



Department of
Community Investment

Memorandum

May 28, 2015

TO: Redevelopment Commission
FROM: David Relos, Economic Resources *DR*
SUBJECT: Resolution No. 3292

Accepting Property and Lease Assignment from the Board of Public Works

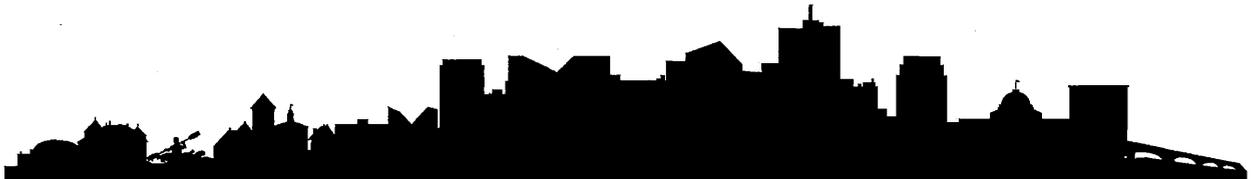
In 2012 the Commission completed the acquisition of the downtown Gates properties. At that time, three parcels were not on the acquisition list, so those parcels were transferred by GMS Realty to the Board of Public Works (BPW).

Subsequently the Commission approved Confirming Resolution No. 3036, adding these parcels to the acquisition list. So all development parcels are under Commission ownership, it is necessary to transfer these three parcels from BPW to the Commission.

Additionally, at the time these parcels were transferred to BPW, an assignment of lease was executed, assigning the existing lease from GMS to BPW. Upon transfer of these parcels to the Commission, it is necessary to assign the lease from BPW to the Commission.

On May 26, a resolution will be presented to BPW to authorize the transfer of these parcels to the Commission. Once both bodies approve their respective resolutions, deeds will be prepared to complete the transfer.

Staff requests approval of Resolution No. 3292, to accept the transfer of these parcels and lease from BPW.



RESOLUTION NO. 3292

**A RESOLUTION OF THE SOUTH BEND
REDEVELOPMENT COMMISSION
ACCEPTING THE TRANSFER OF REAL PROPERTY FROM
THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND**

WHEREAS, the City of South Bend, Indiana, Board of Public Works (the “Board”) has custody of and may maintain all real property owned by the City of South Bend, Indiana (the “City”) pursuant to I.C. 36-9-6-3; and

WHEREAS, pursuant to I.C. 36-1-11-8, the City, acting by and through the Board, may transfer or exchange property with another governmental entity upon terms and conditions agreed upon by the two entities as evidenced by the adoption of substantially identical resolutions of each entity; and

WHEREAS, the South Bend Redevelopment Commission (the “Commission”), the governing body of the South Bend, Indiana, Department of Redevelopment (the “Department”) and of the Redevelopment District of the City of South Bend, Indiana (the “Redevelopment District”), exists and operates under the provisions of I.C. 36-7-14 (the “Act”), as amended from time to time and is a body corporate and politic; and

WHEREAS, the City, acting by and through the Board, accepted from GMS Realty, Inc. through the adoption of Resolution No. 06-2012 three parcels of real estate located in the River West Development Area (the “RWDA”) and more particularly described in Exhibit A (the “Property”), and

WHEREAS, the Department, by and through the Commission, has presented to the Board, a request for the transfer of the Property; and

WHEREAS, the request provides that the Board will transfer the Property to the Department to facilitate its redevelopment efforts in the RWDA; and

WHEREAS, the City, by and through the Board, now wishes to transfer the Property to the Department; and

WHEREAS, the Department desires to accept transfer of the Property from the City for redevelopment efforts in the RWDA, and to authorize the staff of the Department to accept a quit claim deed effecting the transfer of the Property and cause it to be presented for recording; and

WHEREAS, in connection with the City’s transfer of ownership of the Property to the Department, the Department desires to assume a certain lease by and between the Board, as lessor and assignee of G.M.S. Realty, Inc., and Gates Automotive Corp., as lessee, dated August 1, 2008 (the “Lease”), which affects the Property; and

WHEREAS, it is contemplated that the Board will adopt a resolution consistent with the

requirements of I.C. 36-1-11-8 concerning the transfer of the Property to the Department.

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

1. The transfer of the Property, and all the City's interests therein, described in Exhibit A situated in St. Joseph County, Indiana, by the City of South Bend, Indiana, acting by and through its Board of Public Works, to the South Bend Redevelopment Commission, for and on behalf of the City of South Bend, Department of Redevelopment, shall be, and hereby is, authorized and approved.

2. The staff of the Department of Redevelopment shall be, and hereby are, authorized to accept and cause to be recorded with the St. Joseph County Recorder's Office a quit claim deed transferring the Property.

3. The assumption of the Lease is hereby approved, and the officers of the Commission are authorized to execute the Assignment and Assumption of Commercial Lease attached hereto as Exhibit B.

4. This Resolution shall be in full force and effect upon its adoption and upon the adoption of a corresponding resolution of the Board.

ADOPTED at a meeting of the South Bend Redevelopment Commission held on May 28, 2015, at 227 West Jefferson Boulevard, Room 1308, South Bend, Indiana 46601.

**CITY OF SOUTH BEND,
DEPARTMENT OF REDEVELOPMENT**

Signature

Printed Name and Title

South Bend Redevelopment Commission

ATTEST:

Signature

Printed Name and Title

South Bend Redevelopment Commission

4000.0000065 6346863.002

EXHIBIT A

Description of Property

Parcel Key Numbers:

018-3008-0265

018-3008-0266

018-3008-0267

EXHIBIT B

Assignment and Assumption of Commercial Lease

ASSIGNMENT AND ASSUMPTION OF COMMERCIAL LEASE

The City of South Bend, Indiana, by and through its Board of Public Works (the "Board"), does hereby assign, set over and convey to the South Bend Redevelopment Commission, the governing body of the City of South Bend, Department of Redevelopment (the "Commission"), and its successors and assigns, all of its right title and interest in and under that certain Commercial Lease by and between the Board, as lessor and assignee of G.M.S. Realty, Inc., and Gates Automotive Corp., as lessee, dated August 1, 2008 (the "Lease"), together with all rights and obligations specified in the Lease. The Commission hereby assumes and agrees to be bound by the Lease.

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

**SOUTH BEND REDEVELOPMENT
COMMISSION**

Gary Gilot, President

Marcia I. Jones, President

Kathryn Roos, Member

ATTEST:

David Relos, Member

Donald E. Inks, Secretary

Elizabeth Maradik, Member

Dated: May 28, 2015

Brian Pawlowski, Member

ATTEST:

Linda Martin, Clerk

Dated: June 9, 2015