



OFFICE OF THE CITY CLERK

BIANCA L. TIRADO, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: BIANCA L. TIRADO, CITY CLERK
DATE: THURSDAY, AUGUST 22, 2024
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **Monday, August 26, 2024:**

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

The Council Chambers will be Open to the Public. Members of the Public may Attend this Meeting Virtually via Microsoft Teams Meeting app here: <https://tinyurl.com/082624CC>

- 4:00 P.M.** **PUBLIC WORKS & PROPERTY VACATION** **CHAIRPERSON, NIEZGODSKI**
1. [Bill No. 37-24](#) - Alley Vacation - The First North-South Alley East of Main Street
Between Lasalle Avenue on the South and South of Madison Street on the North
- 4:15 P.M.** **COMMUNITY INVESTMENT** **CHAIRPERSON, WARNER**
1. [Bill No. 24-28](#) - Confirming Resolution - Personal Property Tax Abatement 1710
North Sheridan Street
- 4:30 P.M.** **ZONING & ANNEXATION** **CHAIRPERSON, DR. DAVIS**
1. [Bill No. 36-24](#) - Amending Zoning Ordinance for Property Located at 5101 Nimtz
Parkway
2. [Substitute Bill No. 31-24](#) - Amending Zoning Ordinance for Property Located at
17023 Hepler Street
3. [Bill No. 24-27](#) - Resolution Adopting a Written Fiscal Plan and Establishing a
Policy for the Provision of Services to the Fox Creek Annexation Area in Clay
Township

Council President Sharon L. McBride has called an **Informal Meeting** of the Council which will commence immediately after the adjournment of the Community Investment Committee Meeting.

INTEGRITY | SERVICE | ACCESSIBILITY

Elivet Quijada-Navarro
CHIEF OF STAFF / CHIEF DEPUTY CITY CLERK

Matthew Neal
DEPUTY CITY CLERK / DIRECTOR OF POLICY

Samuel Turck
DIRECTOR OF SPECIAL PROJECTS

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

455 County-City Building | 227 W. Jefferson Blvd. | South Bend, Indiana 46601 | p. 574.235.9221 | f. 574.235.9173 | www.southbend.in.gov



INFORMAL MEETING OF THE COMMON COUNCIL

PRESIDENT, S. MCBRIDE

1. Discussion of Council Agenda
2. Update and Announcements
3. Adjournment

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 26, 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/SBCC082624>

1. **INVOCATION**

FATHER STEVE LACROIX | CHRIST THE KING

2. **PLEDGE TO THE FLAG**

3. **ROLL CALL**

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

AUGUST 12, 2024

5. **SPECIAL BUSINESS**

6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**

TIME: _____

BILL NO.

36-24 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 5101 NIMTZ PARKWAY COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

[37-24](#) PUBLIC HEARING 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

[31-24](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, AND AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 17023 HEPLER STREET, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA (SUBSTITUTE) (PUBLIC HEARING ONLY)

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

TIME: _____

[36-24](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 5101 NIMTZ PARKWAY COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

[37-24](#) THIRD 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

9. **RESOLUTIONS**

[24-27](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ADOPTING A WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO THE FOX CREEK ANNEXATION AREA IN CLAY TOWNSHIP

[24-28](#) A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 1710 N SHERIDAN STREET, SOUTH BEND, INDIANA 46628 AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A FIVE-YEAR (5) PERSONAL PROPERTY TAX ABATEMENT FOR HOOSIER TANK & MANUFACTURING, LLC

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

[40-24](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, TO VACATE THE FIRST EAST/WEST ALLEY SOUTH OF LASALLE STREET FROM THE WEST R/W

LINE OF MICHIGAN STREET TO THE EAST R/W LINE OF A NORTH/SOUTH ALLEY FOR A DISTANCE OF ONE HUNDRED AND SIXTY-EIGHT (168) FEET AND A WIDTH OF FOURTEEN (14) FEET

[41-24](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 734 NOTRE DAME AVENUE COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

[42-24](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 829 SOUTH 27TH STREET COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

[43-24](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 5614 MAIN STREET COUNCILMANIC DISTRICT NO. 5 IN THE CITY OF SOUTH BEND, INDIANA

[44-24](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, AND AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 25471, 25481, AND 25491 CLEVELAND ROAD, 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

36-24



City of South Bend
PLAN COMMISSION

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

July 16, 2024

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

RE: 5101 Nimtz Parkway – PC#0218-24

Dear Committee Chair Davis:

Enclosed is an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your July 22, 2024, Council meeting, and set it for public hearing at your August 26, 2024, Council meeting. The petition is tentatively scheduled for public hearing at the August 19, 2024, South Bend Plan Commission meeting. The recommendation of the South Bend Plan Commission will be forwarded to the Office of the City Clerk by noon on the day following the public hearing.

The petitioner provided the following to describe the proposed project:

Rezone to I Industrial for professional office use

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

Sincerely,

Kari Myers
Zoning Specialist

CC: Bob Palmer

Filed in Clerk's Office

JUL 17 2024

Bianca Tirado
City Clerk, South Bend, IN

Tim Corcoran
Planning Director

Angela Smith
Zoning Administrator

Scott Ford
Commission President

BILL NO. 36-24

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, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED
5101 NIMTZ PARKWAY COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF
SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Rezone to I Industrial to allow for professional office use

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

SECTION I. Ordinance No. 10689-19, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby amended in order that the zoning classification of the following described real estate in the City of South Bend, St. Joseph County, State of Indiana:

THAT PART OF THE NORTHEAST, SOUTHEAST, SOUTHWEST, AND NORTHWEST QUARTERS OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 2 EAST, SITUATED IN GERMAN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A MAG NAIL MARKING THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 20; THENCE SOUTH 00° 20' 15" EAST (GEODEDIC BEARING) ALONG THE WEST LINE OF THE NORTHEAST AND SOUTHEAST QUARTERS OF SAID SECTION, A DISTANCE OF 3072.47 FEET TO A CUT "X" MARKING THE NORTHWEST CORNER OF OUTLOT A IN BLACKTHORN INDUSTRIAL FIRST MINOR SUBDIVISION, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 89° 51' 28" EAST ALONG THE NORTH LINE OF SAID OUTLOT A, A DISTANCE OF 594.00 FEET TO THE NORTHEAST CORNER OF SAID OUTLOT A, SAID POINT ALSO BEING ON THE WEST LINE OF LOT 2 IN SAID BLACKTHORN INDUSTRIAL FIRST MINOR SUBDIVISION; THENCE NORTH 00° 11' 29" EAST ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 499.67 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE 80/90; THENCE NORTH 89° 51' 36" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1200.44 FEET; THENCE SOUTH 00° 08'

24" WEST ALONG THE EAST LINE OF LOT 8 IN BLACKTHORN CORPORATE OFFICE PARK MINOR SUBDIVISION, A DISTANCE OF 500.00 FEET; THENCE SOUTH 89° 51' 36" EAST ALONG THE NORTH OF SAID LOT 8, A DISTANCE OF 605.99 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION; THENCE NORTH 00° 20' 15" WEST ALONG SAID WEST LINE, A DISTANCE OF 0.35 FEET TO THE PLACE OF BEGINNING. SAID IN PREVIOUS DEED TO CONTAIN 13.772 ACRES, MORE OR LESS.

be and the same is hereby established as I Industrial zoning

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

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

Sharon McBride, Council President
South Bend Common Council

Attest:

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
PLAN COMMISSION

Petition for Rezoning or Combined Public Hearing

Property Information

Tax Key Number: 025-1018-062810

Address: 5101 Nimtz Parkway, South Bend, Indiana 46628

Owner: Service Area No. 4 LLC

Legal Description:
see attached

Filed in Clerk's Office

JUL 17 2024

Bianca Tirado
City Clerk, South Bend, IN

Project Summary

To rezone this parcel, previously known as State of Indiana, Toll Road Police Post, to allow future uses allowable acceptable to the I Industrial District.

Requested Action

Application includes (check all that apply)

Rezoning

Current District: Choose the current district

Additional Districts, if applicable

Proposed District I Industrial

Additional Districts, if applicable

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

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

Subdivision – complete and attach subdivision application

Special Exception – complete and attach Criteria for Decision Making

Use requested: _____

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

Variance(s) requested:

from Section 20-04.04(c) Lot Width of 100' to zero frontage.

Required Documents

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

Contact information

Property owner(s) of the petition site:

Name: Service Area No. 4 LLC c/o Kenneth L. Herman, Member

Address: 2043 South Bend Avenue, Ste. 120
South Bend, Indiana 46637

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Wightman c/o Terry Lang

Address: 1402 Mishawaka Avenue
South Bend, Indiana 46615

Phone Number: 574-233-1841

E-mail: TLang@GoWightman.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:

By: Kenneth L. Herman

LEGAL DESCRIPTION

THAT PART OF THE NORTHEAST, SOUTHEAST, SOUTHWEST, AND NORTHWEST QUARTERS OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 2 EAST, SITUATED IN GERMAN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A MAG NAIL MARKING THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 20; THENCE SOUTH 00° 20' 15" EAST (GEODEDIC BEARING) ALONG THE WEST LINE OF THE NORTHEAST AND SOUTHEAST QUARTERS OF SAID SECTION, A DISTANCE OF 3072.47 FEET TO A CUT "X" MARKING THE NORTHWEST CORNER OF OUTLOT A IN BLACKTHORN INDUSTRIAL FIRST MINOR SUBDIVISION, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 89° 51' 28" EAST ALONG THE NORTH LINE OF SAID OUTLOT A, A DISTANCE OF 594.00 FEET TO THE NORTHEAST CORNER OF SAID OUTLOT A, SAID POINT ALSO BEING ON THE WEST LINE OF LOT 2 IN SAID BLACKTHORN INDUSTRIAL FIRST MINOR SUBDIVISION; THENCE NORTH 00° 11' 29" EAST ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 499.67 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE 80/90; THENCE NORTH 89° 51' 36" WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1200.44 FEET; THENCE SOUTH 00° 08' 24" WEST ALONG THE EAST LINE OF LOT 8 IN BLACKTHORN CORPORATE OFFICE PARK MINOR SUBDIVISION, A DISTANCE OF 500.00 FEET; THENCE SOUTH 89° 51' 36" EAST ALONG THE NORTH OF SAID LOT 8, A DISTANCE OF 605.99 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION; THENCE NORTH 00° 20' 15" WEST ALONG SAID WEST LINE, A DISTANCE OF 0.35 FEET TO THE PLACE OF BEGINNING. SAID IN PREVIOUS DEED TO CONTAIN 13.772 ACRES, MORE OR LESS.



City of South Bend PLAN COMMISSION

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Filed in Clerk's Office

AUG 20 2024

Bianca Tirado
City Clerk, South Bend, IN

August 20, 2024

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

Re: Bill#36-24 – A proposed ordinance of SERVICE AREA NO. 4 LLC to zone parcel to I Industrial, property located at 5101 NIMTZ PARKWAY, City of South Bend - PC# 0218-24b

Dear Council Members:

I hereby Certify that the above referenced ordinance of SERVICE AREA NO. 4 LLC, was legally advertised on August 9, 2024, and that the South Bend Plan Commission at its public hearing on August 19, 2024, took the following action:

Upon a motion by Caitlin Stevens, being seconded by Jason Piontek and unanimously carried, a proposed ordinance of SERVICE AREA NO. 4 LLC to zone to I Industrial, property located at 5101 NIMTZ PARKWAY, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation.

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

Sincerely,

Kari Myers
Zoning Specialist

Attachment

CC: Service Area No. 4 LLC
Bob Palmer
Terry Lang

Tim Corcoran
Planning Director

Tim Corcoran
Interim Zoning Administrator

Scott Ford
Commission President

Property Information

Location: 5101 NIMTZ PARKWAY
Owner: Service Area No. 4 LLC

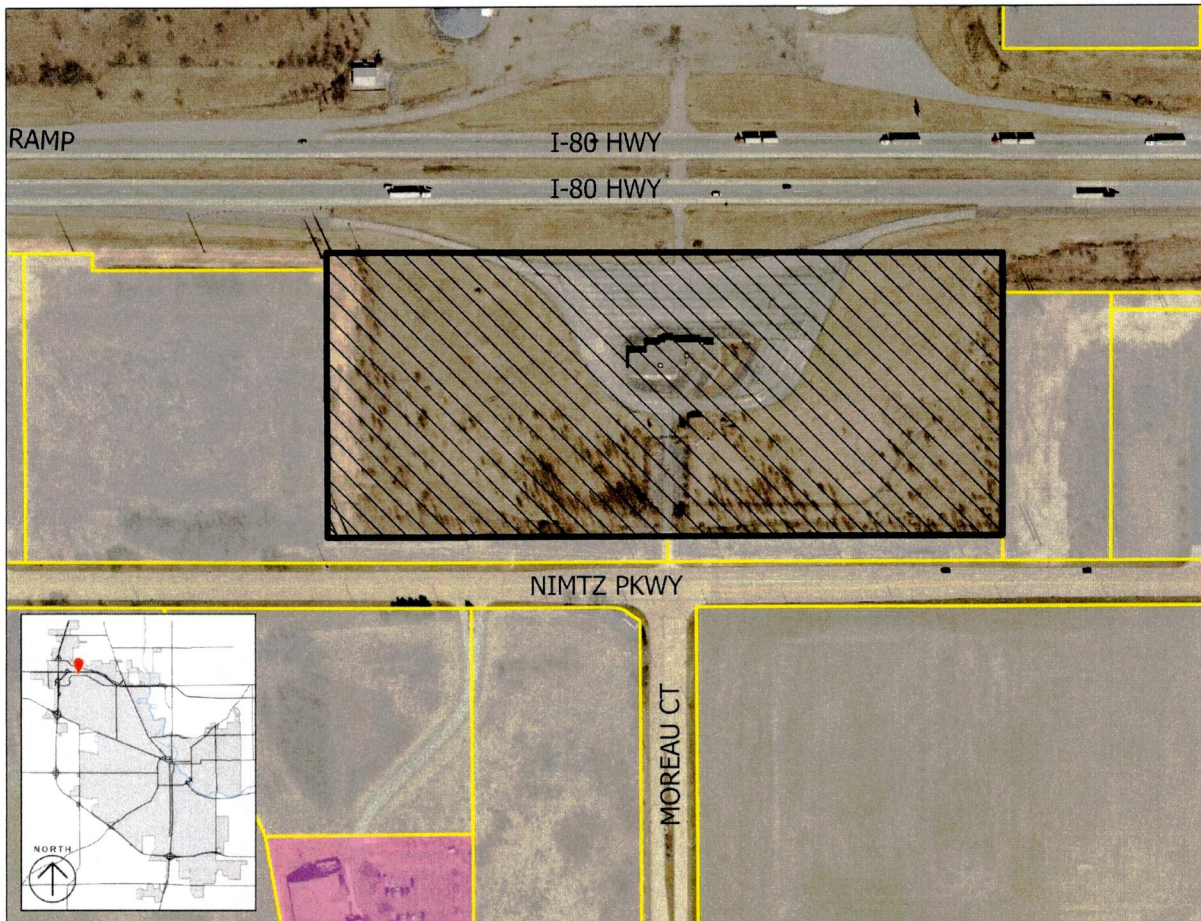
Requested Action

Rezone from no current zoning to I Industrial

Project Summary

Zone parcel to I Industrial to allow for a professional office use.

Location Map



Recommendation

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

Site & Context

Land Uses and Zoning:

- On site: Former Indiana State Police post on 13.77 acres.
- North: To the north, Indiana Toll Road
- East: To the east is a vacant lot zoned I Industrial
- South: To the south is Blackthorn Golf Course and property owned by St. Joseph County Airport Authority, both zoned I Industrial.
- West: To the west is a vacant lot zoned I Industrial

District Intent:

The I District is established to provide a location for medium- to high intensity industrial uses, typically grouped along highways and major streets and separated from residential uses.

Site Plan Description:

There are no proposed changes to the property.

Zoning and Land Use History and Trends:

Built in 1960, its historic use has been an Indiana State Police Post until 2021 when the State of Indiana sold the property. The area has a mix of industrial/office uses and with an increase in companies in the past decade.

Traffic and Transportation Considerations:

Nimtzy Parkway is four lanes with no on-street parking. Access to the site is via an access easement granted by the adjacent two parcel owners.

Agency Comments

Agency Comments:

There are no additional comments at this time.

Staff Comments:

Rezoning the property to I Industrial will allow the site to be used as professional offices in a manner similar to the surrounding land uses.

Criteria for Decision Making

Rezoning

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

1. Comprehensive Plan:

Policy Plan:

The petition is consistent with the City Plan, South Bend Comprehensive Plan (2006), Objective ED 2: Retain existing businesses and recruit new ones to the city.

Land Use Plan:

The Future Land Use Plan identifies this area for Light Industrial.

Plan Implementation/Other Plans:

There are no other plans specific to this area.

2. Current Conditions and Character:

The 5,539 sqft building on 13.77 acres of land, built in 1960, was used as an Indiana State Police post. The existing building configuration is compatible for its continued use as office space. The area is currently a mix of industrial and professional office uses on large parcels of land. The site is also located in close proximity to Blackthorn Golf Course.

3. Most Desirable Use:

The most desirable use, at this time, is a use compatible with the industrial and distribution growth seen in the area.

4. Conservation of Property Values:

The proposed use of the property as professional offices will have no negative effect on property values throughout the immediate vicinity.

5. Responsible Development and Growth:

It is responsible development and growth to allow for the site to be used in a similar manner to properties in the immediate vicinity.

Analysis & Recommendation

Commitments: There are no written commitments proposed.

Analysis: Zoning this property to I Industrial would be consistent with the intent of the ordinance and allow the owner to obtain the necessary permits to upgrade the building in preparation for occupancy. The parcel will also be subdivided to become a legal lot of record as the property was state right-of-way.

Recommendation: Based on information available prior to the public hearing, the staff recommends the Plan Commission send the rezoning petition to the Common Council with a favorable recommendation.



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

Gary A. Gilot, Member

Murray L. Miller, Member

Joseph R. Molnar, Vice President

Briana Micou, Member

Attest: Theresa M. Heffner, Clerk

Date: July 23, 2024



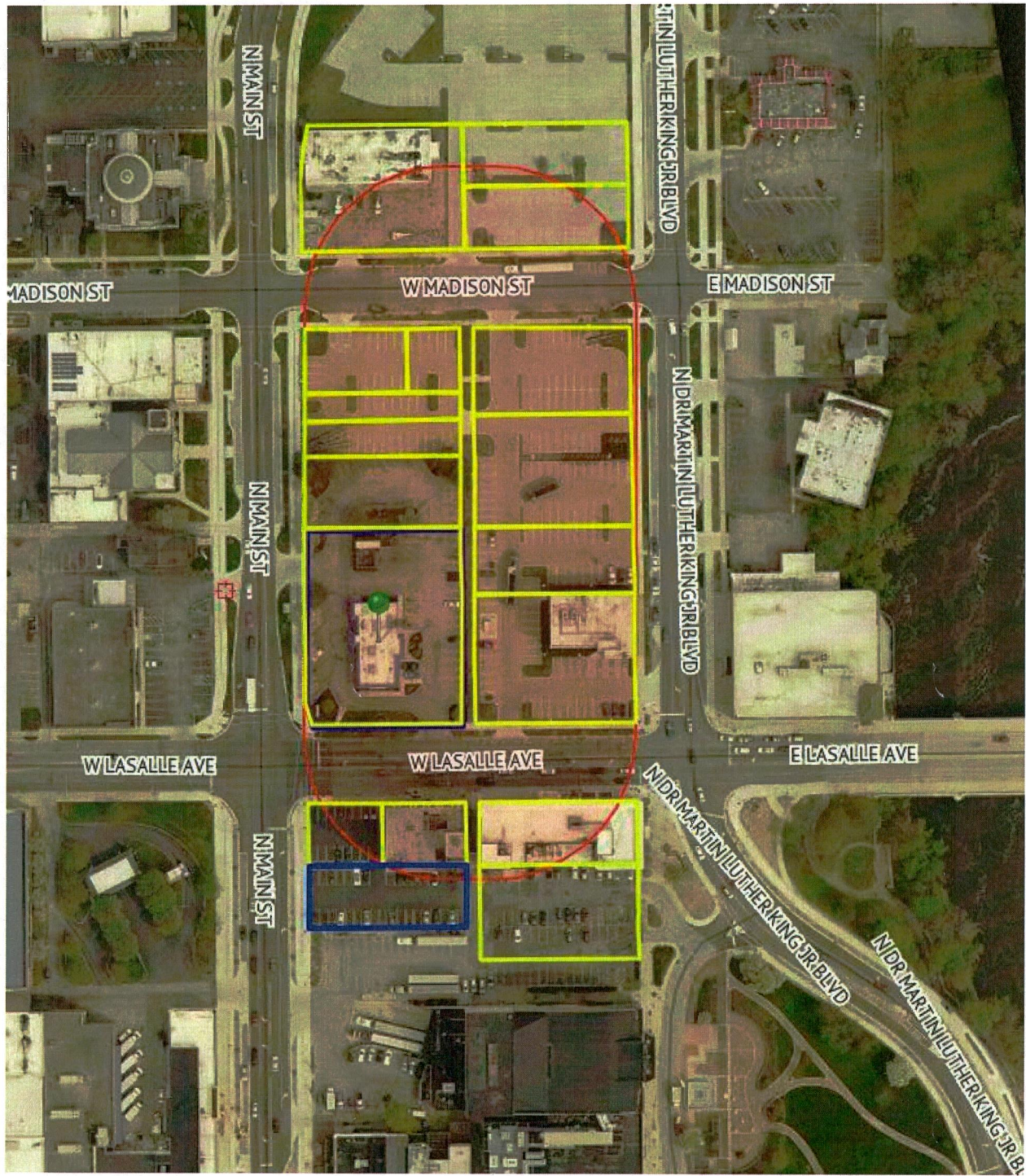
E LASALLE AVE

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.

31-24



City of South Bend
PLAN COMMISSION

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

June 18, 2024

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

RE: 17023 Hepler – PC#0216-24

Filed in Clerk's Office

JUN 18 2024

Bianca Tirado
City Clerk, South Bend, IN

Dear Committee Chair Davis:

Enclosed is an Ordinance for the proposed Annexation and Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your June 24, 2024, Council meeting and set it for second reading on August 26, 2024, and third reading on September 9, 2024, Council meetings. The petition is tentatively scheduled for public hearing at the July 15, 2024, South Bend Plan Commission meeting. The recommendation of the South Bend Plan Commission will be forwarded to the Office of the City Clerk by noon on the day following the public hearing.

The petitioner provided the following to describe the proposed project:

Annex and zone 17023 Hepler Street from R Single Family District in unincorporated St. Joseph County to U2 Urban Neighborhood 2

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

Sincerely,

Kari Myers
Zoning Specialist

CC: Bob Palmer

Tim Corcoran
Planning Director

Angela Smith
Zoning Administrator

Scott Ford
Commission President

BILL NO. 31-24

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, AND AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 17023 HEPLER STREET, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to annex and rezone 17023 Hepler Street from R Single Family District in Unincorporated St. Joseph County to U2 Urban Neighborhood 2

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

SECTION I. That the following described real estate is situated in St. Joseph County, Indiana, being contiguous by more than one-eighth (1/8) of its aggregate external boundaries with the present boundaries of the City of South Bend, Indiana, shall be and hereby is annexed to and brought within the City of South Bend:

Parcel 1. One-half of a parcel of land containing 15 acres, taken off of and from the entire length of the east side of the east one-half of the northeast quarter of section Number 32, Township Number 38 North, Range 3 East, and being known as the south one-half of the west 15 acres of Lot 11 as described in an action for partition entitled Clarissa John vs. William C. Johnson, ET AL. Entered in Partition record 1, page 139 of the records of the St. Joseph Court of Common pleas and containing 7.5 acres, more or less.

SECTION II. That the boundaries of the City of South Bend, Indiana, shall be and are hereby declared to be extended so as to include the real estate of the above-described parcel as part of the City of South bend, Indiana.

SECTION III. Ordinance No. 10689-19, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby amended in order that the zoning classification of the above described real estate, with the exception of all adjacent rights-of-way, in the City of South Bend, St. Joseph County, State of Indiana be and the same is hereby established as U2 Urban Neighborhood District.

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

Sharon 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 Petition for Annexation and Rezoning or Combined Public Hearing

Property Information

Tax Key Number: 71-04-32-281-005.000-003

Property Address: 17023 Hepler Street Mishawaka, In 46545

Property Owner: Fox Creek, LLC.

Legal Description of Annexation Area: (include any adjacent rights of way not already in the City)

Parcel 1, One-half of a parcel of land containing 15 acres, taken off of and from the entire length of the east side of the east one-half of the northeast quarter of section Number 32, Township Number 38 North Range 3 East, and being known as the south one-half of the west 15 acres of Lot 11 as described in an action for partition entitled Clarissa John vs. William C. Johnson, ET AL, Entered in Partition record 1, page 139 of the records of the St. Joseph Court of Common pleas and containing 7.5 acres, more or less.

Project Summary

A 7.5 acre property proposed for annexation which is bound by the City of South Bend on the west side and meets continuity requirements. The proposed use is U-2 proposed zoning for 42 attached duplexes. The property will be served by a private access easement on the west side. The north portion of the property is in floodplain and will not be developed but will have a walking trail onsite. Public water and sewer will be served on this site.

Rezoning

County Zoning Map at: <https://www.spcndiana.com/996/Zoning-Map>

City Zoning Map at: <https://southbend.in.gov/zoning>

Current Zoning District (County): R Single Family District

Select One

Additional Districts: if applicable

Proposed Zoning District (City): U2 Urban Neighborhood 2

Select One

Additional Districts: if applicable

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

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

Additional Requested Actions (check all that apply and include additional required documentation)

- Subdivision** - complete and attach Subdivision Application
- Special Exception** - complete and attach Criteria for Decision Making
- Variance(s)** - list variances below, complete and attach Criteria for Decision Making

Annexation Application Checklist

- 1. Completed Application Form
- 2. Site Plan (drawn to scale)
- 3. Subdivision Application (if required)
- 4. Criteria for Decision Making (if required)
- 5. Filing Fee

Contact Information

Name: Chris Godlewski, Abonmarche Consultants
Address: 315 W. Jefferson Blvd. South Bend, In 46601
Phone Number: 574-232-8700 Email: cgodlewski@abonmarche.com

Property Owner Information (attach additional ownership list on separate page, if necessary)

Property Owner: Hepler Development, LLC. - Pat Matthews (Fox Creek, LLC.)
Property Owner Address: 1130 South Bend Avenue Suite 350 South Bend, In 46601

Property Owner: _____
Property Owner Address: _____

By signing this petition, the Petitioner/Property Owner(s) of the above described Real Estate acknowledges 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.

Pat Matthews, Fox Creek LLC 6/17/24
Property Owner Signature Property Owner Name Printed Date

Property Owner Signature Property Owner Name Printed Date

Completed applications should be submitted in one of the following ways: Email: zoning@southbendin.gov
Mail: 227 W. Jefferson Blvd., Suite 1400S, South Bend, IN 46601

BILL NO. _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH
BEND, INDIANA, AND AMENDING THE ZONING ORDINANCE FOR PROPERTY
LOCATED 17023 HEPLER STREET, COUNCILMANIC DISTRICT NO. 4 IN THE
CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to annex and rezone 17023 Hepler Street from R Single Family District in Unincorporated St. Joseph County to U2 Urban Neighborhood 2

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

SECTION I. That the following described real estate is situated in St. Joseph County, Indiana, being contiguous by more than one-eighth (1/8) of its aggregate external boundaries with the present boundaries of the City of South Bend, Indiana, shall be and hereby is annexed to and brought within the City of South Bend:

Parcel 1. One-half of a parcel of land containing 15 acres, taken off of and from the entire length of the east side of the east one-half of the northeast quarter of section Number 32, Township Number 38 North, Range 3 East, and being known as the south one-half of the west 15 acres of Lot 11 as described in an action for partition entitled Clarissa John vs. William C. Johnson, ET AL. Entered in Partition record 1, page 139 of the records of the St. Joseph Court of Common pleas and containing 7.5 acres, more or less.

SECTION II. That the boundaries of the City of South Bend, Indiana, shall be and are hereby declared to be extended so as to include the real estate of the above-described parcel as part of the City of South bend, Indiana.

SECTION III. Ordinance No. 10689-19, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby amended in order that the zoning classification of the above described real estate, with the exception of all adjacent rights-of-way, in the City of South Bend, St. Joseph County, State of Indiana be and the same is hereby established as U2 Urban Neighborhood District.

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

Sharon 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
PLAN COMMISSION

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

July 16, 2024

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

Re: Bill#31-24 - A proposed ordinance of FOX CREEK LLC to zone from R Single Family District (St. Joseph County) to U2 Urban Neighborhood 2, property located at 17023 HEPLER ST, City of South Bend - PC# 0216-24

Dear Council Members:

I hereby Certify that the above referenced ordinance of FOX CREEK LLC was legally advertised on July 5, 2024, and that the South Bend Plan Commission at its public hearing on July 15, 2024, took the following action:

Upon a motion by Francisco Fotia, being seconded by Caitlin Stevens and unanimously carried, a proposed ordinance of FOX CREEK LLC to zone from R Single Family District to U2 Urban Neighborhood 2, property located at 17023 HEPLER ST (unincorporated St. Joseph County), City of South Bend, is sent to the Common Council with a FAVORABLE recommendation.

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

Sincerely,

A handwritten signature in cursive script that reads 'Kari Myers'.

Kari Myers
Zoning Specialist

Attachment

CC: FOX CREEK LLC
Bob Palmer
Hepler Development - Pat Matthews

Filed in Clerk's Office

JUL 16 2024

Bianca Tirado
City Clerk, South Bend, IN

Tim Corcoran
Planning Director

Tim Corcoran
Interim Zoning Administrator

Scott Ford
Commission President

Property Information

Location: 17023 HEPLER ST (unincorporated St. Joseph County)
Owner: FOX CREEK LLC

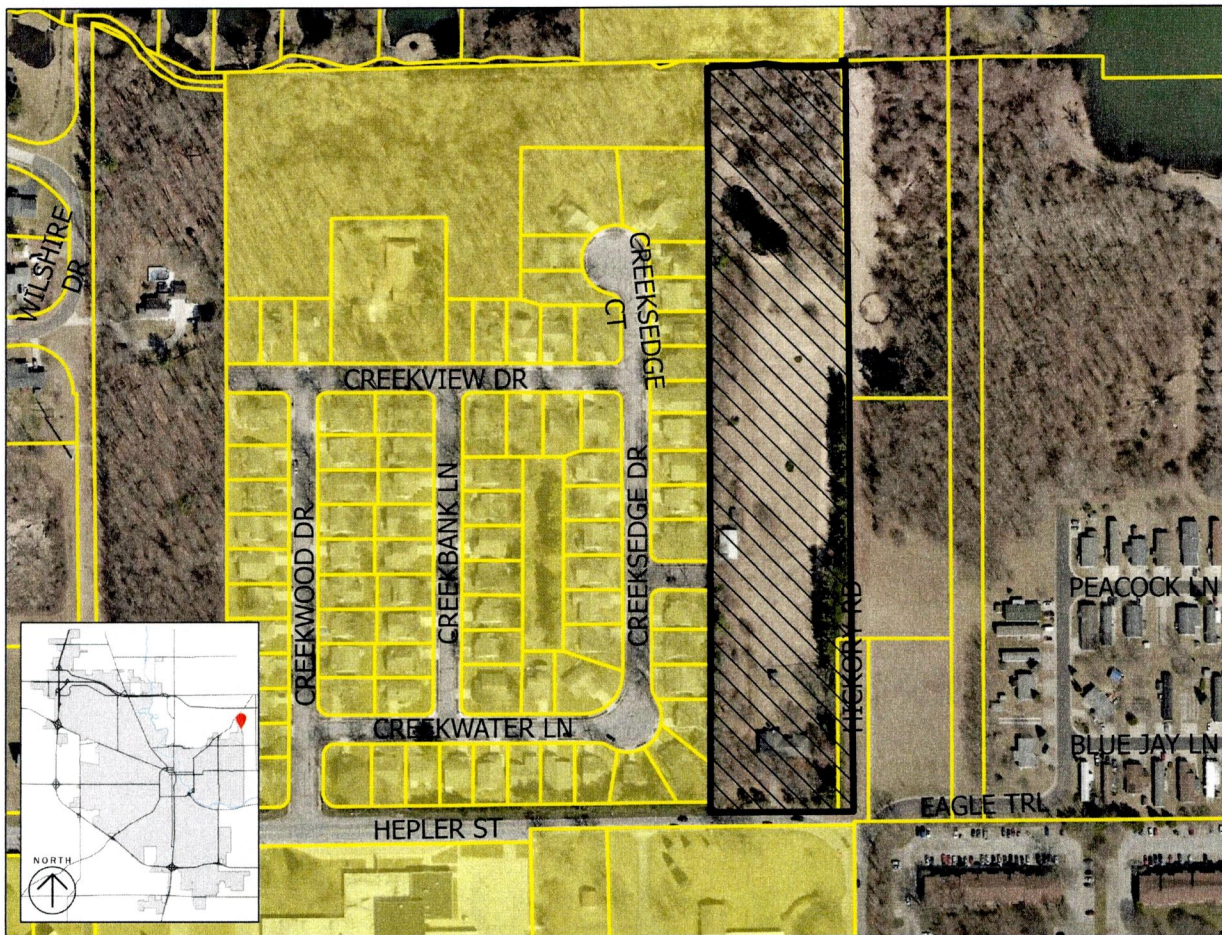
Requested Action

Rezone from R Single Family District (St. Joseph County) to U2 Urban Neighborhood 2

Project Summary

7.5 acre property to be annexed for a proposed development of 41 units primarily comprised of duplexes. THIS REQUEST INCLUDES ANNEXATION INTO THE CITY OF SOUTH BEND.

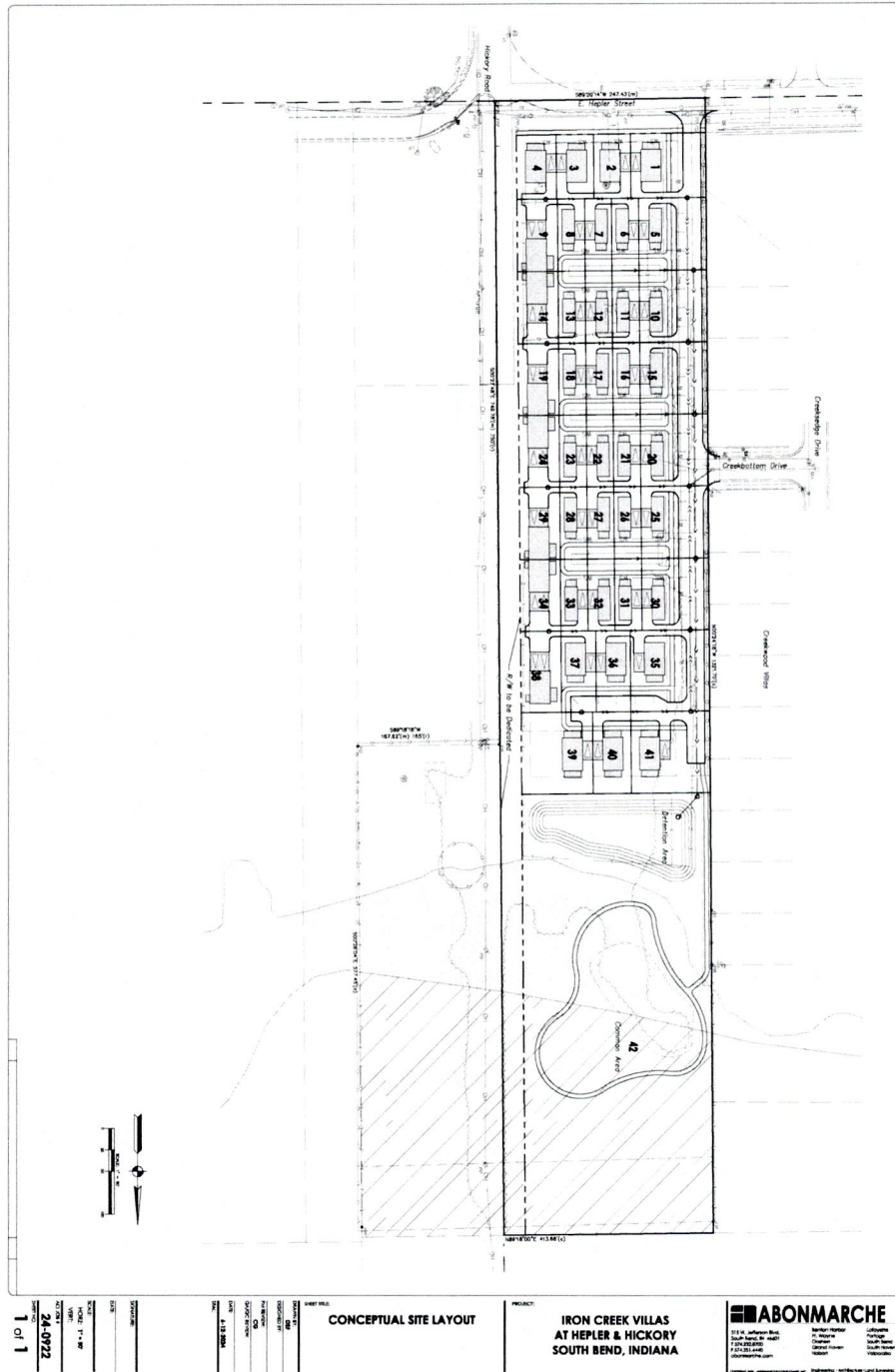
Location Map



Recommendation

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

Proposed Site Plan



CONCEPTUAL SITE LAYOUT

PROJECT
**IRON CREEK VILLAS
 AT HEPLER & HICKORY
 SOUTH BEND, INDIANA**

ABONMARCHE
 111 N. Jefferson Blvd.
 South Bend, IN 46708
 773-233-2222
 www.abonmarche.com

Service: Architectural
 Planning
 Design
 Construction Management
 Engineering

Submittal: Landscape
 Site Work
 Construction

Project: 24-0922
 Date: 7/15/24
 Scale: 1/8" = 1'-0"

DATE: 7/15/24
 DRAWN BY: J. M.
 CHECKED BY: J. M.
 PROJECT NO: 24-0922
 SHEET NO: 1 of 1

Site & Context

Land Uses and Zoning:

- On site: A vacant lot zoned R Single Family District in St. Joseph County
- North: A vacant parcel zoned S1 Suburban Neighborhood 1
- East: Vacant parcels zoned R-4 Manufactured Home Residential in the City of Mishawaka and a vacant parcel zoned R Single Family District in St. Joseph County
- South: Across Hepler Street, a church zoned S1 Suburban Neighborhood 1
- West: Residential dwellings zoned S1 Suburban Neighborhood 1 and a vacant parcel zoned S1 Suburban Neighborhood 1

District Intent:

The U2 District is established to provide for, promote, and maintain the development of diverse housing types in urban neighborhoods located near neighborhood centers in core and outlying areas of the City.

Site Plan Description:

The proposed site plan shows 41 units, 38 as duplexes and 3 as single family, with access from both Hepler Street and Creekbottom Drive. The plan shows a large common area to the north.

Zoning and Land Use History and Trends:

One single family house occupied the southern end of the lot between 1951 and 2022. A shed and a pole barn built around 1951 still exist on the site. Otherwise, no development has occurred on the lot since at least 1938.

Traffic and Transportation Considerations:

Hepler Street, Hickory Road, and Eagle Trail intersect at the southeast corner of the parcel. Hepler Street is a 24' two lane street that runs along the southern edge of the lot. Creekbottom Drive is 26' stub street that terminates on the western edge of the property.

Agency Comments

Agency Comments:

- There are no agency comments at this time.
- There are no Engineering comments at this time.

Staff Comments:

There are no additional comments at this time.

Criteria for Decision Making

Rezoning

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

1. Comprehensive Plan:

Policy Plan:

The petition is consistent with the City Plan, South Bend Comprehensive Plan (2006), Objective H 1.1: Encourage residential units to contain a mix of housing types, densities, price ranges, and amenities.

Land Use Plan:

The Future Land Use Plan does not address properties outside of the City limits.

Plan Implementation/Other Plans:

The petition is consistent with South Bend's Annexation Policy Plan (1992) "[E]xtension of City services and utilities beyond the City limits should not occur unless it furthers the annexation policies of the City"

2. Current Conditions and Character:

The properties located within the City to the west are single family residential and to the south are large civic buildings and single family residences. The properties to the east in the City of Mishawaka are single family residential and to the south east are apartment units.

3. Most Desirable Use:

The most desirable use for the property would be residential development that compliments the surrounding area.

4. Conservation of Property Values:

The properties in the area are primarily residential. The annexation and rezoning should not affect the use or value of the surrounding properties.

5. Responsible Development and Growth:

It is responsible development and growth to require properties contiguous to the City limits to annex into the City at the time of development. Likewise, it is responsible development to allow property in a residential area to be used for additional dwelling units.

Analysis & Recommendation

Commitments: There are no commitments proposed.

Analysis: The annexation and rezoning of the property to U2 Urban Neighborhood 2 will allow for the development of the site for additional housing units in the City. It is responsible development to assure that properties adjacent to the City limits are annexed and developed under City standards.

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

SUBSTITUTE BILL NO. 31-24

JUL 16 2024

ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, AND AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 17023 HEPLER STREET, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to annex and rezone 17023 Hepler Street from R Single Family District in Unincorporated St. Joseph County to U2 Urban Neighborhood 2

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

SECTION I. That the following described real estate is situated in St. Joseph County, Indiana, being contiguous by more than one-eighth (1/8) of its aggregate external boundaries with the present boundaries of the City of South Bend, Indiana, shall be and hereby is annexed to and brought within the City of South Bend:

A part of the Southeast Quarter of the Northeast Quarter of Section 32, Township 38 North, Range 3 East, Clay Township, St. Joseph County, Indiana, being more particularly described as follows:

Beginning at the southeast corner of said Southeast Quarter, also being the intersection of the centerlines of Hepler Street and Hickory Road; thence west along the centerline of Hepler Street 247.5 feet to the east line of the Creekwood Villas subdivision extended south, also being the north-south South Bend city limits; thence north 1,320 feet to the east-west South Bend city limits; thence east 247.5 feet to the east line of said Section 32; then south 1,320 feet to the point of beginning. Containing 7.5 acres, more or less.

SECTION II. That the boundaries of the City of South Bend, Indiana, shall be and are hereby declared to be extended so as to include the real estate of the above-described parcel as part of the City of South bend, Indiana.

SECTION III. Ordinance No. 10689-19, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby amended in order that the zoning classification of the above described real estate, with the exception of all adjacent rights-of-way, in the City of South Bend, St. Joseph County, State of Indiana be and the same is hereby established as U2 Urban Neighborhood District.

SECTION IV. This Ordinance shall be in full force and effect 30 days from and after its passage by the Common Council and approval by the Mayor, and legal publication.

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

24-27



Filed in Clerk's Office

AUG 16 2024

Bianca Tirado
City Clerk, South Bend, IN

CITY OF SOUTH BEND

COMMUNITY INVESTMENT

August 16, 2024

Sharon L. McBride, President
South Bend Common Council
4th Floor, County-City Building

**RE: A Resolution of the Common Council of the City of South Bend, Indiana,
Adopting a Written Fiscal Plan and Establishing a Policy for the Provision of
Services to an Annexation Area in Clay Township (Fox Creek Annexation Area)**

Dear President McBride:

I am attaching for filing the above resolution, which is a companion to Bill No. 31-24. That bill proposes to voluntarily annex contiguous territory in Clay Township to the City of South Bend. This resolution provides for the Common Council's adoption of the written plan and policy concerning the provision of services, both capital and non-capital, to the territory to be annexed.

This 7.5-acre annexation area contains one parcel at the northwest corner of Hepler Street and Hickory Road, plus adjacent right-of-way. All public improvements, if any, will be required to be done at the expense of the developer.

I request that the attached resolution be placed on the agenda of the August 26, 2024, Common Council meeting at which the companion bill is given Second Reading. I will be attending the meeting, as well as the Zoning & Annexation Committee hearing, as the presenter.

If you have any questions, please feel free to contact me at (574) 235-5843. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Michael P. Divita".

Michael P. Divita
Principal Planner

AUG 16 2024

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. 24-27
RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF
SOUTH BEND, INDIANA, ADOPTING A WRITTEN FISCAL PLAN AND
ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN
ANNEXATION AREA IN CLAY TOWNSHIP
(FOX CREEK ANNEXATION AREA)**

WHEREAS, there has been submitted to the Common Council of the City of South Bend, Indiana, an Ordinance and a petition by all (100%) property owners which proposes the annexation of real estate located in Clay Township, St. Joseph County, Indiana, which is more particularly described at Section I of this Resolution; and

WHEREAS, the territory proposed to be annexed encompasses approximately 7.5 acres of vacant land, which property is at least 12.5% contiguous to the current City limits, i.e., 57.9% contiguous, generally located at the northwest corner of Hepler Street and Hickory Road (17023 Hepler Street). It is anticipated that the annexation area will be used for residential development, primarily in the form of duplexes; and

WHEREAS, this development will require a basic level of municipal public services of a non-capital improvement nature, including police and fire protection, street and road maintenance, street sweeping, flushing, snow removal, and sewage collection, as well as services of a capital improvement nature, including street and road construction, sidewalks, street lighting, a sanitary sewer system, a water distribution system, and a storm water system and drainage plan; and

WHEREAS, the South Bend Common Council now desires to establish and adopt a fiscal plan and establish a definite policy showing: (1) the cost estimates of services of a non-capital nature, including police and fire protection, street and road maintenance, street sweeping, flushing, and snow removal, and sewage collection, and other non-capital services normally provided within the corporate boundaries; and services of a capital improvement nature including street and road construction, street lighting, a sanitary sewer extension, a water distribution system, and a storm water system to be furnished to the territory to be annexed; (2) the method(s) of financing those services; (3) the plan for the organization and extension of those services; (4) that services of a non-capital nature will be provided to the annexed area within one (1) year after the effective date of the annexation, and that they will be provided in a manner equivalent in standard and scope to similar non-capital services provided to areas within the corporate boundaries of the City of South Bend, regardless of similar topography, patterns of land use, and population density; (5) that services of a capital improvement nature will be provided to the annexed area within three (3) years after the effective date of the annexation within the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density, and in a manner consistent with federal, state and local laws, procedures, and planning criteria; and (6) the plan for hiring the employees

or other governmental entities whose jobs will be eliminated by the proposed annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AS FOLLOWS:

Section I. It is in the best interest of the City of South Bend and the area proposed to be annexed that the following described real property located in Clay Township, St. Joseph County, Indiana, be annexed to the City of South Bend:

A part of the Southeast Quarter of the Northeast Quarter of Section 32, Township 38 North, Range 3 East, Clay Township, St. Joseph County, Indiana, being more particularly described as follows:

Beginning at the southeast corner of said Southeast Quarter, also being the intersection of the centerlines of Hepler Street and Hickory Road; thence west along the centerline of Hepler Street 247.5 feet to the east line of the Creekwood Villas subdivision extended south, also being the north-south South Bend city limits; thence north 1,320 feet to the east-west South Bend city limits; thence east 247.5 feet to the east line of said Section 32; then south 1,320 feet to the point of beginning. Containing 7.5 acres, more or less.

Section II. It shall be and hereby is now declared and established that it is the policy of the City of South Bend, to furnish to said territory services of a non-capital nature, such as police and fire protection, street and road maintenance, street sweeping, flushing, and snow removal, within one (1) year of the effective date of the annexation in a manner equivalent in standard and scope to services furnished by the City to other areas of the City regardless of similar topography, patterns of land utilization, and population density; and to furnish to said territory, services of a capital improvement nature such as street and road construction, sidewalks, a street light system, a sanitary sewer system, a water distribution system, a storm water system and drainage plan, within three (3) years of the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density.

Section III. The South Bend Common Council, shall and does hereby now establish and adopt the Fiscal Plan, attached hereto and fully incorporated herein as Exhibit "A", and made a part hereof, for the furnishing of said services to the territory to be annexed, which provides, among other things, that the public sanitary sewer and water network is available with capacity sufficient to service this area with costs for extensions, any improvements in sewer or water capacity, and a City-approved drainage system to be paid for by the developer, all in compliance with state and local law; that no additional street lighting will be necessary and any future lighting especially of a decorative nature or with underground wiring will be at the developer/owner's expense; that no new public streets will be required.

Section IV. Sidewalks should be provided along public streets as required and must comply with the Americans with Disabilities Act (ADA) under the PROWAG standards.

Section V. It is required as a condition of annexation that any future improvements or alterations to the property meet the City of South Bend's building, zoning, and subdivision requirements.

Section VI. This Resolution shall be effective from and of the date of adoption by the Common Council.

Sharon L. McBride, Council President
South Bend Common Council

Attest:

Bianca L. 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 L. 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

Exhibit "A"

Filed in Clerk's Office

AUG 16 2024

Bianca Tirado
City Clerk, South Bend, IN

THE CITY OF SOUTH BEND

FISCAL PLAN

FOX CREEK ANNEXATION AREA

Prepared by
City of South Bend
Department of Community Investment

July 29, 2024

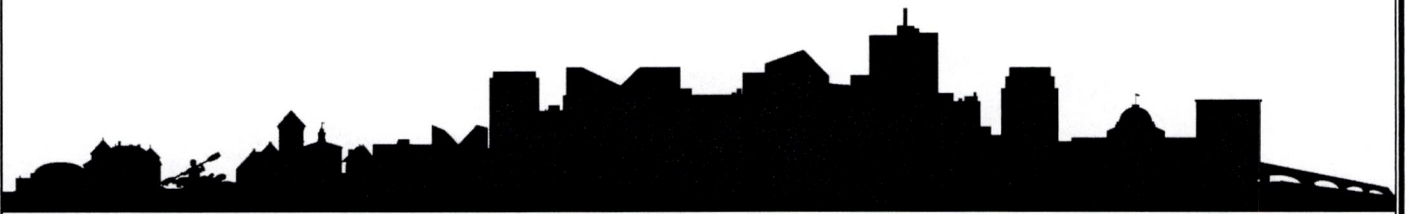


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SECTION I. INTRODUCTION

This Fiscal Plan represents the City of South Bend's (hereinafter, "City") policy for the annexation of property in Clay Township, St. Joseph County, Indiana (hereinafter, "Annexation Area"), and was developed through the cooperative efforts of the following City Departments:

- Legal Department
- Department of Public Works
- South Bend Fire Department
- South Bend Police Department
- Department of Community Investment
- Department of Administration & Finance

SECTION II. GENERAL DATA

A. Location

The Annexation Area is located at the northwest corner of Hepler Street and Hickory Road (17023 Hepler Street). See *Map 1*.

B. Legal Description

The Annexation Area is part of the Southeast Quarter of the Northeast Quarter of Section 32, Township 38 North, Range 3 East, Clay Township, St. Joseph County, Indiana. For a complete legal description, see Page 13.

C. Contiguity

The Annexation Area is at least 1/8 (12.5%) contiguous to the current City limits:

<i>Contiguous</i>	1,815 feet	57.9%
<i>Non-Contiguous</i>	<u>1,320 feet</u>	<u>42.1%</u>
<i>Total</i>	3,135 feet	100.0%

D. Size of Annexation Area

The Annexation Area is approximately 7.5 acres.

E. Buildings & Land Use

The Annexation Area contains vacant land. A development of 41 housing units, primarily in the form of duplexes, is proposed for the land.

F. Zoning & Subdivisions

The one property in the Annexation Area is currently zoned R Single Family District in St. Joseph County. With the annexation petition, the petitioner seeks to rezone the land to U2 Urban Neighborhood 2 District in the City. The Annexation Area does not fall within any subdivision of record.

G. Population

No people currently reside in the Annexation Area. After development, an estimated 60 residents would live in the Annexation Area.

H. Tax Rate & Impact

The tax rates used are those of 2023 payable 2024. The total tax rate for unincorporated Clay Township is 2.5281 per \$100 of taxable real estate. The total tax rate for South Bend Clay Township is 5.3384 per \$100 of taxable real estate.

Per State law, the tax caps expressed as a percentage of the gross assessed value for different classifications of property are as follows, regardless of the property's location being within South Bend or unincorporated St. Joseph County:

<i>Property Type</i>	<i>Cap</i>
Homestead Residential	1.0%
Non-Homestead Residential	2.0%
Agricultural	2.0%
Other (Commercial)	3.0%

For at least the four years after the effective date of the annexation, the expected tax rates, tax levies, expenditure levels, service levels, and annual debt service payments are estimated to be approximately the same as those in effect at the time of annexation for each of the political subdivisions to which the proposed annexation applies.

Because of the relatively small size of the Annexation Area and its assessed value relative to the total size and tax base of the various political subdivisions, this annexation is expected, for at least four years after the effective date of this annexation, to have a negligible impact on the finances and tax revenues of South Bend and other political subdivisions to which the proposed annexation applies, on the political subdivisions in St. Joseph County not part of this annexation, and on taxpayers not part of this annexation.

I. Parcel Ownership & Assessments

<i>Parcel Identification Number</i>	<i>Address</i>	<i>Parcel Owner</i>	<i>Assessed Value (Total)</i>
002-2023-055001	17023 Hepler Street	Fox Creek LLC	\$28,700

Total Assessments

Land:	\$22,200
Improvements:	\$ 6,500
Total (Gross):	\$28,700
Total (Net):	\$28,700

Assessments are based on 2024 payable 2025 St. Joseph County property tax records.

J. Municipal Legislative District

The Annexation Area will be in the 4th District.

K. Hiring Plan

This annexation is not anticipated to result in the elimination of jobs for employees of any other governmental entities. The Clay Township Trustee has been notified of this proposed annexation.

SECTION III. MUNICIPAL SERVICES

A. Public Works

Sewer – An 8”-diameter sanitary sewer runs along Creekbottom Drive to the west edge of the development site. The petitioner has the responsibility to extend gravity public sewer main and to ensure that the downstream lift station on Creekside Drive has adequate capacity.

Development of the site requires City approval of a drainage plan that meets the City’s requirement to store all runoff from developed areas. No public municipal storm sewer is available to the site. Retention basins and low-impact means to promote infiltration of surface water will be required. The site is near Juday Creek.

Water - The South Bend Water Works currently has a 6” water main on Creekbottom Drive. The petitioner has the responsibility to extend a minimum 8” water main to serve the development.

Extensions of or taps into sanitary sewer and water lines shall be governed by state law and the rules and regulations of the South Bend Water Works and Sewer Utility. The Annexation Area may be subject to system development charges for both water and sewer services.

Streets – Annexation would add approximately 247.5 feet of the northern portion of the Hepler Street right-of-way and the western half of a Hickory Road right-of-way that has no pavement to the city limits. The petitioner will dedicate farther a west half right-of-way of Hickory Road to allow for its future extension northward. The preliminary development plan includes private streets internal to the development. The petitioner may need to provide sidewalks along Hepler Street upon development.

Street Lighting –Should any street lighting be necessary, it can be provided on wood poles with overhead wiring through an ongoing contract with Indiana Michigan Power. If the petitioner wishes to construct and dedicate additional street lighting, especially of a decorative nature or with underground wiring, the City may accept it for maintenance and operation, supported by property tax revenue, if done to City standards.

Waivers of Annexation – No waivers of right to remonstrate against annexation are in effect for this area.

2023 Actual Budget Report for the Department:

Expenditures:	\$36,313,657
Miles of Roadway in City:	@502
Cost per Mile:	@\$72,338
New Mileage within Area:	@0.0 miles (0 feet)
Estimated Maintenance Cost for Annexation Area per year:	@\$0

B. Police Department

The Annexation Area would be added to the existing Beat 11. Police patrols and emergency responses will be part of the services the City will offer to this area. This proposed annexation would require officers to cover a relatively small additional area on this beat.

At this time, it is not expected that this annexation would cause calls for service to increase significantly, and it is not anticipated that it will be necessary to increase police patrols beyond the existing beat patrol. The addition of this Annexation Area will not significantly increase response time.

The cost of servicing the proposed area is not expected to impact the existing budget of the Police Department with any significance. The patrol costs would be assumed by the Police Department budget. However, this area, as well as all other areas of the City, will continually be monitored for level of service demands and other criteria that would necessitate additional resources through budgetary increases or possible shifting of existing resources, such as a beat restructure.

Police services and response time in this area can be expected to be comparable with that found in all other areas of the City. Police coverage to this area could begin immediately upon annexation.

Note: The cost of service for this Annexation Area is based on the number of parcels. Household information is provided for comparative purposes.

2023 Actual Budget Report for the Department:

Expenditures (including pension cost):	\$54,441,986
Number of Households in City (2022):	@41,488
Cost per Household:	@\$1,312
Number of Parcels in City (2024):	@47,400
Cost per Parcel:	@\$1,149
Proposed Number of Households in Area:	41
Proposed Number of Parcels in Area:	42
Cost for Annexation Area per year:	\$48,258 (42 parcels x \$1,149 / parcel)

C. Fire Department & EMS

Fire Response – The South Bend Fire Department provides a fully staffed, full-time fire department. The Annexation Area will be serviced primarily by Fire Station #3 at 1805 McKinley Avenue, which is approximately 2.7 miles away. Additional Fire Department units would respond from Fire Station #9, located at 2108 Mishawaka Avenue, approximately 3.5 miles away.

The South Bend Fire Department does not foresee any unusual fire protection problems related to this annexation. Response times will be comparable to other areas on the edge of the City. No additional equipment will need to be purchased or personnel hired to service the Annexation Area. Fire coverage to this area could begin immediately upon annexation. Adequate water supply will be necessary as any development takes place. Two to three extra fire hydrants will likely be needed to cover this area.

Emergency Medical Response – The City will provide emergency medical response to the Annexation Area. This area will be serviced by Medic #9, which is at Fire Station #9 at 2108 Mishawaka Avenue (approximately 3.5 miles away).

Response times will be comparable to other areas of the City. No additional equipment will need to be purchased or personnel hired to service the Annexation Area. Emergency medical services are supported by user fees and would be available upon annexation.

Note: The cost of service for this Annexation Area is based on the number of parcels. Household information is provided for comparative purposes.

2023 Actual Budget Report for the Department:

Expenditures (including pension cost):	\$44,998,334
Number of Households in City (2022):	@41,488
Cost per Household:	@\$1,085
Number of Parcels in City (2024):	@47,400
Cost per Parcel:	@\$949
Proposed Number of Households in Area:	41
Proposed Number of Parcels in Area:	42
Cost for Annexation Area per year:	\$39,858 (42 parcels x \$949 / parcel)

D. Neighborhood Services & Enforcement

The Annexation Area will be added to Area 6. The Division of Neighborhood Services & Enforcement will be able to provide services to the Annexation Area with comparable response times. The Division will respond to calls for service upon the effective date of the annexation. Full and dedicated response will be in place within one year of the effective date of the annexation.

2023 Actual Budget Report for the Division:

Expenditures:	\$7,732,302
Number of Parcels in City (2024):	@47,400
Cost per Parcel:	@\$163
Proposed Number of Parcels in Area:	42
Cost for Annexation Area per year:	\$6,846 (42 parcels x \$163 / parcel)

E. Environmental Services

Wastewater Treatment - Wastewater treatment services are supported by user fees and are paid through the Water Works billing system.

Solid Waste - The Bureau of Solid Waste can provide service to residential customers at the prevailing rate at that time (currently \$15.78 for a one-family dwelling and \$24.74 for a two-family dwelling) with service beginning on the effective date of the annexation.

F. Administrative Services

The City of South Bend provides a wide range of services other than those noted above, such as the Mayor's Office, the Legal Department, and Venues Parks & Arts.

These services are available upon the effective date of the annexation. Full and dedicated response for non-capital services will be in place within one year of the effective date of the annexation. Costs for these services have not been calculated.

The incorporation of the Annexation Area will not affect the provision of other services currently provided to this property on a countywide basis. The St. Joseph County Health Department, the St. Joseph County Public Library, and the St. Joseph County/South Bend Building Department are among the countywide agencies that will continue to provide the same type and level of services to the Annexation Area. Countywide services will continue to be supported by the County and Township taxes that will remain in effect.

SECTION IV. LAND USE ANALYSIS & DEVELOPMENT CRITERIA

This proposed annexation will add one vacant property to the City of South Bend. The petitioner proposes to subdivide the land for residential uses. The Annexation Area is presently zoned R Single Family District in unincorporated St. Joseph County. A vacant parcel, zoned S1 Suburban Neighborhood 1 in the City, is located to the north. To the east is a vacant parcel zoned R Single Family District in the County and vacant parcels zoned R-4 Manufactured Home Residential in the City of Mishawaka. To the south is a church zoned S1 Suburban Neighborhood 1 in the City. To the west are one-unit residential dwellings and a vacant parcel zoned S1 Suburban Neighborhood 1 in the City.

According to a preliminary site plan, the petitioner proposes to construct 41 housing units, primarily in the form of duplexes, accessed via private drives.

Any improvements or future changes must meet the City's applicable building, zoning, and subdivision ordinances.

SECTION V. FISCAL IMPACT

- 1) Essential city services can be made available to the residents (and territory) of the Annexation Area in a timely and comparable fashion per the requirements of State law and this fiscal plan.
- 2) The City is financially able to support city services to the territory sought to be annexed.
- 3) Required improvements made by the petitioner and/or owner of the parcel(s) must be made in accordance with the standards of the City of South Bend.
- 4) Required improvements made by the City, if any, will be completed within the time frames provided by State law and this fiscal plan.
- 5) All figures are estimates. Final cost of capital expenditures, if any, will not be determined until bids are publicly solicited, contracts are awarded, and projects are closed out.
- 6) Property tax revenue and land assessment estimates are based on 2023 payable 2024 tax information, assessments of comparable developments, estimates of units built, estimates of unit values and land assessments, and tax abatements or adjustments, if any. Tax rates are subject to change every year, and property tax revenues may be subject to tax caps.
- 7) Department expenditures and revenues are derived from the City of South Bend Budget.
- 8) The estimated costs to provide services, noted in Section III, Municipal Services, are a City-wide average based on a particular budget year. In the case of the proposed development in the Annexation Area, some of these services may not be required or possibly requested for many years. Hence, the cost of providing services over the first five years should be evaluated with this in mind.

TABLE 1

Summary Table – Estimated Fiscal Impact

Expenditures	Capital (Est.)	Non-Capital Per Year (Est.)	Notes	5-Year Total
Street Construction	\$0			\$0
Sewer Extension	\$0		Connection at petitioner's expense	\$0
Water Extension	\$0		Connection at petitioner's expense	\$0
Street Lights	\$0			\$0
Street Maintenance	\$0	\$0		\$0
Police	\$0	\$48,258		\$241,290
Fire	\$0	\$39,858		\$199,290
Neighborhood Services	\$0	\$6,846		\$34,230
Approximate 5-Year Expenditures				\$474,810

Revenues	Notes	Total (Est.)	5-Year Total
Property Taxes (to City)	Year 1	\$619	\$199,693
	Year 2	\$33,179	
	Year 3	\$33,179	
	Year 4	\$66,358	
	Year 5	\$66,358	
MVH/LRSA	Estimated at revenue per mile of \$33,234	\$0	\$0
Approximate 5-Year Revenues			\$199,693

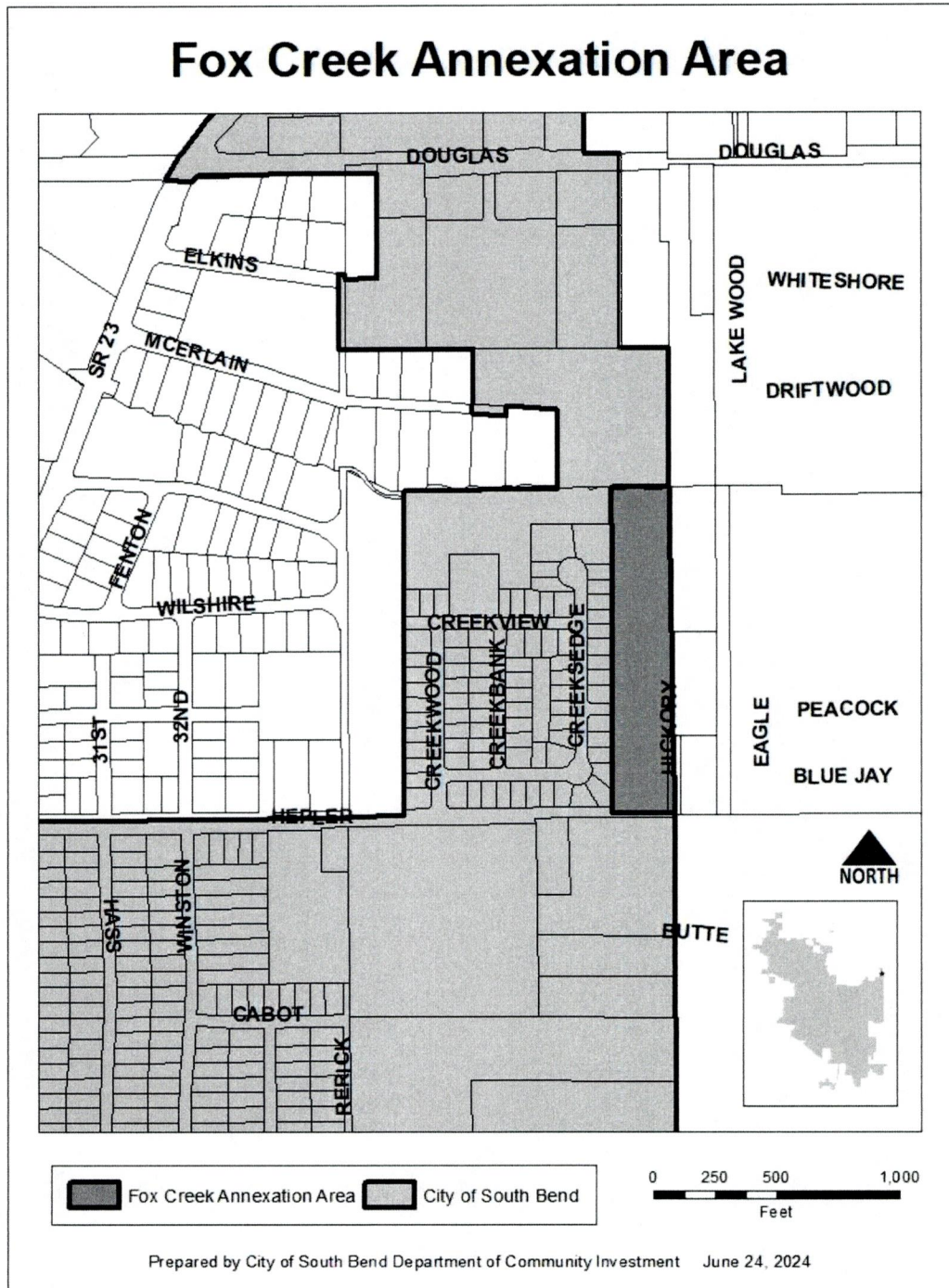
Revenue estimate based on \$32,700 net assessment and capped tax rate of 3% of \$32,700 gross assessment in Year 1, \$2,424,000 net assessment and capped tax rate of 1% of \$5,000,000 gross assessment in Years 2 and 3, and \$4,848,000 net assessment and capped tax rate of 1% of \$10,000,000 gross assessment in Years 4 and 5.

LEGAL DESCRIPTION

A part of the Southeast Quarter of the Northeast Quarter of Section 32, Township 38 North, Range 3 East, Clay Township, St. Joseph County, Indiana, being more particularly described as follows:

Beginning at the southeast corner of said Southeast Quarter, also being the intersection of the centerlines of Hepler Street and Hickory Road; thence west along the centerline of Hepler Street 247.5 feet to the east line of the Creekwood Villas subdivision extended south, also being the north-south South Bend city limits; thence north 1,320 feet to the east-west South Bend city limits; thence east 247.5 feet to the east line of said Section 32; then south 1,320 feet to the point of beginning. Containing 7.5 acres, more or less.

MAP 1



AUG 16 2024

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. _____
RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ADOPTING A WRITTEN FISCAL PLAN AND ESTABLISHING A POLICY FOR THE PROVISION OF SERVICES TO AN ANNEXATION AREA IN CLAY TOWNSHIP (FOX CREEK ANNEXATION AREA)

WHEREAS, there has been submitted to the Common Council of the City of South Bend, Indiana, an Ordinance and a petition by all (100%) property owners which proposes the annexation of real estate located in Clay Township, St. Joseph County, Indiana, which is more particularly described at Section I of this Resolution; and

WHEREAS, the territory proposed to be annexed encompasses approximately 7.5 acres of vacant land, which property is at least 12.5% contiguous to the current City limits, i.e., 57.9% contiguous, generally located at the northwest corner of Hepler Street and Hickory Road (17023 Hepler Street). It is anticipated that the annexation area will be used for residential development, primarily in the form of duplexes; and

WHEREAS, this development will require a basic level of municipal public services of a non-capital improvement nature, including police and fire protection, street and road maintenance, street sweeping, flushing, snow removal, and sewage collection, as well as services of a capital improvement nature, including street and road construction, sidewalks, street lighting, a sanitary sewer system, a water distribution system, and a storm water system and drainage plan; and

WHEREAS, the South Bend Common Council now desires to establish and adopt a fiscal plan and establish a definite policy showing: (1) the cost estimates of services of a non-capital nature, including police and fire protection, street and road maintenance, street sweeping, flushing, and snow removal, and sewage collection, and other non-capital services normally provided within the corporate boundaries; and services of a capital improvement nature including street and road construction, street lighting, a sanitary sewer extension, a water distribution system, and a storm water system to be furnished to the territory to be annexed; (2) the method(s) of financing those services; (3) the plan for the organization and extension of those services; (4) that services of a non-capital nature will be provided to the annexed area within one (1) year after the effective date of the annexation, and that they will be provided in a manner equivalent in standard and scope to similar non-capital services provided to areas within the corporate boundaries of the City of South Bend, regardless of similar topography, patterns of land use, and population density; (5) that services of a capital improvement nature will be provided to the annexed area within three (3) years after the effective date of the annexation within the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density, and in a manner consistent with federal, state and local laws, procedures, and planning criteria; and (6) the plan for hiring the employees

or other governmental entities whose jobs will be eliminated by the proposed annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AS FOLLOWS:

Section I. It is in the best interest of the City of South Bend and the area proposed to be annexed that the following described real property located in Clay Township, St. Joseph County, Indiana, be annexed to the City of South Bend:

A part of the Southeast Quarter of the Northeast Quarter of Section 32, Township 38 North, Range 3 East, Clay Township, St. Joseph County, Indiana, being more particularly described as follows:

Beginning at the southeast corner of said Southeast Quarter, also being the intersection of the centerlines of Hepler Street and Hickory Road; thence west along the centerline of Hepler Street 247.5 feet to the east line of the Creekwood Villas subdivision extended south, also being the north-south South Bend city limits; thence north 1,320 feet to the east-west South Bend city limits; thence east 247.5 feet to the east line of said Section 32; then south 1,320 feet to the point of beginning. Containing 7.5 acres, more or less.

Section II. It shall be and hereby is now declared and established that it is the policy of the City of South Bend, to furnish to said territory services of a non-capital nature, such as police and fire protection, street and road maintenance, street sweeping, flushing, and snow removal, within one (1) year of the effective date of the annexation in a manner equivalent in standard and scope to services furnished by the City to other areas of the City regardless of similar topography, patterns of land utilization, and population density; and to furnish to said territory, services of a capital improvement nature such as street and road construction, sidewalks, a street light system, a sanitary sewer system, a water distribution system, a storm water system and drainage plan, within three (3) years of the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries of the City of South Bend regardless of similar topography, patterns of land use, or population density.

Section III. The South Bend Common Council, shall and does hereby now establish and adopt the Fiscal Plan, attached hereto and fully incorporated herein as Exhibit "A", and made a part hereof, for the furnishing of said services to the territory to be annexed, which provides, among other things, that the public sanitary sewer and water network is available with capacity sufficient to service this area with costs for extensions, any improvements in sewer or water capacity, and a City-approved drainage system to be paid for by the developer, all in compliance with state and local law; that no additional street lighting will be necessary and any future lighting especially of a decorative nature or with underground wiring will be at the developer/owner's expense; that no new public streets will be required.

Section IV. Sidewalks should be provided along public streets as required and must comply with the Americans with Disabilities Act (ADA) under the PROWAG standards.

Section V. It is required as a condition of annexation that any future improvements or alterations to the property meet the City of South Bend's building, zoning, and subdivision requirements.

Section VI. This Resolution shall be effective from and of the date of adoption by the Common Council.

Sharon McBride, Council President
South Bend Common Council

Attest:

Bianca L. 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 L. 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



24-28

CITY OF SOUTH BEND

COMMUNITY INVESTMENT

August 21, 2024

Filed in Clerk's Office

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

AUG 21 2024

Bianca Tirado
City Clerk, South Bend, IN

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

Dear Council Member Warner,

Please find the enclosed Confirming Resolution and Memorandum of Agreement pertaining to a personal property tax abatement for 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. The company is IATF-1649:2016 certified and has provided high quality parts for over three decades.

The petitioner intends to invest \$4.0 million in the property and in high-tech equipment 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 total investment for this project is \$4,000,000. 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 26, 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

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

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

AUG 21 2024

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. 24-28
RESOLUTION NO. _____

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

1710 N Sheridan Street, South Bend, Indiana 46628

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

Hoosier Tank & Manufacturing, LLC

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 commonly known as 1710 N Sheridan Street, South Bend, IN 46628, and which is more particularly described as follows:

Business Personal Property

and which has Key Numbers to be assigned, be designated as an Economic Revitalization Area; 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;

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

WHEREAS, the Council adopted Declaratory Resolution No. 5089-24 on August 12, 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 personal 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 personal property tax deduction for a period of five (5) years as shown below 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 - 90%
- Year 3 - 80%
- Year 4 - 70%
- Year 5 - 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 21 2024

Bianca Tirado
City Clerk, South Bend, IN

MEMORANDUM OF AGREEMENT
(PERSONAL PROPERTY TAX ABATEMENT)

This Memorandum of Agreement (Agreement) dated as August 16, 2024, serves as confirmation of a commitment by **Hoosier Tank & Manufacturing, LLC** (the "Applicant"), pending a August 26, 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 (Commitments).

1. 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 **five-year (5) personal 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 a capital expenditure of no less than Four Million dollars (\$4,000,000.00) associated with purchase of new manufacturing equipment along with automated powder coating equipment, and has Key Number 71-03-33-402-001.000-026.

(b) creating at least fifteen (15) permanent full-time jobs with a total estimated annual payroll of at least Seven Hundred Eighty Thousand dollars (\$780,000.00); and

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

2. 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.

3. 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 1 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 4 below.

4. 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 4 to the fullest extent possible and may deny Applicant's request upon the completion of the City's investigation.

5. 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.

6. 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.

7. Repayment. In the event the City requires repayment of the tax abatement savings as provided hereunder, it shall provide Applicant with a written statement calculating the amount due (the "Statement"), and Applicant shall make such repayment to the City within one hundred twenty (120) days of the date of the Statement. If the Applicant does not make timely repayment, the City shall be entitled to all reasonable costs and attorneys' fees incurred in the enforcement of this Agreement and the collection of the tax abatement savings required to be repaid hereunder.

8. Modification/Entire Agreement. This Agreement and the schedules attached hereto as Exhibit A contain the entire understanding between the City and the Applicant with respect to the subject matter hereof, and supersede all prior and contemporaneous agreements and understandings,

inducements, and conditions, expressed or implied, oral, or written, except as herein contained. This Agreement may not be modified or amended other than by an agreement in writing signed by the City and the Applicant. The Applicant understands that any and all filings required to be made or actions required to be taken to initiate or maintain the abatement are solely the responsibility of the Applicant.

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

10. Governing Laws of Indiana. This Agreement and all questions relating to its validity, interpretation, performance, and enforcement shall be governed by the laws and decisions of the courts of the State of Indiana.

11. Applicant's Consent to Jurisdiction. The Applicant hereby irrevocably consents to the jurisdiction of the Courts of the State of Indiana and of the St. Joseph County Circuit or Superior Court in connection with any action or proceeding arising out of or relating to this Agreement or any 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.

12. Notices. All notices, requests, demands, and other communications required or permitted under this Agreement shall be in writing and shall be deemed to have been received when delivered by hand or by facsimile (with confirmation by registered or certified mail) or on the third business day following the mailing, by registered or certified mail, postage prepaid, return receipt requested, thereof, addressed as set forth below:

If to Applicant:	Hoosier Tank & Manufacturing, LLC 1710 N Sheridan St, South Bend, IN 46628 Attn: Nancy Miller
If to the City:	City of South Bend, Indiana 227 W. Jefferson Boulevard, Suite 1400S South Bend, Indiana 46601 Attn: Executive Director of Community Investment

40-24

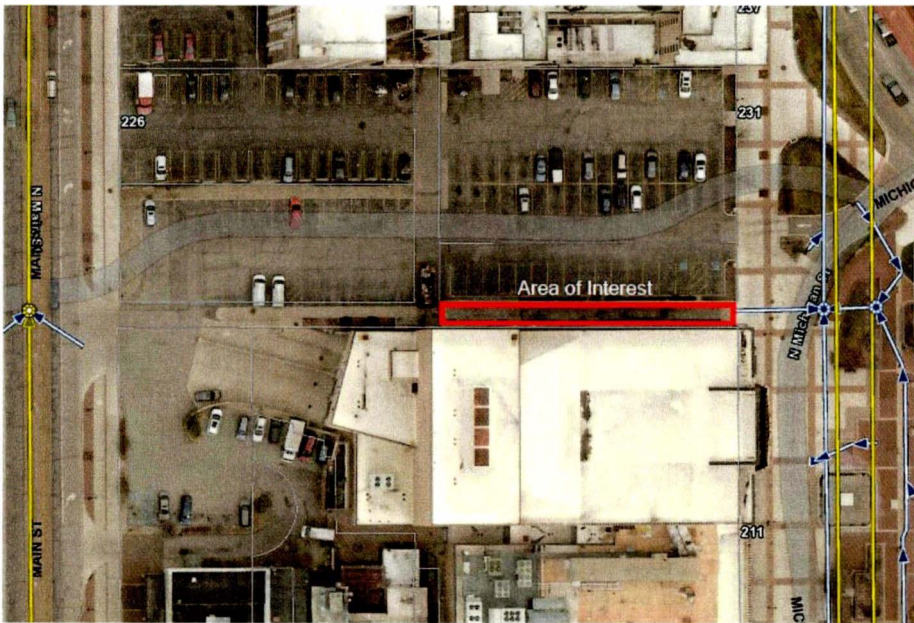


INTER-OFFICE MEMORANDUM

**DEPARTMENT OF PUBLIC WORKS
DIVISION OF ENGINEERING**

TO: Common Council
FROM: Rebecca Plantz, PE, Assistant City Engineer
SUBJECT: Alley Vacation
Morris Performing Arts Center – Raclin Murphy Encore Center
DATE: August 13, 2024

The purpose of the alley vacation is to construct the Raclin Murphy Encore Center which will permanently occupy this alley and connect to the Morris Performing Arts Center. The alley to be vacated is the first East/West alley South of Lasalle Street from the West right-of-way line of Michigan Street to the East right-of-way line of the North/South alley.



Please call with your questions (5998).

Filed in Clerk's Office

AUG 14 2024

Bianca Tirado
City Clerk, South Bend, IN

AUG 14 2024

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. 40-24

ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

The alley to be vacated is the first East/West alley South of Lasalle Street from the West R/W Line of Michigan Street to the East R/W line of a North/South alley for a distance of 168 Feet and a width of 14 Feet. Part of the Original Plat of South Bend, City of South Bend, St. Joseph County, Indiana.

STATEMENT OF PURPOSE AND INTENT

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 alley to be vacated is the first East/West alley South of Lasalle Street from the West R/W Line of Michigan Street to the East R/W line of a North/South alley for a distance of 168 Feet and a width of 14 Feet. Part of the Original Plat of South Bend, City of South Bend, St. Joseph County, Indiana.

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:

018-1002-0043, Lot 1 Morris Civic Minor Sub 99-00 New Replat 6560-7-13-98-99-00 Vac
Ord # 8876-98

018-1002-0042, Lot 3 Original Plat of South Bend

SECTION IV. The purpose of the vacation of the real property is to construct the Raclin Murphy Encore Center which will permanently occupy this alley and connect to the Morris Performing Arts Center.

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 L. McBride, Council President
South Bend Common Council

Attest:

Bianca L. 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 L. 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



Filed in Clerk's Office

AUG 14 2024

Bianca Tirado
City Clerk, South Bend, IN

**INTEROFFICE MEMORANDUM
BOARD OF PUBLIC WORKS**

DATE: May 14, 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: Becca Plantz

LOCATION: 211 N. Michigan St.

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

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: 05/14/2024

Phone #: (574)35-5998

Name: Becca Plantz

Email: rplantz@southbendin.gov

Property Address: 211 N Michigan St, South Bend, IN 46601 (MPAC Alley)

Applicant property information: Residential Commercial Industrial

Describe the general alley location with boundaries (Ex: Church Pl, between E. Colfax Ave & E. LaSalle Ave):

Alley parallel with the northern wall of the Morris Performing Arts Center; abandon starting at N/S alley limits going east to sidewalk.

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 Raclin-Murphy Encore Center will be built directly to the north of the MPAC, meeting the existing building through a connection to the main lobby of the MPAC. This will occupy the alley, as well as future plans to develop a parking garage. Until further access can be planned, vacation should only start where the N/S alley ends at the MPAC.

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

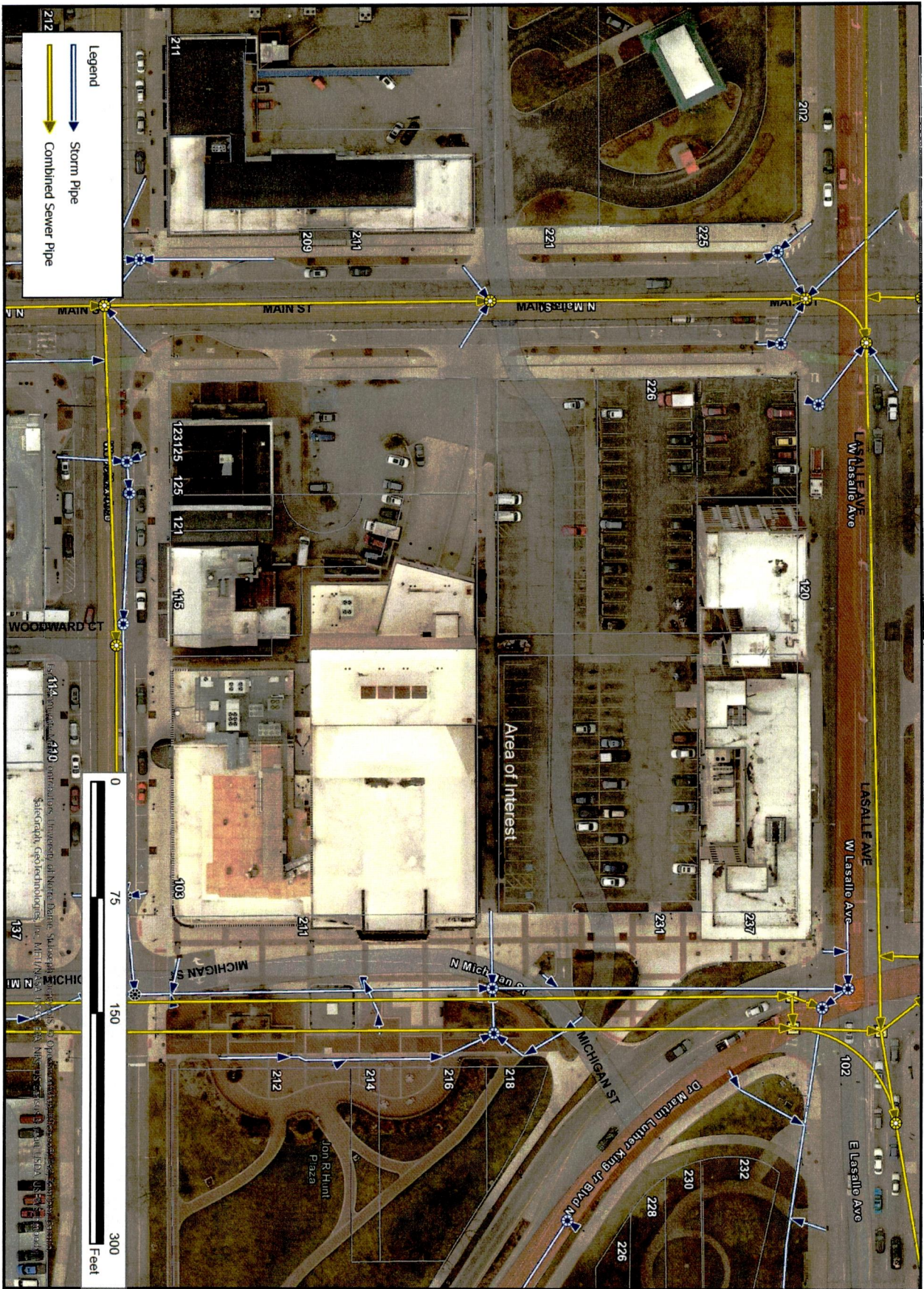

Gary A. Gilot, Member


Briana Micou, Member


Murray L. Miller, Member


Attest: Theresa M. Heffner, Clerk

Date: June 11, 2024



	<h2>Raclin-Murphy Encore Center Alley Vacation</h2>	<p>City of South Bend Dept. of Public Works 227 W Jefferson Blvd. #1316 South Bend, IN 46601 Phone: (574) 235-9251 Fax: (574) 235-9171</p>	<p>Page 1 of 1</p>
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Name	Mailing Address	Proper Address
South Bend Redevelopment Authority	1200 County City Building South Bend, IN 46601	212 N. Michigan St. South Bend, IN 46601 103 W. Colfax Ave. South Bend, IN 46601 214 & 216 & 218 N. Michigan St. South Bend, IN 46601
Department of Redevelopment City of South Bend	227 W. Jefferson Blvd Suite 1400 South Bend, IN 46601	Parcel ID# 018-1002-0042 Parcel ID# 018-1002-0041 220 N Main St. South Bend, IN 46601
LaSalle Properties	115 W. Colfax Ave. South Bend, IN 46601	115 W. Colfax Ave. South Bend, IN 46601
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 St. Camden, NJ 8101	237 N. Dr. Martin Luther King Jr. Blvd. South Bend, IN 46601
Robert Kenneth Peczkowski	121 W. Colfax Ave. South Bend, IN 46601	121 W. Colfax Ave. South Bend, IN 46601
City of South Bend	224 N. Main St. South Bend, IN 46601	123 W. Colfax Ave. South Bend, IN 46601
City of South Bend, Public Works	227 W. Jefferson Blvd. South Bend, IN 46601	Parcel ID# 018-1008-030503

41-24



City of South Bend
PLAN COMMISSION

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

August 20, 2024

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

RE: 734 Notre Dame Ave – PC#0223-24

Dear Committee Chair Davis:

Enclosed is an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your August 26, 2024, Council meeting, and set it for public hearing at your September 23, 2024, Council meeting. The petition is tentatively scheduled for public hearing at the September 16, 2024, South Bend Plan Commission meeting. The recommendation of the South Bend Plan Commission will be forwarded to the Office of the City Clerk by noon on the day following the public hearing.

The petitioner provided the following to describe the proposed project:

Petitioner desires to rezone from U1 Urban Neighborhood 1 to U3 Urban Neighborhood 3

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

Sincerely,

Kari Myers
Zoning Specialist

CC: Bob Palmer

Filed in Clerk's Office

AUG 21 2024

Bianca Tirado
City Clerk, South Bend, IN

Tim Corcoran
Planning Director

Tim Corcoran
Interim Zoning Administrator

Scott Ford
Commission President

AUG 21 2024

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. 41-24

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 734
NOTRE DAME AVENUE COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF
SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Petitioner desires to rezone from U1 Urban Neighborhood 1 to U3 Urban
Neighborhood 3

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

SECTION I. Ordinance No. 10689-19, which ordinance is commonly known as the
Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby amended in order
that the zoning classification of the following described real estate in the City of South Bend, St.
Joseph County, State of Indiana:

The South 50.5 feet of the North 73.5 feet of the West Half of Lot Numbered 9 in Edward
Sorins First Addition of the Town of Lowell, now a part of the City of South Bend, as per
plat thereof recorded in the Office of the Recorder of Saint Joseph County, Indiana,
Excepting therefrom a parcel of land, 7 feet in width, east and west, taken off and from the
east end thereof, being the West Half of the public alley 14 feet wide.

COMMONLY KNOWN AS 734 NOTRE DAME AVENUE

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

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

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

Sharon McBride, Council President
South Bend Common Council

Attest:

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

Petition for Rezoning or Combined Public Hearing

Property Information

Tax Key Number 018-5029-105001

Address: 734 Notre Dame Ave

Owner: Shamrock Realty Group LLC

Legal Description:

The South 50.5 feet of the North 73.5 feet of the West Half of Lot Numbered 9 in Edward Sorn's First Addition of the Town of Lowell, now a part of the City of South Bend, as per plat thereof recorded in the Office of the Recorder of Saint Joseph County, Indiana, Excepting therefrom a parcel of land, 7 feet in width, east and west, taken off and from the east end thereof, being the West Half of the public alley 14 feet wide.

Project Summary

The property owners are seeking a rezoning to U3 Urban Neighborhood District in compliance with the Northeast Neighborhood Plan in order to building a 3-story condominium building containing 4 units.

Requested Action

Application includes (check all that apply)

Rezoning

Current District: U1 Urban Neighborhood 1

Additional Districts, if applicable

Proposed District U3 Urban Neighborhood 3

Additional Districts, if applicable

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

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

Subdivision – *complete and attach subdivision application*

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

Use requested: _____

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

Variance(s) requested: _____

Required Documents

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

Contact information

Property owner(s) of the petition site:

Name: Shamrock Realty Group LLC

Address: 52 Dawn Harbor Ln
Riverside, CT 06878

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Danch, Harner & Associates; Attn: Angela Smith

Address: 1643 Commerce Drive
South Bend, IN 46628

Phone Number: 574-234-4003

E-mail: asmith@danchharner.com

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

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

Property Owner (s) Signatures:

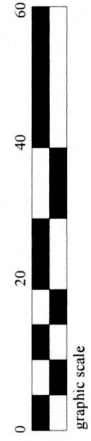
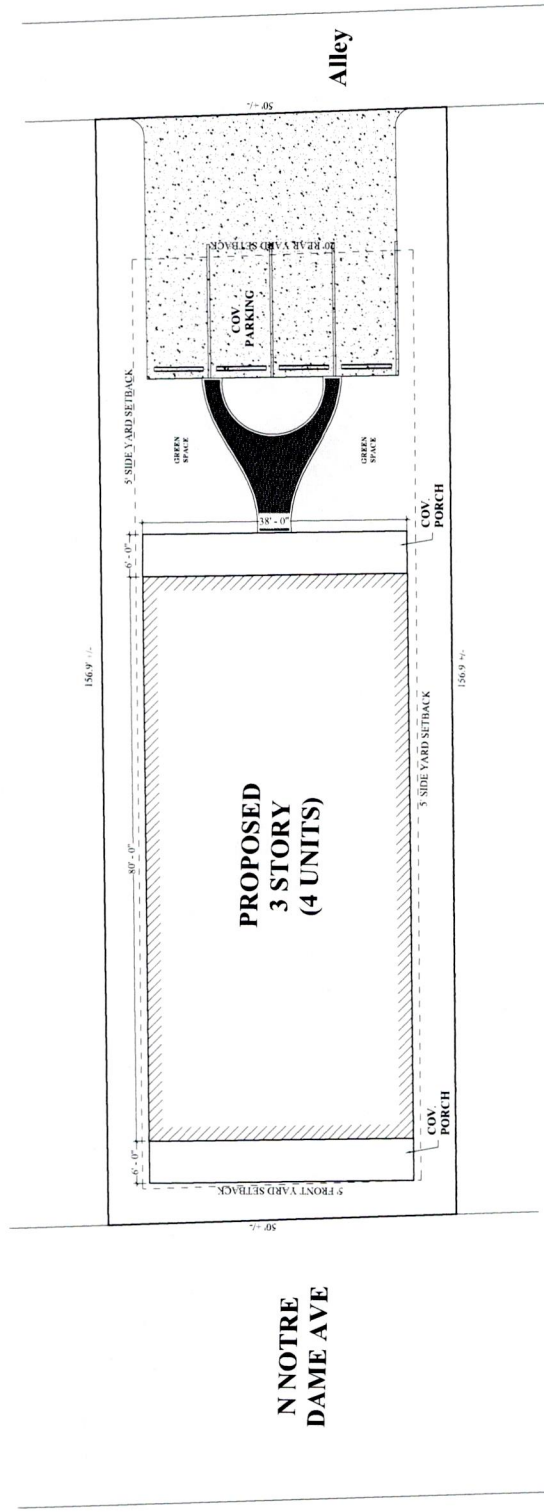
Matthew C DeSalvo

Matthew C DeSalvo

Currently U1 - Request to change to U3

Building Height
 Primary Building (max) 35' 4 stories, 40' and 3 stories if within 40' of a U1 or U2 Designation
 Accessory Building (max) 20' 2 stories
 Building Coverage (max) 60%

Apartment House
 3 Story Max
 60' W sk. Max
 # of Dwellings: Min 3, Max 4



SITE PLAN 1/8" = 1'-0"

FOR REVIEW PURPOSES ONLY - NOT FOR CONSTRUCTION

SPALDING DESIGN GROUP LLC
 1000 Peach Street, Suite 100
 South Bend, IN 46617
 Phone: (574) 298-1111
 Fax: (574) 298-1112
 Email: info@spaldingdesign.com
 Website: www.spaldingdesign.com

SITE PLAN

SPALDING DESIGN GROUP LLC

Plan for Design
 Location: 734 N. Notre Dame Ave.
 South Bend, IN 46617

SPALDING DESIGN GROUP LLC

NO.	DATE	DESCRIPTION
1	10/11/17	PRELIMINARY
2	10/11/17	REVISED
3	10/11/17	REVISED
4	10/11/17	REVISED
5	10/11/17	REVISED
6	10/11/17	REVISED
7	10/11/17	REVISED
8	10/11/17	REVISED
9	10/11/17	REVISED
10	10/11/17	REVISED

42-24



City of South Bend
PLAN COMMISSION

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

August 20, 2024

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

RE: 829 S 27th Street – PC#0222-24

Dear Committee Chair Davis:

Enclosed is an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your August 26, 2024, Council meeting, and set it for public hearing at your September 23, 2024, Council meeting. The petition is tentatively scheduled for public hearing at the September 16, 2024. South Bend Plan Commission meeting. The recommendation of the South Bend Plan Commission will be forwarded to the Office of the City Clerk by noon on the day following the public hearing.

The petitioner provided the following to describe the proposed project:

Petitioner desires to rezone from U1 Urban Neighborhood 1 to U2 Urban Neighborhood 2

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

Sincerely,

Kari Myers
Zoning Specialist

CC: Bob Palmer

Filed in Clerk's Office

AUG 21 2024

Bianca Tirado
City Clerk, South Bend, IN

Tim Corcoran
Planning Director

Tim Corcoran
Interim Zoning Administrator

Scott Ford
Commission President

BILL NO. 42-24

AUG 21 2024

ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED
829 SOUTH 27TH STREET COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF
SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Petitioner desires to rezone from U1 Urban Neighborhood 1 to U2 Urban
Neighborhood 2

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

SECTION I. Ordinance No. 10689-19, which ordinance is commonly known as the
Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby amended in order
that the zoning classification of the following described real estate in the City of South Bend, St.
Joseph County, State of Indiana:

LOT 144 OF BERNERS GROVE 1ST ADDITION TO THE CITY OF SOUTH BEND
COMMONLY KNOWN AS 829 SOUTH 27TH STREET

be and the same is hereby established as U2 Urban Neighborhood 2

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

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

Sharon McBride, Council President

South Bend Common Council

Attest:

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

Petition for Rezoning or Combined Public Hearing

Property Information

Tax Key Number 018-6065-2226
Address: 829 S 27th St, South Bend, IN, 46615
Owner: Two Brother Real Estate Investments LLP
Legal Description:
Lot 144 Berners Grove 1st

Project Summary

Rezone to triplex

Requested Action

Application includes (check all that apply)

- Rezoning
Current District: U1 Urban Neighborhood 1 Additional Districts, if applicable
Proposed District: ~~S2 Suburban Neighborhood 2~~ ^{U2 Urban Neighborhood 2} Additional Districts, if applicable
The Plan Commission and Council will consider the following in the review of a rezoning petition:
 - (1) The comprehensive Plan;
 - (2) Current conditions and the character of the current structures and uses in each district;
 - (3) The most desirable use for which the land in each district is adapted;
 - (4) The conservation of property values throughout the jurisdiction; and
 - (5) Responsible development and growth.

- Subdivision – complete and attach subdivision application
- Special Exception – complete and attach Criteria for Decision Making
Use requested: _____
- Variance(s) - List variances below, complete and attach Criteria for Decision Making
Variance(s) requested:

Required Documents

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

Contact information

Property owner(s) of the petition site:

Name: Two Brothers Real Estate Investments LLP

Address: 1251 N Eddy St, Suite 200, South Bend, IN, 46617

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Stephen Fryer

Address: 1251 N Eddy St, Suite 200, South Bend, IN, 46617

Phone Number: 574-397-0466

E-mail: a2zstephen.fryer@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:

Stephen Fryer

43-24



City of South Bend
PLAN COMMISSION

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

August 20, 2024

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

RE: 5614 Main Street – PC#0221-24

Filed in Clerk's Office

AUG 21 2024

Bianca Tirado
City Clerk, South Bend, IN

Dear Committee Chair Davis:

Enclosed is an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your August 26, 2024, Council meeting, and set it for public hearing at your September 23, 2024, Council meeting. The petition is tentatively scheduled for public hearing at the September 16, 2024, South Bend Plan Commission meeting. The recommendation of the South Bend Plan Commission will be forwarded to the Office of the City Clerk by noon on the day following the public hearing.

The petitioner provided the following to describe the proposed project:

Petitioner desires to rezone from S1 Suburban Neighborhood 1 to S2 Suburban Neighborhood 2

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

Sincerely,

Kari Myers
Zoning Specialist

CC: Bob Palmer

Tim Corcoran
Planning Director

Tim Corcoran
Interim Zoning Administrator

Scott Ford
Commission President

AUG 21 2024

Bianca Tirado
City Clerk, South Bend, IN

BILL NO. 43-24

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 5614 MAIN STREET COUNCILMANIC DISTRICT NO. 5 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioner desires to rezone from S1 Suburban Neighborhood 1 to S2 Suburban Neighborhood 2

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

SECTION I. Ordinance No. 10689-19, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby amended in order that the zoning classification of the following described real estate in the City of South Bend, St. Joseph County, State of Indiana:

A part of the South fraction of the North Half, South of the Old Indiana Boundary Line, of Section Number Thirty-six (36), Township Number Thirty-seven (37) North, Range Number Two (2) East, described as follows, viz: Beginning on the West line of the Michigan Road (also known as U.S. Highway No. 31) at a point 118.2 feet Northerly (as measured along the West line of said Michigan Road) from the intersection of said West line with the East and West center line of said Section No. 36; running thence West 155.91 feet to the place of beginning for this description; running thence West 156.40 feet to the East line of Main Street; thence North 100 feet along the East line of Main Street; thence East 160.01 feet; thence Southerly 100.1 feet to the place of beginning and being known as Lot Numbered Thirty-seven (37) in the unrecorded Plat of Dixie Gardens Ritter's Second Plat in Center Township.

be and the same is hereby established as S2 Suburban Neighborhood 2

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

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

Sharon McBride, Council President
South Bend Common Council

Attest:

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
PLAN COMMISSION

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

Petition for Rezoning or Combined Public Hearing

Property Information

Tax Key Number: 71-08-36-152-003.000-002

Address: 5614 S Main Street, South Bend 46614

Owner: Twisted Metal Atlanta LLC

Legal Description:

100' E Side Main StBeg 118.2' N & 155.91'W Mich Rd & E & W C LnSec 36-37-2e Lot 37
Ritters00-01 Annexed Fr 01 Per Ord 8938-98

Project Summary

Requesting a Rezone from S1 to S2 to fit the current use of the residence as there are 3 electric meters and 3 individual units within the home. The units are dated as well proving they have been like that for a very long period of time.

Requested Action

Application includes (check all that apply)

Rezoning

Current District: Choose the current district

Additional Districts, if applicable

Proposed District Choose the proposed district

Additional Districts, if applicable

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

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

Subdivision – complete and attach subdivision application

Special Exception – complete and attach Criteria for Decision Making

Use requested: _____

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

Variance(s) requested: _____

Required Documents

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

Contact information

Property owner(s) of the petition site:

Name: ERIC HALVERSON _____

Address: 5614 S Main St South Bend, IN 46614 _____

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: ERIC HALVERSON _____

Address: 13860 Hopewell Road Milton GA 30004 _____

Phone Number: 912-222-0583 _____

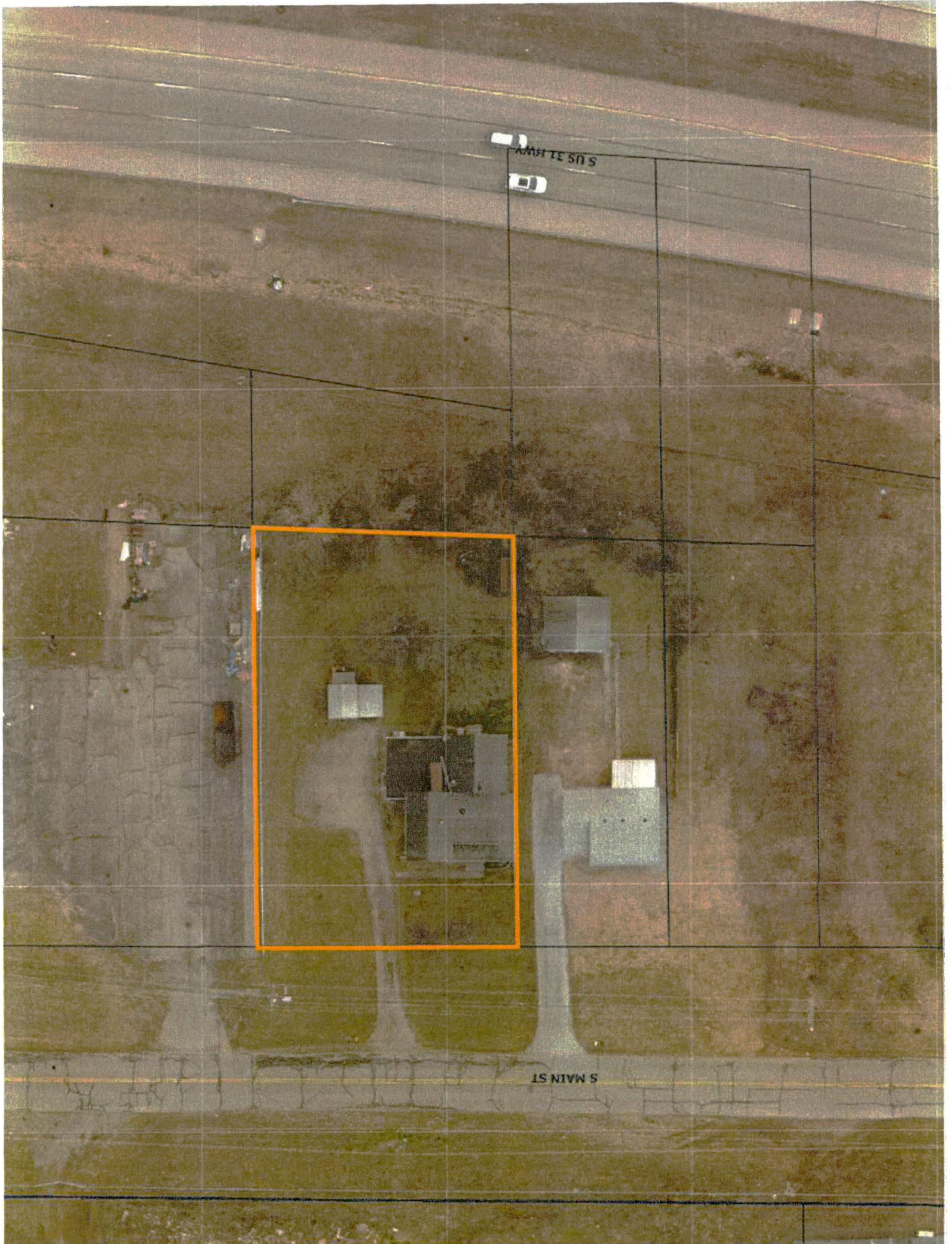
E-mail: Eric@lanternrealestategroup.com _____

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:

DocuSigned by:
ERIC HALVERSON



44-24



City of South Bend
PLAN COMMISSION

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

August 20, 2024

Honorable Committee Chair Dr. Oliver Davis
4th Floor, County-City Building
South Bend, IN 46601

RE: 25471, 25481, 25491 Cleveland Rd – PC#0224-24

Dear Committee Chair Dr. Davis:

Enclosed is an Ordinance for the proposed Annexation and Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your August 26, 2024, Council meeting and set it for second reading on October 28, 2024, and third reading on November 12, 2024, Council meetings. The petition is tentatively scheduled for public hearing at the September 16, 2024, South Bend Plan Commission meeting. The recommendation of the South Bend Plan Commission will be forwarded to the Office of the City Clerk by noon on the day following the public hearing.

The petitioner provided the following to describe the proposed project:

Petitioners desire to annex and rezone 25471, 25481, and 25491 Cleveland Road from R Single Family District in Unincorporated St. Joseph County to I Industrial

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

Sincerely,

Kari Myers
Zoning Specialist

CC: Bob Palmer

Filed in Clerk's Office

AUG 21 2024

Bianca Tirado
City Clerk, South Bend, IN

Tim Corcoran
Planning Director

Tim Corcoran
Interim Zoning Administrator

Scott Ford
Commission President

BILL NO. 44-24

AUG 21 2024

ORDINANCE NO. _____

Bianca Tirado
City Clerk, South Bend, IN

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, AND AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 25471, 25481, AND 25491 CLEVELAND ROAD, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to annex and rezone 25471, 25481, and 25491 Cleveland Road from R Single Family District in Unincorporated St. Joseph County to I Industrial in the City of South Bend

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

SECTION I. That the following described real estate is situated in St. Joseph County, Indiana, being contiguous by more than one-eighth (1/8) of its aggregate external boundaries with the present boundaries of the City of South Bend, Indiana, shall be and hereby is annexed to and brought within the City of South Bend:

THAT PART OF THE SOUTH HALF OF SECTION 24 AND THE NORTH HALF OF SECTION 25, BOTH IN TOWNSHIP 38 NORTH, RANGE 1 EAST, WARREN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, WHICH IS MORE PARTICULARLY DESCRIBED AS: NORTHWEST CORNER OF A PARCEL OF GROUND DESCRIBED IN DEED DOCUMENT NUMBER 9349703 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE; THENCE EAST (ALL BEARINGS ASSUMED) ALONG THE NORTH LINE OF SAID PARCEL AND THE EXISTING CITY OF SOUTH BEND MUNICIPAL CORPORATE LIMIT LINE, A DISTANCE OF 706.79 FEET MORE OR LESS TO THE NORTHEAST CORNER OF A PARCEL OF GROUND DESCRIBED IN SAID DEED DOCUMENT; THENCE SOUTH ALONG THE EAST LINE OF SAID PARCEL AND ITS SOUTHERLY EXTENSION, A DISTANCE OF 1356.5 FEET MORE OR LESS TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF CLEVELAND ROAD; THENCE WEST ALONG SAID SOUTH LINE, A DISTANCE OF 727.2 FEET MORE OR LESS TO THE INTERSECTION OF THE SOUTH LINE OF SAID CLEVELAND ROAD WITH THE WEST RIGHT-OF-WAY LINE OF POPPY ROAD; THENCE NORTH, A DISTANCE OF 80 FEET MORE OR LESS TO THE NORTH RIGHT-OF-WAY LINE OF SAID CLEVELAND ROAD; THENCE EAST ALONG SAID NORTH LINE, A DISTANCE OF 40 FEET MORE OR LESS,

TO A POINT ON THE WEST LINE OF SAID PARCEL; THENCE NORTH ALONG THE WEST LINE OF SAID PARCEL, A DISTANCE OF 1297 FEET MORE OR LESS TO THE POINT OF BEGINNING. CONTAINING 21.83 ACRES MORE OR LESS. SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.

SECTION II. That the boundaries of the City of South Bend, Indiana, shall be and are hereby declared to be extended so as to include the real estate of the above-described parcel as part of the City of South bend, Indiana.

SECTION III. Ordinance No. 10689-19, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby amended in order that the zoning classification of the above described real estate, with the exception of all adjacent rights-of-way, in the City of South Bend, St. Joseph County, State of Indiana be and the same is hereby established as I Industrial District.

SECTION IV. This Ordinance shall be in full force and effect 30 days from and after its passage by the Common Council, approval by the Mayor, and legal publication.

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 Petition for Annexation and Rezoning or Combined Public Hearing

Property Information

Tax Key Number: 021, 1036--0590, 021-1036-059003, 021-1036-059005, 021-1036-059006

Property Address: 25471, 25481, and 25491 Cleveland,

Property Owner: John Joseph Sims; Heirs of Leo Sims, Pasqua DiPinta Sims, and Pasqua Sims - Mary Ann Montgomery, Teress Ferency, Rosemary Hoffman, Johanna Rymer

Legal Description of Annexation Area: (include any adjacent rights of way not already in the City)

THAT PART OF THE SOUTH HALF OF SECTION 24 AND THE NORTH HALF OF SECTION 25, BOTH IN TOWNSHIP 38 NORTH, RANGE 1 EAST, WARREN TOWNSHIP, ST. JOSEPH COUNTY, INDIANA, WHICH IS MORE PARTICULARLY DESCRIBED AS: NORTHWEST CORNER OF A PARCEL OF GROUND DESCRIBED IN DEED DOCUMENT NUMBER 9349703 IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE; THENCE EAST (ALL BEARINGS ASSUMED) ALONG THE NORTH LINE OF SAID PARCEL AND THE EXISTING CITY OF SOUTH BEND MUNICIPAL CORPORATE LIMIT LINE A DISTANCE OF 700.70 FEET MORE

Project Summary

The petitioner seeks to rezone the property to allow for the offices of HRP Construction, a sewer, watermain and treatment facilities contractor for municipal, commercial, and industrial customers in northern Indiana.

Rezoning

County Zoning Map at: <https://www.sjcindiana.com/996/Zoning-Map>

City Zoning Map at: <https://southbendin.gov/zoning>

Current Zoning District (County): R Single Family District

Select One

Additional Districts, if applicable

Proposed Zoning District (City): I Industrial

Select One

Additional Districts, if applicable

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

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

Additional Requested Actions (check all that apply and include additional required documentation)

- Subdivision** - complete and attach Subdivision Application
- Special Exception** - complete and attach Criteria for Decision Making
- Variance(s)** - list variances below, complete and attach Criteria for Decision Making

- 1) From the required hard surface for outdoor storage to aggregate
- 2) From the required Type 3 Buffer to existing vegetation on the East and a 6' - 8' earthen berm plus existing vegetation on the West.

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:

The proposed variances would not be injurious to the public health, safety, or general welfare of the community. The requested variances allow for the retention of mature trees, which are better for the environment and general welfare of the community. The proposed aggregate area is relatively small and setback a significant distance from the road.

(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:

The use and value of adjacent property should not be adversely affected. The proposed use is essentially an office. The proposed landscaping variance will ultimately exceed that of what is required by the Ordinance. The location of the outdoor storage area with aggregate surface is on the east side of the property away from any residential uses.

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

Strict application of the Ordinance would require removing existing mature trees in order to replace them with evergreen trees starting at 6' in height. It would also require the pavement of the entire outdoor storage area, which would increase the impervious surface, which is ultimately detrimental to the environment and would increase required area on site be devoted to drainage.

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

The proposed variances are the minimum necessary to ensure a well buffered area adjacent to a low-intensity use. The proposed development would still included hard surfaced parking and drives. The area proposed for aggregate is where the large equipment would be stored. Because of the type of equipment being stored, frequent resurfacing would be needed.

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

The proposed development is trying to retain as much of a the natural landscape as possible. The Ordinance does not anticipate this type of office (a suburban style office with an area for parking equipment), which is not a result of an action by the owner or petitioner. The variances requests are specific to this user, but with the intention of preserving as much mature vegetation as possible and minimizing paving on the site.

Contact information

Property owner(s) of the petition site:

Name: John Joseph Sims
Address: 51109 Broken Wood Ct.
Granger, IN 46530

Name: Heirs and/or Devisees of Leo A. Sims and Pasqua Di Pinto Sims, deceased
Address: 25471 and 25491 Cleveland Rd., South Bend, IN 46628

Name: MaryAnnMontgomery, TeresaFerency, RosemaryHoffman, Johanna Rhymer
Address: 25471 and 25491 Cleveland Rd.
South Bend, IN 46628

Contact Person:

Name: Danch, Harner & Associates; Attn: Angela Smith
Address: 1643 Commerce Drive
South Bend, IN 46628
Phone Number: 574-234-4003
E-mail: asmith@danchharner.com

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

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

Property Owner (s) Signatures:

x John Joseph Sims _____

Contact Information

Property owner(s) of the petition site:

Name: John Joseph Sims
Address: 51109 Broken Wood Ct.
Granger, IN 46530

Name: Hairs and/or Devisees of Leo A. Sims and Pasqua Di Pinto Sims, deceased
Address: 25471 and 25491 Cleveland Rd., South Bend, IN 46628

Name: MaryAnnMontgomery, TeresaFerency, RosemaryHoffman, Johanna Rhymer
Address: 25471 and 25491 Cleveland Rd.
South Bend, IN 46628

Contact Person:

Name: Danch, Hamer & Associates; Attn: Angela Smith
Address: 1643 Commerce Drive
South Bend, IN 46628

Phone Number: 574-234-4003

E-mail: asmith@danchhamer.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:

Rosemary Hoffman _____

Contact Information

Property owner(s) of the petition site:

Name: John Joseph Sims

Address: 51109 Broken Wood Ct.
Granger, IN 46530

Name: Heirs and/or Devisees of Leo A. Sims and Pasqua Di Pinto Sims, deceased

Address: 25471 and 25491 Cleveland Rd., South Bend, IN 46628

Name: MaryAnnMontgomery, TeresaFerency, RosemaryHoffman, Johanna Rhymer

Address: 25471 and 25491 Cleveland Rd.
South Bend, IN 46628

Contact Person:

Name: Danch, Hamer & Associates; Attn: Angela Smith

Address: 1643 Commerce Drive
South Bend, IN 46628

Phone Number: 574-234-4003

E-mail: asmith@danchhamer.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:

Johanna Rhymer

Contact Information

Property owner(s) of the petition site:

Name: John Joseph Sims
Address: 51109 Broken Wood Ct.
Granger, IN 46530

Name: Heirs and/or Devisees of Leo A. Sims and Pasqua Di Pinto Sims, deceased
Address: 25471 and 25491 Cleveland Rd., South Bend, IN 46628

Name: MaryAnnMontgomery, TeresaFerency, RosemaryHoffman, Johanna Rhymer
Address: 25471 and 25491 Cleveland Rd.
South Bend, IN 46628

Contact Person:

Name: Danch, Harner & Associates; Attn: Angela Smith
Address: 1643 Commerce Drive
South Bend, IN 46628

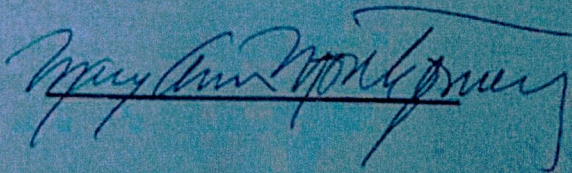
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The undersigned authorizes the contact person listed above to represent this petition before the South Bend Plan Commission and Common Council and to answer any and all questions related to this petition.

Property Owner (s) Signatures:

Teresa Ferency

Teresa Ferency 08/16/2024

Post of Stamp

MAIL ORDER TO:

MAIL, TAX, BILLS TO:

25471 Cleveland Rd
South Bend IN 46628

9349703

QUIT-CLAIM DEED

LEO A. SIMS and PASQUA DIPINTO SIMS
Husband and Wife
the Grantors

COMPONENT
OF REVENUE SERVICE
PROPERTY TAX
SECTION 106-1-1-10

AUDITOR'S RECORD

Transfer No. 11939

Taxing Unit Wanna

Date 12-2-93

Release and Quit-Claim to
Leo A. Sims, Pasqua Dipinto Sims, Mary Ann Montgomery, Teresa Ferency,
Rosemary Hoffman and Johanna Rhymer, joint tenants, full rights of
survivorship
The Grantees

for and in consideration of Ten Dollars (\$10.00) and other valuable consideration

the receipt of which is hereby acknowledged, Real Estate in St. Joseph County,
in the State of Indiana, described as follows:

Tax Key No. 21-1036-059003

A parcel of land located in the Southeast Quarter of Section 24, Township 38 North, Range 1 East, described as beginning at the Southwest corner of the Southeast Quarter of said Section 24; thence running North along the North and South Quarter Section line, 1337 feet; thence East along a hedge and tree line, 603 feet to an iron stake; thence South 991 feet; thence West 10 feet to an iron stake; thence South 338 feet to a railroad spike in the center of Cleveland Road; thence West along the center line of Cleveland Road to the place of beginning. EXCEPTING THEREFROM a tract or parcel of land consisting of Eleven (11) acres taken off of the entire West side thereof; ALSO, EXCEPTING THEREFROM a tract of land described as follows: Beginning at a point on the South line of said Section 24, 793 feet East of the Southwest corner of the Southeast Quarter of said Section 24; thence North 338 feet to an iron stake; thence East 10 feet to an iron stake; thence North 991 feet to a hedge and tree line; thence West 100 feet to an iron stake; thence South 1337 feet to the center line of Cleveland Road; thence East to the place of beginning.

DULY ENTERED FOR TAXATION

BEVERLY D. CRONE

AUDITOR

ST. JOSEPH CO INDIANA

Signed and dated on _____, 19__

State of Indiana, St. Joseph's County, IN.

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared:



and as witnesses of the foregoing deed on

December 1, 1993

Dana L. Erickson, Notary Public

Dana L. Erickson

My commission expires March 1995

Leo A. Sims

Leo A. Sims

Pasqua Dipinto Sims

Pasqua Dipinto Sims

FILE NO. _____

DATE _____

RECORDED _____

INDEXED _____

ALTA COMMITMENT FOR TITLE INSURANCE

issued by:



Fidelity National Title*
Insurance Company

Commitment Number:

792400195
Revision 1

NOTICE

IMPORTANT - READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, Fidelity National Title Insurance Company, a Florida corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Amount of Insurance and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within one hundred eighty (180) days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

Fidelity National Title Insurance Company

By:

Michael J. Nolan, President

Attest:

Marjorie Nemzura, Secretary

Countersigned By:

Edward W. Hardig, Jr.
Authorized Officer or Agent

Issued Date: July 3, 2024

This page is only a part of a 2021 ALTA® Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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FIDELITY NATIONAL TITLE INSURANCE COMPANY

Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e.:

<p>ISSUING OFFICE: Fidelity National Title Company, LLC 401 W. High Street Elkhart, IN 46516 Main Phone: (574)293-2341</p>	<p>FOR SETTLEMENT INQUIRIES, CONTACT: Fidelity National Title Company, LLC 401 W. High Street Elkhart, IN 46516 Main Phone: (574)293-2341 Main Fax: (574)674-7231</p>
--	---

Order Number: 792400195

Property Address: 25471 Cleveland Road, South Bend, IN 46628
25491 W. Cleveland Rd., South Bend, IN 46628
Cleveland Rd, South Bend, IN 46628
25471 Cleveland Road, South Bend, IN 46628

SCHEDULE A

1. Commitment Date: June 22, 2024 at 08:00 AM
2. Policy to be issued:
 - (a) ALTA Owner's Policy 2021
 - Proposed Insured: Blueprint, LLC or its assigns
 - Proposed Amount of Insurance: \$875,000.00
 - The estate or interest to be insured: Fee Simple
 - (b) ALTA Loan Policy 2021
 - Proposed Insured: Lender with contractual obligations under a loan agreement with the proposed insured owner identified in Item 2 above
 - Proposed Amount of Insurance: \$100,000.00
 - The estate or interest to be insured: Fee Simple
3. The estate or interest in the Land at the Commitment Date is:
 - Fee Simple
4. The Title is, at the Commitment Date, vested in:
 - Heirs and/or Devisees of Pasqua DiPinto Sims aka Pasqua Sims, deceased, as to Parcels 1 and 4
 - Heirs and/or Devisees of Leo A. Sims, deceased, Heirs and/or Devisees of Pasqua Di Pinto Sims, deceased, Mary Ann Montgomery, Teresa Ferency, Rosemary Hoffman and Johanna Rhymer, joint tenants, full rights of survivorship, as to Parcel 2
 - John Joseph Sims, as to Parcel 3
5. The Land is described as follows:
 - SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

END OF SCHEDULE A

This page is only a part of a 2021 ALTA® Commitment for Title Insurance issued by Fidelity National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

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