



OFFICE OF THE MAYOR

JAMES MUELLER, MAYOR

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: JAMES MUELLER, MAYOR
DATE: WEDNESDAY, FEBRUARY 1, 2023
SUBJECT: COMMITTEE MEETING NOTICE

Pursuant to Mayor's call to a special meeting, the following Common Council Committee Meetings from January 23, 2023 have been rescheduled for **Monday, February 6, 2023:**

Board of Public Works Conference Room
13th Floor County-City Building
227 W. Jefferson Blvd. South Bend, IN 46601

The Council Chambers will be Open to the Public or Members of the Public May Attend this Meeting Virtually via Microsoft Teams Meeting app here: <https://tinyurl.com/02062023CC>.

<u>3:30 P.M.</u>	<u>RESIDENTIAL NEIGHBORHOOD COMMITTEE</u>	CHAIRPERSON, WHITE
	1. Bill No. 22-61 - A Resolution Calling for Reparatory Justice	
<u>3:45 P.M.</u>	<u>PUBLIC WORKS & PROPERTY VACATION COMMITTEE</u>	CHAIRPERSON, SHEILA NIEZGODSKI
	2. Committee Update	

4:00 P.M.

**ZONING & ANNEXATION
COMMITTEE**

CHAIRPERSON, HAMANN

1. [Bill No. 71-22](#) - A Zoning Ordinance Amending Property Located at 1502 Miami St., Councilmanic District No. 3 in the City of South Bend, Indiana
2. [Bill No. 78-22](#) - A Zoning Ordinance Amending Property Located at 1144 Corby Blvd. Councilmanic District No. 4 in the City of South Bend, Indiana

4:20 P.M.

**COMMUNITY INVESTMENT
COMMITTEE**

CHAIRPERSON, TOMAS-MORGAN

1. [Bill No. 23-02](#) - A Resolution Approving a Lease Between the South Bend Redevelopment Authority and the South Bend Redevelopment Commission

cc: City Clerk Dawn Jones
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 a Reasonable Advance Request when Possible



South Bend Common Council

Meeting Agenda

Monday, February 6, 2023
7:00 PM

The South Bend Common Council meeting will be open to the public
at the Board of Public Works Conference Room on the
13th floor of the County-City Building, 227 W.

Jefferson Blvd., South Bend, IN 46601

or available by way of a virtual meeting using the Microsoft Teams
Meeting App. Public access to the meeting can be granted by this
Microsoft Teams Link: <https://tinyurl.com/02062023SBCC>

1. **INVOCATION**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **REPORT FROM SUB-COMMITTEE ON MINUTES**
January 9, 2023
5. **SPECIAL BUSINESS**
Update - Unity Gardens
6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**
BILL NO.

[71-22](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 1502 MIAMI ST. COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

[78-22](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1144 CORBY BLVD. COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

8. **RISE AND REPORT**

9. **REGULAR MEETING RECONVENED**

10. **BILLS ON THIRD READING**
BILL NO.

[71-22](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 1502 MIAMI ST. COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

[78-22](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1144 CORBY BLVD. COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

11. **RESOLUTIONS**
BILL NO.

[22-61](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, CALLING FOR REPARATORY JUSTICE

23-02

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, APPROVING A LEASE BETWEEN THE SOUTH BEND REDEVELOPMENT AUTHORITY AND THE SOUTH BEND REDEVELOPMENT COMMISSION AND TAKING OTHER ACTIONS RELATED THERETO

12. **BILLS OF FIRST READING**
BILL NO.

01-23

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, APPROVING A PETITION FOR A SPECIAL EXCEPTION FOR THE PROPERTY LOCATED AT 2621 MISHAWAKA AVE SOUTH BEND, IN 46615 COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

02-23

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 407, 409 AND 411 MARION ST. COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

13. **UNFINISHED BUSINESS**

Reminder - Schedule Committee Organizational Meetings.

14. **NEW BUSINESS**

Reminder - Mayor's Annual Financial Address to the Council - February 13, 2023
Council Meeting

15. **PRIVILEGE OF THE FLOOR**

16. **ADJOURNMENT**

NOTICE FOR HEARING AND SIGHT-IMPAIRED PERSONS

Auxiliary Aid or Other Services may be Available upon Request at No Charge.
Please give a Reasonable Advance Request when Possible

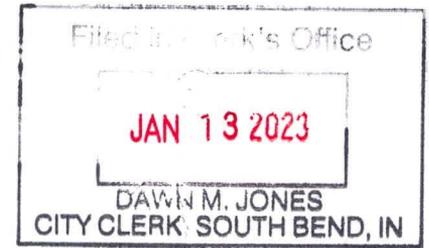


City of South Bend Common Council

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>

January 12, 2023



Sharon L. McBride
President

Sheila Niezgodski
Vice-President

Canneth Lee
Chairperson, Committee
of the Whole

Canneth Lee
First District

Henry Davis, Jr.
Second District

Sharon L. McBride
Third District

Troy Warner
Fourth District

Eli Wax
Fifth District

Sheila Niezgodski
Sixth District

Karen L. White
At Large

Rachel Tomas Morgan
At Large

Lori K. Hamann
At Large

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

**RE: BILL NO. 22-61, RESOLUTION NO. 4996-22 A RESOLUTION OF
THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, CALLING FOR REPARATORY JUSTICE**

Dear Council Members:

It is beyond any dispute that African Americans have been subject to many forms of discrimination throughout the history of this State and this City. This proposed resolution is aimed at providing a partial remedy for past discrimination with a goal of preventing future discrimination. Specifically, the proposed resolution calls for:

a) a formal apology from the Common Council to the LaSalle Park Neighborhood, African Americans, and other affected individuals and communities on behalf of the City of South Bend for the violations and harm incurred by past practices;

b) a recommendation for a Truth and Reconciliation Commission made up of representatives and members of affected communities to be established to be responsible for advising the City on how to make financial reparations to impacted communities;

c) the City to target investment in institutions and programs that provide affordable housing, psychological counseling, health care services, and vocational training to impacted communities, their family members and others affected by past practices;

d) the South Bend Community School Corporation to work with the City around reparatory justice efforts for impacted communities and to incorporate into its curriculum a history lesson about the experiences of African Americans in South Bend and the struggles to hold those at fault accountable and to seek reparatory justice for affected communities;



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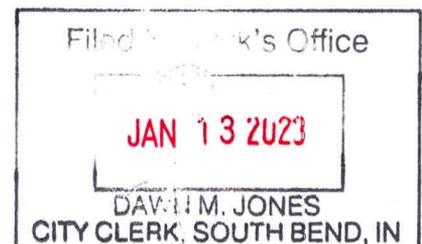
- e) Common Council commitment to supporting the creation of public memorials that memorialize African American history in the City;
- f) the City to develop a detailed plan to set aside a significant portion of federal American Rescue Plan and Infrastructure Investment and Jobs Act dollars to fund institutions and programs designated by impacted communities that provide affordable housing, psychological counseling, health care services, and vocational training to impacted communities, their family members and others affected by said practices.
- g) This cover letter is being filed for the proposed resolution that was submitted on December 14, 2022.

Please add this proposed resolution to the agenda of Residential Neighborhoods Standing Committee for discussion at its January 13, 2023, meeting, and the full Council's agenda for later that night. I have spoken to the Committee Chair, Karen White, about this resolution.

Thank you for your consideration.

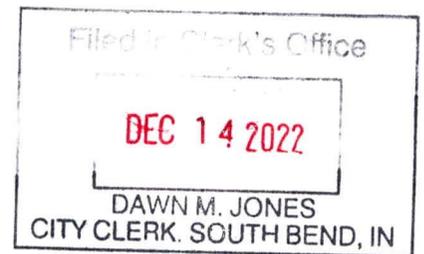
Sincerely yours,

Henry Davis, Jr., South Bend Common
Council, Second District



BILL NO. 22-61

RESOLUTION NO. 4996-22



A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, CALLING FOR REPARATORY JUSTICE

WHEREAS, the South Bend Common Council acknowledges that the 1851 Indiana State Constitution expressly outlawed African Americans from residing in the State of Indiana; and

WHEREAS, the South Bend Common Council acknowledges that the 1851 Indiana State Constitution, Article 13, Section 1 reads: “No negro or mulatto shall come into or settle in the State, after the adoption of this Constitution”; and

WHEREAS, the South Bend Common Council acknowledges that one of the earliest African American families to reside in the City did so illegally when, in 1858, Farrow and Rebecca Powell permanently settled; and

WHEREAS, the South Bend Common Council acknowledges that in the early 20th Century, African Americans escaping racial violence in the Jim Crow South migrated to the City in search of jobs as laborers, domestic workers, factory workers, service workers, among other fields; and

WHEREAS, the South Bend Common Council acknowledges that African American migrants built resilient communities in a racially segregated City of South Bend despite terrible challenges; and

WHEREAS, the South Bend Common Council acknowledges that according to *The Chicago Tribune* in 1923, the Ku Klux Klan drove an estimated 1,000 African American residents from South Bend with threats of violence; and

WHEREAS, the South Bend Common Council acknowledges from the 1930s until the 1950s, the City and local companies disposed of wasted hazardous materials in the LaSalle Park Neighborhood, one of the few communities where African Americans could live due to racial discrimination in housing and employment; and

WHEREAS, the South Bend Common Council acknowledges that harmful toxins such as asbestos, plating and paint wastes, solvents and oils, and arsenic-contaminated foundry sand have been disposed of in this community; and

WHEREAS, the South Bend Common Council acknowledges that Beck’s Lake and surrounding residential areas in the LaSalle Park Neighborhood were listed on the United States Environmental Protection Agency's National Priorities List (NPL), which lists “sites of national priority among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States and its territories”; and

WHEREAS, the South Bend Common Council acknowledges that in Westside communities where African Americans and other disadvantaged groups are concentrated, there exists hazardous lead contamination in a neglected and aged housing stock;
and

WHEREAS, the South Bend Common Council acknowledges that the history of racist redlining practices and divestment from Black communities has led to the loss of roughly a billion dollars in property value from South Bend relative to what existed in 1930, according to a financial analysis by Urban3—a private consulting firm specializing in land value economics, property tax analysis and community design— conducted at the request of the City of South Bend;
and

WHEREAS, the South Bend Common Council acknowledges that the COVID-19 Pandemic further unearthed significant racial disparities in the City that are rooted in a history of racism;
and

WHEREAS, the South Bend Common Council recognizes that this history of racist torture, physical, mental, economic and environmental abuse and coercion was tolerated by local, state, and federal law;
and

WHEREAS, the trauma and damage caused by these heinous acts continue to deleteriously affect African Americans and other people of color in the City of South Bend;
and

WHEREAS, the trauma and damage caused by these heinous acts will continue to cause egregious harm to those affected unless the City of South Bend and other municipal bodies enact reparatory justice to mitigate the harm;
and

WHEREAS, the South Bend Common Council acknowledges that the City has a history of complicity in racist practices; and

WHEREAS, the South Bend Common Council recognizes that today it faces an opportunity to make historic and “once-in-a-generation” investments in affected communities as unprecedented levels of federal funding have come to the City;
and

WHEREAS, the City of South Bend must officially acknowledge the harm that occurred in the City and resolve to never allow such acts to go undeterred, unpunished, and unaddressed ever again.

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

Section I. The Common Council hereby issues a formal apology to the LaSalle Park Neighborhood, African Americans, and other affected individuals and communities on behalf of the City of South Bend for the violations and harm incurred by these practices.

Section II. The Common Council hereby recommends a Truth and Reconciliation Commission made up of representatives and members of affected communities be

established to be responsible for advising the City on how to make financial reparations to impacted communities.

Section III. The Common Council hereby encourages the City to target investment into institutions and programs that provide affordable housing, psychological counseling, health care services, and vocational training to impacted communities, their family members and others affected by aforementioned practices.

Section IV. The Common Council hereby calls on the South Bend Community School Corporation to work with the City around reparatory justice efforts for impacted communities and to incorporate into its curriculum a history lesson about the experiences of African Americans in South Bend and their efforts to hold those at fault accountable and to seek reparatory justice for affected communities.

Section V. The Common Council hereby commits to supporting the creation of public memorials that memorialize African American history in the City.

Section VI. The Common Council hereby calls on the City to develop a detailed plan to set aside a significant portion of federal American Rescue Plan and Infrastructure Investment and Jobs Act dollars to fund institutions and programs designated by impacted communities that provide affordable housing, psychological counseling, health care services, and vocational training to impacted communities, their family members and others affected by said practices.

Section VII This resolution shall become effective upon the date of passage.

Dated this 9th day of January 2023.

Approved this 9th Day January 2023

Sharon McBride, President,
South Bend Common
Council

Attest:

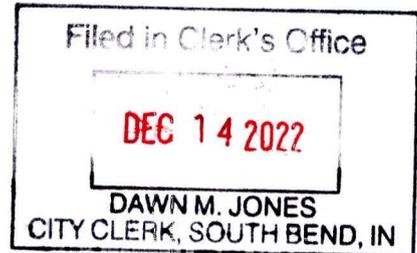
Dawn M. Jones, City Clerk

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 January 2023 at __ o'clock __. m.

Dawn M. Jones, City Clerk
Office of the City Clerk

Approved and Signed by me, on the _____ day of January 2023, at ___ o'clock
___. m.

James Mueller, Mayor
City of South Bend

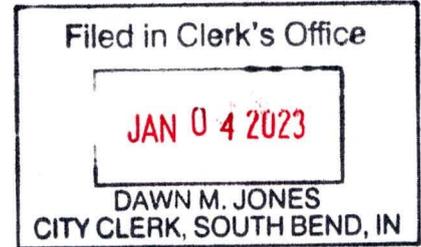


City of South Bend
BOARD OF ZONING APPEALS

County-City Building
227 W. Jefferson Blvd. 1400S
South Bend, IN 46601
(574) 235-7627

January 4, 2023

Common Council of South Bend
227 W. Jefferson Blvd, 4th Floor
South Bend, IN 46601



Re: Bill# 71-22: The petition of SHARK INVESTMENTS LLC seeking a Special Exception for minor vehicle service in the NC Neighborhood Center for property located at 1502 MIAMI RD.

Dear Council Members:

I hereby Certify that the above referenced petition of SHARK INVESTMENTS LLC was legally advertised on November 25, 2022 and that the South Bend Board of Zoning Appeals at its public hearing on January 3, 2023 took the following action:

Upon a motion by Mark Burrell, being seconded by Kaine Kancuzewski and unanimously carried, a petition by SHARK INVESTMENTS LLC seeking a Special Exception for minor vehicle service for property located at 1502 MIAMI RD, City of South Bend, is sent to the Common Council with a **favorable recommendation**, and will issue written Findings of Fact.

The staff comments related to this petition are attached. The Findings of Fact will be adopted at the next South Bend Board of Zoning Appeals meeting. Minutes of the public hearing are available in our office and will be posted on our website once approved.

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

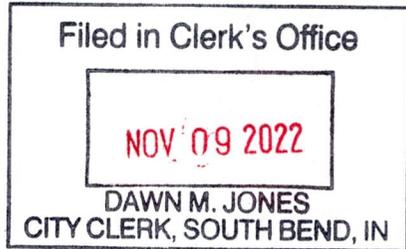
Sincerely,

A handwritten signature in black ink that reads "Angela M. Smith".

Angela M. Smith
Zoning Administrator

Attachment

CC: SHARK INVESTMENTS LLC
Harry Ortega & Luz A Matule



BILL NO. 71-22
ORDINANCE NO. 10907-22

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING
APPEALS FOR THE PROPERTY LOCATED AT 1502 MIAMI ST. COUNCILMANIC
DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

**Request a Special Exception to allow for the property to operate an automotive carwash
and detailing shop**

NOW, THEREFORE, BE IT ORDAINED 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 Advisory 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:

1502 Miami St. 018-7081-2943

In order to permit Vehicle Service, Minor

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Advisory 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 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, if any, established by the Advisory Board of Zoning Appeals which are on file in the Office of the City Clerk.

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

Sharon McBride, Council President
South Bend Common Council

Attest:

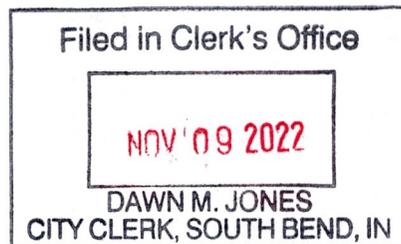
Dawn M. Jones, City Clerk
Office of the City Clerk

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 _____, 2023, at _____ o'clock ____ m.

Dawn M. Jones, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2023, at ____ o'clock ____ m.

James Mueller, Mayor
City of South Bend, Indiana



Property Information

Location: 1502 MIAMI RD
Owner: SHARK INVESTMENTS LLC

Project Summary

Allow a car detailing/carwash

Requested Action

Special Exception: Minor Vehicle Service

Site Location



Staff Recommendation

Staff recommends the Board send the Special Exception to the Common Council with a favorable recommendation.

Proposed Site Plan



Criteria for Decision Making: Special Exception

A Special Use 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 should not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare. The building has been designed for automotive services for several decades. All the vehicle service activities occur within the fully enclosed building. There are not hazardous materials being used or fumes created by this particular automotive service.

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

Since all the vehicle service activities occur with the fully enclosed building, approval of the Special Exception should not injure or adversely affect the use of the adjacent area.

(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 Neighborhood Center Zoning District encourages pedestrian orientated development. The use of Minor Vehicle Service is an Special Exception in the district for instances such as this where the original intent of the building was for an automotive repair shop. Activation of the building in a manner that is sympathetic to the surrounding neighborhood is consistent with the character of the district.

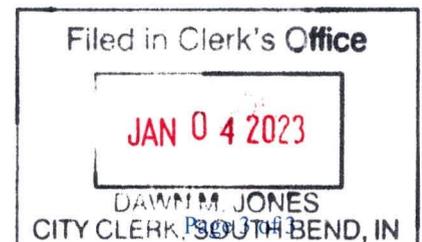
(4) The proposed use is compatible with the recommendations of the Comprehensive Plan.

The petition is consistent with City Plan (2006) Objective ED1: Stimulate the rehabilitation and adaptive reuse of property in the City.

Analysis & Recommendation

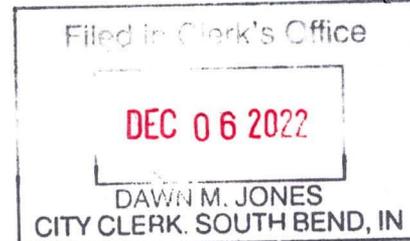
Analysis: Granting the Special Exception will allow for the reuse of a building that was originally built for automotive purposes. Although the Neighborhood Center Zoning District outlines pedestrian orientated development, the use of Minor Vehicle Service is an allowed Special Exception in the district for such instances. With some minor landscaping improvements, the building can be reactivated in a way that works well with the surrounding area.

Staff Recommendation: Staff recommends the Board send the Special Exception to the Common Council with a favorable recommendation.



City of South Bend
BOARD OF ZONING APPEALS

County-City Building
227 W. Jefferson Blvd. 1400S
South Bend, IN 46601
(574) 235-7627



December 6, 2022

Common Council of South Bend
227 W. Jefferson Blvd, 4th Floor
South Bend, IN 46601

Re: Bill# 71-22: The petition of SHARK INVESTMENTS LLC seeking a Special Exception for minor vehicle service in the NC Neighborhood Center for property located at 1502 MIAMI RD.

Dear Council Members:

I hereby Certify that the above referenced petition of SHARK INVESTMENTS LLC was legally advertised on November 25, 2022 and that the South Bend Board of Zoning Appeals at its public hearing on December 5, 2022 took the following action:

Upon a motion by Caitlin Stevens, being seconded by Mark Burrell and unanimously carried, a petition by SHARK INVESTMENTS LLC seeking a Special Exception for minor vehicle service for property located at 1502 MIAMI RD, City of South Bend is **tabled** due to a lack of petitioner in attendance.

The petition is scheduled to be heard at the next regularly scheduled meeting of the BZA on January 3, 2023. If the petitioner fails to appear at that meeting, the matter will be dismissed.

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

Sincerely,

A handwritten signature in cursive script that reads "Angela M. Smith".

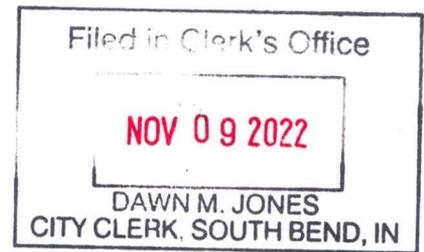
Angela M. Smith
Zoning Administrator

Attachment

CC: SHARK INVESTMENTS LLC
Harry Ortega & Luz A Matule

City of South Bend

BOARD OF ZONING APPEALS



November 9, 2022

Honorable Lori Hamann
4th Floor, County-City Building
South Bend, IN 46601

RE: Special Exception at 1502 Miami St.

Dear Committee Chair Hamann:

Enclosed is an Ordinance for the proposed Special Exception at the above referenced location. Please include the attached Ordinance on the Council agenda for **first reading** at your **November 14th, 2022**, Council meeting and set it for public hearing at your **December 12th, 2022**, Council meeting. The petition is tentatively scheduled for public hearing at the December 5, 2022, South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the Wednesday following the public hearing.

The petitioner provided the following to describe the proposed project:

Request a Special Exception to allow for the property to operate an automotive carwash and detailing shop.

The full petition is attached for your reference. Changes may occur between the filing and the public hearing. Any substantial changes will be identified at the Council meeting.

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

Sincerely,

Rachel Boyles
Zoning Specialist

CC: Bob Palmer

City of South Bend
BOARD OF ZONING APPEALS

227 W. Jefferson Suite 1400S
South Bend, IN 46601
zoning@southbendin.gov

Petition for Variance - Special Exception

Property Information

Tax Key Number: _____

Address: ~~158 Madelle Island Rd Medford~~ 1502 South Miami st ^{South bend} _{IN 46613}

Owner: Luz A Matute

Zoning: Choose the current district

Project Summary:

Requested Action

Special Exception – *complete and attach Criteria for Decision Making*

Use requested: Vehicle Service, minor

Variance(s) - *List variances below, complete and attach Criteria for Decision Making*

Variance(s) requested:



Required Documents

- Completed Application (including Criteria for Decision Making and Contact Information)
- Site Plan drawn to scale
- Filing Fee

PAID

SEP 15 2022

Per VRB

Criteria for Decision Making

Special Exception - if applicable

A Special Exception may only be granted upon making a written determination, based upon the evidence presented at a public hearing. Please address how the project meets the following criteria.

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

it will be used as a Car wash /
Detail place

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

It will be run as a business
washing vehicles

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

It will be up to code Clean, grass
trimmed, Clean outside and inside and
well maintained.

(4) The proposed use is compatible with the recommendations of the Comprehensive Plan, because:

It will be a thrive^{own} business in the
town provide excellence service to the community
with cleaning.

Criteria for Decision Making

Variance(s) - *if applicable*

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. Please address how the project meets the following criteria:

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

(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, because:

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

(4) The variance granted is the minimum necessary, because:

(5) The variance does not correct a hardship caused by a former or current owner of the property, because:

Contact Information

Property owner(s) of the petition site:

Name: Luz A Matute
Address: 156 Middle Island RD Medford Ny 11763

Name: _____
Address: _____

Name: _____
Address: _____

Contact Person:

Name: Harry Ortega
Address: 156 Middle Island RD Medford Ny 11763

Phone Number: 631-949-2381

E-mail: Harry01997@gmail.com

By signing this petition, the Petitioner/Property Owners of the above described Real Estate acknowledge they are responsible for understanding and complying with the South Bend Zoning Ordinance and any other ordinance governing the property. Failure of staff to notify the petitioner of a requirement does not imply approval or waiver from anything contained within the ordinance.

The undersigned authorizes the contact person listed above to represent this petition before the South Bend Plan Commission and Common Council and to answer any and all questions related to this petition.

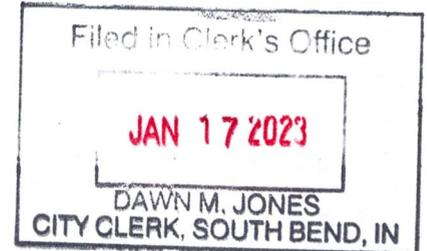
Property Owner (s) Signatures:

Luz A Matute _____



City of South Bend PLAN COMMISSION

County-City Building
227 W. Jefferson Blvd. 1400S
South Bend, IN 46601
(574) 235-7627
www.southbendin.gov/zoning



Tuesday, January 17, 2023

South Bend Common Council
227 W. Jefferson Blvd., 4th Floor
South Bend, IN 46601

Re: Bill#78-22 - A proposed ordinance of FIVE CORNERS LLC to zone from U1 Urban Neighborhood 1 to NC Neighborhood Center, property located at 1144 CORBY BLVD, City of South Bend - PC# 0130-23

Dear Council Members:

I hereby Certify that the above referenced ordinance of FIVE CORNERS LLC was legally advertised on January 7, 2023 and that the South Bend Plan Commission at its public hearing on January 17, 2023 took the following action:

Upon a motion by Jason Piontek, being seconded by Caitlin Stevens and unanimously carried, a proposed ordinance of FIVE CORNERS LLC to zone from U1 Urban Neighborhood 1 to NC Neighborhood Center, property located at 1144 CORBY BLVD, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation.

The staff report is attached. The deliberations of the Plan Commission and points considered in arriving at the above decision are shown in the minutes of the public hearing, Minutes of the public hearing are available in our office and will be posted on our website once approved.

Sincerely,

Angela M. Smith
Zoning Administrator

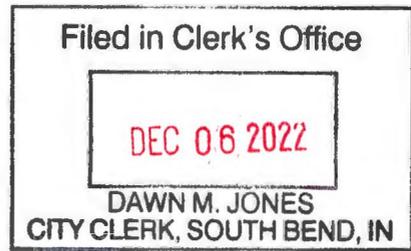
Attachment

CC: FIVE CORNERS LLC
Bob Palmer

Tim Corcoran
Planning Director

Angela Smith
Zoning Administrator

Scott Ford
Commission President



BILL NO. 78-22
ORDINANCE NO.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1144 CORBY BLVD. COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property from NC Neighborhood Center District to U1 Urban Neighborhood 1 to allow for expansion of the development site.

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

SECTION I. Ordinance No. 10689-19, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby 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:

Lot 319 Park Place 3rd Addition

be and the same is hereby established as NC Neighborhood Center

SECTION II. This ordinance is and shall be subject to commitments as provided by Chapter 21-12.07(f)(7) Commitments, if applicable.

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

Sharon McBride, Council President
South Bend Common Council

Attest:

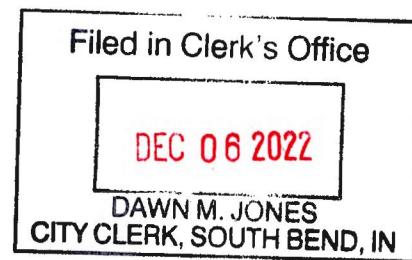
Dawn M. Jones, City Clerk
Office of the City Clerk

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 _____, 2023, at _____ o'clock ____ m.

Dawn M. Jones, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2023, at ____ o'clock ____ m.

James Mueller, Mayor
City of South Bend, Indiana



Property Information

Location: 1144 CORBY BLVD
Owner: FIVE CORNERS LLC

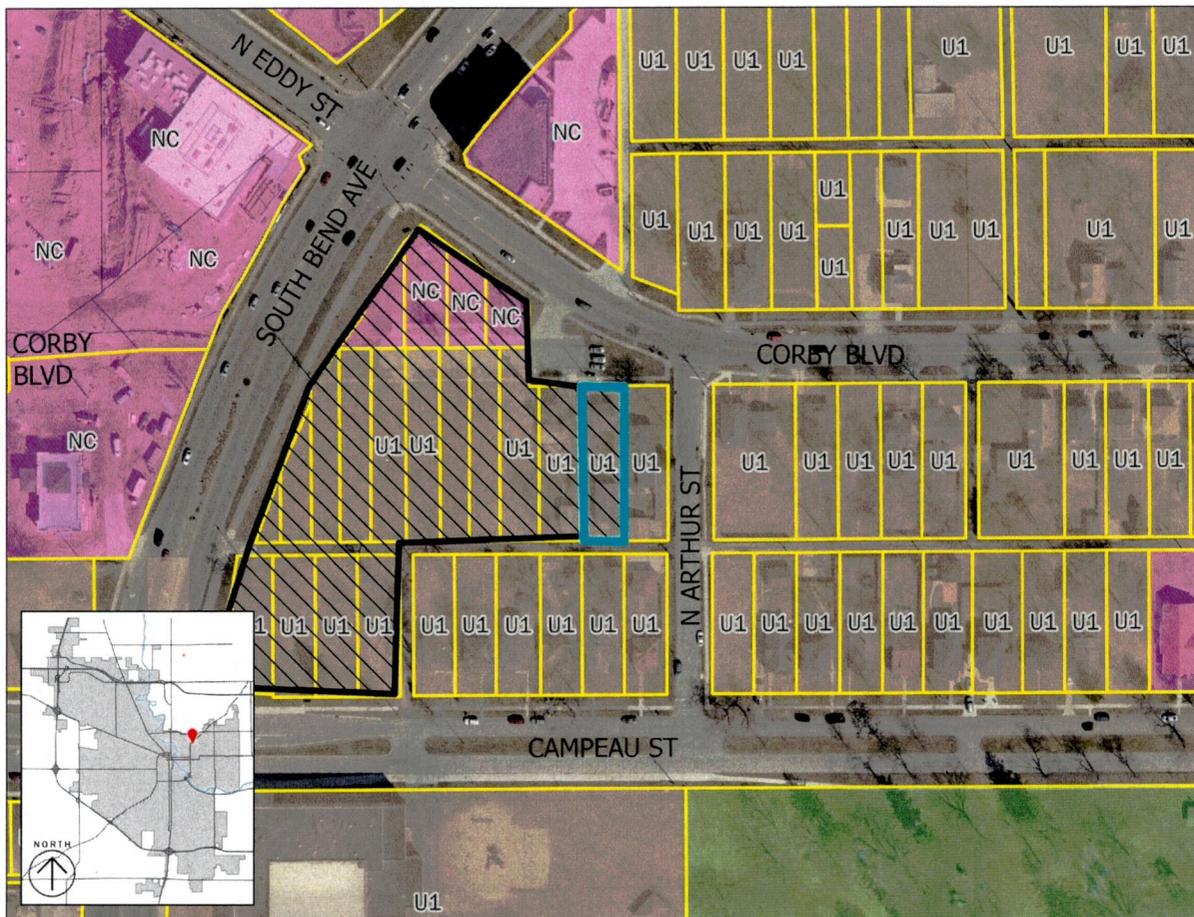
Requested Action

Rezone from U1 Urban Neighborhood 1 to NC Neighborhood Center

Project Summary

Construction of approximately 103 apartment units housed in two buildings located on the southeast corner of SR23 and Corby Street in South Bend. This rezoning is for one more additional lot purchased by the developer that will allow extra green space and parking.

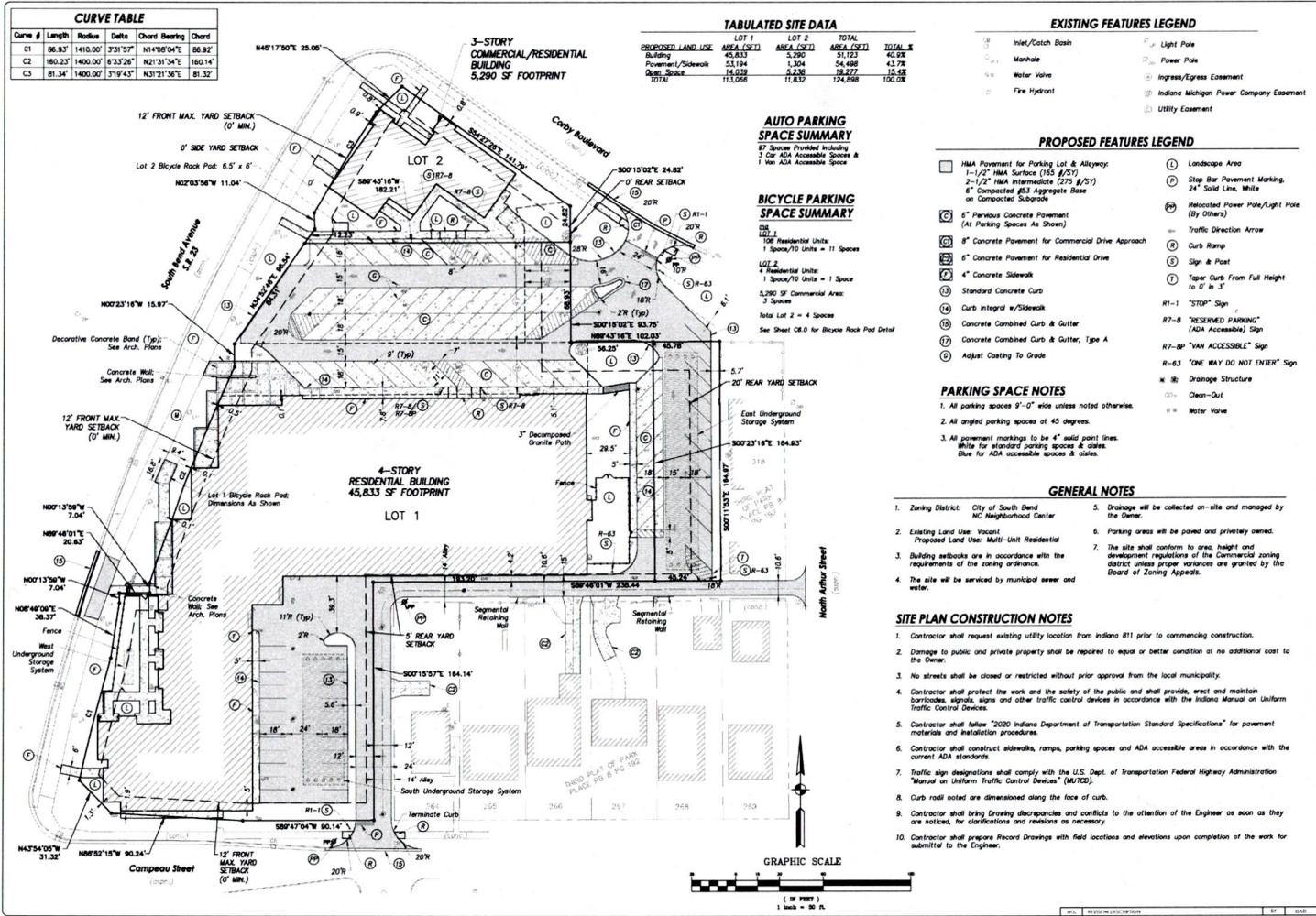
Location Map



Recommendation

Staff Recommendation: Based on information provided prior to the public hearing, the Staff recommends the Commission send the rezoning to the Common Council with a favorable recommendation.

Proposed Site Plan



FIVE CORNERS
MULTI-FAMILY PROJECT
SOUTH BEND AVENUE
SOUTH BEND, IN

SITE LAYOUT PLAN

DATE: 11/20/22

21-1378
C2.0

Site & Context

Land Uses and Zoning:

- On site: On site currently is a residential dwelling unit zoned U1 Urban Neighborhood 1
- North: Across Corby Blvd., are vacant U1 Urban Neighborhood 1 lots and a mixed use building zoned NC Neighborhood Center.
- East: Single-family homes zoned U1 Urban Neighborhood 1
- South: Single-family homes zoned U1 Urban Neighborhood 1
- West: Vacant parcels recently rezoned to NC Neighborhood Center related to this development.

District Intent:

The NC District is established to promote higher intensity, urban neighborhood centers, typically located near the intersection of major streets, in core and outlying areas of the City that are well connected to surrounding neighborhoods.

Site Plan Description:

The site plan shows the construction of a four story apartment building. The parking is handled in a mix of surface lots under a podium structure and open-air surface lots. The larger development incorporates the existing NC Neighborhood Center properties to the north, shown as a future restaurant. This lot is to accommodate more green space and parking.

Zoning and Land Use History and Trends:

The property in question, and the surrounding neighborhood, have seen significant changes in the past two decades. The construction of Eddy Street Commons and other investment in the Northeast Neighborhood has spurred a demand for more housing units in the area. Despite this recent growth, the neighborhood still has less residents than it did in 1990. The 2020 Census shows the neighborhood has lost 32% of its 1970 population. With the recent demand in housing, formerly vacant lots have been developed reversing five decades of population decline. The specific property in question was dramatically affected by the Indiana Department of Transportation widening and reworking of State Road 23 and the former "Five Corners" intersection, which saw widening of Eddy Street and rerouting of local streets. This has left this specific property with many lots that no longer have proper street frontage and no longer are suitable for single family development. While the street network has been drastically changed, many of the former right-of-ways still contain significant utility infrastructure. The majority of the property was rezoned in early 2022. The parcel in question was added to the property after the initial process began.

Traffic and Transportation Considerations:

Eddy Street is a divided four lane state highway with limited access and no on-street parking. Corby Blvd is a two lane road with on street parking. Campeau is a separated three lane road with a left turn lane and no on-street parking.

Agency Comments

Agency Comments:

There are no agency comments at this time.

Staff Comments:

There are no additional comments at this time.

Criteria for Decision Making

Rezoning

Per State Law, the Plan Commission and Common Council shall pay reasonable regard to:

1. Comprehensive Plan:

Policy Plan:

The petition is consistent with the Northeast Neighborhood Plan (2022), Five Corners: Fill vacant lots with high-density development, including apartments and destination commercial uses.

Land Use Plan:

The Northeast Neighborhood Plan (2022) identifies this area for High Density Residential.

Plan Implementation/Other Plans:

The petition is consistent with the City Plan, South Bend Comprehensive Plan (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.

2. Current Conditions and Character:

The existing neighborhood was a dense urban single-family neighborhood with retail uses along the state route. The Indiana Department of Transportation rerouted and expanded S.R. 23 in the early 2010's, which eliminated the former five corners intersection. This required the demolition of a number of homes and changed traffic patterns of the area.

3. Most Desirable Use:

The most desirable use is for the currently large vacant and unused space to be developed at a scale appropriate for the intensity and size of the site and intersections.

4. Conservation of Property Values:

Developing a new residential and commercial project on currently vacant unproductive land will help continue the growth and value of the surrounding neighborhood.

5. Responsible Development and Growth:

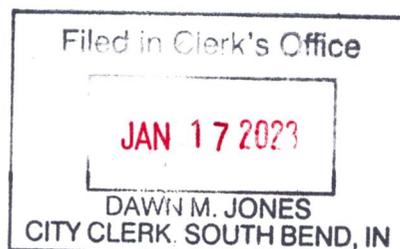
It is responsible development and growth to allow for the continued growth in the Northeast Neighborhood while concentrating large projects along major corridors. Adding additional population to the neighborhood should help encourage more commercial activity nearby.

Analysis & Recommendation

Commitments: There are no written commitments proposed.

Analysis: Rezoning the property to NC Neighborhood Center will allow for a cohesive lot for development. The Northeast Neighborhood has seen significant investment and growth over the past decade. This investment has produced a significant demand and interest in more housing units. The site is an additional lot to accommodate more green space and parking from the Five Corners rezoning previously approved in January 2022.

Recommendation: Based on information provided prior to the public hearing, the Staff recommends the Commission send the rezoning to the Common Council with a favorable recommendation.





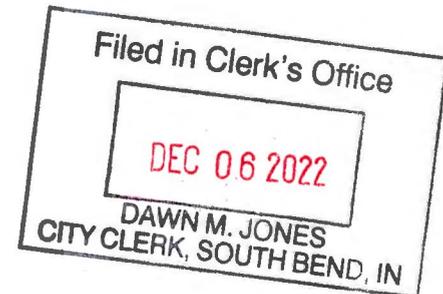
City of South Bend PLAN COMMISSION

County-City Building
227 W. Jefferson Blvd. 1400S
South Bend, IN 46601
(574) 235-7627
www.southbendin.gov/zoning

December 6, 2022

Honorable Committee Chair Hamann
4th Floor, County-City Building
South Bend, IN 46601

RE: 1144 Corby Blvd. – PC#0130-23



Dear Committee Chair Hamann:

Enclosed is 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 December 12th, 2022, Council meeting, and set it for public hearing at your January 23rd, 2023, Council meeting. The petition is tentatively scheduled for public hearing at the January 17th, 2023, South Bend Plan Commission meeting. The recommendation of the South Bend Plan Commission will be forwarded to the Office of the City Clerk by noon on the day following the public hearing.

The petitioner provided the following to describe the proposed project:

The proposed project includes construction of approximately 103 apartment units housed in two buildings located on the southeast corner of SR23 and Corby Street in South Bend. This rezoning is for one more additional lot purchased by the developer that will allow extra green space and parking.

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

Sincerely,

Rachel Boyles
Zoning Specialist

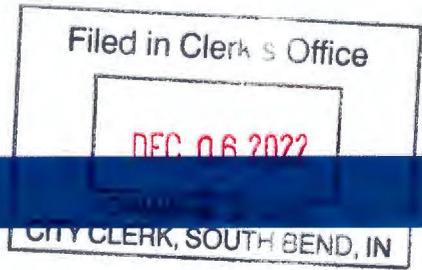
CC: Bob Palmer

Tim Corcoran
Planning Director

Angela Smith
Zoning Administrator

Scott Ford
Commission President

City of South Bend
PLAN COMMISSION



Petition for Rezoning or Combined Public Hearing

Property Information

Tax Key Number: 018-5087-3095

Address: 1144 E. Corby Blvd.

Owner: Five Corners LLC

Legal Description:

Lot 319 of Park Place, 3rd Addition

Project Summary

The proposed project includes construction of approximately 103 apartment units housed in two buildings located on the southeast corner of SR23 and Corby Street in South Bend. This rezoning is for one more additional lot purchased by the developer that will allow extra green space and parking.

Requested Action

Application includes (check all that apply)

Rezoning

Current District: U1 Urban Neighborhood 1

Additional Districts, if applicable

Proposed District NC Neighborhood Center

Additional Districts, if applicable

The Plan Commission and Council will consider the following in the review of a rezoning petition:

- (1) The comprehensive Plan;
- (2) Current conditions and the character of the current structures and uses in each district;
- (3) The most desirable use for which the land in each district is adapted;
- (4) The conservation of property values throughout the jurisdiction; and
- (5) Responsible development and growth.

Subdivision – complete and attach subdivision application

Special Exception – complete and attach Criteria for Decision Making

Use requested: _____

Variance(s) - List variances below, complete and attach Criteria for Decision Making

Variance(s) requested: _____

Required Documents

- Completed Application (including Contact Information)
- Site Plan drawn to scale
- Filing Fee
- Additional documents as noted above

Criteria for Decision Making

Variance(s) - if applicable

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. Please address how the project meets the following criteria:

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

(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, because:

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

(4) The variance granted is the minimum necessary, because:

(5) The variance does not correct a hardship caused by a former or current owner of the property, because:

Contact information

Property owner(s) of the petition site:

Name: Five Corners, LLC

Address: 814 Marietta Street
South Bend, IN 46601

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Robert Nichols, Abonmarche Consultants

Address: 315 W. Jefferson Blvd.
South Bend, IN 46602

Phone Number: 5743289701

E-mail: rnichols@abonmarche.com

By signing this petition, the Petitioner/Property Owners of the above described Real Estate acknowledge they are responsible for understanding and complying with the South Bend Zoning Ordinance and any other ordinance governing the property. Failure of staff to notify the petitioner of a requirement does not imply approval or waiver from anything contained within the ordinance.

The undersigned authorizes the contact person listed above to represent this petition before the South Bend Plan Commission and Common Council and to answer any and all questions related to this petition.

Property Owner (s) Signatures:

CURVE TABLE					
Curve #	Length	Radius	Delta	Chord Bearing	Chord
C1	86.82	1410.00	33°15'	N14°08'04"E	86.82
C2	186.23	1406.00	6°33'28"	N81°21'34"E	186.14
C3	81.34	1406.00	37°18'43"	N37°21'34"E	81.32

TABULATED SITE DATA				
PROPOSED LAND USE	LOT 1	LOT 2	TOTAL	
Building	45,833	2,200	51,533	10.50
Pavement/Street	43,184	1,304	54,488	43.78
Other	14,000	1,236	15,236	15.45
TOTAL	103,017	4,740	107,757	100.00

EXISTING FEATURES LEGEND	
○	Iron/Steel Pipe
○	Manhole
○	Water Valve
○	Fire Hydrant
○	Light Pole
○	Power Pole
○	Ingress/Egress Easement
○	Indiana Michigan Power Company Easement
○	Utility Easement

AUTO PARKING SPACE SUMMARY
 57 Spaces Proposed including:
 3 Car ADA Accessible Spaces &
 1 Van ADA Accessible Space

BICYCLE PARKING SPACE SUMMARY
 102 Residential Units
 1 Space/10 Units = 11 Spaces

LOT 2
 4 Residential Units
 1 Space/10 Units = 1 Space
 5,380 SF Commercial Area
 3 Spaces
 Total Lot 2 = 4 Spaces
 See Shaded CDS for Bicycle Rack Pad Detail

PROPOSED FEATURES LEGEND

○	1/2" Parvus Concrete Pavement (At Parking Spaces As Shown)	○	Landscaping Area
○	6" Concrete Pavement for Commercial Drive Approach	○	Stop Bar Pavement Marking
○	6" Concrete Pavement for Residential Drive	○	24" Solid Line, White
○	4" Concrete Slabwork	○	Retained Power Pole/Light Pole (By Others)
○	Stoneware Concrete Curb	○	Traffic Direction Arrow
○	Cure Slagwall w/Slagwash	○	Cure Ramp
○	Concrete Combined Curb & Cutoff	○	Sign & Post
○	Concrete Combined Curb & Cutoff, Type A	○	Taper Curb From Full Height to 6" in 3'
○	Adjust Casting To Grade	○	R1-1 "STOP" Sign
		○	R7-5 "RESERVED PARKING" (ADA Accessible) Sign
		○	R7-8P "VAN ACCESSIBLE" Sign
		○	A-33 "DON'T DRIVE DO NOT ENTER" Sign
		○	Drainage Structure
		○	Clear-Dirt
		○	Water Valve

PARKING SPACE NOTES

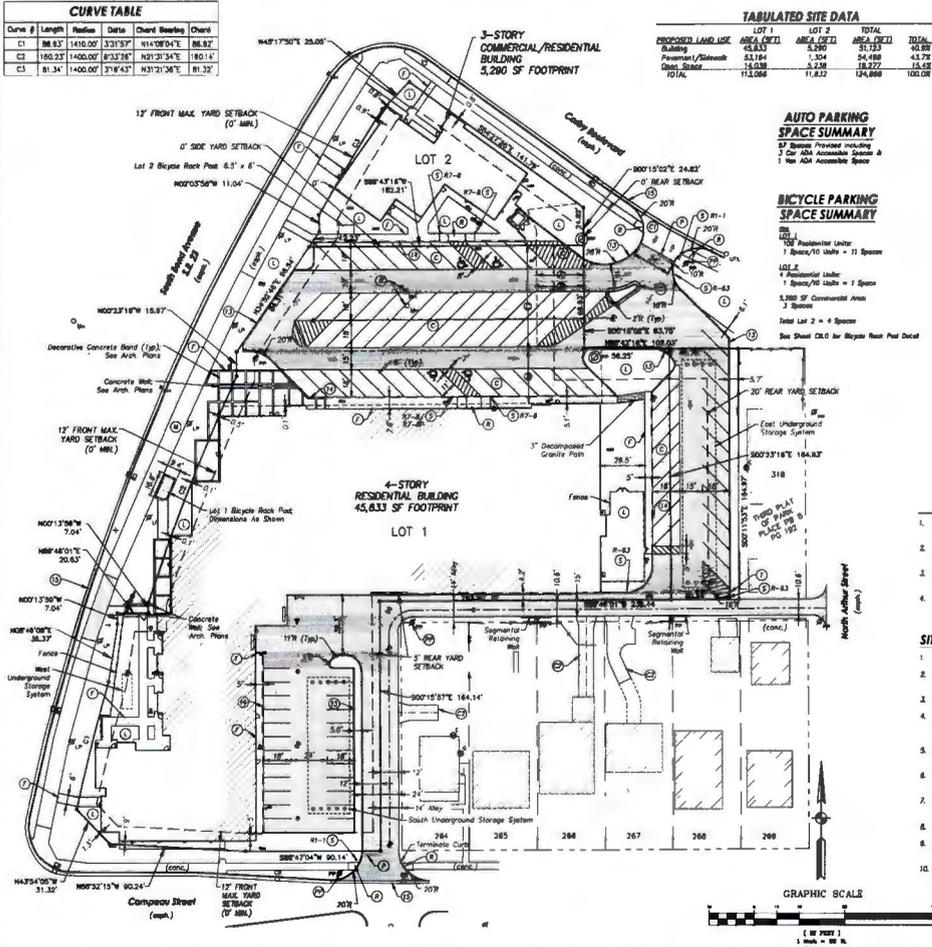
- All parking spaces 8'-0" wide unless noted otherwise.
- All angled parking spaces at 45 degrees.
- All pavement markings to be 4" solid paint lines. (Blue for ADA accessible spaces & white. Blue for ADA accessible spaces & white.)

GENERAL NOTES

- Zoning District: City of South Bend IC Neighborhood Center
- Existing Land Use: Vacant
- Proposed Land Use: Multi-Unit Residential
- Building setbacks are in accordance with the requirements of the zoning ordinance.
- The site will be serviced by municipal sewer and water.
- Drainage will be collected on-site and managed by the Owner.
- Parking areas will be gravel and primarily covered.
- The site shall conform to area, height and setback regulations of the Commercial zoning district unless proper variances are granted by the Board of Zoning Appeals.

SITE PLAN CONSTRUCTION NOTES

- Contractor shall request meeting utility location from Indiana 811 prior to commencing construction.
- Damage to public and private property shall be repaired to equal or better condition at no additional cost to the Owner.
- No streets shall be closed or restricted without prior approval from the local municipality.
- Contractor shall protect the work and the safety of the public and shall provide, erect and maintain berms, shoring, signs and other traffic control devices in accordance with the Indiana Manual on Uniform Traffic Control Devices.
- Contractor shall follow "2000 Indiana Department of Transportation Standard Specifications" for pavement materials and installation procedures.
- Contractor shall construct sidewalks, ramps, parking spaces and ADA accessible areas in accordance with the current ADA standards.
- Traffic sign designations shall comply with the U.S. Dept. of Transportation Federal Highway Administration "Manual on Uniform Traffic Control Devices" (MUTCD).
- Cure road notes are dimensional along the face of curb.
- Contractor shall bring Drawing discrepancies and conflicts to the attention of the Engineer as soon as they are noticed, for clarification and resolution as necessary.
- Contractor shall prepare Record Drawings with field annotations and elevations upon completion of the work for submittal to the Engineer.



ABONMARCHÉ
 ARCHITECTS
 1000 W. SOUTH BEND AVENUE
 SOUTH BEND, IN 46708
 TEL: 765.291.1378
 FAX: 765.291.1379
 WWW.ABONMARCHÉ.COM

FIVE CORNERS MULTI-FAMILY PROJECT
 SOUTH BEND AVENUE
 SOUTH BEND, IN

SITE LAYOUT PLAN

DATE: 11/28/22
 SHEET: 21-1378
 OF: 2

Curve #	Length	Radius	Delta	Chord Bearing	Chord
C1	86.83	1410.00	3°31'57"	N4°40'54"E	86.82
C2	180.23	1400.00	8°33'38"	N31°31'34"E	160.14
C3	81.34	1400.00	3°19'43"	N31°31'38"E	81.33

TABULATED SITE DATA				
LOT 1	LOT 2	TOTAL		
PROPOSED LAND USE	AREA (SQ FT)	AREA (SQ FT)	AREA (SQ FT)	TOTAL
Building	18,833	5,290	24,123	43.9%
Pavement/Stormwater	63,184	1,304	64,488	117.8%
Open Space	18,028	5,586	23,614	43.0%
TOTAL	111,045	11,880	122,925	100.0%

AUTO PARKING SPACE SUMMARY
 27 Standard Parking Spaces
 3 Car ADA Accessible Spaces & 1 van ADA Accessible Space

BICYCLE PARKING SPACE SUMMARY
 12 Standard Bikes
 1 Space/10 Units = 11 Spaces
 1 Space/10 Units = 1 Space
 2,280 SF Commercial Area
 3 Spaces
 Total Lot 2 = 4 Spaces
 See Sheet C2.0 for Bicycle Rack Post Detail

EXISTING FEATURES LEGEND

- ⊖ Inlet/Storm Drain
- ⊖ Storm
- ⊖ Water Valve
- ⊖ Fire Hydrant
- ⊖ Light Pole
- ⊖ Power Pole
- ⊖ Egress/Egress Easement
- ⊖ Indiana Michigan Power Company Easement
- ⊖ Utility Easement

PROPOSED FEATURES LEGEND

- ⊖ 1/2" Paved for Parking Lot & Alleyway
- ⊖ 1/2" Paved Surfaces (785 #/SI)
- ⊖ 1/2" Paved Intermediates (275 #/SI)
- ⊖ Connected GSI Aggregate Base on Compacted Subgrade
- ⊖ 6" Permeable Concrete Pavement (All Parking Spaces As Shown)
- ⊖ 8" Concrete Pavement for Commercial Drive Approach
- ⊖ 6" Concrete Pavement for Residential Drive
- ⊖ 4" Concrete Slabs
- ⊖ Standard Concrete Curb
- ⊖ Curb Integral w/Slab
- ⊖ Concrete Combined Curb & Outlet
- ⊖ Concrete Combined Curb & Outlet, Type A
- ⊖ Asphalt to Grade
- ⊖ Landscape Area
- ⊖ Strip Slope Treatment Marking
- ⊖ 24" Solid Line, White
- ⊖ Removed Power Pole/Light Pole (By Others)
- ⊖ Traffic Direction Arrow
- ⊖ Curb Ramp
- ⊖ Sign & Post
- ⊖ Taper Curb From Full Height to 0" & 3"
- ⊖ R1-1 "STOP" Sign
- ⊖ R7-8 "RESERVED PARKING" (ADA Accessible) Sign
- ⊖ R7-8P "ADA ACCESSIBLE" Sign
- ⊖ R-43 "ONE WAY DO NOT ENTER" Sign
- ⊖ Drainage Structures
- ⊖ Clean-Out
- ⊖ Water Valve

PARKING SPACE NOTES

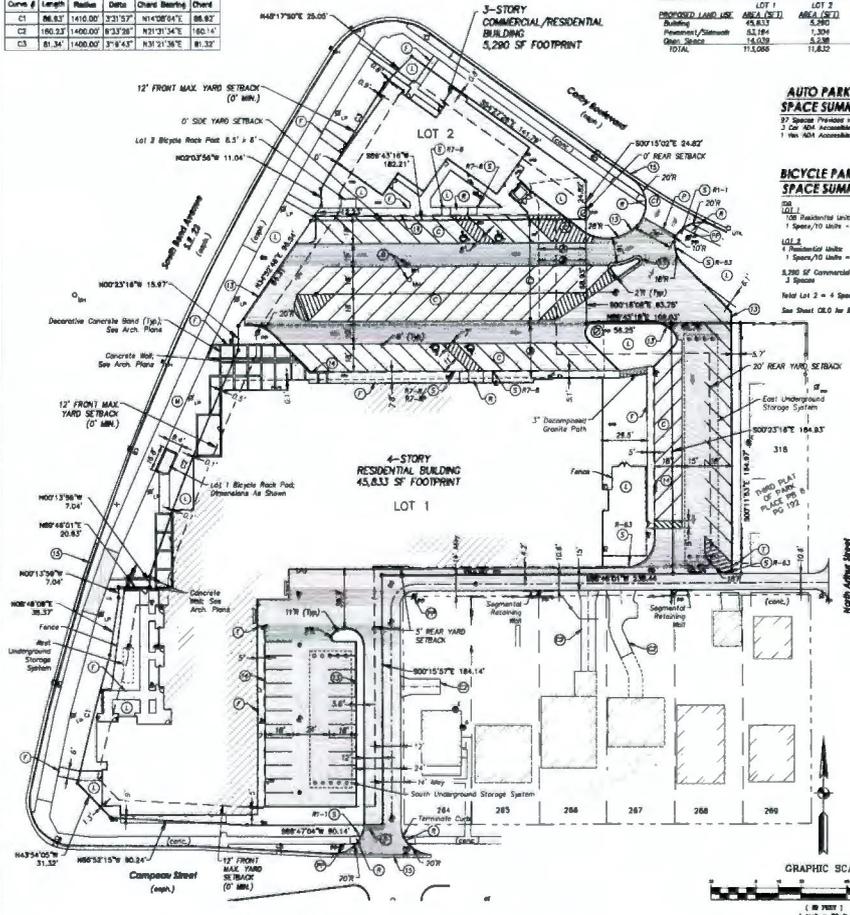
- All parking spaces 9'-2" with vehicle noted otherwise.
- All angled parking spaces of 45 degrees.
- All pavement markings to be 4" wide paint lines. Width for standard parking spaces & details. Blue for ADA accessible spaces & details.

GENERAL NOTES

- Zoning District: City of South Bend Neighborhood Center
- Existing Land Use: Warehouse
- Proposed Land Use: Multi-Unit Residential
- Building setbacks are in accordance with the requirements of the zoning ordinance.
- The site will be serviced by installed sewer and water.
- Drainage will be collected on-site and managed by the Owner.
- Parking areas will be paved and priority marked.
- The site shall conform to noise, health and development regulations of the Commercial zoning district unless further variance are granted by the Board of Zoning Appeals.

SITE PLAN CONSTRUCTION NOTES

- Contractor shall request utility location from Indiana 811 prior to construction activities.
- Damage to public and private property shall be repaired in equal or better condition at no additional cost to the Owner.
- No streets shall be closed or restricted without prior approval from the local municipality.
- Contractor shall protect the work and the safety of the public and shall provide, erect and maintain barricades, signs, lights and other traffic control devices in accordance with the Indiana Manual on Uniform Traffic Control Devices.
- Contractor shall follow "2020 Indiana Department of Transportation Standard Specifications" for pavement materials and installation procedures.
- Contractor shall construct sidewalks, ramps, parking spaces and ADA accessible areas in accordance with the current ADA standards.
- Traffic sign suspensions shall comply with the U.S. Dept. of Transportation Federal Highway Administration Manual on Uniform Traffic Control Devices (MUTCD).
- Curb wall notes are eliminated along the face of curb.
- Contractor shall bring drainage discrepancies and concerns to the attention of the Engineer as soon as they are noticed, for clarification and resolution as necessary.
- Contractor shall prepare Record Drawings with field notes and elevations upon completion of the work for submission to the Engineer.



ABONMARCHÉ
 1100 W. WASHINGTON ST., SUITE 100
 SOUTH BEND, IN 46708
 TEL: 765.291.1100
 FAX: 765.291.1101
 WWW.ABONMARCHÉ.COM

FIVE CORNERS MULTI-FAMILY PROJECT
 SOUTH BEND AVENUE
 SOUTH BEND, IN

SITE LAYOUT PLAN

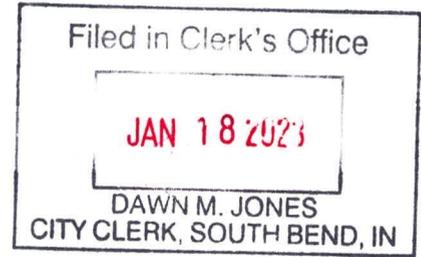
DATE: 11/20/22
 SCALE: AS SHOWN
 SHEET: 21-137B
 TOTAL SHEETS: 21-137A, 21-137B, 21-137C, 21-137D, 21-137E, 21-137F, 21-137G, 21-137H, 21-137I, 21-137J, 21-137K, 21-137L, 21-137M, 21-137N, 21-137O, 21-137P, 21-137Q, 21-137R, 21-137S, 21-137T, 21-137U, 21-137V, 21-137W, 21-137X, 21-137Y, 21-137Z

C2.0

Filed in Clerk's Office

DEC 06 2022

DAWN M. JONES
 CITY CLERK



CITY OF SOUTH BEND

January 18, 2023

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

Dear Council President McBride,

Attached please find a proposal for adoption of a resolution approving a rental revenue bond lease between the Redevelopment Authority and the Redevelopment Commission for the issuance of two Series of TIF-funded bonds to support several neighborhood improvement and economic development projects.

The Common Council's approval will allow the issuance of bonds to fund improvements to the pedestrian connections between Rum Village and Walker Field, match potential state grant funding for the complete overhaul of Kennedy Park, fund upgrades to Southeast Park, support a new sidewalk improvement project at the intersection of Portage and Elwood, finance a revamped streetscape for Linden Avenue, and pay for the full buildout of the MLK Dream Center's park improvements, and more.

These neighborhood improvement projects were identified by neighbors as part of a number of neighborhood planning processes.

The proposed issuance will also fund the planned construction of two public parking garages to support the Beacon Integrative Health & Lifestyle District, a development that could bring more than 240 new housing units (including 100 units of income-qualified housing), retail space, a hotel, and a new site for the Beacon Health and Fitness Center.

Attached is Baker Tilly's financial analysis for these bonds, which will be funded out of the River West and River East TIF Districts. In both districts, estimated coverage exceeds 200% for the lifetime of the debt service on both series. Please let either of us know if you have any questions, we look forward to presenting this for your consideration and will be joined by Bond Counsel Randy Rompola of Barnes & Thornburg and representatives from Baker Tilly.

Sincerely,

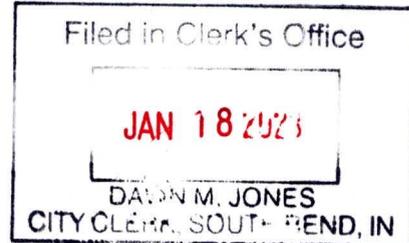


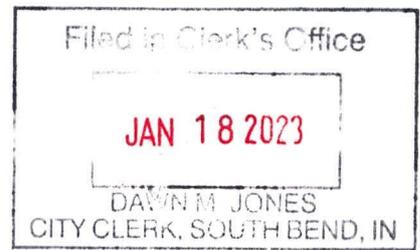
Caleb Bauer
Executive Director
Department of Community Investment



Benjamin Dougherty
Interim Controller
Department of Administration & Finance

CC: Sandra Kennedy, Corporation Counsel





BILL NO. 23-02

RESOLUTION NO. 4998-23

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A LEASE BETWEEN THE SOUTH BEND REDEVELOPMENT AUTHORITY AND THE SOUTH BEND REDEVELOPMENT COMMISSION AND TAKING OTHER ACTIONS RELATED THERETO

WHEREAS, the South Bend Redevelopment Commission (the "Commission"), the governing body of the South Bend Department of Redevelopment and the Redevelopment District of the City of South Bend, Indiana (the "District"), exists and operates under the provisions of Indiana Code 36-7-14, as amended from time to time (the "Act"); and

WHEREAS, the South Bend Redevelopment Authority (the "Authority") has been created pursuant to Indiana Code 36-7-14.5 as a separate body corporate and politic, and as an instrumentality of the City of South Bend, Indiana (the "City") to finance local public improvements for lease to the Commission; and

WHEREAS, the Commission has determined to undertake certain (a) local public improvement projects in the River West Development Area consisting of all or any portion of the following: (i) River Bridge Connector (plus Madison) to South Bend-Notre Dame Trail which consists of Phase 3 of the trail project (the "Trail Project") to construct a pedestrian bridge to connect the trail from the University of Notre Dame campus to the City's downtown, and any related improvements; (ii) Linden improvements which consists of streetscape improvements in coordination with the Martin Luther King Jr. Dream Center, from College to Birdsell, including improvements for bikes and pedestrians, and any related improvements; (iii) Kennedy Park improvements which consist of natural and aquatic improvements to the existing park and any related improvements to increase accessible recreation resources on the west side of the City; (iv) South East Park improvements which consist of improvements to the park, including splashpad improvements and playground resurfacing, and any related improvements; (v) Martin Luther King Jr. Dream Center improvements which consist of exterior park redevelopment, including without limitation splashpad, playground, basketball court, other related park amenity improvements, and any related improvements; (vi) Rum Village Park Plan improvements which consist of enhancements to the historic pavilion and the Park including exterior restoration and stabilization of the fieldstones, broad arches, and courtyard, and any related improvements; and (vii) all projects related to any of the projects described in clauses (i) through and including (vi) (clauses (i) through and including (vii), collectively, the "River West Improvements"), (b) other local public improvements in the River West Development Area to support and provide incentives to foster the development of the Beacon Integrated Health and Lifestyle District project, said project having been awarded up to a \$11,780,000 Regional Economic Acceleration and Development Initiative grant by the South Bend-Elkhart Regional Development Authority, which local public improvements

include, without limitation, site work, construction of up to two (2) public parking garages and a skyway improvement, and any projects related to the foregoing (collectively, the “Beacon District Improvements”), and (c) local public improvement projects in the River East Development Area consisting of all or any portion of the following: (i) LaSalle Streetscape which consists of a road diet with a focus on bike and pedestrian improvements from Martin Luther King Boulevard to Eddy Street and any related improvements; (ii) Hill Street Trail (South Bend Avenue to LaSalle Street) which consists of Phase 2 of the Trail Project to construct a shared use path and any related improvements to improve bicycle and pedestrian facilities between the University of Notre Dame campus and the City’s downtown; (iii) South Bend Avenue (Hill Street to Notre Dame Avenue) and Hill Street Intersection which consists of Phase 1 of the Trail Project to construct a shared use path and any related improvements to improve bicycle and pedestrian facilities between the University of Notre Dame campus and the City’s downtown; (iv) Mishawaka Avenue Streetscape Improvements which consist of a road diet and improved parking from Longfellow Street to Emerson Street, storm sewer separation, and any related improvements; (v) Coquillard Splashpad which consists of upgrading the splashpad at Coquillard Park to modern health, safety, and experiential standards, and any related improvements; and (vi) all projects related to any of the projects described in clauses (i) through and including (v) (clauses (i) through and including (vi), collectively, the “River East Projects” and collectively with the River West Projects and the Beacon District Improvements, the “Projects”); and

WHEREAS, the Commission has given consideration to (i) financing the cost of all or a portion of the Projects; (ii) funding a debt service reserve fund or paying the cost of a reserve surety, if necessary, in connection with the issuance of the Bonds (defined herein); and (iii) paying costs incurred in connection with the issuance of the Bonds; and

WHEREAS, the Commission has determined that it would be beneficial to the District and the City for the Commission to enter into a lease with the Authority pursuant to Section 25.2 of the Act and have the Authority issue its lease rental revenue bonds for a local public improvement pursuant to Indiana Code 36-7-14.5-19; and

WHEREAS, the Projects are located within the boundaries of the District and will benefit the residents of the City by providing future opportunities for new redevelopment and economic development and job creation; and

WHEREAS, at a meeting held on December 19, 2022, following a public hearing held pursuant to Section 25.2 of the Act, the Commission did adopt its Resolution No. 3565 (a) finding (i) that the lease rental payments (the “Lease Rentals”) to be paid by the Commission to the Authority pursuant to a lease between the Commission and the Authority (the “Lease”) are fair and reasonable, (ii) that the terms of the Lease are based upon the value of the leased premises which includes all or a portion of Portage Avenue in the City from its intersection with Cleveland Road to its intersection with Angela Boulevard Center (the “Leased Premises”), and (iii) the use of the Leased Premises throughout the term of the Lease will serve the public purpose of the City and is in the best interests of its residents and (b) approving the Lease in the form presented at the Commission meeting for the purpose of paying the principal of and interest on the South Bend Redevelopment Authority Lease Rental Revenue Bonds of

2023 (the “Bonds”) proposed to be issued by the Authority in one (1) or more series pursuant to Indiana Code 36-7-14.5 to finance the Projects; and

WHEREAS, at a meeting held on December 19, 2022, the Authority did adopt Resolution No. 213 whereby the Authority (a) indicated its intent to issue the Bonds in one (1) or more series to finance all or a portion of (i) the costs of the Projects; (ii) a debt service reserve fund, if necessary, in connection with the issuance of the Bonds; and (iii) costs incurred in connection with the issuance of the Bonds; and (b) approved the proposed form of Lease between the Authority and the Commission for the lease of the Leased Premises; and

WHEREAS, the Commission reasonably expects to pay the Lease Rentals during the term of the Lease from certain tax increment revenues from the River West Development Area and the River East Development Area; however, to assist with the marketing of the Bonds and securing competitive interest rates, the payment of the Lease Rentals also will be secured by the levy of a special tax pursuant to Section 27 of the Act in the event such tax increment revenues are ever insufficient; and

WHEREAS, the annual rentals payable by the Commission under the Lease will be pledged by the Authority to pay the principal of and interest on the Bonds; and

WHEREAS, given the use of the lease financing provisions to reduce the cost of borrowing and certain additional requirements set forth in the Act and Indiana Code 36-7-14.5 with respect to the approval by the Common Council of a financing for redevelopment or economic development purposes, the Common Council of the City (the “Common Council”) desires to (i) approve the Lease as required by Section 25.2 of the Act, which provides that any lease approved by a resolution of the Commission must be approved by the fiscal body of the City, (ii) approve the issuance of the Bonds by the Authority as required by Indiana Code 36-7-14.5-19, and (iii) approve and authorize the transfer of the interests in the Leased Premises to the Authority to permit the Authority to lease the Leased Premises to the Commission pursuant to the Lease.

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

SECTION 1. The Common Council hereby approves of the issuance of the Bonds by the Authority pursuant to Indiana Code 36-7-14.5-19 and the execution and delivery of the Lease, as approved by the Commission, pursuant to Section 25.2 of the Act, in order to provide for the financing of the Projects, all upon the following conditions: (a) the maximum aggregate principal amount of the Bonds shall not exceed \$69,000,000; (b) the Bonds shall have a final maturity date which is not later than twenty (20) years from the date of their issuance; (c) the maximum annual lease rental payment during the term of the Lease shall not exceed \$10,500,000; (d) the maximum interest rate on any tax-exempt series of the Bonds shall not exceed seven and one-half percent (7.50%) per annum and on any taxable series of the Bonds the maximum interest rate shall not exceed nine percent (9.00%) per annum; (e) the Bonds will be subject to optional redemption prior to maturity not earlier than five (5) years after the date of issuance of the Bonds; (f) the maximum term of the Lease shall not exceed twenty (20) years; and (g) interest on the Bonds may be capitalized or paid from the proceeds of the Bonds

for a period up to three (3) years from the date of issuance of the Bonds based upon the recommendation of the Municipal Advisor.

SECTION 2. The Common Council hereby finds and determines that the transfer of the Leased Premises from the City to the Authority for no consideration, in connection with the financing of the Projects by the Authority and lease of the Leased Premises to the Commission pursuant to the Act, is in the best interests of the City and its citizens. The Common Council approves of the transfer of all of the City's interest to the Leased Premises to the Authority and authorizes the Board of Public Works of the City to take such action that may be necessary to effectuate the transfer of the Leased Premises to the Authority as authorized herein.

SECTION 3. This Resolution shall be in full force and effect from and after its adoption by the Common Council.

Sharon L. McBride, Council President
South Bend Common Council

Attest:

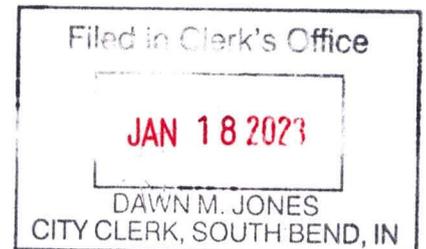
Dawn M. Jones, City Clerk
Office of the City Clerk

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 _____, 2023, at _____ o'clock ____ . m.

Dawn M. Jones, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2023, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana



RESOLUTION NO. 213

A RESOLUTION OF THE SOUTH BEND REDEVELOPMENT AUTHORITY ESTABLISHING ITS INTENT TO ISSUE REDEVELOPMENT AUTHORITY LEASE RENTAL REVENUE BONDS, APPROVING A PROPOSED LEASE WITH THE SOUTH BEND REDEVELOPMENT COMMISSION, AND ALL MATTERS RELATED THERE TO

WHEREAS, the South Bend Redevelopment Authority (the “Authority”) has been created pursuant to Indiana Code 36-7-14.5 as a separate body, corporate and politic, and as an instrumentality of the City of South Bend, Indiana (the “City”), to finance local public improvements for lease to the South Bend Redevelopment Commission (the “Commission”); and

WHEREAS, the Commission, pursuant to declaratory resolutions previously adopted by the Commission and amended from time to time, has declared (i) a certain area of the City known as the “River East Development Area” (the “River East Area”) as a redevelopment area and an allocation area under the Act and approved a redevelopment plan for the Area (ii) a certain area of the City known as the “River West Development Area” (the “River West Area”) as an economic development area and an allocation area under the Act and approved an economic development plan for the Area; and

WHEREAS, the Commission has given consideration to undertaking local public improvement projects in the River West Area including all or any portion of the following: (i) River Bridge Connector (plus Madison) to South Bend-Notre Dame Trail which consists of Phase 3 of the trail project (the “Trail Project”) to construct a pedestrian bridge to connect the trail from the University of Notre Dame campus to the City’s downtown, and any related improvements; (ii) Linden improvements which consists of streetscape improvements in coordination with the Martin Luther King Jr. Dream Center, from College to Birdsell, including improvements for bikes and pedestrians, and any related improvements; (iii) Kennedy Park improvements which consist of natural and aquatic improvements to the existing park and any related improvements to increase accessible recreation resources on the west side of the City; (iv) South East Park improvements which consist of improvements to the park, including splashpad improvements and playground resurfacing, and any related improvements; (v) Martin Luther King Jr. Dream Center improvements which consist of exterior park redevelopment, including without limitation splashpad, playground, basketball court, other related park amenity improvements, and any related improvements; (vi) Rum Village Park Plan improvements which consist of enhancements to the historic pavilion and the Park including exterior restoration and stabilization of the fieldstones, broad arches, and courtyard, and any related improvements; and (vii) all projects related to any of the projects described in clauses (i) through and including (vi) (clauses (i) through and including (vii), collectively, the “River West Improvements”);

WHEREAS, the Commission has given consideration to undertaking additional local public improvements in the River West Area to support and provide incentives to foster the development of the Beacon Integrated Health and Lifestyle District project, said project having been awarded up to a \$11,780,000 Regional Economic Acceleration and Development Initiative grant by the South Bend-Elkhart Regional Development Authority, which local public improvements include, without limitation, site work, construction of up to two (2) public parking garages and a skyway improvement, and any projects related to the foregoing (collectively, the “Beacon District Improvements”); and

WHEREAS, the Commission has given consideration to undertaking local public improvement projects in the River East Area including all or any portion of the following: (i) LaSalle Streetscape which consists of a road diet with a focus on bike and pedestrian improvements from Martin Luther King Boulevard to Eddy Street and any related improvements; (ii) Hill Street Trail (South Bend Avenue to LaSalle Street) which consists of Phase 2 of the Trail Project to construct a shared use path and any related improvements to improve bicycle and pedestrian facilities between the University of Notre Dame campus and the City's downtown; (iii) South Bend Avenue (Hill Street to Notre Dame Avenue) and Hill Street Intersection which consists of Phase 1 of the Trail Project to construct a shared use path and any related improvements to improve bicycle and pedestrian facilities between the University of Notre Dame campus and the City's downtown; (iv) Mishawaka Avenue Streetscape Improvements which consist of a road diet and improved parking from Longfellow Street to Emerson Street, storm sewer separation, and any related improvements; (v) Coquillard Splashpad which consists of upgrading the splashpad at Coquillard Park to modern health, safety, and experiential standards, and any related improvements; and (vi) all projects related to any of the projects described in clauses (i) through and including (v) (clauses (i) through and including (vi), collectively (collectively, the "River East Projects" and collectively with the River West Projects and the Beacon District Improvements, the "Projects"); and

WHEREAS, the Authority desires to express its intent to issue its taxable or tax-exempt lease rental revenue bonds in one (1) or more series in an estimated aggregate principal amount of Sixty-four Million Dollars (\$64,000,000) (the "Bonds") for the purpose of (i) financing the cost of funding all or any portion of the Projects and related expenses; (ii) funding a debt service reserve fund, if necessary in connection with the issuance of the Bonds to finance the costs of the Projects or purchasing a surety bond to satisfy a reserve requirement; and (iii) pay costs incurred in connection with the issuance of the Bonds; and

WHEREAS, the Authority seeks to enter into and adopt a proposed Lease Agreement with the Commission in the form presented at this public meeting (the "Lease") for the purpose of paying the principal and interest on the Bonds issued pursuant to I.C. 36-7-14.5 to finance all or any portion of the Projects, and the other costs set forth above; and

WHEREAS, the Authority or the Commission may pay for certain costs of the Projects (collectively, the "Expenditures") prior to the issuance of the Bonds, and the Authority desires to reimburse the Expenditures with proceeds received by the Authority upon the issuance of the Bonds; and

WHEREAS, the Authority now seeks to declare its intent to reimburse the Expenditures pursuant to Treas. Reg. §1.150-2 and Indiana Code 5-1-14-6(c);

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

SECTION 1. The Authority hereby declares its intent to issue the Bonds pursuant to Indiana Code 36-7-14.5 for the purpose of financing all or any portion of the costs of the Projects and related expenses and to reimburse the Expenditures, if any, from proceeds of the sale of such Bonds.

SECTION 2. The Authority hereby approves the proposed Lease between the Authority and the Commission in the form presented at this public meeting. The President and Secretary of the Authority are hereby authorized to execute the Lease on behalf of the Authority following

approval of the Lease by the Common Council of the City, with such changes thereto as such Officers shall approve, such approval to be conclusively evidenced by their execution thereof.

SECTION 3. This Resolution shall take effect, and be in full force and effect from and after its passage and approval by the Authority, in conformance with applicable law.

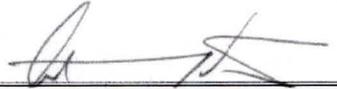
ADOPTED at a meeting of the South Bend Redevelopment Authority held on December 19, 2022, in the BPW Conference Rm of the County-City Building, 277 West Jefferson Boulevard, South Bend, Indiana 46601.

SOUTH BEND REDEVELOPMENT AUTHORITY



Richard Klee, President

ATTEST:



Tony Fitts, Secretary

RESOLUTION NO. 3565

**A RESOLUTION OF THE SOUTH BEND
REDEVELOPMENT COMMISSION AUTHORIZING THE EXECUTION
OF A LEASE BETWEEN THE SOUTH BEND REDEVELOPMENT AUTHORITY AND
THE SOUTH BEND REDEVELOPMENT COMMISSION, AND ALL MATTERS
RELATED THERETO**

WHEREAS, the South Bend Redevelopment Commission (the "Commission"), the governing body of the South Bend Department of Redevelopment and the Redevelopment District of the City of South Bend, Indiana (the "District"), exists and operates under the provisions of Indiana Code 36-7-14, as amended from time to time (the "Act"); and

WHEREAS, the Commission, pursuant to declaratory resolutions previously adopted by the Commission and amended from time to time, the Commission has declared (i) a certain area of the City of South Bend (the "City") known as the "River East Development Area" (the "River East Area") as a redevelopment area and an allocation area under the Act and approved a redevelopment plan for the Area (ii) a certain area of the City of South Bend (the "City") known as the "River West Development Area" (the "River West Area") as an economic development area and an allocation area under the Act and approved an economic development plan for the Area; and

WHEREAS, the Commission has given consideration to undertaking local public improvement projects in the River West Area including all or any portion of the following: (i) River Bridge Connector (plus Madison) to South Bend-Notre Dame Trail which consists of Phase 3 of the trail project (the "Trail Project") to construct a pedestrian bridge to connect the trail from the University of Notre Dame campus to the City's downtown, and any related improvements; (ii) Linden improvements which consists of streetscape improvements in coordination with the Martin Luther King Jr. Dream Center, from College to Birdsell, including improvements for bikes and pedestrians, and any related improvements; (iii) Kennedy Park improvements which consist of natural and aquatic improvements to the existing park and any related improvements to increase accessible recreation resources on the west side of the City; (iv) South East Park improvements which consist of improvements to the park, including splashpad improvements and playground resurfacing, and any related improvements; (v) Martin Luther King Jr. Dream Center improvements which consist of exterior park redevelopment, including without limitation splashpad, playground, basketball court, other related park amenity improvements, and any related improvements; (vi) Rum Village Park Plan improvements which consist of enhancements to the historic pavilion and the Park including exterior restoration and stabilization of the fieldstones, broad arches, and courtyard, and any related improvements; and (vii) all projects related to any of the projects described in clauses (i) through and including (vi) (clauses (i) through and including (vii), collectively, the "River West Improvements"); and

WHEREAS, the Commission has given consideration to undertaking additional local public improvements in the River West Area to support and provide incentives to foster the development of the Beacon Integrated Health and Lifestyle District project, said project having been awarded up to a \$11,780,000 Regional Economic Acceleration and Development Initiative grant by the South Bend-Elkhart Regional Development Authority, which local public

improvements include, without limitation, site work, construction of up to two (2) public parking garages and a skyway improvement, and any projects related to the foregoing (collectively, the “Beacon District Improvements”); and

WHEREAS, the Commission has given consideration to undertaking local public improvement projects in the River East Area including all or any portion of the following: (i) LaSalle Streetscape which consists of a road diet with a focus on bike and pedestrian improvements from Martin Luther King Boulevard to Eddy Street and any related improvements; (ii) Hill Street Trail (South Bend Avenue to LaSalle Street) which consists of Phase 2 of the Trail Project to construct a shared use path and any related improvements to improve bicycle and pedestrian facilities between the University of Notre Dame campus and the City’s downtown; (iii) South Bend Avenue (Hill Street to Notre Dame Avenue) and Hill Street Intersection which consists of Phase 1 of the Trail Project to construct a shared use path and any related improvements to improve bicycle and pedestrian facilities between the University of Notre Dame campus and the City’s downtown; (iv) Mishawaka Avenue Streetscape Improvements which consist of a road diet and improved parking from Longfellow Street to Emerson Street, storm sewer separation, and any related improvements; (v) Coquillard Splashpad which consists of upgrading the splashpad at Coquillard Park to modern health, safety, and experiential standards, and any related improvements; and (vi) all projects related to any of the projects described in clauses (i) through and including (v) (clauses (i) through and including (vi), collectively (collectively, the “River East Projects” and collectively with the River West Projects and the Beacon District Improvements, the “Projects”); and

WHEREAS, the South Bend Redevelopment Authority (the “Authority”) has been established pursuant to the applicable provisions of Indiana Code 36-7-14 as a separate body corporate and politic, and as an instrumentality of the City to finance local public improvements for lease to the Commission; and

WHEREAS, on December 8, 2022, the Commission at a duly advertised and noticed public meeting, adopted its Resolution No. 3564 approving a proposed form of lease (the “Lease”) with the Authority, as Lessor, for all or a portion of Portage Avenue in the City from its intersection with Cleveland Road to its intersection with Angela Boulevard (the “Leased Premises”) in order to provide increased redevelopment and economic development and job creation opportunities for the residents of the City and the Commission scheduled a public hearing regarding the Lease to be held on December 19, 2022, at 9:30 a.m. (local time), in Room 1308 of the County-City Building located at 227 West Jefferson Boulevard, South Bend, Indiana, and published notice of such public hearing on the Lease in accordance with applicable Indiana law; and

WHEREAS, on this date said public hearing has been held, and all interested parties have been provided the opportunity to be heard at the hearing; and

WHEREAS, the Commission intends to pay rent to the Authority (the “Rental Payments”) pursuant to the terms of the Lease, at a rate not to exceed Ten Million Five Hundred Thousand Dollars (\$10,500,000.00) per year, in semiannual installments, with a term no longer than Twenty (20) years beginning on the date the Authority acquires an interest in the Leased Premises, and ending on the day prior to a date not later than twenty (20) years after such date of acquisition by the Authority; and

WHEREAS, the Commission expects the Authority to consider the issuance of lease rental revenue bonds in one (1) or more series for the purpose of (i) financing the cost of funding all or any portion of the costs of the Projects and related expenses; (ii) funding a debt service reserve fund, if necessary in connection with the issuance of bonds to finance the costs of the Projects or purchasing a surety bond to satisfy a reserve requirement; and (iii) pay costs incurred in connection with the issuance of said bonds and which bonds will be payable from the Rental Payments; and

WHEREAS, the Commission seeks to authorize execution of the Lease and authorize the publication, in accordance with Indiana Code. 36-7-14-25.2 and Indiana 6-1.1-20-5, of a Notice of Execution and Approval of Lease;

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

SECTION 1. The Commission hereby finds and determines that (i) the terms of the Lease are based upon the value of the Leased Premises, and the Rental Payments to be paid by the Commission, pursuant to the terms of the Lease, at a rate not to exceed Ten Million Five Hundred Thousand Dollars (\$10,500,000.00) per year, in semiannual installments, with a term no longer than twenty (20) years beginning on the date the Authority acquires an interest in the Leased Premises and ending on the day prior to a date not later than twenty (20) years (the “Term”) after such date of acquisition by the Authority, are fair and reasonable, (ii) the use of the Leased Premises throughout the term of the Lease will serve the public purpose of the City and is in the best interests of its residents, and (iii) the execution and delivery of the Lease is needed.

SECTION 2. The President or Vice-President and the Secretary of this Commission are hereby authorized and directed, on behalf of the City, and subject to obtaining approval from the Common Council of the City (the “Common Council”), to execute, attest, and deliver the Lease in substantially the form presented at this public meeting with such changes in form or substance as the President or Vice-President of this Commission shall approve, such approval to be conclusively evidenced by the execution thereof; provided that the Rental Payments and the Term shall not exceed the amounts set forth in Section 1 hereof.

SECTION 3. The Secretary of the Commission is hereby directed to transmit to the Common Council a copy of this Resolution and the Lease and to request the Common Council to adopt a Resolution approving the Lease and its execution by the Commission and the Authority, prior to the execution of the Lease.

SECTION 4. The Commission hereby authorizes the publication, in accordance with Indiana Code 5-3-1 and 36-7-14-25.2, of the Notice of Execution and Approval of Lease, following execution of the lease by the Commission.

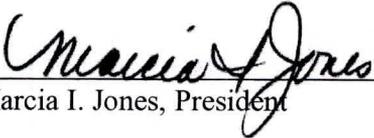
SECTION 5. The President, Vice-President and Secretary of this Commission, and each of them, is hereby authorized and directed to take all such further actions and to execute all such documents or instruments as are desirable to carry out the transactions contemplated by this Resolution, in such forms as the President, Vice-President or Secretary executing the same shall deem proper, such desirability to be conclusively evidenced by the execution thereof.

SECTION 6. This Resolution shall be in full force and effect from and after its adoption

by the Commission.

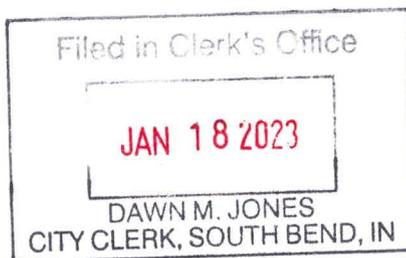
ADOPTED at a meeting of the South Bend Redevelopment Commission held on December 19, 2019, in Room 1308, County-City Building, 227 West Jefferson Boulevard, South Bend, Indiana, 46601.

SOUTH BEND REDEVELOPMENT COMMISSION

By: 
Marcia I. Jones, President

ATTEST:


Troy Warner, Secretary



December 2, 2022

City of South Bend Redevelopment Commission
227 W. Jefferson Blvd.
Suite 1400 S.
South Bend, Indiana 46601

Baker Tilly Municipal Advisors, LLC
8365 Keystone Crossing, Ste 300
Indianapolis, IN 46240
United States of America

T: +1 (317) 465 1500
F: +1 (317) 465 1550
bakertilly.com

Re: Public Improvement Project and Beacon District Project

Dear Members of the Commission:

Per your request, we have prepared the attached financing illustration in connection with the financings supporting each the Public Improvement Projects and the Beacon District Project. This preliminary analysis has been prepared to assist both City and Redevelopment Commission officials in the discussion and consideration of future projects. The attached schedules (listed below) present unaudited and limited information. The use of these schedules should be restricted to this purpose, for internal use only, as the information is subject to future revision and final report.

Page(s)

3	Illustrative Project Costs and Funding
4	Illustrative Amortization of \$34,720,000 Principal Amount of Tax-Exempt Lease Rental Revenue Bonds, Series A (Public Improvement Projects)
5	Illustrative Amortization of \$28,895,000 Principal Amount of Taxable Lease Rental Revenue Bonds, Series B (Beacon District Project)
6	Comparison of Estimated Annual Existing Tax Increment and Total Illustrative Obligations

Supporting Information – River West

7	Summary of Outstanding River West Obligations
8	Estimated Annual Tax Increment
9 - 10	Estimated Annual Existing Tax Increment South Bend – Portage Township Taxing District
11 - 12	Estimated Annual Existing Tax Increment South Bend – German Township Taxing District
13	Estimated Annual Existing Tax Increment South Bend – Warren Township Taxing District
14	Large Taxpayers in the River West Allocation Area
15	Historical Tax Increment Collections

Supporting Information – River East

16	Estimated Annual Tax Increment
17 - 18	Estimated Annual Existing Tax Increment South Bend – Portage Township Taxing District
19	Estimated Annual Existing Tax Increment South Bend – Clay Township Taxing District
20	Estimated Annual 2022 Expansion New Development Tax Increment South Bend – Portage Township Taxing District
21	Large Taxpayers in the River East Allocation Area
22	Historical Tax Increment Collections

In the preparation of these schedules, certain assumptions were made as noted regarding certain future events. As is the case with such assumptions regarding future events and transactions, some or all may not occur as expected and the resulting differences could be material. We have not examined the underlying assumptions nor have we audited or reviewed the historical data. Consequently, we express no opinion thereon nor do we have a responsibility to prepare subsequent reports.

City of South Bend Redevelopment Commission
Re: Public Improvement Projects and Beacon District Project
December 2, 2022
Page Two

We would appreciate your questions or comments on this information and would provide additional information upon request.

Very truly yours,

BAKER TILLY MUNICIPAL ADVISORS, LLC

A handwritten signature in black ink, appearing to read "Matthew R. Eckerle". The signature is fluid and cursive, with the first name being the most prominent.

Matthew R. Eckerle, Principal

SOUTH BEND REDEVELOPMENT COMMISSION

Public Improvement Projects and Beacon District Project

ILLUSTRATIVE PROJECT COSTS AND FUNDING

<u>Illustrative Project Costs:</u>	<u>Series A</u>	<u>Series B</u>	<u>Total</u>
Net proceeds available for projects (1)			
River West Public Improvements	\$18,300,000 (2)		\$18,300,000
River East Public Improvements	12,300,000 (2)		12,300,000
Beacon District		\$24,000,000 (3)	24,000,000
Debt service reserve (4)	4,354,619	4,403,900	8,758,519
Allowance for underwriter's discount (1.00%)	347,200	288,950	636,150
Allowance for Bond issuance costs and contingencies	300,800	202,150	502,950
 Total Illustrative Project Costs	 <u>\$35,602,619</u>	 <u>\$28,895,000</u>	 <u>\$64,497,619</u>
 <u>Illustrative Project Funding:</u>			
Illustrative Tax-Exempt Lease Rental Revenue Bonds (5)	\$34,720,000		\$34,720,000
Illustrative Taxable Lease Rental Revenue Bonds (5)		\$28,895,000	28,895,000
Cash on hand contribution	882,619 (6)		882,619
 Total Illustrative Project Funding	 <u>\$35,602,619</u>	 <u>\$28,895,000</u>	 <u>\$64,497,619</u>

- (1) Represents Bond proceeds, net of issuance costs, that will be available for capital expenditures related to the projects.
- (2) Represents proceeds needed to finance various other public projects, per the City as of November 1, 2022.
- (3) Represents proceeds needed to finance the Beacon District Project, per the City as of November 1, 2022. Assumes the Bonds will be issued in Fall 2023.
- (4) Assumes a debt service reserve funded from bond proceeds in an amount equal to the maximum annual debt service payment. If a reserve fund is not required, or if the reserve is funded through a surety or with cash on hand, then the bond size will be adjusted accordingly.
- (5) Assumes the Bonds will be payable from tax increment revenue generated in the River West Development Area and the River East 1 Economic Development Area with a special benefits tax backup.
- (6) Assumed the debt service reserve (DSR) will be funded in an amount equal to maximum annual debt service (MADS). IRS regulations limit the funding of the DSR to 10% of the par amount of the Bonds. Assumes the additional of funds needed to equal \$882,619 MADS will be contributed from available funds on hand. If a DSR is not required, the bond amount may be adjusted accordingly.

Note: It is assumed the Commission will lease existing City-owned property and, therefore, capitalized interest will not be required.

(Subject to the attached letter dated December 2, 2022)
(Preliminary - Subject to Change)
(For Internal Use Only)

SOUTH BEND REDEVELOPMENT COMMISSION

Public Improvement Projects and Beacon District Project

**ILLUSTRATIVE AMORTIZATION OF \$34,720,000 PRINCIPAL AMOUNT OF
TAX-EXEMPT LEASE RENTAL REVENUE BONDS, SERIES A (PUBLIC IMPROVEMENT PROJECTS)**

**Assumes Bonds dated April 5, 2023
Illustrative True Interest Cost 5.43%**

Payment Date	Principal Outstanding	Principal	Illustrative Interest Rates (1)	Illustrative Interest	Illustrative Total Debt Service	Illustrative Fiscal Year Debt Service	Illustrative Annual Lease Rental (2)
08/01/23	\$34,720,000			\$580,084	\$580,084		
02/01/24	34,720,000			900,130	900,130	\$1,480,214	\$1,486,000
08/01/24	34,720,000			900,130	900,130		
02/01/25	34,720,000			900,130	900,130	1,800,260	1,806,000
08/01/25	34,720,000	\$795,000	4.50%	900,130	1,695,130		
02/01/26	33,925,000	815,000	4.60%	882,243	1,697,243	3,392,373	3,398,000
08/01/26	33,110,000	895,000	4.60%	863,498	1,758,498		
02/01/27	32,215,000	915,000	4.70%	842,913	1,757,913	3,516,410	3,522,000
08/01/27	31,300,000	1,015,000	4.70%	821,410	1,836,410		
02/01/28	30,285,000	1,040,000	4.85%	797,558	1,837,558	3,673,968	3,679,000
08/01/28	29,245,000	1,090,000	4.85%	772,338	1,862,338		
02/01/29	28,155,000	1,115,000	5.00%	745,905	1,860,905	3,723,243	3,729,000
08/01/29	27,040,000	1,195,000	5.00%	718,030	1,913,030		
02/01/30	25,845,000	1,225,000	5.05%	688,155	1,913,155	3,826,185	3,832,000
08/01/30	24,620,000	1,445,000	5.05%	657,224	2,102,224		
02/01/31	23,175,000	1,475,000	5.10%	620,738	2,095,738	4,197,961	4,203,000
08/01/31	21,700,000	1,570,000	5.10%	583,125	2,153,125		
02/01/32	20,130,000	1,620,000	5.15%	543,090	2,163,090	4,316,215	4,322,000
08/01/32	18,510,000	1,675,000	5.15%	501,375	2,176,375		
02/01/33	16,835,000	1,720,000	5.20%	458,244	2,178,244	4,354,619	4,360,000
08/01/33	15,115,000	1,560,000	5.20%	413,524	1,973,524		
02/01/34	13,555,000	1,600,000	5.25%	372,964	1,972,964	3,946,488	3,952,000
08/01/34	11,955,000	1,165,000	5.25%	330,964	1,495,964		
02/01/35	10,790,000	1,195,000	5.40%	300,383	1,495,383	2,991,346	2,997,000
08/01/35	9,595,000	1,230,000	5.40%	268,118	1,498,118		
02/01/36	8,365,000	1,265,000	5.50%	234,908	1,499,908	2,998,025	3,004,000
08/01/36	7,100,000	1,290,000	5.50%	200,120	1,490,120		
02/01/37	5,810,000	1,325,000	5.60%	164,645	1,489,645	2,979,765	2,985,000
08/01/37	4,485,000	1,625,000	5.60%	127,545	1,752,545		
02/01/38	2,860,000	1,670,000	5.70%	82,045	1,752,045	3,504,590	3,510,000
08/01/38	1,190,000	355,000	5.70%	34,450	389,450		
02/01/39	835,000	370,000	5.80%	24,333	394,333	783,783	789,000
08/01/39	465,000	115,000	5.80%	13,603	128,603		
02/01/40	350,000	115,000	5.85%	10,268	125,268	253,870	259,000
08/01/40	235,000	115,000	5.85%	6,904	121,904		
02/01/41	120,000	120,000	5.90%	3,540	123,540	245,444	251,000
Totals		\$34,720,000		\$17,264,756	\$51,984,756	\$51,984,756	\$52,084,000

- (1) We have prepared the interest rate assumptions using our evaluation of the underlying credit pledge to this financing and current market conditions. These factors are subject to change. Changes may result in the actual interest rates varying from the interest rates assumed for this analysis and that variance may be material.
- (2) Represents the annual debt service rounded up to the next \$1,000 plus \$5,000 for Trustee and administrative fees.

(Subject to the attached letter dated December 2, 2022)
(Preliminary - Subject to Change)
(For Internal Use Only)

SOUTH BEND REDEVELOPMENT COMMISSION

Public Improvement Projects and Beacon District Project

**ILLUSTRATIVE AMORTIZATION OF \$28,895,000 PRINCIPAL AMOUNT OF
TAXABLE LEASE RENTAL REVENUE BONDS, SERIES B (BEACON DISTRICT PROJECT)**

Assumes Bonds dated October 25, 2023

Illustrative True Interest Cost 7.24%

Payment Date	Principal Outstanding	Principal	Illustrative Interest Rates (1)	Illustrative Interest	Illustrative Total Debt Service	Illustrative Fiscal Year Debt Service	Illustrative Annual Lease Rental (2)
02/01/24	\$28,895,000			\$541,691	\$541,691	\$541,691	\$547,000
08/01/24	28,895,000			1,015,671	1,015,671		
02/01/25	28,895,000			1,015,671	1,015,671	2,031,343	2,037,000
08/01/25	28,895,000	\$405,000	6.50%	1,015,671	1,420,671		
02/01/26	28,490,000	415,000	6.65%	1,002,509	1,417,509	2,838,180	2,844,000
08/01/26	28,075,000	485,000	6.65%	988,710	1,473,710		
02/01/27	27,590,000	500,000	6.70%	972,584	1,472,584	2,946,294	2,952,000
08/01/27	27,090,000	570,000	6.70%	955,834	1,525,834		
02/01/28	26,520,000	590,000	6.75%	936,739	1,526,739	3,052,573	3,058,000
08/01/28	25,930,000	620,000	6.75%	916,826	1,536,826		
02/01/29	25,310,000	640,000	6.80%	895,901	1,535,901	3,072,728	3,078,000
08/01/29	24,670,000	700,000	6.80%	874,141	1,574,141		
02/01/30	23,970,000	725,000	6.85%	850,341	1,575,341	3,149,483	3,155,000
08/01/30	23,245,000	930,000	6.85%	825,510	1,755,510		
02/01/31	22,315,000	960,000	6.90%	793,658	1,753,658	3,509,168	3,515,000
08/01/31	21,355,000	1,070,000	6.90%	760,538	1,830,538		
02/01/32	20,285,000	1,105,000	6.95%	723,623	1,828,623	3,659,160	3,665,000
08/01/32	19,180,000	1,050,000	6.95%	685,224	1,735,224		
02/01/33	18,130,000	1,085,000	7.00%	648,736	1,733,736	3,468,960	3,474,000
08/01/33	17,045,000	1,270,000	7.00%	610,761	1,880,761		
02/01/34	15,775,000	1,315,000	7.05%	566,311	1,881,311	3,762,073	3,768,000
08/01/34	14,460,000	1,355,000	7.05%	519,958	1,874,958		
02/01/35	13,105,000	1,405,000	7.10%	472,194	1,877,194	3,752,151	3,758,000
08/01/35	11,700,000	1,455,000	7.10%	422,316	1,877,316		
02/01/36	10,245,000	1,505,000	7.15%	370,664	1,875,664	3,752,980	3,758,000
08/01/36	8,740,000	1,560,000	7.15%	316,860	1,876,860		
02/01/37	7,180,000	1,615,000	7.20%	261,090	1,876,090	3,752,950	3,758,000
08/01/37	5,565,000	2,000,000	7.20%	202,950	2,202,950		
02/01/38	3,565,000	2,070,000	7.30%	130,950	2,200,950	4,403,900	4,409,000
08/01/38	1,495,000	445,000	7.30%	55,395	500,395		
02/01/39	1,050,000	460,000	7.40%	39,153	499,153	999,548	1,005,000
08/01/39	590,000	140,000	7.40%	22,133	162,133		
02/01/40	450,000	145,000	7.50%	16,953	161,953	324,085	330,000
08/01/40	305,000	150,000	7.50%	11,515	161,515		
02/01/41	155,000	155,000	7.60%	5,890	160,890	322,405	328,000
Totals		\$28,895,000		\$20,444,669	\$49,339,669	\$49,339,669	\$49,439,000

(1) We have prepared the interest rate assumptions using our evaluation of the underlying credit pledge to this financing and current market conditions. These factors are subject to change. Changes may result in the actual interest rates varying from the interest rates assumed for this analysis and that variance may be material.

(2) Represents the annual debt service rounded up to the next \$1,000 plus \$5,000 for Trustee and administrative fees.

(Subject to the attached letter dated December 2, 2022)
(Preliminary - Subject to Change)
(For Internal Use Only)

SOUTH BEND REDEVELOPMENT COMMISSION

Public Improvement Projects and Beacon District Project

COMPARISON OF ESTIMATED ANNUAL EXISTING TAX INCREMENT AND TOTAL ILLUSTRATIVE OBLIGATIONS

Taxes Payable Year	Estimated Tax Increment			Obligations				Estimated Remaining Tax Increment	Estimated Coverage
	River West	River East	Total	Outstanding River West Obligations	Illustrative Tax-Exempt 2023A Lease Rentals	Illustrative Taxable 2023B Lease Rentals	Total		
	(1)	(2)		(3)	(4)	(5)			
2023	\$19,177,660	\$3,504,020	\$22,681,680	(\$7,665,561)	(\$1,486,000)	(\$547,000)	(\$9,698,561)	\$12,983,119	234%
2024	19,391,630	3,531,010	22,922,640	(6,170,480)	(1,806,000)	(2,037,000)	(10,013,480)	12,909,160	229%
2025	20,165,880	3,561,560	23,727,440	(4,325,165)	(3,398,000)	(2,844,000)	(10,567,165)	13,160,275	225%
2026	20,094,390	3,583,270	23,677,660	(4,068,190)	(3,522,000)	(2,952,000)	(10,542,190)	13,135,470	225%
2027	20,492,140	3,753,080	24,245,220	(4,061,165)	(3,679,000)	(3,058,000)	(10,798,165)	13,447,055	225%
2028	20,595,160	3,848,720	24,443,880	(4,065,240)	(3,729,000)	(3,078,000)	(10,872,240)	13,571,640	225%
2029	20,899,450	3,907,230	24,806,680	(4,061,215)	(3,832,000)	(3,155,000)	(11,048,215)	13,758,465	225%
2030	20,259,290	3,909,870	24,169,160	(3,031,006)	(4,203,000)	(3,515,000)	(10,749,006)	13,420,154	225%
2031	20,853,140	3,909,870	24,763,010	(3,025,508)	(4,322,000)	(3,665,000)	(11,012,508)	13,750,503	225%
2032	20,084,780	4,361,680	24,446,460	(3,031,796)	(4,360,000)	(3,474,000)	(10,865,796)	13,580,664	225%
2033	19,288,770	2,656,260	21,945,030	(2,036,154)	(3,952,000)	(3,768,000)	(9,756,154)	12,188,876	225%
2034	19,243,120	514,330	19,757,450	(2,039,938)	(2,997,000)	(3,758,000)	(8,794,938)	10,962,513	225%
2035	19,243,120	511,770	19,754,890	(2,036,288)	(3,004,000)	(3,758,000)	(8,798,288)	10,956,603	225%
2036	19,243,120	511,770	19,754,890	(2,041,240)	(2,985,000)	(3,758,000)	(8,784,240)	10,970,650	225%
2037	17,753,790	39,210	17,793,000		(3,510,000)	(4,409,000)	(7,919,000)	9,874,000	225%
2038	4,019,440	15,790	4,035,230		(789,000)	(1,005,000)	(1,794,000)	2,241,230	225%
2039	1,308,460	15,790	1,324,250		(259,000)	(330,000)	(589,000)	735,250	225%
2040	1,308,460		1,308,460		(251,000)	(328,000)	(579,000)	729,460	226%
Totals	\$303,421,800	\$42,135,230	\$345,557,030	(\$51,658,945)	(\$52,084,000)	(\$49,439,000)	(\$153,181,945)	\$192,375,085	

- (1) See page 8.
- (2) See page 16.
- (3) See page 7.
- (4) See page 4.
- (5) See page 5.

(Subject to the attached letter dated December 2, 2022)
(Preliminary - Subject to Change)
(For Internal Use Only)

SOUTH BEND REDEVELOPMENT COMMISSION

Supporting Information - River West

River West Development Area

SUMMARY OF OUTSTANDING RIVER WEST OBLIGATIONS

Taxes Payable Year	TIF Parity Obligations (1)			TIF used, but not Formally Pledged (2)					Total
	Amended 2003 Airport Bonds (Bond Bank)	Amended 2003 Downtown Bonds (Bond Bank)	2020 Taxable Econ. Dev. Rev. Bonds	2005 Main/Colfax Garage Lease	2013 Lease Rental Ref. Bonds	2015 Lease Rental Bonds	2018 Redevelopment Dist. Bonds	2019 Lease Rental Bonds	
	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	
2023	(\$1,092,427)	(\$1,913,419)	(\$326,040)	(\$200,000)	(\$394,000)	(\$1,712,000)	(\$989,675)	(\$1,038,000)	(\$7,665,561)
2024	(543,780)	(959,310)	(324,140)	(200,000)	(398,000)	(1,713,000)	(992,250)	(1,040,000)	(6,170,480)
2025			(322,015)	(100,000)	(169,000)	(1,714,000)	(989,150)	(1,031,000)	(4,325,165)
2026			(324,740)			(1,713,000)	(990,450)	(1,040,000)	(4,068,190)
2027			(322,240)			(1,712,000)	(990,925)	(1,036,000)	(4,061,165)
2028			(324,515)			(1,714,000)	(990,725)	(1,036,000)	(4,065,240)
2029			(323,515)			(1,715,000)	(989,700)	(1,033,000)	(4,061,215)
2030			(323,081)			(1,715,000)	(992,925)		(3,031,006)
2031			(322,183)			(1,713,000)	(990,325)		(3,025,508)
2032			(325,896)			(1,714,000)	(991,900)		(3,031,796)
2033			(324,154)			(1,712,000)			(2,036,154)
2034			(326,938)			(1,713,000)			(2,039,938)
2035			(324,288)			(1,712,000)			(2,036,288)
2036			(326,240)			(1,715,000)			(2,041,240)
Totals	(\$1,636,207)	(\$2,872,729)	(\$4,539,984)	(\$500,000)	(\$961,000)	(\$23,987,000)	(\$9,908,025)	(\$7,254,000)	(\$51,658,945)

- (1) The outstanding Amended 2003 Bonds require Tax Increment to be 125% of the annual principal and interest due on the Amended 2003 Bonds together with annual debt service on all parity obligations. The outstanding 2020 Bonds require TIF revenues to be 200% of the annual principal and interest due on the Amended 2003 Bonds and 2020 Bonds, together with annual debt service on all parity obligations.
- (2) TIF is not formally pledged, but the Commission intends to use TIF for debt service.
- (3) Represents payments on the outstanding Amended Tax Increment Revenue Bonds, Series 2003 (Airport Economic Development Area).
- (4) Represents payments on the outstanding Amended Tax Increment Revenue Bonds, Series 2003 (South Bend Central Development Area).
- (5) Represents payments on the outstanding Taxable Economic Development Tax Increment Revenue Bonds, Series 2020 (Community Education Center Project).
- (6) Represents payments on the outstanding Main/Colfax Parking Garage Lease, per City representatives.
- (7) Represents payments on the outstanding Lease Rental Revenue Refunding Bonds, Series 2013 (Century Center Project).
- (8) Represents the lease rental payments on the outstanding Lease Rental Revenue Bonds of 2015.
- (9) Represents payments on the outstanding Redevelopment District Bonds, Series 2018.
- (10) Represents the lease rental payments on the outstanding Lease Rental Revenue Bonds of 2019 (Double Tracking Project).

(Subject to the attached letter dated December 2, 2022)
(Preliminary - Subject to Change)
(For Internal Use Only)

SOUTH BEND REDEVELOPMENT COMMISSION

Supporting Information - River West

River West Development Area

ESTIMATED ANNUAL TAX INCREMENT

Taxes Payable Year	Estimated Existing Tax Increment			Total
	South Bend-Portage Twp. (1)	South Bend-German Twp. (2)	South Bend-Warren Twp. (3)	
2023	\$8,491,060	\$9,903,310	\$783,290	\$19,177,660
2024	8,585,020	10,023,320	783,290	19,391,630
2025	8,697,580	10,685,010	783,290	20,165,880
2026	8,733,350	10,577,750	783,290	20,094,390
2027	8,949,440	10,759,410	783,290	20,492,140
2028	9,175,370	10,636,500	783,290	20,595,160
2029	9,195,590	10,920,570	783,290	20,899,450
2030	9,215,780	10,260,220	783,290	20,259,290
2031	9,806,200	10,263,650	783,290 (4)	20,853,140
2032	9,806,200	10,278,580		20,084,780
2033	9,093,100	10,195,670		19,288,770
2034	9,093,100	10,150,020		19,243,120
2035	9,093,100	10,150,020		19,243,120
2036	9,093,100	10,150,020		19,243,120
2037	9,093,100	8,660,690		17,753,790
2038	3,468,550	550,890		4,019,440
2039	1,087,980	220,480		1,308,460
2040	1,087,980	220,480		1,308,460
2041	87,940	220,480		308,420
2042	87,940	220,480		308,420
2043	87,940	220,480		308,420
2044	87,940	220,480		308,420
2045	87,940 (5)	220,480 (6)		308,420
Totals	\$142,205,300	\$155,708,990	\$7,049,610	\$304,963,900

(1) See pages 9 and 10.

(2) See pages 11 and 12.

(3) See page 13.

(4) The entire portion of the Allocation Area within the South Bend - Warren Township taxing district expires following 2031.

(5) The final portion of the Allocation Area within the South Bend - Portage Township taxing district expires following 2045.

(6) The final portion of the Allocation Area within the South Bend - German Township taxing district expires following 2045.

(Subject to the attached letter dated December 2, 2022)

(Preliminary - Subject to Change)

(For Internal Use Only)

SOUTH BEND REDEVELOPMENT COMMISSION

Supporting Information - River West

River West Development Area

ESTIMATED ANNUAL EXISTING TAX INCREMENT -
SOUTH BEND - PORTAGE TOWNSHIP TAXING DISTRICT

	Taxes Payable Year										
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032
Unabated assessed value (1)	\$434,065,021	\$498,946,369	\$498,946,369	\$498,946,369	\$498,946,369	\$498,946,369	\$498,946,369	\$498,946,369	\$498,269,040	\$494,189,088	\$494,189,088
Abated assessed value (2)	7,753,754	11,850,981	14,754,141	19,385,487	21,744,415	30,793,600	36,719,007	38,176,515	40,180,141	41,088,976	41,088,976
Total net assessed value	441,818,775	510,797,350	513,700,510	518,331,856	520,690,784	529,739,969	535,665,376	537,122,884	538,449,181	535,278,064	535,278,064
Less: Allowance for appeals (3)		(17,050,000)	(17,050,000)	(17,050,000)	(17,050,000)	(17,050,000)	(17,050,000)	(17,050,000)	(17,010,000)	(16,510,000)	(16,510,000)
Less: Allowance for adjustments (4)		(13,180,000)	(13,180,000)	(13,180,000)	(13,180,000)	(13,180,000)	(13,180,000)	(13,180,000)	(13,160,000)	(13,160,000)	(13,160,000)
Less: Base assessed value (1)	(214,356,887)	(226,107,223)	(226,107,223)	(226,107,223)	(226,062,923)	(226,062,923)	(226,062,923)	(226,062,923)	(225,929,694)	(225,900,704)	(225,900,704)
Incremental assessed value	227,461,888	254,460,127	257,363,287	261,994,633	264,397,861	273,447,046	279,372,453	280,829,961	282,349,487	279,707,360	279,707,360
Times: Net tax rate (5)	\$5.4187	\$5.4187	\$5.4187	\$5.4187	\$5.4187	\$5.4187	\$5.4187	\$5.4187	\$5.4187	\$5.4187	\$5.4187
Estimated tax increment	12,325,480	13,788,430	13,945,740	14,196,700	14,326,930	14,817,280	15,138,360	15,217,330	15,299,670	15,156,500	15,156,500
Less: Estimated Circuit Breaker Tax Credit (6)	(4,656,480)	(5,297,370)	(5,360,720)	(5,499,120)	(5,593,580)	(5,867,840)	(5,962,990)	(6,021,740)	(6,083,890)	(6,063,400)	(6,063,400)
Estimated net tax increment	\$7,669,000	\$8,491,060	\$8,585,020	\$8,697,580	\$8,733,350	\$8,949,440	\$9,175,370	\$9,195,590	\$9,215,780	\$9,093,100	\$9,093,100

(1) Per the St. Joseph County Auditor's Office.

(2) Per the St. Joseph County Auditor's office. Represents the estimated abatement assessed value for all real property parcels receiving a property tax abatement.

(3) Represents an allowance for pending appeals currently outstanding for the pay 2023 assessment. Includes an allowance for a 20% reduction in the gross assessed value.

(4) Assumes a base value adjustment for post-July 1, 1995 residential parcels in the allocation area, based on data provided by the St. Joseph County Auditor's office. Assumes each post-1995 residential parcel's base value is adjusted to equal its net assessed value, resulting in zero captured assessed value.

(5) Represents the certified pay 2022 tax rate for the South Bend - Portage taxing district of \$5.8190, less the South Bend Community School Corporation referendum rates of \$0.3334 and \$0.0669.

(6) Per the St. Joseph County Auditor's office, adjusted to account for the estimated impact of abatement expirations and the expiration of certain parts of the Area. Homestead residential property taxes are limited to 1.0% of gross assessed value. Rental residential property taxes are limited to 2.0% of gross assessed value, and commercial property taxes are limited to 3.0% of gross assessed value. Accounts for the pay 2022 LIT Property Tax Replacement Credit of 8.2562% and the pay 2022 Homestead LIT Property Replacement Credit of 4.4831%.

(7) A portion of the River West Area expires on February 19, 2029. Assumes a \$677,329 decrease in unabated net assessed value and a \$133,229 decrease in base assessed value following 2029.

(8) A portion of the River West Area expires on October 20, 2030. Assumes a \$4,079,952 decrease in unabated net assessed value and a \$28,990 decrease in base assessed value following 2030.

Note: This schedule does not assume any future growth in net assessed value beyond that which is generated through the expiration of real property tax abatements.

(Continued on the next page.)

(Subject to the attached letter dated December 2, 2022)
(Preliminary - Subject to Change)
(For Internal Use Only)

SOUTH BEND REDEVELOPMENT COMMISSION

Supporting Information - River West

River West Development Area

ESTIMATED ANNUAL EXISTING TAX INCREMENT -
SOUTH BEND - PORTAGE TOWNSHIP TAXING DISTRICT (CONT'D)

	Taxes Payable Year									
	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042-2045
Unabated assessed value (1)	\$494,189,088	\$494,189,088	\$494,189,088	\$494,189,088	\$494,189,088	\$261,128,152	\$84,567,529	\$84,567,529	\$19,034,158	\$19,034,158
Abated assessed value (2)	41,088,976	41,088,976	41,088,976	41,088,976	41,088,976	1,139,780	1,139,780	1,139,780	336,180	336,180
Total net assessed value	535,278,064	535,278,064	535,278,064	535,278,064	535,278,064	262,267,932	85,707,309	85,707,309	19,370,338	19,370,338
Less: Allowance for appeals (3)	(16,510,000)	(16,510,000)	(16,510,000)	(16,510,000)	(16,510,000)	(8,990,000)	(1,400,000)	(1,400,000)	(270,000)	(270,000)
Less: Allowance for adjustments (4)	(13,160,000)	(13,160,000)	(13,160,000)	(13,160,000)	(13,160,000)	(12,790,000)	(2,370,000)	(2,370,000)	(900,000)	(900,000)
Less: Base assessed value (1)	(225,900,704)	(225,900,704)	(225,900,704)	(225,900,704)	(225,900,704)	(124,683,335)	(46,787,503)	(46,787,503)	(14,662,335)	(14,662,335)
Incremental assessed value	279,707,360	279,707,360	279,707,360	279,707,360	279,707,360	115,804,597	35,149,806	35,149,806	3,538,003	3,538,003
Times: Net tax rate (5)	\$5.4187	\$5.4187	\$5.4187	\$5.4187	\$5.4187	\$5.4187	\$5.4187	\$5.4187	\$5.4187	\$5.4187
Estimated tax increment	15,156,500	15,156,500	15,156,500	15,156,500	15,156,500	6,275,100	1,904,660	1,904,660	191,710	191,710
Less: Estimated Circuit Breaker Tax Credit (6)	(6,063,400)	(6,063,400)	(6,063,400)	(6,063,400)	(6,063,400)	(2,806,550)	(816,680)	(816,680)	(103,770)	(103,770)
Estimated net tax increment	\$9,093,100	\$9,093,100	\$9,093,100	\$9,093,100	\$9,093,100	\$3,468,550	\$1,087,980	\$1,087,980	\$87,940	\$87,940

- (1) Per the St. Joseph County Auditor's Office.
- (2) Per the St. Joseph County Auditor's office. Represents the estimated abatement assessed value for all real property parcels receiving a property tax abatement.
- (3) Represents an allowance for pending appeals currently outstanding for the pay 2023 assessment. Includes an allowance for a 20% reduction in the gross assessed value.
- (4) Assumes a base value adjustment for post-July 1, 1995 residential parcels in the allocation area, based on data provided by the St. Joseph County Auditor's office. Assumes each post-1995 residential parcel's base value is adjusted to equal its net assessed value, resulting in zero captured assessed value.
- (5) Represents the certified pay 2022 tax rate for the South Bend - Portage taxing district of \$5.8190, less the South Bend Community School Corporation referendum rates of \$0.3334 and \$0.0669.
- (6) Per the St. Joseph County Auditor's office, adjusted to account for the estimated impact of abatement expirations and the expiration of certain parts of the Area. Homestead residential property taxes are limited to 1.0% of gross assessed value. Rental residential property taxes are limited to 2.0% of gross assessed value, and commercial property taxes are limited to 3.0% of gross assessed value. Accounts for the pay 2022 LIT Property Tax Replacement Credit of 8.2562% and the pay 2022 Homestead LIT Property Replacement Credit of 4.4831%.
- (7) A portion of the River West Area expires on February 1, 2037 and July 20, 2037. Assumes a \$233,060,936 decrease in unabated net assessed value, a \$39,949,196 decrease in abated assessed value, and a \$101,217,369 decrease in base assessed value following 2037.
- (8) A portion of the River West Area expires on June 25, 2038. Assumes a \$176,560,623 decrease in unabated net assessed value and a \$77,895,832 decrease in base assessed value following 2038.
- (9) A portion of the River West Area expires on April 9, 2040. Assumes a \$65,533,371 decrease in unabated net assessed value, a \$803,600 decrease in abated assessed value, and a \$32,125,168 decrease in base assessed value following 2040.

Note: This schedule does not assume any future growth in net assessed value beyond that which is generated through the expiration of real property tax abatements.

(Subject to the attached letter dated December 2, 2022)
(Preliminary - Subject to Change)
(For Internal Use Only)

SOUTH BEND REDEVELOPMENT COMMISSION

Supporting Information - River West

River West Development Area

ESTIMATED ANNUAL EXISTING TAX INCREMENT -
SOUTH BEND - GERMAN TOWNSHIP TAXING DISTRICT

	Taxes Payable Year									
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
Unabated assessed value (1)	\$270,536,045	\$299,403,846	\$299,403,846	\$299,403,846	\$282,727,356	\$282,727,356	\$274,311,556	\$274,311,556	\$247,697,156	\$247,692,056
Abated assessed value (2)	12,178,374	12,713,923	16,478,536	32,368,506	48,077,072	54,136,387	58,944,612	72,351,502	78,377,640	78,443,810
Total net assessed value	282,714,419	312,117,769	315,882,382	331,772,352	330,804,428	336,863,743	333,256,168	346,663,058	326,074,796	326,135,866
Less: Allowance for appeals (3)		(14,520,000)	(14,520,000)	(14,520,000)	(14,480,000)	(14,480,000)	(14,480,000)	(14,480,000)	(10,380,000)	(10,380,000)
Less: Allowance for adjustments (4)		(880,000)	(880,000)	(880,000)	(210,000)	(210,000)	(210,000)	(210,000)	(210,000)	(210,000)
Less: Base assessed value (1)	(15,174,718)	(16,032,392)	(16,032,392)	(16,032,392)	(14,310,168)	(14,310,168)	(14,310,168)	(14,310,168)	(14,310,168)	(14,310,168)
Incremental assessed value	267,539,701	280,685,377	284,449,990	300,339,960	301,804,260	307,863,575	304,256,000	317,662,890	301,174,628	301,235,698
Times: Net tax rate (5)	\$5.4323	\$5.4323	\$5.4323	\$5.4323	\$5.4323	\$5.4323	\$5.4323	\$5.4323	\$5.4323	\$5.4323
Estimated tax increment	14,533,560	15,247,670	15,452,180	16,315,370	16,394,910	16,724,070	16,528,100	17,256,400	16,360,710	16,364,030
Less: Estimated Circuit Breaker Tax Credit (6)	(5,017,470)	(5,344,360)	(5,428,860)	(5,630,360)	(5,817,160)	(5,964,660)	(5,891,600)	(6,335,830)	(6,100,490)	(6,100,380)
Estimated net tax increment	\$9,516,090	\$9,903,310	\$10,023,320	\$10,685,010	\$10,577,750	\$10,759,410	\$10,636,500	\$10,920,570	\$10,260,220	\$10,263,650

- (1) Per the St. Joseph County Auditor's Office.
- (2) Per the St. Joseph County Auditor's office. Represents the estimated taxable assessed value for all real property parcels receiving a property tax abatement.
- (3) Represents an allowance for pending appeals currently outstanding for the pay 2023 assessment. Includes an allowance for a 20% reduction in the gross assessed value.
- (4) Assumes a base value adjustment for post-July 1, 1995 residential parcels in the allocation area, based on data provided by the St. Joseph County Auditor's office. Assumes each post-1995 residential parcel's base value is adjusted to equal its net assessed value, resulting in zero captured assessed value.
- (5) Represents the certified pay 2022 tax rate for the South Bend - German taxing district of \$5.8326, less the South Bend Community School Corporation referendum rates of \$0.3334 and \$0.0669.
- (6) Per the St. Joseph County Auditor's office, adjusted to account for the estimated impact of abatement expirations and the expiration of certain parts of the Area. Homestead residential property taxes are limited to 1.0% of gross assessed value. Rental residential property taxes are limited to 2.0% of gross assessed value, and commercial property taxes are limited to 3.0% of gross assessed value. Accounts for the pay 2022 LIT Property Tax Replacement Credit of 8.2562% and the pay 2022 Homestead LIT Property Replacement Credit of 4.4831%.
- (7) A portion of the River West Area expires on July 7, 2025. Assumes a \$16,676,490 decrease in net assessed value and a \$1,722,224 decrease in base assessed value following 2025.
- (8) A portion of the River West Area expires on November 21, 2027. Assumes a \$8,415,800 decrease in unabated net assessed value following 2027.
- (9) A portion of the River West Area expires on February 19, 2029. Assumes a \$26,614,400 decrease in unabated net assessed value following 2029.
- (10) A portion of the River West Area expires on October 20, 2030. Assumes a \$5,100 decrease in unabated net assessed value following 2030.

Note: This schedule does not assume any future growth in net assessed value beyond that which is generated through the expiration of real property tax abatements.

(Continued on the next page.)

(Subject to the attached letter dated December 2, 2022)
(Preliminary - Subject to Change)
(For Internal Use Only)

SOUTH BEND REDEVELOPMENT COMMISSION

Supporting Information - River West

River West Development Area

**ESTIMATED ANNUAL EXISTING TAX INCREMENT -
SOUTH BEND - GERMAN TOWNSHIP TAXING DISTRICT (CONT'D)**

	Taxes Payable Year							
	2032	2033	2034	2035	2036	2037	2038	2039-2045
Unabated assessed value (1)	\$247,692,056	\$244,832,396	\$243,508,396	\$243,508,396	\$243,508,396	\$216,863,819	\$5,396,100	\$5,013,900
Abated assessed value (2)	79,237,850	79,237,850	79,237,850	79,237,850	79,237,850	59,146,390	9,220,800	0
Total net assessed value	326,929,906	324,070,246	322,746,246	322,746,246	322,746,246	276,010,209	14,616,900	5,013,900
Less: Allowance for appeals (3)	(10,380,000)	(10,380,000)	(10,380,000)	(10,380,000)	(10,380,000)	(7,130,000)	0	0
Less: Allowance for adjustments (4)	(210,000)	0	0	0	0	0	0	0
Less: Base assessed value (1)	(14,310,168)	(14,096,330)	(14,096,330)	(14,096,330)	(14,096,330)	(14,096,330)	(900,084)	(900,084)
Incremental assessed value	302,029,738	299,593,916	298,269,916	298,269,916	298,269,916	254,783,879	13,716,816	4,113,816
Times: Net tax rate (5)	\$5.4323	\$5.4323	\$5.4323	\$5.4323	\$5.4323	\$5.4323	\$5.4323	\$5.4323
Estimated tax increment	16,407,160	16,274,840	16,202,920	16,202,920	16,202,920	13,840,620	745,140	223,470
Less: Estimated Circuit Breaker Tax Credit (6)	(6,128,580)	(6,079,170)	(6,052,900)	(6,052,900)	(6,052,900)	(5,179,930)	(194,250)	(2,990)
Estimated net tax increment	<u>\$10,278,580</u>	<u>\$10,195,670</u>	<u>\$10,150,020</u>	<u>\$10,150,020</u>	<u>\$10,150,020</u>	<u>\$8,660,690</u>	<u>\$550,890</u>	<u>\$220,480</u>

- (1) Per the St. Joseph County Auditor's Office.
- (2) Per the St. Joseph County Auditor's office. Represents the estimated taxable assessed value for all real property parcels receiving a property tax abatement.
- (3) Represents an allowance for pending appeals currently outstanding for the pay 2023 assessment. Includes an allowance for a 20% reduction in the gross assessed value.
- (4) Assumes a base value adjustment for post-July 1, 1995 residential parcels in the allocation area, based on data provided by the St. Joseph County Auditor's office. Assumes each post-1995 residential parcel's base value is adjusted to equal its net assessed value, resulting in zero captured assessed value.
- (5) Represents the certified pay 2022 tax rate for the South Bend - German taxing district of \$5.8326, less the South Bend Community School Corporation referendum rates of \$0.3334 and \$0.0669.
- (6) Per the St. Joseph County Auditor's office, adjusted to account for the estimated impact of abatement expirations and the expiration of certain parts of the Area. Homestead residential property taxes are limited to 1.0% of gross assessed value. Rental residential property taxes are limited to 2.0% of gross assessed value, and commercial property taxes are limited to 3.0% of gross assessed value. Accounts for the pay 2022 LIT Property Tax Replacement Credit of 8.2562% and the pay 2022 Homestead LIT Property Replacement Credit of 4.4831%.
- (7) A portion of the River West Area expires on November 1, 2032. Assumes a \$2,859,660 decrease in unabated net assessed value and a \$213,838 decrease in base assessed value following 2032.
- (8) A portion of the River West Area expires on December 19, 2033. Assumes a \$1,324,000 decrease in unabated net assessed value following 2033.
- (9) A portion of the River West Area expires on August 25, 2036. Assumes a \$26,644,577 decrease in unabated net assessed value and a \$20,091,460 decrease in abated assessed value following 2036.
- (10) A portion of the River West Area expires on February 1, 2037. Assumes a \$211,467,719 decrease in unabated net assessed value, a \$49,925,590 decrease in abated assessed value, and a \$13,196,246 decrease in base assessed value following 2037.
- (11) A portion of the River West Area expires on June 25, 2038. Assumes a \$382,200 decrease in unabated net assessed value and a \$9,220,800 decrease in abated assessed value following 2038.

Note: This schedule does not assume any future growth in net assessed value beyond that which is generated through the expiration of real property tax abatements.

(Subject to the attached letter dated December 2, 2022)
(Preliminary - Subject to Change)
(For Internal Use Only)

SOUTH BEND REDEVELOPMENT COMMISSION
Supporting Information - River West
River West Development Area

ESTIMATED ANNUAL EXISTING TAX INCREMENT -
SOUTH BEND - WARREN TOWNSHIP

	<u>Taxes Payable Year</u>	
	<u>2022</u>	<u>2023-2031</u>
		(1)
Total net assessed value (2)	\$22,688,600	\$25,182,900
Less: Allowance for appeals (3)		(2,482,060)
Less: Base assessed value (2)		<u>0</u>
Incremental assessed value	22,688,600	22,700,840
Times: Net tax rate (4)	<u>\$5.4567</u>	<u>\$5.4567</u>
Estimated tax increment	1,238,050	1,238,720
Less: Circuit Breaker Tax Credit (5)	<u>(455,180)</u>	<u>(455,430)</u>
Estimated net tax increment	<u><u>\$782,870</u></u>	<u><u>\$783,290</u></u>

- (1) The South Bend-Warren Township portion of the allocation area expires on February 16, 2031. Assumes the last year of collections is taxes payable 2031.
- (2) Per the St. Joseph County Auditor's Office.
- (3) Represents an allowance for pending appeals currently outstanding for the pay 2023 assessment. Includes an allowance for a 20% reduction in the gross assessed value.
- (4) Represents the certified pay 2022 tax rate for the South Bend - Warren taxing district of \$5.8570, less the South Bend Community School Corporation referendum rates of \$0.3334 and \$0.0669.
- (5) Per the St. Joseph County Auditor's office. Homestead residential property taxes are limited to 1.0% of gross assessed value. Rental residential property taxes are limited to 2.0% of gross assessed value, and commercial property taxes are limited to 3.0% of gross assessed value. Accounts for the pay 2022 LIT Property Tax Replacement Credit of 8.2562% and the pay 2022 Homestead LIT Property Replacement Credit of 4.4831%.

Note: This schedule does not assume any future growth in net assessed value within the allocation area.

(Subject to the attached letter dated December 2, 2022)
(Preliminary - Subject to Change)
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SOUTH BEND REDEVELOPMENT COMMISSION

Supporting Information - River West

River West Development Area

LARGE TAXPAYERS IN THE RIVER WEST ALLOCATION AREA (1)

The following is a list of the ten largest taxpayers by net assessed valuation located within the Allocation Area.

<u>Name</u>	<u>Type of Business</u>	<u>Pay 2023 Net Assessed Valuation</u>	<u>Percent of Total Net Assessed Valuation</u>
		(1)	
JVE Investments LLC / The Tire Rack (2)	Automobile parts distribution center	\$23,112,800	2.73%
ARC LLC	Real Estate	14,508,000	1.71%
Edward Rose of Indiana LLC	Apartment Complexes	13,805,400	1.62%
Plymouth South Bend LLC	Real estate	12,550,000	1.48%
PWA South Bend LP	Private Wealth Management	10,779,100	1.27%
Greenleaf Holdco LLC (2)	Vegetable foods distributor	10,163,800	1.20%
Ameritech Services Inc. / Indiana Bell Telephone Co. (2)	Telecommunications	10,119,100	1.19%
Crowe Group Properties LLC	Certified Public Accounting	9,994,900	1.18%
AFP 111 Corp.	Real Estate	9,805,500	1.16%
Patterson Logistics Services Inc. (2)	Specialty dental, veterinary, and	9,797,600	1.16%
All other taxpayers		<u>723,461,819</u>	<u>85.30%</u>
Totals		<u><u>\$848,098,019</u></u>	<u><u>100.00%</u></u>

(1) Per the St. Joseph County Auditor's Office.

(2) The taxpayer has an appeal outstanding.

(Subject to the attached letter dated December 2, 2022)
(Preliminary - Subject to Change)
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SOUTH BEND REDEVELOPMENT COMMISSION

***Supporting Information - River West
River West Development Area***

HISTORICAL TAX INCREMENT COLLECTIONS

<u>Taxes Payable Year</u>	<u>Tax Increment</u>
	(1)
2013	\$15,931,162
2014	18,594,461
2015	16,293,240
2016	18,159,311
2017	17,259,902
2018	18,662,835
2019	18,555,308
2020	16,814,400
2021	18,120,969
2022	9,875,857 (2)

(1) Per the St. Joseph County Auditor's Office.

(2) Represents Spring collections only.

Note: Taxes payable 2013 and 2014 represents the South Bend Central Allocation Area and the South Bend Airport Allocation Area tax increment collections. The two allocation areas were combined into the River West Allocation Area in 2015.

(Subject to the attached letter dated December 2, 2022)

(Preliminary - Subject to Change)

(For Internal Use Only)

SOUTH BEND REDEVELOPMENT COMMISSION

Supporting Information - River East

River East 1 Economic Development Area

ESTIMATED ANNUAL TAX INCREMENT

Taxes Payable Year	Existing Tax Increment			2023 Expansion New Development Tax Increment (3)	Total
	South Bend-Portage Twp. (1)	South Bend-Clay Twp. (2)	Total		
2023	\$3,466,540	\$37,480	\$3,504,020		\$3,504,020
2024	3,493,530	37,480	3,531,010		3,531,010
2025	3,524,080	37,480	3,561,560		3,561,560
2026	3,545,790	37,480	3,583,270	\$1,005,270	4,588,540
2027	3,715,600	37,480	3,753,080	1,005,270	4,758,350
2028	3,811,240	37,480	3,848,720	1,005,270	4,853,990
2029	3,869,750	37,480	3,907,230	1,005,270	4,912,500
2030	3,872,390	37,480	3,909,870	1,005,270	4,915,140
2031	3,872,390	37,480	3,909,870	1,005,270	4,915,140
2032	4,324,200	37,480	4,361,680	1,005,270	5,366,950
2033	2,618,780	37,480 (4)	2,656,260	1,005,270	3,661,530
2034	514,330		514,330	1,005,270	1,519,600
2035	511,770		511,770	1,005,270	1,517,040
2036	511,770		511,770	1,005,270	1,517,040
2037	39,210		39,210	1,005,270	1,044,480
2038	15,790		15,790	1,005,270	1,021,060
2039	15,790		15,790	1,005,270	1,021,060
2040	0		0	1,005,270	1,005,270
2041	0		0	1,005,270	1,005,270
2042	0		0	1,005,270	1,005,270
2043	0		0	1,005,270	1,005,270
2044	0 (5)		0	1,005,270 (6)	1,005,270
Totals	\$41,722,950	\$412,280	\$42,135,230	\$19,100,130	\$61,235,360

(1) See pages 17 and 18.

(2) See page 19.

(3) See page 20.

(4) The entire portion of the Allocation Area within the South Bend - Clay Township taxing district expires following 2033.

(5) Assumes that the final portion of the Allocation Area within the South Bend - Portage Township taxing district will expire following 2044.

(6) The 2022 Expansion expires 25 years following the issuance of bonds or leases payable from the Tax Increment in the 2022 Expansion. Assumes the 25-year life begins with the issuance of the illustrative Bonds.

(Subject to the attached letter dated December 2, 2022)

(Preliminary - Subject to Change)

(For Internal Use Only)

SOUTH BEND REDEVELOPMENT COMMISSION

Supporting Information - River East

River East 1 Economic Development Area

ESTIMATED ANNUAL EXISTING TAX INCREMENT -
SOUTH BEND - PORTAGE TOWNSHIP TAXING DISTRICT

	Taxes Payable Year									
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
Unabated assessed value (1)	\$297,172,303	\$358,606,093	\$358,606,093	\$358,606,093	\$358,606,093	\$358,606,093	\$358,606,093	\$358,606,093	\$358,606,093	\$358,606,093
Abated assessed value (2)	1,237,813	1,905,717	2,403,742	2,967,565	3,368,260	6,936,890	10,394,530	12,511,570	13,101,300	13,101,300
Total net assessed value	298,410,116	360,511,810	361,009,835	361,573,658	361,974,353	365,542,983	369,000,623	371,117,663	371,707,393	371,707,393
Less: Allowance for appeals (3)	(9,870,000)	(9,870,000)	(9,870,000)	(9,870,000)	(9,870,000)	(9,870,000)	(9,870,000)	(9,870,000)	(9,870,000)	(9,870,000)
Less: Allowance for adjustments (4)	(53,185,000)	(53,185,000)	(53,185,000)	(53,185,000)	(53,185,000)	(53,185,000)	(53,185,000)	(53,185,000)	(53,185,000)	(53,185,000)
Less: Base assessed value (1)	(133,634,145)	(137,223,376)	(137,223,376)	(137,223,376)	(137,223,376)	(137,223,376)	(137,223,376)	(137,223,376)	(137,223,376)	(137,223,376)
Incremental assessed value	164,775,971	160,233,434	160,731,459	161,295,282	161,695,977	165,264,607	168,722,247	170,839,287	171,429,017	171,429,017
Times: Net tax rate (5)	\$5.4187	\$5.4187	\$5.4187	\$5.4187	\$5.4187	\$5.4187	\$5.4187	\$5.4187	\$5.4187	\$5.4187
Estimated tax increment	8,928,720	8,682,570	8,709,560	8,740,110	8,761,820	8,955,190	9,142,550	9,257,270	9,289,220	9,289,220
Less: Estimated Circuit Breaker Tax Credit (6)	(4,337,260)	(5,216,030)	(5,216,030)	(5,216,030)	(5,216,030)	(5,239,590)	(5,331,310)	(5,387,520)	(5,416,830)	(5,416,830)
Estimated net tax increment	\$4,591,460	\$3,466,540	\$3,493,530	\$3,524,080	\$3,545,790	\$3,715,600	\$3,811,240	\$3,869,750	\$3,872,390	\$3,872,390

- (1) Per the St. Joseph County Auditor's Office.
- (2) Per the St. Joseph County Auditor's office. Represents the estimated abatement assessed value for all real property parcels receiving a property tax abatement.
- (3) Represents an allowance for pending appeals currently outstanding for the pay 2023 assessment. Assumes a 20% reduction in the gross assessed value.
- (4) Assumes a base value adjustment for post-July 1, 1995 residential parcels in the allocation area, based on data provided by the St. Joseph County Auditor's office. Assumes each post-1995 residential parcel's base value is adjusted to equal its net assessed value, resulting in zero captured assessed value.
- (5) Represents the certified pay 2022 tax rate for the South Bend - Portage taxing district of \$5.8190, less the South Bend Community School Corporation referendum rates of \$0.3334 and \$0.0669.
- (6) Based on information provided by the St. Joseph County Auditor's office, adjusted to account for the estimated impact of abatement expirations and the expiration of certain parts of the Area. Homestead residential property taxes are limited to 1.0% of gross assessed value. Rental residential property taxes are limited to 2.0% of gross assessed value, and commercial property taxes are limited to 3.0% of gross assessed value. Accounts for the pay 2022 LIT Property Tax Replacement Credit of 8.2562% and the pay 2022 Homestead LIT Property Replacement Credit of 4.4831%.

Note: This schedule does not assume any future growth in net assessed value beyond that which is generated through the expiration of real property tax abatements.

(Continued on the next page.)

(Subject to the attached letter dated December 2, 2022)
(Preliminary - Subject to Change)
(For Internal Use Only)

SOUTH BEND REDEVELOPMENT COMMISSION

Supporting Information - River East

River East 1 Economic Development Area

ESTIMATED ANNUAL EXISTING TAX INCREMENT -
SOUTH BEND - PORTAGE TOWNSHIP TAXING DISTRICT (CONT'D)

	Taxes Payable Year								
	2032	2033	2034	2035	2036	2037	2038	2039	2040-2044
Unabated assessed value (1)	\$358,606,093	\$301,564,867	\$70,362,573	\$70,201,173	\$70,201,173	\$53,626,586	\$51,884,841	\$51,884,841	\$12,783,227
Abated assessed value (2)	21,757,510	4,222,200	0	0	0	0	0	0	0
Total net assessed value	380,363,603	305,787,067	70,362,573	70,201,173	70,201,173	53,626,586	51,884,841	51,884,841	12,783,227
Less: Allowance for appeals (3)	(9,870,000)	(7,460,000)	(940,000)	(940,000)	(940,000)	(940,000)	(940,000)	(940,000)	(40,000)
Less: Allowance for adjustments (4)	(53,185,000)	(53,185,000)	(5,260,000)	(5,260,000)	(5,260,000)	(3,090,000)	(2,960,000)	(2,960,000)	(540,000)
Less: Base assessed value (1)	(137,223,376)	(116,192,593)	(42,090,786)	(42,031,305)	(42,031,305)	(41,775,551)	(41,542,323)	(41,542,323)	(12,579,976)
Incremental assessed value	180,085,227	128,949,474	22,071,787	21,969,868	21,969,868	7,821,035	6,442,518	6,442,518	0
Times: Net tax rate (5)	\$5.4187	\$5.4187	\$5.4187	\$5.4187	\$5.4187	\$5.4187	\$5.4187	\$5.4187	\$5.4187
Estimated tax increment	9,758,280	6,987,390	1,196,000	1,190,480	1,190,480	423,800	349,100	349,100	0
Less: Estimated Circuit Breaker Tax Credit (6)	(5,434,080)	(4,368,610)	(681,670)	(678,710)	(678,710)	(384,590)	(333,310)	(333,310)	0
Estimated net tax increment	\$4,324,200	\$2,618,780	\$514,330	\$511,770	\$511,770	\$39,210	\$15,790	\$15,790	\$0

- (1) Per the St. Joseph County Auditor's Office.
- (2) Per the St. Joseph County Auditor's office. Represents the estimated abatement assessed value for all real property parcels receiving a property tax abatement.
- (3) Represents an allowance for pending appeals currently outstanding for the pay 2023 assessment. Includes an allowance for a 20% reduction in the gross assessed value.
- (4) Assumes a base value adjustment for post-July 1, 1995 residential parcels in the allocation area, based on data provided by the St. Joseph County Auditor's office. Assumes each post-1995 residential parcel's base value is adjusted to equal its net assessed value, resulting in zero captured assessed value.
- (5) Represents the certified pay 2022 tax rate for the South Bend - Portage taxing district of \$5.8190, less the South Bend Community School Corporation referendum rates of \$0.3334 and \$0.0669.
- (6) Based on information provided by the St. Joseph County Auditor's office, adjusted to account for the estimated impact of abatement expirations and the expiration of certain parts of the Area. Homestead residential property taxes are limited to 1.0% of gross assessed value. Rental residential property taxes are limited to 2.0% of gross assessed value, and commercial property taxes are limited to 3.0% of gross assessed value. Accounts for the pay 2022 LIT Property Tax Replacement Credit of 8.2562% and the pay 2022 Homestead LIT Property Replacement Credit of 4.4831%.
- (7) A portion of the River East 1 Area expires on August 15, 2032. Assumes a \$57,041,226 decrease in unabated net assessed value, a \$17,535,310 decrease in abated assessed value, and a \$21,030,783 decrease in base assessed value following 2032.
- (8) A portion of the River East 1 Area expires on November 17, 2033. Assumes a \$231,202,294 decrease in unabated net assessed value, a \$4,222,200 decrease in abated assessed value, and a \$74,101,807 decrease in base assessed value following 2033.
- (9) A portion of the River East 1 Area expires on November 5, 2034. Assumes a \$161,400 decrease in unabated net assessed value and a \$59,481 decrease in base assessed value following 2035.
- (10) A portion of the River East 1 Area expires on July 21, 2036 and October 25, 2036. Assumes a \$16,574,587 decrease in unabated net assessed value and a \$255,754 decrease in base assessed value following 2036.
- (11) A portion of the River East 1 Area expires on June 19, 2037. Assumes a \$1,741,745 decrease in unabated net assessed value and a \$233,228 decrease in base assessed value following 2037.
- (12) A portion of the River East 1 Area expires on August 28, 2039. Assumes a \$39,101,614 decrease in unabated net assessed value and a \$28,962,347 decrease in base assessed value following 2039.

Note: This schedule does not assume any future growth in net assessed value beyond that which is generated through the expiration of real property tax abatements.

(Subject to the attached letter dated December 2, 2022)
(Preliminary - Subject to Change)
(For Internal Use Only)

SOUTH BEND REDEVELOPMENT COMMISSION

Supporting Information - River East

River East 1 Economic Development Area

**ESTIMATED ANNUAL EXISTING TAX INCREMENT -
SOUTH BEND - CLAY TOWNSHIP TAXING DISTRICT**

	Taxes Payable Year	
	2022	2023-2033
Total net assessed value (1)	\$1,050,200	\$1,073,100
Less: Base assessed value (1)	0	0
Incremental assessed value	1,050,200	1,073,100
Times: Net tax rate (2)	\$5.4483	\$5.4483
Estimated tax increment	57,220	58,470
Less: Estimated Circuit Breaker Tax Credit (3)	(20,990)	(20,990)
Estimated net tax increment	<u>\$36,230</u>	<u>\$37,480</u>

(1) Per the St. Joseph County Auditor's Office.

(2) Represents the certified pay 2022 tax rate for the South Bend - Clay taxing district of \$5.8486, less the South Bend Community School Corporation referendum rates of \$0.3334 and \$0.0669.

(3) Based on information provided by the St. Joseph County Auditor's office. Homestead residential property taxes are limited to 1.0% of gross assessed value. Rental residential property taxes are limited to 2.0% of gross assessed value, and commercial property taxes are limited to 3.0% of gross assessed value. Accounts for the pay 2022 LIT Property Tax Replacement Credit of 8.2562% and the pay 2022 Homestead LIT Property Replacement Credit of 4.4831%.

Note: This schedule does not assume any future growth in net assessed value. The portion of the River East 1 Area in the South Bend - Clay taxing district expires on November 17, 2033. Assumes the incremental assessed value expires following 2033.

(Subject to the attached letter dated December 2, 2022)
(Preliminary - Subject to Change)
(For Internal Use Only)

SOUTH BEND REDEVELOPMENT COMMISSION
Supporting Information - River East
River East 1 Economic Development Area

**ESTIMATED ANNUAL 2022 EXPANSION NEW DEVELOPMENT TAX
INCREMENT - SOUTH BEND - PORTAGE TOWNSHIP TAXING DISTRICT**

	Taxes Payable Year
	2026
Total estimated incremental assessed value (1)	\$40,837,665
Times: Net tax rate (2)	\$5.4187
Estimated tax increment	2,212,870
Less: Estimated Circuit Breaker Tax Credit (3)	(1,207,600)
Estimated net tax increment	\$1,005,270

- (1) Represents the estimated tax increment from the Campus View and Irish Quarters developments based on proposed development square footage information provided by the City and assumed assessed values per square foot based upon comparable properties located within the state of Indiana. Accounts for the demolition of existing real estate improvements. The actual assessed value will be County Assessor upon completion, and the actual value may vary materially from the value assumed in this illustration.
- (2) Represents the certified pay 2022 tax rate for the South Bend - Portage taxing district of \$5.8190, less the South Bend Community School Corporation referendum rates of \$0.3334 and \$0.0669.
- (3) Homestead residential property taxes are limited to 1.0% of gross assessed value. Rental residential property taxes are limited to 2.0% of gross assessed value, and commercial property taxes are limited to 3.0% of gross assessed value. Accounts for the pay 2022 LIT Property Tax Replacement Credit of 8.2562% and the pay 2022 Homestead LIT Property Replacement Credit of 4.4831%.

Note: This schedule does not assume any future growth in net assessed value. Assumes the 25-year life of the 2022 Expansion Area begins with the issuance of the illustrative Bonds.

(Subject to the attached letter dated December 2, 2022)
(Preliminary - Subject to Change)
(For Internal Use Only)

SOUTH BEND REDEVELOPMENT COMMISSION

Supporting Information - River East

River East 1 Economic Development Area

LARGE TAXPAYERS IN THE RIVER EAST ALLOCATION AREA (1)

The following is a list of the ten largest taxpayers by net assessed valuation located within the Allocation Area.

<u>Name</u>	<u>Type of Business</u>	<u>Pay 2023 Net Assessed Valuation</u>	<u>Percent of Total Net Assessed Valuation</u>
		(1)	
Eddy Street LLC	Retail, mixed-use	\$12,961,300	3.58%
TMF III Saint LLC (2)	Apartments	7,350,900	2.03%
Irish Gold Holdings LLC	Student Housing	6,842,000	1.89%
BCG LLC	Student Housing	5,501,300	1.52%
AM General LLC	Engineer and vehicle manufacturer	4,588,700	1.27%
Vivo Apartments South Bend LLC	Apartment Complex	3,103,400	0.86%
Commerce Center Development LLC (2)	Commercial Office Building	2,983,636	0.83%
All American Rental Service LLC	Residential Rental Company	2,625,200	0.73%
River City Real Estate LLC	Family Primary Care	1,898,600	0.53%
Colfax Hill Partners LLC	Apartment Complex	1,744,887	0.48%
All other taxpayers		<u>311,984,987</u>	<u>86.28%</u>
Totals		<u><u>\$361,584,910</u></u>	<u><u>100.00%</u></u>

(1) Per the St. Joseph County Auditor's Office.

(2) The taxpayer has an appeal outstanding.

(Subject to the attached letter dated December 2, 2022)
(Preliminary - Subject to Change)
(For Internal Use Only)

SOUTH BEND REDEVELOPMENT COMMISSION

Supporting Information - River East

River East 1 Economic Development Area

HISTORICAL TAX INCREMENT COLLECTIONS

<u>Taxes Payable Year</u>	<u>Tax Increment</u>
	(1)
2013	\$841,627
2014	1,568,240
2015	2,421,308
2016	2,348,608
2017	2,630,887
2018	3,062,820
2019	2,724,573
2020	2,634,524
2021	4,339,302
2022	2,424,936 (2)

Filed in Clerk's Office
JAN 18 2023
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

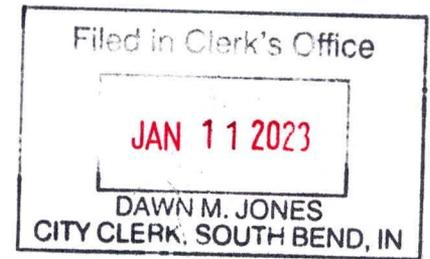
- (1) Per the St. Joseph County Auditor's Office.
- (2) Represents Spring collections only.

Note: Taxes payable 2013 and 2014 represents the South Bend Northeast Neighborhood Development Area Allocation Area tax increment collections. The Northeast Neighborhood Development Area Allocation Area was combined into the River East Development Area No. 1 in 2014.

(Subject to the attached letter dated December 2, 2022)
(Preliminary - Subject to Change)
(For Internal Use Only)

City of South Bend

BOARD OF ZONING APPEALS



January 11, 2023

Honorable Lori Hamann
4th Floor, County-City Building
South Bend, IN 46601

RE: Special Exception at 2621 Mishawaka Ave

Dear Committee Chair Hamann:

Enclosed is an Ordinance for the proposed Special Exception Use at the above referenced location. Please include the attached Ordinance on the Council agenda for **first reading** at your **January 23rd, 2023**, Council meeting and set it for public hearing at your **February 13th, 2023**, Council meeting. The petition is tentatively scheduled for public hearing at the February 6th, 2023, South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the Wednesday following the public hearing.

The petitioner provided the following to describe the proposed project:
Request a Special Exception to allow for the property to operate a restaurant.

The full petition is attached for your reference. Changes may occur between the filing and the public hearing. Any substantial changes will be identified at the Council meeting.

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

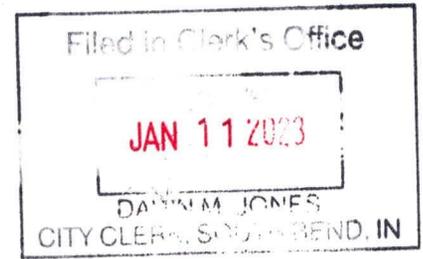
Sincerely,

A handwritten signature in black ink that reads "Rachel Boyles".

Rachel Boyles
Zoning Specialist

CC: Bob Palmer

BILL NO. 01-23
ORDINANCE NO. 10915-23



**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, APPROVING A PETITION FOR A SPECIAL EXCEPTION FOR THE
PROPERTY LOCATED AT 2621 MISHAWAKA AVE SOUTH BEND, IN 46615
COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow the property to operate a restaurant.

NOW, THEREFORE, BE IT ORDAINED 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 Advisory 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:

2621 Mishawaka Ave. South Bend, IN 46615 (018-6065-2231)

In order to permit a Restaurant

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Advisory 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 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, if any, established by the Advisory Board of Zoning Appeals which are on file in the Office of the City Clerk.

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

Sharon L. McBride, Council President
South Bend Common Council

Attest:

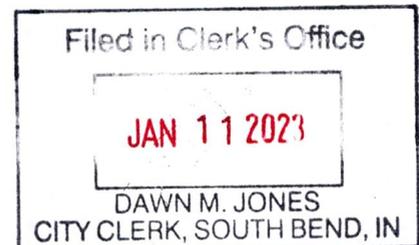
Dawn M. Jones, City Clerk
Office of the City Clerk

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 _____, 2023, at _____ o'clock ____ .m.

Dawn M. Jones, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2023, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana



City of South Bend
BOARD OF ZONING APPEALS

RECEIVED JAN 03 2023

Petition for Variance - Special Exception

Property Information

Tax Key Number: 018-6065-2231

Address: 2621 MISHAWAKA

Owner: JJB HOMES LLC

Zoning: UF Urban Flex

Project Summary:

I would like to establish a restaurant. The current location is Property Class 442, Com Medical clinic/offices, and I would like to reclassify it as 430, Com Restaurant/cafe/bar.

Requested Action

Special Exception – *complete and attach Criteria for Decision Making*

Use requested: Restaurant

Variance(s) - *List variances below, complete and attach Criteria for Decision Making*

Variance(s) requested:

Required Documents

- Completed Application (including Criteria for Decision Making and Contact Information)
- Site Plan drawn to scale
- Filing Fee

PAID

JAN 03 2023

Per KB
\$ 300

Criteria for Decision Making

Special Exception - if applicable

A Special Exception may only be granted upon making a written determination, based upon the evidence presented at a public hearing. Please address how the project meets the following criteria.

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

A restaurant would be in keeping with the neighborhood zoning and provide a family-style eatery.

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

The adjacent properties will not be injured or adversely affected because of the positive, family environment of the restaurant.

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

The restaurant will further enhance the long established community character found on Mishawaka Avenue.

(4) The proposed use is compatible with the recommendations of the Comprehensive Plan, because:

The restaurant will meeting intent of the Comprehensive Plan by offering a inclusive dining experience helping build a prosperous local community.

Contact Information

Property owner(s) of the petition site:

Name: JJB HOMES LLC

Address: 18517 CLEVELAND RD
 SOUTH BEND, IN 46637-4549

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Jose Botello

Address: 18517 Cleveland Rd
 South Bend, IN 46637

Phone Number: 5743861923

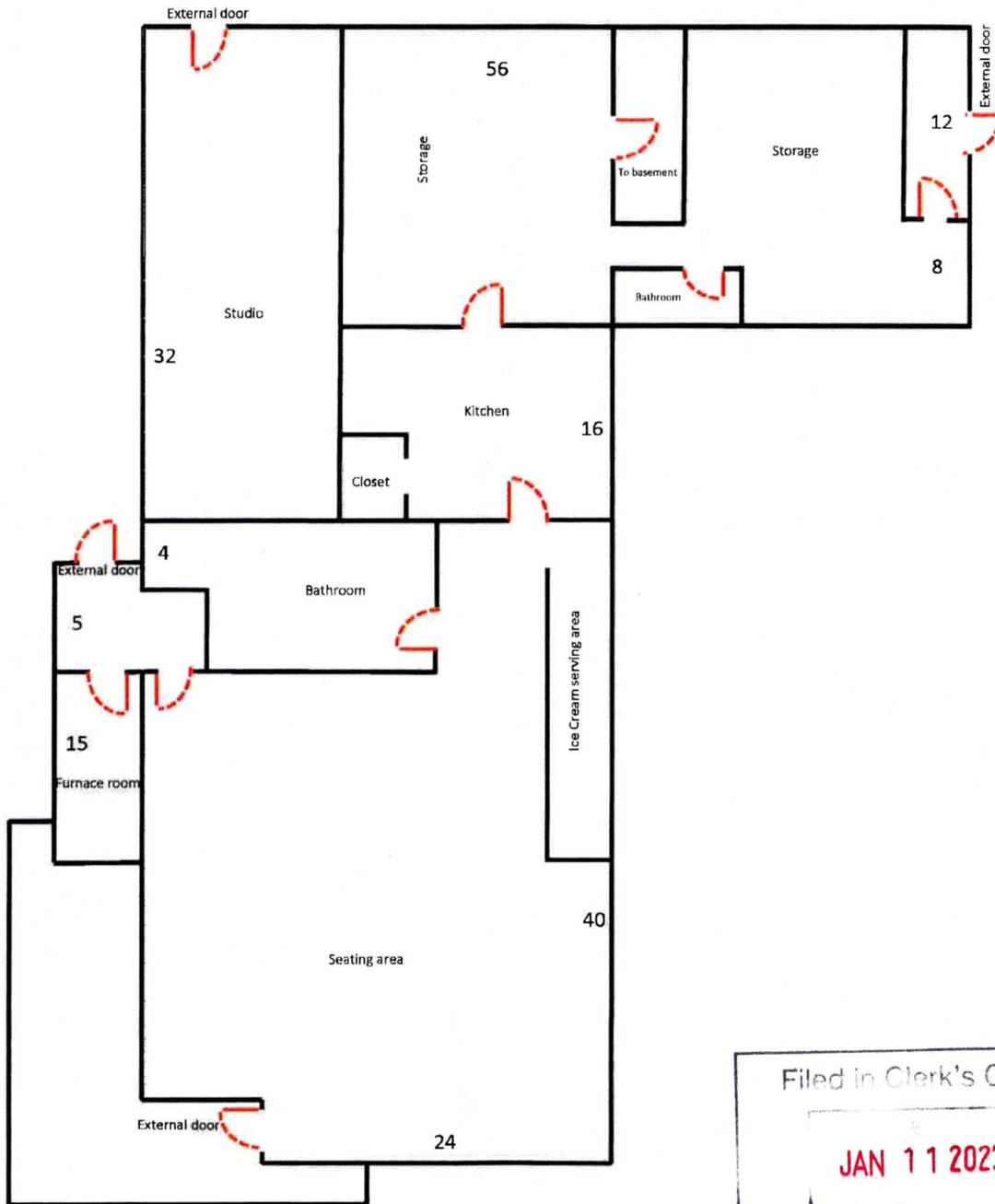
E-mail: Jose.L.Botello.6@nd.edu

By signing this petition, the Petitioner/Property Owners of the above described Real Estate acknowledge they are responsible for understanding and complying with the South Bend Zoning Ordinance and any other ordinance governing the property. Failure of staff to notify the petitioner of a requirement does not imply approval or waiver from anything contained within the ordinance.

The undersigned authorizes the contact person listed above to represent this petition before the South Bend Plan Commission and Common Council and to answer any and all questions related to this petition.

Property Owner (s) Signatures:





Filed in Clerk's Office

JAN 11 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

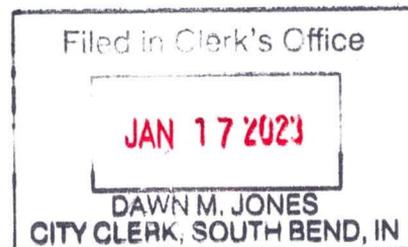


City of South Bend PLAN COMMISSION

County-City Building
227 W. Jefferson Blvd. 1400S
South Bend, IN 46601
(574) 235-7627
www.southbendin.gov/zoning

January 17th, 2023

Honorable Committee Chair Hamann
4th Floor, County-City Building
South Bend, IN 46601



RE: 407, 409, and 411 Marion St. – PC#0137-23

Dear Committee Chair Hamann:

Enclosed is 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 January 23rd, 2023, Council meeting, and set it for public hearing at your February 27th, 2023, Council meeting. The petition is tentatively scheduled for public hearing at the February 20th, South Bend Plan Commission meeting. The recommendation of the South Bend Plan Commission will be forwarded to the Office of the City Clerk by noon on the day following the public hearing.

The petitioner provided the following to describe the proposed project:

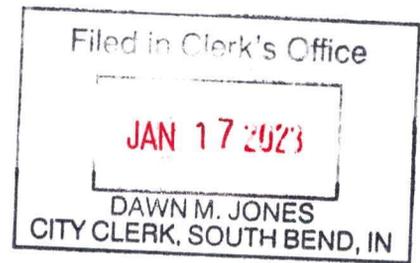
Rezone a portion of the property to allow for retail development along Portage Ave and residential dwellings along Marion St.

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

Sincerely,

Rachel Boyles
Zoning Specialist

CC: Bob Palmer



BILL NO. 02-23

ORDINANCE NO. 10914-23

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 407, 409 AND 411 MARION ST. COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Rezone a portion of the property to allow for retail development along Portage Ave and residential dwellings along Marion St.

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

SECTION I. Ordinance No. 10689-19, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby 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 2, TOWNSHIP 37 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING AT THE NORTHWEST CORNER OF A PARCEL OF GROUND SHOWN AS TAX KEY NUMBER 018-1020-084601 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA ASSESSOR'S OFFICE; THENCE NORTHEASTERLY (ALL BEARINGS ASSUMED) ALONG THE NORTH LINE OF SAID PARCEL AND THE NORTH LINE OF A PARCEL SHOWN AS TAX KEY NUMBER 018-1020-0846 IN THE RECORDS OF SAID ASSESSOR, A DISTANCE OF 81.50 FT. MORE OR LESS; THENCE SOUTH ALONG THE EAST LINE OF SAID PARCEL WITH TAX KEY NUMBER 018-1020-0846, A DISTANCE OF 56 FEET MORE OR LESS; THENCE WEST, A DISTANCE OF 78 FEET MORE OR LESS TO THE WEST LINE OF SAID PARCEL WITH TAX KEY NUMBER 018-1020-084601; THENCE NORTH ALONG THE WEST LINE OF SAID PARCEL, A DISTANCE OF 50 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 0.10 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD

be and the same is hereby established as NC Neighborhood Center

SECTION II. Ordinance No. 10689-19, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby 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 2, TOWNSHIP 37 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF A PARCEL OF GROUND SHOWN AS TAX KEY NUMBER 018-1020-0847 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA ASSESSOR'S OFFICE; THENCE WESTERLY (ALL BEARINGS ASSUMED) ALONG THE NORTH LINE OF MARION STREET, A DISTANCE OF 73 FT. MORE OR LESS; THENCE NORTH ALONG THE WEST LINE OF SAID PARCEL, A DISTANCE OF 86.50 FEET MORE OR LESS; THENCE EAST, A DISTANCE OF 71.50 FEET MORE OR LESS TO THE EAST LINE OF SAID PARCEL; THENCE SOUTH ALONG THE EAST LINE OF SAID PARCEL, A DISTANCE OF 87.39 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 0.14 ACRES MORE OR LESS.

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

be and the same is hereby established as U3 Urban Neighborhood 3

SECTION III. This ordinance is and shall be subject to commitments as provided by Chapter 21-12.07(f)(7) Commitments, if applicable.

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

Sharon L. McBride, Council President
South Bend Common Council

Attest:

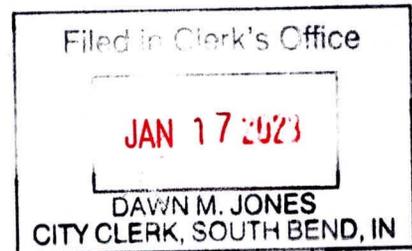
Dawn M. Jones, City Clerk
Office of the City Clerk

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 _____, 2023, at _____ o'clock ____ . m.

Dawn M. Jones, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2023, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana



Petition for Rezoning or Combined Public Hearing

Property Information

Tax Key Number: 018-1020-0847, 018-1020-0846, ~~018-1020-0846~~ 018-1020-084601
Address: 407, 409 & 411 W. Marion Street, South Bend, IN 46601
Owner: Dave A. Nufer LLC
Legal Description:

Parcel 1: From "U3" to "NC":
That part of the Southeast Quarter of Section 2, Township 37 North, Range 2 East, City of South Bend, Portage Township, St. Joseph County, Indiana which is described as: Beginning at the Northwest corner of a Parcel of ground shown as Tax Key Number 018-1020-084601 in the records of the St. Joseph County, Indiana Assessor's Office; thence Northeasterly (all bearings assumed) along the North line of said Parcel and the North line of a Parcel shown as Tax Key Number 018-1020-0846 in the records of said Assessor, a distance of 81.50 ft. more or \pm

Project Summary

The rezoning request is to zone a portion of of the properties to "U3" from "NC" and from "NC" to "U3" to allow for a retail development along Portage Ave. and Residential homes along Marion Street.

Requested Action

Application includes (check all that apply)

Rezoning

Current District: U3 Urban Neighborhood 3 NC Neighborhood Center

Proposed District NC Neighborhood Center ~~NC Neighborhood Center~~ U3 Urban Neighborhood 3

The Plan Commission and Council will consider the following in the review of a rezoning petition.

- (1) The comprehensive Plan;
- (2) Current conditions and the character of the current structures and uses in each district;
- (3) The most desirable use for which the land in each district is adapted;
- (4) The conservation of property values throughout the jurisdiction; and
- (5) Responsible development and growth.

Subdivision – complete and attach subdivision application

Special Exception – complete and attach Criteria for Decision Making

Use requested: _____

Variance(s) - List variances below, complete and attach Criteria for Decision Making

Variance(s) requested: _____

Required Documents

- Completed Application (including Contact Information)
- Site Plan drawn to scale
- Filing Fee
- Additional documents as noted above

PAID

JAN 12 2023

Per KB
\$675.00

Contact information

Property owner(s) of the petition site:

Name: Dave A. Nufer LLC

Address: 2409 Mishawaka Avenue, South Bend IN. 46615

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Michael Danch - Danch, Harner & Associates, Inc.

Address: 1643 Commerce Drive, South Bend, IN 46628

Phone Number: 574-234-4003.

E-mail: mdanch@danchharner.com, gshearon@danchharner.com

By signing this petition, the Petitioner/Property Owners of the above described Real Estate acknowledge they are responsible for understanding and complying with the South Bend Zoning Ordinance and any other ordinance governing the property. Failure of staff to notify the petitioner of a requirement does not imply approval or waiver from anything contained within the ordinance.

The undersigned authorizes the contact person listed above to represent this petition before the South Bend Plan Commission and Common Council and to answer any and all questions related to this petition.

Property Owner (s) Signatures:

Dave A. Nufer Member

Susan M. Nufer, member

Rezoning Legal Descriptions:

Parcel 1: From "U3" to "NC":

That part of the Southeast Quarter of Section 2, Township 37 North, Range 2 East, City of South Bend, Portage Township, St. Joseph County, Indiana which is described as: Beginning at the Northwest corner of a Parcel of ground shown as Tax Key Number 018-1020-084601 in the records of the St. Joseph County, Indiana Assessor's Office; thence Northeasterly (all bearings assumed) along the North line of said Parcel and the North line of a Parcel shown as Tax Key Number 018-1020-0846 in the records of said Assessor, a distance of 81.50 ft. more or less; thence South along the East line of said Parcel with Tax Key Number 018-1020-0846, a distance of 56 feet more or less; thence West, a distance of 78 feet more or less to the West line of said Parcel with Tax Key Number 018-1020-084601; thence North along the West line of said Parcel, a distance of 50 feet more or less to the point of beginning.

Containing 0.10 acres more or less.

Subject to all legal highways, easements and restrictions of record

Parcel 2: From "NC" to "U3":

That part of the Southeast Quarter of Section 2, Township 37 North, Range 2 East, City of South Bend, Portage Township, St. Joseph County, Indiana which is described as: Beginning at the Southeast corner of a Parcel of ground shown as Tax Key Number 018-1020-0847 in the records of the St. Joseph County, Indiana Assessor's Office; thence Westerly (all bearings assumed) along the North line of Marion Street, a distance of 73 ft. more or less; thence North along the West line of said Parcel, a distance of 86.50 feet more or less; thence East, a distance of 71.50 feet more or less to the East line of said Parcel; thence South along the East line of said Parcel, a distance of 87.39 feet more or less to the point of beginning.

Containing 0.14 acres more or less.

Subject to all legal highways, easements and restrictions of record.

PRELIMINARY SITE PLAN
PART OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 2 EAST,
CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.

LEGAL DESCRIPTION:

A PARCEL LOCATED IN THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, BEING PART OF LOTS 6-8 AND THE VACATED ALLEY LYING BETWEEN LOTS 6 AND 7 OF THE RECORDED PLAT OF BURROUGHS SUBDIVISION OF BANK OUT LOT 115 OF THE THIRD PLAT OF OUT LOTS OF THE CITY OF SOUTH BEND PLAT BOOK 8, PAGE 12, AND PART OF LOT 55 AND LOTS 56 AND 57 AND THE VACATED ALLEY BETWEEN SAID LOTS 56 AND 57 ALSO VACATED KANAWAKE HILL RACE AS SHOWN ON THE RECORDED PLAT OF HENRICK & GRANT ADDITION TO THE CITY OF SOUTH BEND PLAT BOOK 1, PAGE 36, BEING MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE NORTHWEST CORNER OF LOT 8 OF SAID BURROUGHS ADDITION, THENCE NORTH 89°53'33" EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF NAVARRE STREET, A DISTANCE OF 37.33 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE NORTH 89°53'33" EAST, A DISTANCE OF 117.58 FEET TO THE WESTERN RIGHT-OF-WAY OF WILLIAMS STREET, THENCE SOUTH 27°45'51" EAST ALONG SAID WESTERN RIGHT-OF-WAY LINE OF WILLIAMS STREET, A DISTANCE OF 220.40 FEET; THENCE SOUTH 89°41'56" WEST, A DISTANCE OF 27.69 FEET; THENCE SOUTH 00°45'12" EAST, A DISTANCE OF 87.33 FEET (REC. 88.00 FEET) TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF MARION STREET, THENCE ALONG THE NORTH RIGHT-OF-WAY LINE OF MARION STREET FOR THE NEXT TWO (2) COURSES, SOUTH 89°12'25" WEST, A DISTANCE OF 88.82 FEET; AND SOUTH 83°22'58" WEST, A DISTANCE OF 77.47 FEET TO THE SOUTHWEST CORNER OF SAID LOT 57; THENCE NORTH 03°42'30" WEST ALONG SAID WEST LINE, A DISTANCE OF 14.32 FEET; THENCE SOUTH 83°22'58" WEST, A DISTANCE OF 36.51 FEET; THENCE NORTH 00°58'44" WEST, A DISTANCE OF 152.32 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.02 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL RIGHT-OF-WAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

RELEVANT LEGAL DESCRIPTIONS:

AREA "A", FROM "G11" TO "NC"

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF A PARCEL OF GROUND SHOWN AS TAX KEY NUMBER 018-1020-0848 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA ASSESSOR'S OFFICE, THENCE NORTHEASTERLY (ALL BEARINGS ASSUMED) ALONG THE NORTH LINE OF SAID PARCEL, AND THE NORTH LINE OF A PARCEL SHOWN AS TAX KEY NUMBER 018-1020-0848 IN THE RECORDS OF SAID ASSESSOR, A DISTANCE OF 81.50 FT. MORE OR LESS, THENCE SOUTH ALONG THE EAST LINE OF SAID PARCEL WITH TAX KEY NUMBER 018-1020-0848, A DISTANCE OF 56 FEET MORE OR LESS, THENCE WEST, A DISTANCE OF 78 FEET MORE OR LESS TO THE WEST LINE OF SAID PARCEL, WITH TAX KEY NUMBER 018-1020-0848; THENCE NORTH ALONG THE WEST LINE OF SAID PARCEL, A DISTANCE OF 50 FEET MORE OR LESS TO THE POINT OF BEGINNING. CONTAINING 0.10 ACRES MORE OR LESS. SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

AREA "B", FROM "NC" TO "U1"

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 2 EAST, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS BEGINNING AT THE SOUTHEAST CORNER OF A PARCEL OF GROUND SHOWN AS TAX KEY NUMBER 018-1020-0847 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA ASSESSOR'S OFFICE, THENCE WESTERLY (ALL BEARINGS ASSUMED) ALONG THE NORTH LINE OF MARION STREET, A DISTANCE OF 73 FT. MORE OR LESS; THENCE NORTH ALONG THE WEST LINE OF SAID PARCEL, A DISTANCE OF 86.50 FEET MORE OR LESS; THENCE EAST, A DISTANCE OF 71.50 FEET MORE OR LESS TO THE EAST LINE OF SAID PARCEL; THENCE SOUTH ALONG THE EAST LINE OF SAID PARCEL, A DISTANCE OF 87.36 FEET MORE OR LESS TO THE POINT OF BEGINNING. CONTAINING 0.14 ACRES MORE OR LESS. SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

TABULATED SITE DATA:

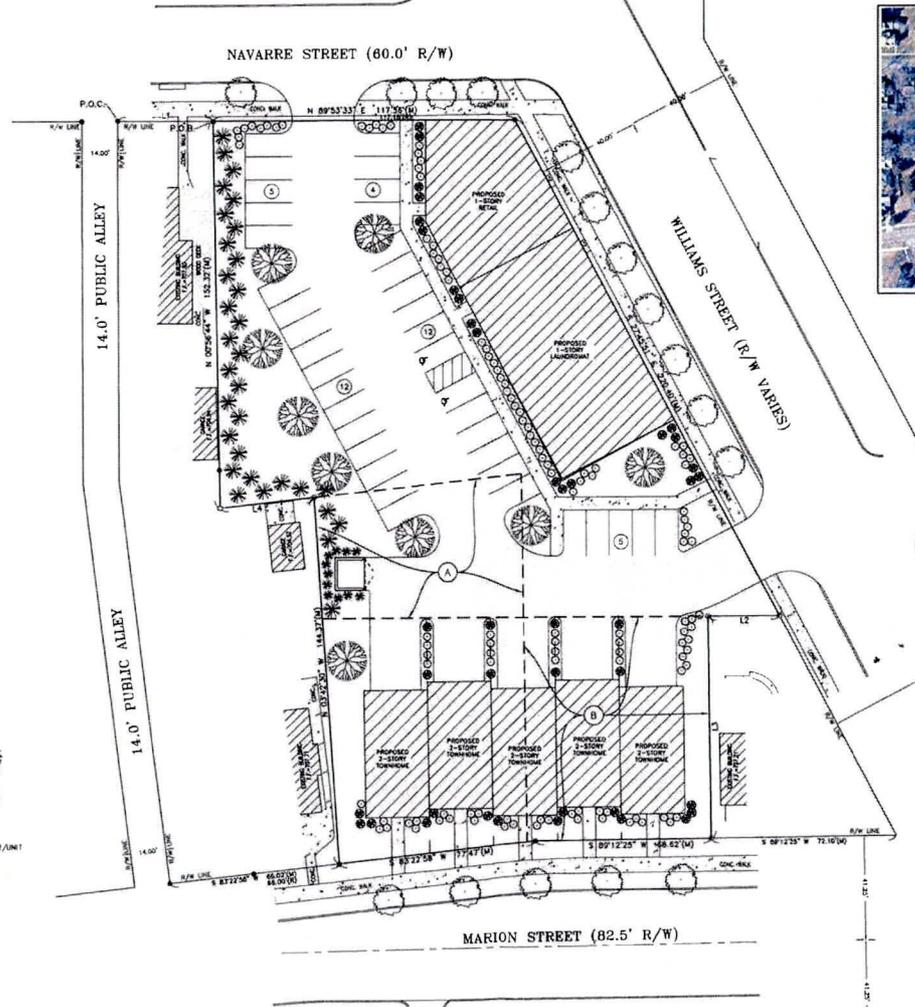
- SITE ACREAGE: 1.022 ACRES
- EXISTING ZONING: "U1" AND "NC"
- PROPOSED ZONING: "U1" AND "NC"
- PROPOSED USE: RETAIL/SERVICE/RESIDENTIAL
- PROPOSED LAND COVERAGE:

	SOFT	% OF SITE
A) BUILDINGS	13,129	28.57
B) ASPHALT PAVEMENT	17,228	38.80
C) CONCRETE	1,793	4.04
D) OPEN SPACE	12,242	27.59
TOTAL	44,392	100.00
- PARKING DATA:

A) SPACES REQUIRED FOR "NC" RETAIL/SERVICE USE	(0) SPACES
B) SPACES PROVIDED FOR "NC" RETAIL/SERVICE USE	(38) SPACES
C) SPACES REQUIRED FOR "U1" RESIDENTIAL USE	(10) SPACES
D) SPACES PROVIDED FOR "U1" RESIDENTIAL USE	(10) SPACES - 2/UNIT
- ALL SURFACE DRAINAGE IS TO BE HANDLED BY ON-SITE DRAINAGE SYSTEM SIZES PER CITY OF SOUTH BEND ENGINEERING STANDARDS
- THE PROPERTY IS TO BE SERVED BY PUBLIC WATER & SEWER SYSTEM
- LANDSCAPING TO CONFORM WITH CITY OF SOUTH BEND ORDINANCE

PROPOSED ZONING LEGEND:

- ① "U1" URBAN NEIGHBORHOOD 1 TO "NC" NEIGHBORHOOD CENTER
- ② "NC" NEIGHBORHOOD CENTER TO "U1" URBAN NEIGHBORHOOD 1

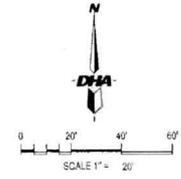


AERIAL PHOTOGRAPH/LOCATION MAP

Filed in Clerk's Office
JAN 17 2023
 DAWN M. JONES
 CITY CLERK, SOUTH BEND, IN

DHA
 Dawn Harner & Associates, Inc.
 Land Surveyors & Professional Engineers
 1100 W. Main Street, Suite 200
 South Bend, IN 46708
 (317) 338-4455

SUBMITTERS & ENGINEERS:
 DAWN HARNER & ASSOCIATES, INC.
 1100 W. MAIN STREET
 SOUTH BEND, IN 46708
 (317) 338-4455
 ATTN: MONIKA DAWCH



DATE	DRAWN BY	DATE	BY
1/10/23	OGS		
SCALE	CHECKED BY		
1" = 20'	MAJD		
FILE #	PERM NUMBER		
220286	MAJD		

REVISIONS

SHEET
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