCRIPTION
1	01/15/20	INITIAL PLAT
2	01/15/20	REVISIONS

LEGEND:

- EASEMENT
- ENCROACHMENT
- CONCRETE
- ASPHALT
- GRAVEL
- SAND
- GRAVEL
- SAND
- GRAVEL
- SAND

NOTES:

- TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.
- THE PLAT COMMITTEE AT ITS APRIL 25TH, 2018 MEETING GRANTED THE NECESSARY RESOLUTIONS FOR THE REVISIONS TO THIS PLAT.
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DHA
 Donald H. Hester & Associates, Inc.
 ENGINEERS & SURVEYORS
 1000 N. WASHINGTON ST., SOUTH BEND, IN 46708
 (765) 281-1111

REVISIONS

NO.	DATE	DESCRIPTION
1	01/15/20	INITIAL PLAT
2	01/15/20	REVISIONS

SCALE: 1" = 30'

DATE: 01/15/20

BY: [Signature]

EXHIBIT C

Commission Property

Lot 2 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. 018-5001-000204

EXHIBIT D
Form of Quit Claim Deed
Parcels 1 & 2

QUIT CLAIM DEED

THIS INDENTURE WITNESSETH THAT Wharf Partners LLC (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 (the "Grantee"), for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, all of Grantor's interest in the real estate located in St. Joseph County, Indiana, and more particularly described as follows (the "Property"):

Outlot A 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. 018-5001-000203

and

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

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

The undersigned person executing this Quit Claim Deed on behalf of the Grantor represent and certify that he or she 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 13 day of December, 2018.

GRANTOR:
Wharf Partners LLC

By: 

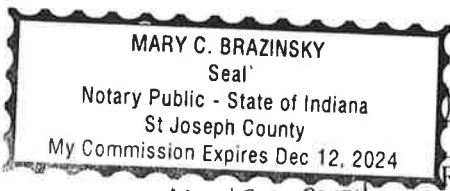
Printed: FRANK A. PERRI

Its: MANAGING MEMBER

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

Before me, the undersigned, a Notary Public for and in said County and State, this 13 day of December, 2018, personally appeared Frank A. Perri, known to me to be the Managing Member of Wharf Partners LLC, who acknowledged the execution of the foregoing Quit Claim Deed, being authorized so to do.

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



Mary C. Brazinsky
Mary C. Brazinsky, Notary Public
Resident of St. Joseph County, IN

Commission expires: 12-12-2024

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. Sandra L. Kennedy

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

EXHIBIT E

**Form of Quit Claim Deed
Commission Property**

QUIT CLAIM DEED

THIS INDENTURE WITNESSETH THAT the Department of Redevelopment of the City of South Bend, by and through its governing body, the South Bend Redevelopment Commission (the "Grantor"):

CONVEYS AND QUIT CLAIMS TO Wharf Partners LLC (the "Grantee"), 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 as follows (the "Property"):

Lot 2 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. 018-5001-000204

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 13th day of December 2018.

GRANTOR:

Department of Redevelopment of the City of South Bend, by and through its governing body, the South Bend Redevelopment Commission

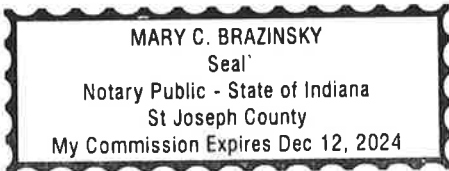
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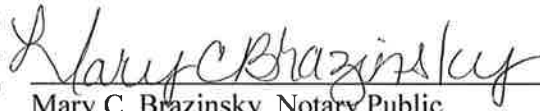
Marcia I. Jones, President

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

Before me, the undersigned, a Notary Public for and in said County and State this 13th day of December 2018, personally appeared Marcia I. Jones, known to me to be the President of the South Bend Redevelopment Commission, and acknowledged the execution of the foregoing Quit Claim Deed being authorized so to do.

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





Mary C. Brazinsky, Notary Public
Resident of St. Joseph County, Indiana

Commission expires: December 12, 2024

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. Sandra L. Kennedy

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