



CITY OF SOUTH BEND

REDEVELOPMENT COMMISSION

Redevelopment Commission Agenda Item

DATE: February 6, 2019

FROM: David Relos, Property Development Manager *DR*

SUBJECT: Resolution No. 3516 Accepting property from BPW (800 blk Portage)

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

PURPOSE OF REQUEST:

Resolution No. 3516 accepts from the Board of Public Works (BPW) the transfer of six vacant lots in the 800 block of Portage Ave. These lots are in an area that was added to the RWDA last year and will be taken through the Commission's disposition process in the near future.

On January 28th BPW approved a matching Resolution, agreeing to transfer these parcels to the Commission.

Staff requests approval of Resolution No. 3516, accepting the transfer from BPW of these six lots.

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

Total Amount new/change (inc/dec) in budget: _____ -0- _____; Breakdown:

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? ___N/A___ Existing PO# _____ Inc/Dec \$ _____

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

RESOLUTION NO. 3516

A RESOLUTION OF THE SOUTH BEND REDEVELOPMENT COMMISSION ACCEPTING THE TRANSFER OF REAL PROPERTY FROM THE SOUTH BEND BOARD OF PUBLIC WORKS

WHEREAS, the South Bend Redevelopment Commission (the “Commission”) is the governing body of the City of South Bend, Indiana (the “City”), Department of Redevelopment and exists and operates pursuant to Indiana Code Section 36-7-14 (the “Act”); and

WHEREAS, the South Bend Board of Public Works (the “Board”) exists and operates pursuant to Indiana Code Section 36-4-9-5, holds real property owned by the City pursuant to Indiana Code Section 36-9-6-3, and is authorized to transfer such property to another governmental entity pursuant to Indiana Code Section 36-1-11-8; and

WHEREAS, the Board owns six (6) parcels of real property in the City on Portage Avenue at its intersection with Rex Street, commonly known as 808 N Portage Avenue, and more particularly described on Exhibit A (the "Property"); and

WHEREAS, pursuant to declaratory resolutions previously adopted and amended from time to time, the Commission has declared a certain area of the City known as the “River West Development Area” as a redevelopment area and an allocation area under the Act and approved an economic development plan for the Area; and

WHEREAS, the Commission desires to obtain title to the Property to encourage the redevelopment of the property commonly known as the former Ward Baking. Co. building and for any other purpose authorized by the Act; and

WHEREAS, the Board approved the conveyance of the Property pursuant to its Resolution 03-2020 at its regular meeting held on January 28, 2020.

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

1. The Commission hereby accepts the conveyance of the Property from the Board pursuant to I.C. 36-1-11-8 in the form of a quit claim deed substantially similar to the document attached hereto as Exhibit B, conveying all of the Board’s right, title, and interest in the Property to the Commission.

2. The Commission authorizes David Relos or Andrew Netter of the City’s Department of Community Investment to act on behalf of the Commission in presenting the deed for recordation in the Office of the Recorder of St. Joseph County, Indiana and executing any other document necessary to affect the Commission’s acceptance of the Property.

3. This Resolution 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 February 6, 2020, at 1308 County-City Building, 227 West Jefferson Boulevard, South Bend, Indiana 46601.

SOUTH BEND REDEVELOPMENT
COMMISSION

Marcia I. Jones, President

ATTEST:

Quentin M. Phillips, Secretary

EXHIBIT A
Legal Description

PARCEL I: All of Lot Numbered Thirty-Four (34) as shown on the recorded Second Plat of Shetterley Place Addition to the City of South Bend, Indiana, EXCEPTING THEREFROM the following described tract, viz: Beginning at the Northwest corner of said Lot 34 (which place of beginning is the point of intersection of the Easterly line of Portage Avenue with the South line of Rex Street in said City as platted); thence East along the North line of said Lot 34, a distance of 111 feet, more or less; to the East line of a tract of land conveyed to Standard Oil Company by deed recorded in Deed Record 163, page 174 of the records of St. Joseph County, Indiana; thence Southerly along the East line of the land conveyed to Standard Oil Company by said deed a distance of 17 feet; thence Southwesterly along the line of the land conveyed to Standard Oil Company a distance of 75 feet to the Easterly line of Portage Avenue at a point 89 feet Southeasterly from the place of beginning; thence Northwesterly along the said Easterly line of Portage Avenue, a distance of 89 feet to the place of beginning.

Parcel No. 018-1059-2489

PARCEL II: Lot Numbered Thirty-five (35) as shown on the recorded Second Plat of Shetterley Place Addition to the City of South Bend.

Parcel No. 018-1059-2490

PARCEL III: Lot Numbered Thirty-six (36) as shown on the recorded Second Plat of Shetterley Place Addition to the City of South Bend.

Parcel No. 018-1059-2491

PARCEL IV: Lot Numbered Thirty-seven (37) as shown on the recorded Second Plat of Shetterley Place Addition to the City of South Bend.

Parcel No. 018-1059-2492

PARCEL V: Lot Numbered Seven (7) as shown on the recorded Plat of Charles E. Smith's Subdivision of Lots Numbered 38, 39, 40, and 41 of Shetterley Place Second Plat in the City of South Bend.

Commonly known as 808 N Portage Avenue, South Bend, Indiana

Parcel No. 018-1059-2505

PARCEL VI: Beginning at a point 11 feet Southeasterly from the Northwesterly corner of Lot Numbered Thirty-four (34) of the Second Plat of Shetterley Place Addition to the City of South Bend and on the Northeasterly line of Portage Avenue, as said Northeasterly line was located on April 20, 1920, thence Southerly along the Northeasterly line of Portage Avenue, as said Northeasterly line was located on April 20, 1920, 78 feet; thence Northeasterly along a line at right angles with said Easterly line of Portage Avenue, 75 feet; thence Northerly 17 feet to a point on the South line of Rex Street as said South line was located on April 20, 1920, 111 feet East of the Northwesterly corner of said lot; thence West along the South line of Rex Street, as said South line was located on April 20, 1920, 100 feet to a point 11 feet East of the Northwesterly corner of Lot Numbered 34; thence Southeasterly to the place of beginning.

Parcel No. 018-1059-2488

EXHIBIT B

Form of Quit Claim Deed

RETURN TO:
City of South Bend
227 W Jefferson Blvd., Ste 1400S
South Bend, IN 46601

AUDITOR'S RECORD
TRANSFER NO. _____
TAXING UNIT _____
KEY NOS. 018-1059-2488
018-1059-2489
018-1059-2490
018-1059-2491
018-1059-2492
018-1059-2505

QUIT CLAIM DEED

THIS INDENTURE WITNESSETH THAT the Civil City of South Bend, Indiana, acting by and through its Board of Public Works (the "Grantor") CONVEYS AND QUIT CLAIMS TO the Department of Redevelopment of the City of South Bend, for the use and benefit of its Department of Redevelopment, by and through its governing body, the South Bend Redevelopment Commission (the "Grantee"), for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the real estate located in St. Joseph County, Indiana, commonly known as 808 N Portage Avenue, South Bend, Indiana, which is more particularly described on Exhibit A (the "Property").

Grantor hereby conveys the Property subject to all covenants, restrictions, easements, and other matters of record.

The undersigned persons executing this Quit Claim Deed on behalf of the Grantor represent and certify that each has been fully empowered and authorized to execute this Quit Claim Deed and that all action necessary to complete this conveyance on Grantor's behalf has been duly taken.

[Signature page follows.]

Dated this _____ day of January 2020.

GRANTOR:

Civil City of South Bend, Indiana,
acting by and through its
Board of Public Works

By: _____
Gary A. Gilot, President

ATTEST:

Linda M. Martin, Clerk

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

Before me, the undersigned, a Notary Public for and in said County and State this _____ day of January, 2020, personally appeared Gary A. Gilot and Linda M. Martin, known to me to be, respectively, as the President and Clerk of the City of South Bend, Indiana, Board of Public Works, the Grantor named herein, and acknowledged the execution of the foregoing Quit Claim Deed, being authorized by Resolution 03-2020 of the City of South Bend, Indiana, Board of Public Works so to do.

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

_____, Notary Public
Resident of St. Joseph County, Indiana
Commission expires: _____

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

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

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Parcel No. 018-1059-2488