

SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, March 14, 2016 7:00 P.M.

- 1. **INVOCATION-** RABBI KAREN COMPANEZ, TEMPLE BETH-EL
- 2. PLEDGE TO THE FLAG
- 3. ROLL CALL
- 4. REPORT FROM THE SUB-COMMITTEE ON MINUTES
- 5. SPECIAL BUSINESS

BILL NO.

- A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY COMMEMORATING AND REMEMBERING THE LIFE OF SCHUYLER COLFAX, CONSTITUTIONAL REFORMER AND 17TH VICE-PRESIDENT OF THE UNITED STATES
- 6. **REPORTS FROM CITY OFFICES**
- 7. **COMMITTEE OF THE WHOLE**

TIME:

BILL NO.

- O5-16

 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING FEES FOR NUISANCE ABATEMENT SUCH AS TRASH, DEBRIS AND HAZARDOUS MATERIAL REMOVAL, AND FOR REMOVAL OF WEEDS AND RANK VEGETATION PURSUANT TO THE INDIANA UNSAFE BUILDING LAW
- O6-16

 PUBLIC HEARING ON AN ORDINANCE OF THE COMMON
 COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING
 FEES FOR SECURING AND DEMOLISHING STRUCTURES
 PURSUANT TO THE INDIANA UNSAFE BUILDING LAW

8. BILLS ON THIRD READING

TIME:____

BILL NO.

- O5-16
 THIRD READING ON AN ORDINANCE OF THE COMMON
 COUNCIL OF THE CITY OF SOUTH BEND, INDIANA,
 APPROVING FEES FOR NUISANCE ABATEMENT SUCH AS
 TRASH, DEBRIS AND HAZARDOUS MATERIAL REMOVAL, AND
 FOR REMOVAL OF WEEDS AND RANK VEGETATION
 PURSUANT TO THE INDIANA UNSAFE BUILDING LAW
- O6-16
 THIRD READING ON AN ORDINANCE OF THE COMMON
 COUNCIL OF THE CITY OF SOUTH BEND, INDIANA,
 APPROVING FEES FOR SECURING AND DEMOLISHING
 STRUCTURES PURSUANT TO THE INDIANA UNSAFE BUILDING
 LAW

9. **RESOLUTIONS**

BILL NO.

- A RESOLUTION RECONFIRMING THE ADOPTION OF A
 DECLARATORY RESOLUTION 4330-14 DESIGNATING CERTAIN
 AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA,
 COMMONLY KNOWN AS 237 NORTH MICHIGAN STREET,
 SOUTH BEND, IN 46601 AS AN ECONOMIC REVITALIZATION
 AREA FOR PURPOSES OF A TEN (10) YEAR REAL PROPERTY
 TAX ABATEMENT FOR THE LASALLE APARTMENTS LLC
- A RESOLUTION MODIFYING AND CONFIRMING THE
 ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING
 CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND,
 INDIANA, COMMONLY KNOWN AS: 211 WEST WASHINGTON
 STREET AS AN ECONOMIC REVITALIZATION AREA FOR
 PURPOSES OF A TEN (10) YEAR REAL PROPERTY TAX
 ABATEMENT FOR: HOTEL LOCATED AT THE TOWER AT
 WASHINGTON SQUARE LLC
- A RESOLUTION MODIFYING AND CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS: 211 WEST WASHINGTON STREET AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A TEN (10) YEAR REAL PROPERTY TAX ABATEMENT FOR: RETAIL PROPERTY LOCATED AT THE TOWER AT WASHINGTON SQUARE LLC

- A RESOLUTION MODIFYING AND CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS: 211 WEST WASHINGTON STREET AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A TEN (10) YEAR REAL PROPERTY TAX ABATEMENT FOR: PARKING GARAGE LOCATED AT THE TOWER AT WASHINGTON SQUARE LLC
- A RESOLUTION MODIFYING AND CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS: 211 WEST WASHINGTON STREET AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A TEN (10) YEAR REAL PROPERTY TAX ABATEMENT FOR: APARTMENTS LOCATED AT THE TOWER AT WASHINGTON SQUARE LLC
- A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 215 SYCAMORE STREET, SOUTH BEND, IN 46617 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF AN (8) EIGHT-YEAR REAL PROPERTY TAX ABATEMENT FOR EAST BANK SOUTH BEND DEVELOPMENT, LLC
- A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 1265 FRANKLIN, CATALYST TWO BUILDING, IGNITION PARK, SOUTH BEND, IN 46601 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (5) FIVE-YEAR PERSONAL PROPERTY TAX ABATEMENT FOR: SPECTRON MRC, LLC
- A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS BLACKTHORN CORPORATE OFFICE PARK LOT 6, SOUTH BEND, IN 46628 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (5) FIVE-YEAR REAL PROPERTY TAX ABATEMENT FOR COHN & COHN INVESTMENTS, LLC
- A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

1619/1623 FRANKLIN STREET, SOUTH BEND, IN 46613 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (5) FIVE-YEAR REAL PROPERTY TAX ABATEMENT FOR SOUTH BEND FORM TOOL CO., INC.

- A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 1619/1623 FRANKLIN STREET, SOUTH BEND, IN 46613 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (5) FIVE-YEAR PERSONAL PROPERTY TAX ABATEMENT FOR SOUTH BEND FORM TOOL CO., INC.
- A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY SUPPORTING THE INSTALLATION OF A FENCE ON THE EAST SIDE OF PERLEY PRIMARY FINE ARTS ACADEMY AND ON THE WEST SIDE OF COQUILLARD PARK

10. BILLS ON FIRST READING

- 07-16
 FIRST READING ON AN ORDINANCE OF THE COMMON
 COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING
 CHAPTER 1 OF THE SOUTH BEND MUNICIPAL CODE BY THE
 INCLUSION OF NEW SECTION 1-5.1 ENTITLED CITY FLAG
- 11-16 FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE SOUTH BEND COMMON COUNCIL AMENDING CHAPTER 14 OF THE SOUTH BEND MUNICIPAL CODE BY ESTABLISHING NEW ARTICLE 13 ENTITLED SMOKE FREE AIR REGULATIONS FOR WORKPLACES AND PUBLIC PLACES
- 12-16 FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 6 OF THE SOUTH BEND MUNICIPAL CODE BY THE INCLUSION OF NEW ARTICLE 10 ENTITLED LANDLORD REGISTRATION PROGRAM
- FIRST READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 424, 426 & 430 CUSHING STREET AND 726 & 736 LINCOLN WAY WEST, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA
- 14-16 FIRST READING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE ALLEY TO BE

VACATED IS THE FIRST NORTH/SOUTH ALLEY WEST OF CUSHING STREET FROM LINCOLN WAY WEST TO THE FIRST EAST/WEST ALLEY FOR A DISTANCE OF 193 FEET AND A WIDTH OF 14 FEET. SAID ALLEY BEING A PART HEINTZMAN'S ADDITION AND KUNSTMAN'S ADDITION, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA

- FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2016 OF (\$926,497) FROM CONSOLIDATED BUILDING FUND (#600), \$480,000 FROM EMS CAPITAL FUND (#287), \$25,000 FROM EMS OPERATING FUND (#288), \$2,500 FROM 2015 SEWER BOND ISSUANCE FUND (#666), \$188,621 FROM CENTURY CENTER CAPITAL FUND (#671), \$63,000 FROM WATERWORKS O&M FUND (#620), AND \$361,294 FROM SEWAGE O&M FUND (#641)
- 16-16
 FIRST READING ON AN ORDINANCE OF THE COMMON
 COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FOR
 BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN
 THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2016
- 17-16
 FIRST READING ON AN ORDINANCE OF THE COMMON
 COUNCIL OF THE CITY OF SOUTH BEND, INDIANA,
 APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN
 DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2016 OF
 \$25,000 FROM GENERAL FUND (#101), \$587,022 FROM DCI STATE
 GRANTS FUND (#210), \$926,497 FROM UNSAFE BUILDING FUND
 (#219), \$17,500 FROM CENTRAL SERVICES FUND (#222), \$22,000
 FROM COVELESKI NON REVERTING CAPITAL FUND (#401) AND
 \$29,300 FROM COUNTY OPTION INCOME TAX FUND (#404).

11. UNFINISHED BUSINESS

 $PENDING\ INACTIVE/DORMANT\ HISTORIC\ PRESERVATION\ COMMISSION\ (HPC)$ $PROPOSED\ BILLS$

BILL NO.

- 60-94 AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ESTABLISHING AN HISTORIC LANDMARK FOR THE BUILDING LOCATED AT 219/221 N. MICHIGAN STREET
- 61-94 AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ESTABLISHING AN HISTORIC LANDMARK FOR THE BUILDING LOCATED AT 3418 MISHAWAKA AVE.

- 91-94 AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ESTABLISHING AN HISTORIC LANDMARK FOR THE PROPERTY LOCATED AT 310 WEST MONROE STREET IN THE CITY OF SOUTH BEND, INDIANA
- 104-94 AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ESTABLISHING AN HISTORIC LANDMARK FOR THE BUILDING LOCATED AT 534 LAPORTE AVE.
- 12. **NEW BUSINESS**
- 13. PRIVILEGE OF THE FLOOR
- 14. ADJOURNMENT

TOTA (TO	
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 official text 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.



OFFICE OF THE CITY CLERK

KAREEMAH FOWLER, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL FROM: KAREEMAH FOWLER, CITY CLERK

DATE: MARCH 10, 2016

SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **MONDAY**

MARCH 14, 2016:

Council Informal Meeting Room 4th Floor County-City Building 227 W. Jefferson Blvd. South Bend. IN 46601

3:15 P.M. COMMUNITY INVESTMENT

GAVIN FERLIC, CHAIRPERSON

- 1. <u>Bill No. 16-18-</u> Designating Real Property Tax Abatement, East Bank Development
- 2. Bill No. 16-19- Designating Personal Property Tax Abatement, Spectron mrc, LLC.
- 3. <u>Bill No. 16-20</u>- Designating Real Property Tax Abatement, Cohn & Cohn, LLC.
- 4. <u>Bill No. 16-21</u>- Designating Real Property Tax Abatement, South Bend Tool Co., Inc.
- 5. <u>Bill No. 16-22</u>- Designating Personal Property Tax Abatement, South Bend Tool Co.
- 6. <u>Bill No. 16-13</u>- Re-Confirming Real Property Tax Abatement, The LaSalle Apts. LLC. (Extension Request)
- 7. <u>Bill Nos. 16-14 to 16-17</u>- Four (4) Confirming & Modifying Real Property Tax Abatement, 211 W. Washington (The Tower at Washington Square)

4:15 P.M. HEALTH & PUBLIC SAFETY

JOHN VOORDE, CHAIRPERSON

- 1. <u>Bill No. 05-16</u>- Approving fees for nuisance abatement
- 2. Bill No. 06-16- Approving fees for securing and demolishing structures
- 3. Chief Steve Cox, South Bend Fire Department

4:55 P.M. COMMUNITY RELATIONS

REGINA WILLIAMS-PRESTON, CHAIRPERSON

1. Bill No. 16-23- Coquillard Park Fence Installation

<u>5:00 P.M.</u> <u>PERSONNEL & FINANCE</u>

KAREN L. WHITE, CHAIRPERSON

1. City Controller John Murphy, Office of Finance and Administration

5:25 P.M. INFORMATION & TECHNOLOGY

TIM SCOTT, CHAIRPERSON

1. Kick-Off Meeting

455 County-City Building • 227 W. Jefferson Boulevard • South Bend, Indiana 46601 Phone 574-235-9221 • Fax 574-235-9173 • TDD 574-235-5567 • www.SouthBendIN.gov

**Council President Tim Scott has called an <u>Informal Meeting</u> of the Council which will commence immediately after the adjournment of the Information & Technology Committee meeting.

INFORMAL MEETING OF THE COMMON COUNCIL TIM SCOTT, COUNCIL PRESIDENT

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

cc: Mayor Pete Buttigieg
Committee Meeting List
News 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



2016 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-6-16)

COMMUNITY INVESTMENT COMMITTEE

Oversees the various activities of the Department of Community Investment. This Committee reviews all real & personal tax abatement requests.

Gavin Ferlic, Chairperson

Oliver Davis, Member

Regina Williams-Preston, Vice-Chairperson

Randy Kelly, Member

COMMUNITY RELATIONS COMMITTEE

Oversees the various activities of the Office of Community Affairs and is charged with facilitating partnerships & ongoing communications with other public and private entities operating within the City.

Regina Williams-Preston, Chairperson

Gavin Ferlic, Member

Randy Kelly, Vice-Chairperson

Karen White, Member

COUNCIL RULES COMMITTEE

Oversees the regulations governing the overall operation of the Common Council, as well as all matters of public trust. It duties are set forth in detail in Section 2-10.1 of the South Bend Municipal Code.

Tim Scott, Member

Dr. David Varner, Member

Jo Broden, Member

Karen White

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.

John Voorde, Chairperson

Oliver Davis, Member

Karen L. White, Vice-Chairperson

Jo Broden, Member

INFORMATION AND TECHNOLOGY COMMITTEE

Oversees the various activities of the City's Division of Information Technologies in the Department of Administration & Finance 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 & access to GIS data and related technologies are just some of its many activities.

Tim Scott, Chairperson Gavin Ferlic, Vice-Chairperson Dave Varner, Member Karen White, Member

PARC COMMITTEE (Parks, Recreation, Cultural Arts & Entertainment)

Oversees the various activities of the Century Center, College Football Hall of Fame, Coveleski Regional Stadium, Morris Performing Arts Center, Studebaker National Museum, South Bend Regional Museum of Art, Potawatomi Zoo, and the many recreational and leisure activities offered by the Department of Parks and Recreation.

Randy Kelly, Chairperson

Oliver Davis, Member John Voorde, Member

Dr. Dave Varner, Vice-Chairperson



2016 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-6-16)

PERSONNEL AND FINANCE COMMITTEE

Oversees the activities performed by the Department of Administration and Finance, and reviews all proposed salaries, budgets, appropriations & other fiscal matters, as well as personnel policies, health benefits & related matters.

Karen L. White, Chairperson Gavin Ferlic, Vice-Chairperson

Regina Williams-Preston, Member John Voorde, Member

PUBLIC WORKS AND PROPERTY VACATION COMMITTEE

Oversees the various activities performed by the Building Department, the Department of Public Works & related public works & property vacation issues.

Jo Broden, Chairperson John Voorde, Vice-Chairperson

Randy Kelly, Member Gavin Ferlic, Member

RESIDENTIAL NEIGHBORHOODS COMMITTEE

Oversees the various activities & issues related to neighborhood development & enhancement.

Karen White, Chairperson Jo Broden, Vice-Chairperson Regina Williams-Preston, Member John Voorde, 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.

Dr. David Varner, Chairperson Oliver Davis, Vice-Chairperson

Randy Kelly, Member Regina Williams-Preston, 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.

Oliver Davis, Chairperson John Voorde, Vice-Chairperson

Gavin Ferlic, Member Jo Broden, 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

Tim Scott Dr. David Varner



A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY COMMEMORATING AND REMEMBERING THE LIFE OF SCHUYLER COLFAX, CONSTITUTIONAL REFORMER AND 17TH VICE-PRESIDENT OF THE UNITED STATES



Officers, the South Bend Common Council notes that City Cemetery founded in 1832 in the City of South Bend is the home to approximately 14,800 final resting places on its 21.36 acres, including South Bend resident Schuyler Colfax, who was the 17th Vice-President of the United States and a Constitutional reformer; and

Otherwis, the Common Council notes that in 2009, the Historic Preservation Commission of South Bend and St. Joseph County partnered with the Schuyler Colfax Chapter of the Daughters of the American Revolution (DAR) to collaborate together and promote the preservation of City Cemetery, with its Mission Statement "to preserve, protect, share carefully and treat reverently this hallowed and historic site". Since that date the South Bend Parks Foundation in collaboration with the Common Council and City Administration have worked together to support the City Cemetery Restoration Project and the City Cemetery Master Plan of 2015; and

Otheres, on January 14, 2013, the Common Council unanimously adopted Resolution No. 4226-13, which declared March 23rd of each year as "Schuyler Colfax Day in South Bend, Indiana" to recognize the public service career of Schuyler Colfax who served as Speaker of the House of Representatives from 1863-1869; served our country as the 17th Vice-President of the United States from 1869-1873 under President Ulysses S. Grant and recalled his dedication to civil rights and the passage of the 13th Amendment in 1865 to abolish slavery, the passage of the 14th Amendment in 1868 addressing due process, and equal protection, and the 15th Amendment in 1869 addressing the right to vote regardless of one's race, color or previous condition of servitude; and

Othered, in May of 2015, a Schuyler Colfax re-enactor at City Cemetery, dressed in period clothing shared some of the rich history of his life by telling stories about serving as President Ulysses S. Grant's Vice-President during his first term; who is remembered as being a very dedicated public servant who was "good-natured, kindly, cordial and always diplomatic"; who stood by President Abraham Lincoln on January 1, 1863 when he signed the Emancipation Proclamation; who became known by the nickname "Smiler" Colfax; who came into this world four (4) months after his father had passed away from tuberculosis and was forced to drop out of school at the age of ten to work, to teach himself, and to dedicate his life to serving others.

Now, Therefore, bett resolved, by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The Common Council hereby calls upon the citizens of South Bend to pause & reflect upon the contributions made not only to our city, but to our country by Schuler Colfax, who moved to South Bend in 1836 and called it his home until his death in 1873. The Council recognizes that 193 years ago on March 23, 1823, Schuler Colfax was born, and through his vision and dedication America is a much better place, who is remembered for his tireless work and leadership in championing the passage of the 13th, 14th & 15th Amendments.

Section II. This Resolution shall be in full force and effect from and after its adoption by the Council and approval by the Mayor.

Tim Scott, 1 st District	Oliver J. Davis, 6 th District
Regina Williams Preston, 2 nd District	Gavin Ferlic, At Large Member
Randy Kelly, 3 rd District	Karen L. White, At Large Member
Jo Broden, 4th District	John Voorde, At Large Member
Dr. David A. Varner, 5 th District	Kathleen Cekanski-Farrand, Council Attorney
Aticis:	Olgond this day of March, 2016
Kareemah Fowler, City Clerk	Pete Buttigieg, Mayor of South Bend



PHONE 574/ 235-9486 Fax 574/ 235-7703

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

DEPARTMENT OF CODE ENFORCEMENT

RANDY WILKERSON
DIRECTOR

February 18, 2016

Honorable Tim Scott, President South Bend Common Council 4th Floor, County-City Building South Bend, IN 46601

RE:

Bills Nos. 05-16 and 06-16 - Increase of Fees for Code Services Related to Demolition and

Nuisance Abatement

Dear Council President Scott,

In light of questions from Council members received February 4, 2016, I request that Bills Nos. 05-16 and 06-16 related to fees for certain Code Enforcement services be continued to the Council's meeting on March 14, 2016. Although our Department has compiled a good portion of the Council's requested information, it will take more time to complete this search.

Sincerely,

Randy Wilkerson

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Director, Department of Code Enforcement

Filed in Clerk's Office

FEB 18 2016

KAREEMAH FOWLER CITY CLERK, SOUTH BEND, IN



CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

DEPARTMENT OF CODE ENFORCEMENT

RANDY WILKERSON
DIRECTOR

February 5, 2016

Honorable Tim Scott, President South Bend Common Council 4th Floor, County-City Building South Bend, IN 46601

RE:

Bills Nos. 05-16 and 06-16 – Increase of Fees for Code Services Related to Demolition and Nuisance Abatement

Dear Council President Scott,

In light of questions from Council members received February 4, 2016, I request that Bills Nos. 05-16 and 06-16 related to fees for certain Code Enforcement services be continued to the Council's meeting on February 22, 2016. This should allow our Department time to respond to the Council's questions.

Sincerely,

Randy Wilkerson

Director, Department of Code Enforcement

Filed in Clerk's Office

FEB 0 5 2016

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PHONE 574/ 235-9486 Fax 574/ 235-7703

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

DEPARTMENT OF CODE ENFORCEMENT

RANDY WILKERSON
DIRECTOR

January 5, 2016

Tim Scott, Council President Common Council of the City of South Bend 227 West Jefferson Blvd. • Suite 400 S South Bend, Indiana 46601

The Department of Code Enforcement respectfully requests that the Council consider this ordinance to raise the cost of abatements that are completed by the Department. The current increases reflect an 11.5 percent increase from the last increase in 2008. I have also revised some of the charges to be accurate with our current processes. It is important to point out this is not a request for a budget increase; this is a cost of service fee for the Department to complete the abatements on property owners that do not comply with the Indiana Unsafe Building Law and the City of South Bend's Ordinance's. I will be available as the presenter on behalf of the Department.

The costs of abating a nuisance such as trash, debris, fire hazardous materials and public health hazards and/or removing weeds and rank vegetation from real property include the costs of providing notice, the use of labor and equipment, and administrative costs. A schedule of fees for these services was last implemented in 2008, but the costs have increased since that time and now require adjustment.

We presented this to the City of South Bend Board of Public Works on November 24, 2015 at a public hearing and received information on the current costs of abating a nuisance such as trash, debris, fire hazardous materials and public health hazards and/or removing weeds and rank vegetation, and by Resolution No. 67-2015, it recommended for Common Council approval a schedule of fees for costs involved in the abatement of a nuisance, which is attached hereto and incorporated herein.

The Indiana Unsafe Building Law, Ind. Code 36-7-9-1, which is incorporated into the South Bend Municipal Code (the Code) in full and by reference at Chapter 6, Article 8, Section 6-37, authorizes the City of South Bend through its Department of Code Enforcement to remove trash, debris, fire hazardous material, or a public health hazard in an about an unsafe premises. The Indiana Code at IC 36-7-10.1-1 et seq. also authorizes municipalities to require property owners to remove weeds and other rank vegetation.



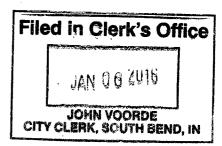
The Department of Code Enforcement may at the owner's expense enter an owner's property to abate a nuisance such as trash, debris, fire hazardous material and public health hazards, and/or may also remove weeds and rank vegetation if the City has complied with statutory procedures and given the owner proper notice, but the owner has failed to comply with the notice.

On behalf of the Department of Code Énforcement, it is my belief that this ordinance is in the best interest of the citizens of the City of South Bend.

Respectfully,

Randy Wilkerson

Director of Code Enforcement



ORDINANCE NO. 10417-16

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING FEES FOR NUISANCE ABATEMENT SUCH AS TRASH, DEBRIS AND HAZARDOUS MATERIAL REMOVAL, AND FOR REMOVAL OF WEEDS AND RANK VEGETATION PURSUANT TO THE INDIANA UNSAFE BUILDING LAW

STATEMENT OF PURPOSE AND INTENT

The Indiana Unsafe Building Law, Ind. Code 36-7-9-1, which is incorporated into the South Bend Municipal Code (the Code) in full and by reference at Chapter 6, Article 8, Section 6-37, authorizes the City of South Bend through its Department of Code Enforcement to remove trash, debris, fire hazardous material, or a public health hazard in an about an unsafe premises. The Indiana Code at IC 36-7-10.1-1 et seq. also authorizes municipalities to require property owners to remove weeds and other rank vegetation. The Department of Code Enforcement may at the owner's expense enter an owner's property to abate a nuisance such as trash, debris, fire hazardous material and public health hazards, and/or may also remove weeds and rank vegetation if the City has complied with statutory procedures and given the owner proper notice, but the owner has failed to comply with the notice.

The costs of abating a nuisance such as trash, debris, fire hazardous materials and public health hazards and/or removing weeds and rank vegetation from real property include the costs of providing notice, the use of labor and equipment, and administrative costs. A schedule of fees for these services was last implemented in 2008, but the costs have increased since that time and now require adjustment.

At its meeting held on November 24, 2015, the South Bend Board of Public Works conducted a public hearing and received information on the current costs of abating a nuisance such as trash, debris, fire hazardous materials and public health hazards and/or removing weeds and rank vegetation, and by Resolution No. 67-2015, it recommended for Common Council approval a schedule of fees for costs involved in the abatement of a nuisance, which is attached hereto and incorporated herein.

The Council finds that the Schedule of Fees recommended for approval by the Board of Public Works in its Resolution No. 67-2015 attached hereto reflect the current and actual costs for performing the specific services and should be approved.

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

Section I. The Schedule of Fees for the Department of Code Enforcement's services in abating public nuisances such as trash, debris, fire hazardous material, or a public health hazard,

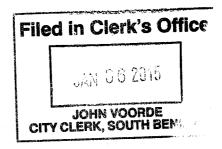
and for removing weeds and rank vegetation from real property, all as set out specifically in Section II of the Board of Public Works Resolution No. 67-2015 attached hereto and incorporated herein, is approved and confirmed.

<u>Section II.</u> A copy of the Schedule of Fees approved by this Resolution shall be on file for public inspection in the office of the City Clerk, the office of the Clerk of the Board of Public Works, and shall be posted on the City of South Bend's website.

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.

		Member of the Common Council	
Atte	st:		
City	Clerk		
· · · · · ·	Presented by me to the Mayor of the City o, 2014, ato'clockm.	f South Bend, Indiana on	theday of
		City Clerk	
at	Approved and signed by me on theo'clock,m.	day of	,2,
		Mayor, City of	South Bend, Indiana

1.4 READING
PUBLIC HEARING
3 rd READING
NOT APPROVED
REFERRED
PASSED



ATTACHMENT

Board of Public Works Resolution No. 68- 2015 enacted on November 24, 2015

(Remainder of Page left intentionally blank)

RESOLUTION NO. 67-2015

A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA, ADJUSTING THE FEES RELATED TO ABATING NUISANCES AND REMOVING VEGETATION PURSUANT TO INDIANA CODE 36-7-9 AND 36-7-10.1 AND SOUTH BEND MUNICIPAL CODE CHAPTER 16, ARTICLE 8

WHEREAS, the Board of Public Works ("Board") has authority to determine the costs for performance of work required by orders issued under the Unsafe Building Law, 36-7-9-1, et al., including orders to remove trash, debris, fire hazardous material, or a public health hazard in and about an unsafe premises; and

WHEREAS, the Board also has authority to abate nuisances described in South Bend Municipal Code Chapter 16, Article 8, Section 16-53; and

WHEREAS, the Indiana Code provision for removal of weeds and rank vegetation, Indiana Code 36-7-10.1-1, et seq., allows municipalities to require property owners to remove weeds and other rank vegetation, and sets forth procedures for giving notice to property owners and removing weeds and rank vegetation at the owner's expense; and

WHEREAS, the Department of Code Enforcement or an entity acting on its behalf may, after giving notice to the owner, enter property and remove weeds and rank vegetation at the owner's expense, pursuant to South Bend Municipal Code Chapter 16, Article 8, Section 16-59; and

WHEREAS, the Board has the expertise to determine the costs of abating nuisances such as trash, debris, fire hazardous material and public health hazards, and or removing weeds and rank vegetation, including the cost of providing notice, use of equipment and labor, and administrative costs; and

WHEREAS, the Board determines that the fees imposed for nuisance abatement and removal of weeds and rank vegetation should be adjusted from the 2008 schedule to reflect the current cost the City of South Bend incurs providing such services.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA, AS FOLLOWS:

Section I. That the Board of Public Works hereby sets forth fees for services in abating public nuisances such as trash, debris, fire hazardous material, or a public health hazard, and of removing weeds and rank vegetation from real property.

Section II. The owner, occupant or person in control of the property upon which the public nuisance or rank vegetation exists in violation of South Bend Municipal Code Chapter 16, Article 8, as it may be amended from time to time, shall be charged fees for the cost of equipment, services and labor incurred by the City in abatement of the nuisance or removal of vegetation. The following fees shall be charged:

Fees and Costs

Dump fee	\$150.00
Handling and disposal	\$ 84.00
Administrative fee	\$ 40.00
Technology and software	\$ 10.00
Supplies	\$ 8.00
· ·	•

Hourly Labor and Equipment Use

Inspection	\$ 29.00
Labor (General)	\$ 23.00
Labor (Operator – skilled)	\$ 34.00
Supervisory staff	\$ 40.00
Dump truck	\$ 51.00
Small loader	\$ 51.00
Lightening loader	\$ 84.00
Large loader	\$119.00
Pick up and mower	\$ 44.00
Tractor mower	\$ 38.00

Grass Cutting Fees

TOTAL	\$189.50
Supplies	\$ 8.00
Technology and software	\$10.00
Labor general	\$11.50
Pickup truck and mower	\$22.00
Supervisory Staff	\$40.00
Administrative fee	\$40.00
Inspection (2)	\$58.00

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

Gary Gilot

David Relos

James Mueller

Elizabeth Maradik

Therese Dorau

ATTEST:

Linda Martin, Clerk



PHONE 574/ 235-9486 Fax 574/ 235-7703

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

DEPARTMENT OF CODE ENFORCEMENT

RANDY WILKERSON

DIRECTOR

February 18, 2016

Honorable Tim Scott, President South Bend Common Council 4th Floor, County-City Building South Bend, IN 46601

RE:

Bills Nos. 05-16 and 06-16 - Increase of Fees for Code Services Related to Demolition and

Nuisance Abatement

Dear Council President Scott,

Karf Walkerser

In light of questions from Council members received February 4, 2016, I request that Bills Nos. 05-16 and 06-16 related to fees for certain Code Enforcement services be continued to the Council's meeting on March 14, 2016. Although our Department has compiled a good portion of the Council's requested information, it will take more time to complete this search.

Sincerely,

Randy Wilkerson

Director, Department of Code Enforcement

Filed in Clerk's Office

FEB 18 2016

KAREEMAH FOWLER CITY CLERK, SOUTH BEND, IN



Phone 574/ 235-9486 Fax 574/ 235-7703

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

DEPARTMENT OF CODE ENFORCEMENT

RANDY WILKERSON
DIRECTOR

February 5, 2016

Honorable Tim Scott, President South Bend Common Council 4th Floor, County-City Building South Bend, IN 46601

RE:

Bills Nos. 05-16 and 06-16 – Increase of Fees for Code Services Related to Demolition and Nuisance Abatement

Dear Council President Scott,

In light of questions from Council members received February 4, 2016, I request that Bills Nos. 05-16 and 06-16 related to fees for certain Code Enforcement services be continued to the Council's meeting on February 22, 2016. This should allow our Department time to respond to the Council's questions.

Sincerely,

Randv Wilkerson

Director, Department of Code Enforcement

Filed in Clerk's Office

FEB 0 5 2016

KAR
CITY CLE



PHONE 574/ 235-9486 Fax 574/ 235-7703

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

DEPARTMENT OF CODE ENFORCEMENT

RANDY WILKERSON
DIRECTOR

January 5, 2016

Tim Scott, Council President Common Council of the City of South Bend 227 West Jefferson Blvd. • Suite 400 S South Bend, Indiana 46601

The Department of Code Enforcement respectfully requests that the Council consider this ordinance to raise the fees associated to demolitions that are completed by the Department. The current increases reflect an 11.5 percent increase from the last increase in 2008. I have also revised some of the charges to be accurate with our current processes including the cost associated with testing for asbestos. This was not charged in the past. It is important to point out this is not a request for a budget increase; this is a cost of service fee for the Department for property owners that do not comply with the Indiana Unsafe Building Law. I will be available as the presenter on behalf of the Department.

The costs of securing property and/or removing structures upon unsafe premises include the costs of providing notice, the use of labor and equipment, and administrative costs. A schedule of fees for these services was last implemented in 2008, but the costs have increased since that time and now require adjustment.

We presented this to the South Bend Board of Public Works on November 24, 2015 at a public hearing and received information on the current costs of securing property or removing structures at an unsafe premises, and by Resolution No. 68-2015, it recommended for Common Council approval a schedule of fees for costs involved in the demolition of real property and in the securing of real property, which is attached hereto and incorporated herein.

The Indiana Unsafe Building Law, Ind. Code 36-7-9-1, which is incorporated into the South Bend Municipal Code (the Code) in full and by reference at Chapter 6, Article 8, Section 6-37, authorizes the City of South Bend through its Department of Code Enforcement to enter into and secure an owner's property or remove structures at an unsafe premises at the owner's expense if the City has complied with statutory procedures and given the owner proper notice, but the owner has failed to comply with the notice.



The Council finds that the Schedule of Fees recommended for approval by the Board of Public Works in its Resolution No. 68-2015 attached hereto reflect the current and actual costs for performing the specific services and should be approved.

On behalf of the Department of Code Enforcement, it is my belief that this ordinance is in the best interest of the citizens of the City of South Bend.

Respectfully,

Kay Wilkerson

Director of Code Enforcement

ORDINA	NCE NO) .

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING FEES FOR SECURING AND DEMOLISHING STRUCTURES PURSUANT TO THE INDIANA UNSAFE BUILDING LAW

STATEMENT OF PURPOSE AND INTENT

The Indiana Unsafe Building Law, Ind. Code 36-7-9-1, which is incorporated into the South Bend Municipal Code (the Code) in full and by reference at Chapter 6, Article 8, Section 6-37, authorizes the City of South Bend through its Department of Code Enforcement to enter into and secure an owner's property or remove structures at an unsafe premises at the owner's expense if the City has complied with statutory procedures and given the owner proper notice, but the owner has failed to comply with the notice.

The costs of securing property and/or removing structures upon unsafe premises include the costs of providing notice, the use of labor and equipment, and administrative costs. A schedule of fees for these services was last implemented in 2008, but the costs have increased since that time and now require adjustment.

At its meeting held on November 24, 2015, the South Bend Board of Public Works conducted a public hearing and received information on the current costs of securing property or removing structures at an unsafe premises, and by Resolution No. 68-2015, it recommended for Common Council approval a schedule of fees for costs involved in the demolition of real property and in the securing of real property, which is attached hereto and incorporated herein.

The Council finds that the Schedule of Fees recommended for approval by the Board of Public Works in its Resolution No. 68-2015 attached hereto reflect the current and actual costs for performing the specific services and should be approved.

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

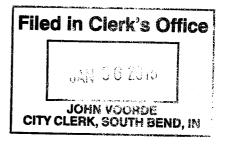
Section I. The Schedule of Fees for the Department of Code Enforcement's processing of orders for demolition of structures and for securing structures as set out specifically in Sections II and III of the Board of Public Works Resolution No. 68-2015 attached hereto and incorporated herein is approved and confirmed.

Section II. A copy of the Schedule of Fees approved by this Resolution shall be on file for public inspection in the office of the City Clerk, the office of the Clerk of the Board of Public Works, and shall be posted on the City of South Bend's website.

<u>Section III.</u> This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

Member of the Common		on Council	
Attest:			
City C	Clerk		•
	Presented by me to the Mayor of the City of, 2014, ato'clockm.	South Bend, Indiana on the _	day of
		City Clerk	
at	Approved and signed by me on theo'clock,m.	day of	
		Mayor, City of South	Bend Indiana

1st READING
PUBLIC HEARING
3 rd READING
NOT APPROVED
REFERRED
PASSED



ATTACHMENT

Board of Public Works Resolution No. 68-2015 enacted on November 24, 2015

(Remainder of Page left intentionally blank)

RESOLUTION NO. 68-2015

A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA, ADJUSTING THE FEES FOR SERVICES RELATED TO SECURING AND DEMOLISHING STRUCTURES PURSUANT TO THE INDIANA UNSAFE BUILDING LAW, INDIANA CODE 36-7-9 AND SOUTH BEND MUNICIPAL CODE CHAPTER 6, ARTICLE 8, SECTIONS 37 AND 37.1

WHEREAS, the Board of Public Works is the Board with control over the Department of Code Enforcement for purposes of setting performance bonds and processing expenses provided under the Unsafe Building Law, and has the responsibility for fixing the average processing expenses and a schedule of performance bonds as provided in the Unsafe Building Law, Indiana Code 36-7-9-1 et seq., and South Bend Municipal Code Chapter 6, Article 8; and

WHEREAS, the Department of Code Enforcement or an entity acting on its behalf may, after giving notice to the owner, enter onto and secure property at the owner's expense, pursuant to South Bend Municipal Code Chapter 6, Article 8 and the Unsafe Building Law; and

WHEREAS, the Department of Code Enforcement or an entity acting on its behalf may, pursuant to the procedures set forth in the Unsafe Building Law and after giving notice to the owner, remove structures from unsafe premises at the owner's expense; and

WHEREAS, the Board of Public Works has the expertise to determine the costs of securing and removing structures upon unsafe premises, including the cost of providing notice, use of equipment and labor, and administrative costs; and

WHEREAS, the Board of Public Works determines that the fees imposed for securing and removing structures should be adjusted from the 2008 schedule to reflect the current cost the City of South Bend incurs providing such services.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA, AS FOLLOWS:

Section I. The Board of Public Works hereby sets forth administrative and service fees related to securing and removing structures upon unsafe premises pursuant to the Unsafe Building Law and South Bend Municipal Code Chapter 6, Article 8.

Section II. The following fees reflect the average expenses which are incurred by the Department of Code Enforcement in processing orders for demolition of structures, and shall be charged in addition to the costs of the demolition contractor for each demolition order issued:

Inspections – average of 8	\$203.00
Legal notices, recording fees	\$113.00
Title search	\$ 27.00
Forms, letters, postage	\$100.00
Supplies	\$ 8.00
Legal services and hearing officer	\$200.00
Clerical staff	\$ 76.00
Management staff	\$200.00
Technology and software	\$ 10.00

TOTAL DEMOLITION COST	\$937.00
Asbestos Testing for Demolition, if Applicable	
First Inspection -prelim testing requires 2 inspectors at 1.5 hours/inspector	\$ 87,00
Second Inspection—testing and completion of papers requires 2 inspectors at 1.5/inspector	\$ 87.00
Tools, supplies, and safety costs	\$ 22.00
Test 10 samples at \$8.00/sample (average)	\$ 80.00
TOTAL ASBESTOS COST	\$276.00

Section III. The following fees reflect the average expenses which are incurred by the Department of Code Enforcement in processing orders to secure structures, and which shall be charged in addition to the costs of the contractor for each order to secure issued:

Inspections – average of 3	\$ 87.00
Forms, letters, postage	\$ 7.00
Clerical staff	\$ 23.00
Management staff	\$ 35.00
Technology and software	\$ 10.00
TOTAL COST TO SECURE	\$162.00

Adopted on the 24 day of Murchen, 2015, by the Board of Public Works of the City of South Bend, Indiana.

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

Gary Gilot

David Relos

James Muelle

Elizabeth Maradik

7 70

ATTEST:

Linda Martin, Clerk

227 W. JEFFERSON BOULEVARD SUITE 1400 S. SOUTH BEND, IN 46601-1830



PHONE: 574/235-9371 Fax: 574/235-9021

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR COMMUNITY INVESTMENT

SCOTT FORD, EXECUTIVE DIRECTOR

March 3, 2016

Council Member Gavin Ferlic, Chairperson Community Investment Committee South Bend Common Council 4th Floor, County City Building South Bend, IN 46601

RE: Real Property Tax Abatement Extension for: The LaSalle Apartments, LLC

Dear Council Member Ferlic:

On March 10, 2014, Great Lakes Capital Development was granted declaratory resolution number 4327-14 for a 10 year real property tax abatement for work to be completed at The LaSalle Hotel. Confirming resolution number 4330-14 was passed on March 24, 2014. The project never materialized and RealAmerica Development, LLC, operating as The LaSalle Apartments, LLC, purchased the property and began revitalization work to the building. On January 21, 2015, Real America Development, LLC was granted the transfer of the original abatement. Per Section V of the original resolution #4327-14: "The designation as an Economic Revitalization Area shall be limited to two (2) calendar years from the date of the adoption of this Resolution by the Common Council."

Due to the transfer of the original abatement, the work will not be completed during the two year window, as noted above. The project is currently scheduled to be completed in September 2016. We kindly request a one (1) year extension be granted, enabling the work to be completed and for the abatement to remain active.

A representative from Real America Development LLC will be available to meet with the Committee on March 14, 2016.

Should you or any of the other Council members have any questions concerning the report, or need additional information, please feel free to call me at 235-5823.

Sincerely,

Aaron Kobb

Director Economic Resources

1 1cm

Filed in Clerk's Office

MAR 09 2016

KAREEMAH FOWLER CITY CLERK, SOUTH BEND, IN

RESOLUTION NO.	

A RESOLUTION RECONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION 4330-14 DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

237 North Michigan Street, South Bend, IN 46601

AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A TEN (10) YEAR REAL PROPERTY TAX ABATEMENT FOR

The LaSalle Apartments LLC

WHEREAS, the Common Council of the City of South Bend, Indiana, has adopted a Declaratory Resolution designating certain areas within the City as Economic Revitalization Areas for the purpose of tax abatement consideration; and

WHEREAS, a Declaratory Resolution designated the area located at 237 North Michigan Street, South Bend, IN 46601 and which is more particularly described as follows:

Lot 1 O P So Bend Lot 2 & N 33.45' Lot 3 O P

and which has Key Numbers 71-08-12-107-005.000-026 and 71-08-12-107-006.000-026 presently at this point in time, 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; and

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

WHEREAS, the Council issued a Confirming Resolution confirming the adoption of a Declaratory Resolution as Resolution No. 4330-14 on March 24, 2014; and

WHEREAS, the petitioner has exceeded the two year designation period granted

in the Confirming Resolution, which expired on March 10, 2016; and continues to move forward with the project with the full expectation of completion in 2016.

WHEREAS, the Petitioner has requested an additional period of time to complete construction of the planned project. Due to the transfer of the abatement from the previous developer, RealAmerica Development, LLC did not have a full two years to complete the planned project.

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

<u>SECTION I.</u> The Petitioner acknowledges that they have exceeded the two year designation period granted in the Confirming Resolution due to the following:

A. This abatement approval was transferred to RealAmerica Development, LLC, operating as The LaSalle Apartments, LLC, after the previous developer was unable to move forward on the project. RealAmerica Development, LLC was granted the transfer on January 21, 2015 and began construction on the building. The project is currently scheduled to be completed in September 2016.

The Common Council hereby finds that the extension of the designation is appropriate in light of the aforementioned reason noted above.

SECTION II. The Common Council hereby reconfirms its Declaratory Resolution and its Confirming Resolution designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such designation is for Real property tax abatement only and is limited to three (3) calendar years from the date of adoption of the Declaratory Resolution by the Common Council.

SECTION III. The Common Council hereby determines that the property owner is qualified for and is granted Real property tax deduction for a period of ten (10) years as shown by the attachment 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

SECTION IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approved by the Mayor.

Member of the Common Council

Filed in Clerk's Office

MAR 09 2016

KAREEMAH FOWLER CITY CLERK, SOUTH BEND, IN

PRESENTED

NOT APPROVED

ADOPTED

227 W. JEFFERSON BOULEVARD SUITE 1400 S. SOUTH BEND, IN 46601-1830



PHONE: 574/235-9371 FAX: 574/235-9021

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR COMMUNITY INVESTMENT

SCOTT FORD, EXECUTIVE DIRECTOR

March 9, 2016

Council Member Gavin Ferlic, Chairperson Community Investment Committee South Bend Common Council 4th Floor, County City Building South Bend, IN 46601

RE: Tax Abatement Petitions for:

The Tower at Washington Square, LLC

Dear Council Member Ferlic:

**The provided information in this cover letter and accompanying documentation are from the original packet provided to Council and is being included to Council for informational purposes due to the time delay in bringing back the Confirming Resolutions before Council for approval.

Please find the attached information pertaining to the vacant building and real property tax abatement petitions for The Tower at Washington Square, LLC.

- Department of Community Investment's summary report
- Copy of the petitions
- > Statement of Benefits forms
- > Supporting information.

The report contains the Department's findings relative to the above petitions. As detailed in the accompanying Tax Abatement Report the petitioner is requesting exceptions to the local ordinance as allowed by State law. A representative from The Tower at Washington Square, LLC will be available to meet with the Committee on Monday, March 14, 2016.

Should you or any of the other Council members have any questions concerning the report, or need additional information, please feel free to call me at 235-5823.

Sincerely,

Aaron Kobb

Director Economic Resources

Filed in Clerk's Office

MAR 09 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

RESOLUTION NO.	

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

211 West Washington Street

AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A TEN (10) YEAR REAL PROPERTY TAX ABATEMENT FOR:

APARTMENTS LOCATED AT

THE TOWER AT WASHINGTON SQUARE LLC

WHEREAS, the Common Council of the City of South Bend, Indiana, adopted Declaratory Resolution No. 4506-15 (the "Declaratory Resolution") designating certain areas within the City as Economic Revitalization Areas for the purpose of tax abatement consideration; and which was adopted by the Council on October 27, 2015 and approved by the Mayor that same date

WHEREAS, the Declaratory Resolution designated a portion of the property commonly known as 211 West Washington Street, South Bend, Indiana, and which is more particularly described as follows:

Lots 239 & 240 & Vac Alley W & Adj O P

and which is to be rehabilitated for use as apartments as an Economic Revitalization Area; and

WHEREAS, said property has been subdivided into four (4) separate tax parcels and the legal description and Key Number for the parcel relating to the apartments is as follows:

[LEGAL DESCRIPTION]
Key Number
(said parcel being referred to hereinafter as the "Property"); 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, a copy of the notice of adoption of a Declaratory Resolution and a statement containing substantially the same information as a statement of benefits filed with the Council has been filed with each taxing unit that has authority to levy property taxes in the geographic area pursuant to Indiana Code 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing on March 14, 2016 for the purposes of hearing all remonstrances and objections from interested persons; and

WHEREAS, the Council determined that the qualifications for an economic revitalization area have been met.

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

SECTION I. The Common Council hereby modifies and confirms its Declaratory Resolution to designate the Property as an Economic Revitalization Area for the purposes of tax abatement. Such designation is for real property tax abatement only and is limited to three (3) calendar years from the date of adoption of the Declaratory Resolution by the Common Council rather than the two (2) calendar year designation due to the size, scope and complexity of the rehabilitation of the property.

SECTION II. The Common Council hereby determines that the property owner is qualified for and is granted real property tax deduction for up to a period of ten (10) years as provided in the alternate abatement scheduled 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.

<u>Year</u>	Real Property <u>Abatement</u>
1	100%
2	100%
3	90%
4	85%
5	85%
6	85%
7	85%
8	60%
9	60%
10	60%

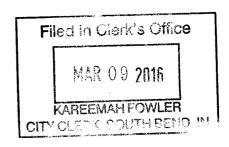
<u>SECTION III.</u> This Resolution shall be in full force and effect from and after its adoption by the Common Council and approved by the Mayor.

Member of the Common Council

PRESENTED

NOT APPROVE

ADOPTED



<u>TAX ABATEMENT REPORT</u>

TO: SOUTH BEND COMMON COUNCIL

FROM: AARON KOBB

SUBJECT: REAL PROPERTY TAX ABATEMENT PETITIONS FOR:

The Tower at Washington Square, LLC

DATE: March 9, 2016

Attached please find the petitions of The Tower at Washington Square LLC (the "Petitioner"), seeking real property tax abatement for the real property within the City of South Bend, Indiana, commonly known as 211 West Washington Street (the "Property"). In order to permit Petitioner to increase the scope of the rehabilitation of the Property. Petitioner requests that the Common Council rescind Resolution 4353-14 adopted on April 28, 2014 by the Common Council and Resolution No. 4361-14, adopted on May 12, 2014 by the Common Council which previously designated the Property as an Economic Revitalization Area for the purposes of tax abatement and only for a period of two (2) calendar years. As part of the increase in scope of rehabilitation, the Property shall be subdivided into four (4) separate tax parcels based upon the designated use of each tax parcel. The designated uses of the parcels shall be (i) a hotel; (ii) retail; (iii) parking garage; and (iv) residential apartments. Upon the subdivision of the Property, the Petitioner expects that each parcel will be owned by a separate entity, each affiliated with the Petitioner. The Petitioner requests a vacant building deduction for the parcel designated for a hotel. At this time, the Petitioner also requests a deduction for real estate improvements for the retail, parking garage, and residential uses. The requested tax deduction for the hotel, retail, parking garage and residential are set forth in the tax abatement schedule in each petition.

The Petitioner requests that the Common Council now consider the (4) four petitions filed herewith and adoption of the related confirming resolutions.

The Common Council should note the following exceptions to the local ordinance being requested for these petitions:

- Tower Hotel
 - > Standard designation for an Economic Revitalization Area is two years. Petitioner is requesting this be three years.
 - > Project would qualify for a two year vacant building abatement. Petitioner is requesting a ten year abatement.
 - > Petitioner is requesting a revised abatement schedule as detailed in the accompanying Confirming Resolution.

• Tower - Retail

- > Standard designation for an Economic Revitalization Area is two years. Petitioner is requesting this be three years.
- > Project would qualify for a six year real property tax abatement. Petitioner is requesting a ten year real property abatement.
- > Petitioner is requesting a revised abatement schedule as detailed in the accompanying Confirming Resolution.

• Tower - Parking Garage

- > Standard designation for an Economic Revitalization Area is two years. Petitioner is requesting this be three years.
- Project would qualify for a three year real property tax abatement. Petitioner is requesting a ten year real property tax abatement.
- > Petitioner is requesting a revised abatement schedule as detailed in the accompanying Confirming Resolution.

Tower-Apartments

- > Standard designation for an Economic Revitalization Area is two years. Petitioner is requesting this be three years.
- > Project would qualify for a nine year real property tax abatement. Petitioner is requesting a ten year abatement.
- > Petitioner is requesting a revised abatement schedule as detailed in the accompanying Confirming Resolution

The Common Council should also note the following business case considerations for allowing an exception to the local ordinance:

- The building is the most prominent building in downtown and requires substantial investment to cure mechanical and structural deficiencies.
- The proposed use fits in with the overall plan for the downtown.
- The proposed deal structure requires no public cash investment.

PROJECT SUMMARY FOR THE FOUR REQUESTED ABATEMENTS

- > Total project taxes during ten year abatement period \$5,825,917
- > Estimated taxes being abated during ten year abatement period \$3,778,026
- > Total taxes to be paid during ten year abatement period \$2,047,891

EMPLOYMENT IMPACT

Per the petitions, it is estimated that the total project will:

> Create 89 permanent, full-time jobs in the ten year abatement period, representing a new annual payroll of \$2,899,894

ABATEMENT QUALIFICATION

- 1. A review of the tax abatements previously granted, finds that the petitioner has been granted or associated with a previous abatement.
- 2. The Building Commissioner has reviewed the petition and finds the property to be properly zoned for the proposed project.
- 3. A review of the South Bend Redevelopment designation areas finds that the property is located in the River West Development Area.
- 4. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner does not meet the qualifications for a ten year real property tax abatement under section IC. 6-1.1-12.1-4.8 and requests exceptions to the local ordinance.

	· Clayof Sandh i Petition for Ince		
รียสมัยของกับเหลือใน ออริสต์สิยากรับ	નીવર્વસ્લ જેવી ઉત્તીતિક વિસ્તૃત્વવા વધી કરો હવી હવી છતી છતી છતી છતી છતી છતી.	ะใช้ได้เลวการสกในระเทษปร	1-19[13]/5-274](31(2-6))
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roject Overview	South Bent, 14 4001		mneal@bradleyco.com
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IP 22 2015

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Complete below for Real or Personal Property Tax Abatement only. Please sign for all requested incentives.

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The Undersigned owner(s) of real property, located within the Cuy of South Bend, herby petition the Common countil of the Cey of South Bend for a real end/or personal property lan abelement consideration and pursuant to LC /6-1-1-12-1-21 (e.g. and south Bend Municipal Code Sec. 2-76 green) for this bellion state the above 2.5.

Submitted By: Submitted By: Date: Date: Date: PK VOGS

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Supplement to Petition for Incentives Frequently Asked Questions

We are frequently asked to explain the following questions, in an effort to clarify we are providing answers below.

1) How do I pay my petition filing fee?

Your petition filing fee can be paid either in person or via mail to:

City Clerk's Office

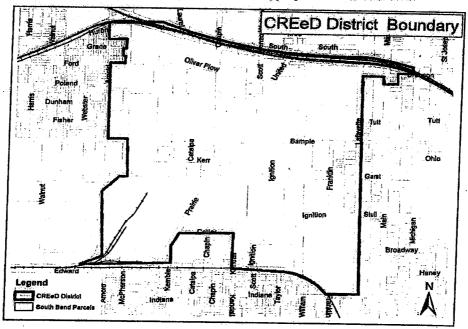
Attn: Deputy City Clerk

227 West Jefferson Blvd. • Suite 400 S

South Bend, Indiana 46601

Or online via paypal at: http://southbendin.gov/government/ content/tax-abatement

- 2) Certified Technology Park appropriate? (Page one, under project overview)
 In the South Bend area there are only two Certified Technology Parks, Innovation Park and Ignition Park. If your property is not located in either then the answer would be no.
- 3) Community Revitalization Enhancement District? (Page one, under project overview)
 The map below outlines the CRED area, please check to see if you fall within the boundaries.



- 4) Has any 504 funding been received? (Page one, under investment details)

 504 Funding is a loan that come from the Small Business Administration. This funding must be applied for to be received.
- 5) Total training expenditure not cumulative (Page two, under full time Indiana resident positions)

 The amount of money to be spent per year on training over the course of the project.
- 6) Total number to be trained not cumulative (Page two, under full time Indiana resident positions)

The amount of people that you will train per year over the length of the project.

If you have any additional questions that are not addressed by this document, please contact Sarah Heintzelman in the Department of Community Investment at 574.235.5842 or email at sheintze@southbendin.gov



PAY 20 FORM SB-1 / VBD

STATEMENT OF BENEFITS
VACANT BUILDING DEDUCTION
Stelle Form 65192 IR (2-14)
Prescribed by the Department of Local Government Finance C/
This statement is being completed for real property that qualifies as an "eligible vacant building" as defined by IC 6-1.1-12.1-1(17).

PRIVACY NOTICE

INSTRUCTIONS:

- 1. This statement must be submitted to the body designating the Economic Revitalization. Area prior to the public hearing if the designating requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise must be submitted to the designating body BEFORE the occupation of the eligible vacant building for which the person wishes to claim 2. To obtain a vecant building deduction, a room 322/NBD must be filled with the county suddior before May 10 in the veer in which the property of the

SECTION 1	TAX	PAYER INFORMATION	transport distribution of the contract of the	att	the same of the sa
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Name of contact person Liberty Angellades		Telephone number (718) 786-	STELL	E-mail eddre thetowera	es washinglonsquarelic@gn
SECTION 2 Name of design stage body South Bend Common Council	LOCATION AND DESC	CRIPTION OF PROPO	SED PROJECT	Resolution n	imbo
Location of property 211 W. Washington St			oseph	DLGF taxing	district number
Description of eligible vecant building that the property Hotel is part of a mixed use building. Hotel building had fallen into severe disrepair and	was closed in June	2014 shortly after or	irchase as		Supancy date (month, day, year) 01/01/17
refurbish building beginning in late 2015 wi	th re-occupancy to o	ccur in early 2017			e placed in-use (month, day, yea 01/01/17
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ess values of any property being replaced			49		سنف واستعادت المستور
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escribed efforts by the experior previous owner to set When was unable to lease of rent the hotel ystems had long term deferred maintenanc burst water pipes causing significant inter im revitalization project	lease or mit the billions beginning in June 20 e issues unattended for damage. Owner i	dung period privacency. 14 as the building's Which made it not y nad to ultimately clo	mechanical sys	lems, HVAC	and other internal
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I any other benefits resulting from the occupancy of the ne building is the most prominent building in intral to the City's continued revitalization. Iditional downtown development. The build inking garage (including parking for public i	n downlown South B The redevelopment d ling will eventually or	ne of political edition	Indefed mived	الأوة المتمامين مثا	the a description of
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		FOR USE OF T	HE DESIGNATIN	G BODY		
We find that the applicant meets the under IC 6-1.1-12.1, provides for the	general standard following limitati	ls in the resolution ons:	adopted or to be	adopted by this bo	dy. Said resolution, i	passed or to be passed
A. The designated area has beer designation expires is	limited to a per	od of time not to e	xceed	calenda	r years* (see below).	The date this
B. The amount of the deduction a	pplicable is limit	ed to \$	·			•
C. Other limitations or conditions	(specify)		***			
D. Number of years allowed:	☐ Year 1 ☐ Year 6	☐ Year 2 ☐ Year 7	☐ Year 3 ☐ Year 8	☐ Year 4 ☐ Year 9	Year 5 (* see I	below)
E. For a statement of benefits app	tement schedule quired to establi	to this form. sh an abatement s	chedule before th	e deduction can be	determined.	·
determined that the totality of benefits	is sufficient to ju	stify the deduction	described above.	the esumates and	expectations are rea	sonable and have
Approved (signature and title of authorized me	mber of designatin	g body)	Telephone num	ber	Date signed (mo	onth, day, year)
			()			
Printed name of authorized member of designa	ting body	W	Name of design	ating body		
Attested by (signature and title of attester)			Printed name of	attester		
* If the designating body limits the time p taxpayer is entitled to receive a deduction IC 6-1.1-12.1-1(17) "Eligible vacant built (A) is zoned for commercial or industrial (B) is unoccupied for at least one (1) yeby a valid certificate of occupancy, paid	on to a number of ding" means a bit purposes; and ar before the ow	of years that is less uilding that:	than the number	of years designate	d under IC 6-1.1-12.1	l -17.
department of local government finance		Ū	,, .		oopaaon mat mo	
IC 6-1.1-12.1-17 Abatement schedules Sec. 17. (a) A designating body may prosection 4 or 4.5 of this chapter an abater (1) The total amour (2) The number of r (3) The average wa (4) The infrastructur (b) This subsection applies to a for each deduction allowed used the deduction. An abatement (c) An abatement schedule applied the terms of the resolution applied to the deduction allowed used the deduction.	ment schedule be not of the taxpayer new full-time equ ge of the new er re requirements statement of ber under this chapte at schedule may roved for a partic	ased on the following assed on the following asserting the following asserting the taxpayer's intensity approved after. An abatement sunot exceed ten (10) aular taxpayer befor	ng factors: al and personal p d. d to the state mini nvestment. er June 30, 2013. chedule must spe) years. ee July 1, 2013, re	roperty. Imum wage. A designating bod cify the percentage	y shall establish an al amount of the deduc	batement schedule dion for each year of

Bill No.16-15- Retail Space Petition

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Supplement to Petition for Incentives Frequently Asked Questions

We are frequently asked to explain the following questions, in an effort to clarify we are providing answers below.

1) How do I pay my petition filing fee?

Your petition filing fee can be paid either in person or via mail to:

City Clerk's Office

Attn: Deputy City Clerk

227 West Jefferson Blvd. • Suite 400 S

South Bend, Indiana 46601

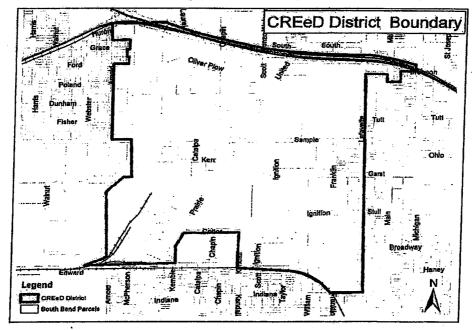
Or online via paypal at: http://southbendin.gov/government/ content/tax-abatement

2) Certified Technology Park appropriate? (Page one, under project overview)

In the South Bend area there are only two Certified Technology Parks, Innovation Park and Ignition Park. If your property is not located in either then the answer would be no.

3) Community Revitalization Enhancement District? (Page one, under project overview)

The map below outlines the CRED area, please check to see if you fall within the boundaries.



- 4) Has any 504 funding been received? (Page one, under investment details)
 504 Funding is a loan that come from the Small Business Administration. This funding must be applied for to be received.
- 5) Total training expenditure not cumulative (Page two, under full time Indiana resident positions)

 The amount of money to be spent per year on training over the course of the project.
- 6) Total number to be trained not cumulative (Page two, under full time Indiana resident positions)

The amount of people that you will train per year over the length of the project.

If you have any additional questions that are not addressed by this document, please contact Sarah Heintzelman in the Department of Community Investment at 574.235.5842 or email at sheintze@southbendin.gov



STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS State Form \$ 1767 (RM / 2 15) Prescribed by the Department of Local Government Finance

SEP 22 2015

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FORM 6B:1 / Real Property

PROVACYNOTICE

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We find that the applicant meets the general standards in the resolu	OF THE DESIGNATING BODY Ulion adopted or to be adopted by this t	ody. Said resolution, passed or to be passed
under IC 6-1.1-12.1, provides for the following limitations:	and the state of the same section and the same of	ody. Salu fesolution, passed of 10 pe passed
A. The designated area has been limited to a period of time not expires is	to exceed calendar yea	ars* (see below). The date this designation
B. The type of deduction that is allowed in the designated area in 1. Redevelopment or rehabilitation of real estate improvement 2. Residentially distressed areas	is limited to: ats	
C. The amount of the deduction applicable is limited to \$		
D. Other limitations or conditions (specify)		
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F. Did the designating body adopt an alternative deduction sched if yes, attach a copy of the alternative deduction schedule to the weak the deduction schedule to the statement of determined that the totality of benefits is sufficient to justify the deduction.	ils form,	☐ No d expeciations are reasonable and have
Approved (signature and title of authorized member of designating body)	Telephone number	Dula strend (shotte day)
	()	Date signed (month; day, year)
Attested by (signature and title of attester)	Designated body	

Bill No. 16-16- Parking Garage Petition

The Tower at Washington Square LLC Limited liability company Discussion of the Company Discussion o	General Information	: . Ject manie	Tower - Parking Garage	Project N	umber
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Complete below for Real or Personal Property Tax Abatement only. Please sign for all requested incentives.

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The undersigned owner(s) of (e) properly, located within the City of South Bend, herby, petition the (common Council of the City of South Bend, or a year and/or personal property tax abatement consideration and pursuant to I.C. 6-1.1-121-13 pt sen, and the South Bend Municipal Code Sec 2-76 elisa storid petition state the above.

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Supplement to Petition for Incentives Frequently Asked Questions

We are frequently asked to explain the following questions, in an effort to clarify we are providing answers below.

1) How do I pay my petition filing fee?

Your petition filing fee can be paid either in person or via mail to:

City Clerk's Office

Attn: Deputy City Clerk

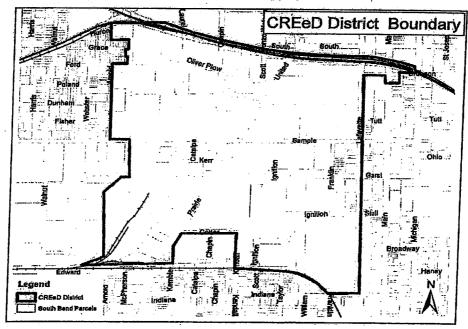
227 West Jefferson Blvd. • Suite 400 S

South Bend, Indiana 46601

Or online via paypal at: http://southbendin.gov/government/ content/tax-abatement

- 2) Certified Technology Park appropriate? (Page one, under project overview)

 In the South Bend area there are only two Certified Technology Parks, Innovation Park and Ignition Park. If your property is not located in either then the answer would be no.
- 3) Community Revitalization Enhancement District? (Page one, under project overview)
 The map below outlines the CRED area, please check to see if you fall within the boundaries.



- 4) Has any 504 funding been received? (Page one, under investment details) 504 Funding is a loan that come from the Small Business Administration. This funding must be applied for to be received.
- 5) Total training expenditure not cumulative (Page two, under full time Indiana resident positions)

 The amount of money to be spent per year on training over the course of the project.
- 6) Total number to be trained not cumulative (Page two, under full time Indiana resident positions)

The amount of people that you will train per year over the length of the project.

If you have any additional questions that are not addressed by this document, please contact Sarah Heintzelman in the

Department of Community Investment at 574.235.5842 or email at sheintze@southbendin.gov



STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS State Form \$150" (Rul / 2:13) Prescribed by the Department of Local Government Finance

SEP 222015

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FORM SB-1 / Real Property

This statement is being complated for real property that qualifies under the following Indiana Code (check one box):

This statement is being complated for real property that qualifies under the following Indiana Code (check one box):

Residentially distressed area (IC 6 - 1, 1-12.1-4.1)

INSTRUCTIONS:

1. This statement must be submitted to the body designeting the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise: this attendant must be submitted to the CORF, the indevelopment or inhebitalization of real property for which the person what is Claims according to Projects planted of Committed other Units, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BEINGTIS. (IC 6-1):1-12.1)

2. Approval of the designating body (Ch) Council, Joyn Soera, county Council, etc.) must be obtained prior initiation of the redevelopment of

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FOR USE OF TH	E DESIGNATING BODY	
We find that the applicant meets the general standards in the resolution a under IC 6-1.1-12.1, provides for the following limitations:	dopted or to be adopted by this body. S	Sald resolution, passed or to be passed
A. The designated area has been limited to a period of time not to exceed a spires is	peedcalendar years* (se	ee below). The date this designation
B. The type of deduction that is allowed in the designated area is limit Redevelopment or rehabilitation of real estate improvements Residentially distressed areas	ed lo: Yes No Yes No	
C. The amount of the deduction applicable is limited to \$		
D. Other limitations or conditions (specify)		
E. The deduction is allowed for	/ears* (see below).	
F. Did the designaling body adopt an alternative deduction schedule of if yes, attach a copy of the alternative deduction schedule to this for We have also reviewed the information contained in the statement of beneficial	n. ils and find that the estimates and owner	
Approved (signature and fille of authorized member of designating body)	Telephone number	Date signed (month, day, year)
Attested by (signature and title of attester)	Designated body	1
* If the designating body limits the time period during which an area is an eccentified to receive a deduction to a number of years designated under IC 6-1 A. For residentially distressed areas, the deduction period may not exceed f. B. For redevelopment and rehabilitation or real estate improvements: 1. If the Economic Revitalization Area was designated prior to July 1, 200 2. If the Economic Revitalization Area was designated after June 30, 200 exceed ten (10) years.	ve (5) years.	
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Bill No. 16-17- Apartment Petition

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Complete below for Real or Personal Property Tax Abatement only. Please sign for all requested incentives.

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Information is required on both the construction companies which will provide materials purch. Please complete the table below with the appropriate you qualify for the points, please enter the full points.	ased for this project opriate information, if	Qualify (Yes or No)	<u>Earned Points</u>	Available Points
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The undersigned owner(s) of real property, located within the City of South Bend, herby petition the Common Council of the City of South Bend for a real and/or personal property tax abatement consideration and pursuant to i.C., 6:1.1-12.1-1, at seq., and South Bend Municipal Code Sec, 2-76 at seq., for this petition state the above.

		//		
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CITY CLERK, SOUTH BEND, IN

Supplement to Petition for Incentives Frequently Asked Questions

We are frequently asked to explain the following questions, in an effort to clarify we are providing answers below.

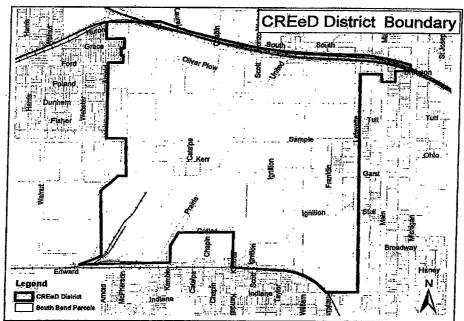
1) How do I pay my petition filing fee?

Your petition filing fee can be paid either in person or via mail to:

City Clerk's Office Attn: Deputy City Clerk 227 West Jefferson Blvd. • Suite 400 S South Bend, Indiana 46601 Or online via paypal at: http://southbendin.gov/government/ content/tax-abatement

- 2) Certified Technology Park appropriate? (Page one, under project overview)
 In the South Bend area there are only two Certified Technology Parks, Innovation Park and Ignition Park. If your property is not located in either then the answer would be no.
- 3) Community Revitalization Enhancement District? (Page one, under project overview)

 The map below outlines the CRED area, please check to see if you fall within the boundaries.



- 4) Has any 504 funding been received? (Page one, under investment details)

 504 Funding is a loan that come from the Small Business Administration. This funding must be applied for to be received.
- 5) Total training expenditure not cumulative (Page two, under full time Indiana resident positions)

 The amount of money to be spent per year on training over the course of the project.
- 6) Total number to be trained not cumulative (Page two, under full time Indiana resident positions)

The amount of people that you will train per year over the length of the project.

If you have any additional questions that are not addressed by this document, please contact Sarah Hair and the project.

Department of Community Investment at 574.235.5842 or email at sheintze@southbendin.gov

OCT 20 2015

CITY CLERK, SOUTH HEND, IN



STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS SIAL FORMS 1787 (R412-18)

Prescribed by the Department of Local Government Finance

20____PAY 20_ FORM SB-1 / Real Property

PRIVACYNOTICE

The coal and any specific ledividual's salary intermation is confidential; the balance of the filing is public record per (C-6-1/1-12 %-1(c) and (d).

This statement is being completed for real property that qualifies under the following indians Code (check one box):

Redevelopment of rehabilitation of least estate improvements (IC 6-1,1-12;1-4)

Residentially distressed area (IC 6-1,1-12,1-4,1)

NSTRUCTIONS.

This stelement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this stelement must be authinities to the designating body REFORE the redevelopment or rehabilitation of real property for which the person Wishes to cleim a destruction. Projects' planned or committed to after July 1, 1987, and areas destgnated after July 1, 1987, which the person Wishes to cleim a destruction. Projects' planned or committed to after July 1, 1987, and areas destgnated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.7-12-1) Approval of the designating body (City Council, Novin Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, BEFORE a deduction may be approved.

To chiefin a deduction, a Form 322/RE must be filled with the County Auditor before May 10 in the year in which the addition to assessed valuation is made on not fater than thirty (30) mays after the assessment notice is mailed to little property owner if it was melled after April 10. If the property owner interest the May 10 designate in the initial year of occupation, he can apply between March 1 and May 10 of a subsequiem year.

Property owners whose Statement of Benefits was approved after June 30, 1981, must affect as Form CF-1/Reel Property annually to the application to show compilance with the Statement of Benefits (IC 5-1, 1-12, 15-10) and its 4-1-12, 1-5, 3(0).

The schedules established tride (C 6-1, 1-12, 1-4, 10) and its 4-1-12, 1-13, 1-17). The schedules effective prior to July 1, 2000, shall confirm to apply to economic revitalization errors designated before July 1, 2000.

TAXPAYER INFORMATION The Tower of Washington Square LLC Addiess of texpayer (number and sheet, city state, and 21P code) 8-44 17th Averse, Sid Floor, Long Island City, NY 11101 Name of contact person Liberty Angeledes 718.786.5455 SECTION 2 a of detionaling body Resolption number South Band Common Council Location of property DLGF taxing district number 211.W. Washington St. 61 Joseph Description of real properly improvements, redevalopment, or rehabitation (use additional cheets if necessary) Estimated start data (month, day, year) 08/29/15 The building's age and significant deterred maintenance Issues have made the building obsolescent milhout a complete modernization of building title Estimated completion date (month, day, year) ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT. SECTION 3 Salaries ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT REALESTATE IMPROVEMENTS COST ASSESSED VALUE Current values 2,294,283 Plus ealimated values of proposed project 12597000 Less values of any property being replaced Nat ealimated values upon completion of project WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER SECTION 5 Estimated solid wasie converted (pounds) Estimated hazardous waste converted (pounds) Other bonefits Filed MICE OCT 20 2015 JOHre Ju ERK SOUTH MEND IN TAXPAYER CERTIFICATION I hereby certify that the representations in this statement are true. Signature of attitionized representa Dale signed (month, day, your) Manppel

FOR USE	OF THE DESIGNATING BODY
We find that the applicant meets the general standards in the reso under IC 6-1.1-12.1, provides for the following limitations;	olution adopted or to be adopted by this body. Said resolution, passed or to be passe
A. The designated area has been limited to a period of time no expires is	ot to exceed calendar years* (see below). The date this designation
B. The type of deduction that is allowed in the designated area Redevelopment or rehabilitation of real estate improveme Residentially distressed areas	a is limited lo: ents
C. The amount of the deduction applicable is limited to \$	
D. Other limitations or conditions (specify)	
E. The deduction is allowed for	
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Approved (signature and title of authorized member of designating body)	Telephone number Date signed (month, day, year)
Attested by (signature and title of attester)	Designated body
* If the designating body limits the time period during which an area is entitled to receive a deduction to a number of years designated under A. For residentially distressed areas, the deduction period may not experience	

227 W. JEFFERSON BOULEVARD SUITE 1400 S. SOUTH BEND, IN 46601-1830



PHONE: 574/235-9371 FAX: 574/235-9021

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR COMMUNITY INVESTMENT

SCOTT FORD, EXECUTIVE DIRECTOR

March 7, 2016

Council Member Gavin Ferlic, Chairperson Community Investment Committee South Bend Common Council 4th Floor, County City Building South Bend, IN 46601

RE: Real Property Tax Abatement Petition for: East Bank South Bend Development, LLC

Dear Council Member Ferlic:

Please find the attached information pertaining to a real property tax abatement petition for East Bank South Bend Development, LLC:

- > Department of Community Investment's summary report
- > Copy of the petition
- > Statement of Benefits form
- > Supporting information.

The report contains the Department's findings relative to the above petition. East Bank South Bend Development, LLC will be investing approximately \$2,500,000 in the construction of a new six story mixed use building. The project meets the qualifications for an (8) eight year real property tax abatement. A representative from East Bank South Bend Development, LLC will be available to meet with the Committee on Monday, March 14, 2016.

Should you or any of the other Council members have any questions concerning the report, or need additional information, please feel free to call me at 235-5823.

Sincerely.

Aaron Kobb

Director Economic Resources

Filed in Clerk's Office

MAR 09 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

215 Sycamore Street, South Bend, IN 46617

AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF AN (8) EIGHT-YEAR REAL PROPERTY TAX ABATEMENT FOR

East Bank South Bend Development, LLC

WHEREAS, a petition for real property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area commonly known as 215 Sycamore Street, South Bend, IN 46617 and which is more particularly described as:

LOT 9 EAST BANK TOWNHOMES MINOR SUB NP#132 01-06-11

and which has Key Numbers 018-5003-005808 be designated as an Economic Revitalization Area under the provisions of <u>Indiana Code</u> 6-1.1-12.1 <u>et seq.</u>, and South Bend Municipal Code Sections 2-76 <u>et seq.</u>, and;

WHEREAS, petitioner has agreed to and has accepted responsibility to report any changes in the final legal description and to report the final, appropriate Key Number to the Department of Community Investment and to the Office of the City Clerk; and

WHEREAS, the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under <u>Indiana Code</u> 6-1.1-12.1, <u>et seq.</u>, and South Bend Municipal Code Sections 2-76, <u>et seq.</u>, and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

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

<u>SECTION I.</u> The Common Council hereby determines and finds that the Petition for Real Property Tax Abatement and the Statement of Benefits form completed by the Petitioner meet the

requirements of Indiana Code § 6-1.1-12.1 et seq., for tax abatement.

SECTION II. The Common Council hereby determines and finds the following:

- A. That the description of the proposed redevelopment or rehabilitation meets the applicable standards for such development;
- B. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature;
- C. That the estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed described redevelopment or rehabilitation;
- D. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed redevelopment or rehabilitation;
- E. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation; and
- F. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of Indiana Code § 6-1.1-12.1-3.
- SECTION III. The Common Council hereby determines and finds that the proposed described redevelopment or rehabilitation can be reasonably expected to yield benefits identified in the Statement of Benefits, Sections 1 through 3 of the Petition for Real Property Tax Abatement Consideration and the Memorandum of Agreement between the Petitioner and the City of South Bend, and that the Statement of Benefits form completed by the petitioner, said form being prescribed by the State Board of Accounts, are sufficient to justify the deduction granted under Indiana Code § 6-1.1-12.1-3.
- <u>SECTION IV.</u> The Common Council hereby accepts the report and recommendation of the Community Investment Committee that the area herein described be designated as an Economic Revitalization Area and hereby adopts a Resolution designating this area as an Economic Revitalization Area for purposes of real property tax abatement.
- <u>SECTION V.</u> The designation as an Economic Revitalization Area shall be limited to two (2) calendar years from the date of the adoption of this Resolution by the Common Council.
- <u>SECTION VI.</u> The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of (8) eight years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.
- <u>SECTION VII.</u> The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana

Code § 5-3-1 and Indiana Code § 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

<u>SECTION VIII.</u> This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council

PRESENILL

MOI APPROVE

Filed in Clerk's Office

MAR 09 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

TAX ABATEMENT REPORT

TO:

SOUTH BEND COMMON COUNCIL

FROM:

AARON KOBB

SUBJECT:

REAL PROPERTY TAX ABATEMENT PETITION FOR:

East Bank South Bend Development, LLC

DATE:

March 8, 2016

On Wednesday, March 9, 2016, a petition from East Bank South Bend Development, LLC was received and subsequently filed with the City Clerk for real property tax abatement consideration for property to be located at 215 Sycamore Street, South Bend, IN 46617. Pursuant to Chapter 2, Article 6, Section 2-84.2 of the Municipal Code of the City of South Bend, this petition was referred to the Department of Community Investment for purposes of investigation and preparation of a report determining whether the area qualifies as an Economic Revitalization Area pursuant to I.C.6-1.1-12.1 and whether all zoning requirements have been met.

The Department of Community Investment has reviewed the petition (a copy of which is attached), investigated the area, and makes the following report.

PROJECT SUMMARY

- Estimated \$2,500,000 construction of a six story mixed use building with ground floor commercial and residential on floors 2-5 along with a common area on the sixth floor. The ground floor commercial space will be approximately 3200 square feet. Each floor of the residential units will consist of a one, two, and three bedroom apartment for a total of 12 residential units.
- Estimated total taxes on new and existing building construction during the eight year abatement period \$580,917
- Estimated taxes being abated on new building construction during the eight year abatement period \$234,495
- Estimated taxes to be paid on new and existing building construction during the eight year abatement period \$346,422

EMPLOYMENT IMPACT

Per the petition, it is estimated that the total project will:

- > Create 2 permanent, full-time jobs within the eight year abatement period, representing a new estimate annual payroll of \$91,520
- ➤ 14 total jobs will be retained with a total annual payroll of \$640,640

ABATEMENT QUALIFICATION

- 1. A review of the tax abatements previously granted, finds that the petitioner has been granted or associated with previous abatements.
- 2. The Building Commissioner has reviewed the petition and finds the property to be properly zoned for the proposed project.
- 3. A review of the South Bend Redevelopment designation areas finds that the property is located in the River West Development Area.
- 4. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner meets the qualifications for an (8) eight-year real property tax abatement under section 2-84.2, Real Property Tax Abatement.

East Bank South Bend Development, LLC

South Bend Portage Township Real Property Tax Abatement Schedule*

	Assessed Value: Current Assessed Value Base Assessed Value Less Abatement Deduction	Net Assessed Value	Property Taxes: Assume constant tax rate of	Gross Tax (tax rate x net assessed value) Less Circuit Breaker Credit	Net Tax	Circuit Breaker Cap Circuit Breaker Debt Service	Circuit Braker Cap													
Tax Key Number Current Assessed Value: Estimated Project Cost;	100% 80%	1		d value)	1	3.0000%	i			>	100	√- (N 6	ο,	4 1		100	~ (œ	Totals
ii.	Current AV & Tax 6,100	6,100	5.4968%	335 (115)	221	183	221		: : 1	Existing	I axes	221	22.5	77	221	221	221	221	122	1,766
Ò	Without Abatement 6,100 2,000,000 0	2,006,100	5.4968%	110,272 (37,657)	72,615	60,183	72,615		New	Project	axes	72,394	72,394	72,394	72,394	72,394	72,394	72,394	72,394	579,151
018-5003-005808 6,100 2,500,000	100% <u>Year 1</u> 6,100 2,000,000	6,100	5.4968%	335	335	60,183	60,221		Combined	Existing & New	Taxes	72,615	72,615	72,615	72,615	72,615	72,615	72,615	72,615	580,917
	88% <u>Year 2</u> 6,100 2,000,000	246,100	5.4968%	13,528	13,528	60,183	61,708			Tax	Abated	72,279	29,087	44,795	31,603	17,311	4,710	3,098	1,611	234.495
	75% <u>Year 3</u> 6,100 2,000,000	506,100	5.4968%	27,819	27,819	60,183	3,136		Net	Tax	Paid	335	13,528	27,819	41,012	55,303	67,905	69,516	71,003	346 422
	63% <u>Year 4</u> 6,100 2,000,000	746,100	5.4968%	41,012	41,012	60,183	4,624	2212												
	50% Year 5 6,100 2,000,000	1,006,100	5,4968%	55,303	55,303	60,183	6,235	00,410				•								
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	25% <u>Year 7</u> 6,100 2,000,000	(500,000)	5.4968%	82,787	(13,271) 69,516	60.183	9,333	99,516												
	13% <u>Year 8</u> 6,100 2,000,000	(260,000)	5 4968%	95,980	(24,976)	60 183	10,820	71,003												

*This schedule is for estimation purposes only and assumes constant tax rates. The true tax values will ultimately be determined by the actual assessed valuation and the then current tax rates.

City of South Bend Retition for Incentives The distribution of the Properties of the Company o



The state of the s	Project Name	East Bank Flats	Project Num	ber	1
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sinasetuniura	Single member LLC				1
mpanywebolte	MatthewsLLC.com		Valvanii Paracil + *scri		1
oposed Project Information					
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	th Bend, IN 46617	Legalowije	East	Bank South Bend Development, LLC	
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mary Contact Information					
เครางเรื่องปลายได้เรอกการุ่งบางเล	David Matthews	nilb.	Member		
CENTRO (100 IN DELIVER PROPERTY CONTRACTOR	121 S. Niles Ave	Phone:	574-607-4271		
	h Bend, IN 46617	Enril	David@MatthewsLL	C.com	
ior Official Information	0022001000 V				
hrukenpaquepunue	David Matthews	Tille	Member		
ŒSKÓROMODNÝGORFIER(NADRÉFER) FAL	rom	Phone			
Statt-/zjp	*	enul .			
sultant Information/Agent					
business consultant/agent name			ato(v/(i)):		
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Special Totaling/Retooling		\$0	\$0						
New Furniture / Fixtures		\$0	\$ 10,000						
New Computer/IT/Hardware		\$0	\$0						
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Complete below for Real or Personal Property Tax Abatement only. Please sign for all requested incentives.

Public Benefit. Information is required on both the construction companies and the companies which will provide materials purchased for this project. Please complete the table below with the appropriate information. If you qualify for the points, please enter the full amount of available points.	Oualify (Yes or No	Earned Pölints	<u>Avallable Points</u>
1 <u>Gonstruction Related (Contractors)</u> :			
A: Employ/Local Companies (75%)	Yes	20	20
B. Purchase Materials from Local Companies (75%)	Yes	20	20
C. Require Employees vs./Independent Contractors	Yes	19	19
D. Require Prevailing Wage (Davis Bacon)	No	0	22
E. Require Flealth Benefits	No	0	22
F. Require Pension Benefits	No	0	18
G Maintain Affirmative Action Plan	Yes	20	20
and the second s			
Sub-total Construction Related:		79	141
2 <u>Wage & Benefit Related (Owner):</u>	1		
A. Pay Target Wage Lievels	Yes	33	33
B. Provide Health Benefits	Yes	34	34
C Provide Pension Benefits	No	0	29
D. Provide Training:	Yes	28	28
E Provide Child Care	Yes	15	15
, C. Provide-Transportation Assistance	Yes	14	14
G Provide Employer Assisted Housing program:	Yes	9	9
The Designation of the Control of th	<u>-</u>		
Sub-total Wage & Benefit Related:		133	162
8 Workforce Related:			
A Create New Jobs	Yes	42	42
B. Retain Existing Jobs	Yes	41	41
C. Malittain Affirmative Action Plan	Yes	35	35
0) Provide Targeted Hiring Preference	No	0	34
Sub-total Workforge Related:		118	152
Support a Municipal Facility:			
Support a SB Municipal Facility identities to the zoo; conservation, museum, etc.)		84	84
Name of Facility			
Şübətotal Mürlicipal Facilityi		84	84
Sub-total from Above:		14	539

The undersigned owner(s) of real property, located within the City of South Bend, herby petition the Common Council of the City of South Bend for a real and/or personal property tax abatement consideration and pursuant to 1.C., 6-1.1-12.1-1, et seq., and South Bend Municipal Code Sec. 2-76 et seq., for this petition state the above.

Submitted By:	17 Moule	Date:	3/6/2016
	The state of the s		3/0/2010

What is the current assess divalue?	Real Property:	6,100	Personal Property	0
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Supplement to Petition for Incentives

Frequently Asked Questions

We are frequently asked to explain the following questions, in an effort to clarify we are providing answers below.

1) How do I pay my petition filing fee?

Your petition filing fee can be paid either in person or via mail to:

City Clerk's Office

Attn: Deputy City Clerk

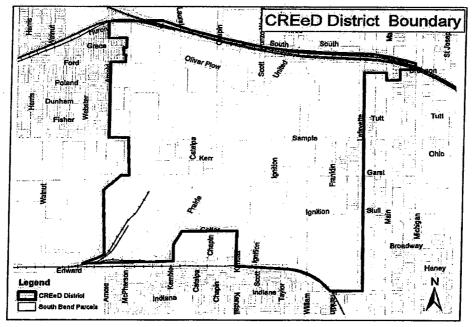
227 West Jefferson Blvd. • Suite 400 S

South Bend, Indiana 46601

Or online via paypal at: http://southbendin.gov/government/ content/tax-abatement

- 2) Certified Technology Park appropriate? (Page one, under project overview)
 In the South Bend area there are only two Certified Technology Parks, Innovation Park and Ignition Park. If your property is not located in either then the answer would be no.
- 3) Community Revitalization Enhancement District? (Page one, under project overview)

 The map below outlines the CRED area, please check to see if you fall within the boundaries.



- 4) Has any 504 funding been received? (Page one, under investment details)

 504 Funding is a loan that come from the Small Business Administration. This funding must be applied for to be received.
- 5) Total training expenditure not cumulative (Page two, under full time Indiana resident positions)

 The amount of money to be spent per year on training over the course of the project.
- 6) Total number to be trained not cumulative (Page two, under full time Indiana resident positions)

The amount of people that you will train per year over the length of the project.

If you have any additional questions that are not addressed by this document, please contact Sarah Heintzelman in the Department of Community Investment at 574,235.5842 or email at sheintze@southbendin.gov



20 PAY 20_ FORM SB-1 / Real Property

PRIVACY NOTICE

The cost and any specific individual's salary information is confidential; the balance of the filling is public record per IC 6-1.1-12.1-5.1(c) and (d).

This statement is being completed for real property that qualifies under the following Indiana Code (check one box): Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4) ☐ Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:
 This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. "Projects' planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1,1-12.1)
 Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to infliction of the redevelopment or rehabilitation, BEFORE a deduction may be approved.
 To obtain a deduction, a Form 322/RE must be filled with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not leter than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. If the property owner misses the May 10 deadline in the inflial year of occupation, he can apply between March 1 and May 10 of a subsequent year.
 Property owners whose Statement of Benefits was approved after June 30, 1991, must attach a Form CF-1/Real Property annually to the application to show compliance with the Statement of Benefits. (IC 6-1,1-12,1-5,1(b) and IC 6-1,1-12,1-5,3(j)).
 The schedules established under IC 6-1,1-12,1-4(d) for rehabilitated property apply to any economic revitalization areas designated after June 30, 2000, unless en afternative deduction schedule is adopted by the designating body (IC 6-1,1-12,1-17). The schedules effective prior to July 1, 2000, shall continue to apply to economic revitalization areas designated before July 1, 2000.

SECTION 1	A CONTRACTOR OF THE PROPERTY O		VED INCODINGEION		والمتحدد والمتحدد	dila i i jezisi de ierisi.
Name of taxpayer	LANCE OF CHARLES AND ASSESSED. IN	TAXPA	YER INFORMATION	200 - 100 -	ere William Co.	
East Bank South Bend	Development, LLC	•				. "
Address of taxpaver	(number and street, city, state,	and ZIP code)				
121 S. Niles Ave, Sout			*			
Name of contact pers	ion		Telephone number		E-mail addre	Dec .
David Matthews			674)607 4271		David@Matth	,
SECTION 2		LOCATION AND DESC	RIPTION OF PROPOSE	D PROJECT :	1 .	-V /
Name of designating l	1, 1 M ▼4			D.1 1(00 <u>L</u> 01 <u>2</u> 8).	Resolution n	umber
South Bend Common C	council					
Location of property			County		DLGF texing	district number
215 Sycamore St, South	n Bend, IN 46617 St. Joseph Co	ounty				
Description of real pro	pperly improvements, redevelo	opment, or rehabilitation (use addit	ional sheets if necessary)		Estimated sta May 1, 2016	ırl dale (month, day, year)
Construction of a 6 story	mixed use building with ground	floor commercial and residential on flo	ors 2, 3,4 and 5, and a common	area on floor 6.	Estimated cor September 1,	npletion date (month, day, yea 2016
SECTION 3	ESTIMA	TE OF EMPLOYEES AND SA	LARIES AS RESULT O	F PROPOSED PR	CUECT	
Current number	Salaries	Number relained	Salaries	Number ac		Salarias
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	y property being replaced		0		0	
	lues upon completion of p		2,508,500		2,131,100	
SECTION 5	W/	STE CONVERTED AND OTH	IER BENEFITS PROMIS	ED BY THE TAXE	PAYER	
Estimated solid w	raste converted (pounds)		Estimated hazarde	ous waste converte	ed (pounds)	
Other benefits						
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SECTION 6		TA VDAVCD	CERTIFICATION			and the second s
	hat the representations	in this statement are true.	CERTIFICATION			· · · · · · · · · · · · · · · · · · ·
<u> </u>	and the second of the second o	ini vije etateljjelit die UUE.				<u> </u>
Signature of authorized	representative	where _	Member		3/6/20	onth, day, year)) 1.6

		FOR USE OF THE				
.We t	fin er	find that the applicant meets the general standards in the resolution a er IC 6-1.1-12.1, provides for the following limitations:	dopted or to be adopted by	this body. Sa	id resolution, passed or to be	passed
. 4	۹.	A. The designated area has been limited to a period of time not to exceptres is	eed calend	lar years* <i>(see</i>	below). The date this desig	nation
. E		The type of deduction that is allowed in the designated area is limited. Redevelopment or rehabilitation of real estate improvements 2. Residentially distressed areas	ed to: Yes No Yes No			
, c		. The amount of the deduction applicable is limited to \$	· · · · · · · · · · · · · · · · · · ·			
D		Other limitations or conditions (specify)	· · · · · · · · · · · · · · · · · · ·		-	
F		. The deduction is allowed for	rearct fees halous			•
-			data (auc below).			
F. We h	av	Did the designating body adopt an alternative deduction schedule positives, attach a copy of the alternative deduction schedule to this for average also reviewed the information contained in the statement of benefits in the totality of benefits is sufficient to justify the deduction defined that the totality of benefits is sufficient to justify the	er IC 6-1.1-12.1-177 The second of the continuation of the conti	Yes	ations are reasonable and h	ave
F. We h	av mi	Did the designating body adopt an alternative deduction schedule purely life yes, attach a copy of the alternative deduction schedule to this for average also reviewed the information contained in the statement of benef	er IC 6-1.1-12.1-177 The second of the continuation of the conti		ations are reasonable and he Date signed (month, day, year)	
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227 W. JEFFERSON BOULEVARD SUITE 1400 S. SOUTH BEND, IN 46601-1830



PHONE: 574/235-9371 FAX: 574/235-9021

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR COMMUNITY INVESTMENT

SCOTT FORD, EXECUTIVE DIRECTOR

March 8, 2016

Council Member Gavin Ferlic, Chairperson Community Investment Committee South Bend Common Council 4th Floor, County City Building South Bend, IN 46601

RE: Personal Property Tax Abatement Petition for: Spectron mrc, LLC.

Dear Council Member Ferlic:

Please find the attached information pertaining to a personal property tax abatement petition for Spectron mrc, LLC:

- > Department of Community Investment's summary report
- > Copy of the petition
- > Statement of Benefits form
- > Supporting information.

The report contains the Department's findings relative to the above petition. Spectron mrc, LLC will be investing approximately \$2,780,000 in the purchase of new pharmaceutical equipment. Spectron mrc, LLC will be leasing space in the newly constructed Ignition Park Catalyst Two building. The project meets the qualifications for a (5) five year personal property tax abatement. A representative from Spectron mrc, LLC will be available to meet with the Committee on Monday, March 14, 2016.

Should you or any of the other Council members have any questions concerning the report, or need additional information, please feel free to call me at 235-5823.

Sincerely,

Aaron Kobb

Director of Economic Resources

Filed in Clerk's Office

MAR 09 2016

KAREEMAH FOWLER CITY CLERK, SOUTH BEND, IN

RESOLUTION NO.	

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

1265 Franklin, Catalyst Two Building, Ignition Park, South Bend, IN 46601

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

Spectron mrc, LLC

WHEREAS, a petition for personal property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area commonly known as 1265 Franklin, Catalyst Two Building, Ignition Park, South Bend, IN 46601 and which is more particularly described as follows:

Business Personal Property

and which has a Key Number to be assigned be designated as an Economic Revitalization Area under the provisions of <u>Indiana Code</u> 6-1.1-12.1 <u>et seq.</u>, and South Bend Municipal Code Sections 2-76 <u>et seq.</u>, and;

WHEREAS, the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under <u>Indiana Code</u> 6-1.1-12.1, <u>et seq.</u>, and South Bend Municipal Code Sections 2-76, <u>et seq.</u>, and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

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

<u>SECTION I.</u> The Common Council hereby determines and finds pursuant to <u>Indiana Code</u> 6-1.1-12.1-4.5 <u>et seq.</u>, that:

a. The estimate of the cost of the new manufacturing equipment is reasonable for

- equipment of that type;
- That the estimate of the number of individuals that will be employed or whose b. employment will be retained by the Petitioner can reasonably be expected to result from the proposed installation of new manufacturing equipment;
- That the estimate of the annual salaries of those individuals that will be employed or c. whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed installation of new manufacturing equipment;
- d. Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed new manufacturing equipment; and
- e. The totality of benefits is sufficient to justify the deduction requested.

SECTION II. The Common Council hereby determines and finds that the proposed new equipment can be reasonably expected to yield the benefits identified in the Statement of Benefits as set forth in Sections 1 through 3 of the Petition for Personal Property Tax Abatement Consideration and that Statement of Benefits form completed by the petitioner, said form being prescribed by the State Board of Accounts, are sufficient to justify the deduction granted under Indiana Code 6-1.1-12.1-4.5.

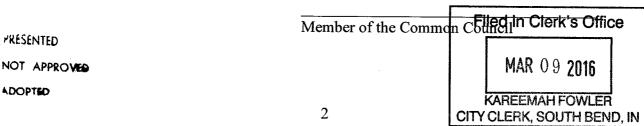
SECTION III. The Common Council hereby accepts the report and recommendation of the Department of Community Investment, and the Community Investment Committee's favorable recommendation, that the area herein described be designated as an Economic Revitalization Area for purposes of personal property tax abatement and hereby makes such a designation.

SECTION IV. The Common Council determines that such designation is for personal property tax abatement only and shall be limited to two (2) calendar years from the date of the adoption of this Resolution by the Common Council.

SECTION V. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of (5) five years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.

SECTION VI. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Personal Property Tax Abatement to be published pursuant to Indiana Code 5-3-1, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

SECTION VII. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.



TAX ABATEMENT REPORT

TO:

SOUTH BEND COMMON COUNCIL

FROM:

AARON KOBB

SUBJECT:

PERSONAL PROPERTY TAX ABATEMENT PETITION FOR:

Spectron mrc, LLC

DATE:

March 8, 2016

On Monday, March 7, 2016, a petition from Spectron mrc, LLC was received and subsequently filed with the City Clerk for personal property tax abatement consideration for property to be located at 1265 Franklin, Catalyst Two Building, Ignition Park, South Bend, IN 46601. Pursuant to Chapter 2, Article 6, Section 2-84.2 of the Municipal Code of the City of South Bend, this petition was referred to the Department of Community Investment for purposes of investigation and preparation of a report determining whether the area qualifies as an Economic Revitalization Area pursuant to I.C.6-1.1-12.1 and whether all zoning requirements have been met.

The Department of Community Investment has reviewed the petition (a copy of which is attached), investigated the area, and makes the following report.

PROJECT SUMMARY

- > Purchase of approximately \$2,780,000 of new pharmaceutical equipment.
- Estimated total taxes on new equipment over the five abatement period \$238,487
- Estimated taxes abated on new equipment over the five abatement period \$109,315
- Estimated taxes to be paid on new equipment over five year abatement period \$129,172

EMPLOYMENT IMPACT

Per the petition, it is estimated that the total project will:

- ➤ Create 39 permanent, full-time jobs within the five year abatement period, representing a new estimated annual payroll of \$2,022,592
- > 8 total jobs will be retained with a total annual payroll of \$582,400

ABATEMENT QUALIFICATION

- 1. A review of the tax abatements previously granted, finds that the petitioner has not been granted or associated with any previous abatements.
- 2. The Building Commissioner has reviewed the petition and finds the property to be properly zoned for the proposed project.
- 3. A review of the South Bend Redevelopment designation areas finds that the property is located in the River West Development Area.
- 4. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner meets the qualifications for a (5) five-year personal property tax abatement under section 2-84.2, Tangible Personal Property Tax Abatement.

RESOLUTION NO.	

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

1265 Franklin, Catalyst Two Building, Ignition Park, South Bend, IN 46601

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

Spectron mrc, LLC

WHEREAS, the Common Council of the City of South Bend, Indiana, has adopted a Declaratory Resolution designating certain areas within the City as Economic Revitalization Areas for the purpose of tax abatement consideration; and

WHEREAS, a Declaratory Resolution designated the area commonly known as 1265 Franklin, Catalyst Two Building, Ignition Park, South Bend, IN 46601 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; and

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

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

<u>SECTION I.</u> 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 is limited to two (2) calendar years from the date of adoption of the Declaratory Resolution by the Common Council.

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 by the attachment 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.

<u>SECTION III.</u> This Resolution shall be in full force and effect from and after its adoption by the Common Council and approved by the Mayor.

Member of the Common Council

RESOLUTION NO.

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

1265 Franklin, Catalyst Two Building, Ignition Park, South Bend, IN 46601

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

Spectron mrc, LLC

WHEREAS, a petition for personal property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area commonly known as 1265 Franklin, Catalyst Two Building, Ignition Park, South Bend, IN 46601 and which is more particularly described as follows:

Business Personal Property

and which has a Key Number to be assigned be designated as an Economic Revitalization Area under the provisions of <u>Indiana Code</u> 6-1.1-12.1 <u>et seq.</u>, and South Bend Municipal Code Sections 2-76 <u>et seq.</u>, and;

WHEREAS, the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under <u>Indiana Code</u> 6-1.1-12.1, <u>et seq.</u>, and South Bend Municipal Code Sections 2-76, <u>et seq.</u>, and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

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

<u>SECTION I.</u> The Common Council hereby determines and finds pursuant to <u>Indiana Code</u> 6-1.1-12.1-4.5 <u>et seq.</u>, that:

a. The estimate of the cost of the new manufacturing equipment is reasonable for

equipment of that type;

- b. That the estimate of the number of individuals that will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed installation of new manufacturing equipment;
- c. That the estimate of the annual salaries of those individuals that will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed installation of new manufacturing equipment;
- d. Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed new manufacturing equipment; and
- e. The totality of benefits is sufficient to justify the deduction requested.

SECTION II. The Common Council hereby determines and finds that the proposed new equipment can be reasonably expected to yield the benefits identified in the Statement of Benefits as set forth in Sections 1 through 3 of the Petition for Personal Property Tax Abatement Consideration and that Statement of Benefits form completed by the petitioner, said form being prescribed by the State Board of Accounts, are sufficient to justify the deduction granted under Indiana Code 6-1.1-12.1-4.5.

<u>SECTION III.</u> The Common Council hereby accepts the report and recommendation of the Department of Community Investment, and the Community Investment Committee's favorable recommendation, that the area herein described be designated as an Economic Revitalization Area for purposes of personal property tax abatement and hereby makes such a designation.

<u>SECTION IV.</u> The Common Council determines that such designation is for personal property tax abatement only and shall be limited to two (2) calendar years from the date of the adoption of this Resolution by the Common Council.

<u>SECTION V.</u> The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of (5) five years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.

<u>SECTION VI.</u> The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Personal Property Tax Abatement to be published pursuant to <u>Indiana Code</u> 5-3-1, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

<u>SECTION VII.</u> This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council

Spectron mrc, LLC

South Bend Portage Township Personal Property Tax Abatement Schedule*

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*This schedule is for estimation purposes only and assumes constant tax rates. The true tax values will ultimately be determined by the actual assessed valuation and the then current tax rates.

City of South Bend Pedition for Incentives



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Submitted By:	Gregory S. Hiatt	Distriction by Steel Lines and LLC property on the Steel Lines and LLC property of the Control o	Date:	March 02, 2016	

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Supplement to Petition for Incentives

Frequently Asked Questions

We are frequently asked to explain the following questions, in an effort to clarify we are providing answers below.

1) How do I pay my petition filing fee?

Your petition filing fee can be paid either in person or via mail to:

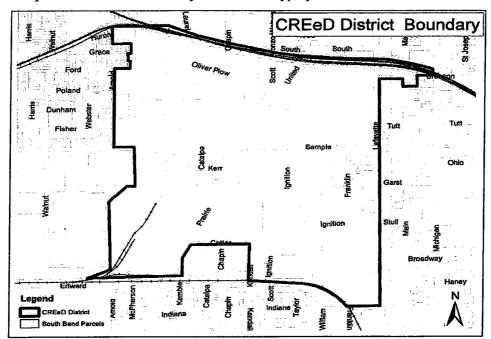
City Clerk's Office Attn: Deputy City Clerk 227 West Jefferson Blvd. • Suite 400 S South Bend, Indiana 46601 Or online via paypal at: http://southbendin.gov/government/ content/tax-abatement

2) Certified Technology Park appropriate? (Page one, under project overview)

In the South Bend area there are only two Certified Technology Parks, Innovation Park and Ignition Park. If your property is not located in either then the answer would be no.

3) Community Revitalization Enhancement District? (Page one, under project overview)

The map below outlines the CRED area, please check to see if you fall within the boundaries.



- 4) Has any 504 funding been received? (Page one, under investment details)

 504 Funding is a loan that come from the Small Business Administration. This funding must be applied for to be received.
- 5) Total training expenditure not cumulative (Page two, under full time Indiana resident positions)

 The amount of money to be spent per year on training over the course of the project.
- 6) Total number to be trained not cumulative (Page two, under full time Indiana resident positions)

The amount of people that you will train per year over the length of the project.

If you have any additional questions that are not addressed by this document, please contact Sarah Heintzelman in the Department of Community Investment at 574.235.5842 or email at sheintze@southbendin.gov

STATEMENT OF BENEFITS PERSONAL PROPERTY State Form 51764 (R2 / 12-11)

State Form 51764 (R2 / 12-11)
Prescribed by the Department of Local Government Finance

FORM SB-1/PP

PRIVACY NOTICE

The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1 (c) and (d).

INSTRUCTIONS:

- 1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
- 2. Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to installation of the new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment, BEFORE a deduction may
- 3. To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension must file the form between March 1 and the extended due date of that year.
- 4. Property owners whose Statement of Benefits was approved after June 30, 1991, must submit Form CF-1 / PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
- 5. The schedules established under IC 6-1.1-12.1-4.5(d) and (e) apply to equipment installed after March 1, 2001, unless an alternative deduction schedule is adopted by the designating body (IC 6-1.1-12.1-17).

SECTION 1		TAXPAYE	R INFORMAT	пои					
Name of taxpayer SPECTRON mrc, LLC; SPECTRON LAND, LLC; SPECTROI	N EQUIPMENT, L								
Address of taxpayer (number and street, city, state, and 17490 Dugdale Drive; South Bend, Indiana 46635	1 ZIP code)								-
Name of contact person Gregory S. Hiatt						Telephone n 574-271-2800	Umber		
SECTION 2	LOCATION A	ND DESCRIP	TION OF PR	DPOSED PR	OJECT				
Name of designating body City of South Bend				-	30201	Resolution n	umber (s))	
Location of property Catalyst Two, Ignition Park; South Bend, Indiana			Coun			DLGF taxing	district n	umber	
Description of manufacturing equipment and/or r	esearch and c	levelopment e	quipment			 	ESTIM	ATED	
and/or logistical distribution equipment and/or int (use additional sheets if necessary)	ormation tech	nology equipr	nent.			START D		7	PLETION DATI
				Manufactur	ing Equipmen				3, 2016
MANUFACTURING: 15 MeV Cyclotron to produce radionuclid	es. Targets for Cv	rclotron. Solid tare	oet transport syste	R & D Equi	pment	May 30, 2016		June 1	3, 2016
, , , , , , , , , , , , , , , , , , ,	,		• ••	Logist Dist	Equipment	June 13, 2016		July 1	1, 2016
						May 30, 2016		June 1	3, 2016
SECTION 3 ESTIMATE OF Current number Salaries				SULT OF PRO	POSED PRO	JECT			
9 employees (5 Prof FTEs, 3 Del \$ 750,000.00	9 employ		Salaries \$ 750,000		- 1	dditional nployees in 4 to t	Saleri \$ 1,21		0 New wages
SECTION 4 ESTI	MATED TOTA		VALUE OF	PROPOSEDI	PROJECT		L		
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the		CTURING PMENT	R&DEC	UIPMENT		T DIST PMENT	IT	EQU	PMENT
COST of the property is confidential.	COST	ASSESSED VALUE	COST	ASSESSED VALUE	cost	ASSESSED VALUE	COS	ST	ASSESSED VALUE
Current values	\$2,300,000.00	\$1,100,000.00	\$150,000.00	\$70,000.00	\$60,000.00	\$25,000.00	\$45,000.	00	\$10,000.00
Plus estimated values of proposed project	\$2,780,000.00		\$ 50,000.00		\$60,000.00		\$27,000.	00	
Less values of any property being replaced Net estimated values upon completion of project	62 700 000 00	\$180,000.00		\$15,000.00		\$6,000.00			\$7,000.00
		ID OTHER C	\$105,000.00		\$79,000.00		\$30,000.	00	
	NVERTED AN	ID OTHER B							
Estimated solid waste converted (pounds)			Estimated h	azardous was	le converted (pounds)			
Other benefits: Local supply of radiopharmaceuticals require	d by local hospita	ls and clinics that	are expected to b	e in short supply	world wide in the	next few years.	Enhances	the con	munities +
SECTION 6		TAXPAYER (CERTIFICATION	ON					
l hereby	certify that th			itement are tr	ne.				
ignature of authorized representative Gregory S.	Hiatt Digitally sign Digitally sign Date: 2016.1	ed by Gregory S. Histi gory S. Hist, or-Spectron sec. , ems2rtargy@sboglobsl.nel, t 12.29 23:39:52 -0570*	uc. Pro	esident		Date signed (m 2/29/2016	onth, day,	year)	

FOR USE OF THE DESIGNATING BODY We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2. A . The designated area has been limited to a period of time not to exceed ____ ___ calendar years * (see below). The date this designation expires B. The type of deduction that is allowed in the designated area is limited to: ☐ Yes ☐ No 1. Installation of new manufacturing equipment; ☐ Yes ☐ No 2. Installation of new research and development equipment; D Yes DNo 3. Installation of new logistical distribution equipment. DYes DNo 4. Installation of new information technology equipment; C. The amount of deduction applicable to new manufacturing equipment is limited to \$ cost with an assessed value of D. The amount of deduction applicable to new research and development equipment is limited to \$______ cost with an assessed value of E . The amount of deduction applicable to new logistical distribution equipment is limited to \$______ cost with an assessed value of F. The amount of deduction applicable to new information technology equipment is limited to \$______ cost with an assessed value of G. Other limitations or conditions (specify) H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction on or after July 1, 2000, is allowed for: ☐ 1 year ** For ERA's established prior to July 1, 2000, only a 2 years 7 years 5 or 10 year schedule may be deducted. 3 years ☐ 8 years 4 years 9 years ☐ 10 years ** I. Did the designating body adopt an alternative deduction schedule per IC 6-1.1-12.1-17? If yes, attach a copy of the alternative deduction schedule to this form. Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above. Approved: (signature and title of authorized member) Telephone number Date signed (month, day, year)) Designated body Attested by:

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is

entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4.5

STATEMENT OF BENEFITS
PERSONAL PROPERTY
State Form 51764 (R2 / 12-11)

SPECTRON mrc, LLC March 1, 2016

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment.

MANUFACTURING: 15 MeV Cyclotron to produce radionuclides, Targets for Cyclotron, Solid target transport system, solid target dissolution and separation system, synthesis boxes, hot cells with robotic manipulators, mini cells, gas chromotography, HPLC, TLC, multi channel analyzer, single channel analyzer autoclave, incubator, automated limulus reagent testing system, ph test meter. Lead "L" shields, syringe shields, dose calibrators, GM meters, area monitors, stack and air monitors, filtering system. IT EQUIPMENT: Server upgrade for accounting, desk top data entry computers for accounting/book keeping/payroll/ order entry /billing, server for pharmacy system with seven single station systems for unit dose dispensing, several independent computers for the operation of the technical manufacturing and research equipment. R and D: Electronic balances, microscope both conventional and electronic, rockers, vortex stirrers, micro pipettes, centrifuges both small test tube and large, glass ware. Logistical Distribution Equipment: Vans and/or cars for medical delivery, special radioactive material reusable and disposable delivery containers, tungsten and lead syringe carriers to be used with delivery containers, tungsten and lead vial shields to be used with delivery containers. Charging stations for electric delivery vehicles

227 W. JEFFERSON BOULEVARD SUITE 1400 S. SOUTH BEND, IN 46601-1830



PHONE: 574/235-9371 FAX: 574/235-9021

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR COMMUNITY INVESTMENT

SCOTT FORD, EXECUTIVE DIRECTOR

March 8, 2016

Council Member Gavin Ferlic, Chairperson Community Investment Committee South Bend Common Council 4th Floor, County City Building South Bend, IN 46601

RE: Real Property Tax Abatement Petition for: Cohn & Cohn Investments, LLC

Dear Council Member Ferlic:

Please find the attached information pertaining to a real property tax abatement petition for Cohn & Cohn Investments, LLC:

- Department of Community Investment's summary report
- > Copy of the petition
- > Statement of Benefits form
- > Supporting information.

The report contains the Department's findings relative to the above petition. Cohn & Cohn Investments, LLC will be investing approximately \$1,600,000 on the construction of a new commercial distribution and office facility in the Blackthorn Corporate Park. The facility is intended to initially be more than 13,000 square feet to serve and support the expanding operations of UniFirst, which will lease the facility. The project meets the qualifications for a (5) five year real property tax abatement. A representative from Cohn & Cohn Investments, LLC will be available to meet with the Committee on Monday, March 14, 2016.

Should you or any of the other Council members have any questions concerning the report, or need additional information, please feel free to call me at 235-5823.

Sincerely,

Aaron Kobb

Director Economic Resources

Filed in Clerk's Office

MAR 09 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

RESOLUTION NO).

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

Blackthorn Corporate Office Park Lot 6, South Bend, IN 46628

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

Cohn & Cohn Investments, LLC

WHEREAS, a petition for real property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area commonly known as Blackthorn Corporate Office Park Lot 6, South Bend, IN 46628 and which is more particularly described as:

BLACKTHORN CORPORATE OFFICE PARK MINOR SUB #7 LOT 6

and which has Key Numbers 025-1018-062208 be designated as an Economic Revitalization Area under the provisions of <u>Indiana Code</u> 6-1.1-12.1 <u>et seq</u>., and South Bend Municipal Code Sections 2-76 <u>et seq</u>., and;

WHEREAS, petitioner has agreed to and has accepted responsibility to report any changes in the final legal description and to report the final, appropriate Key Number to the Department of Community Investment and to the Office of the City Clerk; and

WHEREAS, the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under <u>Indiana Code</u> 6-1.1-12.1, <u>et seq.</u>, and South Bend Municipal Code Sections 2-76, <u>et seq.</u>, and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

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

SECTION I. The Common Council hereby determines and finds that the Petition for Real Property Tax Abatement and the Statement of Benefits form completed by the Petitioner meet the

requirements of Indiana Code § 6-1.1-12.1 et seq., for tax abatement.

SECTION II. The Common Council hereby determines and finds the following:

- A. That the description of the proposed redevelopment or rehabilitation meets the applicable standards for such development;
- B. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature;
- C. That the estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed described redevelopment or rehabilitation;
- D. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed redevelopment or rehabilitation;
- E. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation; and
- F. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of Indiana Code § 6-1.1-12.1-3.
- SECTION III. The Common Council hereby determines and finds that the proposed described redevelopment or rehabilitation can be reasonably expected to yield benefits identified in the Statement of Benefits, Sections 1 through 3 of the Petition for Real Property Tax Abatement Consideration and the Memorandum of Agreement between the Petitioner and the City of South Bend, and that the Statement of Benefits form completed by the petitioner, said form being prescribed by the State Board of Accounts, are sufficient to justify the deduction granted under Indiana Code § 6-1.1-12.1-3.
- <u>SECTION IV.</u> The Common Council hereby accepts the report and recommendation of the Community Investment Committee that the area herein described be designated as an Economic Revitalization Area and hereby adopts a Resolution designating this area as an Economic Revitalization Area for purposes of real property tax abatement.
- <u>SECTION V.</u> The designation as an Economic Revitalization Area shall be limited to two (2) calendar years from the date of the adoption of this Resolution by the Common Council.
- <u>SECTION VI.</u> The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of (5) five years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.
- <u>SECTION VII.</u> The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana

Code § 5-3-1 and Indiana Code § 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

<u>SECTION VIII.</u> This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council

Filed in Clerk's Office

MAR 09 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

PRESENTED .

NOT APPROVI

TAX ABATEMENT REPORT

TO:

SOUTH BEND COMMON COUNCIL

FROM:

AARON KOBB

SUBJECT:

REAL PROPERTY TAX ABATEMENT PETITION FOR:

Cohn & Cohn Investments, LLC

DATE:

March 8, 2016

On Wednesday, March 9, 2016, a petition from Cohn & Cohn Investments, LLC was received and subsequently filed with the City Clerk for real property tax abatement consideration for property to be located at Blackthorn Corporate Office Park Lot 6, South Bend, IN 46628. Pursuant to Chapter 2, Article 6, Section 2-84.2 of the Municipal Code of the City of South Bend, this petition was referred to the Department of Community Investment for purposes of investigation and preparation of a report determining whether the area qualifies as an Economic Revitalization Area pursuant to I.C.6-1.1-12.1 and whether all zoning requirements have been met.

The Department of Community Investment has reviewed the petition (a copy of which is attached), investigated the area, and makes the following report.

PROJECT SUMMARY

- Approximately \$1,600,000 construction of a new commercial distribution and office facility in the Blackthorn Corporate Park. The facility will serve and support the expanding operations of UniFirst, one of the nation's largest workwear and textile service companies.
- Estimated total taxes on new building construction during five year abatement period \$231,660
- Estimated taxes being abated on new building construction during five year abatement period \$103,007
- ➤ Estimated taxes to be paid on new building construction during five year abatement period \$128,653

EMPLOYMENT IMPACT

Per the petition, it is estimated that the total project will:

- > Create 5 permanent, full-time jobs within the five year abatement period, representing a new annual payroll of approximately \$202,800
- ≥ 23 total jobs will be retained with a total annual payroll of approximately \$932,880

ABATEMENT QUALIFICATION

- 1. A review of the tax abatements previously granted, finds that the petitioner has not been granted or associated with previous abatements.
- 2. The Building Commissioner has reviewed the petition and finds the property to be properly zoned for the proposed project.
- 3. A review of the South Bend Redevelopment designation areas finds that the property is located in the River West Development Area.
- 4. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner meets the qualifications for a (5) five-year real property tax abatement under section 2-84.2, Real Property Tax Abatement.

Cohn & Cohn Investments, LLC

South Bend German Township Real Property Tax Abatement Schedule*

•			To the second	The state of the s				
	Tax Key Number Current Assessed Value: Estimated Project Cost:	6 1	-	025-1018-062208 0 1,600,000				
Assessed Value: Current Assessed Value Base Assessed Value Less Abatement Deduction Net Assessed Value	100% 80%	Current AV & Tax 0	Without Abatement 0 1,280,000 0 1,280,000	100% <u>Year 1</u> 0 1,280,000 (1,280,000)	80% Year 2 0 1,280,000 (1,024,000) 255,000	60% Year 3 0 1,280,000 (768,000) 512,000	40% Year 4 0 1,280,000 (512,000)	20% Year 5 0 1,280,000 (256,000)
Property Taxes: Assume constant tax rate of		5.4628%	5.4628%	5.4628%	5.4628%	5.4628%	5.4628%	5.4628%
Gross Tax (tax rate x net assessed value) Less Circuit Breaker Credit Net Tax	sed value)	0 0 0	69,923 (23,591) 46,332	000	13,985 0 13,985	27,969 0 27,969	41,954 0 41,954	55,939 (11,193) 44,746
Circuit Breaker Cap Circuit Breaker Debt Service Circuit Braker Cap	3.0000% 0.6197%	0 0 0	38,400 7,932 46,332	38,400 0 38,400	38,400 1,586 39,986	38,400 3,173 41,573	38,400 4,759 43,159	38,400 6,346 44,746
	Year	Existing <u>Taxes</u>	New Project <u>Taxes</u>	Combined Existing & New <u>Taxes</u>	Tax <u>Abated</u>	Net Tax <u>Paid</u>		

*This schedule is for estimation purposes only and assumes constant tax rates. The true tax values will ultimately be determined by the actual assessed valuation and the then current tax rates.

Totals

13,985 27,969 41,954 44,746

46,332 32,347 18,363 4,378 1,586

46,332 46,332 46,332 46,332 46,332

46,332 46,332 46,332 46,332 46,332

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128,654

231,660

231,660

City of South Bend



N/A

Petition for Incentives

Retition for Incentives

Retition must include a \$250 filling fee payable to the City Clerk's Office or online via the City's website at http://southbendin.gov/government/content/tax-abotement before processing can be complete.

General Information			oject Name			Projec	t Number
egal name øs registered with) Nate	Secretary of	Cohn &	Cohn Investm	ents, LLC (a Sou	ıth Carolina limi	ited liability con	npany (registered in South Carolina))
lusiness structure		(4.00 E)	Liability Comp			 	
ompany website		www.co	hnconstruction	.com	The second second		
Proposed Project Inform	nation	*******					
roposed project address	-	Blacktho	rn/Nimitz Deve	elopment	Parent comp	any name	
ty, State, Zip	8233	lend, IN 466	28		Legal owner		
te acreage or acreage require	a —	5.6	<u> </u>		is the real est	ate owned or	Rental
vare feet of facility		Approxin	nately 13,000-2	20,000 sq. feet	If leased by w	hom	UniFirst Corporation (Tenant)
imary Contact Informa រីបៀបរណាចារាប្រហែលខែនេះការ						2 777	
dresyof.company.contact		25.7	Cohn, Cohn Co		Title	President	
y, State) Zip	1	200	Street, Suite 2	200	Phone	803-699-132	5x102
nior Official Informatio	9839	a, SC 29201	ا المارية ما حد الراطعي		Email	richardcohn@	Ocohnconstructionlle.com
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dress of company contact (if o	lifferent from	5	Proatti (UniFirs	1)	Phone.	Senior Vice P	resident
ove) y, State, Zip		os Jonspi	4 1 -			978-658-8888	3 x4225
nsultant Information/ <i>I</i>	100	on, MA 0188	7		Email	mcroatti@uni	first.com
ed business consultant/agent		B:10			Consultant rele	Sectivian and	
lress:	T -			Thornburg LLP		mic developme	Y
r, State, Zip	3	ichigan Stree				approval (Y/N)	(Contricts
ject Overview	South Be	nd, Indiana 4	6601		Email		rdeahl@btlaw.com
of description of your inpany, project, and why the perty is necessary for nomic growth	be more if South Be. UniFirst is clothing, a than 1.5 in and healti a variety of The projection to programmus grannual revent grannual revents.	ian distribution han 13,000 s nd. s one of North and custom c nillion worker ny through Ur of needs. ct is intended bowth objective venues surpa	a America's largorporate image s in clean unifo iFirsts' Facility to faciliate Unification to faciliate Unises for the Souts \$10 million.	gest workwear all apparel program programs each workd of Service Program iFirst's move from from plan is to be in the Bend market in the we will have the	the comporate of the expanding of textile service of textile o	Park in South g operations of ee companies, pes in diverse into o has a hand in grams allow Un ity to this project or the next seve irm objective to	D in the construction of a new Bend. The facility is intended to initially UniFirst (which will lease the facility) in providing managed uniform, protective dustries. In addition to outfitting more a keeping their businesses clean, safe, iffirst to be a single-source solution for lett, which UniFirst will lease with an eral decades, if not longer. UniFirsts's build a processing facility. Once our h, adding numerous jobs to the local on, benefiting the South Bend
fied Technology Park appropr	iate	No					Filed in Clerk's Office
nunityiRévitalization Enhance	ment	No					- III OIGIK'S UTICE
y that the Building Permit ha	not been	No permit		रिकामिट अंग्रेस	jani ilmiser	(měr) o	MAD
(Y/N) 45 - 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2 - 2 -		1	<u> </u>	lineral Line			MAR 0.9 2016
			Alo rooment	for nome !			
s is a petition for personal prothe equipment bea			No request	for personal prop	erty abatement	is being made	
the equipment be			No request	for personal prop	erty abatement	t is being made	KAREEMAH FOWLER
stment Details	en installed	dunding been	No request	for personal prop			

N/A

New Project Investments								
Calendar Year	2015	2016	2017	2018	2019	2020	2021	2022
Land Acquisition		\$ 53,000						
Building Lease:Payments		\$ 144,000	\$ 144,000	\$ 144,000	\$ 144,000	\$ 144,000	\$ 144,000	
Building Purchase Costs	 						1	
New Building Construction		\$ 1,600,000			1	1	1	
Existing Building Improvements		\$0	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	
New Machinery & Equipment	<u> </u>	\$ 220,000	\$ 70,000	\$ 70,000	\$ 70,000	\$ 70,000	\$ 70,000	
Special Tooling/Retooling								
New Furniture/Flatures	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	\$-25,000			1			
New Computer/IT Hardware		\$ 40,000	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	
Vew Software								
On-Site Rail Infrastructure		<u> </u>			1			
On-site Fiber Infrastructure	Arran de La	1 —				 	 	
OTAL	A STATE OF THE STA			1	and the second	1	k and	2.8 3.000 3

TOTAL		and the second second						50 - 0x.307	12.1 (4.44.)
Full-Time Permaner	nt Indiana-Resid	ent Position	ns by Calend	dar Year	χ Σ	Lister Average	1984	r de de la constant	
Calendar Year	Jöbs retained:	Total hourly wage w/o fringe or bonuses		ative# of net N nent jobs creat		benefits	o/bonuses/of e-net new Jobs	Total (vaihing expenditure) not cumulative	Total #10 ba Vrained : no cumulative
2015	23	19.50				Fig. 900-9036-91.73 Fish.		* 18	en e
2016				3			19.50		3
2017				2			19,50		2
2018									
2019						<u> </u>			
2020									
2021						 			
2023									
2024									
2025					·····				
2026					,	1			
				for new em	ployees in th	ne following	positions.		
		Fú	Il time			Pai	(time		
Laborers Technical	\$10.00 - \$1	6.00/Hour			\$9.00 - \$12.	00/Hour			
Managerial	\$25.00 - \$3	5 00/Hour		 					
Administrative	\$12.50- \$18				 				
Who will be the individua	responsible for cool	dinating with:	Steve Dobra	nikowski	.L				٠,
WorkOn Does Your company have a	n ELO:hiring policy?	Yes	GIOTO DODI.	Tacasa.	Are you an E	EO employer?			
Please list the numbe	er of full time an		minority a	nd/or femal	e emplovees	for each of	929.20.23	Yes ibe your commi	
		the last th			, ,		diversity and i	nclusion by det	aline your
Ville	2013	of the same of	2014		2015		outreach and re three years a	cruitment effort s well as culten	
	FüllTime	Part Time	Full/Time	Part Time	Full Time	Part Time			
Black Hispanic			1	ļ	1		UniFirst is prou		
Asian	6	2	7	2	9		Employment/A Employer. Car	ndidates are co	nsidered
indian		<u> </u>					for employmen Corporation wil	hout regard to	their race,
Female	6		8				color, religion, i gender, pregna	ncy, disability,	sexual
Other					8		orientation, ger information, mil	itary status, ve	teran
		<u> </u>		L			status (specific	ally status as a	disabled

^{*}All employment information and projections are those of UniFirst (which will occupy/operate the Property).

Complete below for Real or Personal Property Tax Abatement only. Please sign for all requested incentives.

		Public Benefit	Item:		7-12-17-17-18-18-18-18-18-18-18-18-18-18-18-18-18-
companie Please com	s which wi plete the t	ed on both the construction companies and the Il provide materials purchased for this project, able below with the appropriate information. If oints, please enter the full amount of available points.	Qualify (Yes or No)	Earned Points	Avallable Points
1		Construction Related (Contractors):	i i		
	Á.	Employ Local Companies (75%)	Yes	20	20
	В.	Purchase Materials from Local Companies (75%)	Yes	20	20
	C.	Require Employees vs. Independent Contractors	No		19
	D,	Require Prevailing Wage (Davis Bacon)	No		22
	Ε.	Require Health Benefits	Yes	22	22
	F.	Require Pension Benefits	No		18
	G,	Maintain Affirmative Action Plan	No		20
		Sub-total Construction Related:		62	141
2		Wage & Benefit Related (Owner):			
	Α.	Pay Target Wage Levels	Yes	33	33
	В.	Provide Health Benefits	Yes	34	34
	C.	Provide Pension Benefits	No.		29
	D.	Provide Training	Yes	28	28
	Ε,	Provide Child Care	No	0	15
	. .	Provide Transportation Assistance	No	0	14
	G.	Provide Employer Assisted Housing program	No	0	- 9
		Sub-total Wage & Benefit Related:		95	162
3		Workforce Related:			
	A.	Create New Jobs	Yes	42	42
	В.	Retain Existing Jobs	Yes	41	41
	c.	Maintain Affirmative Action Plan	Yes	35	35
	D.	Provide Targeted Hiring Preference	Yes	34	34
1		Sub-total Workforce Related:		152	152
4		Support a Municipal Facility:			
	Α.	Support a SB Municipal Facility (donations to the zoo, conservatory, museum, etc.)			84
		Name of Facility			
		Sub-total Municipal Facility:			84
		Sub-total from Above:	309	•	539

The undersigned owner(s) of real property, located within the City of South Bend, herby petition the Common Council of the City of South Bend for a real and/o/ personal property tax abatement consideration and pursuant to I.C., 6-1.1-12.1-1, et seq., and South Bend Municipal Code Sec. 2-76 et seq., for this petition state the above.

Submitted By:	444	Date:	2	18/16	
· · · · · · · · · · · · · · · · · · ·	2000				•

0 e	Irrent assessed value? Real Property:	Personal Property:	
Vhat is the pr	olected assessed value? Real Property:	Rersonal Property:	
hat is the ta	x key/number for this project?	8-069208	
nat is the six	digit NAICS/code?	0 00000	
ase attach i	Google map and street view of the location.		
ise list the d for the las	amount of real and personal property taxes Real Property Taxes: 1 five years when applicable.	Personal Property Taxes	7
	.Year One		
	Year Two		
	Year three	 	
	(eac four		
	Year/Five		
	Staff Use	e Only	
	Please fill out the Public Benefit Summary Inf	ormation and add to the total from	above.
Torri Calberra		(Y.oriN) Roints	Points
	Public Bénefit Item		7 - 3 - 3 - 3 - 3 - 3 - 3 - 3 - 3 - 3 -
	Rioje (JRČjatel)		
5	A. Redevelop a Site that has Special Needs		49
	B. Develop Based on Local University Research.		35
100	C. Achieve a Physical Element of a Plan	36	36
	Sub-total Project Related:		
		0	120
6	Super Size Projects (point values are cumulative):	<u> </u>	
	A. 100% to 199%	25	25
	B: 200% to 299%		68
	C; 300% to 399%		65
*	.D. 400% and over		52
7	Sub-total Super Size Projects:	0	210
	<u>Pay for Municipal Infrastructure:</u>		
	A Payto Overszingor Upgrading		14
	B. Ray/for/26-50% of Extension Cost G. Pay/for/51/76% of Extension Cost.		26
	C: Pay/for51:75% of Extension Cost D: Raydor 76/100% of Extension Cost		39
	- A Leasan Software Automotive Control of the Contr		52
	Sub-total infrastruciu/e inelafed	0	121
			131
	Total from Applicant Section:	309	539
	LotalifromStaffSection:	061	461
	Total Public Benefit Points:	39° 370	1000

Supplement to Petition for Incentives

Frequently Asked Questions

We are frequently asked to explain the following questions, in an effort to clarify we are providing answers below.

1) How do I pay my petition filing fee?

Your petition filing fee can be paid either in person or via mail to:

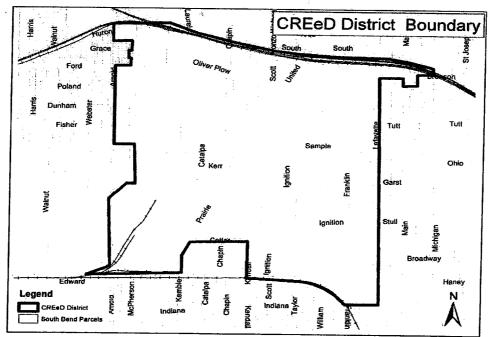
City Clerk's Office Attn: Deputy City Clerk 227 West Jefferson Blvd. • Suite 400 S South Bend, Indiana 46601 Or online via paypal at: http://southbendin.gov/government/ content/tax-abatement

2) Certified Technology Park appropriate? (Page one, under project overview)

In the South Bend area there are only two Certified Technology Parks, Innovation Park and Ignition Park. If your property is not located in either then the answer would be no.

3) Community Revitalization Enhancement District? (Page one, under project overview)

The map below outlines the CRED area, please check to see if you fall within the boundaries.



- 4) Has any 504 funding been received? (Page one, under investment details)
 - 504 Funding is a loan that come from the Small Business Administration. This funding must be applied for to be received.
- 5) Total training expenditure not cumulative (Page two, under full time Indiana resident positions)
 - The amount of money to be spent per year on training over the course of the project.
- 6) Total number to be trained not cumulative (Page two, under full time Indiana resident positions)

The amount of people that you will train per year over the length of the project.

If you have any additional questions that are not addressed by this document, please contact Sarah Heintzelman in the Department of Community Investment at 574.235.5842 or email at sheintze@southbendin.gov

STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R6 / 10-14)

Prescribed by the Department of Local Government Finance

This statement is being completed for real property that qualifies under the following Indiana Code (*check one box*):

☑ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)

Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.

20 16 PAY 20 17

FORM SB-1 / Real Property

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
- 3. To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
- 4. A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
- For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

remains in effect	t. IC 6-1.1-12.1-17	A V s					
SECTION 1		TAXPAYER	INFORMATION			<u> </u>	
Name of taxpayer	***************************************	· · · · · · · · · · · · · · · · · · ·			. 5 . 4	198 1 - 1 <u>198</u> 1	
COHN & CC	HN INVESTMENTS	, LLC					
Address of taxpayer (r	number and street, city, state, and	ZIP code)					
	reet, Suite 200, Colu	mbia SC 29201					
Name of contact person			Telephone number	**************************************	E-mail addres	is	
Richard H. C	Cohn, Sr.		(803) 699-1325)	(102	richardcohn	@cohnconstrucio	onlic.com
SECTION 2		LOCATION AND DESCRIP	TION OF PROPOSED PRO	DJECT			
Name of designating b		, , , , , , , , , , , , , , , , , , , ,			Resolution nu	mber	
Common Co	uncil of City of South	Bend					
Location of property			County		DLGF taxing of	district number	
Vacant Land -	 Lot 6 in Blackthorn C 	orporate Office Park	St. Joseph		SB-Gerr	nan	÷
	perty improvements, redevelopme	· ·	• •		Estimated star	t date (month, day,	year)
	600,000 in the construction of				March 1		
	the Blackthorn Corporate Pa	•	is intended to initially serv	e and		pletion date (month,	, day, year)
support the expand	ding operations of UniFirst in S	outh Bend.	•		March 1	, 2018	
SECTION 3	ESTIMATE (F EMPLOYEES AND SALA	RIES AS RESULT OF PRO	OPOSED PR	OJECT		
Current number	Salaries	Number retained	Salaries	Number add	ditional	Salaries	
23	\$923,880	23	\$923,880	5		~\$180,00) 0+
SECTION 4	E	STIMATED TOTAL COST AN	ID VALUE OF PROPOSED	PROJECT			
			RE	AL ESTATE I	MPROVEMEN	ITS	T)
L. <u> </u>			COST		ASS	SESSED VALUE	
Current values				58,000.00			8,300.00
Plus estimated va	lues of proposed project			1,600,000.00		Reg 17	
Less values of an	y property being replaced		· · · · · · · · · · · · · · · · · · ·	0.00	l		0.00
Net estimated val	ues upon completion of project			1,658,000.00		Reg. 17	
SECTION 5	WASTE	CONVERTED AND OTHER	BENEFITS PROMISED E	Y THE TAXE	AYER		
Estimated solid w	aste converted (pounds)		Catimated becarded		d (marmala)		
	aste converted (pounds)		Estimated hazardous w	aste convent	a (pounas)		
Other benefits							
1. The employment	ent projections above are t	hose of UniFirst, the inten-	ded occupant of the nev	v facility.			
	•			. •			
		•					
SECTION 6		TA VDAVED OF	PTICION				
	bat the representations in	TAXPAYER CE	RIFICATION		······································		
, , , , , ,	hat the representations in	ins statement are true.					
Signature of authorized	representative					onth, day, year)	
-W/V	<u> </u>				February	<u>\$</u> , 2016	
Printed name of authori	•		Title				
Richard H. Co	hn Sr.		Chairman				- 1

			FOR USE OF THE	DESIGNATING B	ODY	
We fi unde	nd that the applicant meets the IC 6-1.1-12.1, provides for the	ne general standar he following limitat	ds in the resolution ad ilons:	lopted or to be ado	pted by this body. Said	d resolution, passed or to be passed
Α	The designated area has be expires is			eed	calendar years* (see	below). The date this designation
. В	The type of deduction that is 1. Redevelopment or rehabing 2. Residentially distressed a	ilitation of real esta		ed to: Yes N		
C	The amount of the deduction	n applicable is limi	ited to \$	· · · · · · · · · · · · · · · · · · ·		
D.	Other limitations or condition	ns (specify)		·····		·
Ε.	Number of years allowed:	☐ Year 1 ☐ Year 6	☐ Year 2 ☐ Year 7	☐ Year 3 ☐ Year 8	☐ Year 4 ☐ Year 9	Year 5 (* see below) Year 10
We ha	For a statement of benefits a Yes No If yes, attach a copy of the a If no, the designating body is ave also reviewed the informa nined that the totality of benefits a	batement schedul s required to estab ation contained in t	e to this form. Dish an abatement sch the statement of benef	edule before the de	eduction can be detern	·
	(signature and title of authorized	<u> </u>		Telephone number		Date signed (month, day, year)
Printed na	ame of authorized member of des	ignating body		Name of designating	g body	
Attested b	y (signature and title of attester)			Printed name of att	ester	
	e designating body limits the tiver is entitled to receive a ded					does not limit the length of time a er IC 6-1.1-12.1-17.
	2013, the designating body is (10) years. (See IC 6-1.1-12 For the redevelopment or ref	ct. The deduction s required to estab 1.1-17 below.) nabilitation of real psignating body rea	period may not exceed olish an abatement sch property where the Fo mains in effect. For a F	d five (5) years. Fo nedule for each ded rm SB-1/Real Prop Form SB-1/Real Pro	r a Form SB-1/Real Pr luction allowed. The di erty was approved pric operly that is approved	operty that is approved after June 30, eduction period may not exceed ten or to July 1, 2013, the abatement after June 30, 2013, the designating
Abater Sec. 1	1 4 or 4.5 of this chapter an al (1) The total ar (2) The numbe (3) The averag (4) The infrastr (b) This subsection applies for each deduction allo the deduction. An abar (c) An abatement schedul	patement schedule nount of the taxpa r of new full-time e e wage of the new ucture requirement s to a statement or wed under this che tement schedule no le approved for a p	e based on the following yer's investment in react of the control	ng factors: al and personal prol d. d to the state minim evestment. er June 30, 2013. schedule must spec by years. ore July 1, 2013, re	perty. um wage. A designating body sha lify the percentage am	all establish an abatement schedule ount of the deduction for each year of abatement schedule expires under

227 W. JEFFERSON BOULEVARD SUITE 1400 S. SOUTH BEND, IN 46601-1830



PHONE: 574/235-9371 FAX: 574/235-9021

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR COMMUNITY INVESTMENT

SCOTT FORD, EXECUTIVE DIRECTOR

March 8, 2016

Council Member Gavin Ferlic, Chairperson Community Investment Committee South Bend Common Council 4th Floor, County City Building South Bend, IN 46601

RE: Real Property Tax Abatement Petition for: South Bend Form Tool Co., Inc.

Dear Council Member Ferlic:

Please find the attached information pertaining to a real property tax abatement petition for South Bend Form Tool Co., Inc.:

- Department of Community Investment's summary report
- > Copy of the petition
- > Statement of Benefits form
- > Supporting information.

The report contains the Department's findings relative to the above petition. South Bend Form Tool Co., Inc. will be investing approximately \$220,000 in the expansion of their current floor space along with purchasing and installing approximately \$623,000 of new equipment. This expansion will grow their current customer base and allow them to pursue additional business from new customers. The project meets the qualifications for a (5) five year real property tax abatement. A representative from South Bend Form Tool Co., Inc. will be available to meet with the Committee on Monday, March 14, 2016.

Should you or any of the other Council members have any questions concerning the report, or need additional information, please feel free to call me at 235-5823.

Sincerely,

Aaron Kobb

Director Economic Resources

Filed in Clerk's Office

MAR 09 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

RESOLUTION NO.	
----------------	--

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

1619/1623 Franklin Street, South Bend, IN 46613

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

South Bend Form Tool Co., Inc.

WHEREAS, a petition for real property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area commonly known as 1619/1623 Franklin Street, South Bend, IN 46613 and which is more particularly described as:

N ½ LOT 36 STULLS 5^{TH} ADD S ½ LOT 36 STULLS 5^{TH} ADD

and which has Key Numbers 018-8028-1127 and 018-8028-1128 be designated as an Economic Revitalization Area under the provisions of <u>Indiana Code</u> 6-1.1-12.1 <u>et seq.</u>, and South Bend Municipal Code Sections 2-76 <u>et seq.</u>, and;

WHEREAS, petitioner has agreed to and has accepted responsibility to report any changes in the final legal description and to report the final, appropriate Key Number to the Department of Community Investment and to the Office of the City Clerk; and

WHEREAS, the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under <u>Indiana Code</u> 6-1.1-12.1, <u>et seq.</u>, and South Bend Municipal Code Sections 2-76, <u>et seq.</u>, and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

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

SECTION I. The Common Council hereby determines and finds that the Petition for Real Property

Tax Abatement and the Statement of Benefits form completed by the Petitioner meet the requirements of Indiana Code § 6-1.1-12.1 et seq., for tax abatement.

SECTION II. The Common Council hereby determines and finds the following:

- A. That the description of the proposed redevelopment or rehabilitation meets the applicable standards for such development;
- B. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature;
- C. That the estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed described redevelopment or rehabilitation;
- D. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed redevelopment or rehabilitation;
- E. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation; and
- F. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of Indiana Code § 6-1.1-12.1-3.
- SECTION III. The Common Council hereby determines and finds that the proposed described redevelopment or rehabilitation can be reasonably expected to yield benefits identified in the Statement of Benefits, Sections 1 through 3 of the Petition for Real Property Tax Abatement Consideration and the Memorandum of Agreement between the Petitioner and the City of South Bend, and that the Statement of Benefits form completed by the petitioner, said form being prescribed by the State Board of Accounts, are sufficient to justify the deduction granted under Indiana Code § 6-1.1-12.1-3.
- <u>SECTION IV.</u> The Common Council hereby accepts the report and recommendation of the Community Investment Committee that the area herein described be designated as an Economic Revitalization Area and hereby adopts a Resolution designating this area as an Economic Revitalization Area for purposes of real property tax abatement.
- <u>SECTION V.</u> The designation as an Economic Revitalization Area shall be limited to two (2) calendar years from the date of the adoption of this Resolution by the Common Council.
- <u>SECTION VI.</u> The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of (5) five years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.
- SECTION VII. The Common Council directs the City Clerk to cause notice of the adoption of

this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana Code § 5-3-1 and Indiana Code § 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

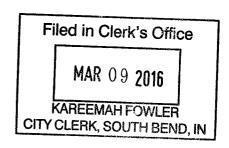
<u>SECTION VIII.</u> This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council

PRESENTED

NOT APPROVED

Annered



TAX ABATEMENT REPORT

TO: SOUTH BEND COMMON COUNCIL

FROM: **AARON KOBB**

REAL PROPERTY TAX ABATEMENT PETITION FOR: SUBJECT:

South Bend Form Tool Co., Inc.

DATE: March 8, 2016

On Wednesday, March 9, 2016, a petition from South Bend Form Tool Co., Inc. was received and subsequently filed with the City Clerk for real property tax abatement consideration for property to be located at 1619 and 1623 Franklin Street, South Bend, IN 46613. Pursuant to Chapter 2, Article 6, Section 2-84.2 of the Municipal Code of the City of South Bend, this petition was referred to the Department of Community Investment for purposes of investigation and preparation of a report determining whether the area qualifies as an Economic Revitalization Area pursuant to I.C.6-1.1-12.1 and whether all zoning requirements have been met.

The Department of Community Investment has reviewed the petition (a copy of which is attached), investigated the area, and makes the following report.

PROJECT SUMMARY

- > Approximately \$220,000 expansion of existing floor space along with the purchase of approximately \$623,000 of new equipment to better serve existing customers and pursue additional business.
- > Total taxes on new and existing building and improvements during five year abatement period - \$37,796
- > Estimated taxes being abated on new building improvements during five year abatement period – \$12,416
- > Total taxes to be paid on new and existing building and improvements during five year abatement period – \$25,380

EMPLOYMENT IMPACT

Per the petition, it is estimated that the total project will:

- > Create 8 permanent, full-time jobs within the five year abatement period, representing a new annual payroll of \$378,560
- > 17 total jobs will be retained with a total annual payroll of \$785,000

ABATEMENT QUALIFICATION

- 1. A review of the tax abatements previously granted, finds that the petitioner has not been granted or associated with previous abatements.
- 2. The Building Commissioner has reviewed the petition and finds the property to be properly zoned for the proposed project.
- 3. A review of the South Bend Redevelopment designation areas finds that the property is located in the River West Development Area.
- 4. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner meets the qualifications for a (5) five-year real property tax abatement under section 2-84.2, Real Property Tax Abatement.

RESOLUTION NO.	`

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

1619/1623 Franklin Street, South Bend, IN 46613

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

South Bend Form Tool Co., Inc.

WHEREAS, the Common Council of the City of South Bend, Indiana, has adopted a Declaratory Resolution designating certain areas within the City as Economic Revitalization Areas for the purpose of tax abatement consideration; and

WHEREAS, a Declaratory Resolution designated the area commonly known as 1619/1623 Franklin Street, South Bend, IN 46613 and which is more particularly described as follows:

N ½ LOT 36 STULLS 5TH ADD S ½ LOT 36 STULLS 5TH ADD

and which has Key Numbers 018-8028-1127 and 018-8028-1128 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; and

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

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

<u>SECTION I.</u> 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 Real Property tax abatement only and is limited to two (2) calendar years from the date of adoption of the Declaratory Resolution by the Common Council.

<u>SECTION II.</u> The Common Council hereby determines that the property owner is qualified for and is granted a real property tax deduction for a period of (5) five years as shown by the attachment 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.

<u>SECTION III.</u> This Resolution shall be in full force and effect from and after its adoption by the Common Council and approved by the Mayor.

Member of the Common Council

RESOLUTION	NO.	

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

1619/1623 Franklin Street, South Bend, IN 46613

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

South Bend Form Tool Co., Inc.

WHEREAS, a petition for real property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area commonly known as 1619/1623 Franklin Street, South Bend, IN 46613 and which is more particularly described as:

N ½ LOT 36 STULLS 5TH ADD S ½ LOT 36 STULLS 5TH ADD

and which has Key Numbers 018-8028-1127 and 018-8028-1128 be designated as an Economic Revitalization Area under the provisions of <u>Indiana Code</u> 6-1.1-12.1 <u>et seq.</u>, and South Bend Municipal Code Sections 2-76 <u>et seq.</u>, and;

WHEREAS, petitioner has agreed to and has accepted responsibility to report any changes in the final legal description and to report the final, appropriate Key Number to the Department of Community Investment and to the Office of the City Clerk; and

WHEREAS, the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under <u>Indiana Code</u> 6-1.1-12.1, <u>et seq.</u>, and South Bend Municipal Code Sections 2-76, <u>et seq.</u>, and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

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

SECTION I. The Common Council hereby determines and finds that the Petition for Real Property

Tax Abatement and the Statement of Benefits form completed by the Petitioner meet the requirements of Indiana Code § 6-1.1-12.1 et seq., for tax abatement.

SECTION II. The Common Council hereby determines and finds the following:

- A. That the description of the proposed redevelopment or rehabilitation meets the applicable standards for such development;
- B. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature;
- C. That the estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed described redevelopment or rehabilitation;
- D. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed redevelopment or rehabilitation;
- E. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation; and
- F. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of Indiana Code § 6-1.1-12.1-3.
- SECTION III. The Common Council hereby determines and finds that the proposed described redevelopment or rehabilitation can be reasonably expected to yield benefits identified in the Statement of Benefits, Sections 1 through 3 of the Petition for Real Property Tax Abatement Consideration and the Memorandum of Agreement between the Petitioner and the City of South Bend, and that the Statement of Benefits form completed by the petitioner, said form being prescribed by the State Board of Accounts, are sufficient to justify the deduction granted under Indiana Code § 6-1.1-12.1-3.
- <u>SECTION IV.</u> The Common Council hereby accepts the report and recommendation of the Community Investment Committee that the area herein described be designated as an Economic Revitalization Area and hereby adopts a Resolution designating this area as an Economic Revitalization Area for purposes of real property tax abatement.
- <u>SECTION V.</u> The designation as an Economic Revitalization Area shall be limited to two (2) calendar years from the date of the adoption of this Resolution by the Common Council.
- <u>SECTION VI.</u> The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of (5) five years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.
- SECTION VII. The Common Council directs the City Clerk to cause notice of the adoption of

this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana Code § 5-3-1 and Indiana Code § 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

<u>SECTION VIII.</u> This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council

4-Mar-16

South Bend Form Tool Co, Inc.

South Bend Portage Township Real Property Tax Abatement Schedule*

	Tax Key Number Current Assessed Value: Estimated Project Cost:			018-8028-1128; 018-8025-1127 31,100 222,166)25-112 <i>7</i>			
<u>Assessed Value:</u> Current Assessed Value Base Assessed Value Less Abatement Deduction	100% 80%	Current AV & Tax 31,100	Without Abatement 31,100 177,733	100% <u>Year 1</u> 31,100 177,733 (177,733)	80% <u>Year 2</u> 31,100 177,733 (142 186)	60% <u>Year 3</u> 31,100 177,733	40% <u>Year 4</u> 31,100 177,733	20% Year 5 31,100 177,733
Net Assessed Value		31,100	208,833	31,100	66,647	102,193	137,740	173,286
Property Taxes: Assume constant tax rate of		5.4968%	5.4968%	5.4968%	5.4968%	5.4968%	5.4968%	5.4968%
Gross Tax (tax rate x net assessed value) Less Circuit Breaker Credit	value)	1,710 (584)	11,479 (3,920)	1,710 0	3,663	5,617 0	7,571 (453)	9,525
Net lax		1,126	7,559	1,710	3,663	5,617	7,119	7,339
Circuit Breaker Cap Circuit Breaker Debt Service	3.0000% 0.6197%	933 193	6,265 1.294	6,265 193	6,265 413	6,265	6,265 854	6,265
Circuit Braker Cap		1,126	7,559	6,458	6,678	6,898	7,119	7,339
	<u>Year</u>	Existing <u>Taxes</u>	New Project <u>Taxes</u>	Combined Existing & New Taxes	Tax <u>Abated</u>	Net Tax Paid		

*This schedule is for estimation purposes only and assumes constant tax rates. The true tax values will ultimately be determined by the actual assessed valuation and the then current tax rates.

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Submitted By:

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### Supplement to Petition for Incentives

### Frequently Asked Questions

We are frequently asked to explain the following questions, in an effort to clarify we are providing answers below.

1) How do I pay my petition filing fee?

Your petition filing fee can be paid either in person or via mail to:

City Clerk's Office

Attn: Deputy City Clerk

227 West Jefferson Blvd. • Suite 400 S

South Bend, Indiana 46601

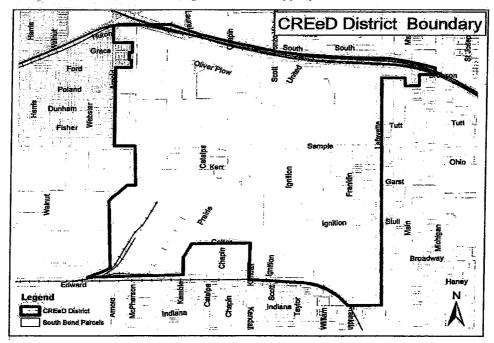
Or online via paypal at: http://southbendin.gov/government/ content/tax-abatement

2) Certified Technology Park appropriate? (Page one, under project overview)

In the South Bend area there are only two Certified Technology Parks, Innovation Park and Ignition Park. If your property is not located in either then the answer would be no.

3) Community Revitalization Enhancement District? (Page one, under project overview)

The map below outlines the CRED area, please check to see if you fall within the boundaries.



- 4) Has any 504 funding been received? (Page one, under investment details)

  504 Funding is a loan that come from the Small Business Administration. This funding must be applied for to be received.
- 5) Total training expenditure not cumulative (Page two, under full time Indiana resident positions)

  The amount of money to be spent per year on training over the course of the project.
- 6) Total number to be trained not cumulative (Page two, under full time Indiana resident positions)

The amount of people that you will train per year over the length of the project.

If you have any additional questions that are not addressed by this document, please contact Sarah Heintzelman in the Department of Community Investment at 574,235.5842 or email at <a href="mailto:sheintze@southbendin.gov">sheintze@southbendin.gov</a>

### STATEMENT OF BENEFITS **REAL ESTATE IMPROVEMENTS**

State Form 51767 (R4 / 2-13) Prescribed by the Department of Local Government Finance

PAY 20 FORM SB-1 / Real Property

This statement is being completed for real property that qualifies under the following Indiana Code (check one box): ☐ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4) Residentially distressed area (IC 6-1.1-12.1-4.1)

PRIVACY NOTICE The cost and any specific individual's salary information is confidential; the balance of the filling is public record per IC 6-1,1-12.1-5.1(c) and (d).

### INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction, "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)

2. Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, BEFORE a deduction may be approved.

3. To obtain a deduction, a Form 322/RE must be filled with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. If the property owner is the test of county towns of county the test of county towns.

made of not later than thinly (30) days after the assessment holice is mailed to the property owner if it was mailed after April 10. If the property owner makes the May 10 deadline in the initial year of occupation, he can apply between March 1 and May 10 of a subsequent year. Property owners whose Statement of Benefits was approved after June 30, 1991, must attach a Form CF-1/Real Property annually to the application to show compliance with the Statement of Benefits. [IC 6-1.1-12.1-5.1(b) and IC 6-1.1-12.1-5.3(b)].

The schedules established under IC 6-1.1-12.1-4(d) for rehabilitated property apply to any economic revitalization areas designated after June 30, 2000, unless an alternative deduction schedule is adopted by the designating body (IC 6-1.1-12.1-17). The schedules effective prior to July 1, 2000, shall continue to apply to economic revitalization areas designated before July 1, 2000.

SECTION 1	<u>, , , , , , , , , , , , , , , , , , , </u>		TAXPAYE	R INFOR	MATION		. 43 6.4		
Name of taxpayer									
South Bend Form Tool	Co., Inc.								
1	• • • • •	, city, state, and ZIP co	ide)						<u></u>
408 W. Indiana Ave.,		}							
Name of contact per	ion.			1 .	ne numbe			E-mail addres	is .
Herb Eggers				(574	) 289-24			heggers@sbfor	m.com
SECTION 2		LOC	CATION AND DESCRIP	TION OF	PROPO	DSED PROJ	ECT		
Name of designating City of South Bend	pody .							Resolution nu	mber
Location of property	<del></del>			10:::		<del> </del>	<del>-,</del> -	<u> </u>	· · · · · · · · · · · · · · · · · · ·
1619 & 1623 Franklin S	er South Rend, IN 46	£12		County	oseph			DLGF texing o	district number
	<u> </u>		rehabilitation (use addition	. ( .	•			ļ	
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			•			COST	,,,_ ,	1	SESSED VALUE
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Less values of a	ny property being	replaced		\$0			_	\$0	
Net estimated va	dues upon compl			\$232,166				\$253,166	
SECTION 5		WASTE CO	NVERTED AND OTHE	R BENEF	ITS PRO	MISED BY	THE TAXE	AYER	1. Tu 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1.
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Other benefits	<del></del>	<del>- , </del>		<u> </u>					
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						•	•		
•									
					-				<u></u>
SECTION 6			TAXPAYER C	ERTIFICA	MOITA				
I hereby certify	that the represe	entations in this s	statement are true.			•			
Signature of autho	presentative	Digitally signed by Date: 2016.03.03		Title Project Ma	nager			Date signed (inc. 03/03/2016	nth, day, year)
				<u> </u>					

FORUSE	OF THE DESIGNATING BODY	21 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
We find that the applicant meets the general standards in the resunder IC 6-1.1-12.1, provides for the following limitations:	olution adopted or to be adopted by the	is body. Said resolution, passed or to be passed
A. The designated area has been limited to a period of time recognition in the expires is	ot to exceed calendar	years* (see below). The date this designation
B. The type of deduction that is allowed in the designated are     Redevelopment or rehabilitation of real estate improvem     Residentially distressed areas		
C. The amount of the deduction applicable is limited to \$		
D. Other limitations or conditions (specify)		
E. The deduction is allowed for	years* (see below).	
F. Did the designating body adopt an alternative deduction so if yes, attach a copy of the alternative deduction schedule to we have also reviewed the information contained in the statement determined that the totality of benefits is sufficient to justify the december of the contained that the totality of benefits is sufficient to justify the december of the contained that the totality of benefits is sufficient to justify the december of the contained that the totality of benefits is sufficient to justify the december of the contained that	o this form. t of benefits and find that the estimate	es □ No s and expeciations are reasonable and have
Approved (signature and title of authorized member of designating body)	Telephone number	Date signed (month, day, year)
	( )	ogsåt (monta), bay, yeary
Attested by (signature and title of attester)	Designated body	
* If the designating body limits the time period during which an are entitled to receive a deduction to a number of years designated un A. For residentially distressed areas, the deduction period may no B. For redevelopment and rehabilitation or real estate improvement. If the Economic Revitalization Area was designated prior to 2. If the Economic Revitalization Area was designated after Junexceed ten (10) years.	der IC 6-1.1-12.1-4. It exceed five (5) years. hts: July 1, 2000, the deduction period is I	imiled to three (3), six (6), or ten (10) years.



FORM SB-1/PP

### PRIVACY NOTICE

The cost and any specific individual's salary information is confidential; the balance of the filling is public record per IC 6-1.1-12.1-5.1 (c) and (d).

### INSTRUCTIONS:

- 1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
- 2. Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to installation of the new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment, BEFORE a deduction may
- 3. To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or togistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and the extended due date of that year.
- 4. Property owners whose Statement of Benefits was approved after June 30, 1991, must submit Form CF-1 / PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
- 5. The schedules established under IC 6-1.1-12.1-4.5(d) and (e) apply to equipment installed after March 1, 2001, unless an alternative deduction schedule is adopted by the designating body (IC 6-1.1-12.1-17).

SECTION 1			TAXPAYE	R INFORMA	TION				
Name of taxpayer South Bend Form Tool Co., in	ic.								<u></u>
Address of taxpayer <i>(numb</i> 408 W. Indiana Ave., South B	per and street, city, state, and end, IN 46613	d ZIP cods)		······································			<del></del>		
Name of contact person Herb Eggers		· · · · · · · · · · · · · · · · · · ·					Telephone n 574-289-244	umber	
SECTION 2		LOCATION	ND DESCRIP	TION OF DE	000000 00		011 200 211		
Name of designating body City of South Bend		LOCATION	NO DESCRIP	HON OF PR	OPUSED PRI	OJECI	Resolution r	umber (s)	
ocation of property 619 & 1623 Franklin St., Sout	h Bend, IN 46613	<del></del>	<u></u>	Cour St. Jo			DLGF taxing	district nu	ımber
ino/or iogistical distribut	uring equipment and/or r ion equipment and/or inf	esearch and ormation tech	development e mology equipn	equipment nent.		<del>,</del>		ESTIM	ATED
use additional sheets if	necessary)						START.D	ATE.	COMPLETION
				ē	Manufactur	ing Equipmen	1 3/15/2016		12/15/2017
NC Lathes Wire FDM Autom	atic Band Saw, Auto CMM, Too	ding Warehouse	Recking PC's Ef	RP Software	R & D Equi	pment			,
110 20103, 1110 2011, 14011	and build build string for	mig, ridiciisdoo	radialig, r o o, Er	. Ookward	Logist Dist I	Equipment	7/15/2016	-	11/15/2016
			*		IT Equipme		7/15/2016		10/31/2017
SECTION 3	ESTIMATE OF					POSED PRO	DJECT		
urrent number	Salaries \$785,000	Number 17	r relained	Salaries \$785,000	•	Number a 8	dditional	Safarie \$378,5	
SECTION 4	ESTI	MATED TOTA	L COST AND	VALUE OF	PROPOSED	PROJECT			
IOTE: Pursuant to IC'6-			ACTURING PMENT	R&DEC	UIPMENT		T DIST	IT	EQUIPMENT
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ess values of any prope		\$623,077	\$623,077			\$11,305	ġ.	\$9,300	0
	n completion of project	\$623.077	\$623,077	· · · · · · · · · · · · · · · · · · ·		#44.005			
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SECTION 6	<u> </u>		TAXPAYER C	ERTIFICATION	ON .				
	I hereby	certify that th	e representati	ons in this sta	tement ara tri	le:			
nature of authorized repres			signed by Kyle Herbiso	5-1			Date signed <i>(in</i>		

### FOR USE OF THE DESIGNATING BODY We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2. A , The designated area has been limited to a period of time not to exceed ________calendar years * (see below). The date this designation expires B. The type of deduction that is allowed in the designated area is limited to: TYes ONo 1. Installation of new manufacturing equipment; Pyes DNo 2. Installation of new research and development equipment; PYes PNo 3. Installation of new logistical distribution equipment. ☐Yes ☐ No 4. Installation of new information technology equipment; C: The amount of deduction applicable to new manufacturing equipment is limited to \$__ cost with an assessed value of D. The amount of deduction applicable to new research and development equipment is limited to \$ ____ E . The amount of deduction applicable to new logistical distribution equipment is limited to \$______ cost with an assessed value of F. The amount of deduction applicable to new information technology equipment is limited to \$ ______ cost with an assessed value of G. Other limitations or conditions (specify)_ H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction on or after July 1, 2000, is allowed for: ** For ERA's established prior to July 1, 2000, only a ☐ 6 years ☐ 1 year 5 or 10 year schedule may be deducted. ☐ 2 years 7 years 3 years ☐ 8 years 4 years ☐ 9 years 5 years ** ☐ 10 years ** I. Did the designating body adopt an alternative deduction schedule per IC 6-1.1-12.1-17? If yes, attach a copy of the alternative deduction schedule to this form. Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above. Approved: (signature and title of authorized member) Date signed (month, day, year) Attested by: Designated body * If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1,1-12.1-4.5

227 W. JEFFERSON BOULEVARD SUITE 1400 S. SOUTH BEND, IN 46601-1830



PHONE: 574/235-9371 FAX: 574/235-9021

## CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR COMMUNITY INVESTMENT

SCOTT FORD, EXECUTIVE DIRECTOR

March 8, 2016

Council Member Gavin Ferlic, Chairperson Community Investment Committee South Bend Common Council 4th Floor, County City Building South Bend, IN 46601

RE: Personal Property Tax Abatement Petition for: South Bend Form Tool Co., Inc.

Dear Council Member Ferlic:

Please find the attached information pertaining to a personal property tax abatement petition for South Bend Form Tool Co., Inc..:

- > Department of Community Investment's summary report
- > Copy of the petition
- > Statement of Benefits form
- > Supporting information.

The report contains the Department's findings relative to the above petition. South Bend Form Tool Co., Inc. will be investing approximately \$220,000 in the expansion of their current floor space along with purchasing and installing approximately \$623,000 of new equipment. This expansion will grow their current customer base and allow them to pursue additional business from new customers. The project meets the qualifications for a (5) five year personal property tax abatement. A representative from South Bend Form Tool Co., Inc. will be available to meet with the Committee on Monday, March 14, 2016.

Should you or any of the other Council members have any questions concerning the report, or need additional information, please feel free to call me at 235-5823.

Sincerely.

Aaron Kobb

Director of Economic Resources

Filed in Clerk's Office

MAR 09 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

RESOLUTION NO.	

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

### 1619/1623 Franklin Street, South Bend, IN 46613

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

### South Bend Form Tool Co., Inc.

WHEREAS, a petition for personal property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area commonly known as 1619/1623 Franklin Street, South Bend, IN 46613 and which is more particularly described as follows:

### **Business Personal Property**

and which has a Key Number to be assigned be designated as an Economic Revitalization Area under the provisions of <u>Indiana Code</u> 6-1.1-12.1 <u>et seq.</u>, and South Bend Municipal Code Sections 2-76 <u>et seq.</u>, and;

WHEREAS, the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under <u>Indiana Code</u> 6-1.1-12.1, <u>et seq.</u>, and South Bend Municipal Code Sections 2-76, <u>et seq.</u>, and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

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

<u>SECTION I.</u> The Common Council hereby determines and finds pursuant to <u>Indiana Code</u> 6-1.1-12.1-4.5 <u>et seq.</u>, that:

a. The estimate of the cost of the new manufacturing equipment is reasonable for

- equipment of that type;
- b. That the estimate of the number of individuals that will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed installation of new manufacturing equipment;
- c. That the estimate of the annual salaries of those individuals that will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed installation of new manufacturing equipment;
- d. Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed new manufacturing equipment; and
- e. The totality of benefits is sufficient to justify the deduction requested.

<u>SECTION II.</u> The Common Council hereby determines and finds that the proposed new equipment can be reasonably expected to yield the benefits identified in the Statement of Benefits as set forth in Sections 1 through 3 of the Petition for Personal Property Tax Abatement Consideration and that Statement of Benefits form completed by the petitioner, said form being prescribed by the State Board of Accounts, are sufficient to justify the deduction granted under Indiana Code 6-1.1-12.1-4.5.

<u>SECTION III.</u> The Common Council hereby accepts the report and recommendation of the Department of Community Investment, and the Community Investment Committee's favorable recommendation, that the area herein described be designated as an Economic Revitalization Area for purposes of personal property tax abatement and hereby makes such a designation.

<u>SECTION IV.</u> The Common Council determines that such designation is for personal property tax abatement only and shall be limited to two (2) calendar years from the date of the adoption of this Resolution by the Common Council.

<u>SECTION V.</u> The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of (5) five years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.

<u>SECTION VI.</u> The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Personal Property Tax Abatement to be published pursuant to <u>Indiana Code</u> 5-3-1, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

<u>SECTION VII.</u> This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Coffice MAR 09 2016

KAREEMAH FOWLER CITY CLERK, SOUTH BEND, IN

PRESENTED

NOT APPROVED

### TAX ABATEMENT REPORT

TO:

SOUTH BEND COMMON COUNCIL

FROM:

AARON KOBB

SUBJECT:

PERSONAL PROPERTY TAX ABATEMENT PETITION FOR:

South Bend Form Tool Co., Inc.

DATE:

March 8, 2016

On Wednesday, March 9, 2016, a petition from South Bend Form Tool Co., Inc. was received and subsequently filed with the City Clerk for personal property tax abatement consideration for property to be located at 1619 and 1623 Franklin Street, South Bend, IN 46613. Pursuant to Chapter 2, Article 6, Section 2-84.2 of the Municipal Code of the City of South Bend, this petition was referred to the Department of Community Investment for purposes of investigation and preparation of a report determining whether the area qualifies as an Economic Revitalization Area pursuant to I.C.6-1.1-12.1 and whether all zoning requirements have been met.

The Department of Community Investment has reviewed the petition (a copy of which is attached), investigated the area, and makes the following report.

### PROJECT SUMMARY

- Approximate \$220,000 expansion of existing floor space along with the purchase of approximately \$623,000 of new equipment to better serve existing customers and pursue additional business.
- > Total taxes on new equipment over the five year abatement period \$53,452
- Estimated taxes abated on new equipment over the five year abatement period \$24,501
- Total taxes to be paid on new equipment over the five year abatement period \$28,951

### **EMPLOYMENT IMPACT**

Per the petition, it is estimated that the total project will:

- > Create 8 permanent, full-time jobs within the five year abatement period, representing a new annual payroll of \$378,560
- > 17 total jobs will be retained with a total annual payroll of \$785,000

### **ABATEMENT QUALIFICATION**

- 1. A review of the tax abatements previously granted, finds that the petitioner has not been granted or associated with any previous abatements.
- 2. The Building Commissioner has reviewed the petition and finds the property to be properly zoned for the proposed project.
- 3. A review of the South Bend Redevelopment designation areas finds that the property is located in the River West Development Area.
- 4. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner meets the qualifications for a (5) five-year personal property tax abatement under section 2-84.2, Tangible Personal Property Tax Abatement.

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# South Bend Form Tool Co, Inc.

3-Mar-16

South Bend Portage Township Personal Property Tax Abatement Schedule*

	37% 20% <u>Year 5</u>	Pay 2021 0 230,538	(46,108) 184,431	5.4968%	10,138	8,059	6,916 1,143	8,059								
	45% 40% <u>Year 4</u>	Pay 2020 0 280,385	168,231	5.4968%	9,247	9,247	8,412 1,043	9,454	Net T	Paid	C	4.110	7,535	9,247	8,059	28,951
	55% 60% <u>Year 3</u>	Pay 2019 0 342,692	137,077	5.4968%	7,535	7,535	10,281 849	11,130	F.	Abated	9.021	9,422	4,870	905	286	24,501
TBD 0 623,077	60% 80% Year 2	Pay 2018 0 373,846	74,769	5.4968%	4,110	4,110	11,215 463	11,679	Combined Existing & New	Taxes	9,021	13,532	12,404	10,149	8,345	53,452
	40% 100% <u>Year 1</u>	Pay 2017 0 249,231 (249,231)	0	5.4968%	0 0	0	7,477	7,477	New Project	Taxes	9,021	13,532	12,404	10,149	8,345	53,452
	Current	AV & Tax 0	0	5.4968%	00	0	00	0	Existing	Taxes	0	0	0	0	0	0
Tax Key Number Current Assessed Value: Estimated Project Cost:		100%			(e)		3.0000% 0.6197%			Year	Pay 2017	Pay 2018	Pay 2019	Pay 2020	Pay 2021	Totals
<b>—</b> О Ш		Assessed Value: Current Assessed Value Base Assessed Value Less Abatement Deduction	Net Assessed Value	Property Taxes: Assume constant tax rate of	Gross Tax (tax rate x net assessed value) Less Circuit Breaker Credit	Net lax	Circuit Breaker Cap Circuit Breaker Debt Service	Circuit Dianel Cap								

*This schedule is for estimation purposes only and assumes constant tax rates. The true tax values will ultimately be determined by the actual assessed valuation and the then current tax rates.

# City of South Bend



Seneral Information	Denis ed Ma	,	
idhimeseqiiredbi	History France Silver		Project Number
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mpinywasie			
oposed Project Info			
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ysindazip,	10197 1020 Flatikiiti Sitee	· (tegallowne)	South Bend Form Tool Co. Inc.
erestan vertalekili.	TETOMORY SEASON		Eggers Real Estate, LLC
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## Complete below for Real or Personal Property Tax Abatement only. Please sign for all requested incentives.

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#### Supplement to Petition for Incentives

#### Frequently Asked Questions

We are frequently asked to explain the following questions, in an effort to clarify we are providing answers below.

1) How do I pay my petition filing fee?

Your petition filing fee can be paid either in person or via mail to:

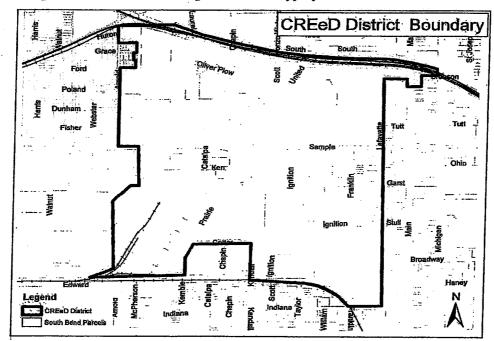
City Clerk's Office Attn: Deputy City Clerk 227 West Jefferson Blvd. • Suite 400 S South Bend, Indiana 46601 Or online via paypal at: http://southbendin.gov/government/ content/tax-abatement

2) Gertified Technology Park appropriate? (Page one, under project overview)

In the South Bend area there are only two Certified Technology Parks, Innovation Park and Ignition Park. If your property is not located in either then the answer would be no.

3) Community Revitalization Enhancement District? (Page one, under project overview)

The map below outlines the CRED area, please check to see if you fall within the boundaries.



- 4) Has any 504 funding been received? (Page one, under investment details)

  504 Funding is a loan that come from the Small Business Administration. This funding must be applied for to be received.
- 5) Total training expenditure not cumulative (Page two, under full time Indiana resident positions)

  The amount of money to be spent per year on training over the course of the project.
- 6) Total number to be trained not cumulative (Page two, under full time Indiana resident positions)

The amount of people that you will train per year over the length of the project.

If you have any additional questions that are not addressed by this document, please contact Sarah Heintzelman in the Department of Community Investment at 574,235.5842 or email at <a href="mailto:sheintze@southbendin.gov">sheintze@southbendin.gov</a>

#### STATEMENT OF BENEFITS **REAL ESTATE IMPROVEMENTS** State Form 51767 (R4 / 2-13)

Prescribed by the Department of Local Government Finance

This statement is being completed for real property that qualifies under the following Indiana Code (check one box): ☐ Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
☐ Residentially distressed area (IC 6-1.1-12.1-4.1)

2.000		•
20	PAY	20

FORM SB-1 / Real Property

#### PRIVACY NOTICE

The cost and any specific individual's salary laformation is confidential; the balance of the filling is public record per IC 6-1,1-12.1-5,1(c) and (d).

INSTRUCTIONS:
 Trips statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction, "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
 Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or replacification, BEFORE a deduction may be approved.
 To obtain a deduction, a Form 322/RE must be filled with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. If the property owner misses the May 10 deadline in the initial year of occupation, he can apply between March 1 and May 10 of a subsequent year.
 Property owners whose Statement of Benefits was approved after June 30, 1991, must affact a Form CF-1/Real Property annually to the application to show compliance with the Statement of Benefits. IIC 6-1.1-12.1-5.1(b) and IC 6-1.1-12.1-5.3(j).
 The schedules established under IC 6-1.1-12.1-4(d) for rehabilitated property apply to any economic revitalization areas designated after June 30, 2000, unless an afternative deduction schedule is adopted by the designating body (IC 6-1.1-12.1-17). The schedules effective prior to July 1, 2000, shall continue to apply to economic revitalization areas designated before July 1, 2000.

SECTION 1	322.41	TAXPAYE	ERINFORMA	TION		l:		
Name of taxpayer South Bend Form Tool	Co., Inc.							
Address of taxpayer (	(number and street, city, state	e, and ZIP code)					<del></del>	
408 W. Indiana Ave., S	South Bend, IN 46613					•	•	
Name of contact pers	ioù .		Telephone i	number	· · · · · · · · · · · · · · · · · · ·	E-mail addre		<del></del>
Herb Eggers			18	289-2441		heggers@sbfe	orm.com	
SECTION 2 Name of designating t		LOCATION AND DESCRI	PTION OF PF	ROPOSED PROJ	ECT			
City of South Bend	DOÚY .	•				Resolution n	ńwper	
Location of property					<del></del>	DI GE foving	district number	
1619 & 1623 Franklin St	t., South Bend, IN 46613	·	County St. Joseph	h		pro- faxing	nieruct unwöst.	
Description of real pro-	perly improvements, redevel	lopment, or rehabilitation (use addition	nel sheets if nec	essary)	~ <del></del>	Estimated sta	ri date (month. day, )	vear)
					•	4/1/2016		
Construction of approxim	nately 3,000 additional square fe	set of manufacturing space and improveme	ents to existing bu	ilding		Estimated con	npletion date (month,	day, yea
SECTION'3	CCTIM	ATE OF EIADLOVEER AND DAG	ante di la pe					
Current number	Salaries	ATE OF EMPLOYEES AND SAL	ARIES AS RE Salaries	SULT OF PROP	Number ac		Salaries	
17	\$785,000	17	\$785,000		8	เกเมื่อเเรีย	\$378,560	
SECTION 4		ESTIMATED TOTAL COST.A	ND VALUE O	F PROPOSED F	ROJECT			
						IMPROVEMEN	VTS	
				COST			SESSED VALUE	<del>;-</del> -
Current values				\$10,000		\$31,000		
	alues of proposed project		\$222,168		\$222,166		4	
	ny property being replaced lues upon completion of p		\$232,166			\$0,	· · ·	
SECTION 5		DIOJECT ASTE CONVERTED AND OTHER		DROMICED BY	TAICITAN	\$253,166	·	
	·		M P = M = H   G	F VOMISED BY	TUE IYXE	AYER	<u> </u>	بسيا
Estimated solid wa	aste converted (pounds)		Estimated	l hazardous was	le convert	ed (pounds)		
Other benefits		•	· · · · · · · · · · · · · · · · · · ·			<del></del>	·	
			•	•				
		•						ļ
•								
				•	•			ł
SECTION 6		TAXPAYER CE	ERTIFICATIO	Й				
		ș în this statement are true;		- 4			_	
ignature of authr		y signed by Kyle Harbison 016.03.03 11:30:24 -05'00'	Title Project Manager			Date signed (mp. 03/03/2016	nth, day, year)	$\exists$
		. , ,	~	مسيطين التواثيبيات المستحد المستحد المستحد				- 1

		the second region of the second secon
We find that the applicant meets the general standards in the resolution of 1.1-12.1, provides for the following limitations:	ution adopted or to be adopted by th	is body. Said resolution, passed or to be passed
A. The designated area has been limited to a period of time not expires is	t to exceedcalendar	years" (see below). The date this designation
B. The type of deduction that is allowed in the designated area in Redevelopment of rehabilitation of real estate improvemer 2. Residentially distressed areas	is limited to: nts 🏻 Yes 📮 No 🏳 Yes 💆 No.	
C. The amount of the deduction applicable is limited to \$	*	
D. Other limitations or conditions (specify)		
E. The deduction is allowed for	years* (see below).	
F. Did the designating body adopt an alternative deduction sche If yes, affach a copy of the alternative deduction schedule to t We have also reviewed the information contained in the statement of determined that the totality of benefits is sufficient to justify the deduc	this form. f benefits and find that the estimates	<del>- ,</del>
Approved (signature and title of authorized member of designating body)	Telephone humber	Date signed (month, day, year)
Attested by (signature and title of attester)	Designated body	
* If the designating body limits the time period during which an area is entitled to receive a deduction to a number of years designated under A. For residentially distressed areas, the deduction period may not e. B. For redevelopment and rehabilitation or real estate improvements:  1. If the Economic Revitalization Area was designated prior to Jul 2. If the Economic Revitalization Area was designated after June exceed ten (10) years.	r IC 6-1.1-12.1-4, xceed five (5) years. : lv 1, 2000, the deduction beriod is lin	niled (n Ihree (3), six (6), or ten (40) years

## STATEMENT OF BENEFITS PERSONAL PROPERTY State Form 51764 (R2 / 12-11)

State Form 51764 (R2 / 12-11)
Prescribed by the Department of Local Government Finance

FORM SB-1/PP

#### PRIVACY NOTICE

The cost and any specific individual's salary information is confidential; the balance of the filling is public record per IC 6-1.1-12.1-5.1 (c) and (d).

#### INSTRUCTIONS:

- 1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
- 2. Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to installation of the new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment end/or information technology equipment, BEFORE a deduction may be approved
- 3. To obtain à deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and the extended due date of that year.
- 4. Property owners whose Statement of Benefits was approved after June 30, 1991, must submit Form CF-1 / PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
- 5. The schedule's established under IC 6-1.1-12.1-4.5(d) and (e) apply to equipment installed after March 1, 2001, unless an alternative deduction schedule is adopted by the designating body (IC 6-1.1-12.1-17).

SECTION 1		•	TAXPAY	ER INFOR	MATION				
Name of laxpayer South Bend Form Tool Co., In	С.								
Address of taxpayer (numb 408 W. Indiana Ave., South Be	er and street, city, state, an and, IN 466131, city, state, an	d ZIP code)				•		·	<del></del>
Name of contact person Herb Eggers	• • • • • • • • • • • • • • • • • • • •						Telephone 1 574-289-244	number 11	,
SECTION 2	. 14.) 4	LOCATION	AND DESCRI	PTION OF	PROPOSED PR	OJECT			
Name of designating body City of South Bend							Resolution	number (s)	
Location of properly 1619 & 1623 Franklin St., South	. <u>.                                   </u>			s	oun <b>iy</b> Joséph		DLGF laxing	g district nu	mber [.]
Description of manufactuand/or logistical distribution	ring equipment and/or r	esearch and formation lec	development	equipment	"	·		ESTÎM	ATED
(use additional sheets if I	necėssaly)		mininat danb.				START	DATE.	COMPLETION DA
·				į	Manufactu	ring Equipme	il 3/15/2016		12/15/2017
CNC Lathes, Wire EDM, Automa	etic Rand Saw Auto CMM Tor	olina Warehouse	Racking PC's F	RP Software	R & D Equ	þijjént	1.		,
Cito Laties, 14116 EDIN, Autoria	and Date Outry / Old Opting 1 of	onigi Walariaa			Logist Dist	Eğulpment	7/15/2016	-	11/15/2016
		<u> </u>			IT Equipme		7/15/2016		10/31/2017
SECTION 3					ESULT OF PRO	DPOSED PRO	DJECT		
Current number 17	Salaries \$785,000	Numbe 17	r relained	Salari \$785,	es 000	Number a	dditional	Salarie \$378,5	
SECTION 4	ESTI	MATED TOT	AL COST AND	VALUE O	FPROPOSED	PROJECT	•		
NOTE: Pursuant to IC'6-		MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
COST of the property is o	onfidential.	ÇOŞT	ASSESSED VALUE	COST	ASSESSED VALUE	ÇOST	ASSESSED VALUE	cos	T ASSESSED VALUE
Current válues	<del></del>		<del> </del>	ļ	<u> </u>				
Plus estimated values of p		\$623,077	\$623,077			\$11,305	Ģ.	\$9,300	. 0
ess values of any proper				<del> </del>	<u> </u>	<u> </u>	-		
Vet estimated values upor			\$623,077			\$11,305	0	\$9,300	0
SECTION 5	•	NVERTEDA	ND OTHER B		ROMISED BY				
Estimated solid waste con	verted (pounds)			Estimated	hazardous was	le converted	pounds)		
Other benefits:				-			<del></del>		· · · · · · · · · · · · · · · · · · ·
SECTION 6			TAXPAYER C	ERTIFICA	TION	<u>:</u>			<u></u>
	I hereby	certify that th			statement are tr	ID.			
gnalurė of authorized represe		Digitally	signed by Kyle Harbis 16,03,03 11:33:56-05	on Title	Project Manager	1	Date signed <i>(inc</i> 03/03/2016	onth, day, y	ear)
<del></del>		<del></del>							

#### FOR USE OF THE DESIGNATING BODY We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2. A . The designated area has been limited to a period of time not to exceed____ ____ calendar years * (see below). The date this designation expires B. The type of deduction that is allowed in the designated area is limited to: Yés 🖟 No 1. Installation of new manufacturing equipment; Pyes No 2. Installation of new research and development equipment; ☐ Yes ☐ No 3. Installation of new logistical distribution equipment. DYes DNo 4. Installation of new information technology equipment; C. The amount of deduction applicable to new manufacturing equipment is limited to \$____ __cost with an assessed value of D. The amount of deduction applicable to new research and development equipment is limited to \$____ _cost with an assessed value of E . The amount of deduction applicable to new logistical distribution equipment is limited to \$______ cost with an assessed value of F. The amount of deduction applicable to new information technology equipment is limited to \$______cost with an assessed value of G. Other limitations or conditions (specify) H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction on or after July 1, 2000, is allowed for: ☐ 6 years ** For ERA's established prior to July 1, 2000, only a ☐ 1 year 7 years 5 or 10 year schedule may be deducted. ☐ 2 years 3 years ☐ 8 years 4 years ☐ 9 years ☐ 5 years ** ☐ 10 years ** I. Did the designating body adopt an alternative deduction schedule per IC 6-1.1-12.1-17? If yes, attach a copy of the alternative deduction schedule to this form. Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above. Approved: (signature and title of authorized member) Telephone number Date signed (month, day, year) Attested by: Designated body * If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1,1-12.1-4.5



#### The South Bend Common Council

4th Floor County-City Building 227 West Jefferson Boulevard South Bend, Indiana 46601-1830 274.235.9321

Fax: 574.235.9173

TDD: 574.235.5567

March 9, 2016

The South Bend Common Council 4th Floor County-City Building South Bend, Indiana 46601

Re:

**Community Project** 

Dear Council Members:

We are pleased to introduce the attached Resolution which supports the proposed installation of a fence near Coquillard Park.

It showcases another community project to be built and constructed by volunteers. The project would use absolutely no tax dollars. We believe that the volunteers and businesses donating their resources should be commended for stepping up in making South Bend better because of their efforts.

We request that this Resolution be sent to the Parks Committee and have public hearing on March 14th.

Most sincerely,

Council Member Gavin Ferlic, Council Member at Large

Council Member Karen L. White, Council Member at Large

Council Member Jo Froden, 4th District Council Member

Council Member Oliver J. Davis, 6th District Council Member

Attachment

Filed in Clerk's Office

MAR C 9 2016

RESOLUTION NO.	
----------------	--

# A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY SUPPORTING THE INSTALLATION OF A FENCE ON THE EAST SIDE OF PERLEY PRIMARY FINE ARTS ACADEMY AND ON THE WEST SIDE OF COQUILLARD PARK

Whereas, the South Bend Common Council recognizes that Coquillard Park is named after Alexis Coquillard, who is credited with the founding of South Bend and who believed in developing land for park purposes; and

Whereas, the Common Council notes that a proposed four-foot high picket style fence is proposed to be constructed on the east side of Perley Primary Fine Arts Academy and on the west side of Coquillard Park; and

Whereas, the proposed installation of the fence will be a community project which will involve no tax dollars, but instead will be funded by donations, constructed by volunteers, and will utilize paint donated by one of the Sherwin-Williams stores in our city.

Now, Therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows:

<u>Section I.</u> The Common Council publicly supports this community project and believes it adds to the civic pride and beautification of the City of South Bend.

<u>Section II</u>. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Council Member Gavin Ferlic, Council Member at Large

Council Member Karen L. White, Council Member at Large

Council Member Jo Broden, 4th District Council Member

Council Member Oliver J. Davis, 6th District Council Member

PRESENTED

NOT APPROVED

AMORTER

MAR 0.9.2016

Filed in Clerk's Office



#### The South Bend Common Council

227 West Jefferson Boulevard, Room 441 Downtown South Bend, Indiana 46601 574.235.9321 574.235.5567 TDD

March 9, 2016

The South Bend Common Council 4th Floor County-City Building South Bend, Indiana 46601

**Re:** City Flag Ordinance

Dear Council Members:

We are pleased to introduce a proposed ordinance which would amend the *City Code*. It proposes to add a new provision addressing the new official City Flag for the City of South Bend.

The excitement which the City Flag Design Contest has had as part of the SB150 Celebration far exceeded everyone's imagination.

We request that this Bill be sent to Council's Community Relations Committee. We are honored to sponsor this proposed ordinance and seek your unanimous support.

Thank you.

Most sincerely

Tim Scott, Council President 1st District Council Member

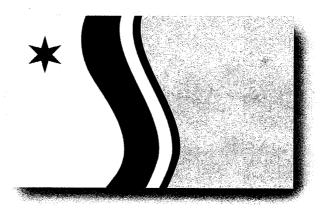
Gavin Ferlic, Council Member at Large

South Bend Common Council

Attachment

Filed in Clerk's Office

MAR 09 2016



The new flag has a red six-pointed star on a white field, a yellow field opposite it, and two blue S-shaped lines with a white stripe in between. The six points of the star represent the City's (6) Council Districts, while the first blue and white lines evoke the river at the heart of South Bend, our physical and virtual connectivity, and our industrial roots.

#### (b) The following protocol standards are established:

- 1. The City Flag shall be displayed on city property with honor and shall be flown with dignity and respect.
- 2. The City Flag may be displayed in municipal offices and on city property, carried in parades and displayed at other occasions and locations.
- 3. The Mayor or his designee is authorized to order the raising or lowering to a half-mast position of City Flags at properties and facilities owned or operated by the City of South Bend, or on the grounds of the County-City Building.
- 4. When a City Flag is no longer a fitting emblem for display and becomes unserviceable or when it becomes faded or torn, it should be retired from further service with respect.
- 5. In the interest of fostering deep civic pride, the colors, design and theme of the City Flag of South Bend may be creatively and enthusiastically promoted as an open-source design to be embraced throughout our City.

Section II. If any part, subsection, section, paragraph, sub-paragraph, sentence, clause, phrase or word of this ordinance is for any reason declared to be unconstitutional or otherwise invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Bill No	•
Ordinance No.	

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING, CHAPTER 1 OF THE SOUTH BEND MUNICIPAL CODE BY THE INCLUSION OF NEW SECTION 1-5.1 ENTITLED CITY FLAG

#### STATEMENT OF PURPOSE AND INTENT

The current South Bend City Flag dates back to the City of South Bend's Centennial Celebrations in 1965. The flag depicts a reproduction of the City Seal on a yellow background.

On November 9, 2015, the South Bend Common Council adopted Resolution No. 4509-15. That Resolution encouraged public participation in the City of South Bend Flag Design Contest and set forth governing rules and regulations regarding the process for formal approval of a new City Flag.

The City Flag Contest was the culminating event of South Bend 150 celebrations marking the city's sesquicentennial. The new design is a unifying and recognizable symbol of the city that captures the spirit of South Bend's past, present and future.

Over 200 flag designs were submitted for consideration. The competition was narrowed down to three (3) designs which were displayed as part of the First Friday festivities in December 2015 and on the South Bend 150 website, sb150.com.

Section IV of Council Resolution 4509-15 provided in part that the final flag design would require the passage of a city ordinance which would incorporate appropriate regulations addressing "...its display and use at public functions, as well as retiring and disposal of a City Flag when it is no longer a fitting emblem for display, and other appropriate regulations". That Resolution also called for the adoption of a separate "formal Resolution setting forth the date and proper procedures to retire the current City Flag to a place of honor".

This ordinance upon passage would formally adopt a new City Flag for the City of South Bend, Indiana, and would codify the City Flag provisions into the *South Bend Municipal Code*.

Now, Therefore, Be It Ordained by the Common Council of the City of South Bend, Indiana, as follows.

Section I. Chapter 1 of the South Bend Municipal Code is amended by the inclusion of new Section 1-5.1 which shall read in its entirety as follows:

#### Sec. 1-5.1 City Flag.

(a) The official City Flag for the City of South Bend, Indiana, is depicted as follows:

REFERRED PASSED

the Common Council, approval by the Ma	be in full force and effect from and after its passage by ayor, and legal publication.
	Tim Scott, 1st District Council Member
	South Bend Common Council President
	Gavin Ferlic, Council Member at Large
	South Bend Common Council
Httest:	
Office of the City Clerk	
<u> </u>	
	s, the Mayor of the City of South Bend, Indiana, on the
Presented by me to Pete Buttigieg day of, 2016, at	
	o'clock m.
day of, 2016, at	o'clock m.
day of, 2016, at	Office of the City Clerk
day of, 2016, at  Typroved and signed by me on the _	Office of the City Clerk
day of, 2016, at  Typroved and signed by me on the _	Office of the City Clerk  day of, 2016, at o'clock
day of, 2016, at  Typroved and signed by me on the _	Office of the City Clerk
day of, 2016, at  Typroved and signed by me on the _	Office of the City Clerk  day of, 2016, at o'clock  Pete Buttigieg, Mayor
day of, 2016, at	Office of the City Clerk  day of, 2016, at o'clock  Pete Buttigieg, Mayor City of South Bend, Indiana
day of, 2016, at	Office of the City Clerk  day of, 2016, at o'clock  Pete Buttigieg, Mayor City of South Bend, Indiana



#### The South Bend Common Council

4th Floor County-City Building 227 West Jefferson Boulevard South Bend, Indiana 46601-1830 274.235.9321

Fax: 574.235.9173

TDD: 574.235.5567

March 9, 2016

The South Bend Common Council 4th Floor County-City Building South Bend, Indiana 46601

Re: Proposed Smoke Free Air Standards for Workplaces/Public Places

Dear Council Members:

We are introducing the attached proposed ordinance which would establish smoke free air standards for workplaces and public places in the City of South Bend. The Indiana General Assembly granted local governments the authority to enact such local regulations in Public Law 141-2012, which has been in effect since July 1, 2012.

We request that this proposed ordinance be referred to the Council's Health and Public Safety Committee, so that meaningful discussions may take place on regulations aimed at protecting the public health and safety in workplaces and public places throughout our community. Thank you.

Most sincerely,

Gavin Ferlic

Council Member at Large

Jo Broden

4th District Council Member

Randy Kelly

3rd District Council Member

John Voorde

Council Member at LargeFiled in Clerk's Office

CITY CLERK, SOUTH BEND, IN

Attachment

BILL NO	
ORDINANCE NO.	

AN ORDINANCE OF THE COMMON COUNCIL OF THE SOUTH BEND COMMON COUNCIL AMENDING CHAPTER 14 OF THE SOUTH BEND MUNICIPAL CODE BY ESTABLISHING NEW ARTICLE 13 ENTITLED SMOKE FREE AIR REGULATIONS FOR WORKPLACES AND PUBLIC PLACES

#### STATEMENT OF PURPOSE AND INTENT

The 2006 U.S. Surgeon General's Report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke*, has concluded that (1) secondhand smoke exposure causes disease and premature death in children and adults who do not smoke; (2) children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory problems, ear infections, and asthma attacks, and that smoking by parents causes respiratory symptoms and slows lung growth in their children; (3) exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer; (4) there is no risk-free level of exposure to secondhand smoke; (5) establishing smoke free workplaces is the only effective way to ensure that secondhand smoke exposure does not occur in the workplace, because ventilation and other air cleaning technologies cannot completely control for exposure of nonsmokers to secondhand smoke; and (6) evidence from peer-reviewed studies shows that smoke free policies and laws do not have an adverse economic impact on the hospitality industry. (U.S. Department of Health and Human Services. The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006.)

According to the 2010 U.S. Surgeon General's Report, *How Tobacco Smoke Causes Disease*, even occasional exposure to secondhand smoke is harmful and low levels of exposure to secondhand tobacco smoke lead to a rapid and sharp increase in dysfunction and inflammation of the lining of the blood vessels, which are implicated in heart attacks and stroke. (U.S. Department of Health and Human Services, How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease: A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2010.)

Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of approximately 53,000 Americans annually. (National Cancer Institute (NCI), "Health effects of exposure to environmental tobacco smoke: the report of the California Environmental Protection Agency. Smoking and Tobacco Control Monograph 10," Bethesda, MD: National Institutes of Health, National Cancer Institute (NCI), August 1999.)

The Public Health Service's National Toxicology Program (NTP) has listed secondhand smoke as a known carcinogen. (Environmental Health Information Service (EHIS), "Environmental tobacco smoke: first listed in the Ninth Report on Carcinogens," U.S. Department of Health and Human Services (DHHS), Public Health Service, NTP, 2000; reaffirmed by the NTP in subsequent reports on carcinogens, 2003, 2005.)

There is indisputable evidence that implementing 100% smoke-free environments is the only effective way to protect the population from the harmful effects of exposure to secondhand smoke. (World Health Organization (WHO), "Protection from exposure to secondhand smoke: policy recommendations," World Health Organization (WHO), 2007.)

In reviewing 11 studies concluding that communities see an immediate reduction in heart attack admissions after the implementation of comprehensive smoke free laws, the Institute of Medicine of the National Academies concluded that data consistently demonstrate that secondhand smoke exposure increases the risk of coronary heart disease and heart attacks and that smoke free laws reduce heart attacks. (Institute of Medicine (IOM) of the National Academies, Board on Population Health and Public Health Practice, Committee on Secondhand Smoke Exposure and Acute Coronary Events, "Secondhand smoke exposure and cardiovascular effects: making sense of the evidence," Washington, DC: National Academies Press, October 2009.)

A significant amount of secondhand smoke exposure occurs in the workplace. Employees who work in smoke-filled businesses suffer a 25-50% higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function. (Pitsavos, C.; Panagiotakos, D.B.; Chrysohoou, C.; Skoumas, J.; Tzioumis, K.; Stefanadis, C.; Toutouzas, P., "Association between exposure to environmental tobacco smoke and the development of acute coronary syndromes: the CARDIO2000 case-control study," Tobacco Control 11(3): 220-225, September 2002.)

Studies measuring cotinine (metabolized nicotine) and NNAL (metabolized nitrosamine NNK, a tobacco-specific carcinogen linked to lung cancer) in hospitality workers find dramatic reductions in the levels of these biomarkers after a smoke free law takes effect. Average cotinine levels of New York City restaurant and bar workers decreased by 85% after the city's smoke free law went into effect. ([In.a.], "The State of Smoke-Free New York City: A One Year Review," New York City Department of Finance, New York City Department of Health & Mental Hygiene, New York City Department of Small Business Services, New York City Economic Development Corporation, March 2004).

After the implementation of Ontario, Canada's Smoke free Indoor Air Law, levels of NNAL were reduced by 52% in nonsmoking casino employees and cotinine levels fell by 98%. (Geoffrey T. Fong, et. al., "The Impact of the Smoke-Free Ontario Act on Air Quality and Biomarkers of Exposure in Casinos: A Quasi-Experimental Study," Ontario Tobacco Control Conference, Niagara Falls, Ontario, December 2, 2006.)

Following a Health Hazard Evaluation of Las Vegas casino employees' secondhand smoke exposure in the workplace, which included indoor air quality tests and biomarker assessments, the National Institute of Occupational Safety & Health (NIOSH) concluded that the casino employees are exposed to dangerous levels of secondhand smoke at work and that their bodies absorb high levels of tobacco-specific chemicals NNK and cotinine during work shifts. NIOSH also concluded that the "best means of eliminating workplace exposure to [secondhand smoke] is to ban all smoking in the casinos." (Health hazard evaluation report: environmental and biological assessment of environmental tobacco smoke exposure among casino dealers, Las Vegas, NV. By Achutan C, West C, Mueller C, Boudreau Y, Mead K. Cincinnati, OH: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health, NIOSH HETA No. 2005-0076 and 2005-0201-3080, May 2009.)

Secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. (California Environmental Protection Agency (Cal EPA), "Health effects of exposure to environmental tobacco smoke", Tobacco Control 6(4): 346-353, Winter, 1997.) The Americans With Disabilities Act, which requires that disabled persons have access to public places and workplaces, deems impaired respiratory function to be a disability. (Daynard, R.A., "Environmental tobacco smoke and the Americans with Disabilities Act," Nonsmokers' Voice 15(1): 8-9.)

The U.S. Centers for Disease Control and Prevention has determined that the risk of acute myocardial infarction and coronary heart disease associated with exposure to tobacco smoke is non-linear at low doses, increasing rapidly with relatively small doses such as those received from secondhand smoke or actively smoking one or two cigarettes a day, and has warned that all patients at increased risk of coronary heart disease or with known coronary artery disease should avoid all indoor environments that permit smoking. (Pechacek, Terry F.; Babb, Stephen, "Commentary: How acute and reversible are the cardiovascular risks of secondhand smoke?" British Medical Journal 328: 980-983, April 24, 2004.)

Given the fact that there is no safe level of exposure to secondhand smoke, the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) bases its ventilation standards on totally smokefree environments. ASHRAE has determined that there is currently no air filtration or other ventilation technology that can completely eliminate all the carcinogenic components in secondhand smoke and the health risks caused by secondhand smoke exposure, and recommends that indoor environments be smokefree in their entirety. (Samet, J.; Bohanon, Jr., H.R.; Coultas, D.B.; Houston, T.P.; Persily, A.K.; Schoen, L.J.; Spengler, J.; Callaway, C.A., "ASHRAE position document on environmental tobacco smoke," American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), 2005.)

During periods of active smoking, peak and average outdoor tobacco smoke (OTS) levels measured in outdoor cafes and restaurant and bar patios near smoker's rival indoor tobacco smoke concentrations. (Klepeis, N.; Ott, W.R.; Switzer, P., "Real-time measurement of outdoor tobacco smoke particles," Journal of the Air & Waste Management Association 57: 522-534, 2007.)

Nonsmokers who spend six-hour periods in outdoor smoking sections of bars and restaurants experience a significant increase in levels of cotinine when compared to the cotinine levels in a smoke free outdoor area. (Hall, J.C.; Bernert, J.T.; Hall, D.B.; St Helen, G.; Kudon, L.H.; Naeher, L.P., "Assessment of exposure to secondhand smoke at outdoor bars and family restaurants in Athens, Georgia, using salivary cotinine," Journal of Occupational and Environmental Hygiene 6(11): 698-704, November 2009.)

Residual tobacco contamination, or "thirdhand smoke," from cigarettes, cigars, and other tobacco products is left behind after smoking occurs and builds up on surfaces and furnishings. This residue can linger in spaces long after smoking has ceased and continue to expose people to tobacco toxins. Sticky, highly toxic particulate matter, including nicotine, can cling to walls and ceilings. Gases can be absorbed into carpets, draperies, and other upholsteries, and then be reemitted (off-gassed) back into the air and recombine to form harmful compounds. (Singer, B.C.; Hodgson, A.T.; Nazaroff, W.W., "Effect of sorption on exposures to organic gases from environmental tobacco smoke (ETS)," Proceedings: Indoor Air 2002, 2002.)

Smoke Free Air Standards Ordinance Page 4

Tobacco residue is noticeably present in dust throughout places where smoking has occurred. (Matt, G.E.; Quintana, P.J.E.; Hovell, M.F.; Bernert, J.T.; Song, S.; Novianti, N.; Juarez, T.; Floro, J.; Gehrman, C.; Garcia, M.; Larson, S., "Households contaminated by environmental tobacco smoke: sources of infant exposures," Tobacco Control 13(1): 29-37, March 2004.)

Given the rapid sorption and persistence of high levels of residual nicotine from tobacco smoke on indoor surfaces, including clothing and human skin, this recently identified process represents an unappreciated health hazard through dermal exposure, dust inhalation, and ingestion. (Sleiman, M.; Gundel, L.A.; Pankow, J.F.; Jacob III, P.; Singer, B.C.; Destaillats, H., "Formation of carcinogens indoors by surface-mediated reactions of nicotine with nitrous acid, leading to potential thirdhand smoke hazards," Proceedings of the National Academy of Sciences of the United Sates of America (PNAS) 107(15): 6576-6581, February 8, 2010.)

Unregulated high-tech smoking devices, commonly referred to as electronic cigarettes, or "ecigarettes," closely resemble and purposefully mimic the act of smoking by having users inhale vaporized liquid nicotine created by heat through an electronic ignition system. After testing a number of e-cigarettes from two leading manufacturers, the Food and Drug Administration (FDA) determined that various samples tested contained not only nicotine but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze. The FDA's testing also suggested that "quality control processes used to manufacture these products are inconsistent or non-existent." ([n.a.], "Summary of results: laboratory analysis of electronic cigarettes conducted by FDA," Food and Drug Administration (FDA), July 22, 2009;

http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm173146.htm Accessed on: October 22, 2009.)

E-cigarettes produce a vapor of undetermined and potentially harmful substances, which may appear similar to the smoke emitted by traditional tobacco products. Their use in workplaces and public places where smoking of traditional tobacco products is prohibited creates concern and confusion and leads to difficulties in enforcing the smoking prohibitions. During the Summer of 2015, the US Food and Drug Administration held three (3) public workshops to obtain more detailed information on electronic cigarettes and the public health. Currently only e-cigarettes that are marketed for therapeutic purposes are currently regulated by the FDA Center for Drug Evaluation and Research (CDER). The FDA has issued a proposed rule that would extend its authority to cover e-cigarettes, which is to be acted upon in 2016.

The Society of Actuaries has determined that secondhand smoke costs the U.S. economy roughly \$10 billion a year: \$5 billion in estimated medical costs associated with secondhand smoke exposure and \$4.6 billion in lost productivity. (Behan, D.F.; Eriksen, M.P.; Lin, Y., "Economic Effects of Environmental Tobacco Smoke," Society of Actuaries, March 31, 2005.)

Numerous economic analyses examining restaurant and hotel receipts and controlling for economic variables have shown either no difference or a positive economic impact after enactment of laws requiring workplaces to be smoke free. Creation of smoke free workplaces is sound economic policy and provides the maximum level of employee health and safety. (Glantz, S.A. & Smith, L., "The effect of ordinances requiring smokefree restaurants on restaurant sales in the United States." American Journal of Public Health, 87:1687-1693, 1997; Colman, R.; Urbonas, C.M., "The economic impact of smoke-free workplaces: an assessment for Nova Scotia, prepared for Tobacco Control Unit, Nova Scotia Department of Health," GPI Atlantic, September 2001.)

Smoking is a potential cause of fires; cigarette and cigar burns and ash stains on merchandise and fixtures causes economic damage to businesses. ("The high price of cigarette smoking," Business & Health 15(8), Supplement A: 6-9, August 1997.)

The smoking of tobacco, hookah, marijuana, and the use of electronic cigarettes are forms of air pollution, a positive danger to health, and a material public nuisance.

Accordingly, the Common Council of the City of South Bend, Indiana, finds and declares that the purposes of this ordinance are: (1) to protect the public health and welfare by prohibiting smoking in public places and places of employment; and (2) to guarantee the right of nonsmokers to breathe smoke free air, and to recognize that the need to breathe smoke free air shall have priority over the desire to smoke. This ordinance is believed to be in the best interests of the public health and welfare of the of the City of South Bend, Indiana.

# Now, Therefore, be it Ordained by the Common Council of the City of South Bend, Indiana, as follows:

<u>Section I.</u> Chapter 14 of the *South Bend Municipal Code* shall be amended to include new Article 13 which shall read in its entirety as follows:

### ARTICLE 13. SMOKE FREE AIR REGULATIONS FOR WORKPLACES AND PUBLIC PLACES.¹

#### Sec. 14-123. Definitions.

The following words and phrases, whenever used in this Article, shall be construed as defined in this Section:

- (a) "Ashtray" means any receptacle that is used for disposing of smoking materials, including, but not limited to ash and filters.²
- (b) "Bar" means an establishment used primarily for the sale of alcoholic beverages for consumption by patrons on the premises and which holds a retailer's permit under the laws of the State of Indiana. The terms includes, but is not limited to, taverns, nightclubs, and cocktail lounges.
- (c) "Business" means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including, but not limited to, retail establishments where

¹ Indiana Code § 7.1-5-12-13 entitled "Local Ordinances" authorizes a city to pass ordinances which may be more restrictive than state statutes addressing the "prohibition of smoking".

² Indiana Code § 7.1-5-12-0.5 addresses "Ashtray defined."

goods or services are provided to the public, and other entities where accounting, counseling, legal, medical, dental, engineering, architectural, or other professional services are delivered.

- (d) "Electronic Smoking Device" means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen or under any other product name or descriptor.
- (e) "Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services.
- (f) "Employer" means a person, business, association, municipal corporation, trust, or nonprofit entity that employs the services of one or more individual employees.
- (g) "Enclosed Area" means all space between a floor and a ceiling that is bounded on at least two sides by walls, doorways, or windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent and whether or not containing openings of any kind.
- (j) "Health Care Facility" means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals, addiction treatment hospitals and facilities, weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists within these professions. The term "Health Care Facility" shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within healthcare facilities.
- (k) "Hookah" means a water pipe and any associated products and devices which are used to produce fumes, smoke, and/or vapor from the burning of material including, but not limited to, tobacco, shisha, or other plant matter.
- (l) "Place of Employment" means an area under the control of a public or private employer including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles.³
- (m) "Playground" means any park or recreational area designed in part to be used by children that has play or sports equipment installed or that has been designated or landscaped for play or sports activities, or any similar facility located on public or private school grounds or on South Bend grounds.

³ Indiana Code § 7.1-5-12-1 addresses "Place of employment defined" and specifically excludes private vehicles.

- (n) "Private Club" means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 *U.S.C.* Section 501.
- (o) "Public Place" means an area to which the public is invited or in which the public is permitted, including but not limited to, banks, bars, educational facilities, gaming facilities, health care facilities, hotels and motels, laundromats, public transportation vehicles and facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a childcare, adult day care, or health care facility.⁴
- (p) "Restaurant" means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.
- (r) "Service Line" means an indoor or outdoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money, including but not limited to, ATM lines, concert lines, food vendor lines, movie ticket lines, and sporting event lines.
- (s) "Shopping Mall" means a public walkway or hall area that serves to connect retail or professional establishments.
- (t) "Smoking" means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookah and marijuana, in any manner or in any form. "Smoking" also includes the use of an e-cigarette which creates a vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article. ⁵
- (u) "Sports Arena" means a place where people assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events, including sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, and bowling alleys.

⁴ Indiana Code § 7.1-5-12-2 addresses "Public place defined".

⁵ Indiana Code § 7.1-5-12-3 addresses "Smoking defined".

#### Sec. 14-124. Prohibition of Smoking.⁶

Except as provided in Section 14-127, smoking shall be prohibited in all enclosed public places within the City of South Bend including but not limited to, the following places:

- (a) Aquariums, galleries, libraries, and museums;
- (b) Areas available to the general public in businesses and non-profit entities patronized by the public, including but not limited to, banks, laundromats, professional offices, and retail service establishments;
- (c) Bars;
- (d) Bingo facilities;
- (e) Child care and adult day care facilities;
- (f) Convention facilities;
- (g) Educational facilities, both public and private;
- (h) Elevators;
- (i) Gaming facilities;
- (j) Health care facilities;
- (k) Hotels and motels;
- (l) Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities;
- (m) Polling places;

⁶ Indiana Code § 7.1-5-12-4 addresses "Smoking prohibited in public places, places of employment, and state vehicles".

(n)	Private clubs;
(0)	Public transportation vehicles, including buses and taxicabs, under the authority of the City of South Bend, and ticket, boarding, and waiting areas of public transportation facilities, including bus, train, and airport facilities;
(p)	Restaurants;
(q)	Restrooms, lobbies, reception areas, hallways, and other common-use areas;
(r)	Retail stores;
	Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee or council of the City of South Bend, Indiana or a political subdivision of the State, to the extent the place is subject to the jurisdiction of the City of South Bend, Indiana;
(t)	Service lines;
(u)	Shopping malls;
(v)	Sports arenas, including enclosed places and outdoor arenas;
(w)	Theaters and other facilities primarily used for exhibiting motion pictures, stage dramas, lectures, musical recitals, or other similar performances;
(x)	Tobacco Specialty Bars; and
(y)	Tobacco Retail Stores.
Sec. 14-125	5. Prohibition of Smoking in Enclosed Places of Employment.

(a) Smoking shall be prohibited in all enclosed areas of places of employment without exception. This

includes, without limitation, common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.

(b) The prohibition on smoking shall be communicated to all existing employees by the effective date of this Article and to all prospective employees upon their application for employment.

#### Sec. 14-126. Reasonable Distance.⁷

Smoking shall be prohibited outdoors within a reasonable distance from an enclosed area where smoking is prohibited by this Article, but in no event closer than fifteen feet (15'), so as to insure that tobacco smoke does not enter into establishments designated as smoke free under this Article through entrances, windows, ventilation intakes or other means.

#### Sec. 14-127. Exemptions.

Notwithstanding the smoking prohibitions in Section 14-124, smoking is permitted in the following locations:

- (a) Private residences, unless used as a licensed childcare, adult day care or health care facility.
- (b) None of the areas set forth in this Section shall be exempt from the provisions of this Article if smoke from any area enters, either directly or indirectly, through entrances, windows, ventilation systems, or other means, where smoking is otherwise prohibited by this Article.

#### Sec. 14-128. Prohibition of Smoking in Outdoor Public Places.

Smoking shall be prohibited in the following outdoor places:

- (a) Outdoor seating areas of restaurants, bars, private clubs, and businesses except those restricted to individuals over the age of 18 years of age;
  - (b) In all outdoor arenas, stadiums, and amphitheaters. Smoking shall also be prohibited in and

⁷ Indiana Code § 7.1-5-12-4 sets forth a eight foot (8') distance requirement from a public entrance to a public place or place of employment.

within fifteen feet (15') of bleachers and grandstands for use by spectators at sporting and other public events;

- (c) Within fifteen feet (15') of all outdoor playgrounds;
- (d) Within fifteen feet (15') of all outdoor public transportation stations, platforms, and shelters under the authority of the City of South Bend, Indiana; and
- (e) In outdoor common areas of apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multi-unit residential facilities, except in designated smoking areas, not to exceed twenty-five percent (25%) of the total outdoor common area, which must be located at least fifteen feet (15') outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited.

#### Sec. 14-129. Removal of Smoking Paraphernalia and Signage Requirements.

- (a) All ashtrays shall be removed from any area where smoking is prohibited by this Article by the owner, operator, manager, or other person having control of the area.
- (b) An owner, operator, manager, or official in charge of a public place or place of employment, except vehicles, shall post conspicuous signs at each outdoor entrance that read "The City of South Bend Prohibits Smoking Within 15 Feet of this Entrance".

#### Sec. 14-130. Declaration of Establishment as Nonsmoking.

Notwithstanding any other provision of this Article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that the entire establishment, facility, or outdoor areas are a smoke free place.

#### Sec. 14-131. Non-Retaliation and Non-Waiver of Rights.⁸

- (a) No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, customer, or resident of a multiple-unit residential facility because that employee, applicant, customer, or resident exercises any rights afforded by this Article or reports or attempts to prosecute a violation of this Article. Notwithstanding Section 14-133, violation of this subsection shall be punishable by a fine not to exceed one thousand dollars (\$1,000) for each violation.
- (b) An employee who works in an outdoor area restricted to individuals over the age of 18 years of age where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

⁸ Indiana Code § 7.1-5-12-11 addresses retaliation.

#### Sec. 14-132. Enforcement.

- (a) The South Bend Department of Code Enforcement and South Bend Police Department shall enforce this Article. Additionally, the St. Joseph County Health Department, the South Bend Fire Department or their designees may, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Article.
- (b) Notice of the provisions of this Article shall be given to all applicants for a business license in the City of South Bend.
- (c) Any citizen who desires to register a complaint under this Article may initiate enforcement with the Department of Code Enforcement.
- (d) An owner, manager, operator, or employee of an establishment regulated by this Article, shall inform person(s) in violation of the appropriate provisions thereof and shall ask those persons to refrain from smoking. If the person does not stop smoking, the owner, manager, operator, or employee shall refuse service and shall immediately ask the person to leave the premises. If the person in violation refuses to leave the premises, the owner, manager, operator or employee shall contact a law enforcement agency.
- (e) In addition to the remedies provided by the provisions of this Section, the Department of Law or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this Article may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

#### Sec. 14-133. Penalties for Violations.

Any owner, manager, operator, or other person in control of an establishment, facility, or outdoor area found to be in violation of this Article shall, when found to be in violation be fined as follows:

- (a) The issuance of a verbal and written warning for the first (1st) violation.
- (b) A fine of two hundred dollars (\$200.00) for the second (2nd) violation within the same calendar year.
- (c) A fine of four hundred dollars (\$400.00) for the third ( $3^{rd}$ ) violation within the same calendar year.
- (d) A fine of eight hundred dollars (\$800.00) for the fourth (4th) violation within the same calendar year.
  - (e) A fine of one thousand five hundred dollars (\$1,500.00) for each additional violation

occurring thereafter within the same calendar year.

- (f) Repeated violation of this Article is declared to be a public nuisance, which may be abated by the Department of Law seeking a restraining order, preliminary and permanent injunction, or other means provided for by law, and may bring action to recover the costs of the nuisance abatement.
- (g) The Department of Law is authorized to bring civil action against any alleged violator of this Article for all unpaid fines, and any and all expenses incurred by the City to enforce the provisions of this Article to seek compliance from the alleged violator.
- (h) Each day on which a violation of this Article occurs shall be considered a separate and distinct violation. Each violation of this Article shall constitute a separate offense.

Section II. Repeal: Article 10 of Chapter 14 entitled "Smoking Regulations" of the South Bend Municipal Code is repealed. Any other ordinance which is inconsistent or in conflict with any part of this ordinance is expressly repealed to the extent of such inconsistency or conflict and the remainder of such ordinance or Code provision shall be unaffected and remain in effect.

<u>Section III</u>. <u>Severability</u>: If any provision, clause, sentence, or paragraph of this Article or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

<u>Section IV.</u> This ordinance shall be in full force and effect on August 1, 2016, and from after the passage by the Common Council, approval by the Mayor and legal publication.

Council Member at Large Gavin Ferlic

Broden, Ath District Council Member

Randy Kelly, 3rd District Council Member

Council Member at Large John, Voorde Filed in Clerk's Office

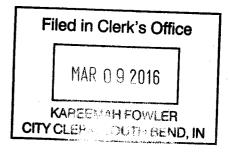
MAR 0 9 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

#### Hitest:

I, Kareemah Flower, City Clerk, her	eby verify that the foregoing or	dinance was passed/defeated
by the South Bend Common Council on the in favor and	e day of against.	, 2016, by a vote of
Kareemah Fowler, City Clerk		
South Bend, Indiana		
Presented by me to the Mayor of the	City of South Bend, Indic	<b>ana,</b> day of
, 2016, ato	clockm.	
· •	Office of the City Clerk	
Approved and signed by me on the, _	day of	, 2016, at
o'clockm.		— <del>—</del>
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	Pete Buttigieg,Mayor South Bend Indiana	

1 READING
PUBLIC HEARING
3 rd READING
NOT APPROV
REFERRED
PASSED





#### The South Bend Common Council

227 West Jefferson Boulevard, Room 441 Downtown South Bend, Indiana 46601 574.235.9321 TDD 574.235.5567

March 9, 2016

The South Bend Common Council 4th Floor County-City Building South Bend, Indiana 46601

Re: Proposed Landlord Registration Program

Dear Council Members:

Following a series of discussions with representatives of the City Administration representing the Code Enforcement Department, the Law Department, the Police Department, and the Human Rights Office, as well as with input from individuals involved in the real estate used for renting, and neighborhood groups and organizations, we are pleased to introduce for your consideration and approval a proposed ordinance which would create a Landlord Registration Program in the City of South Bend.

We have reviewed landlord registration best practices implemented throughout the country. We have also studied landlord registration programs which have been in effect in several Indiana communities. Two ordinances in particular were carefully studied - Indianapolis and Evansville – in light of the fact that they were passed after the new Indiana state laws were enacted in 2014. We also reviewed Elkhart's ordinance which was updated in 2007; Goshen's ordinance which was last updated in 2006; along with rental registration regulations in effect Bloomington, Gary, Hammond, Elkhart, and Valparaiso.

A common theme in all of these regulations focused on landlords as "responsible stewards of their property, working with the municipality to ensure safe, clean neighborhoods".

It is acknowledged that the Indiana General Assembly has restricted the ability of a municipality to regulate in this area. The proposed regulations are believed to be consistent with the governing state law regulations which are believed to be in the best interests of the City of South Bend. We look forward to receiving your input and seek your support. Thank you.

Most sincerely,

Tim Scott, 1st District Council Member South Bend Common Council

Karen L. White, Council Member at Large South Bend Common Council

Attachment

Filed in Clerk's Office

MAR 0.9 2016

BILL No.	
ORDINANCE NO.	

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 6 OF THE SOUTH BEND MUNICIPAL CODE BY THE INCLUSION OF NEW ARTICLE 10 ENTITLED LANDLORD REGISTRATION PROGRAM

#### STATEMENT OF PURPOSE AND INTENT

The South Bend Common Council, in collaboration with the City Administration, believe that the following landlord registration program is in the best interests of the City of South Bend. The regulations have been carefully drafted to comply with the new governing Indiana state law. In 2014, the Indiana Association of Realtors (IAR) worked with the Indiana General Assembly to pass HEA 1403 which "caps the amount a local unit can charge for landlord registry fees at \$5.00..." Some of the benefits of having such a local program which would incorporate best practices focus on:

- Acknowledging data from the U.S. Census Bureau last revised on December 2, 2015 which reported that 43.3 % of housing units in the City of South Bend are rental units
- Developing positive and improved communications and exchange of information among landlords, tenants and the community
- Maintaining a registration program which assembles accurate information and which is informative for landlords, tenants and the general public
- Enhancing housing quality and neighborhood stability through an improved informational system on rental properties

In the preparation of the proposed regulations, several ordinances and best practices were carefully reviewed with a particular emphasis on two (2) city ordinances which were passed after the new state law took effect. These included the Indianapolis landlord registration regulations, which took effect on January 1, 2015, as well as the rental registration program in Evansville which was approved on September 8, 2014, when their Council passed Ordinance No. G-2014-29.

Annual registration of property owners with the Department of Code Enforcement along with a fee of \$ 5.00 per property owner will be required. Failure to register would result in a \$500 fine.

The City of South Bend's government website maintains a "Ten Tips Every Landlord Should Know" program in the interest of furthering collaboration between landlords and tenants. The City believes that the proposed registration program will enhance such opportunities throughout South Bend. The City's website will be updated to include information on the Landlord Registration Program as part of its proactive outreach to the community.

Now, Therefore, Be It Ordained by the Common Council of the City of South Bend, Indiana, as follows.

Section I. Chapter 6 of the South Bend Municipal Code is amended by the inclusion of new Article 10 which shall read in its entirety as follows:

#### Article 10. Landlord Registration Program.

Sec. 6-40 Establishment of Landlord Registration Program.

- (a) Effective June 30, 2014, political subdivisions in the State of Indiana were authorized to establish and enforce registration programs for rental units within their jurisdiction, subject to certain conditions and limitations.
- (b) The South Bend Landlord Registration Program is established pursuant to the authority granted by the state.¹

#### Sec. 6-41 Definitions.

- (a) For purposes of this Article, the following definitions shall apply:
  - (1) City means the City of South Bend, Indiana.
  - (2) Commercial domicile has the meaning set forth in Indiana Code § 6-3-1-22.²
  - (3) Department means the Department of Code Enforcement established and addressed in Section 2-13 of the South Bend Municipal Code.
  - (4) Landlord has the meaning set forth in Indiana Code § 32-31-3-3.
  - (5) Owner has the meaning set forth in *Indiana Code* § 32-31-3-4.
  - (6) Person has the meaning set forth in *Indiana Code* § 32-31-3-5.
  - (7) Rental unit has the meaning set forth in Indiana Code § 32-31-3-8, except that an owner-occupied structure that:
    - i. Has no portion of the area thereof promised for the use of a residential unit; or
    - ii. Has a single sleeping unit being rented to a tenant shall not be considered a "Rental Unit".
  - (8) Rental unit community has the meaning set forth in Indiana Code § 36-1-20-1.5.
  - (9) Tenant has the meaning set forth in *Indiana Code* § 32-31-3-10.
- (b) All definitions referred to in this section which incorporate the state law definitions shall reflect the most recent version of the state law definitions.

¹ Indiana House Enrolled Act 1403 (2014) added *Indiana Code* §36-1-20-1.5 defining "rental unit community"; amended Section 1 of *Indiana Code* §36-1-20-2, amended *Indiana Code* §36-1-20-3; added new sections *Indiana Code* §36-1-20-1.5, *Indiana Code* §36-1-20-6.

² This definition is from Indiana's tax regulations which requires the identification of the "principal place from which the trade or business of the taxpayer is directed or managed".

#### Sec. 6-42 Registration Required and Elements of the Landlord Registration Program.³

- (a) Beginning September 15, 2016, all owners or landlords of rental units within the city must begin to register with the Department of Code Enforcement via a method or form prescribed by the department. However, to assist in the first-time implementation of the regulations under this Article, for calendar year 2016 only, registration shall be extended to December 30, 2016. The registration form shall include the following:
  - (1) The name, telephone number, and the commercial domicile address of the owner's physical business location. Additional listing of a secondary address which is not required to be physical, may also be given when used for availability to the public;
  - (2) The name and address of:
    - a. The person(s) residing in Indiana authorized to manage the rental unit; and
    - b. The person listed as the "responsible party" with the Internal Revenue Service; 4 and
    - c. The person who is authorized to act as agent for the owner for purposes of service of process and receiving and receipting for notices and demands on record with the Indiana Secretary of State's Business Services Division; and
    - d. The property manager, if any, licensed by the Indiana Real Estate Commission.⁵
  - (3) Real property tax identification key number of each rental unit and/or rental unit community which the owner or landlord is submitting for registration purposes under this Article;
  - (4) An affirmation of whether or not the rental units, the real property of which the rental units are a part, and any other rental unit property owned or registered by the owner in the city, are subject to any un-remediated citation or violation of the state and local codes and ordinances;
  - (5) An affirmation of whether or not there is more than one (1) delinquent payment of real property taxes, assessments, or penalties (other than those that are the subject of an ongoing appeal or bankruptcy proceeding) with respect to the property or any other rental unit property owned or registered by the owner in the city;

³ All landlords and owners are also required to comply to the applicable provisions of the City of South Bend's Human Rights Ordinance which are codified in *South Bend Municipal Code* § 2-126 through § 2-132.1., as well as applicable provisions of federal and state laws which include but are not limited to the Fair Housing Act which is Title VIII of the Civil Rights Act of 1968 codified at 42 *United States Code* § 3601 et seq.; the Architectural Barriers Act of 1968 codified at 42 *United States Code* § 4151, et seq.; Title II of the Americans With Disabilities Act of 1990 (ADA), codified at 42 *United States Code* § 12131, et seq.; and the Indiana Civil Rights Act codified at *Indiana Code* § 22-9-5.

⁴ The Internal Revenue Service requires the disclosure of the "name and taxpayer identification number of the true responsible party for the entity requesting an Employer Identification Number (EIN)".

⁵ Indiana Code § 25-34.1 sets for the Real Estate Brokers and Salespersons state law. Property management is covered under the broker and salesman's licenses by including renting, leasing, and managing covered activities. Limited exemptions are provided for such as "owners who only regulate activities are in relation to a maximum of 12 apartment units located on a single or contiguous parcels of land may rent them without a license".

(6) A statement of the number of rental units on each separate parcel of real property covered by the registration.

In the event of affirmation that the owner or landlord acknowledges that he or she does have real property with un-remediated citations as addressed in sub-paragraph (4) and/or more than one (1) delinquent payment of items addressed in sub-paragraph (5), the applicant shall be required to work with the issuing Department or Agency to amicably resolve such matters.

- (b) Beginning September 15, 2016, an owner or landlord of a rental unit must pay to the Department of Code Enforcement an initial registration fee of five dollars (\$5.00), with all such fees deposited into the Landlord Registration Fund. However, to assist in the first-time implementation of the regulations under this Article, for calendar year 2016 only, registration shall be extended to December 30, 2016. Only one (1) registration fee is required for all rental units in a rental unit community. If a rental unit is not part of a rental unit community, a separate registration fee must be paid for each separate parcel of real property on which a rental unit is located, unless they are all registered at the same time.
- (c) In the event of a change of ownership, the new owner or landlord must, not later than thirty (30) days after the change of ownership, pay the registration fee of five dollars (\$5.00) and provide updated registration information to the Department of Code Enforcement. The effective date of new ownership will be the date the property was transferred or the date the deed was recorded, whichever occurs earlier.
- (d) Registrations must be renewed annually with the Department of Code Enforcement. The renewal fee shall be five dollars (\$5.00), with all such fees deposited into the Landlord Registration Fund.
- (e) The owner or landlord must notify in writing the Department of Code Enforcement within thirty (30) days of any changes to the registration information.

#### Sec. 6-43 Landlord Registration Fund.

A special fund designated as the "Landlord Registration Fund", Fund No. 221, is created. It shall be a continuing, non-reverting fund, with all balances remaining therein at the end of the year, with such balances not reverting to the City's General Fund. All fees assessed and collected under this Article shall be deposited into this fund, with such monies being dedicated solely to reimbursing the costs actually incurred which are related to the South Bend Landlord Registration Program. This fund will be subject to annual appropriation by the South Bend Common Council.

#### Sec. 6-44 Enforcement and Penalties

- (a) This Article shall be enforced by the Department of Code Enforcement or an authorized designee.
- (b) Failure to register as required by Section 6-42 of the *South Bend Municipal Code* is subject to a civil penalty of five hundred dollars (\$500.00) for each rental unit or rental unit community in violation.
- (c) Submitting an incomplete registration form is subject to a civil penalty of one hundred dollars (\$100.00).

- (d) Providing any false, material misrepresentation or false statement on each filing of a registration form required in Section 6-42 is subject to a civil penalty of two thousand five hundred dollars (\$2,500.00).
- (e) Failure to update the registration within thirty (30) days of a change in ownership and/or registration information, as required by Section 6-42 of the *South Bend Municipal Code*, is subject to a civil penalty of five hundred dollars (\$500.00).
- (f) Failure to renew the registration as required by Section 6-42 of the *South Bend Municipal Code* is subject to a civil penalty of five hundred dollars (\$500.00).
- (g) Civil penalties paid in response to violating this Article shall be deposited into Fund No. 221. Such civil penalty monies shall be kept segregated from fees deposited into this fund for accounting purposes, and shall be subject to appropriation by the South Bend Common Council for the replacement of curbs and/or sidewalks which may be located contiguous to a property registered under this program. Location determination shall be based on a public safety priority need basis, as determined by the City's Department of Public Works Director.
- (h) The penalties allowed under subsections (a) through (e) of this section may not be imposed until after:
  - (1) A notice of violation has been issued to the owner or the owner's designee by personal service or by first class United States Mail, postage prepaid;
  - (2) Passage of thirty (30) days from receipt of the notice, which must be stated in the notice, for the violation to be cured; and
  - (3) Failure of the violation to be cured within the time stated in the notice.

#### Sec. 6-45 Performance Measures and Reporting.

As part of the annual report, the Department of Code Enforcement shall measure the success of the Landlord Registration Program using the following performance measures, which may be supplemented with additional performance measures:

- (a) Number of landlords registered under the Program;
- (b) Number of parcels identified by their individual real property tax identification key number under the Program;
- (c) Number of fines and civil penalties issued, the number and amount of fines and civil penalties collected, the number and amount of fines and civil penalties unpaid and the status of their collection with such data being organized by the category of the civil penalty identified in the notice of violation; and
- (d) Status of balances of the Landlord Registration Fund, Fund No. 221 identifying fees and civil penalty dollars transactions separately.

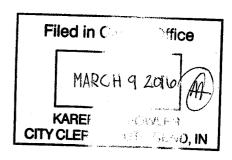
Ordinance Addressing Landlord Registration Program Page 6

Section II. If any part, subsection, section, paragraph, sub-paragraph, sentence, clause, phrase or word of this ordinance is for any reason declared to be unconstitutional or otherwise invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section III. This ordinance shall be in full force and effect on September 15, 2016, from and after its passage by the Common Council, approval by the Mayor, and legal publication.

	Tim Scott, 1 st District Council Member South Bend Common Council	-
	Karen L. White, Council Member at Large South Bend Common Council	
,		
of the City Clerk		
Presented by me to Pete Buttigies	g, the Mayor of the City of South Bend, Indiana, on the clock m.	ne
		ne
, 2016, at o'c	clock m.	

1 ★ READING
PUBLIC HEARING
3 rd READING
NOT APPROVED
REFERRED
PASSED





Angela M. Smith

#### Deputy Director

AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

March 8, 2016

South Bend Common Council 4th Floor, County-City Building South Bend, IN 46601

RE: APC#2774-16- Rezoning for 736 Lincolnway West

#### Dear Council Members:

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 March 14, 2016 Council meeting, and set it for public hearing at your April 25, 2016. Council meeting. The petition is tentatively scheduled for public hearing at the April 19, 2016 Area Plan Commission meeting. The recommendation of the Area Plan Commission will be forwarded to your office by noon on the day following the public hearing.

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

Sincerely,

Matthew P. Chappuies

Planner

CC: Kathy Cekanski-Farrand

Filed in Clerk's Office

KAREEMAH FOWLER CITY CLERK, SOUTH BEND, IN

SERVING ST. JOSEPH COUNTY, SOUTH BEND, LAKEVILLE, NEW CARLISLE, NORTH LIBERTY, OSCEOLA & ROSELAND

ORDINANCE NO
AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 424, 426 & 430 CUSHING STREET AND 726 & 736 LINCOLNWAY WEST, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA
STATEMENT OF PURPOSE AND INTENT
Petitioners desire to rezone the property for a retail store.
NOW THEREFORE BE IT ORDAINED by the Common Council of the City of South Bend, Indiana as follows:
SECTION 1. Ordinance No. 9495-04, is amended, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby is 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:

Lots numbered 1 through 4 as shown on the recorded plat of Heintzmans Addition to the City of South Bend, Indiana and Lot numbered 6 as shown on the recorded plat of Kunstman's First Addition to the City of South Bend, Indiana

SECTION II. This ordinance shall be in full force and effect from and after its

Member of the Common Council

passage by the Common Council, approval by the Mayor, and legal publication.

be and the same is hereby established as MU Mixed Use District.

Attest:

City Clerk

Presented by me to the Mayor of the day of, 2, at			n the
	City Clerk		
Approved and signed by me on the o'clock m.	day of	, 2	, at
Mayor, City of South	Bend, Indiana		

1 ST READING
PUBLIC HEARING
3 rd READING
NOT APPROVED
REFERRED
PASSED

MAR 09 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

#### PETITION FOR ZONE MAP AMENDMENT City of South Bend, Indiana

I (we) the undersigned make application to the City of South Bend Common Council to amend the zoning ordinance as herein requested.

1) The property sought to be rezoned is located at:

424 Cushing Street; 426 Cushing Street; 430 Cushing Street; 726 Lincoln Way West; 736 Lincoln Way West; and 18 VAC L6 50X189 LWW (shown on the St. Joseph County GIS Map as a portion of 726 Lincoln Way West); (the property is generally located at the southeast corner of Lincoln Way West and Cushing Street, and also includes an alley adjacent to the foregoing parcels which is to be vacated)

South Bend, Indiana 46616

2) The property Tax Key Number(s) is/are: 018-1028-1262; 018-1028-1261; 018-1028-1260; 018-1028-1259; 018-1028-1258; 018-1029-1282

3) Legal Descriptions: See attached Exhibit A

4) Total Site Area:  $0.90 \ acres \pm ; 39,366 \ sf \pm$ 

5) Name and address of property owner(s) of the petition site:

Wadad El-Ammori, 51343 Lilac Road, South Bend, IN 46628

George Kalafat, 20633 Roycroft Drive, South Bend, IN 46614

Lincoln Park Development LLC, 724 W. Washington Street, South Bend, IN 46601

Name and address of additional property owners, if applicable: None

6) Name and address of contingent purchaser(s), if applicable:

FD South Bend Indiana Lincoln Way and Cushing Street, LLC 19 South LaSalle Street, Suite 1007 Chicago, IL 60603 312.332.0690

Filed in Clerk's Office KAREEMAH FOWLER CITY CLERK, SOUTH BEND, IN

Name and address of additional property owners, if applicable: None

7) It is desired and requested that this property be rezoned:

From: CB Community Business District

SF2 Single Family Two Family District

To: MU Mixed Use District

8) This rezoning is requested to allow the following use(s): Family Dollar retail store

#### IF VARIANCE(S) ARE BEING REQUESTED (if not, please skip to next section):

- 1) Variances from Section 21-03.02 allowing (i) less than 50% of the front facade of the building to be located between the minimum and maximum setback area, (ii) a portion of the parking area to be in front of the maximum setback; and (iii) a retail use in excess of 8,000 square feet of gross floor area (see attached narrative for additional details)
- 2) A statement on how each of the following standards for the granting of variances is met:
  - (a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: See attached narrative

- (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: See attached narrative
- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: See attached narrative

## IF A SPECIAL EXCEPTION USE IS BEING REQUESTED, (if not, please skip to next section):

- 1) A detailed description and purpose of the Special Exception Use(s) being requested: N/A
- 2) A statement on how each of the following standards for the granting of a Special Exception Use is met:
  - (a) The proposed *use* will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: N/A
  - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: N/A
  - (c) The proposed *use* will be consistent with the character of the *district* in which it is located and the land uses authorized therein; and: N/A
  - (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan, N/A
- * In the case of a Special Exception Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

#### **CONTACT PERSON:**

Dubin Singer PC, Attn: David Yontz 123 N. Wacker Drive, Suite 1600 Chicago, IL 60606 312-801-8752 dyontz@dubinsinger.com

BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

Signature(s) of all prope	erty owner(s), or signature of Attorney for all property owner(s):
Wodod El-Ammori	(See attached Limited Power of Attorney)
George Kalafat	( see attached Limiter Power of Attorney )
	ent LLL (see inelal)
FD South Bend Ind	liona Lincoln way and Chishing Shreet, LLC (see below)

LINCOLN PARK DEVELOP MENT LLC, on Indiana limited liability Company

By: and Mannix, Sole Menter

FD Soigh Bench Indiana Lincoln Way and Cushing Street, MC, an Indoor I writed listality Company

David Kontz Nabin Singer PC, its ottomers

#### **LIMITED POWER OF ATTORNEY**

Area Plan Commission of St. Joseph County, IN 1140 County-City Bldg., 227 W. Jefferson Blvd. South Bend, IN 46601

RE:

424 Cushing Street, South Bend, IN 46616; PIN# 71-08-02-458-004.000-026 (the

"Property")

To Whom It May Concern:

I am the current owner of the Property. The Property is the subject of that certain Purchase and Sale Agreement dated as of October 15, 2015 (the "Contract"). I hereby acknowledge that FD South Bend Indiana Lincoln Way and Cushing Street, LLC, its affiliates, agents, and attorneys (collectively, the "Purchaser"), will be pursuing certain petitions, applications and the like with respect to the Property, including, without limitation, a re-zoning petition, one or more zoning variances, and an application to vacate an alley adjacent to the Property (collectively, the "Necessary Approvals"). I hereby consent to the Purchaser making all necessary and appropriate submissions to the applicable governmental authorities in connection with the Necessary Approvals, and agree that my signature below may be used in substitution for any signatures required of the owner of the Property for such submissions. I hereby agree that Purchaser may represent petitions, applications and the like before the Area Plan Commission, City Council and other applicable governmental authorities, and may answer any and all questions thereon.

GEORGE KALAFAT

Filed in Clerk's Office

MAR 09 2016

#### **LIMITED POWER OF ATTORNEY**

Area Plan Commission of St. Joseph County, IN 1140 County-City Bldg., 227 W. Jefferson Blvd. South Bend, IN 46601

RE:

736 Lincolnway West, South Bend, IN 46616; 726 Lincolnway West, South Bend, IN 46616; 430 Cushing Street, South Bend, IN 46616; and 18 VAC L6 50X189 LWW, South Bend, IN 46601; PIN#: 71-08-02-458-001.000-026, 71-08-08-458-010.000-026, 71-08-02-458-002.000-026, and 71-08-02-458-011.000-026 (collectively, the "Property")

To Whom It May Concern:

I am the current owner of the Property. The Property is the subject of that certain Purchase and Sale Agreement dated as of October 15, 2015 (as amended, the "Contract"). I hereby acknowledge that FD South Bend Indiana Lincoln Way and Cushing Street, LLC, its successors, assigns, affiliates, agents, and attorneys (collectively, the "Purchaser"), will be pursuing certain petitions, applications and the like with respect to the Property, including, without limitation, a re-zoning petition, one or more zoning variances, and an application to vacate an alley adjacent to the Property (collectively, the "Necessary Approvals"). I hereby consent to the Purchaser making all necessary and appropriate submissions to the applicable governmental authorities in connection with the Necessary Approvals, and agree that my signature below may be used in substitution for any signatures required of the owner of the Property for such submissions. I hereby agree that Purchaser may represent petitions, applications and the like before the Area Plan Commission, City Council and other applicable governmental authorities, and may answer any and all questions thereon.

WADAD EL-AMMORI

Filed in Clerk's Office

MAR 09 2016

#### **EXHIBIT A TO PETITION – LEGAL DESCRIPTION**

#### PARCEL I:

LOTS NUMBERED 1 AND 2 AS SHOWN ON THE RECORDED PLAT OF MATTHIAS HEINZMAN'S ADDITION TO THE CITY OF SOUTH BEND, EXCEPTING THEREFROM A STRIP OF LAND 45 FEET IN WIDTH, TAKEN OFF AND FROM THE ENTIRE EAST END THEREOF, IN ST. JOSEPH COUNTY, INDIANA.

#### PARCEL II:

THE NORTH 1/2 OF LOT NUMBERED 3 AND A LOT OR PARCEL OF LAND 45 FEET IN WIDTH, EAST AND WEST, TAKEN OFF OF AND FROM THE ENTIRE WIDTH OF THE EAST END OF LOTS NUMBERED 1 AND 2, ALL AS SHOWN ON THE RECORDED PLAT OF HEINZMAN'S ADDITION TO THE CITY OF SOUTH BEND, INDIANA.

#### PARCEL III:

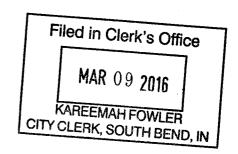
LOT NUMBERED 6 AS SHOWN ON THE RECORDED PLAT OF KUNSTMAN'S FIRST ADDITION TO THE CITY OF SOUTH BEND, IN ST. JOSEPH COUNTY, INDIANA.

#### PARCEL IV:

LOT NUMBERED FOUR (4) AS SHOWN ON THE RECORDED PLAT OF HEINZMAN'S ADDITION TO THE CITY OF SOUTH BEND.

#### PARCEL V:

THE SOUTH 1/2 OF LOT 3, <u>HEINZMAN'S ADDITION</u> ACCORDING TO THE RECORDED <u>PLAT</u> THEREOF, ST. JOSEPH COUNTY, INDIANA RECORDS.



### REZONING AND VARIANCE APPLICATION NARRATIVE

#### Introduction

FD South Bend Indiana Lincoln Way and Cushing Street, LLC, an Indiana limited liability company ("Applicant") is a preferred developer for Family Dollar, Inc. ("Family Dollar"), a subsidiary of Dollar Tree, Inc., a publically traded company (NASDAQ: DLTR). Family Dollar sells merchandise for the family and home in a small-box, neighborhood format. While the name "Family Dollar" might suggest it is a "dollar store," it is in fact a general retail store.

Applicant and Family Dollar identified an opportunity to bring Family Dollar's product to the location in South Bend as described more fully below. Family Dollar's business model necessitates that it lease stores between 8,000 and 10,000 square feet. After much time and consideration, Applicant and Family Dollar selected the Property (as defined herein) as an ideal location on which it could construct an approximately 8,225 square foot one-story building from which Family Dollar, a single user retail tenant, would operate (the "Project").

#### The Property

Applicant is currently working under purchase and sale agreements to acquire that certain property located at the southeast corner of Lincoln Way West and Cushing Street in South Bend (the "<u>Property</u>"). The Property consists of the following six (6) individual parcels, as well as an adjacent alley that is to be vacated.

Address	County Parcel ID Number	Current Zoning
736 Lincoln Way West	018-1028-1258	СВ
726 Lincoln Way West	018-1028-1259	CB
430 Cushing Street	018-1028-1260	CB
426 Cushing Street	018-1028-1261	SF2
424 Cushing Street	018-1028-1262	CB
18 VAC L6 50X189 LWW	018-1029-1282	CB

A site plan depicting the proposed development of the Property is attached hereto as **Exhibit A** (the "Site Plan"). For reference, a marked up GIS map obtained from the St. Joseph County website is attached hereto as **Exhibit B**, on which the Property is outlined. The Property is currently zoned as set forth above.

#### **Applicant's Rezoning Application**

As set forth above, Applicant intends to develop the Property for use as a "Family Dollar" retail store. In connection with such proposed development, Applicant respectfully submits this application to rezone the Property from the zoning classifications set forth above, to the "MU" Mixed Use District classification. Applicant understands that certain factors are taken into account when considering a rezoning application. Accordingly, Applicant respectfully submits as follows:

## 1. The proposed rezoning is consistent with the Comprehensive Plan.

Upon information and believe, the City of South Bend (the "City") has recently adopted a Comprehensive Plan entitled "West Side Main Streets; The Revitalization Plan for Lincoln Way, Western Avenue, and West Side Neighborhoods" (the "Comprehensive Plan"). The Comprehensive Plan denotes the area in which the Property is located as within the "Colfax District", and further within the "MLK Node." The Comprehensive Plan envisions this area to be developed with a "streetscape" theme so as to create pedestrian-friendly destinations. Consistent with the foregoing, Applicant has spent a considerable amount of time developing the Site Plan such that the location of the proposed building is at the northeast corner of the Property, with the main entrance to such building being approximately parallel to Lincoln Way West. A sidewalk will connect said main entrance with the main sidewalk along Lincoln Way West, and the use of landscaping and ornamental trees with enhance aesthetics. Additionally, much of the parking, as well as the loading and dumpster areas, have been laid out behind the proposed building in the back of the Property. Accordingly, Applicant respectfully submits that the Project is consistent with the Comprehensive Plan.

# 2. The proposed rezoning is consistent with the current conditions and character

As revealed by the zoning map for the City, many of the parcels in the vicinity of the Property along Lincoln Way West are currently zoned with the "MU" Mixed Use classification. This includes the parcels at the northwest and southwest corners of Lincoln Way West and Cushing Street, and nearly all of the property east of Scott Street along Lincoln Way West. The parcels immediately to the east of the Property are currently zoned with the "CB" Community Business classification. The parcels directly across Lincoln Way West from the Property are currently zoned "LB" Local Business. Based on the foregoing, the proposed rezoning to the "MU" Mixed Use District is consistent with the majority of parcels along Lincoln Way West in the vicinity of the Property. Additionally, the proposed development of the Property for use as a "Family Dollar" retail store is consistent with the character of the surrounding areas, which is generally commercial in nature.

## 3. The proposed development of the Property is the most desirable use

As set forth above, the Comprehensive Plan envisions "streetscape" development with pedestrian –friendly uses. Further, the South Bend Zoning Ordinance (the "Zoning Code") provides that the provisions applicable to properties in the "MU" Mixed Use District are intended to encourage storefront retail and a pedestrian oriented design. Applicant respectfully submits that the Project is consistent with the foregoing considerations, and is therefore the most desirable use of the Property.

# 4. The proposed development of the Property will not diminish surrounding property values

As set forth above, the addition of a "Family Dollar" retail store will be consistent with surrounding property uses along Lincoln Way West, which are generally commercial in nature. Applicant intends to construct a brand new "Family Dollar" store on a lot that is primarily

vacant. Accordingly, Applicant respectfully submits that the proposed development of the Property will likely enhance the value of surrounding property.

# 5. The proposed development is consistent with responsible development and growth

The proposed rezoning and subsequent development of the Property will enable Family Dollar to provide nearby residents with convenient access to a wide variety of goods. Family Dollar aspires to be the best small-format convenience and value retailer which serves the needs of families in the neighborhoods in which it is located. As set forth above, the proposed development is consistent with the Comprehensive Plan. Applicant therefore respectfully submits that the proposed development of the Property and the rezoning requested herein is consistent with responsible development and growth.

#### **Applicant's Variance Application**

In connection with the Project, Applicant respectfully requests the following variances from the provisions of Section 21-03.02 of the Zoning Code:

- A. Section 21-03.02(b)(2)(A)(i): The Zoning Code provides: "For sites containing one building in elevation view from the street frontage, at least fifty percent (50%) of the length of the façade of the building facing a street shall be located at or between the minimum setback and the maximum setback." With respect to front yards and building setbacks, the Zoning Code provides a minimum of five (5) feet and a maximum of twenty (20) feet. As shown on the Site Plan, the side of the building facing Cushing Street complies with the foregoing requirement. However, the portion of the building facing Lincoln Way West contains eighty six (86) feet of linear frontage (including (i) approximately twenty (20) feet as respects the corner element that is approximately parallel to Lincoln Way West and, and (ii) approximately sixty six (66) feet as respects the balance of the front of said building), of which approximately thirty four (34) feet (or approximately thirty nine and one half percent (39.5%)) is between such minimum and maximum setbacks. Therefore, Applicant seeks a variance from the Zoning Code to allow less than fifty (50%) of the building façade facing Lincoln Way West to be within the minimum and maximum setbacks.
- **B.** Section 21-03.02(b)(2)(A)(iii): The Zoning Code provides: "parking areas and interior access drives shall not be located in the front of the maximum setback. As shown on the Site Plan, approximately five (5) feet of the parking area near Lincoln Way West is in front of the maximum setback. Therefore, Applicant seeks a variance allowing such portion of the parking area to be within such maximum setback.
- C. Section 21-03.02(b)(5)(A): The Zoning Code provides that single retail uses shall not exceed eight thousand (8,000) square feet of gross floor area. The Site Plan indicates a building containing approximately eight thousand two hundred twenty five (8,225) square feet of gross floor area. Therefore, Applicant seeks a variance allowing the building to be constructed on the Property to contain in excess of eight thousand (8,000) square feet.

Applicant understands that certain standards must be met in order for the variances requested herein to be granted. Accordingly, Applicant respectfully submits as follows:

# 1. The granting of the variances requested herein will not be injurious to the public health, safety, morals or general welfare of the community.

In the spirit of the Zoning Code, the Project will enable a retail store to be developed along a major right-of-way in an area zoned for commercial use, thus providing citizens with convenient access to a wide variety of goods so as to meet the day-to-day convenience shopping needs of persons living in nearby residential areas, and promoting the health, safety, quality of life, comfort and general welfare of the City. In the spirit of the Comprehensive Plan, the Project will bring new jobs to the community, encourage additional growth, and provide a new source of sales tax revenue. Further, the new improvements on the Property will increase its assessed valuation, thereby increasing real estate tax revenue. Based upon Applicant's previous experience in connection with other Family Dollar developments, Applicant believes that the granting of the requested variances will not adversely affect the public health, safety, morals, or general welfare. Rather, the requested variance is in harmony with the spirit and intent of the Zoning Code and the mixed use nature of the surrounding area.

# 2. The use and value of the area adjacent to the property included in the variances will not be affected in a substantially adverse manner.

As stated above, many of the surrounding parcels along Lincoln Way West are being used for commercial purposes. Therefore, the Project is consistent with existing conditions. Additionally, the variances will not impair an adequate supply of light or air to the adjacent properties, substantially increase the congestion in the public streets, increase the danger of fire, or diminish or impair property values within the neighborhood. Further, the Site Plan has been prepared with considerations such as screening and buffering in mind, particularly with respect to the residential nature of nearby parcels.

# 3. The strict application of the terms of the Zoning Code would result in practical difficulties in the use of the Property.

Applicant spent a substantial amount of time and consideration in selecting the Property and preparing the Site Plan for the Project to most efficiently and effectively utilize the Property. Applicant made every effort to configure the building to be constructed on the Property such that it would conform to all of the provisions of the Zoning Code. However, the Property has certain physical characteristics which make full compliance with the terms of the Zoning Code quite difficult. For example, the northwest portion of the Property includes a sharp angle at the intersection of Lincoln Way West and Cushing Street. Applicant has aligned the main entrance of the building on the Property to be approximately parallel to Lincoln Way West. However, laying out the entire front façade of the building in such a manner would be impractical. Additionally, Applicant has taken into account the need to comply with various parking, screening and landscaping requirements of the Zoning Code, as well as certain engineering and traffic concerns (such as truck access and to allow maneuvering of customers, employees and deliveries at the Property). Finally and as set forth above, Applicant intends to develop the

Property for use as a "Family Dollar" retail store. Family Dollar is a national operator with established guidelines as to the size of the building and layout of the site to be operated. Without the approval of Family Dollar, Applicant would be unable to pursue development of the Property. Based on the foregoing, Applicant respectfully submits that strict application of the terms of the Zoning Code would result in practical difficulties in the use of the Property.

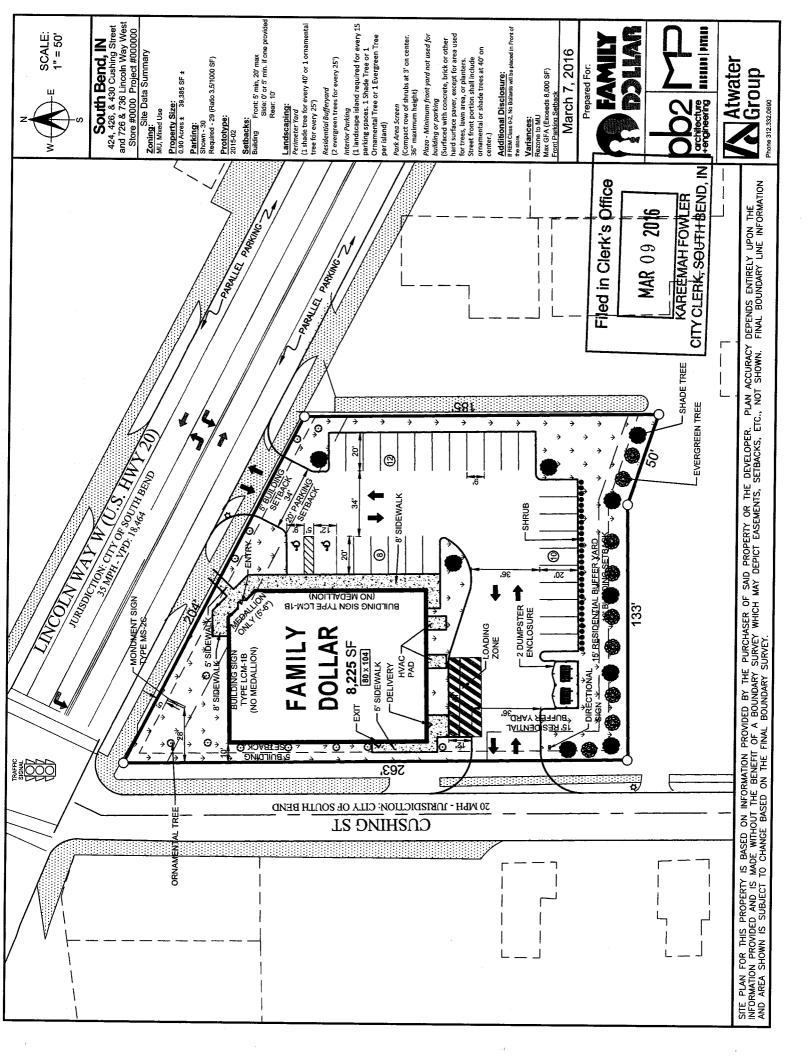
Filed in Clerk's Office

MAR 09 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

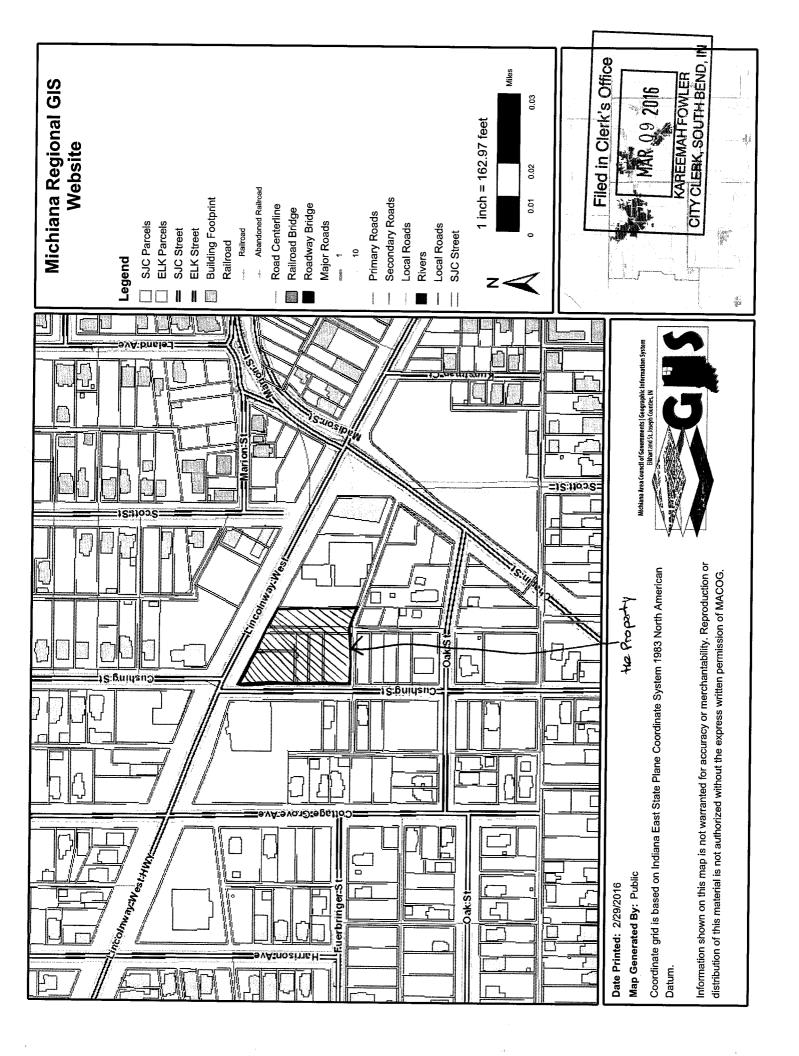
# EXHIBIT A TO APPLICATION NARRATIVE – SITE PLAN

(attached on one (1) page that follows)



# EXHIBIT B TO APPLICATION NARRATIVE - GIS PAGE

(attached on one (1) page that follows)





Bill No. 15-16

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

## DEPARTMENT OF ADMINISTRATION AND FINANCE

March 3, 2016

Mr. Tim Scott, President City of South Bend Common Council 227 W. Jefferson Boulevard, 4th Floor South Bend, Indiana 46601

RE: March 2016 Appropriation Ordinance – Enterprise Funds

Dear President Scott,

During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2016, we plan to propose adjustments during four time periods—March, June, September and December.

Based on our budget review, we are submitting the enclosed additional appropriation ordinance for your consideration. Please note that the negative amount for the Consolidated Building Fund (#600) of \$926,497 consists of costs that have been transferred to the new Unsafe Building Fund (#219). This appropriation is included on the ordinance for Civil City funds.

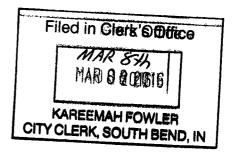
I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on March 14, 2016 with 2nd reading, public hearing and 3rd reading scheduled for March 28, 2016.

Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-7678.

Jơnh H. Murphy

City Controller

CC: Pete Buttigieg, Mayor James Mueller, Chief of Staff Cristal Brisco, Corporation Counsel Aladean DeRose, City Attorney Jennifer Hockenhull, Deputy City Controller





ORDINANCE NO.	
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AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2016 OF (\$926,497) FROM CONSOLIDATED BUILDING FUND (#600), \$480,000 FROM EMS CAPITAL FUND (#287), \$25,000 FROM EMS OPERATING FUND (#288), \$2,500 FROM 2015 SEWER BOND ISSUANCE FUND (#666), \$188,621 FROM CENTURY CENTER CAPITAL FUND (#671), \$63,000 FROM WATERWORKS O&M FUND (#620), AND \$361,294 FROM SEWAGE O&M FUND (#641).

# STATEMENT OF PURPOSE AND INTENT

The Common Council passed the City's 2016 operating and capital budgets in 2015 (Ordinances #10389-15 passed on October 12, 2015), which included expenditures for various City enterprise operations. It is now necessary to appropriate additional funds for operational expenditures necessary for the City to effect provision of services to its citizens which were not anticipated at the time the City budget was adopted.

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

Section I. The following amounts are hereby appropriated in fiscal year 2016 and set apart within the following designated funds for operational expenses as follows:

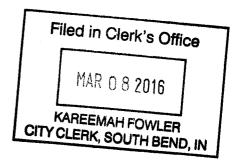
<u>Fund</u>	<u>Amount</u>
Consolidated Building Fund (#600)	\$(926,497)
EMS Capital Fund (#287)	480,000
EMS Operating Fund (#288)	25,000
2015 Sewer Bond Issuance Fund (#666)	2,500
Century Center Capital Fund (#671)	188,621
Waterworks O&M Fund (#620)	63,000
Sewage O&M Fund (#641)	361,294
TOTAL	<u>\$193,918</u>

<u>Section II</u>. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval of the Mayor.

Attest:	Member of the Common Council
City Clerk	

 ented by me to the Mayor of the City day of, 20	6, at o'clock m.
	Deputy City Clerk
 Approved and signed by me on th	e, 2016, at
	Mayor, City of South Bend, Indiana

1 READING
PUBLIC HEAD
3 rd READING
NOT APPROVED
REFERRED
PASSED



					į		
			March 2016	City of South Bend, Indiana March 2016 Additional Appropriation Requests - Enterprise Funds	City of South Bend, Indiana nal Appropriation Requests	Indiana squests - En	terprise Funds
				(increase or decrease in total fund expenditures) March 3, 2016	ease in total ru March 3, 2016	una expend	itures)
Fund Name	Department Name	Account Name	Fiscal Officer/ Contact Name	Account	Project Number	Budget Increase/ (Decrease)	, , , , , , , , , , , , , , , , , , ,
						(acanana)	JUSTITICATION
Consolidated Building Fund	Code Enforcement	Illegal Dumping	Seema Timble	600-1201-415-36-14		(600,098)	Transferring budget from Code to Unsafe Building Find due to set up of new fund in 2018
Consolidated Building Fund	Code Enforcement	Legal	Seema Timble	600-1201-415-31-01		(48,000)	Transferring budget from Code to Unsafe Building Fund due to set up of new fund in 2010
Consolidated Building Fund	Code Enforcement	Site Mowing	Seema Timble	600-1201-415-36-13		(163,905)	(168, 905) Transferring budget from Code to Unsafe Building Fund due to set up of new fund in 2016
Consolidated Building Fund	Code Enforcement	Graffiti Removal	Seema Timble	600-1201-415-36-15		(99,694)	(99,694) Transferring budget from Code to Unsafe Building Fund due to set up of new fund in 2016
Consolidated Building Fund	Code Enforcement	Misc. Charges	Seema Timble	600-1201-415-39-89		(14,800)	(14,800) Transferring budget from Code to Unsafe Building Fund due to set up of new fund in 2016
						(926,497)	
EMS Capital	EMS	Motor Equipment	Todd Skwarcan	287-0902-422-43-02		200,000	200 000   Purchase damo model ambulance - unalgamed at budget time
EMS Capital	EMS	Materials & Equipment	Todd Skwarcan	287-0902-422-43-09		280,000	Section 1 and and only in the 10d Capital Index of the 10d Capital Inde
						480,000	Saranson on gineraly in the 2010 Capital plan, However, was intalvertering telt out of the budget
EMS Operating	EMS	Professional Services	Todd Skwarcan	288_0002_422_34_0E	-	000 30	The second district of the second sec
				00-16-224-2060-002		25,000	remp assistance to assist with accounting/budget work for EMS and Fire Department
2015 Sewer Bond Issuance	Admin & Finance	Professional Services	Jen Hockenhull	666-0630-793-31-10		2,500	Issuance costs were budgeted in 2015; however, invoice was not received for payment until 2016
Century Center Capital	Century Center				1653		Purchase equipment with remaining SMG contribution. SMG contributed \$575,000 in 2013. Balance was
Century Center Capital	Century Center	Equipment Purchase	Leanna Belew	671-0406-645-43-09		11254	Appropriated it 2010, however, was not spent before year-end. Floor Burnisher
Century Center Capital	Century Center	Operational Supplies	Leanna Belew	671-0406-645-22-24			Toolcat Bucket
Century Center Capital	Century Center	Operational Supplies	Leanna Belew	671-0406-645-22-24		1,100	Tractor blade, chains and cab
Continy Center Capital	Century Center	Equipment Purchase	Leanna Belew	671-0406-645-43-09		45,000	Security System DVR Replacements
Century Center Capital	Century Center	Building Improvements	Leanna Belew	671-0406-645-42-02		20,000	20,000 Lock and Key Replacement
Centruly Center Capital	Centiury Centier	Bullaing Improvements	Leanna Belew	671-0406-645-42-02			Skylight Glass Replacement
Century Center Capital	Century Center	Equipment Purchase	Leanna Belew	671-0406-645-43-09			Staging
Century Center Capital	Century Center	Operational Supplies	Leanna Belew	671-0406-645-43-09		20,000	(U) UUU Pipe and Drape, Backdrop
Century Center Capital	Century Center	Operational Supplies	Leanna Belew	671-0406-645-22-24		000'9	1,000 Figure 6,000
Century Center Capital	Century Center	Operational Supplies	Leanna Belew	671-0406-645-22-24		2,000	Washer & Dryer for Kitchen
Century Center Capital	Century Center	Building Improvements	Leanna Belew	671-0406-645-42-02		7,500	7,500 Bendix Handrails and 2nd entrance to Convention Hall
						188,621	
WaterWorks	M&O	Intoduod Transfers		000000000000000000000000000000000000000			Revision in the Cash Reserve computation is attributed to the required reserves. Cash Reserves = 2 months of
		0.0000000000000000000000000000000000000	LOXALITE LAWSOIL	20-029-20-079		63,000	operations expenditures per bond ordinance.
						000,00	
Sewage O&M	Wastewater	Interfund Transfers	Carol Kurzhal	641-0630-793-50-02			Revision in the Cash Reserve computation is attributed to the required reserves. Cash Reserves = 2 months of operations expenditures per bond ordinance
						361,294	
				Grand Total		400 040	
CI			-	Grand Total		193,918	
T	•						
	Fil						

iled in Clerk's Office

MAR 08 2016



Bill No. 14-16

David Yontz 123 North Wacker Drive Suite 1600 Chicago. IL 60606 Direct: 312.801.8752 Fax: 312.801.8767

Fax: 312.801.8767 E-mail: dyontz@dubinsinger.com

March 7, 2016

Office of City Clerk Kareemah Fowler, City Clerk Room 455 – County-City Building South Bend, IN 46601

RE: Alley Vacation Petition for certain property located at the southeast corner of Lincoln Way

West and Cushing Street in South Bend, Indiana ("the Property")

Dear Ms. Fowler:

Please allow this to serve as a letter briefly explaining why the enclosed Petition to Vacate is being submitted.

The Petition to Vacate is being sent on behalf of FD South Bend Indiana Lincoln Way and Cushing Street, LLC, an Indiana limited liability company ("FD South Bend"). FD South Bend is a preferred developer for Family Dollar, Inc. ("Family Dollar"), a subsidiary of Dollar Tree, Inc., a publically traded company (NASDAQ: DLTR). Family Dollar sells merchandise for the family and home in a small-box, neighborhood format.

FD South Bend and Family Dollar have selected certain property located at the southeast corner of Lincoln Way West and Cushing Street in South Bend (the "Property") as a location for construction of an approximately 8,225 square foot building from which Family Dollar will operate (the "Project"). For your reference, a site plan depicting the proposed development is attached hereto (the "Site Plan"). As shown on the radius map accompanying this application, an alley measuring approximately 193 feet in length and 14 feet in width currently runs through the eastern portion of the Property. If the enclosed Petition to Vacate is approved, such alley will be incorporated into the Project as shown on the Site Plan.

Granting the Petition to Vacate enclosed herewith will allow the Project to be developed along a major right-of-way in an area zoned for commercial use. FD South Bend respectfully submits that such development will provide citizens with convenient access to a wide variety of goods so as to meet the day-to-day convenience shopping needs of persons living in nearby residential areas, and will promote the health, safety, quality of life, comfort and general welfare of the City. The Project will bring new jobs to the community, encourage additional growth, and provide a new source of sales tax revenue. Further, the new improvements on the Property will increase its assessed valuation, thereby increasing real estate tax revenue.

Based on the foregoing, FD South Bend respectfully requests that the Petition to Vacate enclosed herewith be approved. Please do not hesitate to contact me should you have any questions or comments. Thank you in advance for your time and consideration as respects this matter.

Sincerely,

David A. Yontz Dubin Singer, PC

Attorneys for FD South Bend

Filed in Clerk's Office

MAR 09 2016

<b>ORDINA</b>	NCE NO.	

### AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

The alley to be vacated is the first North/South alley West of Cushing Street from Lincoln Way West to the first East/West alley for a distance of 193 feet and a width of 14 feet. Said alley being a part of Heintzman's Addition and Kunstman's Addition, City of South Bend, Portage Township, 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 North/South alley West of Cushing Street from Lincoln Way West to the first East/West alley for a distance of 193 feet and a width of 14 feet. Said alley being a part of Heintzman's Addition and Kunstman's Addition, City of South Bend, Portage Township, St. Joseph County, Indiana.

hereby determines that is it 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 affecting by such vacating:

Lot Number	County Parcel ID Number	Current Owner
1 & 2	018-1028-1259	Wadad El-Ammori
3	018-1028-1260	Wadad El-Ammori
3	018-1028-1261	Lincoln Park Development LLC
4	018-1028-1262	George Kalafat
6	018-1029-1282	Wadad El-Ammori

SECTION IV. The purpose of the vacation of the real property is to allow for the development of such property as part as part of an overall site plan, consisting of approximately 0.87 acres, for use as a Family Dollar retail variety store and related improvements.

<u>SECTION V.</u> This Ordinance shall be in full force and effect from and after its passage by the Common Council and approved by the Mayor.

	Member of the Common Council
Attest:	
City Clerk	
Presented by me to the Mayor of the Ci of, 20, at	ty of South Bend, Indiana on the day o'clock m.
	City Clerk
Approved and signed by me on the o'clock m.	day of, 20, at
	Mayor, City of South Bend, Indiana

TA READING
PUBLIC HEARING
3 IN READING
NOT APPROVED
REFERRED
PASSED

Filed in Clerk's Office

MAR 09 2016

# <u>PETITION TO VACATE PUBLIC RIGHTS-OF-WAY</u> (STREETS/ALLEYS)

TO THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA

DATE: 3/7/16

I (WE), THE UNDERSIGNED PROPERTY OWNER(S), PETITION YOU TO VACATE THE ALLEY DESCRIBED AS:

The alley to be vacated is the first North/South alley West of Cushing Street from Lincoln Way West to the first East/West alley for a distance of 193 feet and a width of 14 feet. Said alley being a part of Heintzman's Addition and Kunstman's Addition, City of South Bend, Portage Township, St. Joseph County, Indiana.

NAME	ADDRESS	LOT#
Wadad El-Ammori (see attached Limited Power of Attorney)	51343 Lilac Road South Bend, IN 46628	1, 2, 3, 6
George Kalafat (see attached Limited Power of Attorney)	20633 Roycroft Drive, South Bend, IN 46614	4
Lincoln Park Development LLC  By: Can Munp Name: Anne Mannix Title: Sole Member	724 W. Washington Street South Bend, IN 46601 Attn: Anne Mannix	3

#### **CONTACT PERSON:**

Dubin Singer PC

Attn: David A. Yontz

123 N. Wacker Drive, Suite 1600

Chicago, IL 60606 Phone: (312) 801-8752

Email: dyontz@dubinsinger.com

Filed in Clerk's Office

MAR 09 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

#### **LIMITED POWER OF ATTORNEY**

Area Plan Commission of St. Joseph County, IN 1140 County-City Bldg., 227 W. Jefferson Blvd. South Bend, IN 46601

RE:

424 Cushing Street, South Bend, IN 46616; PIN# 71-08-02-458-004.000-026 (the

"Property")

To Whom It May Concern:

I am the current owner of the Property. The Property is the subject of that certain Purchase and Sale Agreement dated as of October 15, 2015 (the "Contract"). I hereby acknowledge that FD South Bend Indiana Lincoln Way and Cushing Street, LLC, its affiliates, agents, and attorneys (collectively, the "Purchaser"), will be pursuing certain petitions, applications and the like with respect to the Property, including, without limitation, a re-zoning petition, one or more zoning variances, and an application to vacate an alley adjacent to the Property (collectively, the "Necessary Approvals"). I hereby consent to the Purchaser making all necessary and appropriate submissions to the applicable governmental authorities in connection with the Necessary Approvals, and agree that my signature below may be used in substitution for any signatures required of the owner of the Property for such submissions. I hereby agree that Purchaser may represent petitions, applications and the like before the Area Plan Commission, City Council and other applicable governmental authorities, and may answer any and all questions thereon.

GEORGE KALAFAT

Filed in Clerk's Office

MAR 09 2016

#### **LIMITED POWER OF ATTORNEY**

Area Plan Commission of St. Joseph County, IN 1140 County-City Bldg., 227 W. Jefferson Blvd. South Bend, IN 46601

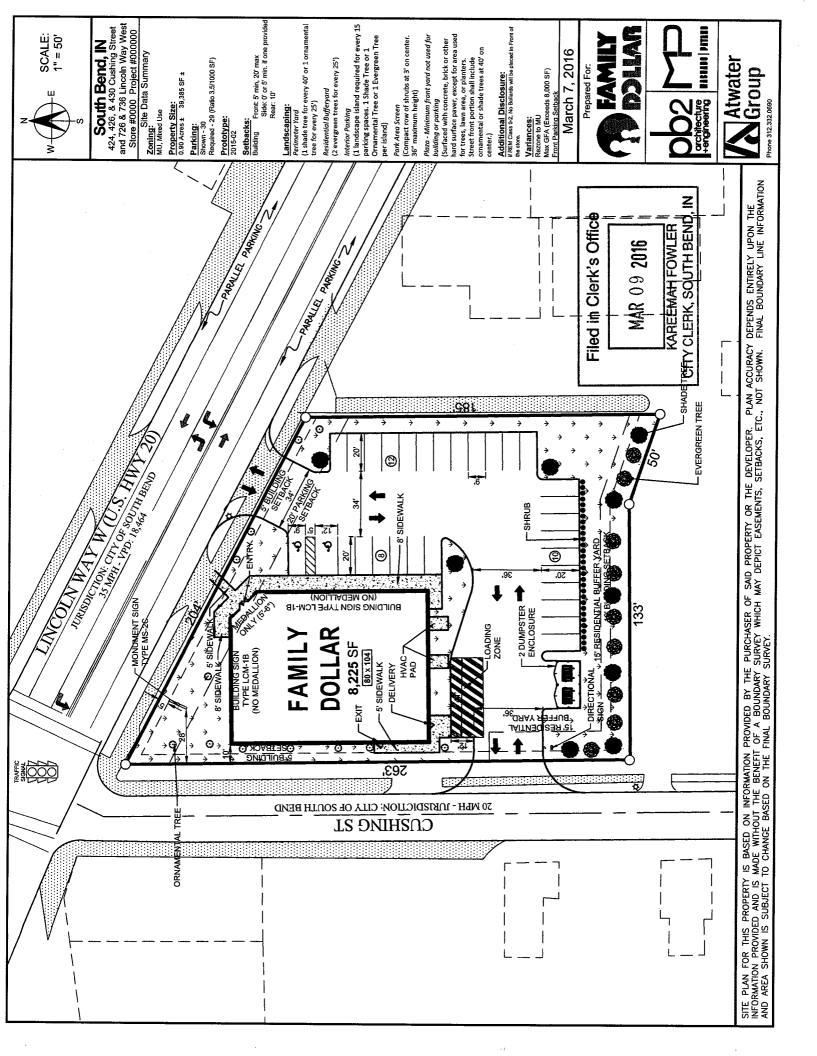
RE:

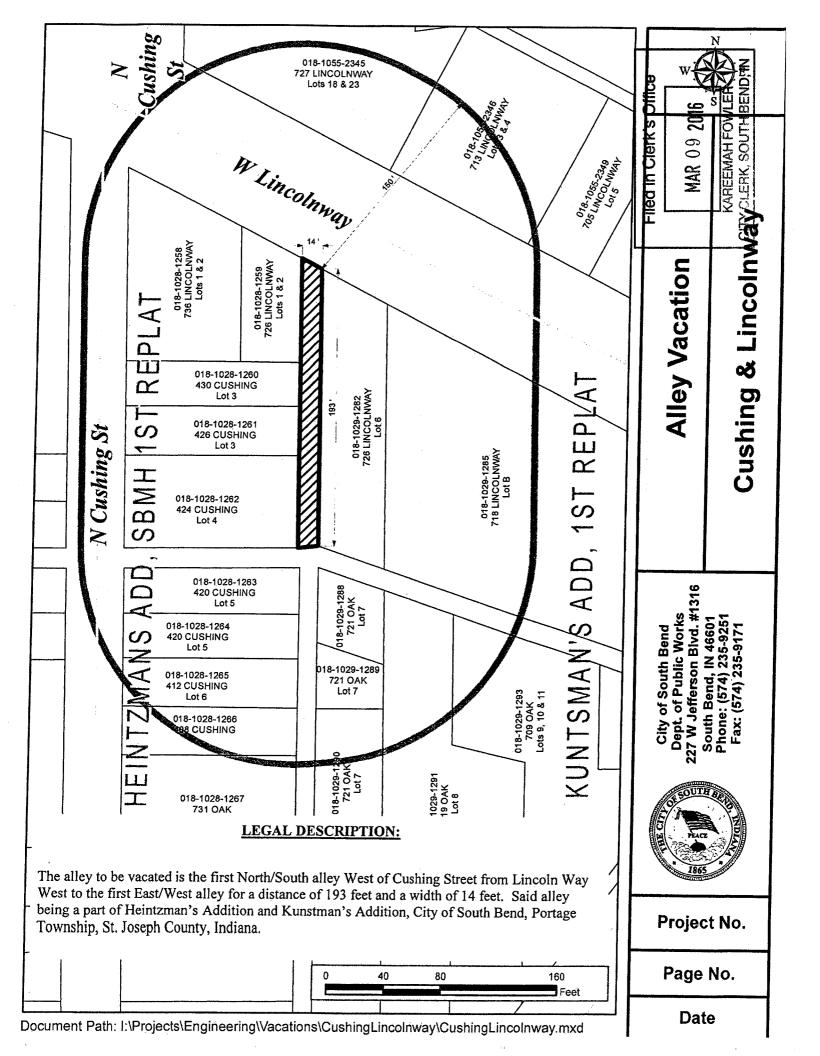
736 Lincolnway West, South Bend, IN 46616; 726 Lincolnway West, South Bend, IN 46616; 430 Cushing Street, South Bend, IN 46616; and 18 VAC L6 50X189 LWW, South Bend, IN 46601; PIN#: 71-08-02-458-001.000-026, 71-08-08-458-010.000-026, 71-08-02-458-002.000-026, and 71-08-02-458-011.000-026 (collectively, the "Property")

#### To Whom It May Concern:

I am the current owner of the Property. The Property is the subject of that certain Purchase and Sale Agreement dated as of October 15, 2015 (as amended, the "Contract"). I hereby acknowledge that FD South Bend Indiana Lincoln Way and Cushing Street, LLC, its successors, assigns, affiliates, agents, and attorneys (collectively, the "Purchaser"), will be pursuing certain petitions, applications and the like with respect to the Property, including, without limitation, a re-zoning petition, one or more zoning variances, and an application to vacate an alley adjacent to the Property (collectively, the "Necessary Approvals"). I hereby consent to the Purchaser making all necessary and appropriate submissions to the applicable governmental authorities in connection with the Necessary Approvals, and agree that my signature below may be used in substitution for any signatures required of the owner of the Property for such submissions. I hereby agree that Purchaser may represent petitions, applications and the like before the Area Plan Commission, City Council and other applicable governmental authorities, and may answer any and all questions thereon.

WADAD FL-AMMORI





PIN	Owner Name	Owner Address
018-1055-2345	South Bend Heritage	803 Lincolnway West
	Foundation INC	South Bend, IN 46616
018-1055-2346	South Bend Heritage	803 Lincolnway West
	Foundation INC	South Bend, IN 46616
018-1055-2349	Lincolnway Mini Mart INC	705 Lincolnway West
		South Bend, IN 46616
018-1029-1285	Louie's Tux Shop	716 Lincolnway West
		South Bend, IN 46616
018-1029-1293	Louie's Tux Shop	716 Lincolnway West
		South Bend, IN 46616
018-1029-1291	Blake Bemis and Hardy Jr. and	719 West Oak Street
	David & Fred S and Robert E and	South Bend, IN 46616
	Walter A Fros Blake Louise Life	
	Estate	
018-1029-1288	Anthony Sanders & Dwight	1030 West Jefferson Street
	Sanders	Franklin, IN 46131
018-1029-1289	Patricia Smith & Konsyln Smith	817 O'Brien Street
	JT W/FROS	South Bend, IN 46628
018-1029-1290	Blake Bemis and Hardy Jr. and	721 West Oak Street
	David & Fred S and Robert E and	South Bend, IN 46616
	Walter A Fros Blake Louise Life	
	Estate	
018-1028-1266	N/A	N/A
018-1028-1265	Lincoln Park Development LLC	724 West Washington Street
		South Bend, IN 46601
018-1028-1264	Pierre Smith	310 South Kentucky Street
		South Bend, IN 46619
018-1028-1263	Pierre Smith	310 South Kentucky Street
		South Bend, IN 46619
018-1028-1267	Jesus Juarez & Francesca Juarez	731 West Oak Street
		South Bend, IN 46616

Filed in Clerk's Office

MAR 09 2016

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 PETE BUTTIGIEG, MAYOR **BOARD OF PUBLIC WORKS**

November 10, 2015

David Yontz, Attorney Dubin Singer, PC 123 N. Wacker Drive Chicago, IL 60606

Alley Vacation - First North/South Alley South of Lincolnway West to the First East/West RE: Alley between Cushing St. and Scott St. (Preliminary Review)

Dear Mr. Yontz:

The Board of Public Works, at its November 10, 2015 meeting, reviewed comments by the Engineering Division, Area Plan Commission, Community Investment, Fire Department, Police Department, and the Solid Waste Division. The following comments and recommendations were:

Area Plan stated that 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 subject to all aggrieved property owners being notified prior to the vacation.

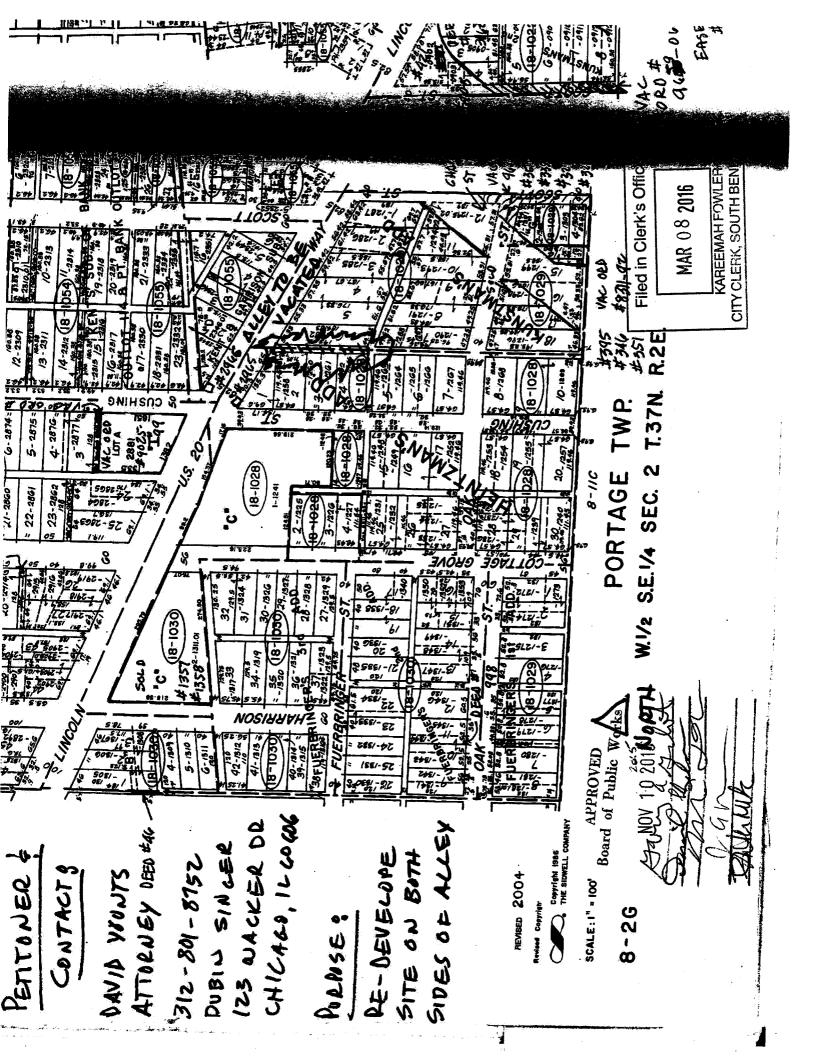
Please contact Tony Molnar at (574) 235-9254 prior to picking up your radius map. You will need a radius map showing properties within 150' of the proposed vacation for your petition to the Common Council. Once you pick up the radius map, proceed to the City Clerk's office for your alley vacation packet.

Sincerely,

Linda M. Martin, Clerk Filed in Clerk's Office

KAREEMAH FOWLER CITY CLERK, SOUTH BEND, IN

c: Federico Rodriguez, Fire Dept. Tony Molnar, Engineering Janice Talboom, City Clerk's Office





### INTER-OFFICE MEMORANDUM **BOARD OF PUBLIC WORKS**

DATE SENT:

<u>10/19/2015</u>

TO:

Pete Kaminski, Street Department

Mike Bronstetter, Solid Waste Corbitt Kerr, Engineering Department

Jitin Kain, Community Investment Federico Rodriguez, Fire Department

Larry Magliozzi, Area Plan Commission (Imaglioz@co.st-

ioseph.in.us or 235-9813 fax) Gene Eyster, Police Department

Phil Griffin, NIPSCO (pmgriffin@nisource.com) (FYI Only)

FROM:

Linda M. Martin, Clerk

SUBJECT:

REQUEST FOR RECOMMENDATION - ALLEY VACATION

APPLICANT:

David Younts Attorney/Dubin Singer

LOCATION:

First N/S Alley South of Lincolnway West to first E/W Alley

between Cushing and Scott St.

DATE DUE:

October 20, 2015

FAX OR E-MAIL TO:

235-9171 / Imartin@southbendin.gov

### PLEASE MAKE YOUR RECOMMENDATIONS BASED ON THE FOLLOWING IC 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.

**COMMENTS:** 

			F	iled in Clerk's	Office
By Matthew P.Chappuies, Planner	Date	10/23	/201	5 MAR 08 20	16
Area Plan Commission		·			
			CITY	KAREEMAH FOW CLERK, SOUTH	/LER BEND. IN

#### **Elizabeth Horvath**

From:

**Eugene Eyster** 

Sent:

Tuesday, October 20, 2015 8:38 AM

To:

Elizabeth Horvath

Cc:

Pete Kaminski; Michael Bronstetter, Patrick C. Kerr; Jitin Kain; Federico Rodriguez; Larry

Magliozzi

Subject:

Re: Alley Vacation - David Younts Attorney/Dubin Singer

Ms. Horvath,

The Police Department would give this request a favorable recommendation.

Lt. Eyster

Sent from my iPad

On Oct 20, 2015, at 08:33, Elizabeth Horvath < <a href="mailto:lhorvath@southbendin.gov">lhorvath@southbendin.gov</a>> wrote:

Please provide your recommendations.

# Lizzy Horvath

Secretary

Department of Public Works
227 W. Jefferson Blvd., Suite 1316
South Bend, IN 46601
574-235-3168
<a href="mailto:lhorvath@southbendin.gov">lhorvath@southbendin.gov</a>



< Alley Vacation - David Younts Attorney-Dubin Singer.pdf>

#### **Elizabeth Horvath**

From:

Federico Rodriguez

Sent:

Tuesday, October 20, 2015 8:48 AM

To:

Elizabeth Horvath

Subject:

RE: Alley Vacation - David Younts Attorney/Dubin Singer

#### Favorable S.B.F.D.



Federico (Chico) Rodriguez

Fire Marshal

Office: (574) 235-7564 Mobile: (574) 876-6734 1222 S. Michigan Street

City of South Bend, In 46601 frodrigu@southbendin.gov

From: Elizabeth Horvath

Sent: Tuesday, October 20, 2015 8:34 AM

**To:** Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Patrick C. Kerr <pckerr@southbendin.gov>; Jitin Kain <jkain@southbendin.gov>; Federico Rodriguez <frodrigu@southbendin.gov>;

Larry Magliozzi <LMAGLIOZ@co.st-joseph.in.us>; Eugene Eyster <eeyster@southbendin.gov>

Subject: Alley Vacation - David Younts Attorney/Dubin Singer

Please provide your recommendations.

# Lizzy Horvath

Secretary

Department of Public Works
227 W. Jefferson Blvd., Suite 1316
South Bend, IN 46601
574-235-3168
Ihorvath@southbendin.gov



#### **Linda Martin**

From:

Michael Divita

Sent:

Wednesday, October 21, 2015 12:28 PM

To: Cc: Linda Martin Jitin Kain

Subject:

FW: Alley Vacation - David Younts Attorney/Dubin Singer

Attachments:

Alley Vacation - David Younts Attorney-Dubin Singer.pdf

DCI recommends vacation of the alley near Lincolnway West and Cushing Street. Vacation of the alley would not appear to limit appropriate access (the alley is little used and does not have direct access to LWW), and its vacation would assist in creating a larger development site. The Lincolnway West frontage on both sides of this alley is owned by the same individual.

The relationship between the petitioner and any of the adjoining property owners is unclear. I assume the petitioner is the attorney for one of the adjacent property owners or a contingent purchaser.



#### **Michael Divita**

Planner
Department of Community Investment
City of South Bend
227 W. Jefferson Blvd., Suite 1400S
South Bend, IN 46601
(574) 235-5843
mdivita@southbendin.gov

From: Jitin Kain

Sent: Tuesday, October 20, 2015 3:48 PM
To: Michael Divita <mdivita@southbendin.gov>

Subject: FW: Alley Vacation - David Younts Attorney/Dubin Singer

Mike- please review and forward your recommendation.

Thanks, Jitin



#### Jitin Kain

Director, Planning
Department of Community Investment
(574) 235-5835
ikain@southbendin.gov

City of South Bend 227 W. Jefferson Blvd., Suite 1400 S.

South Bend, IN 46601



### **Elizabeth Horvath**

From:

Michael Bronstetter

Sent:

Wednesday, October 21, 2015 9:28 AM

To:

Elizabeth Horvath; Pete Kaminski; Patrick C. Kerr; Jitin Kain; Federico Rodriguez; Larry

Magliozzi; Eugene Eyster

Subject:

RE: Alley Vacation - David Younts Attorney/Dubin Singer

Solid Waste sends a favorable request. This alley vacation will not affect trash collection.

Thanks,

Mike Bronstetter Manager Of Solid Waste

Sent via the Samsung Galaxy Tab® S, an AT&T 4G LTE tablet

----- Original message -----

From: Elizabeth Horvath < lhorvath@southbendin.gov>

Date: 10/20/2015 8:33 AM (GMT-05:00)

To: Pete Kaminski <pkaminsk@southbendin.gov>, Michael Bronstetter <mbronste@southbendin.gov>, "Patrick C. Kerr" <pckerr@southbendin.gov>, Jitin Kain <jkain@southbendin.gov>, Federico Rodriguez <fre><fredrigu@southbendin.gov>, Larry Magliozzi <LMAGLIOZ@co.st-joseph.in.us>, Eugene Eyster

<eeyster@southbendin.gov>

Subject: Alley Vacation - David Younts Attorney/Dubin Singer

Please provide your recommendations.

## Lizzy Horvath

Secretary

Department of Public Works

227 W. Jefferson Blvd., Suite 1316

South Bend, IN 46601

574-235-3168

lhorvath@southbendin.gov

### **Elizabeth Horvath**

From:

Patrick C. Kerr

Sent:

Thursday, November 05, 2015 10:19 AM

To:

Elizabeth Horvath

Subject:

RE: Alley Vacation - David Younts Attorney/Dubin Singer

#### No Objections

From: Elizabeth Horvath

Sent: Tuesday, October 20, 2015 8:34 AM

**To:** Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Patrick C. Kerr <pckerr@southbendin.gov>; Jitin Kain <jkain@southbendin.gov>; Federico Rodriguez <frodrigu@southbendin.gov>;

Larry Magliozzi <LMAGLIOZ@co.st-joseph.in.us>; Eugene Eyster <eeyster@southbendin.gov>

Subject: Alley Vacation - David Younts Attorney/Dubin Singer

Please provide your recommendations.

# Lizzy Horvath

Secretary

Department of Public Works
227 W. Jefferson Blvd., Suite 1316
South Bend, IN 46601
574-235-3168
Ihorvath@southbendin.gov



Bill No. 16-16

#### CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

### DEPARTMENT OF ADMINISTRATION AND FINANCE

March 3, 2016

Mr. Tim Scott, President City of South Bend Common Council 227 W. Jefferson Boulevard, 4th Floor South Bend, Indiana 46601

RE: March 2016 Transfer Ordinance

Dear President Scott,

During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2016, we plan to propose adjustments during four time periods—March, June, September and December.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for  $1^{st}$  reading on March 14, 2016 with  $2^{nd}$  reading, public hearing and  $3^{rd}$  reading scheduled for March 28, 2016.

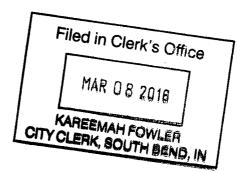
Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-7678.

Regards,

John H. Murphy

City Controller

CC: Pete Buttigieg, Mayor
James Mueller, Chief of Staff
Cristal Brisco, Corporation Counsel
Aladean DeRose, City Attorney
Jennifer Hockenhull, Deputy City Controller





ORDINA	NCE NO
INDIANA, FOR BUDGET TRANSFER	COUNCIL OF THE CITY OF SOUTH BEND, RS FOR VARIOUS DEPARTMENTS WITHIN D, INDIANA FOR THE YEAR 2016
STATEMENT OF	PURPOSE AND INTENT
(Ordinances #10388-15 and 10389-15 pas	oped since the adoption of the existing budgets ssed on October 12, 2015) which necessitate the within the various departments of the General Bend during 2016.
NOW, THEREFORE, BE IT ORI South Bend, Indiana, as follows:	DAINED by the Common Council of the City of
Section I. All accounts as set forth incorporated herein shall be adjusted by indesignated sums.	n in the detailed attachment hereto which are necesse or reduction of appropriation in the
Section II. This ordinance shall be passage by the Common Council and appropriate the council and ap	e in full force and effect from and after its roval by the Mayor.
Attest:	Member of the Common Council
City Clerk	
Presented by me to the Mayor of the day of, 201	ne City of South Bend, Indiana, on the 6, at o'clock m.
	Deputy City Clerk
Approved and signed by me on the o'clock m.	day of, 2016, at
	Mayor, City of South Bend, Indiana
3	Filed in Clerk's Office  MAR 0 8 2016
ı	KAREEMAH FOWLER CITY CLERK, SOUTH BEND, IN

ist READING
PUBLIC HEARING
3 rd READING
NOT APPROVED
REFERRED
PASSED

City of South Bend, Indiana  March 2016 Budget Transfers  (budget transfers between expenditure categories or departments within the same fund)  March 3, 2016	Budget Increase/ (Decrease) Justification	22,500 Purchase 2 concession trailers - Aerial Park/East Race: originally budgeted in supplies	(22,500) Reclass funds to cover concession trailers	500 Installation of new desk on the 14th floor	3,565 New office furniture for the County City Building	(4,065) Election costs less than estimated per County	0	13 Underestimated final costs hefore Code moved to different fund	(13) Available budget	1.134 Underestimated final costs before Code moved to different find	(1.134) Available budget	0	c		
of South Bend, Ir 2016 Budget Tra ture categories o March 3, 2016	Project Number	CONS	CONS												+
City <u>March</u> rs between expendi	Account P Number N	203-1103-452-43-07 K3CONS	203-1103-452-22-23 K3CONS	404-0617-415-36-02	404-0617-415-21-04	404-0617-431-39-60		610-6117-791-22-05	610-0610-791-22-05	610-6117-791-39-85	610-0610-791-39-85		Grand Total	Grand Lotal	
oudget transfe	Fiscal Officer/ Contact Name	Ron O'Connor	Ron O'Connor	Jen Hockenhull	Jen Hockenhull	Jen Hockenhull		Carol Kurzhal	Carol Kurzhal	Carol Kurzhal	Carol Kurzhal				
<b>5</b>	Account Name	Park Equipment	Recreation Supplies	Office Equipment Repair	Office Supplies	Election Costs		Uniforms - Code NEAT Crew	Uniforms - Trash Dept.	Landfill - Code NEAT Crew	Landfill - Trash Dept.				
	Department Name	Recreation	Kecreation	404-0617-415-36-02 50 404-0617-415-21-04 3,60 404-0617-431-39-60 (4,00 610-6117-791-22-05 (1,13 610-0610-791-39-85 (1,13 610-0610-791-39-85 (1,13 610-0610-791-39-85 (1,13 610-0610-791-39-85 (1,13 610-0610-791-39-85 (1,13											
	Fund Name	Parks	Tarks	5	COL	COL		Solid Waste	Solid Waste	Solid Waste	Solid Waste				

Filed in Clerk's Office

MAR 0 8 2016



Bill No. 17-16

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

## DEPARTMENT OF ADMINISTRATION AND FINANCE

March 3, 2016

Mr. Tim Scott, President City of South Bend Common Council 227 W. Jefferson Boulevard, 4th Floor South Bend, Indiana 46601

RE: March 2016 Appropriation Ordinance - Civil City Funds

Dear President Scott,

During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2016, we plan to propose adjustments during four time periods—March, June, September and December.

Based on our budget review, we are submitting the enclosed additional appropriation ordinance for your consideration.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for  $1^{st}$  reading on March 14, 2016 with  $2^{nd}$  reading, public hearing and  $3^{rd}$  reading scheduled for March 28, 2016.

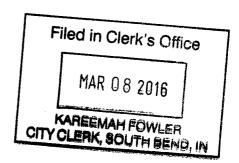
Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-7678.

Regards,

John H. Murphy

City Controller

CC: Pete Buttigieg, Mayor
James Mueller, Chief of Staff
Cristal Brisco, Corporation Counsel
Aladean DeRose, City Attorney
Jennifer Hockenhull, Deputy City Controller





AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2016 OF \$25,000 FROM GENERAL FUND (#101), \$587,022 FROM DCI STATE GRANTS FUND (#210), \$926,497 FROM UNSAFE BUILDING FUND (#219), \$17,500 FROM CENTRAL SERVICES FUND (#222), \$22,000 FROM COVELESKI NON REVERTING CAPITAL FUND (#401) AND \$29,300 FROM COUNTY OPTION INCOME TAX FUND (#404).

#### STATEMENT OF PURPOSE AND INTENT

The Common Council passed the City's 2016 operating and capital budgets in 2015 (Ordinances #10388-15 passed on October 12, 2015) which included expenditures for various City operations. It is now necessary to appropriate additional funds for operational and capital expenditures necessary for the City to effect provision of services to its citizens which were not anticipated at the time the City budget was adopted.

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

Section I. The following amounts are hereby appropriated in fiscal year 2016 and set apart within the following designated funds for expenditures as follows:

<u>Fund</u>	<u>Amount</u>
General Fund (#101)	\$ 25,000
DCI State Grant Fund (#210)	587,022
Unsafe Building Fund (#219)	926,497
Central Services Fund (#222)	17,500
Coveleski Non Reverting Capital Fund (#401)	22,000
County Option Income Tax (#404)	29,300
TOTAL	<u>\$1,607,319</u>

Section II. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval of the Mayor.

Member of the Common Council

Attest:	
City Clerk	
•	
Presented by me to the Mayor of the day of, 2016	e City of South Bend, Indiana, on the at o'clock m.
	Deputy City Clerk
Approved and signed by me on the o'clock m.	day of, 2016 at
	Mayor, City of South Bend, Indiana

Filed in Clerk's Office
MAR 0 8 2016

City of South Bend, Indiana  March 2016 Additional Appropriation Requests - Civil City Funds  (increase or decrease in total fund expenditures)  March 3, 2016	Budget  Department Fiscal Officer/ Account Project Increase/ und Name Account Name Contact Name Number (Decrease)  Justification	Fire Professional Services Todd Skwarcan 101-0901-422-31-06 25,000 Temp assistance to assist with accounting/budget work for EMS and Fire Department	DCI Demoiltion & Clearance John March 210-1060-460-39-82 587,022 funded 587,022 funded	Code Enforcement Illegal Dumping Seema Timble 219-1201-415-38-14 6	Code Enforcement Site Mowing Seema Timble	Code Enforcement Grafitii Removal Seema Timble 219-1201-415-36-15	Code Enforcement Misc. Charges Seema Timble 219-1201-415-39-89	18t 976	Central Services Office Equipment Mary Wisniewski 222-06/13-419-36-02	Central Services Capital Lease Interest Mary Wisninewski 122-2613-449-37-11 Central Services Capital Lease Interest Mary Wisninewski 122-2613-443-77-12	17	n Reverting Capital Parks Repairs & Maintenance Buildings Ron O'Connor 401-1101-452-36-01 22,000 Per 2015 agreement with Swing Batter Swing to split costs; not known at time of budget.	Community Investment Other Professional Services John March 404-1001-460-31-06 29,300 Job Training Costs - contract signed in 2015 was not encumbered as originally planned.	Grand Total 1,607,319	
	Fund Name	General Fund	State Grants	Unsafe Building Fund Unsafe Building Fund	Unsafe Building Fund	Unsafe Building Fund	Unsafe Building Fund		Central Services	Central Services		Coveleski Non Reverting Capital	COIT		

Filed in Clerk's Office

MAR 0 8 2016