



CITY OF SOUTH BEND | OFFICE OF THE CLERK

cc: Mayor James Mueller
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 Reasonable Advance Request when Possible



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, August 12, 2024
7:00 P.M.

The South Bend Common Council meeting will be open to the public at the Council Chambers on the 4th 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/SBCC081224>

1. **INVOCATION**

REPRESENTATIVE FROM IGLESIA EVANGELICA DEL PRINCIPE DE PAZ

2. **PLEDGE TO THE FLAG**

3. **ROLL CALL**

4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**

JANUARY 3, 2022 | JULY 22, 2024

5. **SPECIAL BUSINESS**

6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**

TIME: _____

BILL NO.

35-24 PUBLIC HEARING ON 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 802 EAST EWING AVENUE COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA (**SUBSTITUTE**)

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

TIME: _____

[35-24](#) THIRD READING ON 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 802 EAST EWING AVENUE COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA (SUBSTITUTE)

9. **RESOLUTIONS**

[24-25](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 711-713 LELAND AVENUE, SOUTH BEND, INDIANA 46616 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A SIX-YEAR (6) REAL PROPERTY TAX ABATEMENT FOR CASPERS-SHUTTS FAMILY TRUST

[24-26](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 1710 NORTH SHERIDAN STREET, SOUTH BEND, INDIANA 46628 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A FIVE-YEAR (5) PERSONAL PROPERTY TAX ABATEMENT FOR HOOSIER TANK & MANUFACTURING, LLC

[24-23](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND TERMINATING THE (10) TEN YEAR REAL PROPERTY TAX ABATEMENT FOR COMMERCE CENTER DEVELOPMENT, LLC

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

[37-24](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, TO VACATE THE FIRST NORTH-SOUTH ALLEY EAST OF MAIN STREET BETWEEN LASALLE AVENUE ON THE SOUTH AND SOUTH OF MADISON STREET ON THE NORTH

[38-24](#) FIRST READING ON 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 623 OLIVE STREET COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA

[39-24](#) FIRST READING ON 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 1006 BEALE STREET COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

11. UNFINISHED BUSINESS

12. NEW BUSINESS

13. PRIVILEGE OF THE FLOOR

14. ADJOURNMENT

TIME: _____

Notice for Hearing and Sight Impaired Persons
Auxiliary Aid Or Other Services Are Available Upon Request At No Charge.
Please Give Reasonable Advance Request When Possible.

In the interest of providing greater public access and to promote greater transparency, the South Bend Common Council agenda has been translated into Spanish. All agendas are available online from the Council's website, and also in paper format in the Office of the City Clerk, 4th Floor County-City Building. Reasonable efforts have been taken to provide an accurate translation of the text of the agenda, however, the officiate is the English version. Any discrepancies which may be created in the translation are not binding. Such translations do not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the Common Council or the City of South Bend, Indiana.



2024 COMMON COUNCIL STANDING COMMITTEES (Rev. 07-22-2024)

COMMUNITY INVESTMENT COMMITTEE

Oversees the various activities of the Department of Community Investment. This Committee reviews all real and personal tax abatement requests and works closely with the Business Development Team.

Troy Warner, Chairperson
Rachel Tomas Morgan, Vice-Chairperson
Ophelia Gooden-Rodgers., Member

Sherry Bolden-Simpson, Member
Kaine Kanczuzewski, Citizen Member
Thomas Gryp, Citizen Member

COMMUNITY RELATIONS COMMITTEE

Oversees the various activities of the Engagement and Economic Empowerment, Neighborhood Development, and Community Resources Teams within the City's Department of CI and is charged with facilitating partnerships and ongoing communications with other public and private entities operating within the City.

Ophelia Gooden-Rodgers, Chairperson
Canneth Lee, Vice-Chairperson
Citizen Member

Sheila Niezgodski, Member
Sherry Bolden-Simpson, Member

COUNCIL RULES COMMITTEE

Oversees the regulations governing the overall operation of the Common Council, as well as all matters of public trust. Its duties are set forth in detail in Section 2-10.1 of the *South Bend Municipal Code*.

Sharon L. McBride, Member
Sheila Niezgodski, Member

Troy Warner, Member

HEALTH AND PUBLIC SAFETY COMMITTEE

Oversees the various activities performed by the Fire and Police Departments, EMS, Department of Code Enforcement, ordinance violations, and related health and public safety matters.

Rachel Tomas Morgan, Chairperson
Dr. Oliver Davis, Vice-Chairperson
Karen L. White, Member

Troy Warner, Member
Savino Rivera, Citizen Member
Frank Spesia, Citizen Member

INFORMATION AND TECHNOLOGY COMMITTEE- Innovation

Oversees the various activities of the City's Department of Innovation, which includes the Divisions of Information Technology and 311 so that the City of South Bend remains competitive and on the cutting edge of developments in this area. Reviewing and proposing upgrades to computer systems and web sites, developing availability and access to GIS data and related technologies are just some of its many activities.

Rachel Tomas Morgan, Chairperson
Sherry Bolden-Simpson, Vice-Chairperson
Kate Berlent, Citizen Member

Canneth Lee, Member
Maria Gibbs, Citizen Member

PARC COMMITTEE- Venues Parks and Arts (Parks, Recreation, Cultural Arts & Entertainment)

Oversees the various activities of the Century Center, College Football Hall of Fame, Four Winds Stadium, Morris Performing Arts Center, Studebaker National Museum, South Bend Regional Museum of Art, Potawatomi Zoo, My SB Trails, DTSB relations, and the many recreational and leisure activities offered by the Department of Venues Parks and Arts.

Canneth Lee, Chairperson
Troy Warner, Vice-Chairperson
Citizen Member

Dr. Oliver Davis, Member
Rachel Tomas Morgan, Member



PERSONNEL AND FINANCE COMMITTEE

Oversees the activities performed by the Department of Administration and Finance, and reviews all proposed salaries, budgets, appropriations, and other fiscal matters, as well as personnel policies, health benefits and related matters.

Sheila Niezgodski, Chairperson
Troy Warner, Vice-Chairperson
Rachel Tomas Morgan, Member
Ross Deal, Citizen Member

Karen L. White, Member
Canneth Lee, Member
Angela Smith, Citizen Member

PUBLIC WORKS AND PROPERTY VACATION COMMITTEE

Oversees the various activities performed by the Building Department, the Department of Public Works and related public works and property vacation issues.

Sheila Niezgodski, Chairperson
Karen L. White, Vice-Chairperson
Jason Piontek, Citizen Member

Dr. Oliver Davis, Member
Sherry Bolden-Simpson, Member
Carl Littrell, Citizen Member

RESIDENTIAL NEIGHBORHOODS COMMITTEE

Oversees the various activities and issues related to neighborhood development and enhancement.

Karen L. White, Chairperson
Canneth Lee, Vice-Chairperson
Amika Micou, Citizen Member

Ophelia Gooden-Rodgers, Member
Sheila Niezgodski, Member
Citizen Member

UTILITIES COMMITTEE

Oversees the activities of all enterprise entities including but not limited to the Bureau of Waterworks, Bureau of Sewers, and all related matters.

Sherry Bolden-Simpson, Chairperson
Dr. Oliver Davis, Vice-Chairperson
Joseph Mayer, Citizen Member

Troy Warner, Member
Ophelia Gooden-Rodgers, Member
Dr. Janet J. Evelyn, Citizen Member

ZONING AND ANNEXATION COMMITTEE

Oversees the activities related to the Board of Zoning Appeals, recommendations from the Area Plan Commission and the Historic Preservation Commission, as well as all related matters addressing annexation and zoning.

Dr. Oliver Davis, Chairperson
Ophelia Gooden-Rodgers, Vice-Chairperson
Stacey Odom, Citizen Member

Sheila Niezgodski, Member
Karen L. White, Member
Jordan Giger, Citizen Member

SUB-COMMITTEE ON MINUTES

Reviews the minutes prepared by the Office of the City Clerk of the regular, special, and informal meetings of the Common Council and makes a recommendation on their approval/modification to the Council.

Troy Warner, Member

Sherry Bolden-Simpson, Member



2024 COMMON COUNCIL STANDING COMMITTEES (Rev.03-21-2024)

CANNETH LEE, 1ST District Council Member

Chairperson, Committee of the Whole

PARC Committee, Chairperson

Residential Neighborhoods Committee, Vice-Chairperson

Community Relations Committee, Vice-Chairperson

Personnel & Finance Committee, Member

Information & Technology Committee, Member

OPHELIA GOODEN-RODGERS, 2ND District Council Member

Community Relations Committee, Chairperson

Zoning & Annexation Committee, Vice-Chairperson

Community Investment Committee, Member

Utilities Committee, Member

Residential Neighborhoods Committee, Member

SHARON L. MCBRIDE, 3RD District Council Member

President

Council Rules Committee, Member

TROY WARNER, 4TH District Council Member

Community Investment Committee, Chairperson

Personnel & Finance Committee, Vice-Chairperson

PARC Committee, Vice-Chairperson

Council Rules Committee, Member

Health & Public Safety Committee, Member

Utilities Committee, Member

Sub-Committee on the Minutes, Member

SHERRY BOLDEN-SIMPSON, 5TH District Council Member

Utilities Committee, Chairperson

Information & Technology, Vice-Chairperson

Public Works & Property Vacation Committee, Member

Sub-Committee on Minutes, Member

Community Relations Committee, Member

Community Investment Committee, Member

SHEILA NIEZGODSKI, 6TH District Council Member

Vice-President

Personnel & Finance Committee, Chairperson

Public Works & Property Vacation, Chairperson

Council Rules Committee, Member

Residential Neighborhoods Committee, Member

Zoning & Annexation Committee, Member

Community Relations Committee, Member

DR. OLIVER DAVIS, AT LARGE Council Member

Zoning & Annexation Committee, Chairperson

Utilities Committee, Vice-Chairperson

Health and Public Safety Committee, Vice-Chairperson

Public Works & Property Vacation, Member

PARC Committee, Member

RACHEL TOMAS MORGAN, AT LARGE Council Member

Information & Technology Committee, Chairperson

Health & Public Safety Committee, Chairperson

Committee Investment Committee, Vice-Chairperson

PARC Committee, Member

Personnel & Finance Committee, Member

KAREN L. WHITE, AT LARGE Council Member

Residential Neighborhoods Committee, Chairperson

Public Works & Property Vacation, Vice-Chairperson

Personnel and Finance Committee, Member

Health & Public Safety Committee, Member

Zoning & Annexation Committee, Member

35-24

City of South Bend
BOARD OF ZONING APPEALS

July 9, 2024

Honorable Oliver Davis
4th Floor, County-City Building
South Bend, IN 46601

Filed in Clerk's Office

JUL 17 2024

Bianca Tirado
City Clerk, South Bend, IN

RE: Special Exception at 802 Ewing Avenue

Dear Committee Chair Davis:

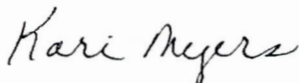
Enclosed is an Ordinance for the proposed Special Exception at the above referenced location. Please include the attached Ordinance on the Council agenda for **first reading** at your July 22, 2024, Council meeting and set it for public hearing at your August 12, 2024, Council meeting. The petition is tentatively scheduled for public hearing at the August 5, 2024, 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:
A Special Exception to allow for the use as a neighborhood center

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,



Kari Myers
Zoning Specialist

CC: Bob Palmer

AUG 06 2024

Bianca Tirado
City Clerk, South Bend, IN

SUBSTITUTE BILL NO. 35-24

ORDINANCE NO. _____

**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 802 EAST EWING AVENUE AND 801
ALTGELD STREET COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH
BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

**Request a Special Exception to allow a neighborhood assembly use in U1 Urban
Neighborhood 1 District**

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:

802 E. Ewing Ave., South Bend, IN 46613, 018-7125-444101

801 Altgeld St., South Bend, IN 46613, 018-7125-4450

In order to allow neighborhood assembly use in U1 Urban Neighborhood 1 district

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:

Bianca Tirado, 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 _____, 2024, at _____ o'clock ____ . m.

Bianca Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2024, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana

BILL NO. 35-24

JUL 17 2024

ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

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 802 EAST EWING AVENUE COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow for the use as a neighborhood center in U1 Urban Neighborhood 1 District

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:

802 E. Ewing Ave., South Bend, IN 46613, 018-7125-444101

In order to permit a neighborhood center in U1 Urban Neighborhood 1 district

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:

Bianca Tirado, 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 _____, 2024, at _____ o'clock ____ . m.

Bianca Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2024, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana

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: 71-08-24-226-001.000-026

018-7125-444101

Address: 816 & 802 E EWING AVE SOUTH BEND IN 46613

Owner: OTONIEL VERDUGO

Zoning: U1 Urban Neighborhood 1



Project Summary:

We wish to rezone the parcels listed above to support the work of the LGBTQ Center, a community center providing social and community-based services for the LGBTQ community and anyone else in the greater Michiana region.

Requested Action

- Special Exception/ Use Variance – *complete and attach Criteria for Decision Making*
Use requested: Special Exception
to U1 Urban Neighborhood 1 to
Community Based Center
- Variance(s) - *List variances below, complete and attach Criteria for Decision Making*
Variance(s) requested:

Filed in Clerk's Office

JUL 17 2024

Bianca Tirado
City Clerk, South Bend, IN

Required Documents

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

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:

Currently this location is used as a church and the services that are connected with a community of faith. The LGBTQ Center will provide very similar supports to the greater community but also for the neighborhood itself. The LGBTQ Center currently provides peer led support groups for LGBTQ+ adults 18+ on a monthly basis. We also provide support services for LGBTQ+ youth (12-18) and allies on a weekly basis with after school programming, life skills, suicide prevention, healthy relationships, and a drop in center. The Center also operates a clothing and hygiene closet for anyone in need. We free short term counseling to anyone in need. The Center also provides social activities such as yoga, adult board game club, a weekly running club, adult dungeons and dragons group, as well as many other activities. The LGBTQ Center has a focus on public health and safety, we also wish to become involved with the neighborhood association and integrate into the community already established in that area. We have had preliminary talks with Unity Garden to put in a community garden on this location that would be open to all in the neighborhood as well as the clients we see.

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

The Center seeks to work with the neighbors and association to become part of this specific community. We would provide a community center that would benefit all in the area as well as the greater Michiana region.

(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:

This location will be used as a community center that provides social and support services, primarily for the LGBTQ+ and allied community but we also wish it to be a resource for the neighborhood in which it is located. Aside from the religious component the Center would operate very similarly to the church that was previously located in the neighborhood.

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

Though this property lies outside the downtown area we feel that The

Criteria for Decision Making

LGBTQ Center fits into a plan for greater South Bend by providing a safe and welcoming space for the LGBTQ+ population. Gen Z is currently identifying as part of the LGBTQ+ community and nearly 1 in 3 and those individuals are seeking places that they can live, work, and build a life and family. Having a thriving LGBTQ+ community and Center will help them create that life here in South Bend. Many young LGBTQ+ individuals' flee smaller cities for larger cities where they can find resources, supports, and community. We can help South Bend create that space right here so young (and older) LGBTQ+ people can have a home right here.

Contact Information

Property owner(s) of the petition site:

Name: OTONIEL VENDUGO

Address: 802 E EWING AVE
SOUTH BEND IN 46613

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name:

Address:


Phone Number:

E-mail:

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:



July 5, 2024

City Of South Bend
Zoning Board
227 W Jefferson – Suite 1400 S
South Bend IN 46601

City Of South Bend Zoning Board:

I authorize H.R. Jung (Herman Jung) from The LGBTQ+ Center to present the request for Special Exception Zoning Usage of 816 802 E Ewing Ave South Bend in 46613. The LGBTQ+ Center is purchasing this property pending the Special Use Exception approval. I also authorize H.R. Jung (Herman Jung) and his realtor Nicole Lovely (Century 21 Circle) to be present and speak at all future necessary Zoning Hearings regarding a Special Exception for this property in my absence.

Best Regards

A handwritten signature in black ink, appearing to read 'Otoniel Verdugo', enclosed within a large, loopy circular scribble.

Otoniel Verdugo
Property Owner

City of South Bend
BOARD OF ZONING APPEALS

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

August 6, 2024

Filed in Clerk's Office

AUG 06 2024

Bianca Tirado
City Clerk, South Bend, IN

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

Re: #35-24: The petition of VERDUGO OTONIEL seeking a Special Exception for a neighborhood assembly use in U1 Urban Neighborhood 1 district for property located at 802 EWING AVE and 801 ALTGELD ST

Dear Council Members:

I hereby Certify that the above referenced petition of VERDUGO OTONIEL was legally advertised on July 26, 2024, and that the South Bend Board of Zoning Appeals at its public hearing on August 5, 2024, took the following action:

Upon a motion by Kathy Schuth, being seconded by Francisco Fotia and unanimously carried, a petition by VERDUGO OTONIEL seeking a Special Exception for a neighborhood assembly use in U1 Urban Neighborhood 1 district. for property located at 802 EWING AVE and 801 ALTGELD ST, 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,



Kari Myers
Zoning Specialist

Attachment

CC: VERDUGO OTONIEL
H.R Jung
Building Department
Bob Palmer

Property Information

Location: 802 EWING AVE and 801 ALTGELD ST
Owner: VERDUGO OTONIEL

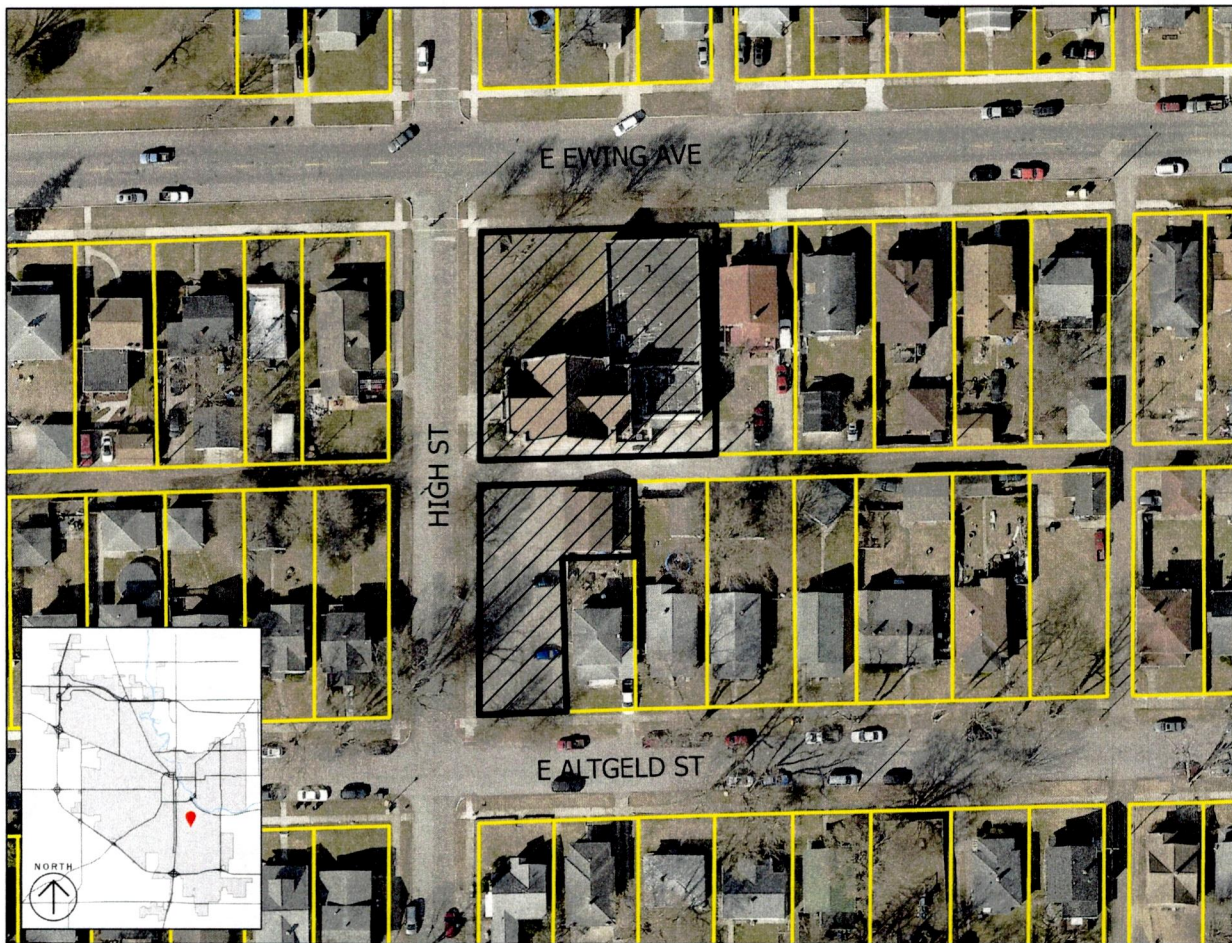
Project Summary

Special Exception to allow a community based center to support work of the LGBTQ Center

Requested Action

Special Exception: A Neighborhood Assembly (community center) in a U1 Urban Neighborhood 1 district

Site Location



Staff Recommendation

Based on information available prior to the public hearing, the Staff recommends the Plan Commission send the Special Exception to the Common Council with a favorable recommendation.

Proposed Site Plan



Criteria for Decision Making: Special Exception

A Special Exception 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, moral standards, convenience or general welfare. The proposed community center is expected to operate at a similar level of use intensity as a church, the historical use of the property.

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

The proposed use should not injure or adversely affect the use of the adjacent area or property values therein as the building has historically been a church and will provide a level of activity similar to that of a church or other religious institutions.

(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 proposed use as neighborhood assembly (neighborhood center) is consistent with the character of the district as it will provide a level of activity similar to that of a church or other assembly uses. The neighborhood assembly/community center use will offer services such as after school programming, support groups, and social activities such as yoga classes, and adult board game club.

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

The proposed use is generally consistent with the City Plan (2006), Objective PF1.2: Maintain and enhance essential community assets. The proposed use will provide social and community-based services that will benefit the neighborhood.

Analysis & Recommendation

Analysis: The building was designed as and has historically been utilized as a church. The proposed use as a neighborhood/community center will not be out of character for the neighborhood.

Staff Recommendation: Based on information available prior to the public hearing, the Staff recommends the Plan Commission send the Special Exception to the Common Council with a favorable recommendation.

24-25

Filed in Clerk's Office

AUG 07 2024

Bianca Tirado
City Clerk, South Bend, IN



CITY OF SOUTH BEND

COMMUNITY INVESTMENT

August 7, 2024

Council Member Troy Warner
Chairperson, Community Investment Committee
South Bend Common Council
County-City Building, 4th Floor
South Bend, Indiana 46601

RE: **Confirming Resolution:** Mixed-Use Development Real Property Tax Abatement for the
Caspers-Shutts Family Trust (Style Inc.)

Dear Council Member Warner,

Please find the enclosed Confirming Resolution and Memorandum of Agreement for a mixed-use development real property tax abatement for Caspers-Shutts Family Trust (Style Inc.). The Council passed Declaratory Resolution No. 5087-24 on July 22, 2024.

The petitioner intends to redevelop the property at 711-713 Leland Avenue into a restaurant space along with residential rental units. Additionally, a carriage house on the property will be constructed with goals for mixed-use: The second floor will have rental units, while the ground floor will have parking, and the remaining ground floor and basement will support overall operations of the property.

The total construction investment for this project is \$450,000. The project meets the qualifications for a six-year (6) mixed-use development real property tax abatement.

A representative from the Casper-Shutts Family Trust/Style Inc. will be available to meet with the Committee on Monday, August 12, 2024.

Should you or other Council members have questions about the report or need additional information, please feel free to call me at (574) 235-5838.

Sincerely,

A handwritten signature in black ink, appearing to read "Erik Glavich".

Erik Glavich
Director, Growth and Opportunity

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

1400S County-City Building | 227 W. Jefferson Blvd. | South Bend, Indiana 46601 | p 574.235.9371 | www.southbendin.gov

AUG 07 2024

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. 24-25
RESOLUTION NO. _____

A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY
RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF
SOUTH BEND, INDIANA, COMMONLY KNOWN AS

711-713 Leland Avenue, South Bend, Indiana 46616

AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A
SIX-YEAR (6) REAL PROPERTY TAX ABATEMENT FOR

Caspers-Shutts Family Trust

WHEREAS, the Common Council of the City of South Bend, Indiana, has adopted a Declaratory Resolution designating certain areas within the City as an Economic Revitalization Area for the purpose of tax abatement consideration; and

WHEREAS, a Declaratory Resolution designated the area described as:

Key Number: 71-08-02-430-019.000-026
Local Parcel Number: 018-1057-2416
Commonly Known As: 711 Leland Avenue
Legal Description: Lot 6 Agricultural Society Add

be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq.; and

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing for the purposes of hearing all remonstrances and objections from interested persons; and

WHEREAS, the Council has determined that the qualifications for an economic revitalization area have been met; and

WHEREAS, the Council adopted Declaratory Resolution No. 5087-24 on July 22, 2024.

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

SECTION I. The Common Council hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such

designation is for mixed-use development real property tax abatement only and shall expire on December 31, 2027.

SECTION II. The Common Council hereby determines that the property owner is qualified for and is granted real property tax deduction for up to a period of six (6) years as shown by the schedule outlined below as well as the attachment pursuant to Indiana Code 6-1.1-12.1-17 and further determines that the petition, the Memorandum of Agreement between the Petitioner and the City of South Bend, and the Statement of Benefits comply with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12 et seq.

- Year 1 - 100%
- Year 2 - 95%
- Year 3 - 90%
- Year 4 - 80%
- Year 5 - 70%
- Year 6 - 60%

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

Sharon McBride, Council President
South Bend Common Council

Attest:

Bianca Tirado, 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 _____, 2024, at _____ o'clock _____.m.

Bianca Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2024, at ____ o'clock
____.m.

James Mueller, Mayor
City of South Bend

AUG 07 2024

Bianca Tirado
City Clerk, South Bend, IN

MEMORANDUM OF AGREEMENT

(MIXED-USE DEVELOPMENT REAL PROPERTY TAX ABATEMENT)

This Memorandum of Agreement (Agreement) dated as of August 1, 2024, serves as confirmation of a commitment by **Caspers-Shutts Family Trust** (the "Applicant"), pending an August 12, 2024, public hearing, to comply with the project description, job creation and retention (and associated wage rates and salaries) figures contained in its petition, Statement of Benefits, and attachments and this Agreement.

1. Property Associated with the Abatement and Responsibilities of the Applicant. At the time of this Agreement, the property is located at 711 Leland Avenue, South Bend, Indiana 46616, and has Key Number 71-08-02-430-019.000-026. Throughout the duration of the abatement, the Applicant shall promptly report any changes in the address or Key Number of the property receiving the abatement to the Department of Community Investment and to the Office of the City Clerk. Moreover, the Applicant also shall report any material changes or improvements made to the property subject to the abatement including changes as the result of subdividing, replatting, or otherwise. The Applicant agrees that failure to promptly report changes can result in a finding of noncompliance on behalf of the Applicant under the commitments of this Agreement.

2. Commitments of City and Applicant. Subject to the adoption of a Declaratory Resolution and a Confirmatory Resolution by the South Bend Common Council (the "SBCC"), the City of South Bend, Indiana, (the "City") commits to provide a **six-year (6) mixed-use development real property tax abatement** for the Applicant, based on the Applicant's commitment set forth in its Application. The Applicant commits to the following (the "Commitments"):

(a) making total combined real property expenditures of no less than Four Hundred Fifty Thousand Dollars (\$450,000.00) for the rehabilitation of existing real property identified in Section 1 of this Agreement into a mixed-use building consisting of a restaurant and at least one residential rental unit, as well as a new accessory dwelling unit that consists of at least one residential rental unit;

(b) creating at least six (6) full-time equivalent jobs with a total estimated annual payroll of at least One Hundred Eighty Thousand Dollars (\$180,000.00); and

(c) acting in good faith to complete the project as described in its Application.

3. Applicant's Compliance with City and State Laws. During the term of the abatement, the Applicant shall comply with Chapter 2, Article 6, of the South Bend Municipal Code, entitled "Tax Abatement Procedures," and all governing provisions of the Indiana Code. During the term of this abatement, the City may annually request information from the Applicant concerning the nature of the Project, the approved capital expenditure of the Project, the number of full-time permanent positions newly created by the Project, and the average wage rates and salaries (excluding benefits & overtime) associated with the positions, and the Applicant shall provide the City with adequate written evidence thereof within fifteen (15) days of such request (the "Annual Survey"). The City shall utilize this information and the information required to be filed by the Applicant in the CF-1 Compliance with the Statement of Benefits form to verify that the Applicant has at all times complied with the Commitments

after the Commitment Date and during the duration of the abatement and for no other purpose. The Applicant further agrees to provide the City with such additional information as requested by the City to determine Applicant's compliance with the Commitments and with local and state requirements within twenty (20) days following any such request. Notwithstanding anything herein to the contrary, the Applicant acknowledges that the City may be required to disclose certain documents provided by the Applicant as required by a court order or applicable law.

4. Substantial Compliance and Rights of Termination. The City, by and through the SBCC, reserves the right to terminate the Economic Revitalization Area designation and associated property tax abatement deductions if it reasonably determines that the Applicant has not made reasonable efforts to substantially comply with all the Commitments, as defined in Section 2 of this Agreement, and the Applicant's failure to substantially comply with the Commitments was not due to factors beyond its reasonable control, as described in Section 5 below.

5. Factors Beyond Control. As used in this Agreement, factors beyond the control of the Applicant shall only include factors not reasonably foreseeable at the time of designation application and submission of Statement of Benefits which are not caused by any act or omission of the Applicant, and which materially and adversely affect the ability of the Applicant to substantially comply with this Agreement. Applicant has the burden to communicate to the City any such factors in which it believes is beyond its control and impacting its ability to fulfill the terms of this Agreement or any tax abatement benefit provided to the City. The City reserves the right to investigate the factors cited by Applicant under this Section 5 to the fullest extent possible and may deny Applicant's request upon the completion of the City's investigation.

6. Repayment of Tax Abatement Savings. If at any time during the term of this Agreement the Applicant shall: (a) be delinquent or in default with respect to any tax payment in St. Joseph County, Indiana; or (b) cease operations at the facility for which the tax abatement was granted; or (c) announce the cessation of operations at such facility, then the City may immediately terminate the Economic Revitalization Area designation and associated tax abatement deductions, and upon such termination, require Applicant to repay all of the tax abatement savings received through the date of such termination.

7. Notice/Hearing of Termination. In the event that the City determines that the Economic Revitalization Area designation and associated tax abatement deductions should be terminated or that all or a portion of the tax abatement savings should be repaid, it will give the Applicant notice of such determination, including a written statement calculating the amount due from the Applicant, and will provide the Applicant with an opportunity to meet with the City's designated representatives to show cause why the abatement should not be terminated and/or the tax savings repaid. Such notice shall state the names of the person with whom the Applicant may meet and will provide that the Applicant shall have thirty (30) days from the date of such notice to arrange such meeting and to provide its evidence concerning why the abatement termination and/or tax savings repayment should not occur. If, after giving such notice and receiving such evidence, if any, the City determines that the abatement termination and/or the tax repayment action is proper, the Applicant shall be provided with written notice and a hearing before the SBCC before any final action shall be taken terminating the abatement and/or requiring repayment of tax benefits. The Applicant shall be entitled to appeal that determination to a St. Joseph County Superior or Circuit Court.

documents or instrument delivered with respect to any of the obligations hereunder, and any action related to this Agreement shall be brought in such County and in such Court.

14. Assignment and Transfer Prohibited. This Agreement shall be binding upon and inure to the benefit of the City and the Applicant and their successors and assigns, except (a) that no party may assign or transfer its rights or obligations under this Agreement without the prior written consent of the other party hereto, in which consent shall not be unreasonably withheld, and (b) Applicant may assign and transfer its rights under this Agreement to the Permitted Assign without prior written consent. "Permitted Assign" means the affiliated single purpose entity created for purposes of designing, constructing, owning, operating, and maintaining the project which is the subject of this Agreement.

15. Valid and Binding Agreement. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original as against any party whose signature appears thereon, and all of which shall together constitute one and the same instrument. By executing this Agreement, each person so executing affirms that he has been duly authorized to execute this Agreement on behalf of such party and that this Agreement constitutes a valid and binding obligation of the party.

16. Severability. The provisions of this Agreement and of each section or other subdivision herein are independent of and separable from each other, and no provision shall be affected or rendered invalid or unenforceable by virtue of the fact that for any reason any other or others of them may be invalid or unenforceable in whole or in part unless this Agreement is rendered totally unenforceable thereby.

17. No Personal Liability. No official, director, officer, employee, or agent of the City shall be charged personally by the Applicant, its employees, or its agents with any liabilities or expenses of defense or be held personally liable to the Applicant under any term or provision of this Agreement or because of the execution by such party of this Agreement or because of any default by such party hereunder.

[Remainder of page intentionally blank.]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.



<p>“Applicant”</p> <p>Caspers-Shutts Family Trust</p> <p>By: </p> <p>Andrew Caspers Trustee</p> <p>Approved as to Legal Adequacy and Form this <u>7th</u> day of <u>August</u>, 2024.</p> <p>Counsel, South Bend Common Council</p>	<p>“City”</p> <p>City of South Bend, Indiana</p> <p>By: _____</p> <p>Sharon McBride President, South Bend Common Council</p> <p>By: _____</p> <p>Troy Warner Chairperson, Community Investment Committee</p> <p></p> <p>By: _____</p>
<p>Counsel for Applicant</p>	<p>By: _____</p> <p>Erik Glavich Department of Community Investment</p>
	<p>By: _____</p> <p>James Mueller Mayor</p>

EXHIBIT A

Abatement Schedule

Subject to the adoption by the SBCC of a resolution confirming the adoption of Declaratory Resolution No. 5087-24, the property owner is qualified for and is granted a mixed-use development real property tax abatement for a period of six (6) years as shown by the schedule outlined below.

Year 1 - 100%
Year 2 - 95%
Year 3 - 90%
Year 4 - 80%
Year 5 - 70%
Year 6 - 60%

24-26

Filed in Clerk's Office

AUG 07 2024

Bianca Tirado
City Clerk, South Bend, IN



CITY OF SOUTH BEND

COMMUNITY INVESTMENT

August 7, 2024

Council Member Troy Warner
Chairperson, Community Investment Committee
South Bend Common Council
County-City Building, 4th Floor
South Bend, Indiana 46601

RE: **Declaratory Resolution:** Personal Property Tax Abatement for **Hoosier Tank and Manufacturing, LLC**

Dear Council Member Warner,

Please find the enclosed Declaratory Resolution and supporting information pertaining to a tax abatement petition submitted by Hoosier Tank and Manufacturing, LLC, an Indiana Limited Liability Company. Operating since 1991, Hoosier Tank and Manufacturing provides high quality steel air reservoirs for the heavy-duty truck and trailer industries. This petition package includes:

- Department of Community Investment's summary report
- Petition for abatement
- Statement of Benefits forms (SB-1 / Personal Property)
- Supporting information

The report contains the Department's findings relative to the above-mentioned petition. The petitioner intends to invest \$4.0 million in high-tech equipment (and in facility improvements at 1710 N. Sheridan Street) to expand their production capacity. As part of this investment, Hoosier Tank and Manufacturing anticipates hiring 15 new employees at their South Bend location by the end of 2027. This is in addition to the 112 current employees. The project meets the qualifications for a five-year (5) personal property tax abatement.

A representative from Hoosier Tank and Manufacturing, LLC, will be available to meet with the Committee on Monday, August 12, 2024.

If you or other Council members have questions about the report or need additional information, please feel free to call me at (574) 235-5836.

Sincerely,

Mark Bemenderfer
Manager Business Development

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1400S County-City Building 227 W. Jefferson Blvd. South Bend, Indiana 46601 p 574.235.9371 www.southbendin.gov

AUG 07 2024

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. 24-26
RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN
THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

1710 N Sheridan Street, South Bend, Indiana 46628

AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A
FIVE-YEAR (5) PERSONAL PROPERTY TAX ABATEMENT FOR

Hoosier Tank & Manufacturing, LLC

WHEREAS, a petition for personal property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area commonly known as 2803 Tucker Drive, South Bend, Indiana 46619, and 2920 Tucker Drive, South Bend, Indiana 46619, and which is more particularly described as:

Business Personal Property

and which has Key Numbers to be assigned, be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq. and South Bend Municipal Code Sections 2-76 et seq.; and

WHEREAS, the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under Indiana Code 6-1.1-12.1 et seq. and South Bend Municipal Code Sections 2-76 et seq. and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

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

SECTION I. The Common Council hereby determines and finds pursuant to Indiana Code 6-1.1-12.1-4.5 et seq. that:

A. The estimate of the cost of the new industrial and manufacturing equipment is reasonable for equipment of that type;

B. The estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed installation of new industrial and manufacturing equipment;

C. The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed installation of new industrial and manufacturing equipment;

D. Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed new industrial and manufacturing equipment; and

E. The totality of benefits is sufficient to justify the deduction requested.

SECTION II. The Common Council hereby determines and finds that the proposed new industrial and manufacturing equipment can be reasonably expected to yield the benefits identified in the Statement of Benefits as set forth in Sections 1 through 3 of the Petition for Personal Property Tax Abatement Consideration and that Statement of Benefits form completed by the petitioner, said form being prescribed by the State Board of Accounts, are sufficient to justify the deduction granted under Indiana Code 6-1.1-12.1-4.5.

SECTION III. The Common Council hereby accepts the report and recommendation of the Department of Community Investment and the Community Investment Committee's favorable recommendation that the area herein described be designated as an Economic Revitalization Area for purposes of personal property tax abatement and hereby makes such a designation.

SECTION IV. The Common Council determines that such designation is for personal property tax abatement only and shall expire on December 31, 2027.

SECTION V. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of five (5) years as shown below pursuant to Indiana Code 6-1.1-12.1-17.

Year 1 - 100%
Year 2 - 90%
Year 3 - 80%
Year 4 - 70%
Year 5 - 60%

SECTION VI. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Personal Property Tax Abatement to be published pursuant to Indiana Code 5-3-1, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

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

Sharon McBride, Council President
South Bend Common Council

Attest:

Bianca Tirado, 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 _____, 2024, at _____ o'clock _____.m.

Bianca Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2024, at ____ o'clock _____.m.

James Mueller, Mayor
City of South Bend

TAX ABATEMENT REPORT

AUG 07 2024

Bianca Tirado
City Clerk, South Bend, IN

TO: South Bend Common Council

FROM: Mark Bemenderfer, Manager Business Development, Community Investment

SUBJECT: Personal Property Tax Abatement Petition for **Hoosier Tank & Manufacturing, LLC**

DATE: August 7, 2024

On August 7, 2024, a petition for tax abatement from Hoosier Tank & Manufacturing, LLC, was filed with the Office of the City Clerk. The petition seeks consideration for a personal property tax abatement for property located at 1710 N. Sheridan Street.

Pursuant to Chapter 2, Article 6, Section 2-84.9 of the Municipal Code of the City of South Bend, the petition was referred to the Department of Community Investment for purposes of investigation and preparation of a report determining whether the area qualifies as an Economic Revitalization Area pursuant to Indiana Code 6 1.1-12.1 and all zoning requirements have been met.

The Department of Community Investment has reviewed the petition (a copy of which is attached), investigated the area, and makes the following report.

Project Summary

- Hoosier Tank & Manufacturing, LLC, is a made-to-order manufacturer of steel air reservoirs for the heavy-duty truck and trailer industry. Founded in 1991, Hoosier Tank & Manufacturing is a subsidiary of Modineer Group, which is based in Niles, Michigan, and acquired Hoosier Tank in 2015.
- Hoosier Tank is purchasing \$4.0 million in high-tech equipment to expand their production capacity at their facility at 1710 N. Sheridan Street. Current capacity is noteworthy with over 800 active part numbers that are assembled over three high-efficiency assembly lines in their 100,000 square foot facility. Products must meet SAE J10 and FMVSS 121 specifications.
- This expansion will also provide access to new Defense contracts.

Employment Impact

Per this petition and supporting material, it is estimated that the company will:

- Retain the 112 employees currently working at the company location.
- By the end of 2027, hire at least fifteen (15) new full-time employees with an estimated total annual payroll of approximately \$780,000.

Tax Estimates

The petitioner qualifies for a five-year (5) personal property tax abatement.

- Estimated personal property taxes on the new equipment during the five-year (5) abatement period: \$320,803
 - Estimated taxes being abated during the abatement period: \$227,956
 - Estimated taxes to be paid during the abatement period: \$92,847
- For the five years following the abatement period, estimated taxes for the equipment is \$139,421 total during this time.

Abatement Qualification

1. A review of the tax abatements previously granted finds that the petitioner has been granted the following previous abatement.
 - Resolution No. 2013-93 (2/22/93): Five-year (5) personal property tax abatement.
 - Resolution No. 3234-03 (8/25/03): Ten-year (10) real property tax abatement.
 - Resolution No. 3483-05 (6/27/05): Five-year (5) personal property tax abatement. Reconfirmed Confirming Resolution No. 3213-03.
 - Resolution No. 4008-10 (1/11/10): Five-year (5) personal property tax abatement
 - Resolution No. 4105-11 (5/23/11): Seven-year (7) real property tax abatement.
 - Resolution No. 4106-11 (5/23/11): Five-year (5) personal property tax abatement.
2. The property is properly zoned for the proposed project.
3. Taxes on the property are current.
4. A review of the South Bend Redevelopment designation areas finds that the property is in the River West Development Area.
5. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner meets the qualifications for a five-year (5) personal property tax abatement under Division 10 (Personal Property Tax Abatement), Section 2-84.2 (Tangible Personal Property Tax Abatement).

5-Year Abatement

August 6, 2024

Hoosier Tank

South Bend Portage Township
Personal Property Tax Abatement Schedule *

Estimated Equipment Cost: \$ 4,000,000
Asset Pool: Pool #3 (9-12 years)

Property Address: 1710 N Sheridan St
Tax Key Number: N/A

	Year 1	Year 2	Year 3	Year 4	Year 5
Assessed Value (AV)					
True Tax Value (TTV)	40%	60%	55%	45%	37%
New Base (Equipment Cost x TTV)	1,600,000	2,400,000	2,200,000	1,800,000	1,480,000
Abatement					
Abatement Deduction	100%	90%	80%	70%	60%
	(1,600,000)	(2,160,000)	(1,760,000)	(1,260,000)	(888,000)
Net Assessed Value					
	-	240,000	440,000	540,000	592,000

Property Taxes

Assume constant tax rate of 5.3548%

Gross Tax (Tax Rate x Net AV)	-	12,852	23,561	28,916	31,700
Debt Service (0.3840% of Net AV)	-	922	1,690	2,074	2,273
Local Tax Credit (12.3682% of GT-DS)	-	(1,476)	(2,705)	(3,320)	(3,640)
Circuit Breaker Credit	-	-	-	-	-
Taxes Due	\$ -	\$ 12,298	\$ 22,546	\$ 27,670	\$ 30,334

Circuit Breaker Cap	3%	3%	3%	3%	3%
	48,000	72,000	66,000	54,000	44,400

Year	Abatement	New Projected Tax	Taxes Abated	Net Taxes Paid
1	100%	\$ 54,144	\$ (54,144)	\$ -
2	90%	81,216	(68,918)	12,298
3	80%	74,448	(51,902)	22,546
4	70%	60,912	(33,242)	27,670
5	60%	50,083	(19,749)	30,334
Years 1-5 Total:		320,803	(227,956)	92,847
Years 5-10 Total:		139,421	-	139,421

* This schedule is for estimation purposes only and assumes constant tax rates equal to those for 2023 Payable 2024.
The true tax values will ultimately be determined by the actual assessed valuation and the then current tax rates.



Department of Community Investment
City of South Bend

City of South Bend Petition for Incentives

Petition must include a \$250 filing fee payable to the "City of South Bend" before processing can be complete

Instructions: Complete pages 1-3 AND the proper Form 58-1 for the type of abatement (real property or personal property) for which you are applying.



General Information		Project Name	Project Number
Legal name as registered with Secretary of State		Hoosier Tank and Manufacturing LLC	
Business structure		C-Corporation	
Company website		http://www.hoosiertank.com/	
Proposed Project Information			
Proposed project address		1710 N Sheridan St	Parent company name
City, State, Zip	South Bend, IN 46628	Legal owner	
Site acreage or acreage required		Is the real estate owned or leased?	
Square feet of facility		100,000	If leased, by whom?
Primary Contact Information			
Primary company contact name		Nancy Miller	Title: Staff Accountant
Address of company contact		1710 N Sheridan St	Phone: 2696832550
City, State, Zip	South Bend, IN 46628	Email: nmiller@modineer.com	
Senior Official Information			
Company senior official name		Donna Harbin	Title: Corporate Controller
Address of company contact (if different from above)		2190 Industrial Drive	Phone:
City, State, Zip	Niles, MI 49120	Email: dharbin@modineer.com	
Consultant Information/Agent			
Hired business consultant/agent name		Eric Levenhagen	Consultant release? (Y/N): Yes
Address		OneAmerica Tower, 1 American Square, Suite 2800	Local economic development partners approval? (Y/N): Yes
City, State, Zip	Indianapolis, IN 46282	Email: eric.levenhagen@rsmus.com	
Project Overview			
Brief description of your company, project, and why the property is necessary for economic growth	<p>Hoosier Tank is a made-to-order manufacturer of steel air reservoirs for the heavy duty truck and trailer industry. Now privately owned, we have been in operation since 1991 and are IATF-1649:2016 certified, with 30 years of tank making experience. Incorporated in 1991, Hoosier Tank converted to an LLC in 2018. Operating out of our 100,000 square foot facility located in South Bend, Indiana, are three high-efficiency assembly lines designed to produce up to 850,000 tanks a year to SAE J10 and FMVSS 121 specifications. We utilize a highly efficient and flexible manufacturing process to produce a high-quality product made to customer designs and industry specifications. To ensure air tank durability, our in-house powder coating process includes three stages of pretreatment for 500 hours salt spray resistance. Such capabilities, along with an inventory of over 800 active part numbers, allow us to meet an array of custom design requirements. This property tax abatement support could help us increase hiring to upwards of 15 staff in coming years and earn new Defense contracts. The purchase of this equipment will make us more competitive and diversified into several product lines. This investment into the facility will help other local businesses with increased spending at gas stations, restaurants, and shops.</p>		
Certified Technology Park appropriate	No		
Is the project in a Tax Incremental Financing (TIF) area? If so, which?	No		
Have a Building Permits been issued? (Y/N) [Note-Not eligible for abatement if Yes]	No	Number of residential units created by project	
If this is a petition for personal property tax abatement, has the equipment been installed?	No		

Investment Details			
Public infrastructure needs (Off-site of project in dollars)	Has any 504 funding been received?	What is the value of any equipment being purchased in Indiana for the project?	What is the value of any equipment being purchased from out of state for the project?
		4,000,000	

New Project Investments								
Calendar Year	2023	2024	2025	2026	2027	2028	2029	2030
Land Acquisition	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Building Lease Payments	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Building Purchase Costs	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
New Building Construction	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Existing Building Improvements	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
New Machinery & Equipment	\$ 0.00	\$ 1,500,000.00	\$ 1,500,000.00	\$ 1,000,000.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
Special Tooling/Retrofitting	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
New Furniture/Fixtures	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
New Computer/IT Hardware	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
New Software	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
On-site Rail Infrastructure	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
On-site Fiber Infrastructure	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00
TOTAL	\$ 0.00	\$ 1,500,000.00	\$ 1,500,000.00	\$ 1,000,000.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

Full-Time Permanent Indiana-Resident Positions by Calendar Year						
Calendar Year	Jobs retained	Hourly average wage, w/o benefits or bonuses	Cumulative \$ of net NEW full time permanent jobs created at project	Hourly average wage, w/o benefits or bonuses, of cumulative net new jobs	Total training expenditure - not cumulative	Total # to be trained - not cumulative
2024	112	\$ 25.00	5	\$ 25.00	\$ 50,000	5
2025			5	\$ 25.00	\$ 50,000	5
2025			5	\$ 25.00	\$ 50,000	5
2027						
2028						
2029						
2030						
2031						
2032						
2033						
2034						
2035						

Provide hourly wage information for new employees in the following positions.		
	Full time	Part time
Laborers		
Technical	\$ 25.00	
Managerial		
Administrative		

Who will be the individual responsible for coordinating with WorkOne on recruiting? Yes

Does your company have an EEO hiring policy? Yes Are you an EEO employer? Yes

Please list the number of full time and part time minority and/or female employees for the following years:							Please describe your commitment to diversity and inclusion by detailing your outreach and recruitment efforts for the last three years as well as current policies.
Year	2024		2023		2022		
	Full Time	Part Time	Full Time	Part Time	Full Time	Part Time	
Black	45	—	59	—	56	—	We have a good diversity mix and do not hire based off of Race or Ethnicity
Hispanic	24	—	22	—	14	—	
Asian	4	—	3	—	1	—	
Indian	—	—	—	—	—	—	
Female	5	—	6	—	7	—	
Other	59	—	59	—	48	—	

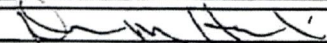
Complete the table below for Real Property Tax Abatement only.

***** Sign at the bottom for all requested incentives (real AND personal property). *****

Public Benefit Item:

Information is required on both the construction companies and the companies which will provide materials purchased for this project. Please complete the table below with the appropriate information. If you qualify for the points, please enter the full amount of available points.		Qualify (Yes or No)	Earned Points	Available Points
1	Construction Related (Contractors):			
	A.	Employ Local Companies (75%)		20
	B.	Purchase Materials from Local Companies (75%)		20
	C.	Require Employees vs. Independent Contractors		19
	D.	Require Prevailing Wage		22
	E.	Require Health Benefits		22
	F.	Require Retirement Benefits		18
	G.	Maintain Affirmative Action Plan		20
		Sub-total Construction Related:		0
2	Wage & Benefit Related (Owner):			
	A.	Pay Target Wage Levels		33
	B.	Provide Health Benefits		34
	C.	Provide Retirement Benefits		29
	D.	Provide Training		28
	E.	Provide Child Care		15
	F.	Provide Transportation Assistance		14
	G.	Provide Employer Assisted Housing program		9
	Sub-total Wage & Benefit Related:		0	162
3	Workforce Related:			
	A.	Create New Jobs		42
	B.	Retain Existing Jobs		41
	C.	Maintain Affirmative Action Plan		35
	D.	Provide Targeted Hiring Preference		34
	Sub-total Workforce Related:		0	152
4	Support a Municipal Facility:			
	A.	Support a SB Municipal Facility (donations to the zoo, conservatory, m useum, etc.)		84
	Name of Facility			
	Sub-total Municipal Facility:		0	84
Sub-total from Above:			0	539

The undersigned owner(s) of real property, located within the City of South Bend, hereby petition the Common Council of the City of South Bend for a real and/or personal property tax abatement consideration and pursuant to I.C., 6-1.1-12.1-1, et seq., and South Bend Municipal Code Sec. 2-76 et seq., for this petition state the above.

Submitted By:		Date:	6-13-2024
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For Staff Use Only Below This Line				
What is the current assessed value?	Real Property:	N/A	Personal Property:	\$3,037,010
What is the projected assessed value?	Real Property:	N/A	Personal Property:	\$4,637,010
What is the tax key number(s) for this project?	71-126-07522-00			
What is the six digit NAICS code?	332420			
Please attach a Google map and street view of the location.				
Please list the amount of real and personal property taxes paid for the last five years when applicable.		Real Property Taxes:	Personal Property Taxes:	
Tax Year 2022 / Pay 2023		N/A	\$84,941.16	
Tax Year 2021 / Pay 2022		N/A	\$66,292.58	
Tax Year 2020 / Pay 2021		N/A	\$55,392.68	
Tax Year 2019 / Pay 2020		N/A	\$28,321.80	
Tax Year 2018 / Pay 2019		N/A	\$45,652.78	
Please fill out the following Public Benefit Summary information and add to total from above.				
		(Y or N)	Points	Points
Public Benefit Item:				
Project Related:				
5	A.	Redevelop a Site that has Special Needs		49
	B.	Develop Based on Local University Research		35
	C.	Achieve a Physical Element of a Plan		36
	Sub-total Project Related:			120
6	Super Size Projects (point values are cumulative):			
	A.	100% to 199%		25
	B.	200% to 299%		68
	C.	300% to 399%		65
	D.	400% and Over		52
Sub-total Super Size Projects:			210	
7	Pay for Municipal Infrastructure:			
	A.	Pay for Oversizing or Upgrading		14
	B.	Pay for 26-50% of Extension Cost		26
	C.	Pay for 51-75% of Extension Cost		39
	D.	Pay for 76-100% of Extension Cost		52
Sub-total Infrastructure Related:			131	
Total from Applicant Section:			0	539
Total from Staff Section:			0	461
Total Public Benefit Points:			0	1000



**STATEMENT OF BENEFITS
PERSONAL PROPERTY**

State Form 51764 (R5 / 1-21)
Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction.
2. The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the installation of qualifying abatable equipment for which the person desires to claim a deduction.
3. To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.
4. Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
5. For a Form SB-1/PP that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/PP that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. (IC 6-1.1-12.1-17)

SECTION 1 TAXPAYER INFORMATION												
Name of taxpayer Hoosier Tank and Manufacturing LLC					Name of contact person First Name: Nancy Last Name: Miller							
Address of taxpayer Number and Street 1710 N Sheridan St		City South Bend		State IN		ZIP 46628		Telephone number Email (269) 683-2550 nmiller@modineer.com				
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT												
Name of designating body Common Council of the City of South Bend							Resolution number (s)					
Location of property Number and Street 1710 N Sheridan St		City South Bend		State IN		ZIP 46628		County St. Joseph				
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary.) Company is planning \$4M in new manufacturing equipment purchases along with highly automated powder coating equipment.							ESTIMATED					
									START DATE		COMPLETION DATE	
							Manufacturing Equipment		9/1/2024		12/31/2026	
							R & D Equipment					
							Logist Dist Equipment					
IT Equipment												
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT												
Current Number 112		Salaries \$ 5,824,000		Number Retained 112		Salaries \$ 5,824,000		Number Additional 5				
								Salaries \$ 260,000				
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT												
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.			MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT			
			COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE		
Current values												
Plus estimated values of proposed project			\$ 4,000,000	\$ 1,200,000								
Less values of any property being replaced												
Net estimated values upon completion of project			\$ 4,000,000	\$ 1,200,000	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0		
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER												
Estimated solid waste converted (pounds) _____					Estimated hazardous waste converted (pounds) _____							
Other benefits:												
SECTION 6 TAXPAYER CERTIFICATION												
I hereby certify that the representations in this statement are true.												
Signature of authorized representative <i>Donna Harbin</i>							Date signed (month, day, year) 6-13-24					
Printed name of authorized representative Donna Harbin					Title Corporate Controller							

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5. provides for the following limitations as authorized under IC 6-1.1-12.1-2.

- A. The designated area has been limited to a period of time not to exceed N/A calendar years * (see below). The date this designation expires is 12/31/2027 . NOTE: This question addresses whether the resolution contains an expiration date for the designated area.
- B. The type of deduction that is allowed in the designated area is limited to:
- 1. Installation of new manufacturing equipment; Yes No Enhanced Abatement per IC 6-1.1-12.1-18
 - 2. Installation of new research and development equipment; Yes No Check box if an enhanced abatement was approved for one or more of these types.
 - 3. Installation of new logistical distribution equipment. Yes No
 - 4. Installation of new information technology equipment; Yes No
- C. The amount of deduction applicable to new manufacturing equipment is limited to \$ n/a cost with an assessed value of \$ n/a . (One or both lines may be filled out to establish a limit, if desired.)
- D. The amount of deduction applicable to new research and development equipment is limited to \$ n/a cost with an assessed value of \$ n/a . (One or both lines may be filled out to establish a limit, if desired.)
- E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ n/a cost with an assessed value of \$. (One or both lines may be filled out to establish a limit, if desired.)
- F. The amount of deduction applicable to new information technology equipment is limited to \$ n/a cost with an assessed value of \$ n/a . (One or both lines may be filled out to establish a limit, if desired.)
- G. Other limitations or conditions (specify) n/a
- H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:
- Year 1 Year 2 Year 3 Year 4 Year 5 Enhanced Abatement per IC 6-1.1-12.1-18
 - Year 6 Year 7 Year 8 Year 9 Year 10 Number of years approved:
- (Enter one to twenty (1-20) years: may not exceed twenty (20) years.)
- I. For a Statement of Benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17? Yes No
If yes, attach a copy of the abatement schedule to this form.
If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved by (signature and title of authorized member of designating body)	Telephone number ()	Date signed (month, day, year)
Printed name of authorized member of designating body	Name of designating body <p align="center">Common Council of the City of South Bend, Indiana</p>	
Attested by: (signature and title of attester)	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, an abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

Aerial and Street Views



View Looking North West from the intersection of Sheridan St and Keller St.



24-23



Filed in Clerk's Office

JUL 17 2024

Bianca Tirado
City Clerk, South Bend, IN

CITY OF SOUTH BEND
DEPARTMENT OF COMMUNITY INVESTMENT

July 17, 2024

Community Investment Committee Chair Troy Warner
South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

Dear Committee Chair Warner,

Attached please find a proposal for adoption of a resolution terminating the Ten-Year Real Property Tax Abatement for Commerce Center Development LLC (the "Applicant") due to noncompliance with the terms of the abatement approved on January 23, 2017 via Confirming Resolution 4613-17.

The administration has learned that the Applicant has become delinquent or in default with respect to tax payments in St. Joseph County, Indiana. As a result, the City has made a preliminary determination that the Economic Revitalization Area designation and associated tax abatement deductions should be terminated and served notice to the Applicant of this preliminary determination.

City staff provided thirty (30) days from the June 17th notice date for the Applicant to schedule a meeting with myself and other staff to show cause why the abatement should not be terminated. So far, the Applicant has not responded to this notice or requested a meeting with staff, and instead has only requested a meeting with the Redevelopment Commission to discuss other matters.

I request that you consider placing this on the agenda for a public hearing at the August 12th Common Council meeting, to follow the July 25th meeting in executive session between the Redevelopment Commission, staff, and Applicant.

Sincerely,

A handwritten signature in black ink, appearing to read "Caleb Bauer", written over a horizontal line.

Caleb Bauer
Executive Director
Department of Community Investment

BILL NO. 24-23

JUL 17 2024

RESOLUTION NO. _____

Bianca Tirado
City Clerk, South Bend, IN

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND
TERMINATING THE (10) TEN YEAR REAL PROPERTY TAX ABATEMENT FOR
COMMERCE CENTER DEVELOPMENT, LLC

WHEREAS, the Common Council of the City of South Bend, Indiana is the “designating body” for purposes of granting real property tax deductions under the “Deduction for Rehabilitation or Redevelopment of Real Property in Economic Revitalization Areas” Statute set forth in Ind. Code § 6-1.1-12.1 *et. seq.*; and

WHEREAS, the Common Council of the City of South Bend adopted Resolution No. 4612-17 designating the property then commonly known as 401 E. Colfax Avenue, South Bend, IN 46617, owned by Commerce Center Development LLC as an economic revitalization area for purposes of a (10) ten year real property tax abatement on January 9, 2017; and

WHEREAS, the Common Council of the City of South Bend adopted Resolution No. 4613-17 confirming the adoption of the declaratory resolution for such property on January 23, 2017, wherein it determined that the petition, the Memorandum of Agreement between the Petitioner and City of South Bend (“MOA”), and the Statement of Benefits comply with Chapter 2, Article 6 of the Municipal Code of the Couth of South Bend and the Indiana Code 6-1.1-12 *et seq.* and the Petitioner was therefore qualified for a real property tax deduction for up to a period of ten years; and

WHEREAS, Commerce Center Development LLC was granted a four (4) year designation period in Resolution No. 4613-17, which expired on January 23, 2021; and

WHEREAS, on June 24, 2024, the Common Council of the City of South Bend considered a proposed resolution that would have extended the designation period confirmed by Resolution No. 4613-17; however, the proposed resolution did not pass; and

WHEREAS, the property that is the subject of Resolution No. 4612-17 and Resolution No. 4613-17 was later re-platted and now has an address of 230 E Sycamore, South Bend, IN 46617, Key Number 018-5003-6603, Parcel Number 71-08-12-129-024.000-026, and is commonly known as 300 East LaSalle Apartments; and

WHEREAS, Sec. 2-76(c) of the South Bend Municipal states those who desire to seek real or personal property tax abatement consideration “have the duty to comply with...all state law requirements”; and

WHEREAS, Ind. Code § 6-1.1-2 provides for the imposition of taxes on real property and the responsibility of the owner for the payment of such taxes; and

WHEREAS, as of the date of filing this Resolution, St. Joseph County Treasurer Office records reflect the Commerce Center Development LLC has failed to pay real property taxes imposed under Ind. Code § 6-1.1-2 for the 300 East LaSalle Apartments located at Parcel Number 71-08-12-129-024.000-026 for Tax Year 2022 Payable 2023 and Tax Year 2023 Payable 2024 and is currently in a delinquent status; and

WHEREAS, as of the date of filing this Resolution, St. Joseph County Treasurer Office records reflect the Commerce Center Development LLC has also failed to pay real property taxes imposed under Ind. Code § 6-1.1-2 for a second property, which is located at 401 E. Colfax Avenue, South Bend, Indiana 46617, and more particularly described as Parcel Number 71-08-12-129-011.000-026, for Tax Year 2022 Payable 2023 and Tax Year 2023 Payable 2024, and is also currently in a delinquent status; and

WHEREAS, as of the date of filing this Resolution, the Commerce Center Development, LLC has an overdue balance of \$512,459.58 in unpaid real property taxes for 300 East LaSalle Apartments located at Parcel Number 71-08-12-129-024.000-026, as further detailed in the attached Exhibit A, in addition to an overdue balance of \$105,241.16 in unpaid real property taxes for 401 E. Colfax Avenue located at Parcel Number 71-08-12-129-011.000-026, as further detailed in the attached Exhibit B; and

WHEREAS, the MOA, as is customary with all other MOAs issued by the City as part of the granting of a tax abatement, provided that “if at any time during the term of this Agreement the Applicant shall: (1) be delinquent or in default with respect to any tax payment in St. Joseph County, Indiana....the City may immediately terminate the Economic Revitalization Area designation and associated tax abatement deductions”; and

WHEREAS, the MOA provided certain procedures in the event that the City determines that the Economic Revitalization Area designation and associated tax abatement deductions should be terminated, including notice to the Applicant, an opportunity to meet with the City’s designated representative, and a hearing before the Common Council before any action shall be taken; and

WHEREAS, such notice was provided to Commerce Center Development LLC on June 17, 2024 by certified mail and e-mail offering Commerce Center Development LLC an opportunity to meet with the City’s designated representative and provide evidence concerning why the abatement termination shall not occur; and

WHEREAS, as of the date of filing of this Resolution, the Commerce Center Development LLC has not responded to such notice or otherwise requested to meet with the City’s designated representative, and has instead only requested a meeting with the South Bend Redevelopment Commission to discuss other matters; and

WHEREAS, the Common Council will now hold a public hearing on August 12, 2024 in the Chambers of the South Bend Common Council for determining whether the Commerce Center, LLC’s deductions should be terminated; and

WHEREAS, at said public hearing, Commerce Center Development, LLC and other interested parties may present information to the Common Council for consideration; and

WHEREAS, in the event the Common Council determines that the Commerce Center, LLC's deductions should be terminated, it shall adopt this Resolution terminating the Commerce Center Development, LLC's deductions heretofore granted.

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

SECTION I. The Common Council of the City of South Bend, Indiana, hereby sets August 12, 2024 at 7:00p.m. in the Chambers of the Common Council, Fourth Floor, County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana, as the time and place where it will conduct a hearing on whether the Commerce Center, LLC's deductions should be terminated.

SECTION II. In the event the South Bend Common Council determines after proper public hearing that the Commerce Center Development, LLC has failed to comply with the MOA and all state law requirements, specifically, Ind. Code § 6-1.1-2, by failing to pay real property taxes assessed against Parcel Numbers 71-08-12-129-024.000-026 and 71-08-12-129-011.000-026 for Tax Year 2022 Payable 2023 and Tax Year 2023 Payable 2024, and that the Commerce Center, LLC's deductions should be terminated, it shall adopt this Resolution thereby terminating Commerce Center Development LLC's deduction heretofore granted, and furthermore, shall formally repeal and revoke its Resolution No. 4612-17 and Resolution No. 4613-17 and terminate the Commerce Center Development, LLC's deduction for the next installment of property taxes owed by the Commerce Center Development, LLC for Parcel No 71-08-12-129-024.000-026 or to any subsequent installment of property taxes.

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

Sharon McBride, Council President
South Bend Common Council

Attest:

Bianca Tirado, 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 _____, 2024, at _____ o'clock _____.m.

Bianca Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2024, at ____ o'clock _____.m.

James Mueller, Mayor
City of South Bend

EXHIBIT A

Commerce Center Development LLC Tax Bill
for Parcel Number 71-08-12-129-024.000-026

COUNTY: 71-St. Joseph

SPRING INSTALLMENT REMITTANCE COUPON

PARCEL NUMBER 71-08-12-129-024.000-026	DUPLICATE NUMBER 71964783	TAX YEAR 2023 Payable 2024	Late Payment Penalty: 5% penalty after May 10, 2024, if there is no delinquent amount: 10% penalty for previous delinquency or if payment is made after June 10, 2024
TAXING UNIT NAME South Bend - Portage	LEGAL DESCRIPTION Lot 3 Commerce Center Minor 20/21 NP #3241 12/30/2019		

PROPERTY ADDRESS
 230 E Sycamore, South Bend IN 46617



SPRING AMOUNT DUE by May 10, 2024	\$512,459.58
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Commerce Center Development LLC
 401 E Colfax Ave
 Suite 277
 South Bend IN 46617

Filed in Clerk's Office

JUL 17 2024

Bianca Tirado
 City Clerk, South Bend, IN

Office Phone: (574)235-9531
 Pay Online at: www.lowtaxinfo.com
 Pay By Phone: 877-690-3729 enter jurisdiction code 2413
 Remit Payment and Make Check Payable to:
 St. Joseph County Treasurer
 P.O. Box 4758
 South Bend IN 46634-4758

0071964783 000051245958

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COUNTY: 71-St. Joseph

FALL INSTALLMENT REMITTANCE COUPON

PARCEL NUMBER 71-08-12-129-024.000-026	DUPLICATE NUMBER 71964783	TAX YEAR 2023 Payable 2024	Late Payment Penalty: 5% penalty after November 12, 2024, if there is no delinquent amount: 10% penalty for previous delinquency or if payment is made after December 12, 2024
TAXING UNIT NAME South Bend - Portage	LEGAL DESCRIPTION Lot 3 Commerce Center Minor 20/21 NP #3241 12/30/2019		

PROPERTY ADDRESS
 230 E Sycamore, South Bend IN 46617



FALL AMOUNT DUE by November 12, 2024	\$275,098.42
--	---------------------

Commerce Center Development LLC
 401 E Colfax Ave
 Suite 277
 South Bend IN 46617

Office Phone: (574)235-9531
 Pay Online at: www.lowtaxinfo.com
 Pay By Phone: 877-690-3729 enter jurisdiction code 2413
 Remit Payment and Make Check Payable to:
 St. Joseph County Treasurer
 P.O. Box 4758
 South Bend IN 46634-4758

0071964783 000027509842

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COUNTY: 71-St. Joseph

TAXPAYER'S COPY - KEEP FOR YOUR RECORDS

PARCEL NUMBER 71-08-12-129-024.000-026	DUPLICATE NUMBER 71964783	TAX YEAR 2023 Payable 2024	DUE DATES
TAXING UNIT NAME South Bend - Portage	LEGAL DESCRIPTION Lot 3 Commerce Center Minor 20/21 NP #3241 12/30/2019		SPRING - May 10, 2024 FALL - November 12, 2024

DATE OF STATEMENT: 07/16/2024

TOTAL DUE FOR 2023 PAY 2024: \$787,558.00

PROPERTY ADDRESS 230 E Sycamore, South Bend IN 46617		
PROPERTY TYPE Real	TOWNSHIP: Portage	
ACRES 0.0000	Total AV PTRC Rate 12.3682	LIT 1% Rate 6.3347

Commerce Center Development LLC
 401 E Colfax Ave
 Suite 277
 South Bend IN 46617

ITEMIZED CHARGES	SPRING TOTAL	FALL TOTAL
Tax	\$224,134.54	\$224,134.54
Delinquent Tax	\$391,267.64	\$0.00
Delinquent Penalty	\$39,126.76	\$50,758.88
Other Assessment (OA)	\$0.00	\$0.00
Delinquent OA Tax	\$0.00	\$0.00
Delinquent OA Penalty	\$0.00	\$0.00
Fees	\$0.00	\$205.00
Adjustments	(\$142,069.36)	\$0.00
Amount Due	\$512,459.58	\$275,098.42
Payment Received	\$0.00	\$0.00
Balance Due	\$512,459.58	\$275,098.42

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SPECIAL MESSAGE TO PROPERTY OWNER

Property taxes are constitutionally capped at 1% of property values for homesteads (owner-occupied), 2% for other residential property and agricultural land, and 3% for all other property. The Mortgage Deduction is no longer available beginning with 2023 Pay 2024. Please note that local government unit annual budget notices are now available online at: <https://budgetnotices.in.gov>. Additional information for how to read your current tax bill can be located online at: www.in.gov/dlgf/understanding-your-tax-bill/tax-bill-101.

TAXPAYER AND PROPERTY INFORMATION

<u>Taxpayer Name</u> Commerce Center Development LLC 401 E Colfax Ave Suite 277 South Bend IN 46617	<u>Address</u> 230 E Sycamore South Bend IN 46617	<u>Date of Notice</u> July 16, 2024	<u>Parcel Number</u> 71-08-12-129-024.000-026	<u>Taxing District</u> 026 South Bend - Portage
<u>Legal Description</u> Lot 3 Commerce Center Minor 20/21 NP #3241 12/30/2019	<u>Billed Mortgage Company</u>	<u>Duplicate Number</u> 71964783	<u>Tax ID Number</u> 018-5003-006603	<u>Property Type</u> Real



Spring installment due on or before May 10, 2024 and Fall installment due on or before November 12, 2024.

TABLE 1: SUMMARY OF YOUR TAXES

ASSESSED VALUE AND TAX SUMMARY	2022 Pay 2023	2023 Pay 2024
1a. Gross assessed value of homestead property	\$0	\$0
1b. Gross assessed value of other residential property and farmland	\$13,344,100	\$16,388,000
1c. Gross assessed value of all other property, including personal property	\$10,572,600	\$11,928,200
2. Equals total gross assessed value of property	\$23,916,700	\$28,316,200
2a. Minus deductions (see Table 5 below)	(\$9,111,800)	(\$10,713,450)
3. Equals subtotal of net assessed value of property	\$14,804,900	\$17,602,750
3a. Multiplied by your local tax rate	5.2897	5.3548
4. Equals gross tax liability (see Table 3 below)	\$783,134.81	\$942,592.04
4a. Minus local property tax credits	(\$63,065.57)	(\$108,221.44)
4b. Minus savings due to property tax cap (see Table 2 and footnotes below)	(\$328,801.60)	(\$386,101.52)
4c. Minus savings due to over 65 circuit breaker credit ¹	\$0.00	\$0.00
4d. Minus savings due to county option circuit breaker credit	\$0.00	\$0.00
5. Total property tax liability (see remittance coupon for total amount due)	\$391,267.64	\$448,269.08

Please see Table 4 for a summary of other charges to this property.

TABLE 2: PROPERTY TAX CAP INFORMATION

Property tax cap (1%, 2%, or 3%, depending upon combination of property types) ²	\$584,060.00	\$685,606.00
Upward adjustment due to voter-approved projects and charges (e.g., referendum) ³	\$59,175.19	\$67,594.56
Maximum tax that may be imposed under	\$643,235.19	\$753,200.56

TABLE 3: GROSS PROPERTY TAX DISTRIBUTION AMOUNTS APPLICABLE TO THIS PROPERTY

TAXING AUTHORITY	TAX RATE 2023	TAX RATE 2024	TAX AMOUNT 2023	TAX AMOUNT 2024	TAX DIFFERENCE 2023-2024	PERCENT DIFFERENCE
CITY OR TOWN	2.9736	2.9865	\$440,238.51	\$525,706.12	\$85,467.61	19.41%
COUNTY	0.5989	0.6259	\$88,666.55	\$110,175.61	\$21,509.06	24.26%
LIBRARY	0.2626	0.2725	\$38,877.67	\$47,967.49	\$9,089.82	23.38%
SCHOOL	1.2708	1.2822	\$188,140.67	\$225,702.46	\$37,561.79	19.96%
SPECIALS (2)	0.1392	0.1437	\$20,608.42	\$25,295.15	\$4,686.73	22.74%
TOWNSHIP	0.0446	0.0440	\$6,602.99	\$7,745.21	\$1,142.22	17.30%
TOTAL	5.2897	5.3548	\$783,134.81	\$942,592.04	\$159,457.23	20.36%

TABLE 4: OTHER CHARGES / ADJUSTMENTS TO THIS PROPERTY

LEVYING AUTHORITY	2023	2024	% Change
TOTAL ADJUSTMENTS	\$0.00	\$0.00	

TABLE 5: DEDUCTIONS APPLICABLE TO THIS PROPERTY⁴

TYPE OF DEDUCTION	2023	2024
Comm Abat-Alt#12	\$9,111,800	\$10,713,450
TOTAL DEDUCTIONS	\$9,111,800	\$10,713,450

1. A taxpayer can only receive the Over 65 Circuit Breaker Credit or the County Option Circuit. Indiana Code § 6-1.1-49-6 specifies that a taxpayer cannot receive both.
 2. The property tax cap is calculated separately for each class of property owned by the taxpayer.
 3. Changes not subject to the property tax caps include property tax levies approved by voters through a referendum. When added to the base property tax cap amount for your property, this creates the effective tax cap. For more information, see the back of this document. Information regarding the referendums proposed during the most recent elections can be located online at: www.in.gov/dlgf/referendum-information.
 4. If any circumstances have changed that would make you ineligible for a deduction that you have been granted per Table 5 of this tax bill, you must notify the county auditor. If such a change in circumstances has occurred and you have not notified the county auditor, the deduction will be disallowed and you will be liable for taxes and penalties on the amount deducted.

NOTICE OF PROPERTY TAX ASSESSMENTS

Name and Address of Taxpayer – The owner and mailing address of the owner of record as of the date of this notice.
Date of Notice/Due Date – Date that the property tax bill was mailed and the date by which payment must be made in order to avoid late charges.
Property Number (State/Local) – State mandated property number of the taxable real estate and the local parcel number, if applicable.
Taxing District – The number assigned by the Department of Local Government Finance to the taxing district in which this property is located.

TABLE 1: SUMMARY OF YOUR TAXES

Tax Summary – The amounts involved with calculating your real estate property taxes.
Taxes 2022 Pay 2023 – The summary of calculations based on tax rates for taxes payable last year.
Taxes 2023 Pay 2024 – The summary of calculations based on this year’s tax rates.
Tax Relief Credits – Credits are determined annually and are used to reduce property tax liabilities applicable to properties in this table.
• **Local Property Tax Credits** – Relief credit generated by the local income tax, which can be used to reduce property tax bills.
• **Over 65 Circuit Breaker Credit** – Credit for a calendar year if homestead qualifies and age, adjusted gross income, homestead assessed value, and other eligibility requirements are met. The credit limits the increase of the homestead property tax liability of credit recipient at two percent (2%). (IC 6-1.1-20.6-8.5)
• **County Option Circuit Breaker Credit** – Credit for a calendar year adopted by the county fiscal body if homestead qualifies and age, adjusted gross income, and other eligibility requirements are met. The credit limits the increase of the homestead property tax liability of credit recipient at an amount between two percent (2%) and five percent (5%). (IC 6-1.1-49)

TABLE 2: PROPERTY TAX CAP INFORMATION

Property Tax Cap – Property may not be taxed above caps prescribed by law, unless voters approve additional taxes. Those caps are 1% for homesteads, 2% for other residential property and agricultural land, and 3% for all other classes of property. When voters approve additional spending in a referendum, an **adjustment to the cap** is made to reflect the additional expense. This excess revenue is calculated as a separate value and added to the cap figure. This new value is considered your effective property tax cap or the **maximum that may be imposed under the cap**. Taxpayers should note that the circuit breaker cap amount is the combined cap amount for all classes of property applicable to a parcel.

TABLE 3: GROSS PROPERTY TAX DISTRIBUTION AMOUNTS APPLICABLE TO THIS PROPERTY

Taxing Authority – The name of the unit levying the taxes.
Tax Rate 2023 – The tax rate per \$100 of assessed value for this property allocated to each taxing authority for 2023.
Tax Rate 2024 – The tax rate per \$100 of assessed value for this property allocated to each taxing authority for the current year.
Tax Amount 2023 – The amount of taxes for this property allocated to each taxing authority for 2023.
Tax Amount 2024 – The amount of taxes for this property allocated to each taxing authority for the current year.
Tax Difference 2023-2024 – The difference in dollars between current taxes and prior year taxes for each taxing authority.
Percent Difference – The percent change between last year’s tax amount and this year’s tax amount for each taxing authority.

TABLE 4: OTHER CHARGES / ADJUSTMENTS TO THIS PROPERTY

Levying Authority – The type of additional charge added to your property tax bill such as sewer, ditch, or other special assessment.
Amount 2023 – The total amount of other charges added to your tax bill in 2023.
Amount 2024 – The total amount of other charges added to your tax bill for the current year.

TABLE 5: DEDUCTIONS APPLICABLE TO THIS PROPERTY

Type of Deduction – No deduction is automatic. All must be applied for with the appropriate office by the applicable due date. Various restrictions apply. For more information, call the county auditor at 574-235-9668 Option 2 or visit <https://www.sjcindiana.com/2302/Auditor>. Deductions documented in this bill can include, but are not limited to, the following:
• **Abatement** – Deduction for eligible properties where taxes have been lowered or eliminated, generally through the action of the city council or county council. (IC 6-1.1-12.1)
• **Blind/Disabled** – Deduction for the blind or disabled. Must supply proof from a doctor or Social Security awards letter. (IC 6-1.1-12-11, 12)
• **Enterprise Zone** – Deduction for eligible properties located within a designated enterprise zone. (IC 6-1.1-12-40)
• **Geothermal** – Deduction for eligible properties using geothermal devices. (IC 6-1.1-12-34, 35.5)
• **Homestead Standard Deduction** – Deduction for owner-occupied primary residence. (IC 6-1.1-12-37)
• **Supplemental Standard Deduction** – Additional deduction for homesteads after the application of the Homestead Standard Deduction. (IC 6-1.1-12-37.5)
• **Mortgage** – Deduction for mortgaged property for eligible persons. (IC 6-1.1-12-1, 2) [Deduction will no longer apply to tax bills beginning with 2023 Pay 2024]
• **Nonprofit** – Exemption for eligible properties. (IC 6-1.1-10)
• **Over 65** – Deduction for individuals over 65 years of age; subject to income, residency, and assessed value limits. (IC 6-1.1-12-9, 10.1)
• **Veterans** – Deduction for disabled veterans. Must supply proof of service, honorable discharge, and disability. (IC 6-1.1-12-13, 14, 15)
Amount 2023 – The amount deducted from your bill in 2023 for each benefit.
Amount 2024 – The amount deducted from your bill this year for each benefit.

Homestead Credits

St. Joseph County provides local property tax credits for certain taxpayers pursuant to IC 6-3.6-5 and/or 6-1.1-20.4. Taxpayers receiving a local property tax credit will see the credit amount in Box 4A on the Form TS-1A.

Information on the valuation of your property and a copy of the property record card can be obtained from your assessor at 574-235-9523 Option 3.

To obtain a review of an assessment, the taxpayer must file an appeal via a Form 130. If the Form 11 is mailed before May 1 of the assessment year, the filing deadline for real property is June 15 of that year. If the Form 11 is mailed after April 30 of the assessment year, the filing deadline for real property is June 15 in the year that the tax statements are mailed. For personal property assessments, the filing deadline is not later than forty-five (45) days after the date of the required notice (Form 11).

NOTE: Failure to file a timely Form 130 can be grounds for dismissal of this appeal. The assessing official who receives an appeal filed by a taxpayer must: (1) immediately forward the notice to the county board; and (2) schedule a preliminary informal meeting with the taxpayer in order to resolve the appeal.

For further instructions on filing an appeal or correction of error, contact your assessor at 574-235-9523 Option 3 or email appealsdep@sjcindiana.com.

Please note that the appeal requires relevant evidence of the true tax value of the property as of the assessment date (January 1, 2024, for mobile homes assessed under IC 6-1.1-7 and January 1, 2023, for real property).

EXHIBIT B

Commerce Center Development LLC Tax Bill
for Parcel Number 71-08-12-129-011.000-026

COUNTY: 71-St. Joseph

SPRING INSTALLMENT REMITTANCE COUPON

PARCEL NUMBER 71-08-12-129-011.000-026	DUPLICATE NUMBER 78365	TAX YEAR 2023 Payable 2024	Late Payment Penalty: 5% penalty after May 10, 2024, if there is no delinquent amount: 10% penalty for previous delinquency or if payment is made after June 10, 2024
TAXING UNIT NAME South Bend - Portage	LEGAL DESCRIPTION Lot 1 Commerce Center Minor 20/21 NP #3241 12/30/2019 19/20 NP #708 4/26/2018		

PROPERTY ADDRESS
401 E Colfax, South Bend IN 46617



SPRING AMOUNT DUE by May 10, 2024	\$105,241.16
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Commerce Center Development LLC
 401 E Colfax Ave
 Ste 277
 South Bend IN 46617-2783

Filed in Clerk's Office

JUL 17 2024

Bianca Tirado
 City Clerk, South Bend, IN

Office Phone: (574)235-9531
 Pay Online at: www.lowtaxinfo.com
 Pay By Phone: 877-690-3729 enter jurisdiction code 2413
 Remit Payment and Make Check Payable to:
 St. Joseph County Treasurer
 P.O. Box 4758
 South Bend IN 46634-4758

0000078365 000010524116

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COUNTY: 71-St. Joseph

FALL INSTALLMENT REMITTANCE COUPON

PARCEL NUMBER 71-08-12-129-011.000-026	DUPLICATE NUMBER 78365	TAX YEAR 2023 Payable 2024	Late Payment Penalty: 5% penalty after November 12, 2024, if there is no delinquent amount: 10% penalty for previous delinquency or if payment is made after December 12, 2024
TAXING UNIT NAME South Bend - Portage	LEGAL DESCRIPTION Lot 1 Commerce Center Minor 20/21 NP #3241 12/30/2019 19/20 NP #708 4/26/2018		

PROPERTY ADDRESS
401 E Colfax, South Bend IN 46617



FALL AMOUNT DUE by November 12, 2024	\$55,855.04
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Commerce Center Development LLC
 401 E Colfax Ave
 Ste 277
 South Bend IN 46617-2783

Office Phone: (574)235-9531
 Pay Online at: www.lowtaxinfo.com
 Pay By Phone: 877-690-3729 enter jurisdiction code 2413
 Remit Payment and Make Check Payable to:
 St. Joseph County Treasurer
 P.O. Box 4758
 South Bend IN 46634-4758

0000078365 000005585504

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COUNTY: 71-St. Joseph

TAXPAYER'S COPY - KEEP FOR YOUR RECORDS

PARCEL NUMBER 71-08-12-129-011.000-026	DUPLICATE NUMBER 78365	TAX YEAR 2023 Payable 2024	DUE DATES
TAXING UNIT NAME South Bend - Portage	LEGAL DESCRIPTION Lot 1 Commerce Center Minor 20/21 NP #3241 12/30/2019 19/20 NP #708 4/26/2018		SPRING - May 10, 2024 FALL - November 12, 2024

DATE OF STATEMENT: 07/16/2024

TOTAL DUE FOR 2023 PAY 2024: \$161,096.20

PROPERTY ADDRESS 401 E Colfax, South Bend IN 46617		
PROPERTY TYPE Real	TOWNSHIP: Portage	
ACRES 0.0000	Total AV PTRC Rate 12.3682	LIT 1% Rate 6.3347

Commerce Center Development LLC
 401 E Colfax Ave
 Ste 277
 South Bend IN 46617-2783

ITEMIZED CHARGES	SPRING TOTAL	FALL TOTAL
Tax	\$46,047.74	\$46,047.74
Delinquent Tax	\$49,975.34	\$0.00
Delinquent Penalty	\$9,218.08	\$9,602.30
Other Assessment (OA)	\$0.00	\$0.00
Delinquent OA Tax	\$0.00	\$0.00
Delinquent OA Penalty	\$0.00	\$0.00
Fees	\$0.00	\$205.00
Adjustments	\$0.00	\$0.00
Amount Due	\$105,241.16	\$55,855.04
Payment Received	\$0.00	\$0.00
Balance Due	\$105,241.16	\$55,855.04

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SPECIAL MESSAGE TO PROPERTY OWNER

Property taxes are constitutionally capped at 1% of property values for homesteads (owner-occupied), 2% for other residential property and agricultural land, and 3% for all other property. The Mortgage Deduction is no longer available beginning with 2023 Pay 2024. Please note that local government unit annual budget notices are now available online at: <https://budgetnotices.in.gov>. Additional information for how to read your current tax bill can be located online at: www.in.gov/dlgf/understanding-your-tax-bill/tax-bill-101.

TAXPAYER AND PROPERTY INFORMATION

<u>Taxpayer Name</u>	<u>Address</u>	<u>Date of Notice</u>	<u>Parcel Number</u>	<u>Taxing District</u>
Commerce Center Development LLC 401 E Colfax Ave Ste 277 South Bend IN 46617-2783	401 E Colfax South Bend IN 46617	July 16, 2024	71-08-12-129-011.000-026	026 South Bend - Portage
		<u>Duplicate Number</u>	<u>Tax ID Number</u>	
		78365	018-5003-0066	
<u>Legal Description</u>	<u>Billed Mortgage Company</u>			<u>Property Type</u>
Lot 1 Commerce Center Minor 20/21 NP #3241 12/30/2019 19/20 NP #708 4/26/2018				Real

Spring installment due on or before May 10, 2024 and Fall installment due on or before November 12, 2024.

TABLE 1: SUMMARY OF YOUR TAXES

ASSESSED VALUE AND TAX SUMMARY	2022 Pay 2023	2023 Pay 2024
1a. Gross assessed value of homestead property	\$0	\$0
1b. Gross assessed value of other residential property and farmland	\$0	\$0
1c. Gross assessed value of all other property, including personal property	\$2,711,436	\$2,721,498
2. Equals total gross assessed value of property	\$2,711,436	\$2,721,498
2a. Minus deductions (see Table 5 below)	\$0	\$0
3. Equals subtotal of net assessed value of property	\$2,711,436	\$2,721,498
3a. Multiplied by your local tax rate	5.2897	5.3548
4. Equals gross tax liability (see Table 3 below)	\$143,426.84	\$145,730.76
4a. Minus local property tax credits	(\$11,550.11)	(\$16,731.73)
4b. Minus savings due to property tax cap (see Table 2 and footnotes below)	(\$39,696.03)	(\$36,903.55)
4c. Minus savings due to over 65 circuit breaker credit ¹	\$0.00	\$0.00
4d. Minus savings due to county option circuit breaker credit	\$0.00	\$0.00
5. Total property tax liability (see remittance coupon for total amount due)	\$92,180.70	\$92,095.48

Please see Table 4 for a summary of other charges to this property.

TABLE 2: PROPERTY TAX CAP INFORMATION

Property tax cap (1%, 2%, or 3%, depending upon combination of property types) ²	\$81,343.08	\$81,644.94
Upward adjustment due to voter-approved projects and charges (e.g., referendum) ³	\$10,837.62	\$10,450.54
Maximum tax that may be imposed under	\$92,180.70	\$92,095.48

TABLE 3: GROSS PROPERTY TAX DISTRIBUTION AMOUNTS APPLICABLE TO THIS PROPERTY

TAXING AUTHORITY	TAX RATE 2023	TAX RATE 2024	TAX AMOUNT 2023	TAX AMOUNT 2024	TAX DIFFERENCE 2023-2024	PERCENT DIFFERENCE
CITY OR TOWN	2.9736	2.9865	\$80,627.27	\$81,277.54	\$650.27	0.81%
COUNTY	0.5989	0.6259	\$16,238.79	\$17,033.85	\$795.06	4.90%
LIBRARY	0.2626	0.2725	\$7,120.23	\$7,416.08	\$295.85	4.16%
SCHOOL	1.2708	1.2822	\$34,456.93	\$34,895.04	\$438.11	1.27%
SPECIALS (2)	0.1392	0.1437	\$3,774.32	\$3,910.79	\$136.47	3.62%
TOWNSHIP	0.0446	0.0440	\$1,209.30	\$1,197.46	(\$11.84)	(0.98%)
TOTAL	5.2897	5.3548	\$143,426.84	\$145,730.76	\$2,303.92	1.61%

TABLE 4: OTHER CHARGES / ADJUSTMENTS TO THIS PROPERTY

LEVYING AUTHORITY	2023	2024	% Change
TOTAL ADJUSTMENTS	\$0.00	\$0.00	

TABLE 5: DEDUCTIONS APPLICABLE TO THIS PROPERTY⁴

TYPE OF DEDUCTION	2023	2024
TOTAL DEDUCTIONS	\$0	\$0

1. A taxpayer can only receive the Over 65 Circuit Breaker Credit or the County Option Circuit. Indiana Code § 6-1.1-49-6 specifies that a taxpayer cannot receive both.
2. The property tax cap is calculated separately for each class of property owned by the taxpayer.
3. Changes not subject to the property tax caps include property tax levies approved by voters through a referendum. When added to the base property tax cap amount for your property, this creates the effective tax cap. For more information, see the back of this document. Information regarding the referendums proposed during the most recent elections can be located online at: www.in.gov/dlgf/referendum-information.
4. If any circumstances have changed that would make you ineligible for a deduction that you have been granted per Table 5 of this tax bill, you must notify the county auditor. If such a change in circumstances has occurred and you have not notified the county auditor, the deduction will be disallowed and you will be liable for taxes and penalties on the amount deducted.

NOTICE OF PROPERTY TAX ASSESSMENTS

Name and Address of Taxpayer – The owner and mailing address of the owner of record as of the date of this notice.
Date of Notice/Due Date – Date that the property tax bill was mailed and the date by which payment must be made in order to avoid late charges.
Property Number (State/Local) – State mandated property number of the taxable real estate and the local parcel number, if applicable.
Taxing District – The number assigned by the Department of Local Government Finance to the taxing district in which this property is located.

TABLE 1: SUMMARY OF YOUR TAXES

Tax Summary – The amounts involved with calculating your real estate property taxes.
Taxes 2022 Pay 2023 – The summary of calculations based on tax rates for taxes payable last year.
Taxes 2023 Pay 2024 – The summary of calculations based on this year’s tax rates.
Tax Relief Credits – Credits are determined annually and are used to reduce property tax liabilities applicable to properties in this table.
• **Local Property Tax Credits** – Relief credit generated by the local income tax, which can be used to reduce property tax bills.
• **Over 65 Circuit Breaker Credit** – Credit for a calendar year if homestead qualifies and age, adjusted gross income, homestead assessed value, and other eligibility requirements are met. The credit limits the increase of the homestead property tax liability of credit recipient at two percent (2%). (IC 6-1.1-20.6-8.5)
• **County Option Circuit Breaker Credit** – Credit for a calendar year adopted by the county fiscal body if homestead qualifies and age, adjusted gross income, and other eligibility requirements are met. The credit limits the increase of the homestead property tax liability of credit recipient at an amount between two percent (2%) and five percent (5%). (IC 6-1.1-49)

TABLE 2: PROPERTY TAX CAP INFORMATION

Property Tax Cap – Property may not be taxed above caps prescribed by law, unless voters approve additional taxes. Those caps are 1% for homesteads, 2% for other residential property and agricultural land, and 3% for all other classes of property. When voters approve additional spending in a referendum, an **adjustment to the cap** is made to reflect the additional expense. This excess revenue is calculated as a separate value and added to the cap figure. This new value is considered your effective property tax cap or the **maximum that may be imposed under the cap**. Taxpayers should note that the circuit breaker cap amount is the combined cap amount for all classes of property applicable to a parcel.

TABLE 3: GROSS PROPERTY TAX DISTRIBUTION AMOUNTS APPLICABLE TO THIS PROPERTY

Taxing Authority – The name of the unit levying the taxes.
Tax Rate 2023 – The tax rate per \$100 of assessed value for this property allocated to each taxing authority for 2023.
Tax Rate 2024 – The tax rate per \$100 of assessed value for this property allocated to each taxing authority for the current year.
Tax Amount 2023 – The amount of taxes for this property allocated to each taxing authority for 2023.
Tax Amount 2024 – The amount of taxes for this property allocated to each taxing authority for the current year.
Tax Difference 2023-2024 – The difference in dollars between current taxes and prior year taxes for each taxing authority.
Percent Difference – The percent change between last year’s tax amount and this year’s tax amount for each taxing authority.

TABLE 4: OTHER CHARGES / ADJUSTMENTS TO THIS PROPERTY

Levying Authority – The type of additional charge added to your property tax bill such as sewer, ditch, or other special assessment.
Amount 2023 – The total amount of other charges added to your tax bill in 2023.
Amount 2024 – The total amount of other charges added to your tax bill for the current year.

TABLE 5: DEDUCTIONS APPLICABLE TO THIS PROPERTY

Type of Deduction – No deduction is automatic. All must be applied for with the appropriate office by the applicable due date. Various restrictions apply. For more information, call the county auditor at 574-235-9668 Option 2 or visit <https://www.sjcindiana.com/2302/Auditor>. Deductions documented in this bill can include, but are not limited to, the following:
• **Abatement** – Deduction for eligible properties where taxes have been lowered or eliminated, generally through the action of the city council or county council. (IC 6-1.1-12.1)
• **Blind/Disabled** – Deduction for the blind or disabled. Must supply proof from a doctor or Social Security awards letter. (IC 6-1.1-12-11, 12)
• **Enterprise Zone** – Deduction for eligible properties located within a designated enterprise zone. (IC 6-1.1-12-40)
• **Geothermal** – Deduction for eligible properties using geothermal devices. (IC 6-1.1-12-34, 35.5)
• **Homestead Standard Deduction** – Deduction for owner-occupied primary residence. (IC 6-1.1-12-37)
• **Supplemental Standard Deduction** – Additional deduction for homesteads after the application of the Homestead Standard Deduction. (IC 6-1.1-12-37.5)
• **Mortgage** – Deduction for mortgaged property for eligible persons. (IC 6-1.1-12-1, 2) [Deduction will no longer apply to tax bills beginning with 2023 Pay 2024]
• **Nonprofit** – Exemption for eligible properties. (IC 6-1.1-10)
• **Over 65** – Deduction for individuals over 65 years of age; subject to income, residency, and assessed value limits. (IC 6-1.1-12-9, 10.1)
• **Veterans** – Deduction for disabled veterans. Must supply proof of service, honorable discharge, and disability. (IC 6-1.1-12-13, 14, 15)
Amount 2023 – The amount deducted from your bill in 2023 for each benefit.
Amount 2024 – The amount deducted from your bill this year for each benefit.

Homestead Credits

St. Joseph County provides local property tax credits for certain taxpayers pursuant to IC 6-3.6-5 and/or 6-1.1-20.4. Taxpayers receiving a local property tax credit will see the credit amount in Box 4A on the Form TS-1A.

Information on the valuation of your property and a copy of the property record card can be obtained from your assessor at 574-235-9523 Option 3.

To obtain a review of an assessment, the taxpayer must file an appeal via a Form 130. If the Form 11 is mailed before May 1 of the assessment year, the filing deadline for real property is June 15 of that year. If the Form 11 is mailed after April 30 of the assessment year, the filing deadline for real property is June 15 in the year that the tax statements are mailed. For personal property assessments, the filing deadline is not later than forty-five (45) days after the date of the required notice (Form 11).

NOTE: Failure to file a timely Form 130 can be grounds for dismissal of this appeal. The assessing official who receives an appeal filed by a taxpayer must: (1) immediately forward the notice to the county board; and (2) schedule a preliminary informal meeting with the taxpayer in order to resolve the appeal.

For further instructions on filing an appeal or correction of error, contact your assessor at 574-235-9523 Option 3 or email appealsdep@sjcindiana.com.

Please note that the appeal requires relevant evidence of the true tax value of the property as of the assessment date (January 1, 2024, for mobile homes assessed under IC 6-1.1-7 and January 1, 2023, for real property).



Danch, Harner & Associates, Inc.

Michael J. Danch, L.A.
Ron Harner, P.S.

Land Surveyors • Professional Engineers
Landscape Architects • Land Planners

July 22, 2024

South Bend Common Council
4th Floor County City Building
227 W. Jefferson
South Bend, IN 46601

Dear Honorable Council,

Please accept this Ordinance to vacate the north-south alley north of LaSalle Avenue between Main and Martin Luther King Jr. Drive. This block will be included in the new development known as the Madison Lifestyle District. The alley has not physically existed since before 2010, but was never property vacated. The remaining property already has direct access to LaSalle and Main, so vacating this remaining portion of the alley system will not have a negative impact on the use or development in the area.

Beacon Memorial Hospital and their development partners are excited about the future development in the area. Formally vacating this alley will allow for a more comprehensive design of the buildings and services being offered in this block.

We respectfully request approval to vacate the alley as shown in the attached request. Thank you for your consideration. If you have any questions or concerns, please feel free to reach out to me at (574) 234-4003.

Sincerely,

A handwritten signature in black ink that reads 'Angela M. Smith'. The signature is written in a cursive, flowing style.

Angela M. Smith
Senior Planner

Filed in Clerk's Office

JUL 24 2024

Bianca Tirado
City Clerk, South Bend, IN

JUL 24 2024

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. 37-24

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

THE FIRST NORTH-SOUTH ALLEY EAST OF MAIN STREET BETWEEN LASALLE AVENUE ON THE SOUTH AND SOUTH OF MADISON STREET ON THE NORTH

STATEMENT OF PURPOSE AND INTENT

The proposed vacation would legalize an alley that was physically removed in 2010, but never properly vacated. The vacation will allow for future development of the block.

Pursuant to Indiana Code Section 36-7-3-12, the Common Council is charged with the authority to hear all petitions to vacate public ways or public places within the City.

The following Ordinance vacates the above described public property.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, as follows:

SECTION I. The Common Council of the City of South Bend having held a Public Hearing on the petition to vacate the following property:

*THE FIRST NORTH-SOUTH ALLEY EAST OF MAIN STREET
BETWEEN LASALLE AVENUE ON THE SOUTH AND SOUTH OF
MADISON STREET ON THE NORTH*

hereby determines that it is desirable to vacate said property.

SECTION II. The City of South Bend hereby reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana, to construct and maintain any facilities, including, but not limited to, the following: electric, telephone, gas, water, sewer, surface water control structures and ditches, within the vacated right-of-way, unless such rights are released by the individual utilities.

SECTION III. The following property may be injuriously or beneficially affected by such vacating:

- 018-1003-0101
- 018-1003-0102 – 328 N Main St
- 018-1003-0103 – 324 N Main St
- 018-1003-0104 – 322 N Main St
- 018-1003-0107 – 309 N Dr Martin Luther King Jr Dr
- 018-1003-0111 – 321 N Dr Martin Luther King Jr Dr
- 018-1003-0112 – 333 N Dr Martin Luther King Jr Dr
- 018-1003-0120 – 121 W LaSalle Ave
- 018-1003-0125 – 307 N Dr Martin Luther King Jr Dr

SECTION IV. The purpose of the vacation of the real property is to legalize an alley that was physically removed in 2010, but never properly vacated. The vacation will allow for future development of the block.

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.

Sharon McBride, Council President
South Bend Common Council

Attest:

Bianca Tirado, 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 _____, 2024, at _____ o'clock ____ m.

Bianca Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2024, at _____ o'clock ____m.

James Mueller, Mayor
City of South Bend, Indiana

1316 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



PHONE 574/235-9251
FAX 574/235-9171

CITY OF SOUTH BEND JAMES MUELLER, MAYOR
BOARD OF PUBLIC WORKS

July 23, 2024

Filed in Clerk's Office

Ms. Angela Smith
Memorial Health Systems c/o Danch, Harner & Associates
1643 Commerce Dr.
South Bend, IN 46628
asmith@danchharner.com

JUL 24 2024

Bianca Tirado
City Clerk, South Bend, IN

RE: Alley/Street Vacation – North/South Alley East of Main St. between LaSalle Ave. and Madison St.
(Preliminary Review)

Dear Ms. Smith:

At its July 23, 2024 meeting, the Board of Public Works reviewed comments by the Engineering Division, Community Investment, Fire Department, Police Department. The following comments and recommendations were submitted:

Per IC 36-7-3-13, the vacation would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous. The vacation would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient. The vacation would not hinder the public's access to a church, school or other public building or place. The vacation would not hinder the use of a public right of way by the neighborhood in which it is located or to which it is contiguous.

Therefore, the Board of Public Works submitted a **favorable** recommendation for the vacation of this alley. If you still wish to pursue this alley vacation, please bring this BPW Recommendation Packet to the City Clerk's Office, located on the 4th floor of the County-City Building. Alley/Street vacations require a presentation to the Common Council, approval of an ordinance, and certification of the ordinance from the Mayor. The property then must be recorded with the Recorder's Office to ensure that your 50% ownership of the property is appropriately transferred to your name. If you have any questions about how the alley vacation will affect your property taxes, please contact the Auditor's Office.

In its Ordinance, the City of South Bend Common Council included the Board of Public Works' requirement that you **eliminate the alley approach by hiring a private contractor bonded with the City to tear out the approach, replace with curb, and establish a tree lawn in accordance with City standards and specifications**. These updates should be made within ninety (90) days of final approval from the Common Council. Please notify us when this work is complete. If you have any further questions, please call this office at (574) 235-9251.

Sincerely,

/s/ Theresa Heffner

Theresa Heffner, Clerk

Enclosures
TH/lh



**INTEROFFICE MEMORANDUM
BOARD OF PUBLIC WORKS**

DATE: June 10, 2024

TO: Kyle Ludlow, Public Works
Kara Boyles, Engineering
Zach Hurst, Engineering
Chris Dressel, Community Investment
Derek Erquhart, Fire Department
Brad Rohrscheib, Police Department

FROM: Theresa Heffner, Clerk (theffner@southbendin.gov)

SUBJECT: REQUEST FOR RECOMMENDATIONS – ALLEY VACATION

APPLICANT: Memorial Health Systems c/o Danch Harner and Associates

LOCATION: Block bound by Main, MLK Jr. Madison and Lasalle

PLEASE INSERT YOUR RECOMMENDATIONS IN THE APPROPRIATE FIELD BELOW, BASED ON THE FOLLOWING I.C. 36-7-3-13 CRITERIA:

1. The vacation would/would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
2. The vacation would/would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
3. The vacation would/would not hinder the public's access to a church, school or other public building or place.
4. The vacation would/would not hinder the use of a public right-of-way by the neighborhood in which it is located or to which it is contiguous.

PUBLIC WORKS/ENGINEERING: Favorable Recommendation

COMMUNITY INVESTMENT: Favorable

FIRE: Favorable Recommendation

POLICE: Favorable recommendation



STREET/ALLEY VACATION APPLICATION

City of South Bend – Board of Public Works
227 W. Jefferson Boulevard, Ste. 1316
South Bend, IN 46601

Date: June 5, 2024 Phone #: 574-234-4003

Name: Memorial Health Systems c/o DHA Email: asmith@danchharner.com

Property Address: Block bound by Main, MLK Jr, Madison and LaSalle

Applicant property information: Residential Commercial Industrial

Describe the general alley location with boundaries (Ex: Church Pl, between E. Colfax Ave & E. LaSalle Ave):
The north-south alley east of Main between LaSalle Avenue and Madison Street.

- Is your property adjacent to the alley of interest? Yes No
- Do you own all adjacent properties to the alley of interest? Yes No
- Does the existing alley provide garage access to other property owners? Yes No
- Does the alley receive daily traffic excluding your own use? Yes No
- Would the vacation hinder public access to any of the following: a church, school, or any other public building or place? Yes No

Reason for street/alley vacation and proposed use:

The alley has not been in use since 2010, but was never properly vacated. The requested vacation is to make preparations for future development.

A map MUST be provided highlighting the area you would like to vacate with this application.

OFFICE USE ONLY:

Board Recommendation: Yes No

CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS

Elizabeth A. Maradik, President

Joseph R. Molnar, Vice President

Gary A. Gilot, Member

Briana Micou, Member

Murray L. Miller, Member

Attest: Theresa M. Heffner, Clerk

Date: July 23, 2024



E MADISON ST

E LASALLE AVE

N DR MARTIN LUTHER KING JR BLVD

W MADISON ST

W LASALLE AVE

N MAIN ST



Name	Mailing Address	Proper Address
Equal Holdings XIII, LLC Hoffman Hotel Apartments Housing Partners LP	4000 W. 106 th St. Ste. 125-146 Carmel, IN 46032	226 N. Main St. South Bend, IN 46601 & 120 W. LaSalle Ave. South Bend, IN 46601
LaSalle Partners RA LLC	2 Cooper Street Camden, NJ 8101	237 N. Dr. Martin Luther King Jr. Blvd. South Bend, IN 46601
QDI Realty LLC	4220 Edison Lakes Parkway Mishawaka, IN 46545	322 N. Main St. South Bend, IN 46601 & 121 W. LaSalle Ave. South Bend, IN 46601
Department of Redevelopment City of South Bend	227 W. Jefferson Blvd. Ste. 1400 South Bend, IN 46601	Parcel ID# 018-1002-0041
Memorial Hospital of South Bend INC. Memorial Health Systems INC.	615 N. Michigan St. South Bend, IN 46601	401 N. Dr. Martin Luther King Jr. Blvd. South Bend, IN 46601 & 307 N. Dr. Martin Luther King Jr. Blvd. South Bend, IN 46601 & 321 N. Dr. Martin Luther King Jr. Blvd. South Bend, IN 46601 & 416 N. Main St. South Bend, IN 46601 & 409 N. Dr. Martin Luther King Jr. Dr. South Bend, IN 46601 & 309 N. Dr. Martin Luther King Jr. Dr. South Bend, IN 46601
300 North Michigan Associates LLC	2637 E. Atlantic Blvd PMB 141 Pompano Beach, FL 33062	333 N. Dr. Martin Luther King Jr. Dr. South Bend, IN 46601
Memorial Health Systems INC.	336 N. Main St. South Bend, IN 46601	324 N. Main St. South Bend, IN 46601 & 328 N. Main St.

38-24

Filed in Clerk's Office

AUG 07 2024

Bianca Tirado
City Clerk, South Bend, IN

City of South Bend
BOARD OF ZONING APPEALS

August 6, 2024

Honorable Oliver Davis
4th Floor, County-City Building
South Bend, IN 46601

RE: Special Exception at 623 Olive Street

Dear Committee Chair Davis:

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 August 12, 2024, Council meeting and set it for public hearing at your September 9, 2024, Council meeting. The petition is tentatively scheduled for public hearing at the September 3, 2024, 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 a Retail and Service, General, use.

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,



Kari Myers
Zoning Specialist

CC: Bob Palmer

BILL NO. 38-24

AUG 07 2024

ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

**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 623 OLIVE STREET
COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow a Retail and Service, General, use

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:

623 Olive Street, South Bend, IN 46619. 018-4026-0905

In order to permit a Retail and Service, General, use.

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:

Bianca Tirado, 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 _____, 2024, at _____ o'clock ____ . m.

Bianca Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2024, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana

City of South Bend
BOARD OF ZONING APPEALS

227 W. Jefferson - Suite 14005
South Bend, IN 46601
zoning@southbendin.gov

Petition for Variance - Special Exception

Property Information

Tax Key Number: 018-4026-0905
Address: 623 S Olive Street
Owner: Luis Castillo Fabiola Garcia
Zoning: Choose the current district UF Urban Neighborhood Flex

Project Summary:

THE PROJECT IS THAT THE PRODUCTS SOLD ARE FOR THE COMMUNITY SINCE THEY ARE ~~FOR THE~~ ALL HEALTHY AND THAT ALL THE PEOPLE WHO WANT TO OBTAIN THEM HAVE ~~ACCESS~~ AT THIS AREA.
ACCESS

Requested Action

- Special Exception/ Use Variance – complete and attach Criteria for Decision Making
Use requested: Retail and service, General
- Variance(s) - List variances below, complete and attach Criteria for Decision Making
Variance(s) requested:

Filed in Clerk's Office

AUG 07 2024

Bianca Tirado
City Clerk, South Bend, IN

Required Documents

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

P A I D
AUG 05 2024
Per AM

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:

The business will not be harmful to the public. There will be limited hours and the business will be selling health products that will benefit the neighborhood. It will be neighborhood scale and most patrons will walk.

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

The proposed use will not injure the use of the adjacent properties. Hours will be limited to the morning and evening and most patrons will walk. It will provide a business that is neighborhood scale to support the neighborhood.

- (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 proposed use will be consistent with the area. The building is designed for retail and is located at a busy corner in the neighborhood. It will be a neighborhood scale business.

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

The use for small scale retail will improve the walkability of the surrounding area and support the mixed use nature of the neighborhood.

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: Luis Castillo Fabiola Garcia

Address: 623 S Olive south Ben IN 46619

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Luis Castillo

Address: 623 S Olive, South Bend IN 46619


Phone Number: 514-387-1112

E-mail: ~~luis.vivamejor~~ 80@gmail.com / fabiolagarcia59@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:



Fabiola Garcia

AUG 07 2024

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. _____

ORDINANCE NO. _____

**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 623 OLIVE STREET
COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow a Retail and Service, General, use

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:

623 Olive Street, South Bend, IN 46619. 018-4026-0905

In order to permit a Retail and Service, General, use.

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:

Bianca Tirado, 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 _____, 2024, at _____ o'clock ____ m.

Bianca Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2024, at ____ o'clock ____m.

James Mueller, Mayor
City of South Bend, Indiana

39-24

Filed in Clerk's Office

City of South Bend
BOARD OF ZONING APPEALS

AUG 07 2024

Bianca Tirado
City Clerk, South Bend, IN

August 6, 2024

Honorable Oliver Davis
4th Floor, County-City Building
South Bend, IN 46601

RE: Special Exception at 1006 Beale Street

Dear Committee Chair Davis:

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 **August 12, 2024**, Council meeting and set it for public hearing at your September 9, 2024, Council meeting. The petition is tentatively scheduled for public hearing at the September 3, 2024, 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:
A Special Exception to allow for the use of a duplex.

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,



Kari Myers
Zoning Specialist

CC: Bob Palmer

BILL NO. 39-24

AUG 07 2024

ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

**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 1006 BEALE STREET
COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow for the use of a duplex

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:

1006 Beale St., South Bend, IN 46616. 018-2144-5410

In order to permit a two unit dwelling

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:

Bianca Tirado, 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 _____, 2024, at _____ o'clock ____ . m.

Bianca Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2024, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana

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: 018-2144-5410 or 71-03-35-328-017.000-026
Address: 1006 Beale St, South Bend, IN 46616
Owner: Pinnacle Wealth Investments LLC
Zoning: U1 Urban Neighborhood 1

Project Summary:

New construction duplex for sale.

Filed in Clerk's Office

AUG 07 2024

Bianca Tirado
City Clerk, South Bend, IN

Requested Action

- Special Exception/ Use Variance – *complete and attach Criteria for Decision Making*
Use requested: Duplex
- 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

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:

The duplex will be built to 2018 International Residential Code standards which is the current code book that South Bend follows. Each unit of the duplex will have 870 sq ft of living space following a shot-gun design. There will be two bathrooms including one dedicated to the primary bedroom and one for guests and the secondary bedroom. The kitchen, dining room, and living room, located in the front of each unit, will have an open concept design likely with cathedral ceilings if budget allows. For the target price range of these units, they will be very comfortable for the future occupants.

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

Keller Park's median value is \$130,000 for the past 18 months of sales data (see attached market summary). The proposed units are targeting a \$180,000 price range. We feel this is a good target price for helping to raise the value of nearby properties without jeopardizing the affordability of the neighborhood.

(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:

A majority of homes in Keller Park are single story, 2-or-3 bedrooms, and 1-or-2 bathrooms. About half of the homes are under 1,000 sq ft on slab foundations. Our proposed units fit in right in the midst of these criteria. The design of the proposed build is slightly more modern than most houses in the neighborhood but will appear to be of similar size from the street.

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

The proposed build will help increase density in this neighborhood while maintaining the affordable appeal of Keller Park to many potential home buyers.

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: Brigham Smith

Address: 332 N Ironwood Dr
South Bend, IN 46615

Name: Nick Benninghoff

Address: 332 N Ironwood Dr.
South Bend, IN 46615

Name: _____

Address: _____

Contact Person:

Name: Nick Benninghoff

Address: 332 N Ironwood Dr.
South Bend, IN 46615

Phone Number: 574-361-0223

E-mail: nickbenninghoff@cressyeverett.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:

Nicholas Benninghoff dotloop verified
08/01/24 3:25 PM EDT
QESO-RLQ3-HTEK-TXOV

Brigham Smith dotloop verified
08/01/24 3:25 PM EDT
FMCT-OMCE-196J-US4U

AUG 07 2024

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. _____

ORDINANCE NO. _____

**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 1006 BEALE STREET
COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow for the use of a duplex

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In order to permit a two unit dwelling

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:

Bianca Tirado, 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 _____, 2024, at _____ o'clock ____ m.

Bianca Tirado, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2024, at ____ o'clock ____m.

James Mueller, Mayor
City of South Bend, Indiana