

RESOLUTION NO. 3439

**A RESOLUTION OF THE SOUTH BEND REDEVELOPMENT COMMISSION
WAIVING CONTRACTUAL PROVISION TO ALLOW TRANSFER OF THE FORMER
COLLEGE FOOTBALL HALL OF FAME PROPERTY**

WHEREAS, the South Bend Redevelopment Commission (the “Commission”) exists and operates pursuant to I.C. 36-7-14 (as amended, the “Act”); and

WHEREAS, pursuant to its purposes under the Act, the Commission entered into that certain Development Agreement dated July 16, 2015, as the same has been amended from time to time (the “Development Agreement”), with Southhold, LLC (“Southhold”) for the development of certain real property, including the former College Football Hall of Fame (as more particularly described in the Development Agreement, the “Hall of Fame Property”); and

WHEREAS, Section 13 of the Fifth Amendment to the Development Agreement (“Section 13”) prohibits Southhold from transferring the Hall of Fame Property to a third party for thirty-six months from the Hall of Fame Property closing date unless a payment is made to the Commission; and

WHEREAS, the sale of the Hall of Fame Property closed on August 22, 2018, and Southhold desires to transfer the Hall of Fame Property to a related company, JSK Development Inc. for bookkeeping purposes; and

WHEREAS, the Commission desires to waive the prohibition of the transfer of the Hall of Fame Property to a third party related to Southhold without waiving any future enforcement of Section 13.

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

1. The Commission hereby waives the prohibition against the transfer of the Hall of Fame Property from Southhold to JSK Development, Inc., as well as the right to receive a transfer of the payment due under Section 13.

2. The Commission expressly states that the waiver of Section 13 is only made for the transfer from Southhold to JSK Development, Inc. in this instance and intends to enforce Section 13 against Southhold with regard to any future third party transfers of the Hall of Fame Property by JSK Development, Inc.

3. This Resolution may be recorded in the Office of the Recorder of St. Joseph County, Indiana and will be in full force and effect upon its adoption by the Commission.

ADOPTED at a meeting of the South Bend Redevelopment Commission held on August 23, 2018, at 1308 County-City Building, 227 West Jefferson Boulevard, South Bend, Indiana 46601.

SOUTH BEND REDEVELOPMENT
COMMISSION

Marcia I. Jones, President

ATTEST:

Donald E. Inks, Secretary

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

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Marcia I. Jones and Donald E. Inks, known to me to be the President and Secretary, respectively, of the South Bend Redevelopment Commission and acknowledged the execution of the foregoing Resolution No. 3439.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the 23rd day of August 2018.

My Commission Expires:
December 12, 2024

Mary C. Brazinsky, Notary Public
Residing in St. Joseph County, Indiana

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

This instrument was prepared by Sandra L. Kennedy, Assistant City Attorney, 1200 S. County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana 46601.