

RESOLUTION NO. ____-2019

A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND AUTHORIZING STAFF TO EFFECTUATE THE ACQUISITION OF CERTAIN REAL PROPERTY

WHEREAS, Ind. Code 32-24-1 establishes certain statutory procedures for the acquisition by a municipality of property for public use; and

WHEREAS, the City of South Bend, Indiana, Board of Public Works (the “Board”) is empowered to carry out the acquisition of property pursuant to Ind. Code §§ 32-24-1-3(a) and 36-9-6-4, and, pursuant to Ind. Code § 36-9-6-3, has custody of and may maintain all real and personal property of the City of South Bend (the “City”); and

WHEREAS, the City of South Bend Board of Parks Commissioners, pursuant to its resolution number 0005-2017, adopted a framework for the renovation of Seitz Park, which includes improvements to the existing East Bank Trail and River Walk (the “Project”); and

WHEREAS, the City’s property rights to portions of the East Bank Trail and River Walk are comprised of easements; and

WHEREAS, in furtherance of the Project, specifically to construct the improvements and maintain the trails for the continued use and benefit of the public, and to protect the City’s river front for the enjoyment of future generations, the City has determined that it is in the best interest of the public for the City to acquire the parcels of property constituting the unowned portions of the East Bank Trail and River Walk from the property owners (the “Properties”), which Properties are more specifically set forth on Exhibit A; and

WHEREAS, the Board desires to authorize City staff to perform certain actions on the Board’s behalf to carry out its acquisition of the Properties.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND AS FOLLOWS:

1. The Board affirms its approval of the acquisition of the Properties in furtherance of the Project and to protect the City’s river front.
2. The Board authorizes David Relos of the City’s Department of Community Investment to act on behalf of the Board to distribute payment, accept and present for recordation deeds for the Properties, and execute on the Board’s behalf any document or take on the Board’s behalf any action that may be required to carry out the purposes of this Resolution.
3. This Resolution will be in full force and effect upon its adoption.

[Signature page follows.]

ADOPTED at a meeting of the Board of Public Works of the City of South Bend, Indiana, held on March 12, 2019, at 1308 County-City Building, 227 West Jefferson Boulevard, South Bend, Indiana 46601.

CITY OF SOUTH BEND
BOARD OF PUBLIC WORKS

Gary Gilot, President

Therese Dorau, Member

Suzanna Fritzbeg, Member

Elizabeth Maradik, Member

Laura O'Sullivan, Member

ATTEST:

Linda Martin, Clerk

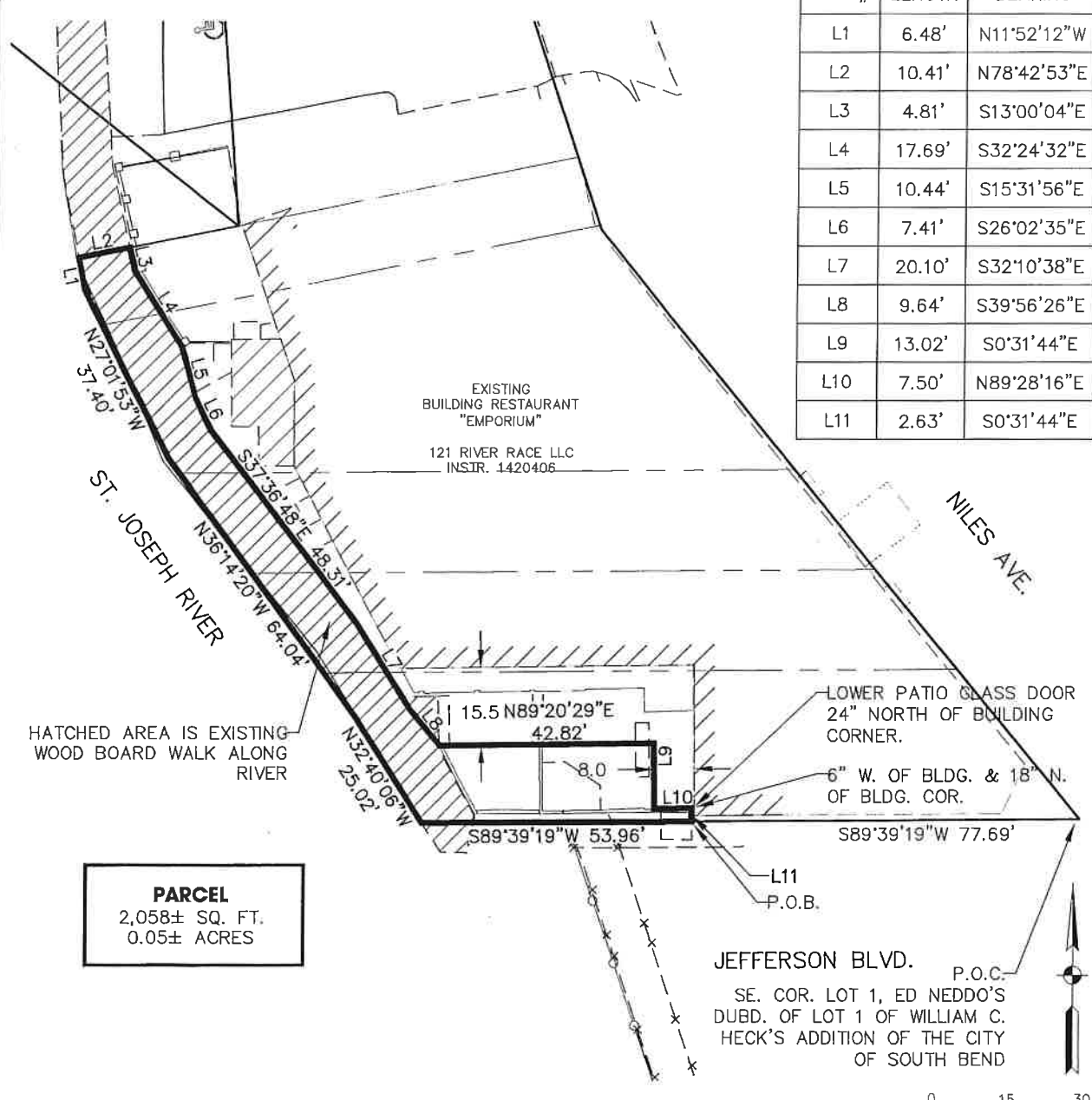
EXHIBIT A

Properties

(Survey land labeled as EXHIBIT B on following 11 pages)

EXHIBIT B

LINE DATA TABLE		
LINE #	LENGTH	BEARING
L1	6.48'	N11°52'12"W
L2	10.41'	N78°42'53"E
L3	4.81'	S13°00'04"E
L4	17.69'	S32°24'32"E
L5	10.44'	S15°31'56"E
L6	7.41'	S26°02'35"E
L7	20.10'	S32°10'38"E
L8	9.64'	S39°56'26"E
L9	13.02'	S0°31'44"E
L10	7.50'	N89°28'16"E
L11	2.63'	S0°31'44"E



HATCHED AREA IS EXISTING WOOD BOARD WALK ALONG RIVER

PARCEL
2,058± SQ. FT.
0.05± ACRES

EXISTING BUILDING RESTAURANT "EMPORIUM"
121 RIVER RACE LLC
INSIR. 1420406

LOWER PATIO GLASS DOOR
24" NORTH OF BUILDING CORNER.

6" W. OF BLDG. & 18" N. OF BLDG. COR.

JEFFERSON BLVD.
P.O.C.
SE. COR. LOT 1, ED NEDDO'S DUBD. OF LOT 1 OF WILLIAM C. HECK'S ADDITION OF THE CITY OF SOUTH BEND

0 15 30
SCALE : 1=30'

EXHIBIT B

PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 37 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA



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DATE: 6/26/2018 ACI JOB #: 18-0721 SHT: 2 of 2
REVISED 10/12/2018: REVISED ACREAGE 0.041 TO 0.051 ACRES

C:\Projects\2018\18-0721 East Bank Trail Survey Project\CAD_SurveyDrawings\18-0721 EXHIBIT B.dwg, EXHIBIT B, 10/12/2018 12:05:37 PM, creber, 1:1

EXHIBIT B

COLFAX AVE.

S89°37'35"W
100.00'

P.O.C.
NE. COR. LOT 43
ORIGINAL PLAT OF THE
TOWN OF LOWELL, NOW
PART OF CITY OF SOUTH
BEND

AM GENERAL LLC
INSTR. 0813706

S89°35'33"W
25.72'

S00°22'11"E
197.96'

S00°15'50"E 492.46'

ALLEY (VACATED)

EAST RACE (ST. JOSEPH RIVER)

SEE DETAIL
PARCEL 1

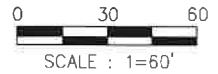
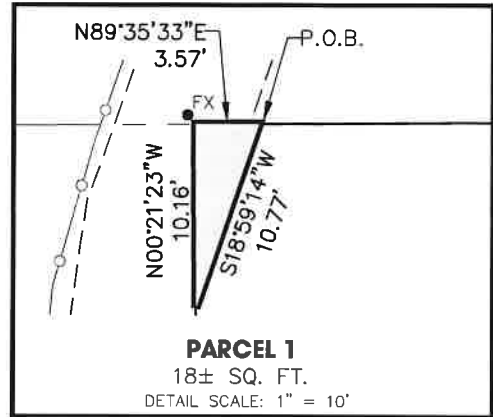
AM GENERAL LLC
INSTR. 0813706

SEE DETAIL
PARCEL 2
SHEET 3 OF 3

NILES AVE.

N37°13'28"W
87.60'

S89°50'00"W
69.32'



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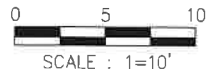
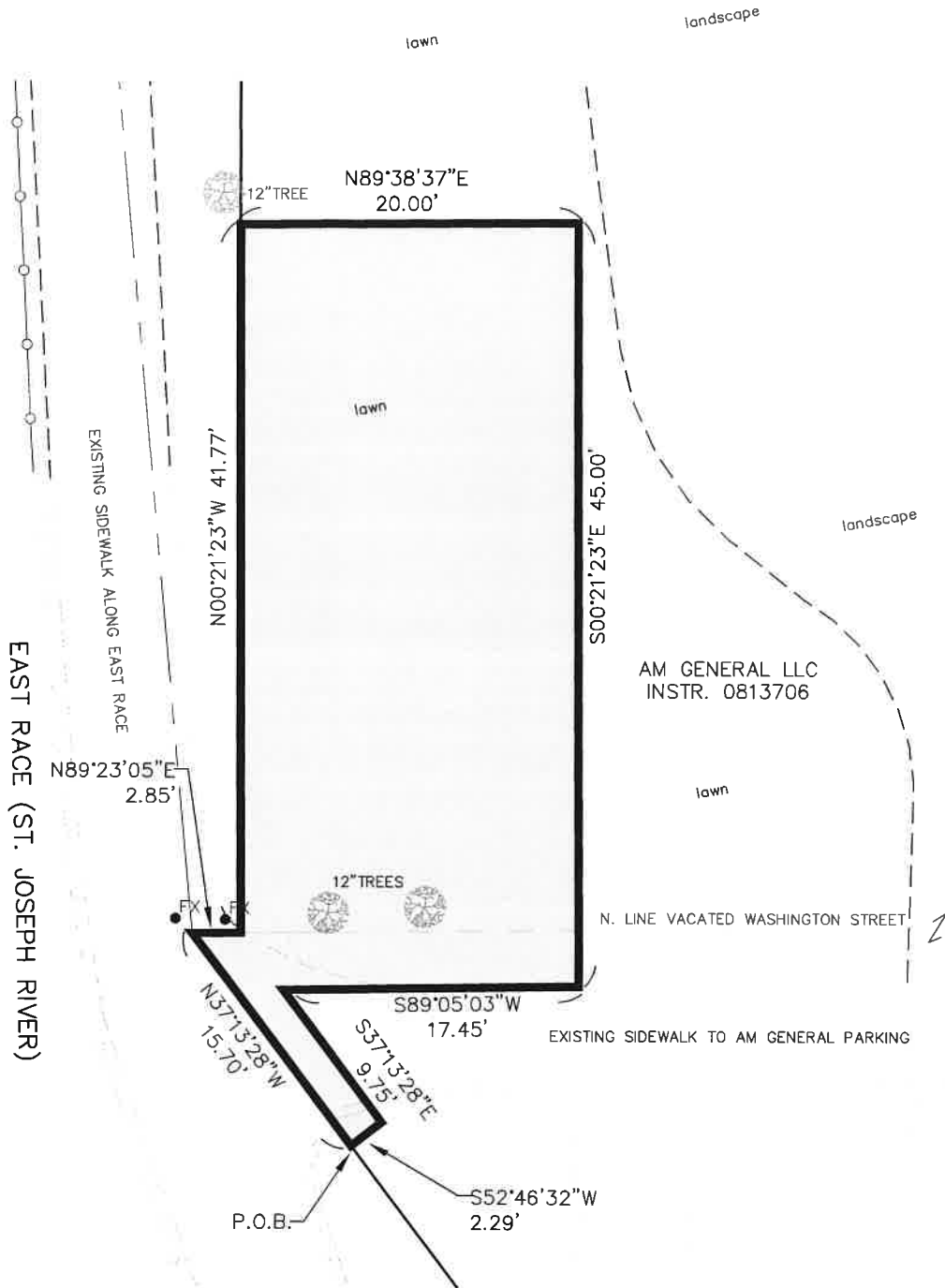
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EXHIBIT B

PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 12,
TOWNSHIP 37 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND,
PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA

REVISED 7/31/2018: PARCEL 2 BOUNDARY

EXHIBIT B



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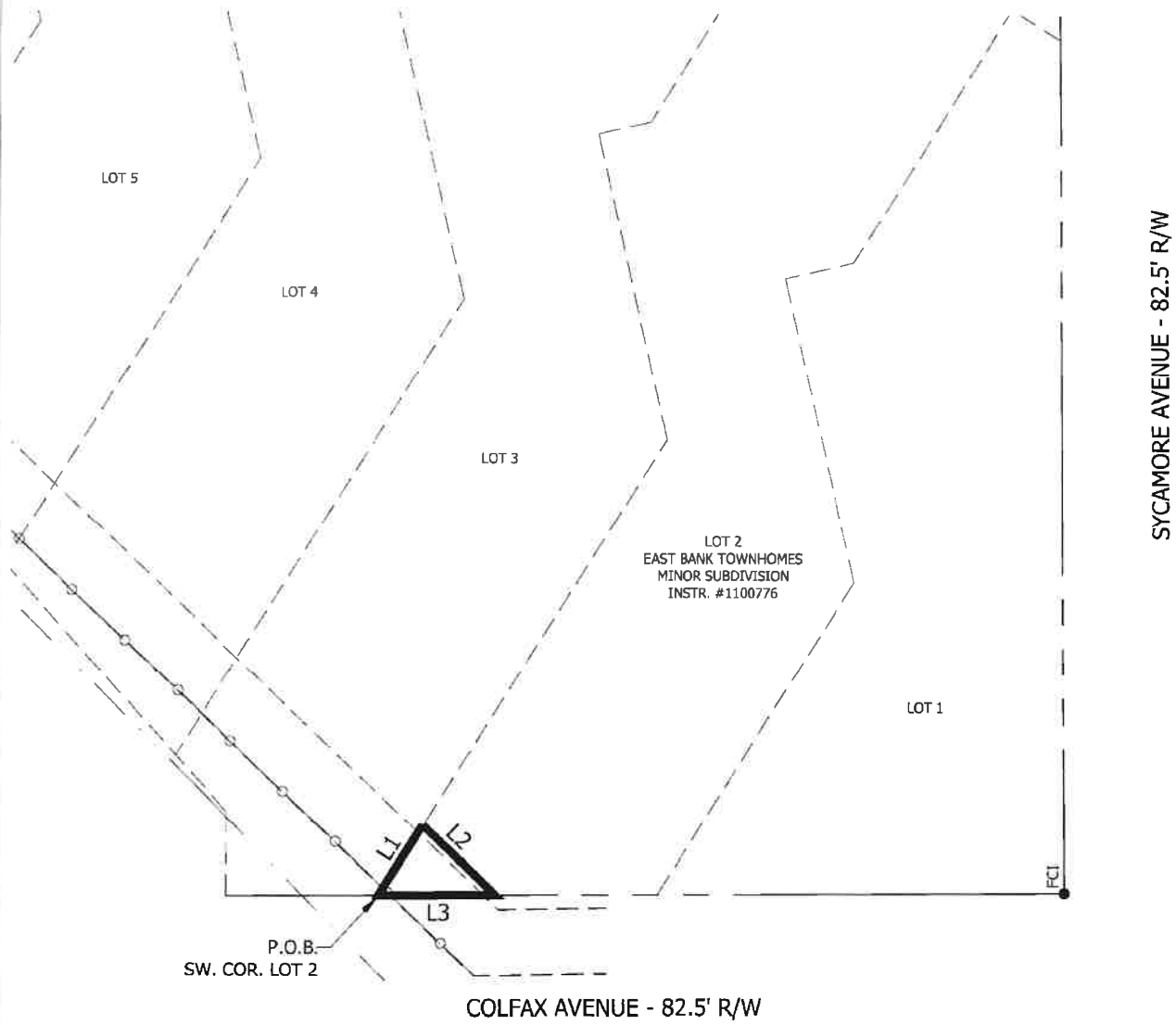
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DATE: 6/28/2018 ACI JOB #: 18-0721 SHT: 3 of 3

PARCEL 2 - 932± SQ. FT.
PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 12,
TOWNSHIP 37 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND,
PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA

REVISED 7/31/2018: PARCEL 2 BOUNDARY

EXHIBIT B



SYCAMORE AVENUE - 82.5' R/W

COLFAX AVENUE - 82.5' R/W

P.O.B.
SW. COR. LOT 2

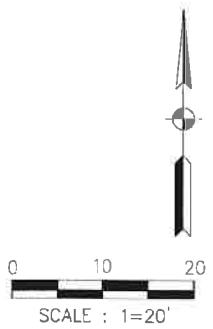
LOT 2
EAST BANK TOWNHOMES
MINOR SUBDIVISION
INSTR. #1100776

LOT 1

LOT 3

LOT 4

LOT 5



LINE DATA TABLE		
LINE #	LENGTH	BEARING
L1	9.84'	N32°04'01"E
L2	11.93'	S46°10'55"E
L3	13.83'	S89°41'42"W

EXHIBIT B - 57± SQ. FT.
PART OF LOT 2 OF EAST BANK TOWNHOMES MINOR SUBDIVISION

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EXHIBIT B

LINE DATA TABLE		
LINE #	LENGTH	BEARING
L1	14.71'	N32°04'01"E
L2	30.09'	S46°10'55"E
L3	9.84'	S32°04'01"W
L4	18.20'	S89°41'42"W
L5	10.00'	N0°18'18"W
L6	9.10'	N41°36'49"W

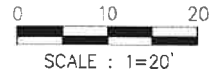
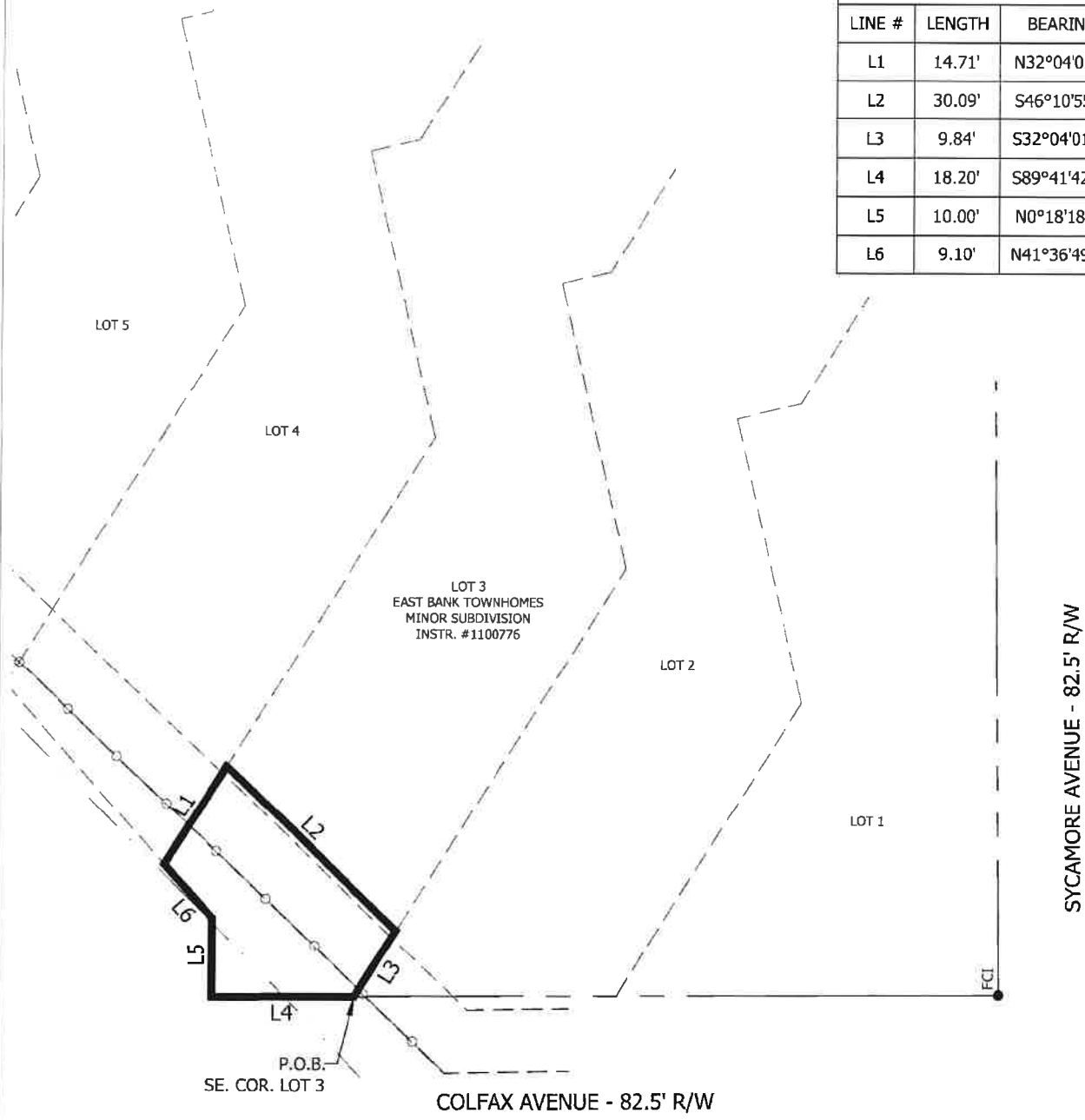


EXHIBIT B - 485± SQ. FT.
PART OF LOT 3 OF EAST BANK TOWNHOMES MINOR SUBDIVISION

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EXHIBIT B

LINE DATA TABLE		
LINE #	LENGTH	BEARING
L1	30.70'	N41°36'49"W
L2	12.21'	N32°04'01"E
L3	30.09'	S46°10'55"E
L4	14.71'	S32°04'01"W

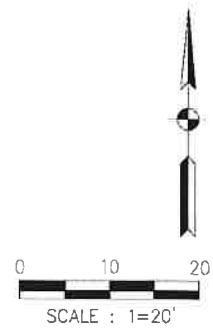
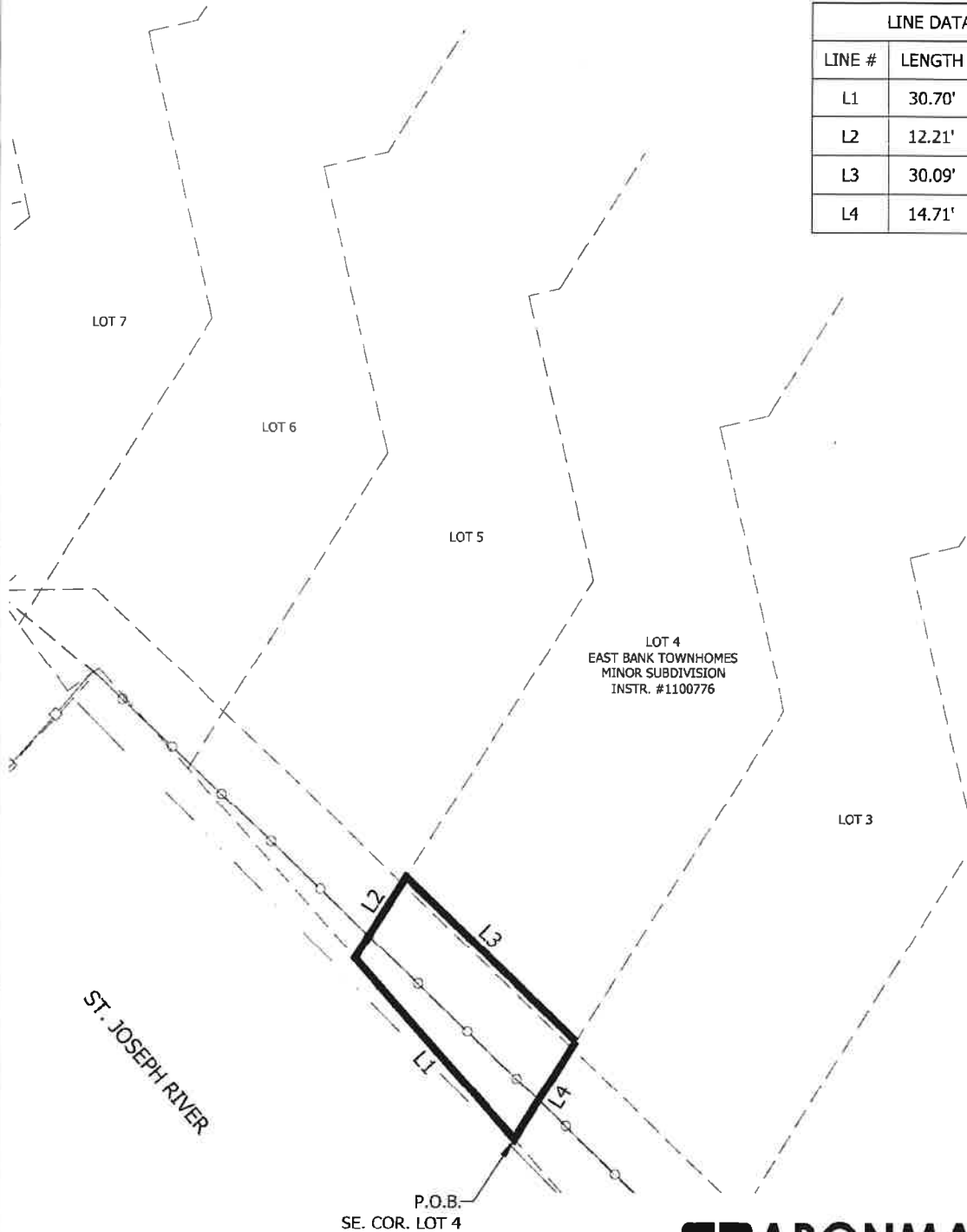


EXHIBIT B - 397 ± SQ. FT.
PART OF LOT 4 OF EAST BANK TOWNHOMES MINOR SUBDIVISION

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EXHIBIT B

LINE DATA TABLE		
LINE #	LENGTH	BEARING
L1	32.18'	N41°36'49"W
L2	9.59'	N32°04'01"E
L3	31.54'	S46°10'55"E
L4	12.21'	S32°04'01"W

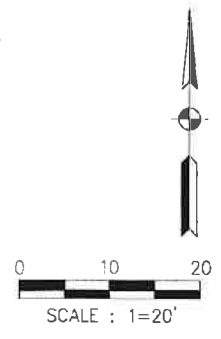
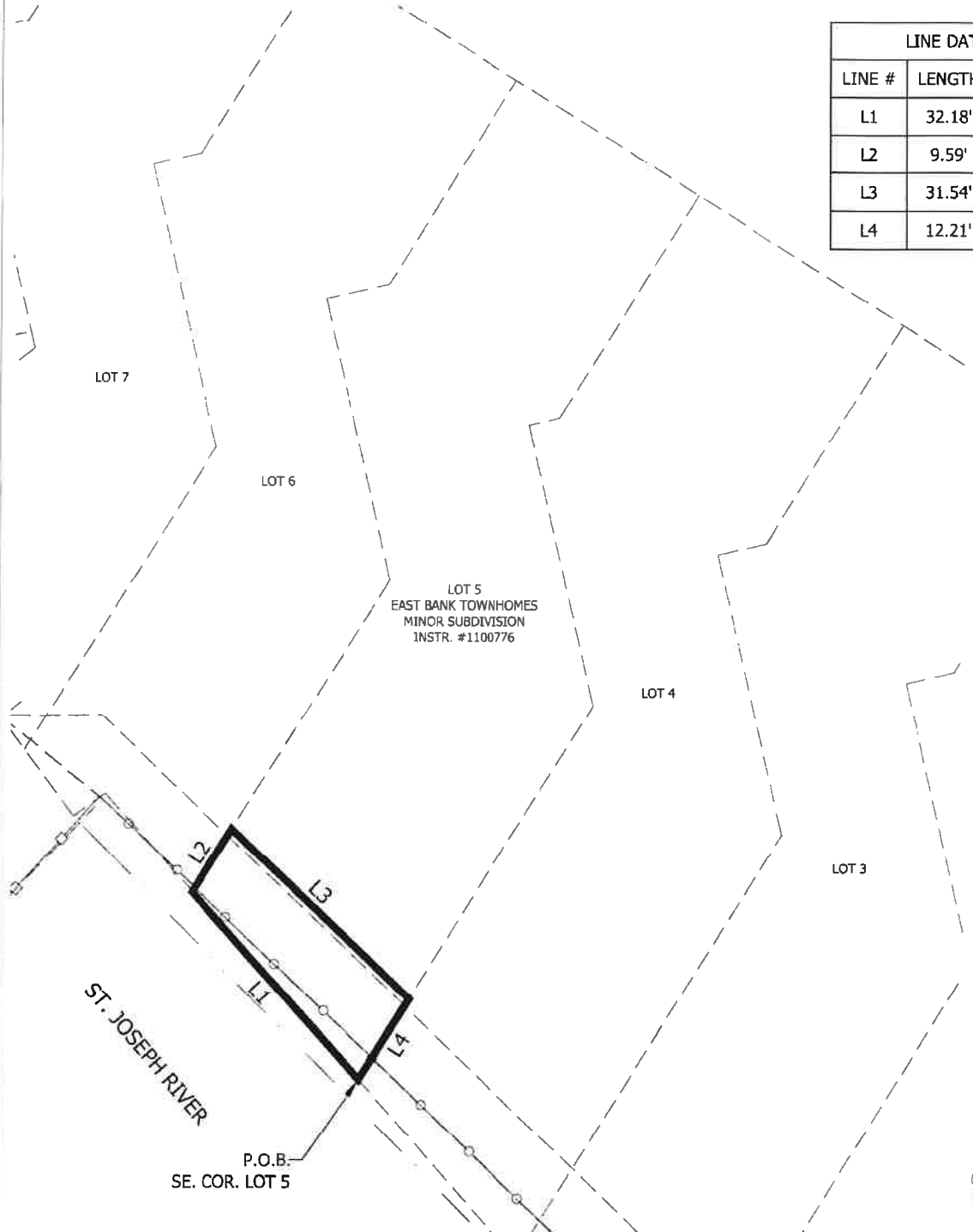


EXHIBIT B - 337± SQ. FT.
PART OF LOT 5 OF EAST BANK TOWNHOMES MINOR SUBDIVISION

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EXHIBIT B

LINE DATA TABLE		
LINE #	LENGTH	BEARING
L1	17.02'	N41°36'49"W
L2	5.00'	S53°53'02"W
L3	10.61'	N36°06'58"W
L4	13.94'	N32°04'01"E
L5	7.29'	S25°42'36"E
L6	22.35'	S46°10'55"E
L7	9.59'	S32°04'01"W

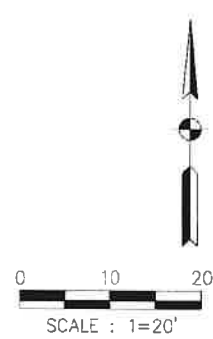
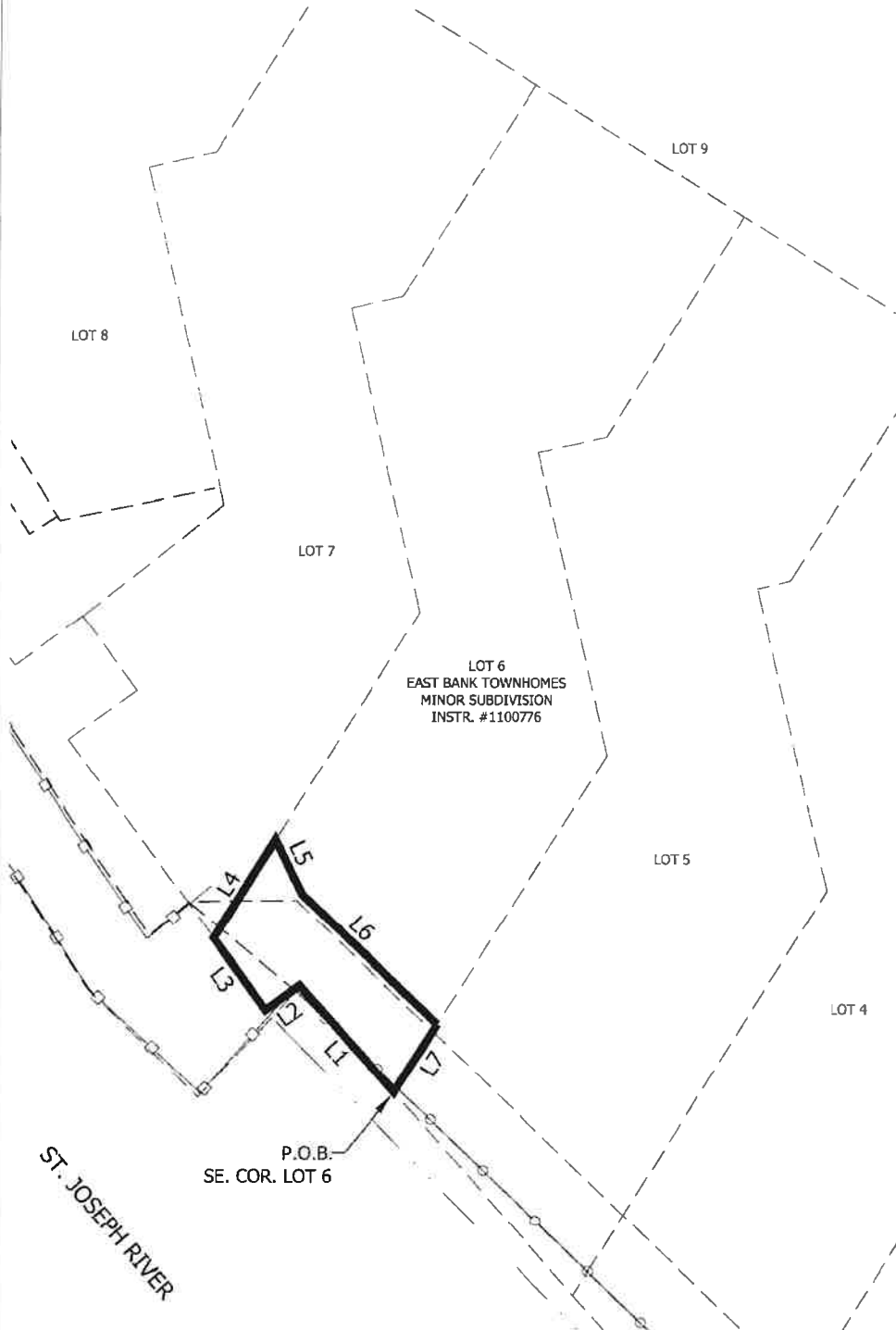


EXHIBIT B - 294± SQ. FT.
PART OF LOT 6 OF EAST BANK TOWNHOMES MINOR SUBDIVISION

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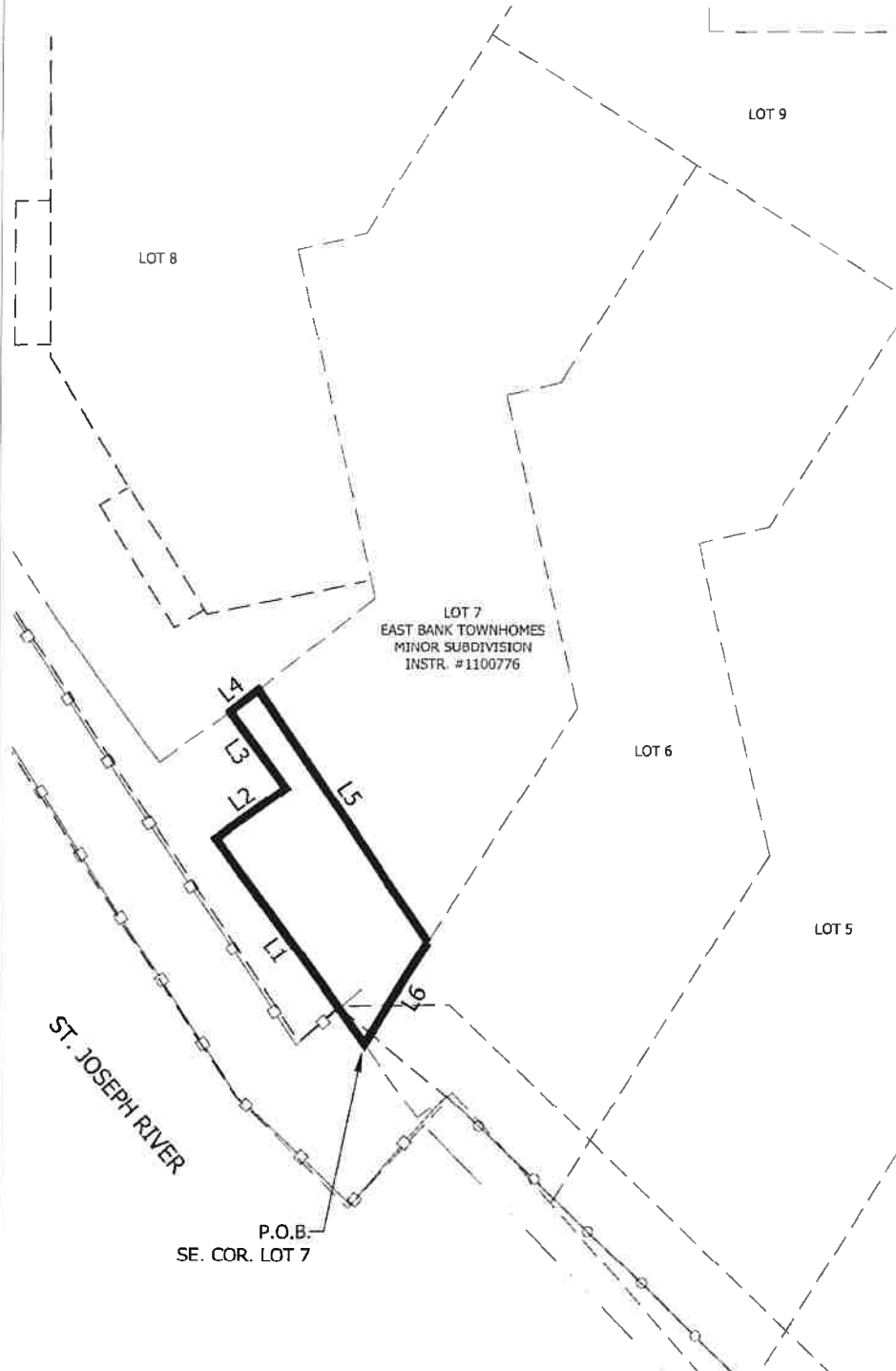
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DATE: 08/16/2016 ACI JOB #: 18-0721 SHT: 2 of 2

EXHIBIT B



LINE DATA TABLE		
LINE #	LENGTH	BEARING
L1	29.39'	N36°06'58"W
L2	10.00'	N53°53'02"E
L3	11.00'	N36°06'58"W
L4	4.10'	N51°43'29"E
L5	35.38'	S34°14'56"E
L6	13.94'	S32°04'01"W

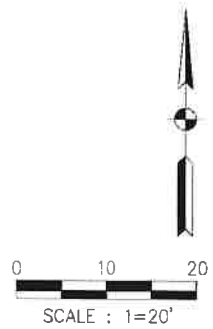


EXHIBIT B - 400± SQ. FT.
PART OF LOT 7 OF EAST BANK TOWNHOMES MINOR SUBDIVISION

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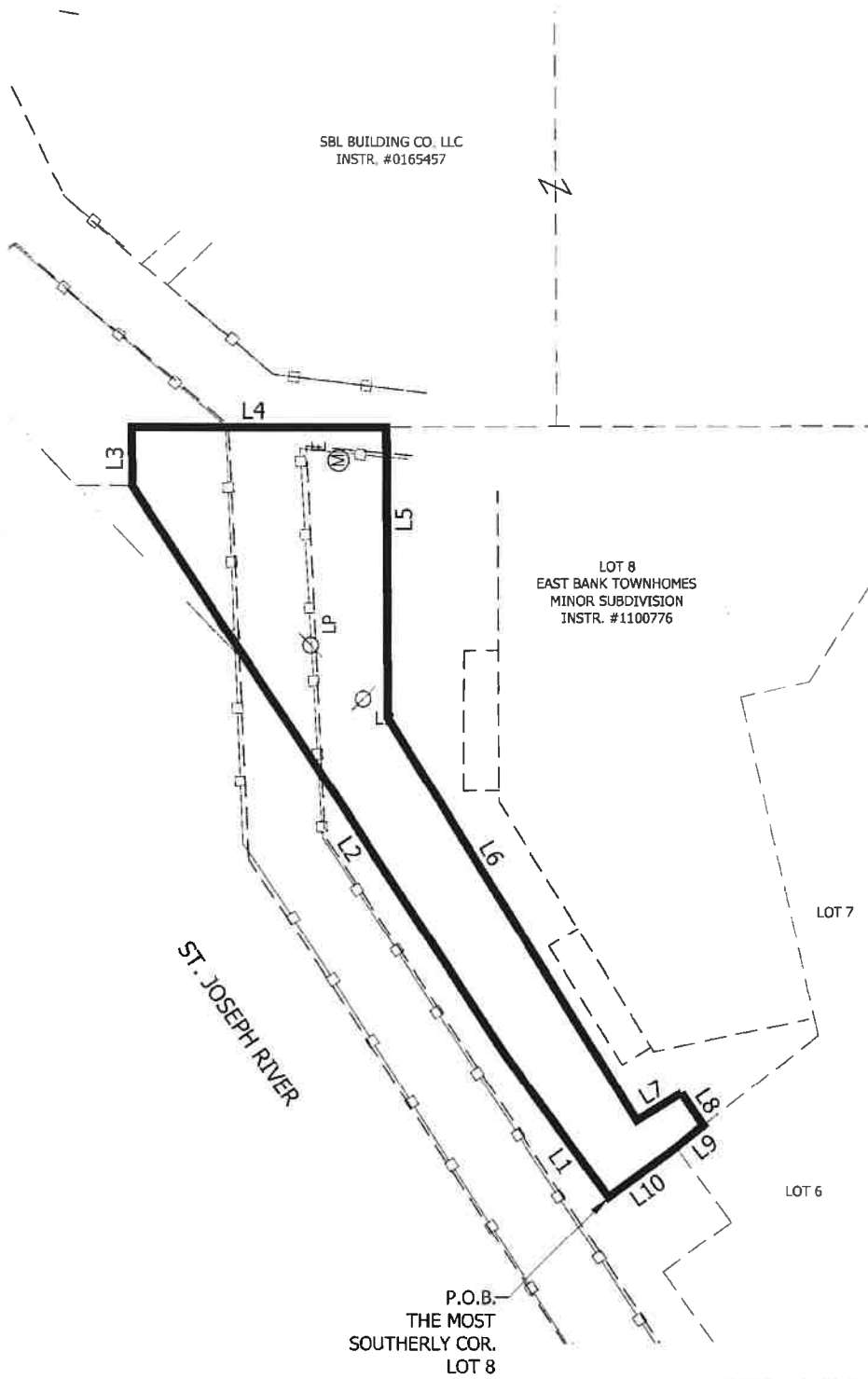
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EXHIBIT B

LINE DATA TABLE		
LINE #	LENGTH	BEARING
L1	20.61'	N36°06'58"W
L2	80.88'	N33°19'00"W
L3	7.00'	N0°07'56"W
L4	30.12'	N89°52'04"E
L5	34.49'	S0°27'02"E
L6	56.22'	S31°42'28"E
L7	6.27'	N58°17'32"E
L8	4.65'	S34°14'56"E
L9	4.10'	S51°43'29"W
L10	10.00'	S53°53'02"W

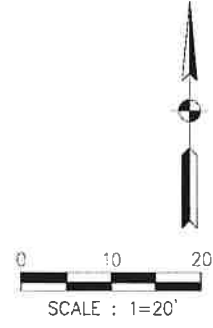


SBL BUILDING CO. LLC
INSTR. #0165457

LOT 8
EAST BANK TOWNHOMES
MINOR SUBDIVISION
INSTR. #1100776

ST. JOSEPH RIVER

P.O.B.
THE MOST
SOUTHERLY COR.
LOT 8



1,435± SQ. FT.
PART OF LOT 8 OF EAST BANK TOWNHOMES MINOR SUBDIVISION

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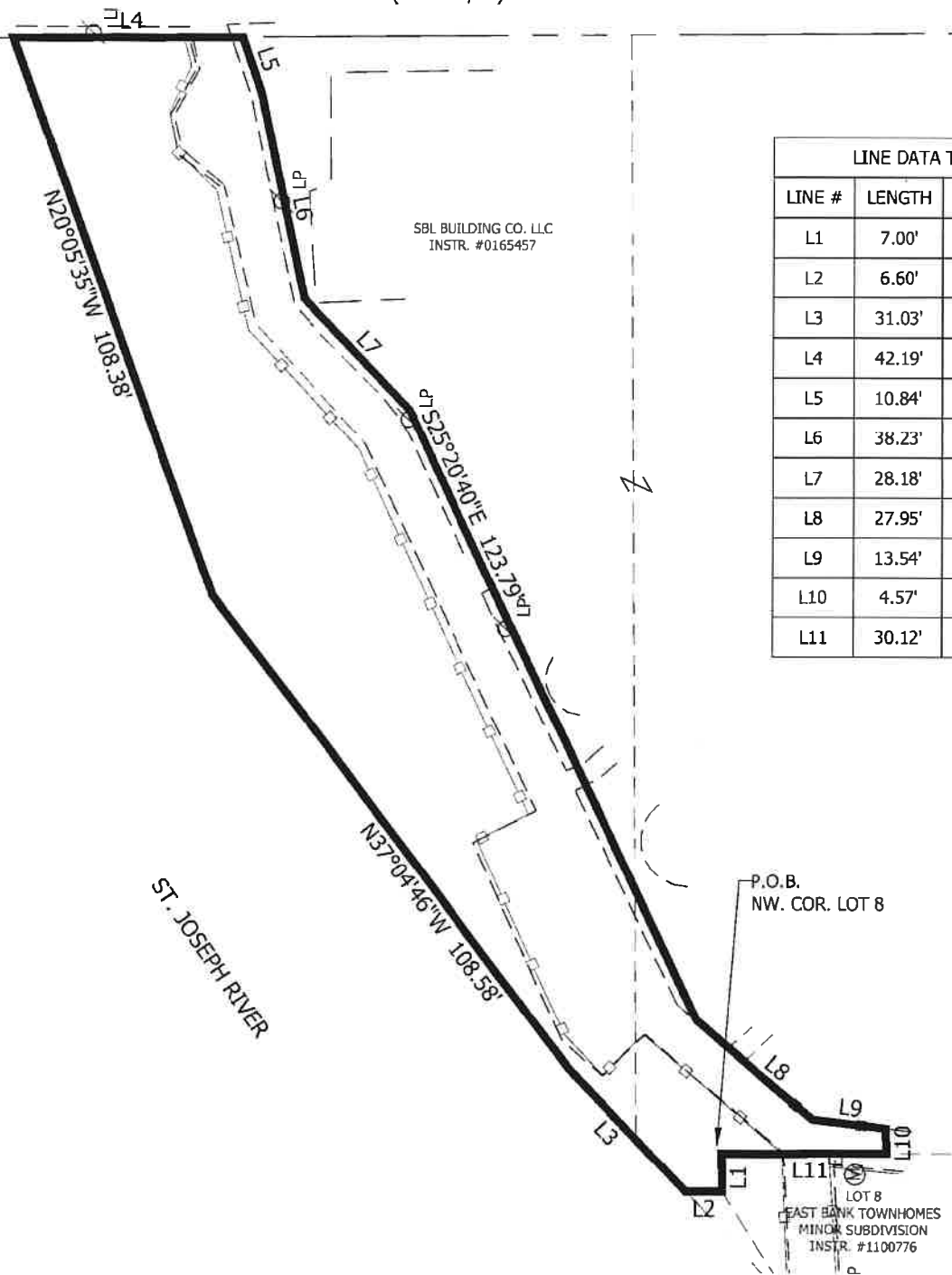
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EXHIBIT B

LASALLE ST. (82.5' R/W)



LINE DATA TABLE		
LINE #	LENGTH	BEARING
L1	7.00'	S0°07'56"E
L2	6.60'	S89°52'04"W
L3	31.03'	N43°48'12"W
L4	42.19'	N89°32'38"E
L5	10.84'	S18°36'00"E
L6	38.23'	S11°50'12"E
L7	28.18'	S44°02'34"E
L8	27.95'	S49°46'21"E
L9	13.54'	S83°06'22"E
L10	4.57'	S0°27'02"E
L11	30.12'	S89°52'04"W

0.20± ACRES (8,603± SQ. FT.)
PART OF WARRANTY DEED #0165457 OWNED BY
SBL BUILDING CO., LLC

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