

CROSS REFERENCE: Document No. 0242167

**WAIVER AND RELEASE OF CONDITIONS AND RESTRICTIONS
UNDER CONTRACT FOR SALE OF LAND FOR PRIVATE
DEVELOPMENT**

This Waiver and Release of Conditions and Restrictions Under Contract for Sale of Land for Private Development (this “Waiver and Release”) is made the 28th day of July 2022 (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 Lot 4a Blackthorn Corporate Office Park Minor Sub, South Bend, Indiana, and more particularly described in the attached Exhibit A (the “Property”) to Crescent Michiana Properties, LLC (the “Grantee”) by a Quit Claim Deed, dated June 7, 2002, and recorded on August 7, 2002 as Document No. 0242167 in the Office of the Recorder of St. Joseph County, Indiana (the “Deed”), pursuant to that certain Contract for Sale of Land for Private Development, dated May 3, 2002, by and between the Commission and the Grantee (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 prohibitions against assignment and transfer.

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 prohibitions against assignment and transfer, set forth in Section 8 of the Purchase Agreement and the fourth paragraph of the Deed (relating to Section 8 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: _____
 Troy Warner, Secretary

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

Before me, the undersigned Notary Public in and for said County and State, this 28th day of July 2022, personally appeared Marcia I. Jones and Troy Warner, 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. Danielle Campbell Weiss.

This instrument was prepared by Danielle Campbell Weiss, Assistant City Attorney, County-City Building, 227 W Jefferson Blvd., Ste. 1200S, South Bend, IN 46601.

EXHIBIT A

Description of Property

Tax ID No. 025-1018-062206

Parcel Key No. 71-03-20-300-001.000-009

Legal Description: LOT 4A Blackthorn Corporate Office Park Minor Sub # 7 1ST REPLAT
RP4410 08-05-08 09/10