

RESOLUTION NO. 3317

**A RESOLUTION OF THE SOUTH BEND REDEVELOPMENT COMMISSION
REGARDING THE CONVEYANCE OF CERTAIN REAL PROPERTY TO THE CITY
OF SOUTH BEND BUILDING CORPORATION FOR EASEMENT AGREEMENTS
WITH STUDEBAKER BUILDING 84 LLC AND MILLENNIUM PARCEL LLC**

WHEREAS, the South Bend Redevelopment Commission (the “Commission”), governing body of the South Bend Department of Redevelopment, exists and operates under the provisions of I.C. 36-7-14, as amended (the “Act”); and

WHEREAS, the City of South Bend Building Corporation (the “Corporation”) owns certain real property located in the City of South Bend, Indiana (the “City”), commonly known as the Public Works Service Center, with a mailing address of 731 S. Lafayette Blvd. (the “Corporation Property”); and

WHEREAS, the Commission is engaged in assisting and facilitating the redevelopment of the former industrial sites in the vicinity of the Corporation Property, including the real property commonly known as the Ivy Tower complex (“Building 84”) and the real property commonly known as the Millennium Environmental property (the “Millennium Site”); and

WHEREAS, Studebaker Building 84 LLC, as the owner of Building 84 and the successor-in-interest of Ivy Tower Corporation, and the Corporation, as the owner of the Corporation Property and the successor-in-interest of the City of South Bend, are parties to the Reciprocal Easement Agreement & License In Land dated August 28, 2000, and recorded on September 1, 2000, as Document No. 0042016 in the Office of the Recorder of St. Joseph County, Indiana (the “2000 Easement Agreement”); and

WHEREAS, the 2000 Easement Agreement provides certain reciprocal easements for access to and around the Corporation Property and Building 84, respectively; and

WHEREAS, on April 23, 2012, the City’s Common Council adopted Ordinance No. 10157-12 (the “Vacation Ordinance”), which vacated the public right-of-way adjacent to the Corporation Property commonly known as United Drive (or Prairie Avenue) and provides that “[t]he purpose of the vacation of the real property is to create and further development opportunities on the former Millennium Environmental site and the Ivy Tower complex”; and

WHEREAS, as a consequence of the vacation of United Drive under the Vacation Ordinance, the Commission owns a portion of vacated United Drive abutting the Millennium Site; and

WHEREAS, on October 29, 2015, the Commission entered into an Agreement for Sale of Land for Private Development (the “Purchase Agreement”) with Millennium Parcel LLC, an affiliate of Studebaker Building 84 LLC, under which Millennium Parcel LLC will purchase the Millennium Site from the Commission for redevelopment purposes; and

WHEREAS, in connection with the Purchase Agreement and to facilitate the continuing rehabilitation and redevelopment efforts of Studebaker Building 84 LLC and Millennium Parcel LLC, on November 5, 2015, the Corporation adopted Resolution No. 2015-02 and agreed (1) to accept from the Commission a quit claim deed conveying the Commission's interest in the portion of vacated United Drive abutting the Corporation Property between Scott Street and the northern property line of the Corporation Property (the "Easement Area"), (2) to amend the 2000 Easement Agreement, and (3) to enter into additional easement agreements with Studebaker Building 84 LLC and Millennium Parcel LLC, respectively, providing for the installation of utilities beneath and for access across certain portions of vacated United Drive (the "New Easement Agreements"); and

WHEREAS, to enable the Corporation to enter into the New Easement Agreements with Studebaker Building 84 LLC and Millennium Parcel LLC affecting vacated United Drive, the Corporation desires to acquire from the Commission all of the Commission's interest in the Easement Area; and

WHEREAS, the Commission approves the Corporation's actions under Resolution No. 2015-02 and desires to convey its interest in the Easement Area to the Corporation so that the Corporation may put the New Easement Agreements into effect in accordance with the terms of Resolution No. 2015-02.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SOUTH BEND BUILDING CORPORATION AS FOLLOWS:

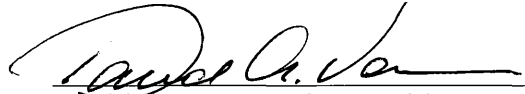
1. The Commission hereby approves, and will execute simultaneously with this Resolution, the quit claim deed attached hereto as **Exhibit A** (the "Quit Claim Deed") conveying its interest in the Easement Area to the Corporation for the purpose of the Corporation putting into effect the New Easement Agreements with Studebaker Building 84 LLC and Millennium Parcel LLC as contemplated in the Corporation's Resolution No. 2015-02.

2. The Commission hereby authorizes and instructs David Relos or Brock Zeeb, each of the City's Department of Community Investment, to deliver the executed Quit Claim Deed to an authorized representative of the Corporation and to take on behalf of the Commission all necessary administrative actions to accomplish the purposes of this Resolution, including all necessary administrative actions incidental to the closing of the Millennium Site transaction under the terms of the Purchase Agreement.


3. This Resolution will be in full force and effect upon its adoption by the Commission.

ADOPTED at a Regular Meeting of the South Bend Redevelopment Commission held on November 12, 2015, at 1308 County-City Building, 227 West Jefferson Boulevard, South Bend, Indiana 46601.

CITY OF SOUTH BEND,
DEPARTMENT OF REDEVELOPMENT, by and
through its governing body, the South Bend
Redevelopment Commission


David A. Varner, Vice President

ATTEST:


Donald E Inks, Secretary

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EXHIBIT A

Quit Claim Deed

[See attached.]

AUDITOR'S RECORD

TRANSFER NO. _____
TAXING UNIT _____
DATE _____
KEY NOS. _____

QUIT CLAIM DEED

THIS INDENTURE WITNESSETH THAT the Department of Redevelopment of the City of South Bend, by and through its governing body, the South Bend Redevelopment Commission, 1400 S. County-City Building, 227 W. Jefferson Boulevard, South Bend, Indiana (the "Grantor")

CONVEYS AND QUIT CLAIMS TO the City of South Bend Building Corporation, an Indiana non-profit corporation, 1400 S. County-City Building, 227 W. Jefferson Boulevard, South Bend, Indiana (the "Grantee") for and in consideration of one dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, the following real estate (the "Property"):

That part of the Southeast Quarter of Section 11, Township 37 North, Range 2 East, Portage Township, City of South Bend, St. Joseph County, Indiana which is described as: a 40 ft. wide Easement, 20 ft. either side of the following described Centerline: Beginning at the intersection of the Centerline of Vacated Prairie Avenue (A.K.A. United Drive) with the North line of the Plat of "Public Works Service Center Minor" subdivision as recorded by Document No. 0347708 in the Records of the St. Joseph County, Indiana Recorder's Office, being extended West to said Centerline; thence along said Centerline S. 29°-30'-57" W. a distance of 444 feet more or less to a point of intersection with the East right-of-way line of Scott Street and the point of termination.

Grantor hereby conveys the Property free and clear of all leases, licenses, or other interests, both legal and equitable, and all encumbrances of any kind or character, subject to all highways and rights of way of record.

Each undersigned person executing this Quit Claim Deed on behalf of the Grantor represents and certifies that he or she has been fully empowered and authorized to execute this Quit Claim Deed and that all action necessary to complete this conveyance on Grantor's behalf has been duly taken.

Dated this ____ day of _____, 2015.

GRANTOR:

South Bend Redevelopment Commission

Marcia I. Jones, President

ATTEST:

Donald E. Inks, Secretary

STATE OF INDIANA)
) SS:
ST. JOSEPH COUNTY)

Before me, the undersigned, a Notary Public for and in said County and State this ____ day of _____, 2015, personally appeared Marcia I. Jones and Donald E. Inks, to me known to be the President and Secretary, respectively, of the South Bend Redevelopment Commission, the Grantor, and acknowledged execution of the foregoing Quit Claim Deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

(SEAL)

Commission expires: _____

_____, Notary Public
Resident of _____ County, _____

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Benjamin J. Dougherty.

Prepared by Benjamin J. Dougherty, Assistant City Attorney, 1200 S. County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana 46601.

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