



CITY OF SOUTH BEND

BOARD OF PUBLIC WORKS

February 10, 2026

Ms. Sherry Akey
River Walk, LLC
314 West Catalpa Drive, Suite F
Mishawaka, IN 46545
Sherry@centurycustombuilders.com

RE: TIF Project Purchase Waiver

Dear Ms. Akey:

At its February 10, 2026 meeting, the Board of Public Works approved the above referenced agreement for the purchase of building materials for The Pointe at Riverwalk, Project No. 124-069.

Please find enclosed the agreement and keep a copy for your records.

If you have any further questions, please call this office at (574) 235-9251.

Sincerely,

/s/ Hillary Horvath

Hillary Horvath, Clerk

WAIVER AND INDEMNIFICATION AGREEMENT

This Waiver and Indemnification Agreement (“Agreement”) is made and entered into as of the 28th day of January, 2025, by and between the City of South Bend, Indiana, by and through its Board of Public Works (hereinafter, referred to as the “City”), and Riverwalk, LLC, (hereinafter, “Owner”) (each a “Party,” and collectively, the “Parties”).

RECITALS

WHEREAS, pursuant to I.C. 36-1-12, the Board of Public Works serves as the contracting agency for the City.

WHEREAS, the Department of Redevelopment entered into a certain Development Agreement, as amended, made effective as of August 2022, 2024 (“Agreement”) with Owner whereby obligating the City to purchase certain Local Public Improvements as defined in the Agreement for the benefit of Owner’s property development.

WHEREAS, these Local Public Improvements purchased by the City include certain building materials as specified in writing by Owner.

WHEREAS, the Owner acknowledges that the City is purchasing the Local Public Improvements as identified and selected by Owner and with the full approval of Owner.

WHEREAS, the Owner acknowledges that it is solely responsible for the proper care and installation of the Local Public Improvements purchased by the City.

NOW, THEREFORE, in consideration of the mutual covenants set forth in this Agreement, the Parties agree as follows:

1. Waiver of Claims

To the fullest extent permitted by law, Owner hereby waives, releases, and discharges the City from any and all claims, demands, causes of action, damages, or liabilities of any kind, whether known or unknown, arising out of or related to the delivery or the installation of the Local Public Improvements purchased by the City pursuant to the Agreement.

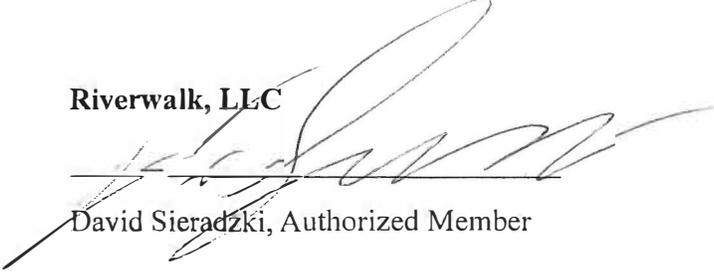
2. Indemnification

Owner agrees to defend, indemnify, and hold harmless the City, its employees, agents, and contractors from and against any and all claims, losses, liabilities, damages, costs, and expenses (including reasonable attorney’s fees) arising from the installation of any items purchased by the City for Owner pursuant to the Agreement.

3. Governing Law

This Agreement shall be governed by and interpreted in accordance with the laws of the State of Indiana.

Riverwalk, LLC



David Sieradzki, Authorized Member

**CITY OF SOUTH BEND, INDIANA
BOARD OF PUBLIC WORKS**



Elizabeth A. Maradik, President



Joseph R. Molnar, Vice President



Murray L. Miller, Member



Breana M. Micou, Member



Abigail E. Magas, Member

Attest:



Hillary R. Horvath, Clerk

Date:

February 10, 2026

**BOARD OF PUBLIC WORKS
AGENDA ITEM REVIEW REQUEST FORM**

Date: 1/29/2026
 Name: Gemma Stanton Department of Public Works – Engineering Division
 BPW Date: 2/10/2026 Phone Extension: 9083

Required Prior to Submittal to Board

BPW Attorney _____ Attorney Name _____
 Dept. Attorney Attorney Name _____
 Purchasing _____

Check the Appropriate Item Type – Required for All Submissions

- | | | |
|--|--|---|
| <input type="checkbox"/> Professional Services Agreement | <input type="checkbox"/> Contract | <input type="checkbox"/> Proposal |
| <input type="checkbox"/> Open Market Contract | <input type="checkbox"/> Amendment/Addendum | <input type="checkbox"/> Special Purchase, QPA |
| <input type="checkbox"/> Bid Opening | <input type="checkbox"/> Bid Award | <input type="checkbox"/> Req. to Advertise <input type="checkbox"/> Title Sheet |
| <input type="checkbox"/> Quote Opening | <input type="checkbox"/> Quote Award | <input type="checkbox"/> Reject Bids/Quotes |
| <input type="checkbox"/> Proposal Opening | <input type="checkbox"/> C/O & PCA No. _____ | <input type="checkbox"/> PCA |
| <input type="checkbox"/> Chg. Order, No. _____ | <input type="checkbox"/> Traffic Control | <input type="checkbox"/> Resolution |
| <input checked="" type="checkbox"/> Other: TIF Project Purchase | | <input type="checkbox"/> Ease./Encroach |

Waiver

Required Information

Company or Vendor Name River Walk, LLC
 New Vendor Yes If Yes, Approved by Purchasing
 No
 MBE/WBE Contractor MBE Yes No
 WBE **Completed E-Verify Form Attached**
 Project Name The Pointe at Riverwalk – TIF Investment
 Project Number 124-069
 Funding Source n/a
 Account No. n/a
 Amount _____
 Terms of Contract _____
 Purpose/Description Waiver and indemnification agreement for purchase of building materials

For Change Orders Only

Amount of Increase \$ _____
 Decrease (\$ _____)
 Previous Amount \$ _____
 Current Percent of Change: Increase _____ %
 Decrease (_____ %)
 New Amount \$ _____
 Total Percent of Change: Increase _____ %
 Decrease (_____ %)
 Time Extension Amount: _____
 New Completion Date: _____