

RESOLUTION NO. 3530

**RESOLUTION OF THE SOUTH BEND REDEVELOPMENT COMMISSION
COMMITTING FUNDS FROM THE DOUGLAS ROAD ECONOMIC DEVELOPMENT
AREA TO REIMBURSE EXPENDITURES RELATED TO THE RELOCATION AND
REPLACEMENT OF THE DOUGLAS ROAD LIFT STATION**

WHEREAS, the South Bend Redevelopment Commission (the "Commission"), the governing body of the South Bend, Indiana, Department of Redevelopment (the "Department") and of the Redevelopment District of the City of South Bend, Indiana, exists and operates under the provisions of IC 36-7-14, as amended from time to time (the "Act"); and

WHEREAS, the Douglas Road Economic Development Area was established by the Commission in February 2006 through Declaratory Resolution No. 2199 and Confirming Resolution No. 2206; and

WHEREAS, in late 2018, the City of South Bend (the "City") was advised by St. Joseph County (the "County") that the City's existing thirty-two (32) year old lift station on Douglas Road near S.R. 23, which serves the Douglas Road Economic Development Area, was in the County's right of way and would need to be moved at the City's expense in order to accommodate the County's Douglas Road widening project; and

WHEREAS, in September 2020, the City, acting by and through its Board of Public Works, entered into an agreement with the St. Joseph County Board of Commissioners to reimburse the County for twenty percent (20%) of the cost of relocating and replacing the lift station, subject to the County's federal reimbursement of eighty percent (80%) of the remaining cost (the "Agreement"); and

WHEREAS, the City's portion of the winning bid for the relocation and replacement of the aging lift station amounted to Three Hundred Thousand Five Hundred Seventeen and 13/100 Dollars (\$300,517.13) (the "City's Portion"), payable upon invoice, which invoice was received and paid per the Agreement; and

WHEREAS, the City, having paid the City's Portion to the County from the City's Sewer Rehab Capital Account, desires to reimburse the Sewer Rehab Capital Account from the tax increment financing amounts collected from the Douglas Road Economic Development Area; and

WHEREAS, pursuant to Section 39(b)(2)(G) of the Act and Resolution No. 2206, funds from the Douglas Road Economic Development Area may be used to reimburse the City for expenditures for local public improvements, such as infrastructure serving the area; and

WHEREAS, the relocation and replacement of the lift station will benefit the Douglas Road Economic Development Area.

NOW, THEREFORE, BE IT RESOLVED by the South Bend Redevelopment

Commission as follows:

1. That tax increment funds collected from the Douglas Road Economic Development Area shall be used to reimburse the City for expenditures, including change orders, related to the relocation and replacement of the Douglas Road lift station as set forth in the Agreement.

2. That, at the next regular meeting of the Commission after the collection of tax increment funds from the Douglas Road Economic Development Area, the Department Staff shall report to the Commission the following information:

- A. the amount collected;
- B. the amount to be reimbursed to the Sewer Rehab Capital Account;
- C. the amount remaining due and owing to the Sewer Rehab Capital Account; and
- D. the approximate date on which the Sewer Rehab Capital Account shall be paid in full.

3. This Resolution shall be in full force and effect after its adoption.

ADOPTED at a meeting of the South Bend Redevelopment Commission held electronically on March 11, 2021, as authorized by the Governor's Executive Order 20-09, as subsequently renewed by Executive Orders 20-17, 20-25, 20-30, 20-34, 20-38, 20-41, 20-44, 20-47, 20-49, 20-52, 21-03, and 21-05.

SOUTH BEND REDEVELOPMENT COMMISSION

Marcia I. Jones, President

ATTEST:

Quentin M. Phillips, Secretary