



South Bend

Redevelopment Commission

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

Agenda

Regular Meeting, September 23, 2021 – 9:30 a.m.

<http://tiny.cc/RDC092321>

1. Roll Call

2. Approval of Minutes

- A. Minutes of the Regular Meeting of Thursday, September 9, 2021

3. Approval of Claims

- A. Claims Allowance Request 09.09.21
- B. Claims Allowance Request 09.14.21

4. Old Business

5. New Business

- A. River West Development Area
 - 1. Budget Request (Water Main Const./Funding Transfer)
- B. River East Development Area
 - 1. Budget Request (East Bank Parking Study)
- C. Douglas Road Development Area
 - 1. Budget Request (Douglas Road Reimbursement)

6. Progress Reports

- A. Tax Abatement
- B. Common Council
- C. Other
 - 1. Letter to River Race Townhomes

7. Next Commission Meeting:

Thursday, October 14, 2021, 9:30 am

8. Adjournment



South Bend.
Redevelopment Commission
 227 West Jefferson Boulevard, Room 1308, South Bend, IN
 46601

**SOUTH BEND REDEVELOPMENT COMMISSION
 REGULAR MEETING**

September 9, 2021

9:30 a.m.

Presiding: Donald E. Inks, Vice-President

<http://tiny.cc/RDC090921>

South Bend, Indiana

The meeting was called to order at 9:31 a.m.

1. ROLL CALL

Members Present:	Don Inks, Vice-President Troy Warner, Commissioner Eli Wax, Commissioner Leslie Wesley, Commissioner	
Members Absent:	Marcia Jones, President	
Legal Counsel:	Sandra Kennedy, Esq.	
Redevelopment Staff:	Mary Brazinsky, Board Secretary	
Others Present:	Santiago Garces Tim Corcoran Andrew Netter Amanda Pietsch Amy Paul Angela Smith Eric Horvath Becca Plantz Zach Hurst Aaron Perri Conrad Damian WNDU	DCI DCI DCI DCI DCI DCI Engineering Engineering Engineering VPA Resident News Station

1. Approval of Minutes

- **Approval of Minutes of the Regular Meeting of Thursday, August 12, 2021**

Upon a motion by Secretary Warner, seconded by Commissioner Wax, the motion carried unanimously, the Commission approved the minutes of the regular meeting of Thursday, August 12, 2021.

3. Approval of Claims

a. Claims Submitted for August 17, August 24 and 31, 2021

Upon a motion by Secretary Warner, seconded by Commissioner Wax, the motion carried unanimously, the Commission approved the claims for August 17, August 24, and August 31, 2021, submitted on Thursday, September 9, 2021.

4. Election of Redevelopment Commission Secretary

Troy Warner nominated himself as Secretary, Seconded by Vice-President Inks, the Commission unanimously approved the nomination of Troy Warner as Commission Secretary on September 23, 2021.

5. Old Business

6. New Business

A. River West Development Area

1. Budget Request (Century Center Modernization)

Mr. Perri Presented Budget Request (Century Center Modernization). After nearly 45 years of operation, the Century Center remains a vital part of downtown South Bend. Welcoming 200,000 people via 350 events, the Century Center creates a \$13 million economic impact each year. To further develop this economic engine, the building needs to be expanded and modernized to remain relevant and competitive in today's evolved marketplace. Additional attention is required to integrate the Century Center into potential riverfront developments and street grid alignments immediately adjacent to the venue.

With an estimated investment between \$12M and \$20M, Ratio Architects is being proposed as the firm to study and prepare renderings of the building that offer the following: Additional economic contribution to the city; Greater operational efficiency, including parking, loading and the potential reconnection of Jefferson Boulevard; Improved/modernized building aesthetics; and anchor the western riverfront development/revitalization. The cost to retain Ratio Architects for this scope is \$33,000. Commission approval is requested.

Upon a motion by Commissioner Wax, seconded by Secretary Warner, the motion carried unanimously, the Commission approved Budget Request (Century Center Modernization) submitted on Thursday, September 9, 2021.

B. River East Development Area

- 1. Resolution No. 3537 (Disposition Offering Price 1210, 1214, and 1220 South Bend Avenue).** Mr. Netter Presented Resolution No. 3537 (Disposition Offering Price 1210, 1214 and 1220 South Bend Avenue). This Resolution sets the disposition offering price for this property at \$16,850, which is the average of two appraisals completed for the combined small lots. Commission approval is requested.

Commissioner Wax asked about the low offering price and specific lot addresses.

Mr. Netter replied that the lots are each very small and only include the addresses listed as 1210, 1214 and 1220 South Bend Avenue.

Upon a motion by Commissioner Wax, seconded by Secretary Warner, the motion carried unanimously, the Commission approved Budget Request (Century Center Modernization) submitted on Thursday, September 9, 2021.

- 2. Approval of Bid Specifications and Design Considerations (1210, 1214, and 1220 South Bend Avenue).** Mr. Netter Presented Approval of Bid Specifications and Design Considerations (1210, 1214 and 1220 South Bend Avenue). The Bid Specifications outline the uses and development requirements that will be considered for this site. Commission approval is requested.

Upon a motion by Commissioner Wax, seconded by Secretary Warner, the motion carried unanimously, the Commission approved Approval of Bid Specifications and Design Considerations (1210, 1214 and 1220 South Bend Avenue) submitted on Thursday, September 9, 2021.

- 3. Request to Advertise (1210, 1214, and 1220 South Bend Avenue).** Mr. Netter Presented Request to Advertise (1210, 1214 and 1220 South Bend Avenue). The disposition properties will be advertised in the South Bend Tribune on September 17 and September 24, 2021 and listed on the City of South Bend's website. Commission approval is requested.

Upon a motion by Commissioner Wax, seconded by Secretary Warner, the motion carried unanimously, the Commission approved Request to Advertise (1210, 1214 and 1220 South Bend Avenue) submitted on Thursday, September 9, 2021.

- 4. Budget Request (Potawatomi Zoo Parking Lot Expansion)** Ms. Plantz Presented Budget Request (Potawatomi Zoo Parking Lot Expansion). This project involves expanding pavement surface to the east of the existing lot within the park to increase parking capacity for Potawatomi Zoo. In addition to asphalt surface, stormwater improvements will be installed in the expanded

South Bend Redevelopment Commission Regular Meeting – September 9, 2021

portions of the lot and the north side of the lot to make improvements to existing drainage issues and manage the increased impervious surface. Accessory improvements will be constructed to optimize the flow of traffic including accessible parking, bus routes, sidewalk, curbed islands, striping, and signage.

The project will benefit the growing number of park and zoo visitors and prepare for increased demand resulting from the newly constructed giraffe barn & exhibit. The budget request ask is for \$450,000. Commission approval is requested.

Upon a motion by Secretary Warner, seconded by Commissioner Wax, the motion carried unanimously, the Commission approved Budget Request (Potawatomi Zoo Parking Lot Expansion) submitted on Thursday, September 9, 2021.

7. Progress Reports

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

8. Next Commission Meeting:

Thursday, September 23, 2021, 9:30 a.m.

9. Adjournment

Thursday, September 9, 2021, 9:52 a.m.

Troy Warner, Secretary

Donald E. Inks, Vice-President



City of South Bend Department of Administration & Finance Claims Allowance Request

To: South Bend Redevelopment Commission
From: Daniel Parker, City Controller
Date: Thursday, September 9, 2021

Pursuant to Indiana Code 36-4-8-7, I have audited and certified the attached claims and submit them for allowance in the following amounts:

GBLN-0022540	\$103,237.77
GBLN-0000000	\$0.00

Total: \$103,237.77

Daniel Parker, City Controller

The attached claims described above were allowed in the following total amount at a public meeting on the date stated below:

\$ 103,237.77

By: _____
South Bend Redevelopment Commission
Name:

Date:

Name:

Name:

Name:

Name:

Name:

Name:

Expenditure approval

RDC Payments-9/7/21 Pymt Run

GBLN-0022540

Payment method: CHK-Total
Voucher: RDCP-00000369
Payment date: 9/7/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00000472	DLZ INDIANA LLC	703377	ROGER-SAMPLE/SHERIDAN DESIGN TRAFFIC SIGNAL	8/29/2021	\$1,500.00	324-10-102-121-431002-- PROJ00000124	PO-0000021

Payment method: ACH-Total
Voucher: RDCP-00000371
Payment date: 9/7/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00000822	INDIANA EARTH	4	Eagle Way Sewer Extension	9/14/2021	\$17,111.87	324-10-102-121-442002-- PROJ00000025	PO-0006601
V-00000822	INDIANA EARTH	4	Eagle Way Sewer Extension	9/14/2021	\$14,259.67	324-10-102-121-442002-- PROJ00000025	PO-0006601

Payment method: CHK-Total
Voucher: RDCP-00000372
Payment date: 9/7/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00000982	LAWSON- FISHER ASSOCIATES	202018202210676	Olive Street Reconstruction Phase 2	7/30/2021	\$3,110.90	324-10-102-121-431002-- PROJ00000059	PO-0006602
V-00000982	LAWSON- FISHER ASSOCIATES	202018202210676	Olive Street Reconstruction Phase 2	7/30/2021	\$735.80	324-10-102-121-431002-- PROJ00000059	PO-0006602
V-00000982	LAWSON- FISHER ASSOCIATES	202018202210752	Olive Street Reconstruction Phase 2	8/30/2021	\$4,725.90	324-10-102-121-431002-- PROJ00000059	PO-0006602

Payment method: CHK-Total

Voucher: RDCP-0000373
Payment date: 9/7/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00001368	R YODER CONSTRUCTIO N INC	APP #7	O'Brien Recreation Renovation	9/16/2021	\$45,474.60	430-10-102-121-443001-- PROJ00000057	PO-0005039

Payment method: CHK-Total
Voucher: RDCP-0000374
Payment date: 9/7/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00001411	RIETH RILEY CONSTRUCTIO N	2	Change Order #1	9/11/2021	\$10,999.03	324-10-102-121-442001-- PROJ00000215	PO-0008848

Payment method: CHK-Total
Voucher: RDCP-0000375
Payment date: 9/7/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00001471	SELGE CONSTRUCTIO N CO INC	1	Colfax Lift Station Improvements	2/10/2021	\$5,320.00	429-10-102-121-444000-- PROJ00000117	PO-0003119



City of South Bend
Department of Administration & Finance
Claims Allowance Request

To: South Bend Redevelopment Commission
 From: Daniel Parker, City Controller
 Date: Tuesday, September 14, 2021

Pursuant to Indiana Code 36-4-8-7, I have audited and certified the attached claims and submit them for allowance in the following amounts:

GBLN-0023178	\$90,956.28
GBLN-0022752	\$100,000.00

Total:	<u>\$190,956.28</u>
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 Daniel Parker, City Controller

The attached claims described above were allowed in the following total amount at a public meeting on the date stated below:

\$ 190,956.28

By: _____
 South Bend Redevelopment Commission
 Name:

Date:

Name:

Name:

Name:

Name:

Name:

Expenditure approval

RDC Payments-9/14/21 Pymt Run

GBLN-0023178

Payment method: ACH-Total
Voucher: RDCP-00000376
Payment date: 9/14/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00000019	ABONMARCHE CONSULTANTS OF IN	136258	Design Services	8/28/2021	\$1,662.50	429-10-102-121-431002-- PROJ00000167	PO-0005886

Payment method: CHK-Total
Voucher: RDCP-00000377
Payment date: 9/14/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00000222	BLACK & VEATCH CORPORATION	1352322	North WTP Imp Design	9/18/2021	\$13,500.00	324-10-102-121-431002-- PROJ00000056	PO-0005261

Payment method: CHK-Total
Voucher: RDCP-00000378
Payment date: 9/14/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00000982	LAWSON- FISHER ASSOCIATES	202109002210773	Coal Line Trail - Construction Inspection Services	8/30/2021	\$2,928.42	324-10-102-121-444000-- PROJ00000018	PO-0008430

Payment method: ACH-Total
Voucher: RDCP-00000379
Payment date: 9/14/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
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V-00001722	UNITED CONSULTING	1640741	CHRIS - 16J008 ENGINEERING SERVICE PH II FOR	9/10/2021	\$58,387.60	324-10-102-121-443001-- PROJ00000018	PO-0000011
V-00001722	UNITED CONSULTING	1640656	CHRIS - 16J008 ENGINEERING SERVICE PH II FOR	9/10/2021	\$4,000.00	324-10-102-121-443001-- PROJ00000018	PO-0000011

Payment method: CHK-Total
Voucher: RDCP-00000380
Payment date: 9/14/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00001743	US BANK	6240962	2017 Eddy St Commons Phase II Revenue Bonds (8/1/21-7/31/22)	9/24/2021	\$1,500.00	436-10-102-121-438300- DS0163-	

Payment method: CHK-Total
Voucher: RDCP-00000381
Payment date: 9/14/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00001780	VS ENGINEERING INC	429211	PROFESSIONAL SERVICE AGREEMENT-DUBAIL STREETSCAPE	9/19/2021	\$8,886.76	324-10-102-121-442001-- PROJ00000083	PO-0000821

Payment method: ACH-Total
Voucher: RDCP-00000382
Payment date: 9/14/2021

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00006323	Bose McKinney & Evans LLP	802832	Legal Services	9/15/2021	\$91.00	433-10-102-123-431001--	PO-0011714

Expenditure approval

2021-09-14 Debt Service Wire Payment - RDC
GBLN-0022752

Payment method: Wire-Total
Voucher: RDCP-00000370
Payment date: 9/14/2021
Payment reference: DS0013

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00001550	SOUTH BEND PUBLIC TRANSPORTATI ON	INV 9/15/21	2006 Main/Colfax Garage Lease	9/15/2021	\$80,073.00	324-10-102-121-438100- DS0013-	
V-00001550	SOUTH BEND PUBLIC TRANSPORTATI ON	INV 9/15/21	2006 Main/Colfax Garage Lease	9/15/2021	\$19,927.00	324-10-102-121-438200- DS0013-	



CITY OF SOUTH BEND

REDEVELOPMENT COMMISSION

Redevelopment Commission Agenda Item

DATE: 09-23-2021

FROM: Jacob M. Klosinski, P.E., Div. of Engineering

SUBJECT: 120-026 Airport Annexation Area Water Main Ext
 Funding Transfer for Water Main Construction

_____ Pres/V-Pres

ATTEST: _____ Secretary

Date: _____

APPROVED Not Approved

SOUTH BEND REDEVELOPMENT COMMISSION

Funding Source* (circle one) River West; River East; South Side; Douglas Road; West Washington; RDC General

*Funds are subject to the City Controller's determination of availability; if funds are unavailable, as solely determined by the City Controller, then the authorization of the expenditure of such funds shall be void and of no effect.

Purpose of Request: Budget Request – 120-026 Airport Annexation Area Water Main Extension

The City of South Bend Division of Engineering recently received the budget numbers and Engineer’s estimate for the subject project. We are requesting the Redevelopment Commission transfer \$560,000.00 to the project to cover the shortfall for construction costs. Once the project bids are received additional transfers may be necessary if bids are outside of our anticipated budget to construct the project.

For questions regarding the above recommendation or the subject project, contact Jacob M. Klosinski (Ext. 9496) or Kara Boyles (Ext. 5933) at the Division of Engineering.

INTERNAL USE ONLY: Project ID: PROJ _____ ;
 Total Amount – New Project Budget Appropriation \$ _____ ;
 Total Amount – Existing Project Budget Change (increase or decrease) \$ _____ ;

Funding Limits: Engineering: \$ _____ ; Other Prof Serv Amt \$ _____ ;
 Acquisition of Land/Bldg (circle one) Amt: \$ _____ ; Street Const Amt \$ _____ ;
 Building Imp Amt \$ _____ ; Sewers Amt \$ _____ ; Other (specify) Amt \$ _____



CITY OF SOUTH BEND

REDEVELOPMENT COMMISSION

Redevelopment Commission Agenda Item

DATE: 9/23/21

FROM: Jitin Kain, PW

SUBJECT: Budget Request (East Bank Parking Study)

_____ Pres/V-Pres

ATTEST: _____ Secretary

Date: _____

APPROVED Not Approved

SOUTH BEND REDEVELOPMENT COMMISSION

Funding Source* (circle one) River West; **River East**; South Side; Douglas Road; West Washington; RDC General

*Funds are subject to the City Controller's determination of availability; if funds are unavailable, as solely determined by the City Controller, then the authorization of the expenditure of such funds shall be void and of no effect.

Purpose of Request:

With the increase in development activity in the East Bank neighborhood, on-street parking is seeing higher utilization. Currently, on-street parking in the East Bank is unrestricted which leads many to park their vehicles all day on the street. This further creates an issue for retailers who can benefit from better turnover rates.

A study of current parking conditions and utilization will help assign appropriate parking restrictions in the East Bank area. Public Works requests a budget approval of \$17,500 to enter into a professional services agreement with Rich & Associates to conduct the study.

INTERNAL USE ONLY: Project ID: PROJ _____ ;

Total Amount – New Project Budget Appropriation \$17,500;

Total Amount – Existing Project Budget Change (increase or decrease) \$ _____ ;

Funding Limits: Engineering: \$ _____ ; Other Prof Serv Amt \$ _____ ;

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

Building Imp Amt \$ _____ ; Sewers Amt \$ _____ ; Other (specify) Amt \$ _____

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT



CITY OF SOUTH BEND

REDEVELOPMENT COMMISSION

Redevelopment Commission Agenda Item

DATE: 09/23/21
FROM: Amanda Pietsch – Director of Finance DCI
SUBJECT: Douglas Road Request – Resolution 3530

_____ Pres/V-Pres

ATTEST: _____ Secretary

Date: _____

APPROVED Not Approved

SOUTH BEND REDEVELOPMENT COMMISSION

Funding Source* (circle one) River West; River East; South Side; **Douglas Road**; West Washington; RDC General

*Funds are subject to the City Controller's determination of availability; if funds are unavailable, as solely determined by the City Controller, then the authorization of the expenditure of such funds shall be void and of no effect.

Purpose of Request:

Pursuant to Resolution 3530 passed March 11, 2021, staff would like to report on Douglas Road TIF revenue collections and request budget of \$91,370 to repay a portion of the obligation to the Sewer Rehab Capital Account for the relocation and replacement of the Douglas Road Lift Station.

June 2021 collections were received in the amount of \$91,369.17. The total obligation of the interfund loan is \$300,517.13, leaving \$209,147.96 after this repayment. Assuming this level of TIF collections remains constant, staff anticipates satisfying the obligation with the December 2022 collections.

Staff will provide another report when December 2021 collections are received.

INTERNAL USE ONLY: Project ID: PROJ _____;
Total Amount – New Project Budget Appropriation \$ _____;
Total Amount – Existing Project Budget Change (increase or decrease) \$ _____;

Funding Limits: Engineering: \$ _____; Other Prof Serv Amt \$ _____;
Acquisition of Land/Bldg (circle one) Amt: \$ _____; Street Const Amt \$ _____;
Building Imp Amt \$ _____; Sewers Amt \$ _____; Other (specify) Amt \$ _____

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

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

1200 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830

PHONE 574/235-9241
FAX 574/235-7670
TTY 574/235-5567



CITY OF SOUTH BEND JAMES MUELLER, MAYOR

DEPARTMENT OF LAW

SANDRA KENNEDY
CORPORATION COUNSEL

ALADEAN M. DE ROSE
CITY ATTORNEY

September 22, 2021

River Race Townhomes, LLC
Attn. David Matthews
401 E. Colfax, Ste. 277
South Bend, IN 46617

Certified Mail, Return Receipt Requested

Re: Notice of Default

Dear Mr. Matthews:

I am writing to you on behalf of the South Bend Redevelopment Commission (the "Commission"), as well as the City of South Bend (the "City"), to provide you with this notice of default as required by Section IX of that certain Agreement for Sale of Land for Private Development entered into on June 28, 2011, as recorded in the St. Joseph County, Indiana Recorder's Office on July 20, 2011, as document no. 1118419, as amended by a First Amendment to Agreement for Sale of Land for Private Development entered into on March 20, 2016, and recorded in the St. Joseph County, Indiana Recorder's Office on June 21, 2016 (together, the "Agreement").

Pursuant to Section VI(A)(1) of the Agreement and Section III of the Warranty Deed, as recorded in the St. Joseph County, Indiana Recorder's Office on May 10, 2012 (the "Deed"), the property was to be devoted "only to the uses under the Final Site Plan and Development Specifications of the Project as approved by the Commission pursuant to Section IV(A) of this Contract. . . ." The Final Site Plan was provided to the Commission at its April 10, 2012 meeting and is attached to this letter as Exhibit A. The Final Site Plan includes language regarding the development of the area to the south of the townhouses, identified in the plan as the "River Race Plaza," which would be developed "after its marketability and highest and best use is determined." Section VI of the Agreement states that "The parties further agree that the covenants in Subsection IV(A)(1) shall remain in effect from the date of the Deed until December 31, 2021."

The property at issue is the lot located at the corner of Niles Avenue and Jefferson Boulevard. The lot is currently being used as a gravel parking lot, which is not in compliance with the City's Zoning Ordinance. It is the Commission's and the City's opinion that this is not the highest and best use of the property. In Section VII of the Agreement and Section IV of the Deed, River Race Townhomes, LLC represented and agreed that "its purchase of the Property and its other undertakings under this Contract are and will be used for the development of the Property and not for speculation in land holding."

Notice of Default
September 23, 2021
Page 2

The Commission and the City, therefore, are putting River Race Townhomes, LLC on notice pursuant to Section IX of the Agreement that it must move immediately to cure the default within thirty (30) days of receiving this notice. If no action is taken by that date, the Commission and the City shall institute proceedings to enforce its rights under the Agreement and the Deed.

Sincerely,

Sandra Kennedy
Corporation Counsel

Attachment
cc: M. Lebbin, Esq.

6 B (1)

memorandum

Community & Economic Development



1200 County-City Building, 227 West Jefferson, South Bend, Indiana 46601-1830 Phone 574/235-9371 Fax 574/235-9021

To: Redevelopment Commission

From: David Relos, Economic Development Planner *DR*

Subject: River Race Townhomes Items Precedent to Closing
Jefferson & Niles (Troeger site)

Date: April 10, 2012

On June 14, 2011, the Commission was presented with preliminary development plans from David Matthews for the Troeger site, at the northeast corner of Jefferson and Niles. On June 28, 2011, the Commission approved an Agreement for Sale of Land with Mr. Matthews for this property. As part of this Agreement, Mr. Matthews will construct 10 townhomes as seen in the attached plan, and not seek tax abatements on the development.

Items precedent to closing are:

1. Commission approval of the final site plan and development specifications
2. Proof of financing
3. View rights agreement
4. Favorable environmental conditions

Item 2 is satisfied via this project being self-financed by Mr. Matthews.

Item 3 was completed via a view easement granted by the Redevelopment Authority.

Item 4 was completed via further environmental study.

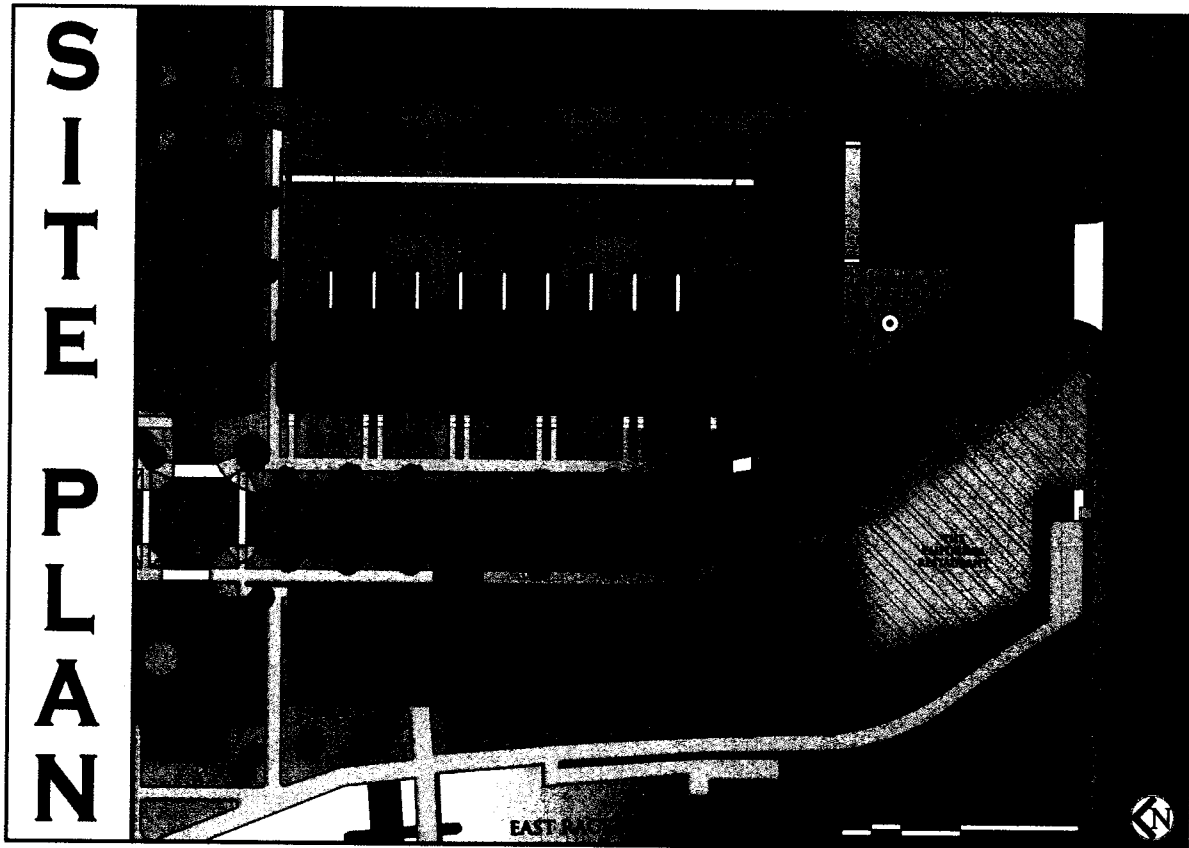
Today Mr. Matthews presents Item 1, the final site plan and building specifications, for your approval.

Staff requests Commission approval of the final site plan and building specifications, to allow the development of this site into 10 single family townhomes.

What We Do Today Makes A Difference!

River Race Development, LLC
PO Box 338
Notre Dame, IN 46556

Enclosed within are the final site plan and development specifications for the Rive Race Development (Niles Ave). The development contract requires the construction of 10 townhouses, which will face Niles Ave and the East Race. The River Race Plaza (south of the townhouses) is shown as the current expectation of how the site will be built out in the future, after its marketability and highest and best use is determined.



The site plan consists of 10 townhouses facing Niles Ave., with front yards, rear loaded garages and parallel parking along both sides of Niles (as part of the City's Niles Ave sewer project).

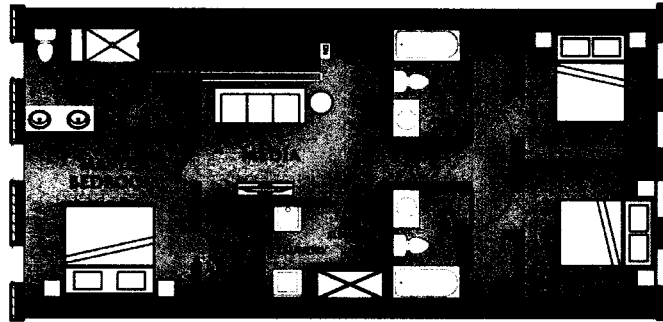
Materials

- All masonry townhomes with exterior brick, stone (or stone equivalent), minor trim in wood or fiber cement board, and aluminum.

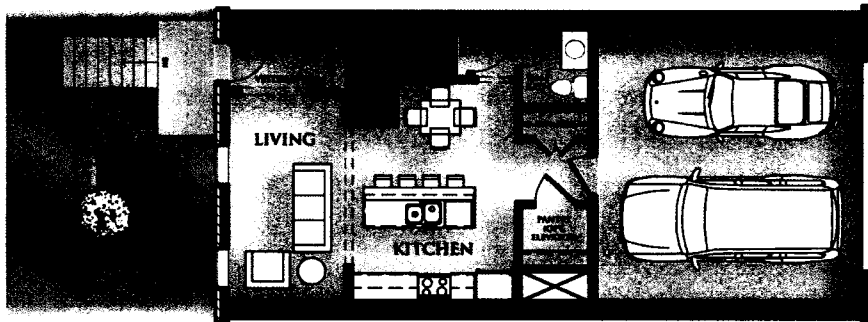
Design (may vary)

- Two or three story townhomes with (optional) bay windows and 2nd floor porches
- Rooftop decks (optional, similar to the East Bank Townhomes)
- Basements
- 1800 ~ 3,200 square feet
- 2 car attached garage

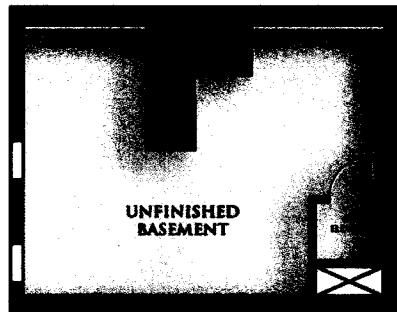
Floor Plans (sample)



SECOND FLOOR PLANS



1ST FLOOR PLANS



BASEMENT

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DATE 1-13-2012

RIVER RACE TOWNHOMES
SOUTH BEND, IN

FLOOR PLANS

SCALE 1/8"=1'-0"



Elevations (sample)



Standard 2 story (with small front porch)



Artistic Render 2 stories (Bay window, 2nd floor porch)

Dimensioned Drawings (larger available from the developer)

