



South Bend

Redevelopment Commission

227 West Jefferson Boulevard, Room 1308, South Bend, Indiana

Agenda

Regular Meeting, September 12, 2019 – 4:00 p.m.
227 W. JEFFERSON BLVD., 1300 SOUTH BEND, INDIANA

1. Roll Call

2. Approval of Minutes

- A. Minutes of the Regular Meeting of Thursday, August 22, 2019

3. Approval of Claims

- A. Claims Submitted September 12, 2019

4. Old Business

5. New Business

*Privilege of the floor after each item

- A. River West Development Area - D2

- 1. Waiver and Release of Conditions (333 Western Associates LLC) - D2
- 2. Third Amendment to Agreement to Buy and Sell Real Estate (618 W Marion) - D2
- 3. Budget Request (Weather Amnesty) - D2

- B. Other

- 1. Budget Request (Pokagon Fund) - All

6. Progress Reports

- A. Tax Abatement
- B. Common Council
- C. Other

7. Next Commission Meeting:

Thursday, September 26, 2019, 4:00 p.m.



South Bend
Redevelopment Commission
227 West Jefferson Boulevard, Room 1308, South Bend, IN

**SOUTH BEND REDEVELOPMENT COMMISSION
REGULAR MEETING**

August 22, 2019
4:00 p.m.
Presiding: Marcia Jones, President

227 West Jefferson Boulevard
South Bend, Indiana

The meeting was called to order at 4:00 p.m.

1. ROLL CALL

Members Present:	Marcia Jones, President Quentin Phillips, Secretary Todd Monk, Commissioner Leslie Wesley, Commissioner	
Members Absent:	Don Inks, Vice-President Gavin Ferlic, Commissioner	
Legal Counsel:	Sandra Kennedy, Esq.	
Redevelopment Staff:	David Relos, RDC Staff Mary Brazinsky, Board Secretary	
Others Present:	Daniel Buckenmeyer Jitin Kain Tim Corcoran Amanda Pietsch Tony Sergio Kyle Silveus Zach Hurst Bhola Singh John Tiffany Conrad Damian Ed Semmler	DCI DCI DCI DCI DCI Engineering Engineering VST Entertainment Tiffany Group 718 E Broadway SB Tribune

South Bend Redevelopment Commission Regular Meeting – August 22, 2019

2. Approval of Minutes

A. Approval of Minutes of the Regular Meeting of Thursday, July 25, 2019

Upon a motion by Secretary Phillips, seconded by Commissioner Monk, the motion carried unanimously, the Commission approved the minutes of the regular meeting of Thursday, July 25, 2019.

3. Approval of Claims

A. Claims Submitted August 22, 2019

	Claims submitted	Explanation of Project	Items added after Agenda Distributed
REDEVELOPMENT COMMISSION			
Redevelopment Commission Claims August 22, 2019 for approval and ratify			
324 RIVER WEST DEVELOPMENT AREA			
Walsh & Kelly, Inc.	306,706.72	Michigan St. Pavement Replacement	
Kolata Enterprises, LLC	540.00	Professional Services	
Epoch	3,155.00	Technology Resource Center	
Barnes & Thornburg LLP	9,600.00	TIF Realignment Plan	
Abonmarche	2,400.00	Western Ave Streetscape from Falcon to Dundee St	
Precision Wall System	168,625.00	Lafayette Building Skylight	
United Consulting	2,641.50	Coal Line Trail Ph I	11,118.31
United Consulting	24,656.38	Coal Line Trail Ph I & II	10,428.31
GLC	44,979.50	Main St. Wayne St. Garage Improvement	
Black & Veatch Corporation		Olive WTP Improvements	23,160.35
Joseph A Dzierla & Associates, Inc.		Vested Interest Building Roof Repair	8,300.00
Troyer Group		Brick Pavement	10,121.00
Walsh & Kelly, Inc.		Michigan St Pavement Replacement	471,625.03
Indiana Earth, Inc.		Western Ave Streetscape - Phase III	312,507.22
Milestone Fence, LLC		JMS Parking Lot Improvements	18,411.40
Ritschard Bros, Inc.		Unity Gardens	68,083.51
Rieth Riley Construction		Berlin Place	93,437.50
429 FUND RIVER EAST DEVELOPMENT TIF			
Precision Wall System	168,625.00	Three Twenty at The Cascade-Glazed Assemblies	
Skyline Plastering, Inc.	74,679.50	Three Twenty at The Cascade - Exterior Insulation & Finish System	
Ritschard Bros, Inc.	50,812.65	Three Twenty at The Cascade - Site Utilities (Sanitary)	
430 FUND SOUTH SIDE TIF AREA #1			
HRP Construction	24,383.18	Miami St. Basin Drainage Improvements	
Walsh & Kelly, Inc.	30,604.16	St. Joseph Streetscape	
Arcadis		Utility Management GIS/Engineering Assistance	12,575.05
G.E Marshall, Inc.		Small Drainage Design and Repair - Div. A (Hawbaker)	117,106.53
439 FUND CERTIFIED TECHNOLOGY PARK			
Majority Building, Inc.	90,649.57	Technology Resource Center @ Catalyst 2	
452 PARK BOND TIF FUND			
Lawson-Fisher Associates		West Bank Corridor Improvements Final Design	816.00
Total	1,003,058.16		1,157,690.21
Total Of Both Columns	2,160,748.37		

Upon a motion by Secretary Phillips, seconded by Commissioner Monk, the motion carried unanimously, the Commission approved the claims submitted on Thursday, August 22, 2019.

4. Old Business

5. New Business

A. River West Development Area

1. Parking Lot License Agreement (Bhola Singh)

Mr. Buckenmeyer presented the Parking Lot License Agreement (Bhola Singh). Staff is working with a developer regarding the old VA building. Out of respect, we are not ready to unveil the project yet, but we want to enable the developer to move on with their next steps. This Agreement will grant the company a license to enter and use eighty (80) parking spaces in the Commission owned parking lot abutting the VA building to the west. This will give them the tools to continue into the next phase of their project. Commission approval is requested.

President Jones opened the floor for public comment. No public comment was made. The floor was closed to public comment.

Upon a motion by Secretary Phillips, seconded by Commissioner Monk, the motion carried unanimously, the Commission approved the Parking Lot License Agreement (Bhola Singh) submitted on Thursday, August 22, 2019.

B. River East Development Area

1. Addendum to Development Agreement (Commerce Center Development LLC)

Mr. Kain presented the Addendum to Development Agreement (Commerce Center Development LLC). This is an Addendum that clarifies the definition regarding a grocery store and pharmacy. The original Agreement with the Commerce Center had broad language regarding a grocery store and pharmacy. This clarifies what they need to contain. Staff has been working with the developer for quite sometime to agree on the definition. This does not change other terms to the Agreement. Commission approval is requested.

President Jones opened the floor for public comment. No public comment was made. The floor was closed to public comment.

Commissioner Monk asked about the language of the pharmacy portion as it does not mention having a pharmacist on staff.

Sandra Kennedy, City Attorney remarked in order to carry a license to operate a pharmacy, they are required to have a pharmacist on staff.

Upon a motion by Secretary Phillips, seconded by Commissioner Monk, the motion carried unanimously, the Commission approved Addendum to Development Agreement (Commerce Center Development LLC) submitted on Thursday, August 22, 2019.

2. Second Amendment to Development Agreement (Greater Lowell Holdings LLC)

Mr. Buckenmeyer presented Second Amendment to Development Agreement (Greater Lowell Holdings LLC). The low bid through the Board of Public Works exceeded the funding amount. We had approved \$50,000 prior to the bid. We are asking for an additional \$10,000 out of River East TIF. The developer is paying the balance of the overage of \$7,725.38. The total out of River East TIF on the project is \$460,000. Commission approval is requested.

President Jones opened the floor for public comment. No public comment was made. The floor was closed to public comment.

Upon a motion by Secretary Phillips, seconded by Commissioner Monk, the motion carried unanimously, the Commission approved Second Amendment to Development Agreement (Greater Lowell Holdings LLC) submitted on Thursday, August 22, 2019.

C. Other

1. Professional Services Budget Increase (Baker Tilly)

Mr. Relos presented Professional Services Budget Increase (Baker Tilly). Baker Tilly was approved to perform analysis in January of this year for the TIF boundary adjustment. The analysis was well underway when the Auditor's office updated assessed values for 2019 pay 2020, thereby causing Baker Tilly to have to recalculate their analysis. Staff is requesting approval of a \$9,000 budget increase to the original \$30,000 professional services agreement. Commission approval is requested.

President Jones opened the floor for public comment. No public comment was made. The floor was closed to public comment.

Upon a motion by Secretary Phillips, seconded by Commissioner Monk, the motion carried unanimously, the Commission approved Professional Services Budget Increase (Baker Tilly) submitted on Thursday, August 22, 2019.

6. Progress Reports

- A. Tax Abatement
- B. Common Council
- C. Other

7. Next Commission Meeting:

Thursday, September 12, 2019, 4:00 p.m.

8. Adjournment

Thursday, August 22, 2019, 4:09 p.m.

	Claims submitted	Explanation of Project
REDEVELOPMENT COMMISSION		
Redevelopment Commission Claims September 12, 2019 for approval and ratify		
<u>324 RIVER WEST DEVELOPMENT AREA</u>		
Environmental Glass Inc.	153,728.34	Liberty Tower Exterior Renovations - Division C
Transpo	100,000.00	Semi-Annual Pymt for Main and Colfax Garage Lease
Aecom	43,180.53	South Shoreline Station Alternatives Study
CBS Service, LLC	190,900.00	Berlin Place No. 2 Electrical, Mechanical & Plumbing
<u>422 WEST WASHINGTON DEVELOPMENT AREA</u>		
Paul's Welding, Inc.	62,939.00	Gemini at Washington-Cofax apartment Masonry & Stair Repairs
<u>429 FUND RIVER EAST DEVELOPMENT TIF</u>		
Precision Wall Systems	40,704.64	Three Twenty at The Cascade - Glazed Assemblies
Skyline Plastering, Inc.	28,075.00	Three Twenty at The Cascade - Exterior Insulation & Finish System
Ritschard Bros., Bros. Inc	2,674.35	Three Twenty at The Cascade - Site Utilities (Sanitary
Northern Indiana Construction Co., Inc.	47,294.10	East Bank Sinhole Repairs
<u>452 TIF PARK BOND CAPITAL</u>		
Smithgroup, Inc.	68,088.06	Seiltz Park Prelim & Final Eng.
Total	737,584.02	
Total Both Columns	737,584.02	

CROSS REFERENCE: Document No. 1801511

**WAIVER AND RELEASE OF CONDITIONS AND RIGHT OF REVERSION
UNDER REAL ESTATE PURCHASE AGREEMENT**

This Waiver and Release of Conditions and Right of Reversion Under Real Estate Purchase Agreement (this “Waiver and Release”) is made the 12th day of September 2019 (the “Effective Date”), by the South Bend Redevelopment Commission, the governing body of the City of South Bend Department of Redevelopment (the “Commission”).

RECITALS

- A. The Commission conveyed certain real property, commonly known as 333 Western Avenue, South Bend, Indiana, and more particularly described in the attached Exhibit A (the “Property”) to 333 Western Associates, LLC (the “Grantee”) by a Special Warranty Deed, dated January 11, 2018, and recorded on January 18, 2018 as Document No. 1801511 in the Office of the Recorder of St. Joseph County, Indiana (the “Deed”), pursuant to that certain Real Estate Purchase Agreement, dated May 11, 2017, by and between the Commission and the Grantee (as assignee of Cressy & Everett Commercial Corporation, doing business as Newmark Grubb Cressy & Everett), as amended by the First Amendment to Real Estate Purchase Agreement, dated July 27, 2017, the Second Amendment to Real Estate Purchase Agreement, dated November 20, 2017, and the Third Amendment to Real Estate Purchase Agreement, dated January 24, 2019 (together, the “Purchase Agreement”).
- B. The Deed and the Purchase Agreement contain certain conditions subsequent that the Grantee was expected to perform relative to the Property (the “Conditions”).
- C. Grantee has entered into an agreement to convey the Property to a new developer and, in order to facilitate Grantee’s anticipated conveyance of the Property, the Commission has agreed to release and waive the Conditions, as well as its right to reversion pertaining thereto.

NOW, THEREFORE, in consideration of the above Recitals, the Commission states as follows:

- 1. Recitals. The above Recitals are incorporated into and made a part of this Waiver and Release.

2. Waiver and Release. The Commission hereby waives and forever releases the Grantee's performance of the Conditions set forth in the Deed and Purchase Agreement related to the Property. Specifically, the conditions subsequent and related terms, including the right of reversion, set forth in Section 11 to the Purchase Agreement and the fifth paragraph of the Deed (relating to Section 11 of the Purchase Agreement) will have no further force or effect.

3. Recordation. Promptly following the execution of this instrument by the Commission, it shall be recorded in the Office of the Recorder of St. Joseph County, Indiana.

IN WITNESS WHEREOF, the Commission hereby executes this Waiver and Release as of the Effective Date.

SOUTH BEND REDEVELOPMENT COMMISSION

By: _____
 Marcia I. Jones, President

Attest: _____
 Quentin Phillips, Secretary

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

Before me, the undersigned Notary Public in and for said County and State, this 12th day of September 2019, personally appeared Marcia I. Jones and Quentin Phillips, known to me as the President and Secretary, respectively, of the South Bend Redevelopment Commission, the governing body of the City of South Bend, Indiana, Department of Redevelopment, and acknowledged the execution of the foregoing Waiver and Release, being authorized so to do.

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

 Mary C. Brazinsky, Notary Public
 Residing in St. Joseph County, Indiana
 My Commission Expires December 12, 2024

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, County-City Building, 227 W Jefferson Blvd., Ste. 1200S, South Bend, IN 46601.

EXHIBIT A

Description of Property

Lots Numbered Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty-one (21), Twenty-two (22) and Twenty-three (23) as shown on the recorded Plat of William S. Vail's Addition to the Town, now City of South Bend; including that part of Railroad Avenue heretofore vacated lying South of and adjoining said Lots 22 and 23. Also, the entire vacated alley running East and West lying between Lots 20 and 21 as shown on the recorded Plat of William S. Vail's Addition to the City of South Bend; also, the East One-half (1/2) of Vacated Franklin Street lying West of and adjacent to said Lots 17 through 23.

Parcel Key Nos. 018-3012-0447 and 018-3012-0452



CITY OF SOUTH BEND

REDEVELOPMENT COMMISSION

Redevelopment Commission Agenda Item

DATE: September 12, 2019

FROM: David Relos, Property Development Manager

SUBJECT: Third Amendment to Agreement to Buy and Sell Real Estate (618 W. Marion)

Which TIF? (circle one) **River West**; River East; South Side; Douglas Road; West Washington

This Third Amendment to Agreement to Buy and Sell Real Estate (Amendment) is to extend the closing on 618 W. Marion through October 31, with an expected closing date of October 28.

This property is in a key redevelopment target area at Charles Martin Dr. and LWW, and is the last property in this block needing to be acquired.

Staff requests approval of this Amendment, to allow for the eventual acquisition of this property.

INTERNAL USE ONLY: Project Code: _____ N/A _____ ;

Total Amount new/change (inc/dec) in budget: _____ ; Breakdown:

Costs: Demolition Amt: _____ ; Other Prof Serv Amt _____ ;

Acquisition of Land/Bldg (circle one) Amt: _____ ; Street Const Amt _____ ;

Building Imp Amt _____ ; Sewers Amt _____ ; Other (specify) Amt: _____

_____ Going to BPW for Contracting? **N**

Is this item ready to encumber now? ___ Existing PO# _____ Inc/Dec \$ _____

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

THIRD AMENDMENT TO AGREEMENT TO BUY AND SELL REAL ESTATE

This Third Amendment to Agreement to Buy and Sell Real Estate (this “Third Amendment”) is made effective as of September 12, 2019 (the “Effective Date”), by and between James B. Williams, Jr., and Doris E. Williams (the “Sellers”) and the City of South Bend, Indiana, Department of Redevelopment, acting by and through its governing body, the South Bend Redevelopment Commission (“Buyer”) (each a “Party” and together the “Parties”).

RECITALS

A. Buyer and Sellers entered into that certain Agreement to Buy and Sell Real Estate, dated March 14, 2019, as amended by a First Amendment to Agreement to Buy and Sell Real Estate, dated May 9, 2019, and a Second Amendment to Agreement to Buy and Sell Real Estate, dated June 27, 2019 (collectively, the “Agreement”), for the purchase and sale of the Property (as defined in the Agreement) located in the City of South Bend.

B. Sellers have requested an additional extension of the Closing date due to unforeseen circumstances.

C. The Parties wish to amend the Agreement as set forth herein.

NOW, THEREFORE, in consideration of the mutual promises and obligations in this Third Amendment and the Agreement, the adequacy of which consideration is hereby acknowledged, the Parties agree as follows:

1. In Section 7.A. of the Agreement, the phrase “one hundred five (105) days” shall be deleted and replaced with “two hundred thirty-one (231) days.”

2. Unless expressly modified by this Third Amendment, the terms and provisions of the Agreement remain in full force and effect.

3. Capitalized terms used in this Third Amendment will have the meanings set forth in the Agreement unless otherwise stated herein.

[Signature page follows.]

IN WITNESS WHEREOF, the Parties hereby execute this Third Amendment to Agreement to Buy and Sell Real Estate to be effective on the Effective Date stated above.

BUYER:

South Bend
Redevelopment Commission

Marcia I. Jones, President

ATTEST:

Quentin Phillips, Secretary

SELLERS:

James B. Williams, Jr.

Doris E. Williams



CITY OF SOUTH BEND REDEVELOPMENT COMMISSION

Redevelopment Commission Agenda Item

DATE: 09/06/2019
FROM: Amanda Pietsch, Director of Finance
SUBJECT: Weather Amnesty Project Budget

_____ Pres/V-Pres

ATTEST: _____ Secretary

Date: _____

APPROVED Not Approved

SOUTH BEND REDEVELOPMENT COMMISSION

Which TIF? (circle one) River West; River East; South Side; Douglas Road; West Washington

PURPOSE OF REQUEST: Funding request in the amount of \$305,000 for the 2019-2020 Weather Amnesty Program.

Specifics: Budget request is for increased Weather Amnesty program expenses for 2019-2020 due to repairs necessary on the 510 S. Main Street building that will house the program, general operating expenses, and additional operating time frame of the program which is contingent upon the building repair timeline. We anticipate the project to run from November 1, 2019 through March 31, 2020, however if repairs can be completed before then, we will aim to begin the program on October 15, 2019. Additionally, the program has always operated at two locations with funding provided for only one location. For 2019-2020 the City has agreed to fund both locations, 501 S. Main Street and the Center for the Homeless. The budget is requested to be funded using Pokagon funds in Fund 433. Quotations will be opened and awarded through BPW on 09/10, contingent upon RDC funding approval.

INTERNAL USE ONLY: Project Code: 16JV03 Weather Amnesty;

Total Amount new/change (inc/dec) in budget: \$305,000; Break down: 433-1050-460.39-30

Costs: Engineering Amt: _____; Other Prof Serv Amt _____;

Acquisition of Land/Bldg (circle one) Amt: _____; Street Const Amt _____;

Building Imp Amt _____; Sewers Amt _____; Other (specify) Amt: _____

_____ Going to BPW for Contracting? Y/N

Is this item ready to encumber now? Yes Existing PO# _____ Inc/Dec \$ _____



CITY OF SOUTH BEND

REDEVELOPMENT COMMISSION

Redevelopment Commission Agenda Item

DATE: September 12, 2019
FROM: Alkeyna Aldridge
SUBJECT: Budget Request (Pokagon Fund)

_____ Pres/V-Pres

ATTEST: _____ Secretary

Date: _____

APPROVED Not Approved

SOUTH BEND REDEVELOPMENT COMMISSION

Which TIF? (circle one) River West; River East; South Side; Douglas Road; West Washington

This is a budget request for two community development initiatives aimed at addressing poverty and unemployment in the city. The request is from the Pokagon fund managed by the Redevelopment Commission.

I. Request: \$20,000

Vendor: Incremental Development Alliance, Inc.

Professional Services: Targeted Small Developer Technical Assistance

The Alliance aims to train under capacity *neighborhood-based organizations and individuals* how to develop small buildings, often owner occupied (or owner-adjacent).

II. Request: \$30,000

Vendor: St. Mary’s College Women’s Entrepreneurship Initiative (WEI)

Program: SPARK Neighborhood Accelerator Pilot

WEI’s SPARK Women’s Business Accelerator provides a successful model of technical assistance and mentorship for women entrepreneurs. By partnering with the City of South Bend to deliver SPARK in a small, targeted area, WEI can support economic empowerment of women, especially women of color, and create a replicable model for economic inclusion, small business development, and neighborhood revitalization. We intend our pilot to run for a minimum of five years to develop a steady pipeline of small businesses and a robust entrepreneurial ecosystem.

Total Request: \$50,000