

**RESOLUTION NO. 199**

**A RESOLUTION OF THE SOUTH BEND REDEVELOPMENT AUTHORITY  
APPROVING THE TRANSFER OF CERTAIN INTERESTS IN REAL PROPERTY FOR  
USE IN CONNECTION WITH THE SMART STREETS PROJECT**

WHEREAS, the South Bend Redevelopment Authority (the “Authority”) exists and operates pursuant to I.C. 36-7-14.5 as a separate body corporate and politic and an instrumentality of the City of South Bend, Indiana (the “City”); and

WHEREAS, the Authority issued its Lease Rental Revenue Bonds of 2015 (\$25,000,000.00) for the construction of certain local public improvements in the City, including the completion of the City’s Smart Streets initiative (the “Smart Streets Project”); and

WHEREAS, in accordance with its purposes and powers under I.C. 36-7-14.5 and in furtherance of the Smart Streets Project, the Authority desires to convey to the City, acting by and through its Board of Public Works, title to certain real property owned by the Authority as described in the warranty deed attached hereto as Exhibit 1 (the “Warranty Deed”) and an easement over certain real property owned by the Authority as described in the temporary easement attached hereto as Exhibit 2 (the “Temporary Easement”); and

WHEREAS, the City’s Board of Public Works desires to acquire said real property interests and is expected to adopt an appropriate resolution pursuant to I.C. 36-1-11-8.

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

1. The Authority hereby approves, and will execute simultaneously with this Resolution, the Warranty Deed and the Temporary Easement in favor of the City for use in connection with the Smart Streets Project.
2. The Authority hereby authorizes and instructs David Relos or Aaron Kobb, each of the City’s Department of Community Investment, to deliver the Warranty Deed and the Temporary Easement to an authorized representative of the City’s Board of Public Works and to take on behalf of the Authority all necessary administrative actions to accomplish the purposes of this Resolution.
3. This Resolution will be in full force and effect upon its adoption by the Authority.

ADOPTED at a regular meeting of the South Bend Redevelopment Authority held on March 2, 2016, at 1308 County-City Building, 227 West Jefferson Boulevard, South Bend, Indiana 46601.

SOUTH BEND REDEVELOPMENT AUTHORITY

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Richard Klee, President

ATTEST:

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Anthony Fitts, Secretary-Treasurer

4000.0000039 57967011.001

**EXHIBIT 1**

**Form of Warranty Deed**

[See attached.]

Project: 115-019  
Parcel: 6 Fee Simple  
Tax ID: 71-08-12-108-004.000-026

**WARRANTY DEED**

**THIS INDENTURE WITNESSETH** that South Bend Redevelopment Authority, a separate body corporate and politic and an instrumentality of the City of South Bend, Indiana, 1400 S. County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana, the Grantor, conveys and warrants to the **CIVIL CITY OF SOUTH BEND FOR THE USE AND BENEFIT OF ITS BOARD OF PUBLIC WORKS**, the Grantee, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, certain Real Estate situated in the County of St. Joseph, State of Indiana, and being more particularly described in the legal description attached hereto as Exhibit "A" and depicted upon the Right-of-Way Parcel Plat attached hereto as Exhibit "B," both of which exhibits are incorporated herein by reference.

This conveyance is subject to any and all easements, conditions, and restrictions of record.

The Grantor hereby specifically acknowledges and agrees that the Real Estate conveyed herein is conveyed in fee simple and that no reversionary rights whatsoever shall remain with the Grantor, or any successors in title to the abutting lands of the Grantor, notwithstanding any subsequent abandonment, vacation, disuse, nonuse, change of use, conveyance, lease and/or transfer by the Grantee or its successors in title, of a portion or all of the said Real Estate or any right of way, roadway or roadway appurtenances established thereupon. This acknowledgement and agreement is a covenant running with the land and shall be binding upon the Grantor and all successors and assigns.

The undersigned Grantor executing this Warranty Deed represents and certifies that the Grantor is competent and fully empowered to execute and deliver this conveyance and in doing so is not violating any other agreement to which Grantor is a party; that the Grantor has full legal capacity to convey the real estate described and that all action necessary to complete this conveyance has been duly taken.

**IN WITNESS WHEREOF**, the said Grantor has executed this instrument this 2nd day of March, 2016.

**SOUTH BEND REDEVELOPMENT AUTHORITY**

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Richard Klee, President

ATTEST:

\_\_\_\_\_  
Anthony Fitts, Secretary-Treasurer

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

Before me, the undersigned, a Notary Public in and for said County and State, this 2nd day of March, 2016, personally appeared Richard Klee and Anthony Fitts, personally known to me as the President and Secretary-Treasurer, respectively, of the Grantor and acknowledged the execution of the foregoing Warranty Deed for and on behalf of the Grantor.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal.

(SEAL)

\_\_\_\_\_  
\_\_\_\_\_, Notary Public  
Resident of \_\_\_\_\_ County, \_\_\_\_\_

My commission expires:

\_\_\_\_\_

Interests in land acquired by the  
Civil City of South Bend for the use and benefit of its Board of Public Works  
Grantee mailing address:  
227 W. Jefferson Blvd. Suite 1300 N  
South Bend, IN 46601

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

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.

4000.0000039 56367927.001

**EXHIBIT "A"**

Project: 115-019  
Parcel: 6 Fee Simple  
Tax ID: 71-08-12-108-004.000-026  
Form: WD-1

Sheet 1 of 1

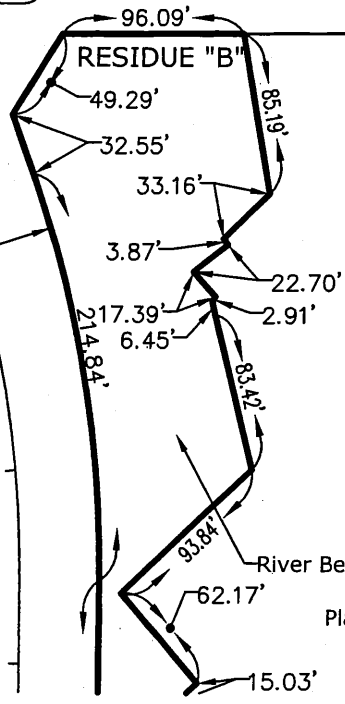
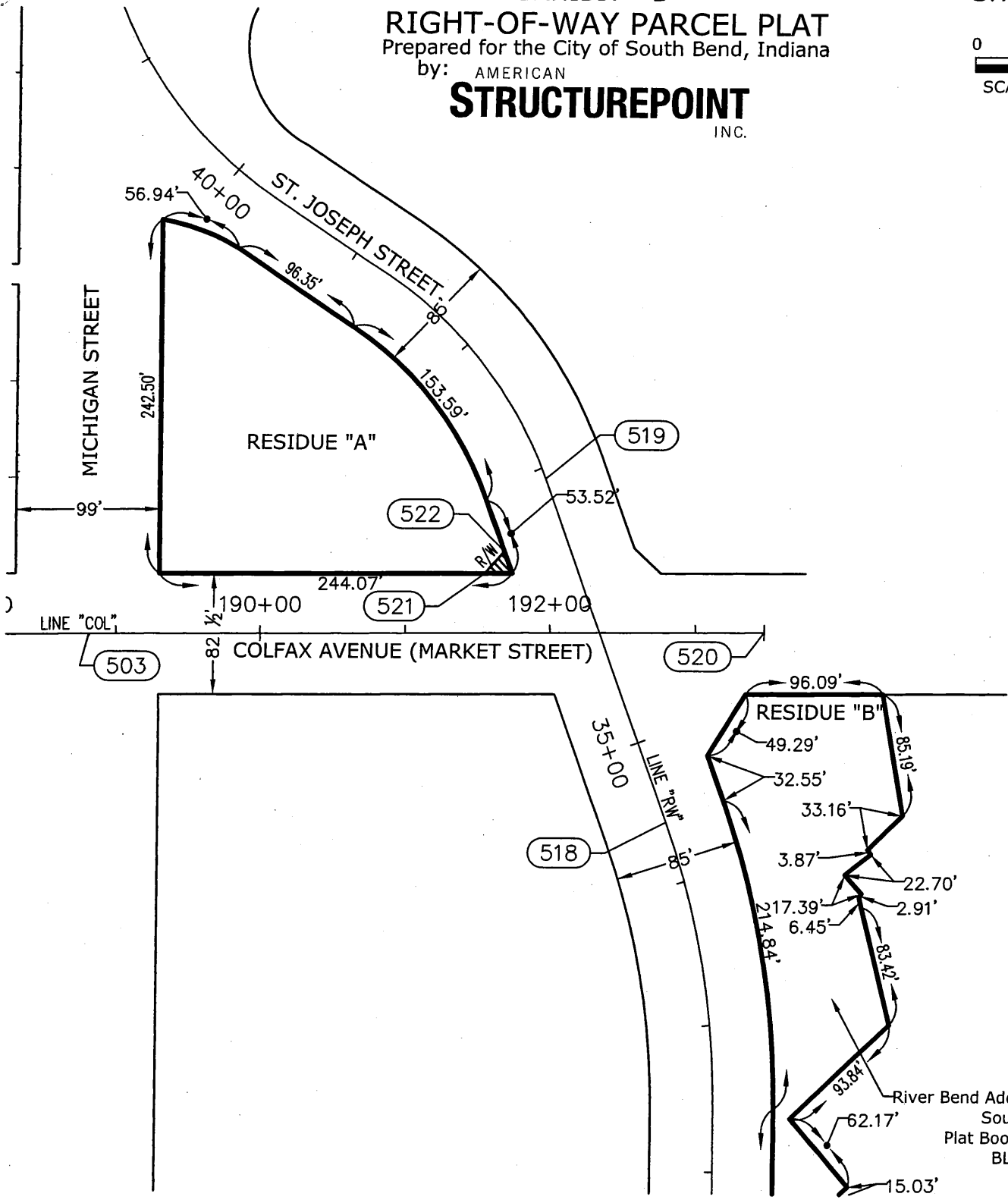
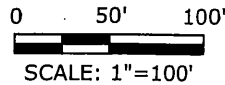
A part of the Northwest Quarter of Section 12, Township 37 North, Range 2 East, St. Joseph County, Indiana, and being that part of the grantor's land lying within the right-of-way lines depicted on the attached Right-of-Way Parcel Plat, marked Exhibit "B", described as follows: Beginning at the intersection of the north boundary of Colfax Avenue with the western boundary of St. Joseph Street; thence South 89 degrees 42 minutes 18 seconds West 18.63 feet along the boundary of said Colfax Avenue; thence North 40 degrees 47 minutes 56 seconds East 19.98 feet to a point on the western boundary of said St. Joseph Street, said point being North 20 degrees 22 minutes 11 seconds West 16.03 feet from the intersection of the north boundary of said Colfax Avenue with the western boundary of said St. Joseph Street; thence South 20 degrees 22 minutes 11 seconds East 16.03 feet along the boundary of said St. Joseph Street to the point of beginning and containing 140 square feet, more or less.

This description was prepared for the City of South Bend, Indiana by Jessica L. Stapleton, Registered Indiana Professional Surveyor, License Number LS20600032, on the 19<sup>th</sup> day of October, 2015.

*Jessica L. Stapleton*



EXHIBIT "B"  
**RIGHT-OF-WAY PARCEL PLAT**  
 Prepared for the City of South Bend, Indiana  
 by: AMERICAN  
**STRUCTUREPOINT**  
 INC.



River Bend Addition to the City of South Bend  
 Plat Book 31, page 7  
 BLOCK 6

 HATCHED AREA IS THE APPROXIMATE TAKING

OWNER: SOUTH BEND REDEVELOPMENT AUTHORITY	DRAWN BY: JLS
PARCEL: 6	CHECKED BY: JLS
CODE: N/A	DES. NO.: N/A
PROJECT: 115-019	
ROAD: ST JOSEPH STREET	
COUNTY: ST. JOSEPH	
SECTION: 12	
TOWNSHIP: 37 NORTH	
RANGE: 2 EAST	

INSTRUMENT NUMBER 9010101, DATED APRIL 20, 1990  
 INSTRUMENT NUMBER 9423716, DATED JUNE 9, 1994

THIS PLAT WAS PREPARED FROM PUBLIC DOCUMENTS AND NOT CHECKED BY A FIELD SURVEY.

**RIGHT-OF-WAY PARCEL PLAT**

Prepared for the City of South Bend, Indiana

by: AMERICAN

**STRUCTUREPOINT**

INC.

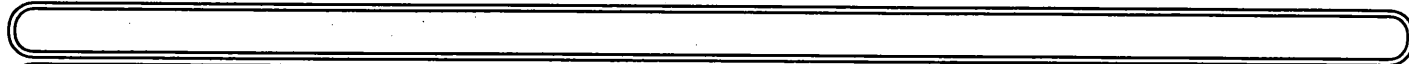
**POINT REFERENCE CHART (Feet)**

Point	North	East	Station	Offset	℄
503	2342481.8804	168624.5360	PI(188+80.72)	0'	Line COL
518	2342355.3526	169026.1161	PT(34+42.45)	0'	Line RW
519	2342589.3674	168939.0196	PC(36+92.15)	0'	Line RW
520	2342484.8731	169091.2267	POT(193+47.42)	0'	Line COL
521	2342524.4051	168898.5536	191+55	PL(40.77') Lt.	Line COL
522	2342539.5269	168911.6058	36+55	PL(43.08') Lt.	Line RW

**SURVEYOR'S STATEMENT**

This plat was prepared without the benefit of a Location Control Route Survey Plat, and it does not represent a survey of the owner's property. The information shown was obtained from the St. Joseph Recorder's Office. Unless otherwise noted the dimensions shown are taken from record documents.

*Jessica L. Stapleton* 10/19/2015  
 Jessica L. Stapleton Date  
 Reg. Land Surveyor No. LS20600032  
 State of Indiana



OWNER: SOUTH BEND REDEVELOPMENT AUTHORITY	DRAWN BY: JLS
PARCEL: 6	CHECKED BY: JLS
CODE: N/A	DES. NO.: N/A
PROJECT: 115-019	
ROAD: ST. JOSEPH STREET	
COUNTY: ST. JOSEPH	
SECTION: 12	
TOWNSHIP: 37 NORTH	
RANGE: 2 EAST	

AMERICAN STRUCTUREPOINT, INC PROJECT NO. 2014.01351

THIS PLAT WAS PREPARED FROM PUBLIC DOCUMENTS AND NOT CHECKED BY A FIELD SURVEY.



**EXHIBIT 2**

**Form of Temporary Easement**

[See attached.]

Project: 115-019  
Parcel: 6A Temp. ROW Curb Constr.  
Tax ID: 71-08-12-176-003.000-026

**TEMPORARY EASEMENT**

**THIS INDENTURE WITNESSETH** that South Bend Redevelopment Authority, a separate body corporate and politic and an instrumentality of the City of South Bend, Indiana, 1400 S. County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana, the Grantor, grants to the **CIVIL CITY OF SOUTH BEND FOR THE USE AND BENEFIT OF ITS BOARD OF PUBLIC WORKS**, the Grantee, for and in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, a temporary easement to enter upon and have possession of certain Real Estate of the Grantor for the purposes of curb construction in the vicinity of said Real Estate (the "Project"), which Real Estate is situated in the County of St. Joseph, State of Indiana, and is more particularly described in the legal description attached hereto as Exhibit "A" and depicted upon the Right-of-Way Parcel Plat attached hereto as Exhibit "B," both of which exhibits are incorporated herein by reference.

The temporary easement granted herein is subject to any and all easements, conditions, and restrictions of record. However, the said Grantor, for the purpose of inducing the Civil City of South Bend to accept this grant and to pay the referenced consideration, represents that the Grantor is the owner in fee simple of the Real Estate and that there exist no encumbrances, conditions, restrictions, leases, liens of any kind or character which would be inconsistent with the temporary rights granted herein. The temporary easement granted herein shall be extinguished upon completion of the Project.

Any and all timber, shrubbery, fences, buildings, and any other improvements situated within the area of the temporary easement granted herein shall become the property of the Civil City of South Bend for the use and benefit of its Board of Public Works.

The undersigned Grantor executing this Temporary Easement represents and certifies that the Grantor is competent and fully empowered to execute and deliver this conveyance and in doing so is not violating any other agreement to which the Grantor is a party; that the Grantor has full legal capacity to convey the interest described herein and that all necessary action necessary to complete this conveyance has been duly taken.

**IN WITNESS WHEREOF**, the said Grantor has executed this instrument this 2nd day of March, 2016.

**SOUTH BEND REDEVELOPMENT AUTHORITY**

---

Richard Klee, President

ATTEST:

\_\_\_\_\_  
Anthony Fitts, Secretary-Treasurer

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

Before me, the undersigned, a Notary Public in and for said County and State, this 2nd day of March, 2016, personally appeared Richard Klee and Anthony Fitts, personally known to me as the President and Secretary-Treasurer, respectively, of the Grantor and acknowledged the execution of the foregoing Temporary Easement for and on behalf of the Grantor.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal.

(SEAL)

\_\_\_\_\_  
\_\_\_\_\_, Notary Public  
Resident of \_\_\_\_\_ County, \_\_\_\_\_

My commission expires:

\_\_\_\_\_

Interests in land acquired by the  
Civil City of South Bend for the use and benefit of its Board of Public Works  
Grantee mailing address:  
227 W. Jefferson Blvd. Suite 1300 N  
South Bend, IN 46601

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

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.  
4000.0000039 36066582.001

**EXHIBIT "A"**

Project: 115-019  
Parcel: 6A Temporary Right-of-Way for Curb Construction  
Tax ID: 71-08-12-176-003.000-026  
Form: T-3

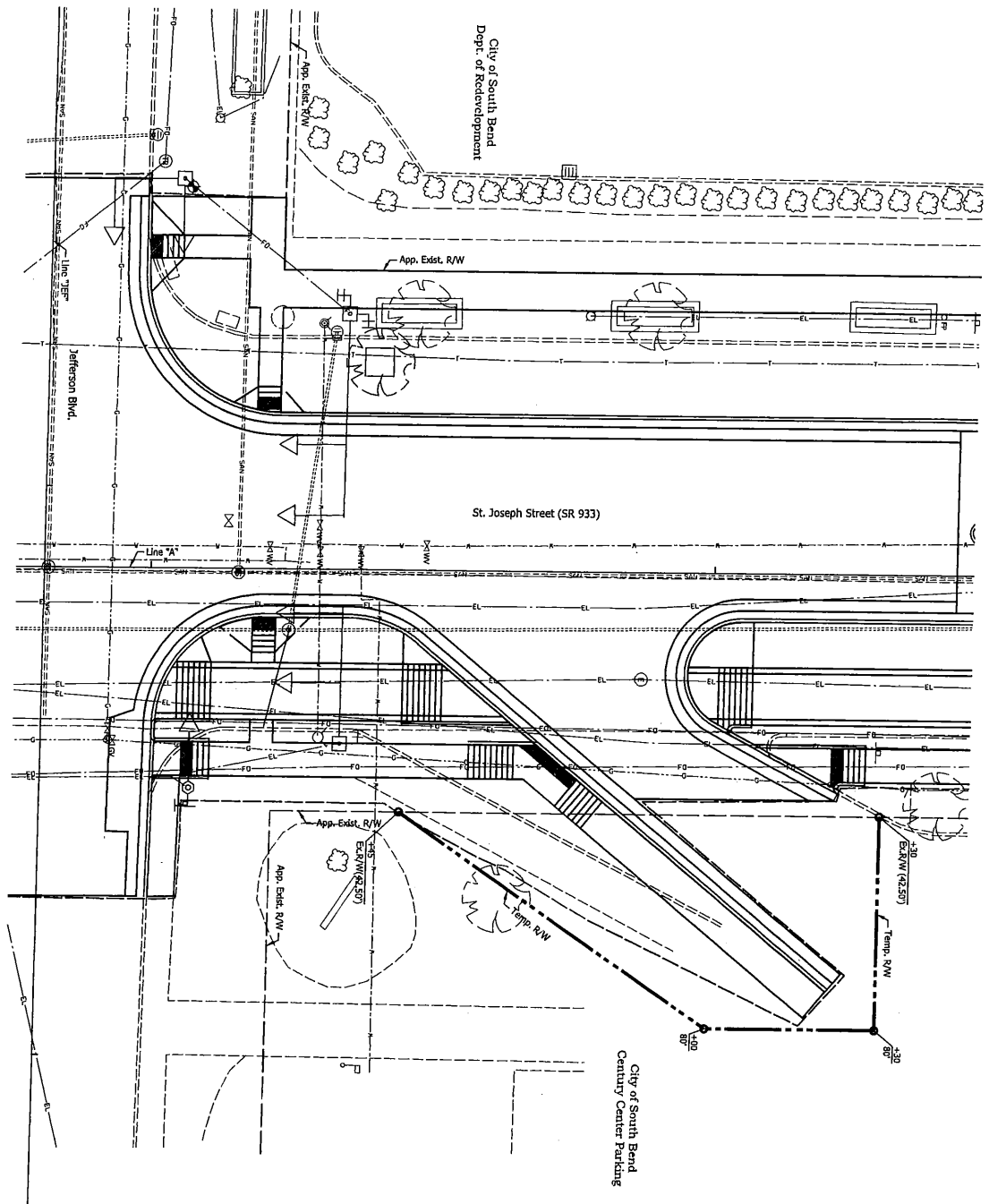
Sheet 1 of 1

A part of Block 6 in River Bend Addition to the City of South Bend, Indiana, the plat of which is recorded in Plat Book 31, page 7 in the Office of the Recorder of St. Joseph County, Indiana, and being that part of the grantor's land, described as follows: Beginning on the west line of said block, said west line also being the east boundary of St. Joseph Street, North 0 degrees 25 minutes 07 seconds West 63.89 from the prolongation of the centerline of Jefferson Street; thence North 0 degrees 25 minutes 07 seconds West 85.00 feet along said west line; thence North 89 degrees 35 minutes 08 seconds East 38.21 feet; thence South 0 degrees 24 minutes 52 seconds East 30.00 feet; thence South 34 degrees 22 minutes 20 seconds West 66.97 feet to the point of beginning and containing 2,197 square feet, more or less.

This description was prepared for the City of South Bend, Indiana by Jessica L. Stapleton, Registered Indiana Professional Surveyor, License Number LS20600032, on the 19<sup>th</sup> day of October, 2015.

*Jessica L. Stapleton*





Temporary R/W for Parcel #6A

AMERICAN  
**STRUCTUREPOINT**  
INC.

7260 SHADELAND STATION  
INDIANAPOLIS, IN 46256-3957  
TEL 317.547.5580 FAX 317.543.0270  
www.structurepoint.com

DES. NO.:	SCALE:
PREPARED BY:	<b>1" = 30'</b>
DATE: 1/18/2016	
CHECKED BY:	
DATE:	SHEET NO.:
JOB NO.: 115-019 (DIV B)	