



OFFICE OF THE CITY CLERK

DAWN M. JONES, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: DAWN M. JONES, CITY CLERK
DATE: WEDNESDAY, NOVEMBER 9, 2022
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **Monday, November 14, 2022:**

Council Chambers
4th Floor County-City Building
227 W. Jefferson Blvd.
South Bend, IN 46601

The Council Chambers will be Open to the Public or Members of the Public May Attend this Meeting Virtually via Microsoft Teams Meeting app here: <https://tinyurl.com/11142022CC>.

3:30 **PERSONNEL & FINANCE** **CHAIRPERSON, NIEZGODSKI**
P.M.

1. Bill No. [68-22](#) - An Ordinance Amending Chapter 2 Establishing Ordinance Violation Bureau with Administration

3:45 **COMMUNITY INVESTMENT** **CHAIRPERSON, TOMAS MORGAN**
P.M.

1. Bill No. [67-22](#) - Ordinance Amending Economic Development Revenue Note, Series 2022 (South Bend Chocolate Destination Project)
2. Bill No. [22-57](#) - Resolution for Designating Tax Abatement for 511 N. Notre Dame Avenue, South Bend, Indiana

4:15
P.M.

HEALTH & PUBLIC SAFETY

CHAIRPERSON, WAX

1. Bill No. [22-53](#) - Approving Scrap Metal/Junk Licenses for Calendar Year 2022

4:20
P.M.

ZONING & ANNEXATION

CHAIRPERSON, HAMANN

1. Bill No. [32-22](#) - A Zoning Ordinance for A Special Exception Ordinance for Property Located at 316 N. Olive Street

4:30
P.M.

PUBLIC WORKS & PROPERTY
VACATIONS

CHAIRPERSON, NIEZGODSKI

1. Bill No. [52-22](#) - Ordinance for an Alley Street Vacation for Property Located at 1015 Good Place
2. Bill No. [62-22](#) - **(SUBSTITUTE)** Ordinance for an Alley Vacation for Property Located at N-S Alley Starting from Hill St. to First E-W Alley Between Corby and Kalorama

Council President Sharon L. McBride has called an **Informal Meeting** of the Council which will commence immediately after the adjournment of the Public Works & Property Vacations Committee Meeting.

INFORMAL MEETING OF THE COMMON
COUNCIL

PRESIDENT, MCBRIDE

1. Discussion of Council Agenda
2. Update and Announcements
3. Adjournment

cc: Mayor James Mueller
Committee Meeting
List Media

NOTICE FOR HEARING AND SIGHT-IMPAIRED PERSONS

Auxiliary Aid or Other Services may be Available upon Request at No Charge.

Please give Reasonable Advance Request when Possible



South Bend Common Council

Meeting Agenda

Monday, November 14, 2022

7:00 PM

The South Bend Common Council meeting will be open to the public at the Council Chambers on the 4th floor of the County-City Building, 227 W. Jefferson Blvd., South Bend, IN 46601

or available by way of a virtual meeting using the Microsoft Teams Meeting App. Public access to the meeting can be granted by this Microsoft Teams Link:

<https://tinyurl.com/11142022SBCC>

1. INVOCATION

FR GEOFF MOONEY, CSC., SAINT JOSEPH HIGH SCHOOL

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

4. REPORT FROM SUB-COMMITTEE ON MINUTES

5. SPECIAL BUSINESS

[22-54](#)

A SPECIAL RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA COMMEMORATING NOVEMBER 19, 2022, AS WOMEN'S ENTREPRENEURSHIP DAY IN SOUTH BEND, INDIANA AND CELEBRATING WOMEN ENTREPRENEURS WHO PLAY A VITAL ROLE IN STRENGTHENING SOUTH BEND'S ECONOMY

[22-55](#)

A SPECIAL RESOLUTION OF THE SOUTH BEND COMMON COUNCIL, COMMEMORATING VETERANS' DAY 2022, AND

HONORING ALL VETERANS

[22-56](#)

A SPECIAL RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA COMMEMORATING OVER FIVE YEARS OF SMOKE FREE ESTABLISHMENTS THROUGH THE PASSAGE OF SOUTH BEND'S CLEAN AIR ORDINANCE

6. **REPORTS FROM CITY OFFICES**

RESULTS OF COMMUNITY SURVEY - Presenter: David Finley, Department of Information and Technology

COMMITTEE OF THE WHOLE
BILL NO.

[32-22](#)

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 316 N. OLIVE ST. COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

[52-22](#)

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, THE SOUTHEAST HALF, 120 FEET, OF THE ALLEY EXTENDING BETWEEN GOOD PLACE AND BLYLER PLACE ROUGHLY PARALLEL TO RIVERSIDE DRIVE IN THE CITY OF SOUTH BEND AREA COMMONLY KNOWN AS THE KELLER PARK NEIGHBORHOOD.

[62-22](#)

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ALLEY VACATION - N-S ALLEY STARTING FROM HILL ST TO FIRST E-W ALLEY BETWEEN CORBY AND KALORAMA (**SUBSTITUTE**)

[67-22](#)

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AUTHORIZING THE CITY OF SOUTH BEND, INDIANA TO FUND ITS "TAXABLE ECONOMIC DEVELOPMENT REVENUE NOTE, SERIES 2022 (SOUTH BEND CHOCOLATE DESTINATION PROJECT)" AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO

[68-22](#)

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 2, ARTICLE 19 OF THE SOUTH BEND MUNICIPAL CODE TO APPOINT THE CITY CONTROLLER AS ORDINANCE VIOLATIONS CLERK AND TO MAKE OTHER ASSOCIATED MUNICIPAL CODE AMENDMENTS

BILLS ON THIRD READING
BILL NO.

[32-22](#)

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 316 N. OLIVE ST. COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

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11. **RESOLUTIONS**

BILL NO.

[22-53](#)

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING THE ISSUANCE OF SCRAP METAL/JUNK DEALERS/RECYCLING OPERATION LICENSES FOR CALENDAR YEAR 2022 PURSUANT TO SECTIONS 4-51 OF THE SOUTH BEND MUNICIPAL CODE

[22-57](#)

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 511 NORTH NOTRE DAME AVENUE, SOUTH BEND, IN 46617 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF AN EIGHT (8) YEAR REAL PROPERTY TAX ABATEMENT FOR ND QOZB LLC

12. **BILLS OF FIRST READING**

BILL NO.

[69-22](#)

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 1405 PORTAGE AVE. COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

[70-22](#)

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 3409 S ST. JOSEPH ST. COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA

[71-22](#)

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 1502 MIAMI ST. COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

[72-22](#)

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, AMENDING CHAPTER 1, SECTION 1- 4 OF THE SOUTH BEND MUNICIPAL CODE ADDRESSING SIX COUNCILMANIC DISTRICTS

13. UNFINISHED BUSINESS

14. NEW BUSINESS

15. PRIVILEGE OF THE FLOOR

16. ADJOURNMENT

Notice for Hearing and Sight Impaired Persons:

Auxiliary aid or other services are available upon request at no charge.

Please give reasonable advance request if and when possible.



2022 COMMON COUNCIL STANDING COMMITTEES (Rev. 09-22-2022)

COMMUNITY INVESTMENT COMMITTEE

Oversees the various activities of the Department of Community Investment. This Committee reviews all real and personal tax abatement requests and works closely with the Business Development Team.

Rachel Tomas Morgan, Chairperson
Henry Davis, Jr., Vice-Chairperson
Thomas Kurzhal, *Citizen Member*

Eli Wax, Member
Kaine Kanczuzewski, *Citizen Member*

COMMUNITY RELATIONS COMMITTEE

Oversees the various activities of the Engagement and Economic Empowerment, Neighborhood Development, and Community Resources Teams within the City's Department of CI and is charged with facilitating partnerships and ongoing communications with other public and private entities operating within the City.

Troy Warner, Chairperson
Eli Wax, Vice-Chairperson
Citizen Member

Canneth Lee, Member
Lori K. Hamann, Member

COUNCIL RULES COMMITTEE

Oversees the regulations governing the overall operation of the Common Council, as well as all matters of public trust. Its duties are set forth in detail in Section 2-10.1 of the *South Bend Municipal Code*.

Sharon L. McBride, Member
Sheila Niezgodski, Member

Eli Wax, Member

HEALTH AND PUBLIC SAFETY COMMITTEE

Oversees the various activities performed by the Fire and Police Departments, EMS, Department of Code Enforcement, ordinance violations, and related health and public safety matters.

Eli Wax, Chairperson
Karen L. White, Vice-Chairperson
Rachel Tomas Morgan, Member

Troy Warner, Member
Canneth Lee, Member
Desmont Upchurch, *Citizen Member*

INFORMATION AND TECHNOLOGY COMMITTEE- Innovation

Oversees the various activities of the City's Department of Innovation, which includes the Divisions of Information Technology and 311 so that the City of South Bend remains competitive and on the cutting edge of developments in this area. Reviewing and proposing upgrades to computer systems and web sites, developing availability and access to GIS data and related technologies are just some of its many activities.

Rachel Tomas Morgan, Chairperson
Lori K. Hamann, Vice-Chairperson
Maria Gibbs, *Citizen Member*

Canneth Lee, Member
Scott Matthew Coats, *Citizen Member*

PARC COMMITTEE- Venues Parks and Arts (Parks, Recreation, Cultural Arts & Entertainment)

Oversees the various activities of the Century Center, College Football Hall of Fame, Four Winds Stadium, Morris Performing Arts Center, Studebaker National Museum, South Bend Regional Museum of Art, Potawatomi Zoo, My SB Trails, DTSB relations, and the many recreational and leisure activities offered by the Department of Venues Parks and Arts.

Canneth Lee, Chairperson
Troy Warner, Vice-Chairperson
Chris Hagstrom-Jones, *Citizen Member*

Henry Davis, Jr., Member
Rachel Tomas Morgan, Member
Citizen Member



PERSONNEL AND FINANCE COMMITTEE

Oversees the activities performed by the Department of Administration and Finance, and reviews all proposed salaries, budgets, appropriations, and other fiscal matters, as well as personnel policies, health benefits and related matters.

Sheila Niezgodski, Chairperson
Eli Wax, Vice-Chairperson
Rachel Tomas Morgan, Member

Troy Warner, Member
Henry Davis, Jr., Member

PUBLIC WORKS AND PROPERTY VACATION COMMITTEE

Oversees the various activities performed by the Building Department, the Department of Public Works and related public works and property vacation issues.

Sheila Niezgodski, Chairperson
Lori K. Hamann, Vice-Chairperson
Jason Piontek, *Citizen Member*

Karen L. White, Member
Carl Littrell, *Citizen Member*

RESIDENTIAL NEIGHBORHOODS COMMITTEE

Oversees the various activities and issues related to neighborhood development and enhancement.

Karen L. White, Chairperson
Canneth Lee, Vice-Chairperson
Amika Micou, *Citizen Member*

Henry Davis, Jr., Member
Sheila Niezgodski, Member
Citizen Member

UTILITIES COMMITTEE

Oversees the activities of all enterprise entities including but not limited to the Bureau of Waterworks, Bureau of Sewers, and all related matters.

Henry Davis, Jr., Chairperson
Troy Warner, Vice-Chairperson
Citizen Member

Eli Wax, Member
Lori K. Hamann, Member
Citizen Member

ZONING AND ANNEXATION COMMITTEE

Oversees the activities related to the Board of Zoning Appeals, recommendations from the Area Plan Commission and the Historic Preservation Commission, as well as all related matters addressing annexation and zoning.

Lori K. Hamann, Chairperson
Henry Davis, Jr., Vice-Chairperson
James Snodgrass, *Citizen Member*

Sheila Niezgodski, Member
Karen L. White, Member

SUB-COMMITTEE ON MINUTES

Reviews the minutes prepared by the Office of the City Clerk of the regular, special, and informal meetings of the Common Council and makes a recommendation on their approval/modification to the Council.

Troy Warner, Member

Eli Wax, Member



2022 COMMON COUNCIL STANDING COMMITTEES (Rev.01-06-2022)

CANNETH LEE, 1ST District Council Member

Chairperson, Committee of the Whole

PARC Committee, Chairperson

Residential Neighborhoods Committee, Vice-Chairperson
Community Relations Committee, Member

Health & Public Safety Committee, Member
Information & Technology Committee, Member

HENRY DAVIS, JR. 2ND District Council Member

Utilities Committee, Chairperson

Community Investment Committee, Vice-Chairperson
Zoning & Annexation Committee, Vice-Chairperson
PARC Committee, Member

Residential Neighborhoods Committee, Member
Personnel & Finance Committee, Member

SHARON L. MCBRIDE, 3RD District Council Member

President

Council Rules Committee, Member

TROY WARNER, 4TH District Council Member

Community Relations Committee, Chairperson

Utilities Committee, Vice-Chairperson
PARC Committee, Vice-Chairperson

Health & Public Safety Committee, Member
Personnel & Finance Committee, Member
Sub-Committee on the Minutes, Member

ELI WAX, 5TH District Council Member

Health & Public Safety Committee, Chairperson

Community Relations, Vice-Chairperson
Personnel & Finance, Vice-Chairperson
Committee Investment, Member

Utilities, Member
Sub-Committee on Minutes, Member
Council Rules Committee, Member

SHEILA NIEZGODSKI, 6TH District Council Member

Vice-President

Personnel & Finance Committee, Chairperson

Public Works & Property Vacation, Chairperson
Council Rules Committee, Member

Residential Neighborhoods Committee, Member
Zoning & Annexation Committee, Member

RACHEL TOMAS MORGAN, AT LARGE Council Member

Information & Technology Committee, Chairperson

Community Investment Committee, Chairperson

Health & Public Safety Committee, Member

PARC Committee, Member
Personnel & Finance Committee, Member

KAREN L. WHITE, AT LARGE Council Member

Residential Neighborhoods Committee, Chairperson

Health & Public Safety Committee, Vice-Chairperson

Public Works & Property Vacation, Member
Zoning & Annexation Committee, Member

LORI K. HAMANN, AT LARGE Council Member

Zoning & Annexation Committee, Chairperson

Public Works & Property Vacation, Vice-Chairperson
Information & Technology Committee, Vice-Chairperson

Community Relations Committee, Member
Utilities Committee, Member

BILL NO. 68-22



CITY OF SOUTH BEND, IN JAMES MUELLER, MAYOR

October 19, 2022

Ms. Sharon McBride
President, South Bend Common Council
4th Floor, County-City Building
227 W. Jefferson Blvd.
South Bend, IN 46601



Re: Ordinance Violations Bureau

Dear President McBride:

Indiana Code 33-36-2-1 permits the establishment by municipalities of an Ordinance Violations Bureau and the appointment of a Violations Clerk, with the duties of accepting written appearances, waivers of trial, admissions of violations, and payments of civil penalties up to the maximum amount permitted by Indiana law (currently \$250), and according to the schedule set forth in Chapter 2 Article 19 of the City of South Bend Municipal Code in ordinance violation cases.

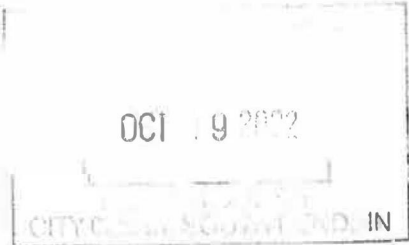
Since its establishment in the City in 1988, the Ordinance Violations Bureau has been a part of the responsibility of the City Clerk's Office. The administration now believes that it is in the best interest of the City and its residents to move this responsibility from the City Clerk's Office into the administration. This proposed change in responsibility will assist with standardizing processes, realizing efficiencies and economies of scale, and collaborating with other areas of the City that receive payments from City residents to improve service to the residents.

I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on October 24, 2022, with 2nd reading, public hearing and 3rd reading scheduled for November 14, 2022. If you have any further questions or need additional information, please let me know.

I will be available to discuss this bill at the appropriate sessions of the Personnel and Finance Committee and other meetings of the South Bend Common Council.

Respectfully submitted,

Daniel T. Parker
City Controller



BILL NO. 68-22 _____

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING CHAPTER 2, ARTICLE 19 OF THE SOUTH BEND
MUNICIPAL CODE TO APPOINT THE CITY CONTROLLER AS ORDINANCE
VIOLATIONS CLERK AND TO MAKE OTHER ASSOCIATED MUNICIPAL CODE
AMENDMENTS**

STATEMENT OF PURPOSE AND INTENT

Indiana Code 33-36-2-1 permits the establishment of an Ordinance Violations Bureau and the appointment of a Violations Clerk;

Indiana Code 33-36-2-3 permits the Violations Clerk to accept written appearances, waivers of trial, admissions of violations, and payments of civil penalties up to the maximum amount permitted by Indiana law (IC 33-36-2-3(4)) which is currently Two Hundred Fifty Dollars (\$250.00) and according to the schedule set forth in Chapter 2 Article 19 of the City of South Bend Municipal Code in ordinance violation cases;

Chapter 2 Article 19 of the City of South Bend Municipal Code sets forth the roles and responsibilities of the Violations Clerk; and

It is believed that the continued establishment of an Ordinance Violations Bureau is in the best interests of the City, and that it is further believed that it is in the best interests of the City to designate the City Controller as the Violations Clerk.

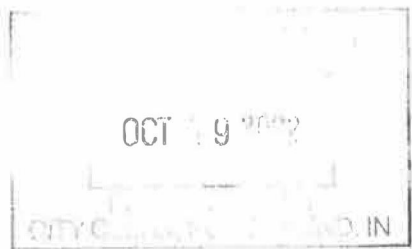
By designating the City Controller as the Violations Clerk in Chapter 2, Article 19, Section 212 of the Municipal Code, certain changes to other Chapters and Sections of the South Bend Municipal Code are required for consistency, and are also made through this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA as follows:

SECTION 1. Chapter 2, Article 19, Section 2-212 is hereby amended to read as follows:

Sec. 2-212 Created; administrator; powers and duties of Bureau

- (a) An Ordinance Violations Bureau is established for the City.
- (b) The ~~City Clerk~~ City Controller shall be appointed the Violations Clerk and shall be the administrator of the Bureau.
- (c) The Ordinance Violations Bureau shall have all power and duties authorized by state law and within the dollar limits of State law.



SECTION II. The following Sections of Chapters 13 and 20 of the South Bend Municipal Code are hereby amended to read as follows:

**Chapter 13, Article 12,
Sec. 13-160(a)(2) Civil Penalties:**

Civil Penalties: After a property has been designated as a chronic problem property and placed on the publicly available data set, if the property receives any subsequent citation or valid ~~complaint~~ complaint, then the owner will be subject to a civil penalty of two hundred fifty dollars (\$250.00) per citation or valid complaint which shall be payable through the ~~Office of the City Clerk~~ Violations Clerk.

**Chapter 20, Article 1,
Sec. 20-23.1 ~~City clerk~~ Violations Clerk discretion to grant amnesty from fines and penalties; exception.**

The ~~City~~ Violations Clerk in ~~the~~ that Clerk's discretion may by the last day of January each year designate a day within that calendar year during which persons with unpaid tickets may pay by the close of that business day any ticket issued under this article (the Motor Vehicle and Traffic Code of the City) without accrued late fee or other penalty charges. This power to forgive fines and penalties shall exclude any ticket which has been referred to the City Law Department for collection or other action regardless of whether a complaint has been filed.

**Chapter 20, Article 1,
Sec. 20-18. Answering notice on overtime parking; payment of fine.**

The owner or operator who has been notified of a violation of the parking regulations as herein provided, may, within fourteen (14) days after being notified, answer at the office of the Ordinance Violation Bureau to the charge of such violation as set forth in such notice and pay a prescribed fee of twenty dollars (\$20.00) in settlement of the offense or charge, or thirty dollars (\$30.00) after the expiration of fourteen (14) days. An acceptance of the payment of the fee and the authority by the Violations Clerk shall be deemed complete satisfaction for the violation and the violator shall be given a receipt which so states. Notwithstanding the foregoing provisions, no fee under this section will be imposed for the first instance in any calendar year in which a vehicle is found to be in violation of Chapter 20, Article 6, Section 20-77 of this Code.

**Chapter 20, Article 1,
Sec. 20-19(a). Failure to comply with notice; owner's responsibility; penalties.**

Whenever any person who has been issued a notice as provided in section 20-17, fails or refuses to appear within fourteen (14) days after service of such notice at the Ordinance Violations Bureau or having appeared fails or refuses to pay the Violations Clerk the fee in settlement of the charge and violation, then the Ordinance Violations Bureau shall send

to the owner of the motor vehicle to which the notice was affixed a notice informing him or her of the violation and informing him or her of the penalty prescribed under section 20-18 for which he or she will be held responsible. In the event such notice is disregarded for a period of five (5) days a complaint for ordinance violation will be filed.

SECTION III. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

Sharon McBride, Council President
South Bend Common Council

Attest:

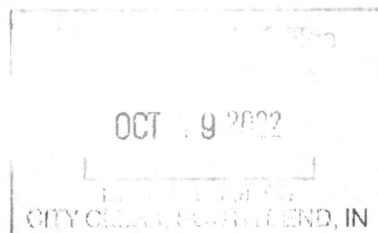
Dawn M. Jones, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2022, at _____ o'clock ____ m.

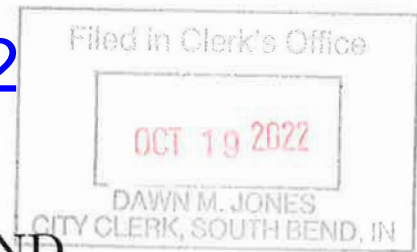
Dawn M. Jones, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2022, at ____ o'clock ____ m

James Mueller, Mayor
City of South Bend, Indiana



BILL NO. 67-22



CITY OF SOUTH BEND COMMUNITY INVESTMENT

October 19, 2022

Councilmember Rachel Tomas Morgan, Chairperson
Community Investment Committee
South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

Dear Councilmember Tomas Morgan,

Attached please find a proposal for a \$2.7 million forgivable economic development loan to support the transformation of a 68-acre site at the US 20 and US 31 intersection into the Indiana Dinosaur Museum, South Bend Chocolate Factory, and other amenities totaling more than \$15 million in private investment.

This transformative development would add an estimated 144 jobs and develop an exciting tourism destination that is projected to attract 150,000 visitors per year.

The forgivable loan would be funded utilizing Tax Increment Financing funds, but requires approval of Common Council, Redevelopment Commission, and Economic Development Commission in order to be issued.

The bond would be forgivable provided the Indiana Dinosaur Museum and South Bend Chocolate Factory open by June 30, 2024 and private investment exceeds \$15.4 million.

Sincerely,

Caleb Bauer
Acting Executive Director
Department of Community Investment

CC: Mark Tarner, South Bend Chocolate Company
Sandra Kennedy, Corporation Counsel

BILL NO. 67-22
ORDINANCE NO. 10902-22



AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA AUTHORIZING THE CITY OF SOUTH BEND, INDIANA TO FUND ITS "TAXABLE ECONOMIC DEVELOPMENT REVENUE NOTE, SERIES 2022 (SOUTH BEND CHOCOLATE DESTINATION PROJECT)" AND APPROVING AND AUTHORIZING OTHER ACTIONS IN RESPECT THERETO

STATEMENT OF PURPOSE AND INTENT

This ordinance authorizes the funding of the City of South Bend, Indiana ("City") Taxable Economic Development Revenue Note, Series 2022 (South Bend Chocolate Destination Project) issued in one or more series ("Series 2022 Note") in an amount not to exceed Two Million Seven Hundred Thousand Dollars (\$2,700,000) ("Loan") and further approves and authorizes other actions in respect thereto.

Indiana Code 36-7-11.9 and 12 (collectively, "Act") declares that the financing and refinancing of economic development facilities constitutes a public purpose and pursuant to the Act, the City is authorized to make loans for the purpose of financing, reimbursing or refinancing all or a portion of the costs of acquisition, construction, renovation, installation and equipping of economic development facilities in order to foster diversification of economic development and creation or retention of opportunities for gainful employment in or near the City. The South Bend Chocolate Company, Inc., an Indiana corporation, the Indiana Dinosaur Museum Inc., an Indiana nonprofit corporation, or an affiliate of either (collectively, the "Borrower") has proposed the development, construction, renovation, and equipping of three (3) buildings totaling

approximately 90,434 square feet of attraction, retail, restaurant, visitor center and tour-able chocolate factory space on real estate commonly known as 24762 and 24820 U.S. Highway 20, South Bend, Indiana 46628, along with its surrounding acreage to create a year-around attraction and destination for City residents and visitors and to support the development of Continental Divide Trail (collectively, the "Project"), all on the City's westside in or physically connected to the River West Development Area and the River West Development Area Allocation Area No. 1 as established by the South Bend Redevelopment Commission ("Redevelopment Commission").

The South Bend Economic Development Commission ("Commission") has rendered its Project Report regarding the issuance and funding of the Series 2022 Note from the City to the Borrower to finance a portion of the Project and the Project Report has been or will be submitted to the South Bend Area Plan Commission and the Superintendent of the South Bend Community School Corporation. The Commission conducted a public hearing and adopted a resolution and Project Report, which resolution and Project Report have been transmitted hereto, finding that the financing of a portion of the Project complies with the purposes and provisions of the Act and that such financing will be of benefit to the health and welfare of the City, its residents, and its visitors. The Commission has approved and recommended the adoption of this form of ordinance by this Common Council, has considered the issue of adverse competitive effect and has approved the forms of and has transmitted for approval by the Common Council the forgivable loan agreement between the City and the Borrower (including the form of the Series 2022 Note) dated as of the first day of the month the first Series 2022 Note is issued ("Loan Agreement"). The Redevelopment Commission has pledged Tax Increment (as defined in the Loan Agreement), junior and subordinate to the Outstanding Bonds (as defined in the Loan Agreement) and any bonds issued

in the future on a parity with the Outstanding Bonds on hand, or to be on hand, to the funding of the Series 2022 Note pursuant to and in accordance with the Loan Agreement.

Forms of the Series 2022 Note and the Loan Agreement and a form of this proposed ordinance have been submitted to the Commission for its approval, which are incorporated by reference in the Commission's resolution following the Commission's public hearing, which resolution has been transmitted to the Common Council. Based upon the resolution adopted by the Commission pertaining to the Project, the Common Council hereby finds and determines that the financing and reimbursement approved by the Commission for the Project will be of benefit to the health and general welfare of the citizens of the City, complies with the provisions of the Act and the amount necessary to finance and reimburse a portion of the costs of the Project will require making the Loan and delivering the Series 2022 Note.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, THAT:

SECTION I. It is hereby found, determined, ratified and confirmed that the financing and reimbursement of the Project, the making of the Loan to the Borrower to be evidenced by the Borrower's Series 2022 Note complies with the purposes and provisions of the Act and: (i) will result in the diversification of industry, the creation of business opportunities and the creation of opportunities for gainful employment within the jurisdiction of the City, (ii) will serve a public purpose, and will be of benefit to the health and general welfare of the City, (iii) complies with the purposes and provisions of the Act and it is in the public interest that the City take such lawful actions as determined to be necessary or desirable to encourage the diversification of industry, the creation or retention of business opportunities, and the creation or retention of opportunities for

gainful employment within the jurisdiction of the City, and (iv) will not have a material adverse competitive effect on any similar facilities already constructed or operating in or near the City.

SECTION II. The substantially final form of the Loan Agreement shall be incorporated herein by reference and shall be inserted in the minutes of the Common Council and kept on file by the Clerk. In accordance with the provisions of IC 36-1-5-4, two (2) copies of the Loan Agreement are on file in the office of the Clerk for public inspection.

SECTION III. The Project costs will be reimbursed to the Borrower from the Loan. The City shall fund the Loan from Tax Increment on hand, or to be on hand, junior and subordinate to the Outstanding Bonds and any bonds issued in the future on a parity with the Outstanding Bonds, pledged by the Redevelopment Commission to the Borrower in the maximum amount not to exceed Two Million Seven Hundred Thousand Dollars (\$2,700,000), payable in one or more series provided that in no event shall the aggregate amount of the series exceed the actual cost of the Project. To the extent the respective representations in Section 2.2(j) of the Loan Agreement are met, payments on the respective series of the Loan shall be forgiven. If the respective representations in Section 2.2(j) are not met, the Loan shall not be forgiven. The Series 2022 Note shall not accrue interest at a rate in excess of four percent (4%). The Series 2022 Note shall never constitute a general obligation of, an indebtedness of, or charge against the general credit of the City. The Series 2022 Note shall not be subject to optional redemption prior to maturity.

SECTION IV. The Mayor, Controller and the Clerk are authorized and directed to execute the Loan Agreement, and such other documents approved or authorized herein and any other document which may be necessary, appropriate or desirable to consummate the transactions contemplated by the Loan Agreement and this ordinance, and their execution is hereby confirmed on behalf of the City. The Mayor, Controller and Clerk are authorized to arrange for the delivery

of such Series 2022 Note to the Borrower, payment for which will be made in the manner set forth in the Loan Agreement. The Mayor, Controller and Clerk may, by their execution of the Loan Agreement and any other documents requiring their signatures and imprinting of their facsimile signatures thereon, approve any and all such changes therein and also in the Loan Agreement and any other documents without further approval of this Common Council or the Commission if such changes do not affect terms set forth in Sections 27(a)(1) through and including (a)(10) of the Act.

SECTION V. The provisions of this ordinance and the Loan Agreement shall constitute a contract binding between the City and the Borrower.

SECTION VI. The Mayor, Controller or Clerk, or any other officer having responsibility with respect to the making of the Loan, evidenced by the Series 2022 Note, are authorized and directed, alone or in conjunction with any of the foregoing, or with any other officer, employee, consultant or agent of the City, to deliver a certificate for inclusion in the transcript of proceedings for the Series 2022 Note, setting forth the facts, estimates and circumstances and reasonable expectations pertaining to the use of the Loan as of the funding date thereof.

SECTION VII. No recourse under or upon any obligation, covenant, acceptance or agreement contained in this ordinance, the Loan Agreement or under any judgment obtained against the City, including without limitation the Commission or Redevelopment Commission, or by the enforcement of any assessment or by any legal or equitable proceeding by virtue of any constitution or statute or otherwise, or under any circumstances, under or independent of the Loan Agreement, shall be had against any member, director, or officer or attorney, as such, past, present, or future, of the City, including without limitation the Commission or Redevelopment Commission, either directly or through the City, or otherwise, for the payment for or to the City of any sum that may remain due and unpaid by the City upon any of such Series 2022 Note. Any

and all personal liability of every nature, whether at common law or in equity, or by statute or by constitution or otherwise, of any such member, director, or officer or attorney, as such, to respond by reason of any act or omission on his or her part or otherwise for, directly or indirectly, the payment for or to the City or any receiver thereof, or for or to any owner or holder of any sum that may remain due and unpaid upon the Series 2022 Note hereby secured shall be expressly waived and released as a condition of and consideration for the execution and delivery of the Loan Agreement and the issuance and funding of the Series 2022 Note.

SECTION VIII. If any section, paragraph or provision of this ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this ordinance.

SECTION IX. All ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed.

SECTION X. It is hereby determined that all formal actions of the Common Council relating to the adoption of this ordinance were taken in one or more open meetings of the Common Council, that all deliberations of the Common Council and of its committees, if any, which resulted in formal action, were in meetings open to the public, and that all such meetings were convened, held and conducted in compliance with applicable legal requirements, including Indiana Code 5-14-1.5, as amended.

SECTION XI. The Mayor, Controller, and Clerk, and any other officer of the City are hereby authorized and directed, in the name and on behalf of the City, to execute and deliver such further documents and to take such further actions as such person(s) deem(s) necessary or desirable to effect the purposes of this ordinance, and any such documents heretofore executed and delivered and any such actions heretofore taken, be, and hereby are, ratified and approved.

SECTION XI. This ordinance shall be in full force and effect from and after its passage, approval by the Mayor and any notices required by law.

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Sharon McBride, Council President
South Bend Common Council

Attest:

Dawn M. Jones, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2022, at _____ o'clock ____ m.

Dawn M. Jones, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2022, at ____ o'clock ____ m

James Mueller, Mayor
City of South Bend, Indiana





LOAN AGREEMENT

AMONG

THE SOUTH BEND CHOCOLATE COMPANY, INC.,

INDIANA DINOSAUR MUSEUM INC.,

AND

CITY OF SOUTH BEND, INDIANA

Dated as of November 1, 2022

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LOAN AGREEMENT

This is a LOAN AGREEMENT dated as of November 1, 2022 ("Loan Agreement") among The South Bend Chocolate Company, Inc. an Indiana corporation duly organized and existing under the laws of the State of Indiana ("SBCC"), Indiana Dinosaur Museum Inc., an Indiana nonprofit corporation ("IDM" and jointly and severally with SBCC, the "Borrower"), and CITY OF SOUTH BEND, INDIANA ("City"), a political subdivision and municipal corporation duly organized and validly existing under the laws of the State of Indiana.

PRELIMINARY STATEMENT

Indiana Code, Title 36, Article 7, Chapters 11.9, 12 and 14, as in effect on the date the first series of the Series 2022 Note is funded (collectively, "Act"), have been enacted by the General Assembly of Indiana.

The Act provides that a political subdivision may make direct loans to users or developers for the cost of acquisition, construction, or installation of economic development facilities, including infrastructure improvements, with such loans to be secured by the pledge of secured or unsecured debt obligations of the users or developers, for diversification of economic development and promotion of job opportunities in or near the City.

The South Bend Redevelopment Commission ("Redevelopment Commission") adopted a declaratory resolution on February 23, 1990 establishing the Airport Economic Development Area and the Airport Economic Development Area Allocation Area No. 1 ("1990 Declaratory Resolution"), which was effective as of that date and was confirmed by a confirmatory resolution adopted on June 27, 1990 ("1990 Confirmatory Resolution"). The South Bend Redevelopment Commission further adopted a declaratory resolution on April 16, 1993 establishing the Sample-Ewing Development Area and the Sample-Ewing Allocation Area (South Bend Allocation Area No. 8) ("1993 Declaratory Resolution"), which was effective as of that date and was confirmed by a confirmatory resolution adopted on May 21, 1993 ("1993 Confirmatory Resolution" and collectively with the 1990 Declaratory Resolution, the 1990 Confirmatory Resolution, the 1993 Declaratory Resolution and the 1993 Confirmatory Resolution hereinafter referred to as the "Original Declaratory Resolution"). The Redevelopment Commission on June 19, 2007, adopted an amending declaratory resolution, as further amended on August 28, 2014 and April 11, 2019 (collectively, as amended, "Amending Declaratory Resolution"), as confirmed by an amending confirmatory resolution adopted on July 20, 2007, as further amended on November 10, 2014 and June 13, 2019 (collectively, "Amending Confirmatory Resolution" and collectively with the Original Declaratory Resolution, the Amending Declaratory Resolution and the Amending Confirmatory Resolution hereinafter referred to as the "Area Resolution"), removing, transferring, consolidating, expanding and renaming the consolidated and expanded area the River West Development Area ("Area"), as an economic development area under IC 36-7-14 and IC 36-7-25;

The Area Resolution approved the economic development plan, as amended ("Plan") for the Area which Plan contained specific recommendations for economic development in the Area, and the Area Resolution removed, transferred, consolidated, expanded and renamed consolidated and expanded allocation area the River West Development Area Allocation Area No. 1 in accordance with IC 36-7-14-39 ("Allocation Area") for the purpose of capturing property taxes

generated from the incremental assessed value of real and depreciable personal property located in the Allocation Area ("Tax Increment").

The City, upon finding that the Facilities (as hereinafter defined) and the proposed financing of the construction and reconstruction of the Project (as hereinafter defined) to support the Facilities will create additional employment opportunities in the City; will benefit the health, safety, morals, and general welfare of the citizens of the City and the State of Indiana; and will comply with the purposes and provisions of the Act, adopted an ordinance approving the proposed financing.

In order to encourage economic development and promote significant opportunities for gainful employment, the City intends to fund a loan to the Borrower in an aggregate amount not to exceed \$2,700,000 ("Loan"), to be evidenced by a Borrower's Taxable Economic Development Revenue Note, Series 2022A and B pursuant to the provisions of this Loan Agreement, to finance a portion of the cost of the Project to support the Facilities in or physically connected to the Area.

This Loan Agreement provides for the payment of the Series 2022 Note by the Borrower and further provides for the Borrower's repayment obligation to be evidenced by a Series 2022 Note by each Borrower entity receiving funding to the extent of such funding received, substantially in the form attached hereto as Exhibit A-1 and Exhibit A-2.

Subject to the further provisions of this Loan Agreement including Section 3.1, the Loan will be payable solely out of the payments to be made by the Borrower on the Series 2022 Note.

In consideration of the premises, the Loan, the acceptance of the Series 2022 Note by the City, and of other good and valuable consideration, the receipt whereof is hereby acknowledged, the Borrower has executed and delivered this Loan Agreement.

This Loan Agreement is executed upon the express condition that if the Borrower shall pay or cause to be paid all indebtedness hereunder (unless the Series 2022 Note is forgiven pursuant to Section 3.1 hereof) and shall keep, perform and observe all and singular the covenants and promises expressed in the Series 2022 Note, any other Notes (as hereinafter defined) and this Loan Agreement to be kept, performed and observed by the Borrower, then this Loan Agreement and the rights hereby granted shall cease, determine and be void; otherwise to remain in full force and effect.

The Borrower and the City hereby covenant and agree as follows:

ARTICLE I.

DEFINITIONS AND EXHIBITS

Section 1.1. Terms Defined. As used in this Loan Agreement, the following terms shall have the following meanings unless the context clearly otherwise requires:

"Act" means, collectively, Indiana Code 36-7-11.9, 12 and 14, as in effect on the date the first series of the Series 2022 Note is funded.

"Allocation Area" means River West Development Area No. 1.

"Area" means the River West Development Area.

"Authorized Representative" means, with respect to the Borrower, Mark Turner or any other person certified by the President of the Borrower to be the Borrower's Authorized Representative and, with respect to the City, the Executive Director of the Department of Community Investment or any other person certified by the Mayor of the City to be the City's Authorized Representative.

"Authorizing Resolution" means Resolution No. __-__ adopted by the South Bend Redevelopment Commission on October 13, 2022, authorizing the use of TIF Revenues on hand, or to be on hand, to fund the Series 2022 Note.

"Borrower" means SBCC and IDM or any affiliates, successors and/or assigns thereto permitted under Section 3.3 hereof.

"Business Day" means any day other than a Saturday, Sunday or holiday, on which commercial banks in the City are open for conducting substantially all of their banking activities.

"City" means South Bend, Indiana, or any successor thereto or assign thereof.

"Commission" means the South Bend Economic Development Commission.

"Counsel" means an attorney duly admitted to practice law before the highest court of any state, and, without limitation, may include legal counsel for either the City or the Borrower.

"Facilities" shall have the meaning set forth in the Project definition below.

"Loan" means the loan by the City to the Borrower.

"Note" or "Notes" means the Series 2022 Note, and any other note executed by the Borrower in connection with the Series 2022 Note, and any notes issued in exchange therefor pursuant (and subject) to Section 3.7 hereof.

"Note Counsel" means Ice Miller LLP or another a nationally recognized firm of municipal bond attorneys acceptable to the City and the Borrower.

"Outstanding Bonds" means the Redevelopment Commission's outstanding Indiana Bond Bank Special Program Bonds, Series 2011A (TIF A), Indiana Bond Bank Special Program Bonds, Series 2011A (TIF B), 2006 Main/Colfax Garage Lease, South Bend Redevelopment Authority Lease Rental Revenue Bonds of 2015 (Refunding 2008), South Bend Redevelopment Authority Lease Rental Revenue Refunding Bonds, Series 2013 (Refunding 2008), South Bend Redevelopment Authority Lease Rental Revenue Bonds of 2015, Redevelopment District Bonds, Series 2018, Taxable Economic Development Revenue Bonds, Series 2017 (Eddy Street Phase II), South Bend Redevelopment Authority Lease Rental Revenue Bonds of 2019 (Double Tracking Project), Taxable Economic Development Tax Increment Revenue Bonds, Series 2020 (Community Education Center Project), Building Corporation First Mortgage Revenue Refunding Bonds, Series 2012 (Police and Fire Station Projects) and any bonds issued in the future on a parity therewith.

"Project" means the development, construction, renovation, and equipping of three (3) buildings totaling approximately 90,434 square feet of attraction, retail, restaurant, visitor center and tour-able chocolate factory space ("Improvements") on real estate commonly known as 24762 and 24820 U.S. Highway 20, South Bend, Indiana 46628 ("Land" and together with the Improvements, the "Facilities"), along with its surrounding acreage to create a year-around attraction and destination for City residents and visitors and to support the development of Continental Divide Trail, all on the City's westside in or physically connected to the Area.

"Project Costs" with respect to the Project shall mean any and all costs permitted by the Act including, but not limited to:

(i) the "Note Issuance Costs," namely the reasonable third-party costs, fees and expenses incurred or to be incurred by the City in connection with the Loan, the reasonable fees of disbursements of the City's municipal advisor, application fees and expenses, publication costs, the filing and recording fees in connection with any necessary filings or recordings or to perfect the lien thereof, the out-of-pocket costs of the City, the reasonable fees and disbursements of Counsel to the City, the reasonable fees and expenses of Note Counsel, the costs of preparing or printing the Series 2022 Note and the documentation supporting the Loan, the costs of reproducing documents and any other costs of a similar nature reasonably incurred;

(ii) design costs and other expenses directly related to the construction and equipping of the Project;

(iii) the cost of insurance of all kinds that may be required or necessary in connection with the construction or equipping of the Project;

(iv) all costs and expenses which Borrower shall be required to pay, under the terms of any contract or contracts (including the architectural and engineering, development, and legal services with respect thereto), for the construction of the Project; and

(v) any sums required to reimburse the Borrower for advances made subsequent to the date the first series of the Series 2022 Note is funded for any of the above items or

for any other costs previously incurred and for work done by Borrower which are properly chargeable to the Project.

"Redevelopment Commission" means the South Bend Redevelopment Commission.

"Series 2022 Note" means the Series 2022A Note and Series 2022B Note of each Borrower in the aggregate maturity amounts of \$2,700,000 in substantially the forms attached hereto as Exhibit A-1 and Exhibit A-2 which will be issued and delivered by the Borrower to the City to evidence the Loan in the respective amounts due by IDM and SBCC and any Note issued in exchange for the Series 2022 Note pursuant to Section 3.7 hereof. As set forth in Section 2.2(i) hereof, the Series 2022 Note will be drawn in an aggregate amount not to exceed \$2,700,000 as set forth in Section 2.2(i).

"Series 2022 Note A" means the Series 2022 Note delivered by IDM in the form attached hereto as Exhibit A-1 in the maximum amount of [\$1,700,000].

"Series 2022 Note B" means the Series 2022 Note delivered by SBCC in the form attached hereto as Exhibit A-2 in the maximum amount of [\$1,000,000].

"State" means the State of Indiana.

"Tax Increment" has the meaning set forth in the Recitals.

"Written Request" means a request in writing from an authorized representative of the party making the request.

Section 1.2. Rules of Interpretation. For all purposes of this Loan Agreement, except as otherwise expressly provided, or unless the context otherwise requires:

(a) "This Loan Agreement" means this instrument as originally executed and as it may from time to time be supplemented or amended pursuant to the applicable provisions hereof.

(b) All references in this instrument to designated "Articles," "Sections" and other subdivisions are to the designated Articles, Sections and other subdivisions of this instrument as originally executed. The words "herein," "hereof" and "hereunder" and other words of similar import refer to this Loan Agreement as a whole and not to any particular Article, Section or other subdivision.

(c) The terms defined in this Article have the meanings assigned to them in this Article and include the plural as well as the singular and the singular as well as the plural.

(d) All accounting terms not otherwise defined herein have the meanings assigned to them in accordance with generally accepted accounting principles as consistently applied.

(e) The terms defined elsewhere in this Loan Agreement shall have the meanings therein prescribed for them.

Section 1.3. Exhibits. The following Exhibits are attached to and by reference made a part of this Loan Agreement.

Exhibit A-1. Form of Series 2022A Note of IDM

Exhibit A-2. Form of Series 2022B Note of SBCC

(End of Article I)

ARTICLE II.

REPRESENTATIONS; LOAN OF TIF REVENUES

Section 2.1. Representations by City. The City represents and warrants that:

(a) The City is a political subdivision duly organized and validly existing under the laws of the State. Under the provisions of the Act, the City has been authorized by action of its governing body to enter into the transactions contemplated by this Loan Agreement and to carry out its obligations hereunder.

(b) The City agrees to make the Loan for the purpose of financing a portion of the construction or reconstruction of the Project for the benefit of the Borrower, to benefit the health, safety, morals and general welfare of the citizens of the City, increase economic well-being of the State, promote job opportunities and attract major new businesses.

Section 2.2. Representations by Borrower. Borrower represents and warrants that:

(a) IDM is a nonprofit corporation duly incorporated under the laws of the State of Indiana, validly exists and authorized to do business under the laws of the State, is not in violation of any provision of its Articles of Incorporation and Bylaws, has not received notice and has no reasonable grounds to believe that it is in violation of any laws in any manner material to its ability to perform its obligations under this Loan Agreement and the Series 2022A Note, has the power to enter into and to perform its obligations under this Loan Agreement and the Series 2022A Note, and has duly authorized the execution and delivery of this Loan Agreement and the Series 2022A Note by appropriate corporate action.

(b) SBCC is a corporation duly incorporated under the laws of the State of Indiana, validly exists and authorized to do business under the laws of the State, is not in violation of any provision of its Articles of Incorporation and Bylaws, has not received notice and has no reasonable grounds to believe that it is in violation of any laws in any manner material to its ability to perform its obligations under this Loan Agreement and the Series 2022B Note, has the power to enter into and to perform its obligations under this Loan Agreement and the Series 2022B Note, and has duly authorized the execution and delivery of this Loan Agreement and the Series 2022B Note by appropriate corporate action.

(c) The Borrower anticipates creating up to approximately 144 new full time job opportunities. The Borrower and its affiliates shall cause a total investment of up to approximately \$15,400,000 with \$13,500,000 currently estimated to be in real property (exclusive of land costs) and \$1,900,000 currently estimated to be in depreciable personal property.

(d) All of the proceeds from the Series 2022 Note (including any income earned on the investment of such proceeds) provided to the Borrower will be used solely for Project Costs.

(e) The Borrower intends to develop, construct and operate or cause the Facilities to be developed, constructed and operated as an economic development facility under the Act until the expiration or earlier termination of this Loan Agreement as provided herein, unless the Borrower has sold or otherwise transferred the Facilities to a Surviving Corporation (as hereinafter

defined) in accordance with Section 3.3 or assigned this Loan Agreement in accordance with Section 3.11 of this Loan Agreement.

(f) Neither the execution and delivery of this Loan Agreement, the consummation of the transactions contemplated hereby including execution and delivery of the Series 2022 Note nor the fulfillment of or compliance with the terms and conditions of this Loan Agreement, will contravene the Borrower's Articles of Incorporation or any law or any governmental rule, regulation or order presently binding on the Borrower or conflicts with or results in a breach of the terms, conditions or provisions of any agreement or instrument to which Borrower is now a party or by which it is bound, or constitutes a default under any of the foregoing, or results in the creation or imposition of any liens, charges, or encumbrances whatsoever upon any of the property or assets of Borrower under the terms of any instrument or agreement.

(g) The execution, delivery and performance by the Borrower of this Loan Agreement and the Series 2022 Note do not require the consent or approval of the giving of notice to, the registration with, or the taking of any other action in respect of, any federal, state or other governmental authority or agency, not previously obtained or performed.

(h) Assuming the due authorization, execution and delivery thereof by the other parties thereto, this Loan Agreement and the Series 2022 Note have been duly executed and delivered by the Borrower and constitute the legal, valid and binding agreements of the Borrower, enforceable against the Borrower in accordance with their respective terms, except as may be limited by bankruptcy, insolvency or other similar laws affecting the enforcement of creditors' rights in general.

(i) No event has occurred and is continuing which with the lapse of time or the giving of notice would constitute an event of default under this Loan Agreement or the Series 2022 Note.

(j) Upon receipt by the City of evidence from the lender of Borrower that Borrower has secured and closed additional funding that when combined with the Loan is sufficient to complete the construction of the Facilities, (1) IDM may draw, under the Series 2022A Note, up to [\$1,700,000], for the purpose of paying (or reimbursing IDM) for improvements, equipment, exhibit or other site or infrastructure costs necessary or advisable for IDM to commence operations and open at the Project site ("IDM Opening") and (2) SBCC may draw, under the Series 2022B Note, up to [\$1,000,000], for the purpose of paying (or reimbursing SBCC) for tenant improvements, equipment, and other site or infrastructure other costs necessary or advisable for SBCC to commence operations at the Project site, including but not limited to the opening the anticipated retail, restaurant, visitors and exhibit areas ("SBCC Opening"). Upon the written request of an Authorized Representative of Borrower, funds under a Series 2022 Note shall be disbursed from the City to the Borrower pursuant to payment applications that list the vendor, the dollar amount and the description of the Project Costs (a "Pay Application"), which funds shall be disbursed to Borrower within thirty (30) days of the City's receipt of a complete Pay Application in a form reasonably acceptable to the City and the availability of any supporting documentation reasonably requested by the City to properly review the Pay Application and confirm the Project Costs. In no event shall the aggregate draws exceed the actual cost of the Project. Upon (i) the completion of the Facilities, (ii) proof to the City's satisfaction of the expenditure of the total investment set forth in Section 2.2(c), and (iii) the IDM Opening, as evidenced by an Affidavit of

Completion executed by IDM and accepted by the City, the Series 2022A Note shall be considered forgiven. Upon (i) the completion of the Facilities, (ii) proof to the City's satisfaction of the expenditure of the total investment set forth in Section 2.2(c), and (iii) the SBCC Opening, as evidenced by an Affidavit of Completion executed by SBCC and accepted by the City, the Series 2022B Note shall be considered forgiven.

Section 2.3. Series 2022 Note. Concurrently with the execution and delivery hereof, the City is authorizing the Loan to the Borrower and will fund each series of the Loan at such time or times as the representation in Section 2.2(j) has been met. The Loan is being evidenced by the execution and delivery by the Borrower of the Series 2022 Note substantially in the form attached hereto as Exhibit A-1 and Exhibit A-2.

(End of Article II)

ARTICLE III.

PARTICULAR COVENANTS OF THE BORROWER

Section 3.1. Forgiveness of Payment of Loan. To the extent the applicable representations and conditions in Section 2.2(j) are met, payment on the respective Series 2022 Note shall be forgiven immediately and the respective Series 2022 Note shall be considered paid and of no further force or effect. If the representation in Section 2.2(j) is not met, the Loan shall remain in effect and be payable upon the maturity date set forth in each Section 2022 Note.

Section 3.2. RESERVED.

Section 3.3. Continuing Existence and Qualification. The Borrower covenants that so long as any Note is outstanding, it (a) will maintain in good standing its corporate existence and qualification to do business in the State, and (b) will not (1) dissolve or otherwise dispose of all or substantially all of its assets and (2) consolidate with or merge into another entity or permit one or more other entities to consolidate with or merge into it; provided that the Borrower may, without violating its agreement contained in this Section, consolidate with or merge into another corporation or other entity, or permit one or more other corporations or other entities to consolidate with or merge into it, or sell or otherwise transfer to another corporation or entity all or substantially all of its assets as an entirety and thereafter dissolve, provided the surviving, resulting or transferee entity (such corporation being hereinafter called the "Surviving Corporation") (if other than the Borrower) expressly accepts, agrees and assumes in writing to pay and perform all of the obligations of the Borrower herein and be bound by all of the agreements of the Borrower contained in this Loan Agreement to the same extent as if the Surviving Corporation had originally executed this Loan Agreement, and the Surviving Corporation is an Indiana corporation or is a foreign corporation or partnership, trust or other person or entity organized under the laws of one of the states of the United States and is qualified to do business in the State of Indiana as a foreign corporation or partnership, trust or other person or entity.

Section 3.4. Assignment, Sale or Other Disposition of Project. Until the Loan is repaid (or deemed forgiven) in full, any sale, lease or other disposition of the Facilities or any portion thereof is subject to the conditions of Section 3.11 hereof.

Section 3.5. Indemnity. The Borrower will pay, protect, defend, indemnify and save the City, the Commission and the Redevelopment Commission harmless from and against, all liabilities, losses, damages, costs, expenses (including attorneys' fees and expenses of the City), causes of actions, suits, claims, demands and judgments of any nature arising from or relating to the Project, provided, that the liability of Borrower under this Section 3.5 shall be limited to the amount of the Loan actually received by Borrower as of the date of the alleged breach of the terms of this Loan Agreement. If any proceeding is instituted for which indemnity may be sought under this Section 3.5, the party that may seek such indemnity shall notify the Borrower and the City in writing in a timely manner to allow the Borrower to defend any action or claim in such proceeding.

Section 3.6. Issuance of Substitute Notes. Upon the surrender of any Note, the Borrower will execute and deliver to the holder thereof a new Note dated the date of the Note being surrendered but with appropriate notations thereon to reflect payments of principal already paid

on such Note; provided, however, that there shall never be outstanding at any one time more than one Note of any one series.

Section 3.7. Payment of Expenses of Loan. The Note Issuance Costs (as defined under "Project Costs" in Article I hereof) will be paid by the Borrower on the date the first series of the Loan is funded.

Section 3.8. Reserved.

Section 3.9. Other Amounts Payable by the Redevelopment Commission. The Redevelopment Commission covenants and agrees to pay the following:

(a) All reasonable out-of-pocket costs incurred by the City incident to the payment of the Series 2022 Note as the same become due and payable.

(b) An amount sufficient to reimburse the City and Commission for all expenses reasonably incurred by the City under this Loan Agreement and in connection with the performance of its obligations under this Loan Agreement.

(c) All reasonable expenses incurred in connection with the enforcement of any rights under this Loan Agreement by the City.

Section 3.10. Completion of Project. The Borrower agrees that it will use reasonable efforts to cause to be made, executed, acknowledged and delivered any contracts, orders, receipts, writings and instructions with any other persons, firms, corporations or partnerships and in general do all things which may be requisite or proper, all for constructing and completing the Project, to the extent permitted by law, on or about June 30, 2024.

If the moneys comprising the Loan should not be sufficient to pay in full the costs of the construction of the Project, the Borrower agrees, for the benefit of the City and to fulfill the purposes of the Act, to use commercially reasonable efforts to cause the completion of the construction of the Project and to pay or cause to be paid that portion of the costs therefor as may be in excess of the moneys available therefor. The City does not make any warranty, either express or implied, that the moneys will be available for payment of the costs of the construction of the Project, will be sufficient to pay all the costs which will be incurred in that connection. The Borrower shall not be entitled to any reimbursement therefor from the City, nor shall it be entitled to any diminution in or abatement or postponement of the amounts payable hereunder or under the Series 2022 Note.

Section 3.11. Sale, Substitution, or Lease of the Facilities; Assignment of Loan Agreement. The Borrower, subject to the written consent of the City (which consent shall not be unreasonably withheld, conditioned or delayed), may sell, lease or transfer or otherwise dispose of the Facilities or any portion thereof only if the sale, lease or transfer or other disposition shall not relieve the Borrower from liability from the performance of all of the obligations of this Loan Agreement, except as permitted by Section 3.4 hereof, unless the transferee accepts, agrees and assumes in writing to pay and perform all of the obligations of the Borrower herein and be bound by all of the agreements of the Borrower contained in this Loan Agreement to the same extent as if the transferee had originally executed this Loan Agreement. Notwithstanding the foregoing,

Borrower may assign this Loan Agreement to an Affiliate (as defined below) or in connection with any merger, reorganization, sale of all or substantially all of our assets or any similar transaction. This Loan Agreement will be binding upon, inure to the benefit of, and be enforceable by the parties and their respective successors and assigns. 'Affiliate' as used herein means (i) any entity that directly or indirectly controls, is controlled by, or is under common control with Borrower or (ii) in which SBCC Development Corp. is the owner of 51% or more of the direct or indirect beneficial interests and/or is directly or indirectly controlled, controlling or under common control with Mark Turner. By way of clarification, notwithstanding any provision in this Agreement to the contrary the making of the Loan (and the forgiveness of the Note) under the provisions of this Agreement shall not be contingent upon the Borrower having commenced or completed any particular portions of Facilities by the date of the Loan (or the date of forgiveness of the Note) provided Borrower has otherwise performed its applicable obligations with respect to the Project.

(End of Article III)

ARTICLE IV.

EVENTS OF DEFAULT AND REMEDIES THEREFOR

Section 4.1. Events of Default. (a) The occurrence and continuance of any of the following events shall constitute an "event of default" hereunder:

(i) Failure of the Borrower to observe and perform any covenant, condition or provision of this Loan Agreement for a period of one-hundred twenty (120) days after written notice, specifying such failure and requesting that it be remedied, given to the Borrower by the City, unless (i) the nature of the default is such that it cannot be remedied within the one-hundred twenty (120) day period, (ii) the Borrower institutes corrective action within the one-hundred twenty (120) day period and (iii) the Borrower diligently pursues such action until the default is remedied.

(ii) Failure of the City to fund all or any series of the Loan in accordance with this Loan Agreement for a period of thirty (30) days after the dates set forth herein and receipt of written notice, specifying such failure and requesting that it be remedied, given to the City by the Borrower, unless (i) the City institutes corrective action within the thirty (30) day period and (ii) the City diligently pursues such action until the default is remedied provided such remedy shall occur no less than sixty (60) days after notice is received.

(b) Subject to the further provisions of this Article IV, during the occurrence and continuance of any event of default hereunder, the City or Borrower, as the case may be, shall have the rights and remedies hereinafter set forth in addition to any other remedies herein or by law provided:

(i) Right to Bring Suit, Etc. The City or Borrower, with or without entry, personally or by attorney, may proceed to protect and enforce its rights by a suit or suits in equity or at law, whether for damages or for the specific performance of any covenant or agreement contained in the Series 2022 Note or this Loan Agreement, or in aid of the execution of any power herein granted, or for the enforcement of any other appropriate legal or equitable remedy, as the City or Borrower shall deem most effectual to protect and enforce any of its rights or duties hereunder; provided, however that all reasonable costs incurred by the City or Borrower under this Article shall be paid to the City or Borrower by the Borrower or City, respectively, on demand.

(ii) Waiver of Events of Default. If after any event of default occurs and prior to the City or Borrower exercising any of the remedies provided in this Loan Agreement, the Borrower or City, as the case may be, will have completely cured such default or the City or Borrower has waived such default, then in every case such default will be waived, rescinded and annulled by the City or Borrower by written notice given to the Borrower or City. No such waiver, annulment or rescission will affect any subsequent default or impair any right or remedy consequent thereon.

Section 4.2. Remedies Cumulative. No remedy herein conferred upon or reserved to the City or Borrower is intended to be exclusive of any other remedy or remedies provided herein. The

remedies set forth in this Section are the sole and exclusive remedies of the City against Borrower under this Loan Agreement.

Section 4.3. Delay or Omission Not a Waiver. No delay or omission of the City or Borrower to exercise any right or power accruing upon any event of default shall impair any such right or power, or shall be construed to be a waiver of any such event of default or an acquiescence therein.

Section 4.4. Waiver of Extension, Appraisalment or Stay Laws. To the extent permitted by law, neither the Borrower nor the City will during the continuance of any event of default hereunder insist upon, or plead, or in any manner whatever claim or take any benefit or advantage of, any stay or extension law wherever enacted, now or at any time hereafter in force, which may affect the covenants and terms of performance of this Loan Agreement; and the Borrower and City hereby expressly waive all benefits or advantage of any such law or laws and covenants not to hinder, delay or impede the execution of any power herein granted to the City or Borrower, respectively, but to suffer and permit the execution of every power as though no such law or laws had been made or enacted.

Section 4.5. Remedies Subject to Provisions of Law. All rights, remedies and powers provided by this Article may be exercised only to the extent that the exercise thereof does not violate any applicable provision of law in the premises, and all the provisions of this Article are intended to be subject to all applicable mandatory provisions of law which may be controlling in the premises and to be limited to the extent necessary so that they will not render this Loan Agreement invalid or unenforceable under the provisions of any applicable law.

Section 4.6. Rights of the City. If there shall be pending proceedings for the bankruptcy or for the reorganization of the Borrower under the United States Bankruptcy Code or any other applicable law, or in case a receiver, trustee, or custodian shall have been appointed for the property of the Borrower, or in the case of any other similar judicial proceedings relative to the Borrower, or to the creditors or property of the Borrower, the City shall be entitled and empowered, by intervention in such proceedings or otherwise, to file and prove a claim or claims for the whole amount owing and unpaid pursuant to the Loan Agreement and, in case of any judicial proceedings, to file such proofs of claim and other papers or documents as may be necessary or advisable in order to have the claims of the City allowed in such judicial proceedings relative to the Borrower, its creditors, or its property, and to collect and receive any moneys or other property payable or deliverable on any such claims, and to distribute the same after the deduction of its charges and expenses; and any receiver, assignee or trustee in bankruptcy or reorganization is hereby authorized to make such payments to the City, and to pay to the City any amount due it for compensation and expenses, including reasonable counsel fees and expenses incurred by it to the date of such distribution.

Section 4.7. Waiver of Events of Default. If after any event of default shall have occurred under this Loan Agreement and prior to the City or Borrower exercising any of the remedies provided in this Article, the Borrower or City, as the case may be, shall have completely cured such default, such default may be waived at the discretion of the City or Borrower and, if so waived, shall be rescinded and annulled by the City or Borrower by written notice given to the Borrower or City, respectively.

Section 4.8. Limitation of Liability. The City agrees and acknowledges that Borrower's representations, warranties, covenants, agreements and performance obligations under this Loan Agreement are limited to and apply exclusively to the operations of Borrower at the Project site and any determination as to whether Borrower is in default of this Loan Agreement will be limited to Borrower's operations at the Project site.

Section 4.9. Force Majeure. A party will not be deemed to be in default or otherwise in violation of any term of this Loan Agreement to the extent such party's action, inaction or omission is the result of Force Majeure Event (as defined below). The City and Borrower agree to use commercially reasonable efforts to promptly resolve any Force Majeure Event that adversely and materially impacts their performance under this Loan Agreement. A force majeure event pauses a party's performance obligation for the duration of the event but does not excuse it. "Force Majeure Event" means any event or occurrence that is not within the control of such party or its affiliates and prevents a party from performing its obligations under this Loan Agreement, including without limitation, any act of God; pandemic; act of a public enemy; war; riot; sabotage; blockage; embargo; failure or inability to secure materials, supplies or labor through ordinary sources by reason of shortages or priority; labor strike, lockout or other labor or industrial disturbance (whether or not on the part of agents or employees of either party); civil disturbance; terrorist act; power outage; fire, flood, windstorm, hurricane, earthquake or other casualty; any law, order, regulation or other action of any governing authority; any action, inaction, order, ruling moratorium, regulation, statute, condition or other decision of any governmental agency having jurisdiction over the party hereto, over the Project or over a party's operations.

(End of Article IV)

ARTICLE V.

IMMUNITY

Section 5.1. Immunity. No covenant or agreement contained in this Loan Agreement shall be deemed to be a covenant or agreement of any member of the City, the Commission or the Redevelopment Commission or of any officer or employee of the City, the Commission, the Redevelopment Commission or their legislative and fiscal bodies in his or her individual capacity, and neither the members of the City, the Commission, the Redevelopment Commission nor any officer or employee of the City executing the Loan Agreement shall be liable personally on the Loan or be subject to any personal liability or accountability by reason of the Loan.

(End of Article V)

ARTICLE VI.

SUPPLEMENTS AND AMENDMENTS TO THIS LOAN AGREEMENT

Section 6.1. Supplements and Amendments to this Loan Agreement. The Borrower and the City may from time to time enter into such supplements and amendments to this Loan Agreement as to them may seem necessary or desirable to effectuate the purposes or intent hereof.

(End of Article VI)

ARTICLE VII.

DEFEASANCE

Section 7.1. Defeasance. If the Loan is funded and repayment of the Series 2022 Note is forgiven pursuant to the terms of this Loan Agreement, then and in that case, all property, rights and interest hereby conveyed or assigned or pledged shall revert to the Borrower, and the estate, right, title and interest of the City therein shall thereupon cease, terminate and become void; and this Loan Agreement, and the covenants of the Borrower contained herein, shall be discharged and the City in such case on demand of the Borrower and at its cost and expense, shall execute and deliver to the Borrower a proper instrument or proper instruments acknowledging the satisfaction and termination of this Loan Agreement, and shall convey, assign and transfer or cause to be conveyed, assigned or transferred, and shall deliver or cause to be delivered, to the Borrower, all property, including money, then held by the City together with the Series 2022 Note marked paid or cancelled.

(End of Article VII)

ARTICLE VIII.

MISCELLANEOUS PROVISIONS

Section 8.1. Termination by Borrower. Borrower has the right to terminate this Loan Agreement for any reason or no reason by delivering notice to the City at least 5 business days prior to the desired termination date.

Section 8.2. Dispute Resolution. The Borrower and the City ("Parties") shall use their best efforts to resolve quickly and informally any disputes that could impede performance of the Parties' obligations under this Loan Agreement. If the Parties are not able to resolve a dispute through such informal efforts, the dispute shall be resolved by mediation in accordance with the Indiana Rules of Dispute Resolution. Such mediation shall be a condition precedent to a Party commencing litigation against the other Party. This Agreement shall be governed and construed in accordance with the laws of the State of Indiana, without giving effect to its conflict of law rules. Any litigation commenced by a Party related to or arising out of this Agreement must be filed in the state courts of St. Joseph County, Indiana. The Parties further consent to the personal jurisdiction by said courts over it and hereby expressly waive, in the case of any such action, any defenses thereto based on jurisdictions, venue or forum non conveniens.

Section 8.3. Confidentiality. Borrower acknowledges that portions of this Loan Agreement and the materials, communications, data and information related to this Loan Agreement may constitute public records subject to disclosure under the State's public records laws and agrees that the City may disclose such portions of this Loan Agreement and the materials, communications, data and information related to this Loan Agreement as required by law, provided that the City gives Borrower prior written notice sufficient (in no event less than 7 calendar days) to allow Borrower to review any request for public record and make a recommendation to the City concerning its response to any request for public records related to this Loan Agreement.

Section 8.4. Information Security. The City agrees to use reasonable physical and technical measures to maintain the security of all electronic and tangible records relating to this Loan Agreement.

Section 8.5. Loan Agreement for Benefit of Parties Hereto. Nothing in this Loan Agreement, express or implied, is intended or shall be construed to confer upon, or to give to, any person other than the parties hereto, their successors and assigns and the holder of the Series 2022 Note, any right, remedy or claim under or by reason of this Loan Agreement or any covenant, condition or stipulation hereof; and the covenants, stipulations and agreements in this Loan Agreement contained are and shall be for the sole and exclusive benefit of the parties hereto, their successors and assigns and the holder of the Series 2022 Note.

Section 8.6. Severability. If any one or more of the provisions contained in this Loan Agreement or in the Series 2022 Note shall be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained herein and therein, shall not in any way be affected or impaired thereby.

Section 8.7. Limitation on Interest. No provisions of this Loan Agreement or of the Series 2022 Note shall require the payment or permit the collection of interest in excess of the maximum permitted by law. If any excess of interest in such respect is herein or in the Series 2022 Note provided for, or shall be adjudicated to be so provided for herein or in the Series 2022 Note, neither the Borrower nor its successors or assigns shall be obligated to pay such interest in excess of the amount permitted by law, and the right to demand the payment of any such excess shall be and hereby is waived, and this provision shall control any provisions of this Loan Agreement and the Note inconsistent with this provision.

Section 8.8. Addresses for Notice and Demands. All notices, demands, certificates or other communications hereunder shall be sufficiently given and shall be deemed given when mailed by registered or certified mail, postage prepaid, with proper address as indicated below. The City and the Borrower may, by written notice given by each to the others, designate any address or addresses to which notices, demands, certificates or other communications to them shall be sent when required as contemplated by this Loan Agreement. Until otherwise provided by the respective parties, all notices, demands certificates and communications to each of them shall be addressed as follows:

To the City: City of South Bend, Indiana
227 W. Jefferson Blvd, Suite 1400
South Bend, IN 46601
Attention: Executive Director of Community Investment

With a copy to: City of South Bend, Indiana
227 W. Jefferson Blvd, Suite 1400
South Bend, IN 46601
Attention: Corporation Counsel

To the Redevelopment Commission: South Bend Redevelopment Commission
227 W. Jefferson Blvd, Suite 1400
South Bend, IN 46601
Attention: President

To the Borrower: The South Bend Chocolate Company, Inc.
3300 W. Sample Street
South Bend, IN 46619
Attention: President

Indiana Dinosaur Museum Inc.
24820 U.S. Highway 20
South Bend, IN 46628
Attention: Executive Director

With a copy to: Ice Miller LLP
One American Square, Suite 2900
Indianapolis, IN 46282
Attention: Lisa Lee

Section 8.9. Successors and Assigns. Whenever in this Loan Agreement any of the parties hereto is named or referred to, the successors and assigns of such party shall be deemed to be included and all the covenants, promises and agreements in this Loan Agreement contained by or on behalf of the Borrower, or by or on behalf of the City, shall bind and inure to the benefit of the respective successors and assigns, whether so expressed or not.

Section 8.10. Counterparts. This Loan Agreement is being executed in any number of counterparts, each of which is an original and all of which are identical. Each counterpart of this Loan Agreement is to be deemed an original hereof and all counterparts collectively are to be deemed but one instrument.

Section 8.11. Governing Law. It is the intention of the parties hereto that this Loan Agreement and the rights and obligations of the parties hereunder and the Series 2022 Note and the rights and obligations of the parties thereunder, shall be governed by and construed and enforced in accordance with, the laws of the State.

Section 8.12. Third-Party Beneficiary. The parties hereto acknowledge and agree that the terms of this Loan Agreement may be enforced by the Redevelopment Commission. The Redevelopment Commission shall be deemed to be a third-party beneficiary of this Loan Agreement. Except as provided in the foregoing sentence and as specifically set forth herein, nothing in this Loan Agreement is intended to confer any rights or remedies under or by reason of this Loan Agreement on any person or entity other than the parties hereto and their successors and permitted assigns.

(End of Article VIII)

IN WITNESS WHEREOF, the City has caused this Loan Agreement to be executed in its name by its authorized officers and has caused its corporate seal to be hereunto affixed, and the Borrower has caused this Loan Agreement to be executed in their names, all as of the date first above written.

THE SOUTH BEND CHOCOLATE COMPANY,
INC., an Indiana corporation

Mark Turner, President

INDIANA DINOSAUR MUSEUM INC.,
an Indiana nonprofit

By: _____

Printed: _____

Title: _____

CITY OF SOUTH BEND, INDIANA

By: _____
James Mueller, Mayor

By: _____
Daniel Parker, City Controller

ATTEST:

By: _____
Dawn Jones, City Clerk

ACKNOWLEDGED BY THE SOUTH BEND
REDEVELOPMENT COMMISSION, as Third-
Party Beneficiary

By: _____
Marcia Jones, President

Attest:

By: _____
Troy Warner, Secretary

This instrument prepared by Lisa A. Lee, Ice Miller LLP, One American Square, Suite 2900,
Indianapolis, Indiana 46282.

EXHIBIT A-1

FORM OF INDIANA DINOSAUR MUSEUM INC.
TAXABLE ECONOMIC DEVELOPMENT REVENUE NOTE
SERIES 2022A NOTE

Issue Date: November __, 2022
Original Principal: Up to [\$1,700,000]
Maturity Date: [November __, 2030
Interest Rate: [3.28]%

FOR VALUE RECEIVED, the undersigned, Indiana Dinosaur Museum Inc. ("Borrower"), a nonprofit corporation incorporated and existing under the laws of the State of Indiana and authorized to do business under the laws of the State of Indiana, hereby promises to pay to the order of City of South Bend, Indiana ("City"), in immediately available funds, the interest and principal due under the Loan Agreement, dated as of November 1, 2022, between the City and Borrower ("Loan Agreement"), upon maturity, to extent all or a portion of the principal and interest payable under this Series 2022A Note is not forgiven pursuant to the Loan Agreement, at such place as the City may direct, in immediately available funds based upon the outstanding principal amount drawn on this Note, which shall not to exceed [\$1,700,000].

In certain events and in the manner set forth in the Loan Agreement, payments due under this Series 2022 Note are entitled to forgiveness.

This Series 2022A Note is issued pursuant to the Loan Agreement, and is entitled to the benefits, and is subject to the conditions thereof. The Borrower's obligations under this Series 2022A Note are subject in all respects to the further provisions of the Loan Agreement.

This Note is the Note referred to in the Loan Agreement and is subject to, and is executed in accordance with, all of the terms, conditions and provisions thereof, including those respecting prepayments.

In any case where the date of payment hereunder shall not be on a Business Day (as defined in the Loan Agreement), then such payment shall be made on the next succeeding Business Day with the same force and effect as if made on the date of payment hereunder.

All terms used in this Note which are defined in the Loan Agreement shall have the meanings assigned to them in the Loan Agreement.

[Remainder of page intentionally left blank.]

IN WITNESS WHEREOF, the Borrower has caused this Note to be duly executed and attested by its duly authorized officers or representatives.

Dated the Issue Date set forth above.

INDIANA DINOSAUR MUSEUM INC., an
Indiana nonprofit corporation

By: _____

Printed: _____

Title: _____

EXHIBIT A-2

FORM OF THE SOUTH BEND CHOCOLATE COMPANY, INC.
TAXABLE ECONOMIC DEVELOPMENT REVENUE NOTE
SERIES 2022B NOTE

Issue Date: November __, 2022
Original Principal: [\$1,000,000]
Maturity Date: November __, 2030
Interest Rate: [3.28]%

FOR VALUE RECEIVED, the undersigned, The South Bend Chocolate Company, Inc. ("Borrower"), an Indiana corporation incorporated and existing under the laws of the State of Indiana and authorized to do business under the laws of the State of Indiana, hereby promises to pay to the order of City of South Bend, Indiana ("City"), in immediately available funds the interest and principal due under the Loan Agreement, dated as of November 1, 2022, between the City and Borrower ("Loan Agreement"), upon maturity, to extent all or a portion of the principal and interest payable under this Series 2022B Note is not forgiven pursuant to the Loan Agreement, at such place as the City may direct, in immediately available funds based upon the outstanding principal amount drawn on this Note, which shall not to exceed [\$1,000,000].

In certain events and in the manner set forth in the Loan Agreement, payments due under this Series 2022B Note are entitled to forgiveness.

This Series 2022B Note is issued pursuant to the Loan Agreement, and is entitled to the benefits, and is subject to the conditions thereof. The Borrower's obligations under this Series 2022 Note are subject in all respects to the further provisions of the Loan Agreement.

This Note is the Note referred to in the Loan Agreement and is subject to, and is executed in accordance with, all of the terms, conditions and provisions thereof, including those respecting prepayments.

In any case where the date of payment hereunder shall not be on a Business Day (as defined in the Loan Agreement), then such payment shall be made on the next succeeding Business Day with the same force and effect as if made on the date of payment hereunder.

All terms used in this Note which are defined in the Loan Agreement shall have the meanings assigned to them in the Loan Agreement.

[Remainder of page intentionally left blank.]

IN WITNESS WHEREOF, the Borrower has caused this Note to be duly executed and attested by its duly authorized officers or representatives.

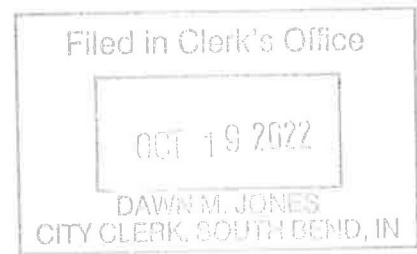
Dated the Issue Date set forth above.

THE SOUTH BEND CHOCOLATE COMPANY,
INC., an Indiana nonprofit corporation

By: _____

Printed: _____

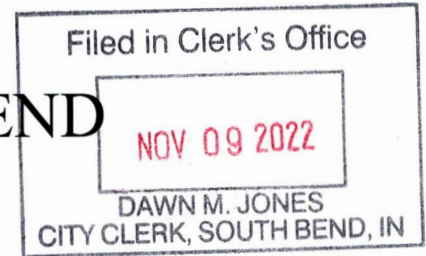
Title: _____



BILL NO. 22-57



CITY OF SOUTH BEND COMMUNITY INVESTMENT



November 9, 2022

Council Member Rachel Tomas Morgan
Chairperson, Community Investment Committee
South Bend Common Council
4th Floor, County City Building
South Bend, IN 46601

RE: Multi-Family Residential Real Property Tax Abatement Petition for **ND QOZB LLC**

Dear Council Member Tomas Morgan:

Please find the enclosed information pertaining to a multi-family real property tax abatement petition submitted by ND QOZB LLC, an Idaho Limited Liability Company, to rehabilitate a building at **511 North Notre Dame Avenue**. The property is located on the northwest corner of Cedar Street and North Notre Dame Avenue and formerly was assigned the address of 837 Cedar Street. The building was a medical office and has been vacant since July 2014.

This petition package includes:

- Department of Community Investment's summary report
- Petition
- Statement of Benefits form (SB-1 / Real Property)
- Supporting information

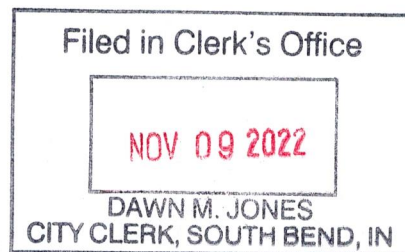
The report contains the Department's findings relative to the above petition. The petitioner plans to remodel and convert the vacant property to a 69-unit apartment building. The total private investment to rehabilitate and modernize the existing real property is \$27.6 million. The project meets the qualifications for an eight-year (8) multi-family residential real property tax abatement, and a representative from ND QOZB LLC will be available to meet with the Committee on Monday, November 14, 2022.

Should you or any of the other Council members have any questions concerning the report, or need additional information, please feel free to call me at (574) 235-5898.

Sincerely,

Caleb Bauer
Executive Director
Department of Community Investment

BILL NO. 22-57
RESOLUTION NO. 4991-22



A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN
THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

511 North Notre Dame Avenue, South Bend IN 46617

AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF AN
EIGHT (8) YEAR REAL PROPERTY TAX ABATEMENT FOR

ND QOZB LLC

WHEREAS, a petition for real property tax abatement has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area located at 511 North Notre Dame Avenue, South Bend IN 46617, which is more particularly described as:

Parcel ID: 018-5024-086001
Parcel Number: 71-08-01-476-033.000-026
Legal Description: Lot 2 St Joseph Regional Medical Center Cedar St Minor
Sub NP #5012 7-13-10

and which has Key Number 71-08-01-476-033.000-026 be designated as an Economic Revitalization Area under the provisions of Indiana Code § 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq., and;

WHEREAS, petitioner has agreed to and has accepted responsibility to report any changes in the final legal description and to report the final, appropriate Key Number to the Department of Community Investment and to the Office of the City Clerk; and

WHEREAS, the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under Indiana Code § 6-1.1-12.1, et seq., and South Bend Municipal Code Sections 2-76, et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council hereby determines and finds that the Petition for Real Property Tax Abatement and the Statement of Benefits form completed by the Petitioner meet the requirements of Indiana Code § 6-1.1-12.1 et seq., for tax abatement.

SECTION II. The Common Council hereby determines and finds the following:

A. That the description of the proposed redevelopment or rehabilitation meets the applicable standards for such development;

B. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature;

C. That the estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed described redevelopment or rehabilitation;

D. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed redevelopment or rehabilitation;

E. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation; and

F. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of Indiana Code § 6-1.1-12.1-3.

SECTION III. The Common Council hereby determines and finds that the proposed described redevelopment or rehabilitation can be reasonably expected to yield benefits identified in the Statement of Benefits, Sections 1 through 3 of the Petition for Real Property Tax Abatement Consideration and the Memorandum of Agreement between the Petitioner and the City of South Bend, and that the Statement of Benefits form completed by the petitioner, said form being prescribed by the State Board of Accounts, are sufficient to justify the deduction granted under Indiana Code § 6-1.1-12.1-3.

SECTION IV. The Common Council hereby accepts the report and recommendation of the Community Investment Committee that the area herein described be designated as an Economic Revitalization Area and hereby adopts a Resolution designating this area as an Economic Revitalization Area for purposes of real property tax abatement.

SECTION V. The designation as an Economic Revitalization Area shall be limited to three (3) calendar years from the date of the adoption of this Resolution by the Common Council.

SECTION VI. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of eight (8) years as shown by the schedule outlined below as well as the attachment pursuant to Indiana Code 6-1.1-12.1-17.

Year 1 - 100%
Year 2 - 95%
Year 3 - 90%
Year 4 - 85%
Year 5 - 80%
Year 6- 75%
Year 7- 70%
Year 8 - 65%

SECTION VII. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana Code § 5-3-1 and Indiana Code § 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

SECTION VIII. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Sharon McBride, President,
South Bend Common Council

Attest:

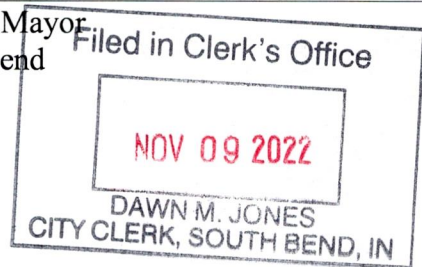
Dawn M. Jones, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of November 2022 at __ o'clock __. m.

Dawn M. Jones, City Clerk
Office of the City Clerk

Approved and Signed by me, on the _____ day of November 2022, at __ o'clock __. m.

James Mueller, Mayor
City of South Bend



TAX ABATEMENT REPORT

TO: South Bend Common Council

FROM: Erik Glavich, Director, Growth and Opportunity

SUBJECT: Multi-Family Residential Real Property Tax Abatement Petition
for **511 North Notre Dame Avenue (ND QOZB LLC)**

DATE: November 9, 2022

On October 21, 2022, a petition for tax abatement from ND QOZB LLC was filed with the Office of the City Clerk. The petition seeks consideration for a multi-family residential real property tax abatement for property at 511 North Notre Dame Avenue, located on the northwest corner of Cedar Street and North Notre Dame Avenue (and formerly assigned the address of 837 Cedar Street).

ND QOZB LLC, an Idaho Limited Liability Company, is a partnership between Public Development Partners LLC, a Utah Limited Liability Company, and GPWM Funds, a qualified opportunity zone fund managed by an Idaho Limited Liability Company.

Pursuant to Chapter 2, Article 6, Section 2 84.2 of the Municipal Code of the City of South Bend, this petition was referred to the Department of Community Investment for purposes of investigation and preparation of a report determining whether the area qualifies as an Economic Revitalization Area pursuant to I.C.6 1.1 12.1 and all zoning requirements have been met.

The Department of Community Investment has reviewed the petition (a copy of which is attached), investigated the area, and makes the following report.

Project Summary

- The developer, ND QOZB LLC, plans to rehabilitate the old medical office building located at the corner of Cedar Street and North Notre Dame Avenue. The building has been vacant since July 2014.
- ND QOZB LLC will convert the building into a 69-unit apartment building, consisting of studio and one-bedroom apartments. The building, including the basement, is just under 60,000 square feet. The interior of the building will be totally gutted, and all new interior framing, mechanical, plumbing, fire, and electrical infrastructure will be installed. The exterior of the building will undergo a total revamp as well.
- The developer is investing a total of \$27.6 million to rehabilitate and modernize the existing real property.
- In addition to the investment above, the developer plans to construct 25 new owner-occupied townhouses on the property. Note that the petition for abatement applies to the rehabilitation and conversion of the existing vacant building and does not apply to any planned new construction.
- The apartment building will fill a void of high-density housing between the Notre Dame campus area and downtown.

Tax Estimates

- Total estimated taxes during the eight-year (8) abatement period: \$2,142,143
- Estimated taxes being abated during the abatement period: \$1,028,241
- Estimated total taxes to be paid during the abatement period: \$1,113,902

Employment Impact

Per this petition, it is estimated that the company will create:

- Upon completion of the current building's rehabilitation and conversion, at least eight (8) new full-time jobs with an estimated total annual payroll of \$528,000.
- By the end of 2025, at least ten (10) full-time jobs with an estimated annual payroll of \$760,000.

Abatement Qualification

1. A review of the tax abatements previously granted, finds that the petitioner has not been granted or is associated with a previous abatement.
2. The property is properly zoned for the proposed project.
3. Taxes on the property have been paid in full.
4. A review of the South Bend Redevelopment designation areas finds that the property is in the River East Development Area.
5. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner meets the qualifications for a (8) eight-year multi-family residential real property tax abatement under Division 2 (Residential Development Real Property Tax Abatement), Section 2-77 (Multi-Family Residential Developments).

ND QOZB LLC

South Bend Portage Township
Residential Real Property Tax Abatement Schedule *

Type of Dwelling: Multi-Family Residence - 69 units -
 Estimated Project Cost: \$27,600,000 Rehabilitation
 Property Address: 511 N. Notre Dame Avenue
 Tax Key Number: 018-5024-086001

	Current	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8
Assessed Value (AV)									
Land	\$ 95,500	\$ 95,500	\$ 95,500	\$ 95,500	\$ 95,500	\$ 95,500	\$ 95,500	\$ 95,500	\$ 95,500
Structure (38% AV of Project Cost)	680,100	11,060,100	11,060,100	11,060,100	11,060,100	11,060,100	11,060,100	11,060,100	11,060,100
Gross Assessed Value	775,600	11,155,600	11,155,600	11,155,600	11,155,600	11,155,600	11,155,600	11,155,600	11,155,600
Abatement		100%	95%	90%	85%	80%	75%	70%	65%
Abatement Deduction		(10,380,000)	(9,861,000)	(9,342,000)	(8,823,000)	(8,304,000)	(7,785,000)	(7,266,000)	(6,747,000)
Net Assessed Value	775,600	11,155,600	1,294,600	1,813,600	2,332,600	2,851,600	3,370,600	3,889,600	4,408,600
Property Taxes									
Assume constant tax rate of 5.8190%									
Gross Tax (Tax Rate x Net AV)	45,132	649,144	75,333	105,533	135,734	165,935	196,135	226,336	256,536
Local Tax Credit (8.2562% of GT-DS)	(3,470)	(49,908)	(5,792)	(8,114)	(10,436)	(12,757)	(15,079)	(17,401)	(19,723)
Circuit Breaker Credit	(15,290)	(331,469)	-	-	-	-	-	-	-
Taxes Due	\$ 26,373	\$ 267,768	\$ 41,862	\$ 97,420	\$ 125,298	\$ 153,177	\$ 181,056	\$ 208,935	\$ 236,813

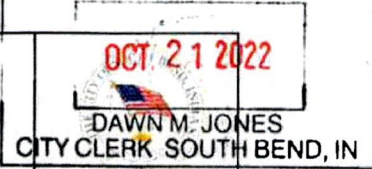
Circuit Breaker Cap	3%	2%	2%	2%	2%	2%	2%	2%	2%
Debt Service (0.4003% of Net AV)	23,268	223,112	223,112	223,112	223,112	223,112	223,112	223,112	223,112
Max Tax Under the Cap	3,105	44,656	3,705	5,182	9,337	11,415	13,493	15,570	17,648
	26,373	267,768	226,217	228,294	230,372	234,449	236,605	238,682	240,760

Year	Abatement	Current Taxes Due	New Projected Tax	Combined Current & New Taxes	Taxes Abated	Net Taxes Paid
1	100%	\$ 26,373	\$ 241,395	\$ 267,768	\$ (226,106)	\$ 41,662
2	95%	26,373	241,395	267,768	(198,227)	69,541
3	90%	26,373	241,395	267,768	(170,348)	97,420
4	85%	26,373	241,395	267,768	(142,469)	125,298
5	80%	26,373	241,395	267,768	(114,591)	153,177
6	75%	26,373	241,395	267,768	(86,712)	181,056
7	70%	26,373	241,395	267,768	(58,833)	208,935
8	65%	26,373	241,395	267,768	(30,955)	236,813
Total:		210,982	1,931,161	2,142,143	(1,028,241)	1,113,902

* This schedule is for estimation purposes only and assumes constant tax rates equal to those for 2021 Payable 2022. The true tax values will ultimately be determined by the actual assessed valuation and the then current tax rates.



Filed in Clerk's Office



City of South Bend Petition for Incentives

Petition must include a \$250 filing fee payable to the City Clerk's Office or online via the City's website at <http://southbendin.gov/government/content/tax-abatement> before processing can be complete

General Information		Project Name	The Lots at Notre Dame	Project Number
Legal name as registered with Secretary of State	ND QOZB LLC (registered in Idaho)			
Business structure	limited liability company (partnership between GPWM Funds and Public Development Partners)			
Company website	gpwmfunds.com, publicdevelopment.com			
Proposed Project Information				
Proposed project address	511 Notre Dame Ave.	Parent company name		
City, State, Zip	South Bend, IN, 46617	Legal owner		
Site acreage or acreage required	2.1	Is the real estate owned or leased	Owned	
Square feet of facility	50,000 sf	if leased by whom		
Primary Contact Information				
Primary company contact name	Griffin Johnson	Title	Manager	
Address of company contact	2556 E Arbor Dr	Phone	(801) 910-9341	
City, State, Zip	St. George, UT, 84790	Email	griff@publicdevelopment.com	
Senior Official Information				
Company senior official name		Title		
Address of company contact (if different from above)		Phone		
City, State, Zip		Email		
Consultant Information/Agent				
Hired business consultant/agent name	Shive-Hattery	Consultant release (Y/N)	N	
Address	321 S. Main St, Suite 103	Local economic development partners approval (Y/N)	N	
City, State, Zip	South Bend, IN, 46601	Email	kcopelin@shive-hattery.com	
Project Overview				
Brief description of your company, project, and why the property is necessary for economic growth	Public Development Partners is a small development firm with experience in various types of development and real estate including mixed-use residential. We are partnering with an opportunity zone fund called GPWM Funds, which has projects across the country. Together will will acquire the existing defunct medical office building and convert it to apartment homes. We will also construct townhomes on the surplus portions of the property (the north and east perimeter). This property, redeveloped, fills the void between campus and downtown. The project has good visibility and access to both areas and is a key piece to bring vibrancy and continuity to the area. The transition from the small single-family row homes to our new townhomes and apartments is good planning and converting the office look to a residential one will help the area feel more inviting and cohesive.			
Certified Technology Park appropriate	No			
Is the project in a Tax Incremental Financing (TIF) area? If so, which?	Yes, River East			
Certify that the Building Permit has not been issued (Y/N)	Y	Number of residential units created by project	69	
If this is a petition for personal property tax abatement, has the equipment been installed	No			

Investment Details			
Public Infrastructure needs (Off-site of project in dollars)	Has any 504 funding been received?	What is the value of any equipment being purchased in Indiana for the project?	What is the value of any equipment being purchased from out of state for the project?
No	No	0	0

OCT 21 2022

New Project Investments								
Calendar Year	2022	2023	2024	2025	2026	2027	2028	2029
Land Acquisition	\$ 2,450,000.00							
Building Lease Payments								
Building Purchase Costs								
New Building Construction								
Existing Building Improvements	\$ 8,000,000.00							
New Machinery & Equipment	\$ 2,000,000.00							
Special Tooling/Retooling	\$ 1,000,000.00							
New Furniture/Fixtures	\$150,000							
New Computer/IT Hardware	\$75,000							
New Software	\$110,000							
On-site Rail Infrastructure								
On-site Fiber Infrastructure	\$50,000							
TOTAL	\$13,835,000	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

2023
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

Full-Time Permanent Indiana-Resident Positions by Calendar Year						
Calendar Year	Jobs retained	Total hourly wage w/o fringe or bonuses	Cumulative # of net NEW full time permanent jobs created at project	Hourly average wage, w/o benefits or bonuses, of cumulative net new jobs	Total training expenditure - not cumulative	Total # to be trained - not cumulative
2022						
2023			8	\$33		
2024			9	\$35		
2025			10	\$38		
2026						
2027						
2028						
2029						
2030						
2031						
2032						
2033						

Provide hourly wage information for new employees in the following positions.

	Full time	Part time
Laborers	\$25	
Technical	\$50	
Managerial	\$35	
Administrative	\$30	

Who will be the individual responsible for coordinating with WorkOne on recruiting? No

Does your company have an EEO hiring policy? Yes

Are you an EEO employer? Yes

Please list the number of full time and part time minority and/or female employees for each of the last three years:							Please describe your commitment to diversity and inclusion by detailing your outreach and recruitment efforts for the last three years as well as current policies.
Year	2021		2020		2019		
	Full Time	Part Time	Full Time	Part Time	Full Time	Part Time	
Black							
Hispanic							
Asian							
Indian							
Female							
Other							

OCT 21 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

Complete below for Real or Personal Property Tax Abatement only.
Please sign for all requested incentives.

Public Benefit Item:					
Information is required on both the construction companies and the companies which will provide materials purchased for this project. Please complete the table below with the appropriate information. If you qualify for the points, please enter the full amount of available points.			Qualify (Yes or No)	Earned Points	Available Points
1	Construction Related (Contractors):				
	A.	Employ Local Companies (75%)	Yes	20	20
	B.	Purchase Materials from Local Companies (75%)	Yes	20	20
	C.	Require Employees vs. Independent Contractors	Yes	19	19
	D.	Require Prevailing Wage (Davis Bacon)	No	0	22
	E.	Require Health Benefits	Yes	22	22
	F.	Require Pension Benefits	Yes	18	18
	G.	Maintain Affirmative Action Plan	Yes	20	20
			Sub-total Construction Related:		119 0
2	Wage & Benefit Related (Owner):				
	A.	Pay Target Wage Levels	Yes	33	33
	B.	Provide Health Benefits	Yes	34	34
	C.	Provide Pension Benefits	Yes	29	29
	D.	Provide Training	Yes	28	28
	E.	Provide Child Care	No	0	15
	F.	Provide Transportation Assistance	No	0	14
	G.	Provide Employer Assisted Housing program	No	0	9
		Sub-total Wage & Benefit Related:		124 0	162
3	Workforce Related:				
	A.	Create New Jobs	Yes	42	42
	B.	Retain Existing Jobs	Yes	0	41
	C.	Maintain Affirmative Action Plan	No	0	35
	D.	Provide Targeted Hiring Preference	NO		34
		Sub-total Workforce Related:		42 0	152
4	Support a Municipal Facility:				
	A.	Support a SB Municipal Facility (donations to the zoo, conservatory, museum, etc.)	No	0	84
		Name of Facility			
		Sub-total Municipal Facility:		0 0	84
Sub-total from Above:				285 0	539

The undersigned owner(s) of real property, located within the City of South Bend, hereby petition the Common Council of the City of South Bend for a real and/or personal property tax abatement consideration and pursuant to I.C., 6-1.1-12.1-1, et seq., and South Bend Municipal Code Sec. 2-76 et seq., for this petition state the above.

Submitted By: *Griffin Johnson* Date: 10/19/2022

OCT 21 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

For Staff Use Only Below This Line

What is the current assessed value?	Real Property:	\$680,100	Personal Property:			
What is the projected assessed value?	Real Property:	\$8,730,100	Personal Property:			
What is the tax key number for this project?	018-5024-086001					
What is the six digit NAICS code?	531110					
Please attach a Google map and street view of the location.						
Please list the amount of real and personal property taxes paid for the last five years when applicable.		Real Property Taxes:	Personal Property Taxes:			
Year One		\$41,533.18 (2022)				
Year Two		\$14,438.53 (2021)				
Year Three		\$25,482.00 (2020)				
Year Four		\$28,774.26 (2019)				
Year Five		\$32,244.02 (2018)				
Please fill out the following Public Benefit Summary Information and add to total from above.						
			(Y or N)	Points	Points	
Public Benefit Item:						
<u>Project Related:</u>						
5	A.	Redevelop a Site that has Special Needs	Y	49	49	
	B.	Develop Based on Local University Research	N	0	35	
	C.	Achieve a Physical Element of a Plan	Y	36	36	
	Sub-total Project Related:			85	120	
6	<u>Super Size Projects (point values are cumulative):</u>					
	A.	100% to 199%	Y	25	25	
	B.	200% to 299%	Y	68	68	
	C.	300% to 399%	Y	65	65	
	D.	400% and Over	Y	52	52	
Sub-total Super Size Projects:			210	210		
7	<u>Pay for Municipal Infrastructure:</u>					
	A.	Pay for Oversizing or Upgrading	N	0	14	
	B.	Pay for 26-50% of Extension Cost	N	0	26	
	C.	Pay for 51-75% of Extension Cost	N	0	39	
	D.	Pay for 76-100% of Extension Cost	N	0	52	
Sub-total Infrastructure Related:			0	131		
Total from Applicant Section:				285	539	
Total from Staff Section:				295	461	
Total Public Benefit Points:				580	1000	



**STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R6 / 10-14)

Prescribed by the Department of Local Government Finance

Filed in Clerk's Office
OCT 21 2022
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

20__ PAY 20__
FORM SB-1 / Real Property
PRIVACY NOTICE
Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
- Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body **BEFORE** the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
- To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
- A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
- For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1		TAXPAYER INFORMATION			
Name of taxpayer ND QOZB LLC (registered in Idaho)					
Address of taxpayer (number and street, city, state, and ZIP code) 2556 E Arbor Dr.					
Name of contact person Griffin Johnson		Telephone number () 801-910-9341		E-mail address griff@publicdevelopment.com	
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT			
Name of designating body				Resolution number	
Location of property 511 Notre Dame Avenue, South Bend, IN 46617		County St. Joseph		DLGF taxing district number 18-South Bend- Portage	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) <small>Public Development Partners is a small development firm with experience in various types of development and real estate including mixed-use residential. We are partnering with an opportunity zone fund called GPWM Funds, which has projects across the county. Together we will acquire the existing defunct medical office building and convert it to apartment homes. We will also construct townhomes on the surplus portion of the property (the north and east perimeter). This property, redeveloped, fills the void between campus and downtown. The project has good visibility and access to both areas and is a key place to bring vibrancy and continuity to the area. The transition from the small single-family row homes to our new townhomes and apartments is good planning and converting the office look to a residential one will help the area feel more inviting and cohesive.</small>				Estimated start date (month, day, year) 11/01/22	
				Estimated completion date (month, day, year) 07/01/22	
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT			
Current number	Salaries	Number retained	Salaries	Number additional	Salaries
				8	\$549,120
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT			
		REAL ESTATE IMPROVEMENTS			
		COST		ASSESSED VALUE	
Current values		\$2,450,000		\$850,000	
Plus estimated values of proposed project		\$11,385,000			
Less values of any property being replaced		\$2,000,000			
Net estimated values upon completion of project		\$11,835,000			
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER			
Estimated solid waste converted (pounds) NA		Estimated hazardous waste converted (pounds) NA			
Other benefits The project will employ dozens of local contractors through the construction phase. Once operational, the building will be managed and maintained by a local company. While Notre Dame and the City of South Bend continue to expand and improve their presence, we feel this project is in an area that will spur development between Eddy Street Commons and the riverfront.					
SECTION 6		TAXPAYER CERTIFICATION			
I hereby certify that the representations in this statement are true.					
Signature of authorized representative <i>Griffin Johnson</i>				Date signed (month, day, year) 10/19/22	
Printed name of authorized representative Griffin Johnson		Title manager			

Filed in Clerk's Office
 OCT 21 2022
 DAWN M. JONES
 CITY CLERK, SOUTH BEND, IN

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, **DAWN M. JONES**, under IC 6-1.1-12-1, provides for the following limitations:

- A. The designated area has been limited to a period of time not to exceed _____ calendar years* (see below). The date this designation expires is _____.
- B. The type of deduction that is allowed in the designated area is limited to:
 - 1. Redevelopment or rehabilitation of real estate Improvements Yes No
 - 2. Residentially distressed areas Yes No
- C. The amount of the deduction applicable is limited to \$ _____.
- D. Other limitations or conditions (specify) _____.
- E. Number of years allowed:
 - Year 1 Year 2 Year 3 Year 4 Year 5 (* see below)
 - Year 6 Year 7 Year 8 Year 9 Year 10
- F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
 - Yes No
 - If yes, attach a copy of the abatement schedule to this form.
 - If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body)	Telephone number ()	Date signed (month, day, year)
Printed name of authorized member of designating body	Name of designating body	
Attested by (signature and title of attester)	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. The deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

511 North Notre Dame Avenue

Tax Key Number: 018-5024-086001



View from Cedar Street looking northeast



View from Cedar Street looking north



View from Notre Dame Avenue looking west



View from Miner Street looking south-southwest



View from Miner Street looking south-southeast



Project Renderings

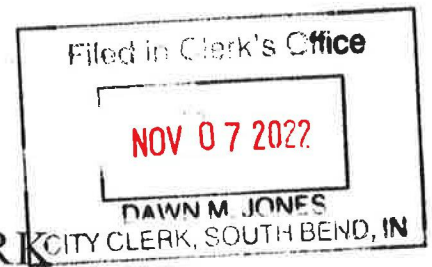
Exterior



Living Space



BILL NO. 22-53



OFFICE OF THE CITY CLERK DAWN M. JONES, CITY CLERK

November 7, 2022

Councilmembers:

Following are two (2) applications submitted to the Ordinance Violations Bureau. They are organized with the original application first, the site map second, and third an individual sheet from each of the three approving entities (Police, Fire, and Code Enforcement) marking their approval or no approval at the bottom.

If anyone on the Council has any questions regarding the applications, please feel free to contact me.

Sincerely,
Shayla D. Kimbrough, MHA
Ordinance Violations Bureau Clerk
Office of the City Clerk
227 W. Jefferson Blvd.
South Bend, IN 46601
Office: 245-6052
Voice: 235-5935

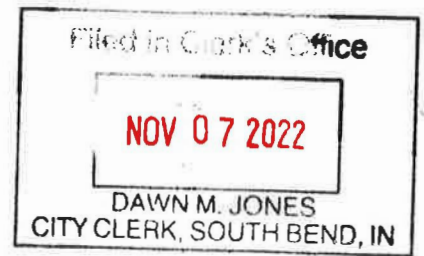
NOTICE FOR HEARING AND SIGHT IMPAIRED PERSONS
Auxiliary Aid or Other Services may be Available upon Request at No Charge.
Please give Reasonable Advance Request when Possible

INTEGRITY | SERVICE | ACCESSIBILITY

VICTORIA A. TRUJILLO KENNETH HARDY JUSTIN LAPLA SHAYLA D. KIMBROUGH
CHIEF DEPUTY/CHIEF OF STAFF DEPUTY/DIRECTOR OF POLICY DIRECTOR OF SPECIAL PROJECTS ORDINANCE VIOLATION CLERK

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

455 County-City Building | 227 W. Jefferson Blvd. | South Bend, Indiana 46601 | p 574.235.9221 | f 574.235.9173 | www.southbendin.gov



BILL NO. 22-53

RESOLUTION NO. 4987-22

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING THE ISSUANCE OF SCRAP METAL/JUNK DEALERS/RECYCLING OPERATION LICENSES FOR CALENDAR YEAR 2022 PURSUANT TO SECTION 4-51 OF THE SOUTH BEND MUNICIPAL CODE

WHEREAS, Section 4-51 of the South Bend Municipal Code sets forth the regulations addressing the licensing of scrap metal dealers, junk dealers, and recycling operations; and

WHEREAS, on November 7th, 2022, the Ordinance Violations Bureau Clerk provided written notice to the City Clerk that the following businesses:

Stevies Enterprises; 3109 S. Gertrude Street
US Scrap & Recycling 1610 Circle Ave.

have been approved for Scrap Metal Dealer, Junk Dealer, Transfer Station, and Recycling Operations Licenses for the year 2022.

WHEREAS, the license applications for all above-referenced businesses received favorable recommendations from the Department of Code Enforcement, Police Department, and the Fire Prevention Bureau.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, as follows:

Section I. The license applications for the following businesses:

Stevies Enterprises; 3109 S. Gertrude Street
US Scrap & Recycling 1610 Circle Ave

Are approved in conformity with South Bend Municipal Code Section 4-51 and based upon the satisfactory review and inspection of the properties by the Department of Code Enforcement, Police Department, and the Fire Prevention Bureau as evidenced by the Ordinance Violation Bureau Clerk's communication to the City Clerk dated June 22, 2022.

Section II. This Resolution shall be in full force and effect from and after its adoption by the Council and approval by the Mayor.

Sharon L. McBride, Council President
South Bend Common Council

Steve Hensley purchased M & M Core and changed the name to Stevie's Enterprises

NOV 07 2022
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

For all municipal business license questions, contact: City of South Bend • Ordinance Violation Bureau
227 West Jefferson Blvd • Suite 455 • South Bend, Indiana 46601 • 574.235.6052 • f 574.235.3173

Rec 883239
\$130.00

LICENSE APPLICATION FOR – SCRAP METAL DEALERS/JUNK DEALERS/RECYCLING OPERATIONS

CITY OF SOUTH BEND, INDIANA
MUNICIPAL CODE SECTION – 4-51

NEW OWNER / OLD NAME M+M CORE

I. APPLICATION TYPE Check One: New Renewal
A. Scrap Metal Dealer Junk Dealer Recycling Operation

II. BUSINESS DATA

A. Business Name: Stevie's Enterprises
B. Business Address: 3109 S Gertrude
City: South Bend State: IN Zip: 46614
C. Mailing Address (If different from above): 3126 N Fair
City: LaPorte State: IN Zip: 46350
D. Business Telephone Number: 574 383-2071
E. Business Fax Number: _____
F. E-Mail Address: Kenzie804@yahoo.com
G. Zoning of Proposed Business Location: I
H. Lot Size of Premises: 26 acres 871,200 sq. ft
I. Type of Fencing Used: metal
J. Is the Property Owned or Leased by the Applicant: owned
1. Name of Owner if Property is Leased: _____
2. Business Address of Owner: _____

Please Continue to Page 2 (back of sheet)

For Office Use Only
Application Filed AUG 1 1 2022 Fire Dept. Approval OCT 0 5 2022
Application Fee Paid AUG 1 1 2022 Building Dept. Approval MAR 0 3 2022
Sent to Dept. AUG 1 1 2022 Code Enforcement MAR 0 4 2022
Police Dept. Records Approval SEP 1 4 2022 License Fee Paid AUG 1 1 2022
Common Council Approval _____
License Number SCR8022-008
Not Approved _____
Reason _____

Call Steven when ready

LICENSE APPLICATION FOR – **SCRAP METAL DEALERS/JUNK DEALERS/RECYCLING OPERATIONS**
CITY OF SOUTH BEND, INDIANA
MUNICIPAL CODE SECTION – 4-51

III. PERSONAL DATA

A. Applicant's Legal Name: Steven Hensley
B. Residential Address: [REDACTED]
City: LaPorte State: IN Zip: 46350
C. Residential Telephone Number: 574-383-2071
D. Cellphone Number: _____
E. Social Security Number: [REDACTED] F. Gender: [REDACTED]
G. Date of Birth: [REDACTED] H. Race: [REDACTED]
I. Position with Business Owner

IV. INCLUDE, WITH APPLICATION, A SITE PLAN OF THE FACILITY SHOWING PROPERTY LINES, BUILDINGS, PARKING SPACES, LOADING DOCKS, FUEL STORAGE, AND LANDSCAPING.

V. INCLUDE \$5.00 PROCESSING FEE WITH APPLICATION

VI. AFFIRMATION

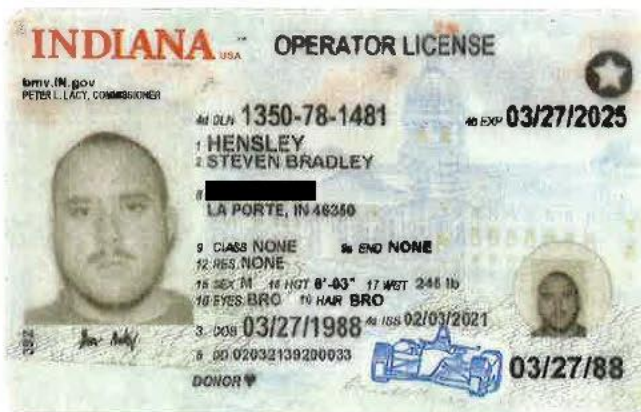
I, hereby, certify and affirm that all of the information I have given in this application is true and accurate to the best of my knowledge. I further certify and affirm that I have in no way attempted to mislead the City in this application by omitting facts known to me. I have read and understand the regulations of the Scrap Metal Dealer/Junk Dealer/Recycling Operation/Transfer Station license found in the City of South Bend Municipal Code, Section 4-51.

Steven Hensley

Signature

8-11-22

Date



File No./Escrow No.: 22-23927
Officer/Escrow Officer: Staci Mrozinski

Commercial - South Bend
Meridian Title Corporation
202 S. Michigan St
Suite 300
South Bend, IN 46601
(574)232-5845

Property Address: 3109 SOUTH GERTRUDE STREET
SOUTH BEND, IN 46614 (SAINT JOSEPH)
(71-08-22-400-007.000-026)

STEVIE'S ENTERPRISES INC., AN INDIANA CORPORATION
3126 N Fall Rd
LaPorte, IN 46350

M & M CORE, LLC, A MICHIGAN LIMITED LIABILITY COMPANY
300 Mill Street
Bronson, MI 49028

Lender:

Settlement Date: 8/10/2022

Disbursement Date:

Seller		Description	Buyer	
Debit	Credit		Debit	Credit
		Deposits, Credits, Debits		
	\$150,000.00	Sale Price of Property	\$150,000.00	
		Prorations		
\$2,544.26		County Taxes 1/1/2022 to 8/10/2022 @ \$4,202.06/Year		\$2,544.26
		Title Charges		
\$500.00		Title - Owner's Title Insurance to Meridian Title Corporation		
\$350.00		Title - Search and Exam to Meridian Title Corporation		
\$5.00		Title - TIEFF to First American Title Insurance Company		
\$25.00		Title - CPL - Seller to First American Title Insurance Company		
		Title - Buyer/Borrower CPL to First American Title Insurance Company	\$25.00	
		Title - E-Recording Fee to Simplifile	\$4.25	
\$75.00		Title - Deed Preparation - Debra A. Guy to Meridian Title Corporation		
		Title - Sales Disclosure Handling Fee to Meridian Title Corporation	\$15.00	
\$325.00		Title - Closing Fee to Meridian Title Corporation	\$325.00	
		Government Recording and Transfer Charges		
		Recording fees: Deed \$25.00	\$25.00	
		Sales Disclosure Filing Fee to County Auditor \$30.00	\$30.00	
		Additional Settlement Charges		
\$50.00		County RE Certification Fee to St. Joseph County Health Department		
\$2,321.63		2021/2022 Fall Property Taxes to St. Joseph County Treasurer		
Seller			Buyer	
Debit	Credit		Debit	Credit
\$6,195.89	\$150,000.00	Subtotals	\$150,424.25	\$2,544.26
		Due From Buyer		\$147,879.99
\$143,804.11		Due To Seller		
\$150,000.00	\$150,000.00	Totals	\$150,424.25	\$150,424.25

Acknowledgement

We/I have carefully reviewed the ALTA Settlement Statement and find it to be a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction and further certify that I have received a copy of the ALTA Settlement Statement. We/I authorize Commercial - South Bend to cause the funds to be disbursed in accordance with this statement.

BUYER(S)

Stevie's Enterprises Inc., an Indiana corporation



By: Steven B. Hensley, President

SELLER(S)

M & M Core, LLC, a Michigan limited liability company



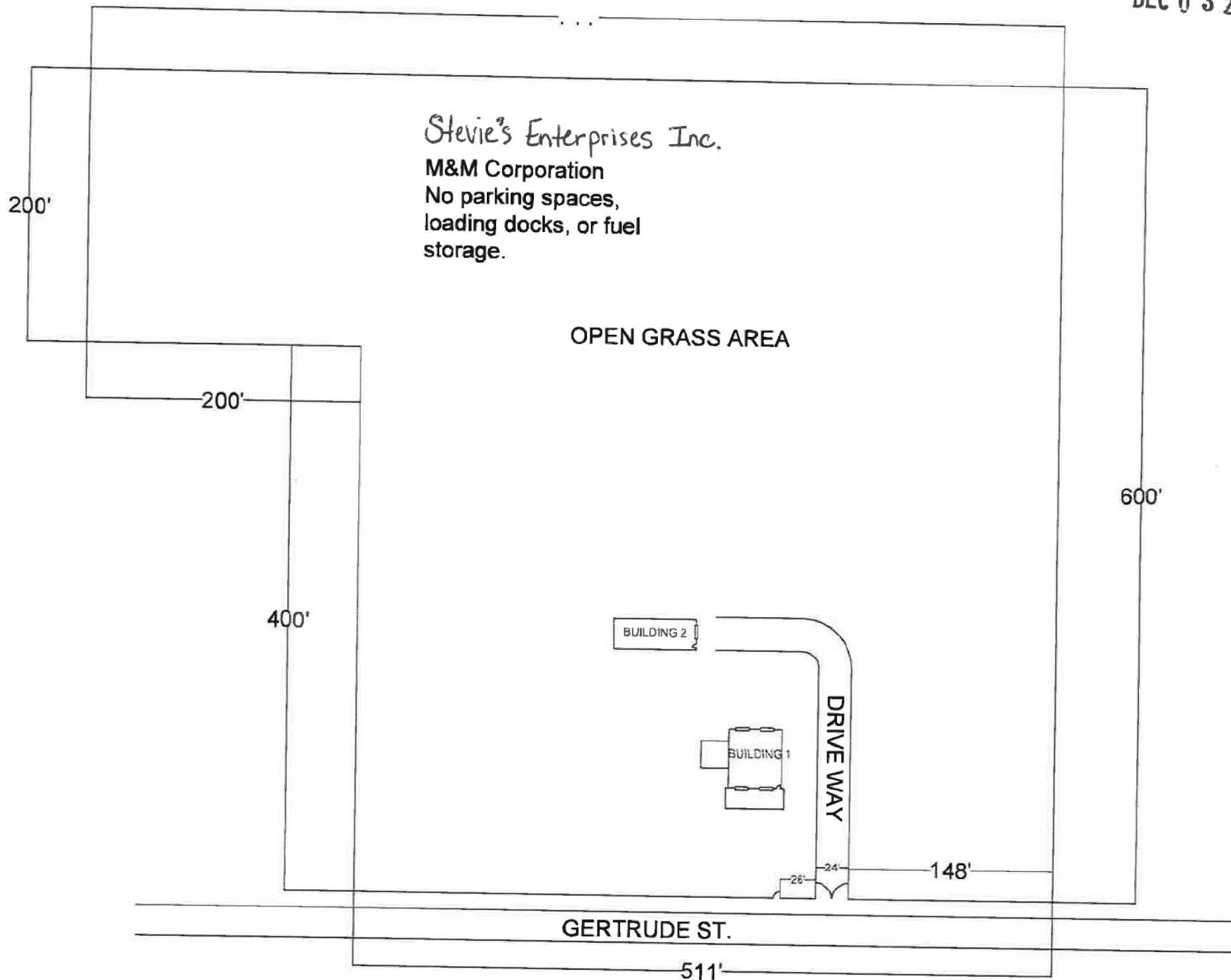
By: Noah Roberts, Member

SETTLEMENT COORDINATOR



Staci Mrozinski

DEC 03 2020



Michelle Adams

From: Joseph R. Molnar
Sent: Thursday, March 3, 2022 9:38 AM
To: Michelle Adams
Cc: Angela M. Smith
Subject: Re: Scrap Metal Dealer App. 3/3

Zoning approved.

Joseph R. Molnar

Zoning Specialist
Department of Community Investment
227 W. Jefferson Blvd., Suite 1400 S.
South Bend, IN 46601
(574)245-6022
(574)235-9021-fax
www.southbendin.gov

We deliver services that empower everyone to thrive.
Excellence | Accountability | Innovation | Inclusion | Empowerment

From: Michelle Adams <madams@southbendin.gov>
Sent: Thursday, March 3, 2022 9:20 AM
To: Joseph R. Molnar <jrmolnar@southbendin.gov>
Cc: Angela M. Smith <amsmith@southbendin.gov>
Subject: Scrap Metal Dealer App. 3/3

Good Morning Joe,

RE: 3109 S. Gertrude St. *zoned industrial*

Stevie's

Attached is a Scrap Metal Dealer renewal application from ~~M & M~~ Core LLC. Please verify the use is allowable and that Zoning does not have any issues with the operation.

Thank You,



Michelle Adams

City of South Bend
Business License Administrator
Department of Community Investment
227 W. Jefferson Blvd., Suite 1400 S.
South Bend, IN 46601
(574)235-5912

Michelle Adams

From: Jim Wood
Sent: Friday, March 4, 2022 11:29 AM
To: Michelle Adams
Subject: Re: Business License App.

Hi Michelle,
This one is good.
Thanks,
Jim

Sent from iPad of Jim Wood
Chief inspector
SouthBend Code Enforcement

From: Michelle Adams <madams@southbendin.gov>
Sent: Thursday, March 3, 2022 9:17:31 AM
To: Jim Wood <jwood@southbendin.gov>
Subject: Business License App.

Hi Jim,

RE: 3109 S. Gertrude St.

Attached is a Scrap Metal Dealer renewal application from ~~M & M Core~~^{Stevie's} for your review/inspection and recommendation. Just a reminder, Scrap Metal Dealer apps. should be reviewed/inspected within 10-days of submittal.

Greatly appreciated,



Michelle Adams
City of South Bend
Business License Administrator
Department of Community Investment
227 W. Jefferson Blvd., Suite 1400 S.
South Bend, IN 46601
(574)235-5912

Michelle Adams

From: Michelle Adams
Sent: Wednesday, May 18, 2022 10:06 AM
To: Gerard Ellis
Subject: Scrap Metal Dealers

Hi Gerard,

I hope your morning is starting of well! I was wondering if the remaining Scrap Metal Dealers (SMD) have been inspected yet? If not, can they be made a priority? SMD's applications, per ordinance, are supposed to go to the City Council within 10-days of receiving the applications. Before I can send the applications to the council, I need to receive all the department recommendations.

1. Alternative 2 LLC – 700 W. Chippewa Ave.
2. **M & M Core LLC – 3109 S. Gertrude St.**
3. SMS Pauls Auto Yard – 3300 S. Main St.

Stevie's

Greatly appreciated,



Michelle Adams

City of South Bend
Business License Administrator
Department of Community Investment
227 W. Jefferson Blvd., Suite 1400 S.
South Bend, IN 46601
(574)235-5912

JUN 01 2022 No response yet
Em Gerard for an update

SOUTH BEND FIRE DEPARTMENT APPROVAL

Permit

Done

3109 S. Gertrude St.

ISSUED

[Print](#) • [Download](#) • [Email](#) • [Email Log](#) • [Revoke](#) • [Renew](#)
[View ESO Properties Record](#)

Permit Type	Scrap Metal License
Applicant	M & M Core LLC Stevie's Ent.
Location	3109 S gertrude ST South Bend IN 46614 County: St. Joseph
Contacts	--
Application Filed	03/25/2022
Effective	10/05/2022
Expiration	10/05/2023
Authorized	10/05/2022
Authorized By	Jeff Yoder
Issued	10/05/2022
Issued By	Jeff Yoder
Fee	--
Checklists	1 Passed, 0 Failed, 0 Not Applicable View Checklists >
Notes	Per ordinance, Scrap Metal Dealer apps. need to be reviewed within 10-days of submittal. Thank You!
Attachments	3109 S. Gertrude St redacted M&M Core LLC.pdf View

SOUTH BEND POLICE DEPARTMENT APPROVAL

Michelle Adams

From: Brad Rohrscheib
Sent: Thursday, September 8, 2022 9:37 AM
To: Michelle Adams
Subject: RE: Scrap Metal Dealer App. 8/11

Michelle,

I spoke to our Detective Bureau, as well as County's and there isn't anything solid that would warrant a denial. So it will be an approval on my end. Sorry for the delay. Thanks

Sgt. Brad Rohrscheib

Traffic & Special Events
South Bend Police Department
701 W. Sample St.
South Bend, IN 46601
(574) 235-9817

From: Michelle Adams <madams@southbendin.gov>
Sent: Friday, August 26, 2022 4:27 PM
To: Brad Rohrscheib <brohrsch@southbendin.gov>
Subject: RE: Scrap Metal Dealer App. 8/11

I'm guessing you are already aware that Steven Hensley is also the owner of Froggy's Automotive located at 1510 E. Calvert St.

From: Brad Kohrscheib <brohrsch@southbendin.gov>
Sent: Friday, August 26, 2022 4:23 PM
To: Michelle Adams <madams@southbendin.gov>
Subject: RE: Scrap Metal Dealer App. 8/11

Michelle,

I'm looking into this one further. His name has come up several times surrounding catalytic converter thefts. I don't know the details of his involvement, so I want to make sure before I make a recommendation on this one. Thanks

Sgt. Brad Rohrscheib

Traffic & Special Events
South Bend Police Department
701 W. Sample St.
South Bend, IN 46601
(574) 235-9817

From: Michelle Adams <madams@southbendin.gov>
Sent: Thursday, August 11, 2022 2:51 PM
To: Brad Rohrschreib <brohrsch@southbendin.gov>
Subject: Scrap Metal Dealer App. 8/11

Hi Brad,

RE: Stevie's Enterprises – 3109 S. Gertrude St.

Steven Hensley purchased the scrap metal dealer business M & M Core from Mark Roberts and is applying for a business license. I've attached a copy of the application for your review and recommendation.

Thank You,



Michelle Adams

City of South Bend
Business License Administrator
Department of Community Investment
227 W. Jefferson Blvd., Suite 1400 S.
South Bend, IN 46601
(574)235-5912

NOV 07 2022

For all municipal business license questions, contact: City of South Bend • Ordinance Violation Bureau
227 West Jefferson Blvd • Suite 455 • South Bend, Indiana 46601 • 574.235.6052 • F: 574.235.0122

DAWN M. JONES

CITY CLERK, SOUTH BEND, IN

CK 3365 15

CK 3342 \$250.00

LICENSE APPLICATION FOR – SCRAP METAL DEALERS/JUNK DEALERS/RECYCLING OPERATIONS

CITY OF SOUTH BEND, INDIANA
MUNICIPAL CODE SECTION – 4-51

I. APPLICATION TYPE Check One: New _____ Renewal X

A. Scrap Metal Dealer X Junk Dealer _____ Recycling Operation X

II. BUSINESS DATA

A. Business Name: US SCRAP + Recycling

B. Business Address: 1610 Circle Ave.

City: South Bend State: IN Zip: 46628

C. Mailing Address (if different from above): 4737 St. Rd 135 South

City: Nashville State: IN Zip: 47448

D. Business Telephone Number: 574-340-8408

E. Business Fax Number: _____

F. E-Mail Address: MMORRIS@RECYCLEtoday.com

G. Zoning of Proposed Business Location: _____ Industrial

H. Lot Size of Premises: 10 acres OR 435,600 sq. ft.

I. Type of Fencing Used: metal

J. Is the Property Owned or Leased by the Applicant: owned

1. Name of Owner if Property is Leased: _____

2. Business Address of Owner: _____

Please Continue to Page 2 (back of sheet)

\$25.00
Bal - 275.00

Application Filed	<u>MAR 07 2022</u>	For Office Use Only	Fire Dept. Approval	<u>MAR 23 2022</u>
Application Fee Paid	<u>MAR 07 2022</u>	<input checked="" type="checkbox"/>	Zoning Dept. Approval	<u>MAR 08 2022</u>
Sent to Dept.	<u>MAR 07 2022</u>	<input checked="" type="checkbox"/>	Code Enforcement	
		<input checked="" type="checkbox"/>	Police Dept. Crime Prev. Approval	<u>MAR 11 2022</u>
Common Council Approval				
License Number	<u>SCR 2022-005</u>	License Fee Paid		
Not Approved	_____			
Reason	_____			

491 Gate is always locked - J. Wood
10/31m Jim for update

**LICENSE APPLICATION FOR – SCRAP METAL DEALERS/JUNK DEALERS/RECYCLING
OPERATIONS
CITY OF SOUTH BEND, INDIANA
MUNICIPAL CODE SECTION – 4-51**

III. PERSONAL DATA

A. Applicant's Legal Name: Michael P. Morris
B. Residential Address: [REDACTED]
City: Nashville State: IN Zip: 47448
C. Residential Telephone Number: _____
D. Cellphone Number: 574-340-8408
E. Social Security Number: _____ F. Gender: _____
G. Date of Birth: _____ H. Race: _____
I. Position with Business: Owner / MGR.

IV. INCLUDE, WITH APPLICATION, A SITE PLAN OF THE FACILITY SHOWING PROPERTY LINES, BUILDINGS, PARKING SPACES, LOADING DOCKS, FUEL STORAGE, AND LANDSCAPING. *on file*

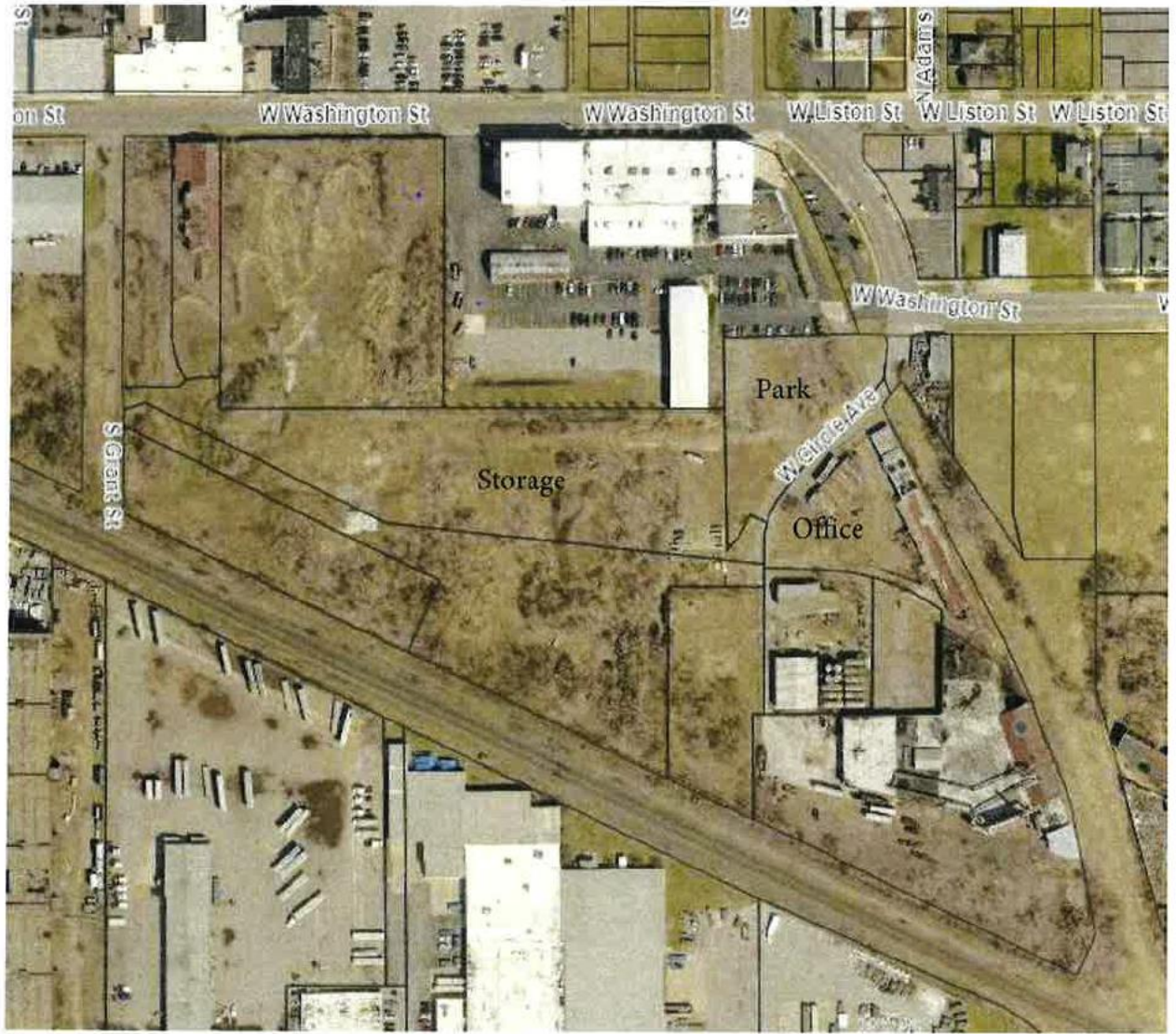
V. INCLUDE \$5.00 PROCESSING FEE WITH APPLICATION *Renewal*

VI. AFFIRMATION

I, hereby, certify and affirm that all of the information I have given in this application is true and accurate to the best of my knowledge. I further certify and affirm that I have in no way attempted to mislead the City in this application by omitting facts known to me. I have read and understand the regulations of the Scrap Metal Dealer/Junk Dealer/Recycling Operation/Transfer Station license found in the City of South Bend Municipal Code, Section 4-51.

Michael P. Morris
Signature

3-1-22
Date



No fuel storage on property

ADMINISTRATIVE INFORMATION

ROLL NUMBER
1-09-10-271-001.000-026
Parent Parcel Number

Property Address
610 CIRCLE

Neighborhood
126032 18394-480 C200

Property Class
99 Industrial Other structures
KING DISTRICT INFORMATION
Jurisdiction 71 St. Joseph
Area 011 Portage
Operation Y

District 026 SOUTH BEND (FORWGE2)
Outing Number 8-100

OWNERSHIP

HIC INVESTMENTS LLC ATTN:MICHAEL MORRIS
4737 STATE ROAD 135 S
NASHVILLE, IN 47448-9072 UNITED STATES OF AMERICA
Parcel Adj To S.b. Chilled Plov Add & Adj Brothers Add
6 Vac Circle Av N & W 6
Adj Sec 10-37-2e 04-05 Vac Ord 9457-03

Tax ID 018-2002-001701

TRANSFER OF OWNERSHIP

Date	Transferor	Grantee	Bk/Pg	Value
12/10/2001	HURWICH, IRON	HURWICH, IRON	Bk/Pg: 5, 5	\$0
03/09/1993	HURWICH JAMES E	HURWICH JAMES E	Bk/Pg: 0, 0	\$0
11/07/1988			Bk/Pg: 0, 0	\$0

INDUSTRIAL

VALUATION RECORD

Year	Reason for Change	Annual	Annual	Annual	Annual	Annual	Annual	Annual
2018		03/01/2015	01/01/2016	01/01/2017	01/01/2018	01/01/2019	01/01/2020	01/01/2021
	VALUATION	1	27000	27000	20800	20800	20800	20800
	Appraised Value	B	28300	28900	28900	29900	29900	20800
		T	55300	55900	49700	50700	50700	101800
	VALUATION	L	27000	27000	20800	20800	20800	20800
	True Tax Value	B	28300	28900	28900	29900	29900	20800
		T	55300	55900	49700	50700	50700	101800

LAND DATA AND CALCULATIONS

Rating	Measured	Table	Prod. Factor	Base	Adjusted	Extended	Influence	Value
Soil ID	Area	Depth	-or-	Rate	Rate	Value	Factor	
-or-	-or-	Effective	Effective					
Actual	Frontage	Depth	Square Feet					
1 PRIMARY	1.0000	200	1.00	10700.00	10700.00	10700		10700
2 UNDEVELOPED USABLE	3.0740		1.00	3300.00	3300.00	10140		10140

4/13: PTA80A made a motion to place a NO CHANGE to the
1/2019 AV leaving the value at \$50,700, KL

1/2019 AV leaving the value at \$50,700, KL

1-19 added sketches, added prc #3 to separate buildings out
5. BK

CYCICAL REASSESSMENT 4TH QTR

GENERAL INFORMATION 2017
Overide removed 17/18 NK

Plexis Conv. Note 02/11/1994 Parcel
Plexis Conv. Note 09/27/1996 Parcel

1610 CIRCLE AVERRANSFER DATE 11/7/88
Plexis Conv. Note 09/27/1996 Parcel
17 #8277 96/97 REBUILD EXISTING IRON WORKS

17#8277 96/97 REBUILD EXISTING IRON WORKS
4 FERRIMARSH CHAMBERN DRV PROP FRM VARY DRNR TR

FARMLAND COMPUTATIONS

Parcel	Acres	Measured	Acres	Average	True Tax Value/Acre
81 Legal Drain NV	[+]				
82 Public Roads NV	[+]				
83 UT Towers NV	[+]				
9 Homeste(s)	[+]				
91/92 Excess Acreage	[+]				
TOTAL ACRES FARMLAND					

Supplemental Cards
TRUE TAX VALUE 20840

Supplemental Cards
TOTAL LAND VALUE 20800

IMPROVEMENT DATA

PHYSICAL CHARACTERISTICS

ROOFING					
Other					
WALLS					
Frame	B	1	2	0	
Brick		Yes			
Metal					
Guard					
FRAMING					
Wd Jst	B	1	2	0	
	0	3120	0	0	
FINISH					
UF		SF	FO	FD	
1	3120	0	0	0	
Total	3120	0	0	0	
HEATING AND AIR CONDITIONING					
B	1	2	0		

1 \$ Br
Sld 100
104 30

P Key	GCK
#Units	
AVSize	
Floor	1
Perim	288
PAR	7
Height	12
Use	IMRHS
Use SF	3120
Use %	100.00%
Rate	20.38
Ft Adj	0.00
WH Adj	0.00
Oc Adj	0.90
BASE	20.38
BPA %	100%

Subtot	20.38
U Fln	0.00
Oc Adj	0.00
IntFin	3.97
Div W	0.00
Lightg	0.00
AirCon	0.00
Heat	-1.54
Sprink	0.00

SF Pr	22.81
X SF	71170
Subtot	71170
Plumb	0
SprEat	0
ExtEat	0
TOTAL	71170
Qual/Gr	E+2
RCN	39290
Use Dep	80/ 0

LCM: 92.0

SPECIAL FEATURES

SUMMARY OF IMPROVEMENTS

Description	Value	ID	Use	Sty	Const	Year	Eff	Base	Feat-	Adj	Size or	Computed	Phys	Obsol	Market	&	Value		
				Hgt	Type	Grade	Const	Year	Cond	Rate	uses	Rate	Area	Value	Depr	Depr	Adj	Comp	Value
C	LEFTWHS	0.00	E+2	1924	1939	P	0.00	N	0.00	3120	39290	80	95	100	100		400		

Date

VALUATION RECORD

2018
Reason for Change
VALUATION

Site Description

LAND DATA AND CALCULATIONS

Rating	Measured	Table	Prod. Factor	Base	Adjusted	Extended	Influence
Soil ID	Acreage		Depth Factor	Rate	Rate	Value	Factor
-07-	-07-		-07-				
Actual	Effective	Effective	Depth	Rate <td>Rate <td>Value <td>Factor</td> </td></td>	Rate <td>Value <td>Factor</td> </td>	Value <td>Factor</td>	Factor
Frontage	Frontage	Depth	Square Feet				
Land Type							

1: Plexis Conv. Note 02/03/2005 Parcel
 15 VACATION ORD. #9457-03
 :: PRE INFORMAL MEETING 134 12/13
 13 Taxpayer and Assessing Official agree that the AV for
 //2013 will be \$53,400. (AV)
 : Plexis Conv. Note 11/30/2004 Buildings
 13 Per 130 OB was 70%. Increased per Nexus.
 14 Psc
 :: GENERAL REASSESSMENT 2012
 tel viewed 10-14-2011

Date

VALUATION RECORD

2018

Reason for Change

VALUATION

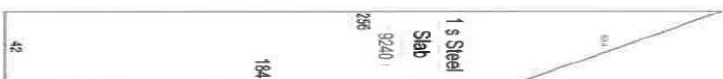
Site Description

LAND DATA AND CALCULATIONS

Rating	Measured	Table	Prod. Factor	Base	Adjusted	Extended	Influence	Value
Soil ID	Acreage		-or-	Rate	Rate	Value	Factor	
-or-	-or-	Effective	Depth Factor					
Actual	Frontage	Depth	Square Feet					
Frontage	Frontage	Depth	Square Feet	Rate	Rate	Value	Factor	Value
Land Type								

PHYSICAL CHARACTERISTICS

ROOFING				
Metal				
WALLS				
Frame	B	1	2	0
Brick				
Metal				
Guard				
FRAMING				
F Res	B	1	2	0
	0	9240	0	0
FINISH				
UF				
SF				
FO				
FD				
1	9240	0	0	0
Total	9240	0	0	0
HEATING AND AIR CONDITIONING				
B	1	2	0	



P Key	GCI30
#Units	
AVSize	
Floor	1
Perim	565
PAR	6
Height	0
Use	IMRHS
Use SF	9240
Use %	100.00%
Rate	\$2.89
Fr Adj	0.00
WH Adj	-9.90
Ot Adj	0.00
BASE	42.99
BPA %	100%
SubTot	42.99
U Fin	0.00
Oc Adj	0.00
IntFin	0.00
Div W	0.00
Lightg	0.00
AirCon	0.00
Heat	-1.54
Sprink	0.00
SF Pr	41.45
X SF	383000
SubTot	383000
Plumb	0
SFreat	0
Exfeat	0
TOTAL	383000
QUAL/Gr	D
RCN	281890
Use Dep	80 / 0

(LCM: 92.0

SPECIAL FEATURES

Description	Value	ID	Stry Const	Year Eff	Base Rate	Feat-Adj	Size or Area	Computed Value	PhysObsol	Market %	Value							
		C	IMRHS	0.00	D	1924	1924	P	0.00	N	0.00	9240	281890	80	0	100	100	56400

SUMMARY OF IMPROVEMENTS

Michelle Adams

From: Joseph R. Molnar
Sent: Tuesday, March 8, 2022 10:38 AM
To: Michelle Adams
Cc: Angela M. Smith
Subject: Re: Zoning Verification 3/8/22

Zoning is good.

Joseph R. Molnar

Zoning Specialist
Department of Community Investment
227 W. Jefferson Blvd., Suite 1400 S.
South Bend, IN 46601
(574)245-6022
(574)235-9021-fax
www.southbendin.gov

We deliver services that empower everyone to thrive.
Excellence | Accountability | Innovation | Inclusion | Empowerment

From: Michelle Adams <madams@southbendin.gov>
Sent: Tuesday, March 8, 2022 8:59 AM
To: Joseph R. Molnar <jrmolnar@southbendin.gov>
Cc: Angela M. Smith <amsmith@southbendin.gov>
Subject: Zoning Verification 3/8/22

Good Morning Joe,

RE: US Scrap & Recycling – 1610 Circle Ave.

Attached is a Scrap Metal Dealer renewal application. Please verify that it's an allowable use and that Zoning does not have any concerns.

Thank You,



Michelle Adams

City of South Bend
Business License Administrator
Department of Community Investment
227 W. Jefferson Blvd., Suite 1400 S.
South Bend, IN 46601
(574)235-5912

Michelle Adams

From: Brad Rohrscheib
Sent: Friday, March 11, 2022 9:11 AM
To: Michelle Adams
Subject: RE: Scrap Metal Dealer App. 3/8/22

I reached out to him for his DOB. It's good. Thanks

Sgt. Brad Rohrscheib

Traffic & Special Events
South Bend Police Department
701 W. Sample St.
South Bend, IN 46601
(574) 235-9817

From: Michelle Adams <madams@southbendin.gov>
Sent: Tuesday, March 8, 2022 8:53 AM
To: Brad Rohrscheib <brohrsch@southbendin.gov>
Subject: Scrap Metal Dealer App. 3/8/22

Hi Brad,

RE: US Scrap & Recycling – 1610 Circle Ave.

Attached is a Scrap Metal Dealer renewal application for your review and recommendation.

Thank You,



Michelle Adams

City of South Bend
Business License Administrator
Department of Community Investment
227 W. Jefferson Blvd., Suite 1400 S.
South Bend, IN 46601
(574)235-5912

Permit

Done

1610 Circle Ave.

ISSUED

[Print](#) • [Download](#) • [Email](#) • [Email Log](#) • [Revoke](#) • [Renew](#)
[View ESO Properties Record](#)

Permit Type Scrap Metal License

Applicant US Scrap & Recycling

Location 1610 Circle AVE
South Bend IN 46628
County: St. Joseph

Contacts Michael Morris 6/23/21
Phone: 574-340-8408
mmorris@recycletoday.com

Michael Morris 6/23/21
Phone: 574-340-8408
mmorris@recycletoday.com

Application Filed 03/07/2022

Effective 03/16/2022 @ 12:00

Expiration 03/16/2023 @ 12:00

Authorized 03/16/2022

Authorized By James Weinberg

Issued 03/16/2022

Issued By Jim Weinberg

Fee --

Checklists 0 Passed, 0 Failed, 1 Not Applicable
[View Checklists](#)

Notes Per ordinance, Scrap Metal Dealer Apps. must be reviewed/inspected within 10-days of submittal.

Closed to the Public

Attachments 1610 Circle Ave US Scrap & Recycling_Redacted.pdf
[View](#)

The inspector made multiple attempts to inspect the property, but was unable to access the property due to the gate being locked.

Michelle Adams

From: Jim Wood
Sent: Monday, October 3, 2022 1:01 PM
To: Michelle Adams
Subject: Re: Business License App. 3/8/22

Hi Michelle,
Let me try one more time. I haven't noticed it open when I pass by, but I will check it officially.
Thanks,
Jim

Get [Outlook for iOS](#)

From: Michelle Adams <madams@southbendin.gov>
Sent: Monday, October 3, 2022 11:12:09 AM
To: Jim Wood <jwood@southbendin.gov>
Subject: RE: Business License App. 3/8/22

Hi Jim,

I'm getting ready to send all the information to the City Clerk's for the Common Council's recommendation for US Scrap & Recycling. The Code recommendation is the only one I am missing, do you want me to send it as is with the comment below or do you want to attempt to do the inspection one more time?

Thanks,
Michelle

From: Jim Wood <jwood@southbendin.gov>
Sent: Tuesday, June 21, 2022 11:51 AM
To: Michelle Adams <madams@southbendin.gov>
Subject: Re: Business License App. 3/8/22

Hi Michelle,
I have never been able to put boots on the ground at this one because the entrance gate is always locked at different times of the day. I'm not sure what is going on here.
Thanks,
Jim

Get [Outlook for iOS](#)

From: Michelle Adams <madams@southbendin.gov>
Sent: Monday, June 13, 2022 10:24:00 AM
To: Jim Wood <jwood@southbendin.gov>
Subject: FW: Business License App. 3/8/22

Hi Jim,

I was wondering if you've had a chance to inspect US Scrap & Recycling located at 1610 Circle Ave.?

Thanks,
Michelle

From: Michelle Adams
Sent: Tuesday, March 8, 2022 9:02 AM
To: Jim Wood <jwood@southbendin.gov>
Subject: Business License App. 3/8/22

Good Morning Jim,

Attached is a business license renewal application for your review/inspection and recommendation.

SCRAP METAL DEALER

- Us Scrap & Recycling – 1610 Circle Ave.

Thank You,



Michelle Adams

City of South Bend
Business License Administrator
Department of Community Investment
227 W. Jefferson Blvd., Suite 1400 S.
South Bend, IN 46601
(574)235-5912

Michelle Adams

From: Jim Wood
Sent: Monday, October 3, 2022 2:49 PM
To: Michelle Adams
Subject: Re: Business License App. 3/8/22
Attachments: Image.jpeg

Sorry, no luck.

Jim

[Get Outlook for iOS](#)

From: Michelle Adams <madams@southbendin.gov>
Sent: Monday, October 3, 2022 1:01:08 PM
To: Jim Wood <jwood@southbendin.gov>
Subject: Automatic reply: Business License App. 3/8/22

I am out of the office due to a family emergency. I will be checking emails periodically and will respond as soon as I'm able to.



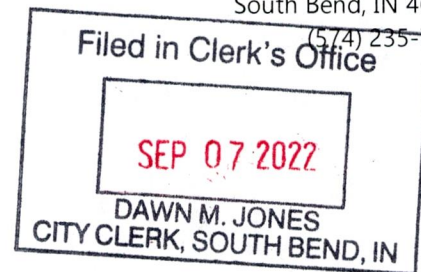
The code inspector has been unable to access the property due to the fence is always closed and locked. So the inspector does not have a recommendation at this time.



BILL NO. 32-22

City of South Bend BOARD OF ZONING APPEALS

County-City Building
227 W. Jefferson Blvd. 1400S
South Bend, IN 46601
(574) 235-7627



September 7, 2022

Common Council of South Bend
227 W. Jefferson Blvd, 4th Floor
South Bend, IN 46601

Re: Bill# 32-22: The petition of AMANCIO RODRIGUEZ seeking a Special Exception for Vehicle Service, Minor in the NC Neighborhood Center for property located at 316 N OLIVE ST

Dear Council Members:

I hereby Certify that the above referenced petition of AMANCIO RODRIGUEZ was legally advertised on July 22, 2022 and that the South Bend Board of Zoning Appeals at its public hearing on September 6, 2022 took the following action:

Upon a motion by Kyle Copelin, being seconded by Mark Burrell and unanimously carried, a petition by AMANCIO RODRIGUEZ seeking a Special Exception for Vehicle Service, Minor for property located at 316 N OLIVE ST, City of South Bend, is sent to the Common Council with a favorable recommendation, and will issue written Findings of Fact.

The staff comments related to this petition are attached. The Findings of Fact will be adopted at the next South Bend Board of Zoning Appeals meeting. Minutes of the public hearing are available in our office and will be posted on our website once approved.

If you have any questions, please feel free to contact our office.

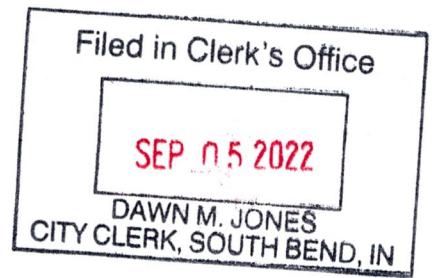
Sincerely,

A handwritten signature in black ink that reads "Angela M. Smith".

Angela M. Smith
Zoning Administrator

Attachment

CC: AMANCIO RODRIGUEZ



BILL NO. 32-22

ORDINANCE NO. 10868-22

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 316 N. OLIVE ST. COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow for the property to operate an automotive repair shop

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Advisory Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for property located at:

316 N. Olive St. 71-08-03-455-001.000-026

In order to permit Vehicle Service, Minor

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Advisory Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
2. The proposed use will not injure or adversely affect the use of adjacent area of property values therein;
3. The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan;

SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions, if any, established by the Advisory Board of Zoning Appeals which are on file in the Office of the City Clerk.

SECTION V. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor, and legal publication, and full execution of any conditions or Commitments placed upon the approval.

Sharon McBride, Council President
South Bend Common Council

Attest:

Dawn M. Jones, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2022, at _____ o'clock ____ . m.

Dawn M. Jones, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2022, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana

Property Information

Location: 316 N OLIVE ST
Owner: AMANCIO RODRIGUEZ

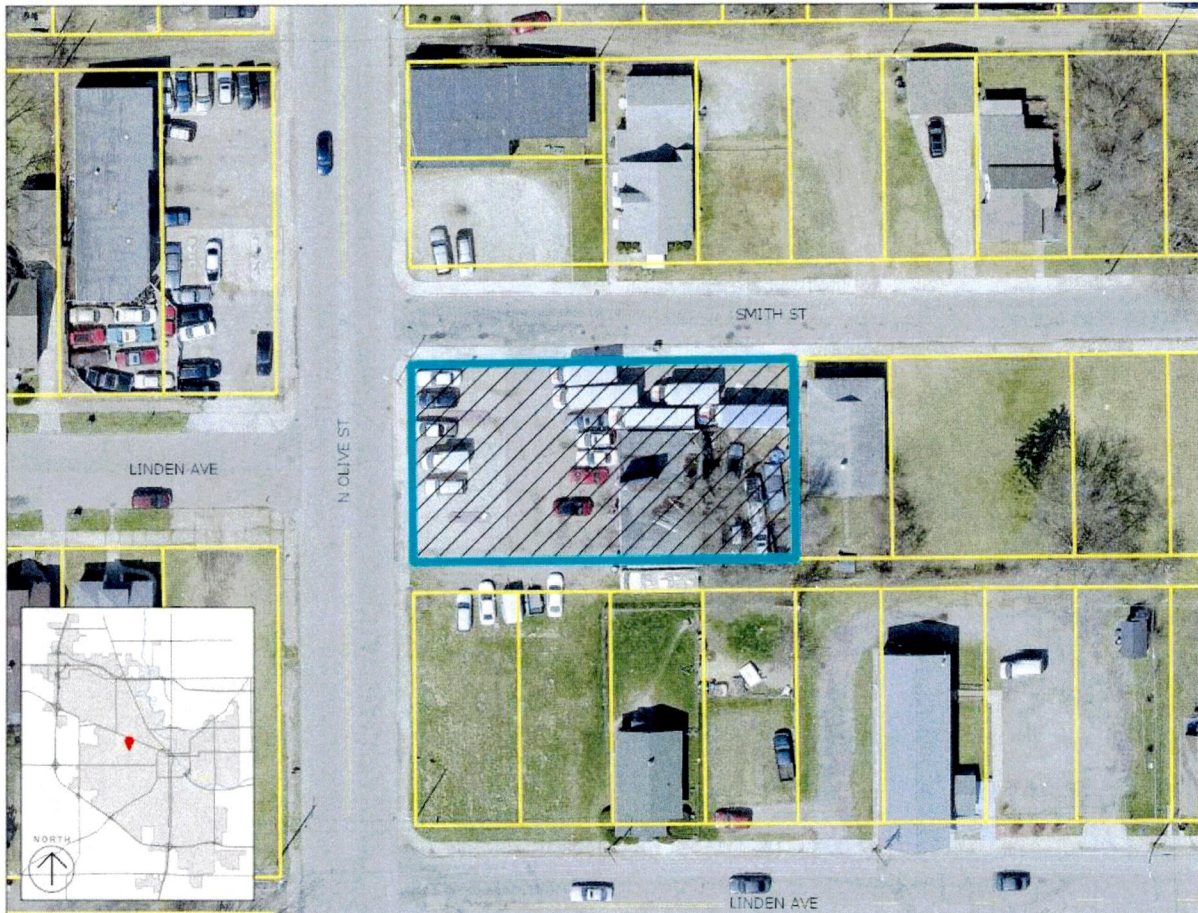
Project Summary

Apply for a Special Exception use to allow for automotive repair

Requested Action

Special Exception: Vehicle Service, Minor
Variance(s): 1) from the 60% minimum transparency to the existing transparency
2) to allow parking in the established front and corner yards

Site Location



Staff Recommendation

Based on the information provided prior to the public hearing, Staff recommends the Board send the Special Exception to the Common Council with a favorable recommendation. The Staff recommends the Board approve the variances and presented.

Proposed Site Plan



Criteria for Decision Making: Special Exception

A Special Exception may only be granted upon making a written determination, based upon the evidence presented at a public hearing, that:

(1) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;

Provided the proper landscaping and screening are provided, the proposed use should not be injurious to the public health, safety, comfort, or general welfare of the community. The site development standards in the Ordinance are established to limit potentially negative impacts on the surrounding properties.

(2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein;

The building was constructed in the 1960s to accommodate a gas station which could have a more negative impact than vehicle repair, the approval of the Special Exception should not injure or adversely affect the use of adjacent area.

(3) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein;

The original development of this property was for a gas station. The NC Neighborhood Center District allows vehicle repair as a Special Exception in order to evaluate the appropriateness in specific areas. At this location, the reactivation of the vacant building to its original use is consistent with the character of the district and surrounding area.

(4) The proposed use is compatible with the recommendations of the Comprehensive Plan.

The proposed use is consistent with City Plan (2006) Objective LU 2: Stimulate the rehabilitation and adaptive reuse of the property in the city

Criteria for Decision Making: Variance(s)

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. The standards and their justifications are as follows:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community

Approval of Variances should not be injurious to the public health, safety and general welfare of the community. These variances allow for the building to be used for its original intent. To help mitigate any potential impact on the general community, proper parking area screening and site landscaping should be upheld.

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner

The use and value of the area adjacent to the property included in the variance should not be affected in a substantially adverse manner. The site has existed in this layout since the 1960s. While parking in the established front/corner yard is not preferred, the proper parking

area screening and site landscaping should reduce any negative impact on the surrounding properties use and value.

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property

Strict application of the Zoning Ordinance would require the building to be demolished and relocated in order to allow access and parking in a different configuration. The addition of landscaping, however, could easily be accomplished.

(4) The variance granted is the minimum necessary

The variance for parking location is the minimum necessary to operate the intended use in a reasonable manner. Though parking is not required, providing some off-street parking would be practical for the business. There is no practical difficulty for the requested landscaping variances, so it is not the minimum necessary.

(5) The variance does not correct a hardship cause by a former or current owner of the property

This site has been in this configuration since the 1960s. The Zoning regulations at the time did not prohibit parking in the front yard. Variance #1 is not correcting a hardship caused by the current owner.

Analysis & Recommendation

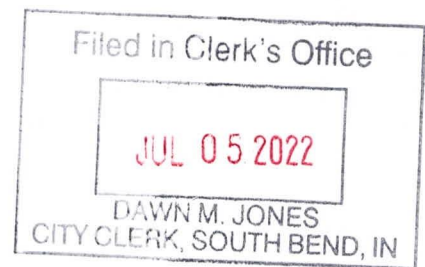
Analysis: The original intent of the building was for a gas station, though the Neighborhood Center Zoning District outlines pedestrian orientated development, the use of Vehicle Service, Minor is an allowed Special Exception in the district for such instances. Because the proposed use should have less of an impact than the original use it is within the character of the district and surrounding area.

The current building would have to be moved to another location on the building in order to accommodate the onsite parking needs in a code compliant location. It is not practical to ask for this to be done. The staff encourages the property owner to utilize available grant funds to improve the transparency for the building.

Staff Recommendation: Based on the information provided prior to the public hearing, Staff recommends the Board send the Special Exception to the Common Council with a favorable recommendation. The Staff recommends the Board approve the variances and presented.

City of South Bend

BOARD OF ZONING APPEALS



July 6, 2022

Honorable Lori Hamann
4th Floor, County-City Building
South Bend, IN 46601

RE: Special Exception Use at 316 N Olive St.

Dear Committee Chair Hamann:

Enclosed is an Ordinance for the proposed Special Exception Use at the above referenced location. Please include the attached Ordinance on the Council agenda for **first reading** at your **July 11, 2022**, Council meeting and set it for public hearing at your **August 8, 2022**, Council meeting. The petition is tentatively scheduled for public hearing at the August 1, 2022, South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the Wednesday following the public hearing.

The petitioner provided the following to describe the proposed project:
To allow for an autobody shop.

The full petition is attached for your reference. Changes may occur between the filing and the public hearing. Any substantial changes will be identified at the Council meeting.

If you have any questions, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink that reads "Rachel Boyles".

Rachel Boyles
Zoning Specialist

CC: Bob Palmer

Deadline July 5, 2022

JUL 05 2022

City of South Bend

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

227 W. Jefferson - Suite 1400S
South Bend, IN 46601
zoning@southbendin.gov

BOARD OF ZONING APPEALS

Petition for Variance - Special Exception

Property Information

Tax Key Number: 018-2025-0770
Address: 316 N Olive St. 46628
Owner: Amancio Rodriguez
Zoning: Choose the current district J

Project Summary: I want to start an autobody shop

Requested Action

- Special Exception – *complete and attach Criteria for Decision Making*
Use requested: _____
- Variance(s) - *List variances below, complete and attach Criteria for Decision Making*
Variance(s) requested: _____

Required Documents

- Completed Application (including Criteria for Decision Making and Contact Information)
- Site Plan drawn to scale
- Filing Fee

Filed in Clerk's Office

JUL 05 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

Criteria for Decision Making

Special Exception - if applicable

A Special Exception may only be granted upon making a written determination, based upon the evidence presented at a public hearing. Please address how the project meets the following criteria.

(1) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare, because: We will be working inside and the property will be kept clean and safe.

(2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein, because: we will follow all the rules and we will maintain the property to make the area look nicer.

(3) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein, because: we will maintain the character of the district and make sure it looks better

(4) The proposed use is compatible with the recommendations of the Comprehensive Plan, because: There are other Automotive businesses in the area and we will follow all the rules and recommendations that the city gives to us

JUL 05 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

Criteria for Decision Making

Variance(s) - if applicable

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. Please address how the project meets the following criteria:

- (1) The approval will not be injurious to the public health, safety, morals and general welfare of the community, because: we will be working inside the building and follow all the rules to keep the public safe.

- (2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner, because: The property will be kept clean and make the area look nice.

- (3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property, because:

- (4) The variance granted is the minimum necessary, because:

- (5) The variance does not correct a hardship caused by a former or current owner of the property, because:

JUL 05 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

Contact Information

Property owner(s) of the petition site:

Name: Amancio Rodriguez

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Amancio Rodriguez

Address: 919 East Dubail Ave, South Bend IN
46613

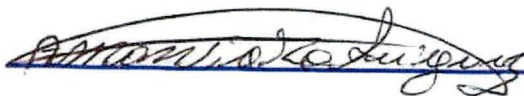
Phone Number: (574) 540-1305

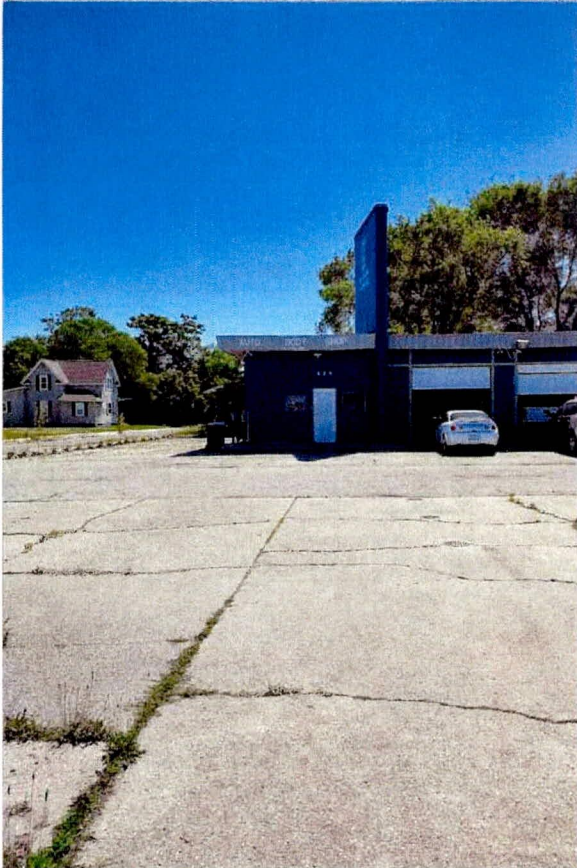
E-mail: jetselejechrodriguez5@gmail.com

By signing this petition, the Petitioner/Property Owners of the above described Real Estate acknowledge they are responsible for understanding and complying with the South Bend Zoning Ordinance and any other ordinance governing the property. Failure of staff to notify the petitioner of a requirement does not imply approval or waiver from anything contained within the ordinance.

The undersigned authorizes the contact person listed above to represent this petition before the South Bend Plan Commission and Common Council and to answer any and all questions related to this petition.

Property Owner (s) Signatures:





Filed in Clerk's Office
JUL 05 2022
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

BILL NO. 52-22

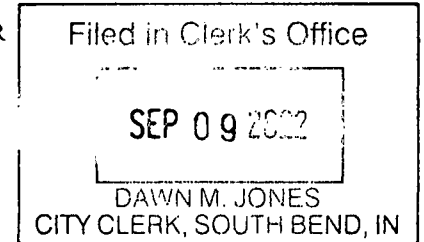
1316 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



PHONE 574/235-9251
FAX 574/235-9171

CITY OF SOUTH BEND JAMES MUELLER, MAYOR
BOARD OF PUBLIC WORKS

December 14, 2021



Mr. Christopher Boardman
1015 Good Place
South Bend, IN 46616
Irishcb222@hotmail.com

RE: Alley/Street Vacation – 1015 Good Place (Preliminary Review)

Dear Mr. Boardman:

At its December 14, 2021 meeting, the Board of Public Works reviewed comments by the Engineering Division, Community Investment, Fire Department, Police Department. The following comments and recommendations were submitted:

Per IC 36-7-3-13, the vacation would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous. The vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient. The vacation would not hinder the public's access to a church, school or other public building or place. The vacation would hinder the use of a public right of way by the neighborhood in which it is located or to which it is contiguous.

Therefore, the Board of Public Works submitted an **unfavorable** recommendation for the vacation of this alley. If you still wish to pursue this alley vacation, please bring this BPW Recommendation Packet to the City Clerk's Office, located on the 4th floor of the County-City Building. Alley/Street vacations require a presentation to the Common Council, approval of an ordinance, and certification of the ordinance from the Mayor. The property then must be recorded with the Recorder's Office to ensure that your 50% ownership of the property is appropriately transferred to your name. If you have any questions about how the alley vacation will affect your property taxes, please contact the Auditor's Office.

If you have any further questions, please call this office at (574) 235-9251.

Sincerely,

/s/ Laura Hensley/Acting

Clerk

BILL NO. 52-22

Filed in Clerk's Office

ORDINANCE NO. _____

SEP 09 2022

DAWN M. JONES

CITY CLERK, SOUTH BEND, IN

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

The southeast half, 120 feet, of the alley extending between Good Place and Blyler Place roughly parallel to Riverside Drive in the City of South Bend area commonly known as the Keller Park Neighborhood.

STATEMENT OF PURPOSE AND INTENT

Pursuant to Indiana Code Section 36-7-3-12, the Common Council is charged with the authority to hear all petitions to vacate public ways or public places within the City. The following Ordinance vacates the above described public property.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, as follows:

SECTION I. The Common Council of the City of South Bend having held a Public Hearing on the petition to vacate the following property:

The alley extending 14 foot wide northeast, and 120 feet long from Good Place and ending at the current rear property line, including the 5 foot triangle alley section at the rear north corner of LOT 48 BOULEVARD PARK, PARCEL NUMBER: 71-03-35-180-015.000-026 commonly known as 1015 Good Place. (The current 1015 Good Place description is: E 16 FT LOT 47 & ALL OF LOT 48 BOULEVARD PARK)

hereby determines that it is desirable to vacate said property.

SECTION II. The City of South Bend hereby reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana, to construct and maintain any facilities, including, but not limited to, the following: electric, telephone, gas, water, sewer, surface water control structures and ditches, within the vacated right-of-way, unless such rights are released by the individual utilities.

SECTION III. The following property may be injuriously or beneficially affected by such vacating:

There are four properties abutting the alley at issue and all four owners are in favor of the vacation of the alley and request that the vacated alley be ceded entirely to become part of the of the current 1015 Good Place property with the current legal description of:

Owner: Christopher Boardman. E 16 FT LOT 47 & ALL OF LOT 48 BOULEVARD PARK. PARCEL NUMBER: 71-03-35-180-015.000-026.

The three properties abutting the other side of the alley at issue are:

**DAVID M AND VICKIE L LOUGHLIN
2017 RIVERSIDE DR
SOUTH BEND, IN 46616-1948
Lot 49 Boulevard Park Add
PARCEL NUMBER: 71-03-35-180-005.000-026**

**CALVIN & ELIZABETH LEWIS
2021 N RIVERSIDE DR
SOUTH BEND, IN 46616-1948
Lot 50 Replat of Boulevard Park Add
PARCEL NUMBER: 71-03-35-180-004.000-026**

**JIANBO LIU
2025 RIVERSIDE DR
SOUTH BEND, IN 46616-1948
Lot 51 Replat of Boulevard Park Add
PARCEL NUMBER: 71-03-35-180-003.000-026**

Section IV. The purpose of the vacation of the real property is to allow the current owner of 1015 Good Place, Christopher Boardman, to pave the current alleyway to rectify the current ongoing mud ruts and overgrown grass and weeds and allow for the potential construction of a garage at the rear of his property, thereby greatly improving the appearance of the alleyway and raising the tax base for the larger 1015 Good Place lot. The above other outlined three properties abutting the alley will have access rights to use the newly paved alley to their benefit. In addition, the greatly improved appearance and use rights of the paved alley will increase the property value and appearance of all the abutting properties and the neighborhood in general. The remainder of the alley will allow through traffic to all but the four adjacent property owners who agree to and endorse this Bill.

SECTION V. This ordinance shall be in full force and effect from and after its Passage by the Common Council and approval by the Mayor.

Sharon L. McBride, Council President
South Bend Common Council

Attest:

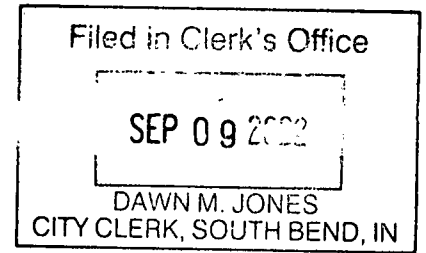
Dawn M. Jones, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2022, at _____ o'clock ____ . m.

Dawn M. Jones, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2022, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana



**INTEROFFICE MEMORANDUM
BOARD OF PUBLIC WORKS**

DATE: November 22, 2021

TO: Zach Hurst, Public Works
Chris Dressel, Community Investment
Gerard Ellis, Fire Department
Brad Rohrscheib, Police Department

FROM: Laura Hensley, Acting Clerk (lhensley@southbendin.gov)

SUBJECT: REQUEST FOR RECOMMENDATIONS – ALLEY VACATION

APPLICANT: Christopher Boardman
LOCATION: 1015 Good Place

PLEASE INSERT YOUR RECOMMENDATIONS IN THE APPROPRIATE FIELD BELOW, BASED ON THE FOLLOWING I.C. 36-7-3-13 CRITERIA:

1. The vacation would/would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
2. The vacation would/would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
3. The vacation would/would not hinder the public's access to a church, school or other public building or place.
4. The vacation would/would not hinder the use of a public right-of-way by the neighborhood in which it is located or to which it is contiguous.

PUBLIC WORKS: Unfavorable – would hinder access

COMMUNITY INVESTMENT: Unfavorable

1. The vacation would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
2. The vacation **would** make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
3. The vacation would not hinder the public's access to a church, school or other public building or place.
4. The vacation **would** hinder the use of a public right-of-way by the neighborhood in which it is located or to which it is contiguous.

FIRE: Favorable

POLICE: Favorable Recommendation



STREET/ALLEY VACATION APPLICATION
 City of South Bend - Board of Public Works
 227 W. Jefferson Boulevard, Ste. 1316
 South Bend, IN 46601

Filed in Clerk's Office
 SEP 09 2021
 DAWN M. JONES
 CITY CLERK, SOUTH BEND, IN

Date: 11/22/2021 Phone #: 617-312-2211
 Name: CHRISTOPHER BOARDMAN Email: TRISHCB222@hotmail.com

Property Address: 1015 GOOD PLACE, SOUTH BEND, IN, 46616

Applicant property information: Residential Commercial Industrial

Describe the general alley location with boundaries (Ex: Church Pl, between E. Colfax Ave & E. LaSalle Ave):

GOOD PLACE BETWEEN GOOD PLACE + BLYLER PLACE + CULVER PLACE SOUTH BEND, IN, 46616

- Is your property adjacent to the alley of interest? Yes No
- Do you own all adjacent properties to the alley of interest? Yes No
- Does the existing alley provide garage access to other property owners? Yes No
- Does the alley receive daily traffic excluding your own use? Yes No
- Would the vacation hinder public access to any of the following: a church, school, or any other public building or place? Yes No

Reason for street/alley vacation and proposed use:

THE ALLEY IS NEVER USED. MY NEIGHBORS + I WOULD LIKE TO ACQUIRE THE ALLEY AS PART OF OUR PROPERTIES FOR UPGRADE + BETTER CARE + LANDSCAPING. WE ARE ONLY INTERESTED IN 1/2 OF THE ALLEY FROM GOOD PLACE TO CULVER PLACE ALLEY.

A map **MUST** be provided highlighting the area you would like to vacate with this application.

N/S Alley between Riverside & Culver Place from Good Place to First OFFICE USE ONLY: E/W Alley part way through to Blyler

Board Recommendation: Yes No

CITY OF SOUTH BEND, INDIANA
 BOARD OF PUBLIC WORKS

Elizabeth A. Maradik, President

[Signature]

Gary A. Gilot, Member

[Signature]

Joseph R. Molnar, Member

[Signature]

Jordan V. Gathers, Member

[Signature]

Murray L. Miller, Member

[Signature]

Attest: Clerk

Date: December 14, 2021



Filed in Clerk's Office
 SEP 09 2022
 DAWN M. JONES
 CITY CLERK, SOUTH BEND, IN

OFFICE OF THE CITY CLERK
 DAWN M. JONES, CITY CLERK

**PETITION TO VACATE PUBLIC RIGHTS-OF-WAY
 (STREETS/ALLEY)**

DATE: 9-9-2022

To the Common Council of the City of South Bend, Indiana. I (we), the undersigned property owner(s), petition you to vacate:

1. THE ALLEY DESCRIBED AS:

Southeast half, 120 feet, of the alley extending between Good Place and Blyler Place roughly parallel to Riverside Drive in the City of South Bend area commonly known as the Keller Park Neighborhood.

2. THE STREET DESCRIBED AS:

Abutting Property Owner(s) Signatures:

Name (print):	Signature	Address	Lot Number
Christopher Boadman		1015 Good Place	48
1.			
David Loughlin		2017 Riverside Drive	49
2.			
3.			

INTEGRITY | SERVICE | ACCESSIBILITY

BIANCA L. TIRADO
 CHIEF DEPUTY/DIRECTOR OF OPERATIONS

RODGER J. PINTO
 DEPUTY/DIRECTOR OF POLICY

GABRIEL N. MURRI
 ORDINANCE VIOLATION CLERK

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

455 County-City Building | 227 W. Jefferson Blvd. | South Bend, Indiana 46601 | p 574.235.9221 | f 574.235.9173 | www.southbendin.gov

PLAT OF BOULEVARD PARK

SOUTH BEND, INDIANA
Scale 1" = 100'

Jan 1930

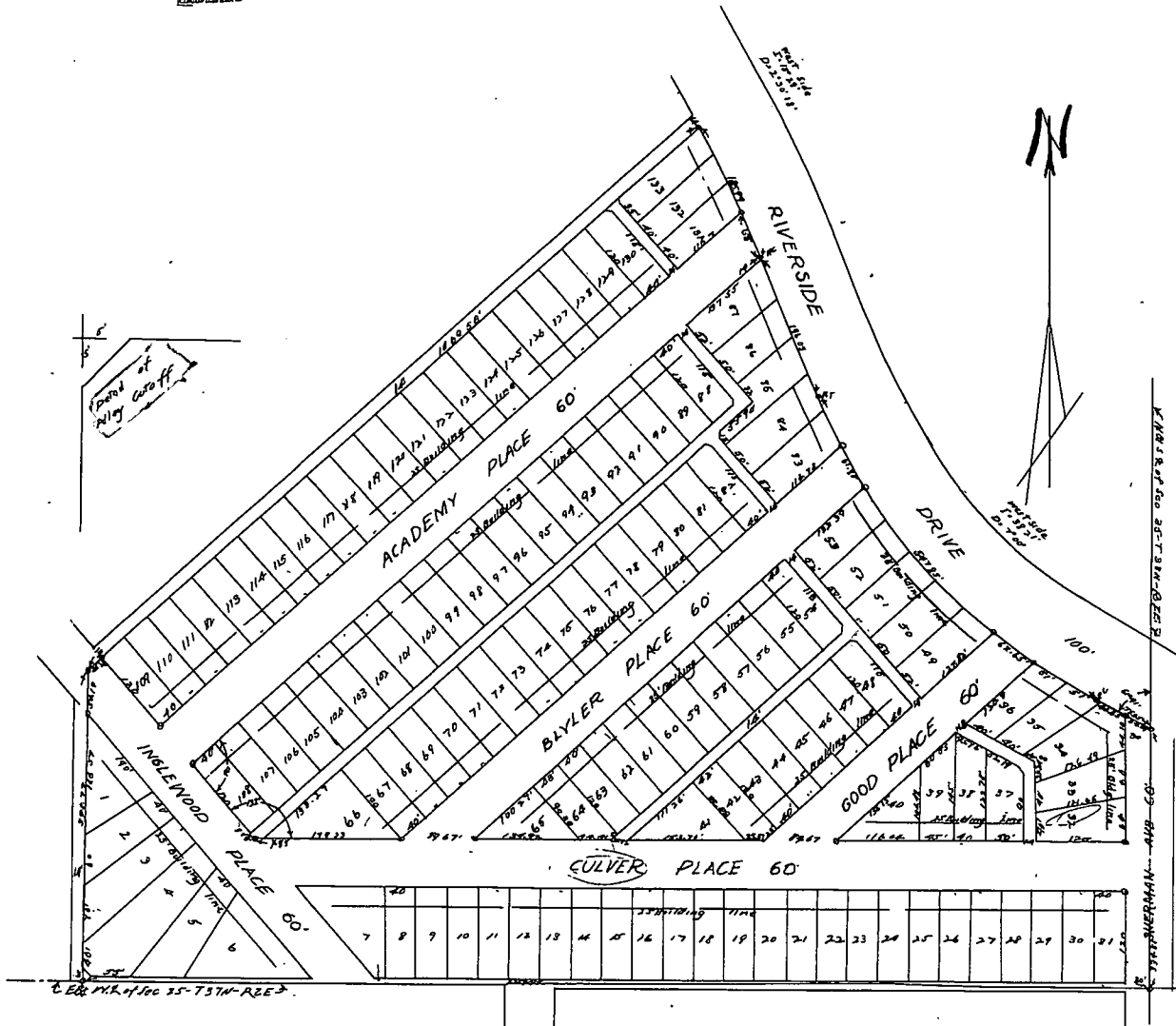
Filed in Clerk's Office

SEP 09 1930

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

INDEXED

INDEXED



PLAT OF BOULEVARD PARK

The annexed plat is a plat of Boulevard Park, on addition to the City of South Bend, Indiana and comprises the track of land described as follows:
 Beginning at the southeast corner of the northwest 1/4 of sec 35 Twp 38 N R2E. Thence north along the east line of the northwest 1/4 of said sec 35 a distance of 33.488 to the south line of Riverside Drive, thence north 61.41' west along the southwesterly line of Riverside Drive a distance of 72.35 feet, thence on a 7.88' curve to the right along the southwesterly line of Riverside Drive a distance of 547.05 feet, thence on a tangent still along the southwesterly line of Riverside Drive a distance of 185.99 feet to the southwesterly line of the 1/2 alley east of Meadow Blud, thence southwesterly along the southeasterly line of the alley east of Meadow Blud, a distance of 108.35 feet to intersection of the southeast right line of the alley east of Kessler Blvd, thence south along the east line of the alley east of Kessler Blvd a distance of 133 feet to the east line of the north line of the north west 1/4 of said sec 35 a distance of 138.94 feet to the place. THE plot contains 133 lots numbered from 1 to 133 inclusive.
 The size of the lots and the width of the streets and alleys is marked on the plat in feet and decimals of feet.
 The streets and alleys are hereby dedicated to the public for use as public highways only.

STATE OF INDIANA } ss:
COUNTY OF ST JOSEPH }

Personally appeared before me, a notary public in and for said State and County C J Jackson president and Edgar L. Kelsey Secretary of the Union Trust Company and acknowledged the execution of the foregoing plat.
WITNESS my hand and notarial seal this 2nd day of March 1930

My Commission expires Nov 18, 1933
DULY ENTERED FOR TAXATION
Mar 4 1930
Frank P. Carver
Auditor
St Joseph Co, Indiana

APPROVED
Board of Works
Mar 4 1930
M. E. Doran
John K. Smayor
John H. Kiser

THELMA G. WYNEGAR
Notary Public

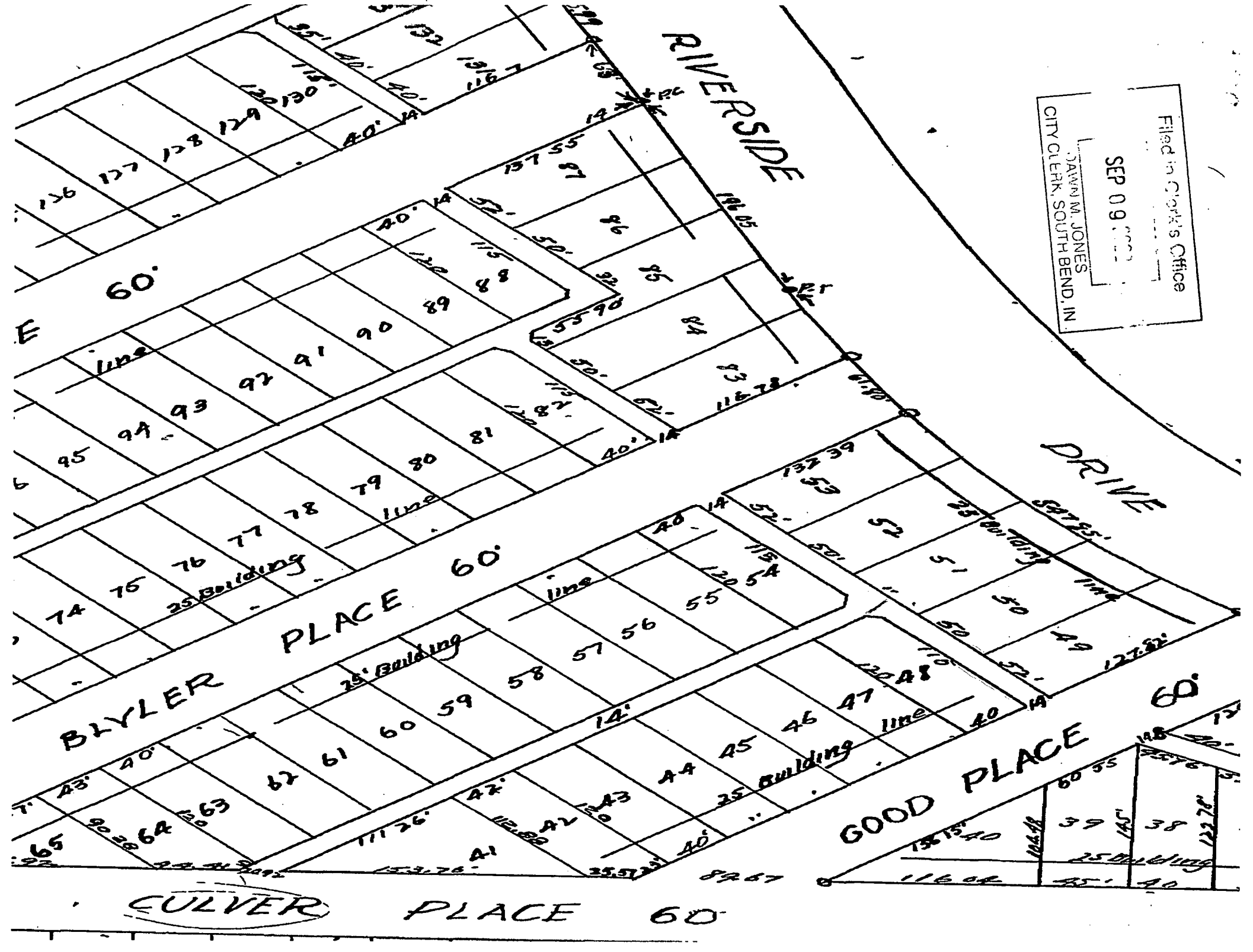
UNION TRUST COMPANY
C J Jackson president
Edgar L. Kelsey secretary



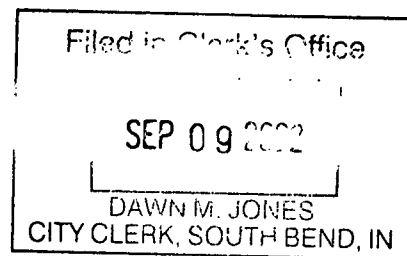
Recorded March 4 1930 at 3:10 o'clock P.M.
EDWARD KELLER, Recorder

CHAS. W. COLE, CIVIL ENGINEER - 213 CHRISTIAN BLDG., SOUTH BEND, INDIANA

Filed in Clerk's Office
SEP 09 1922
JAWN M. JONES
CITY CLERK, SOUTH BEND, IN



TO: City of South Bend, IN, St. Joseph County
FROM: BOARDMAN, LOUGHLIN, LEWIS & LIU
DATE: July 9, 2022
RE: Alley Ceding



Please accept this memorandum of understanding and agreement between the homeowners listed below as the owners of homes adjacent to both sides of the southeast half of the alley extending between Blyler Place and Good Place roughly parallel to Riverside Drive in the City of South Bend area commonly known as the Keller Park Neighborhood. The terminus ends of the ceded alley would be at Good Place and ending at the current rear property line of PARCEL NUMBER: 71-03-35-180-015.000-026 commonly known as 1015 Good Place. Please note Exhibit A. This proposal is intended to be permanently legally binding for the current and future homeowners of the four properties listed below.

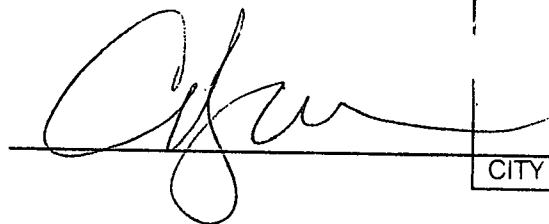
The objective and intent are to permanently close the above referenced alley and cede the alley to Christopher Boardman to become part of PARCEL NUMBER: 71-03-35-180-015.000-026 commonly known as 1015 Good Place subject to the following conditions. The three alley adjacent property homeowners will have permanent easement right of way to use the alley to access their property as will all utility providers who will also have the right to install and maintain any utility poles, lines, pipes, etcetera in the ceded area as may be required. The alley's gravel-based service will, within two years of the date of this document, be replaced with pavement or concrete. The new pavement or concrete will be level with the current alley driveway on PARCEL NUMBER: 71-03-35-180-004.000-026 commonly known as 2021 N. Riverside Drive and the new pavement or concrete will be sloped to drain toward Good Place. All building codes and setback requirements will be adhered to along the new property lines of PARCEL NUMBER: 71-03-35-180-015.000-026 commonly known as 1015 Good Place. All cost associated with this matter will be the responsibility of Christopher Boardman.

It is understood by all four property owners listed below that it is the intent of Christopher Boardman to build a garage at the rear of his property which may in part set on the referenced ceded alley property. All four parties listed below are in favor of the above outlined proposal for their common good and without any financial exchange.

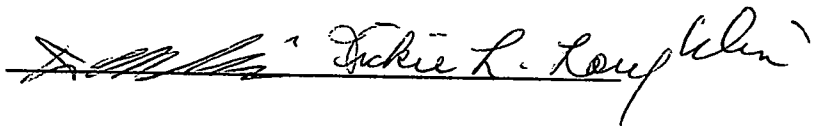
It should be noted that since the City of South Bend has ceased trash and yard waist pickup in the city's alleys and therefore this proposal would have no effect in the city's waste pickup, however would make it much easier for the four involved property owners to move their trash bins to the street for pickup. The city has also stopped maintaining this alley and again the proposed outlined change would greatly improve the appearance of the section of alley involved and the respective property values. The remaining properties adjacent to this alley system will not be impacted by through access to the rear of their properties as the northwest half of the alley extending between Blyler Place and Good Place would remain unchanged and open and intersect with the open alley at the rear of the homes on Good Place and Blyler Place. In fact, there is utility pole blocking any potential traffic from turning from the Blyler Place and Good Place alley to the alley requesting to be ceded. Again, please note Exhibit A as well as the attached photographs. This proposal is not unprecedented in the city nor in the Keller Park area as the alley two blocks north of the alley at issue, from Riverside Drive to Inglewood Place at the rear of the homes on Academy Place and Woodlawn Blvd has been abandoned by the City of South Bend and is impassable by vehicles.

SEP 09 2002

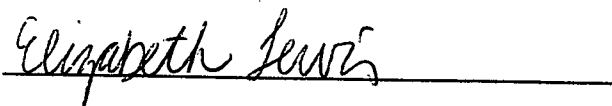
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN



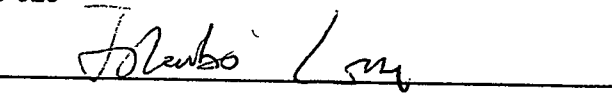
CHRISTOPHER BOARDMAN
1015 GOOD PL
SOUTH BEND, IN 46616-1943
E 16 FT LOT 47 & ALL OF LOT 48 Boulevard Park
PARCEL NUMBER: 71-03-35-180-015.000-026



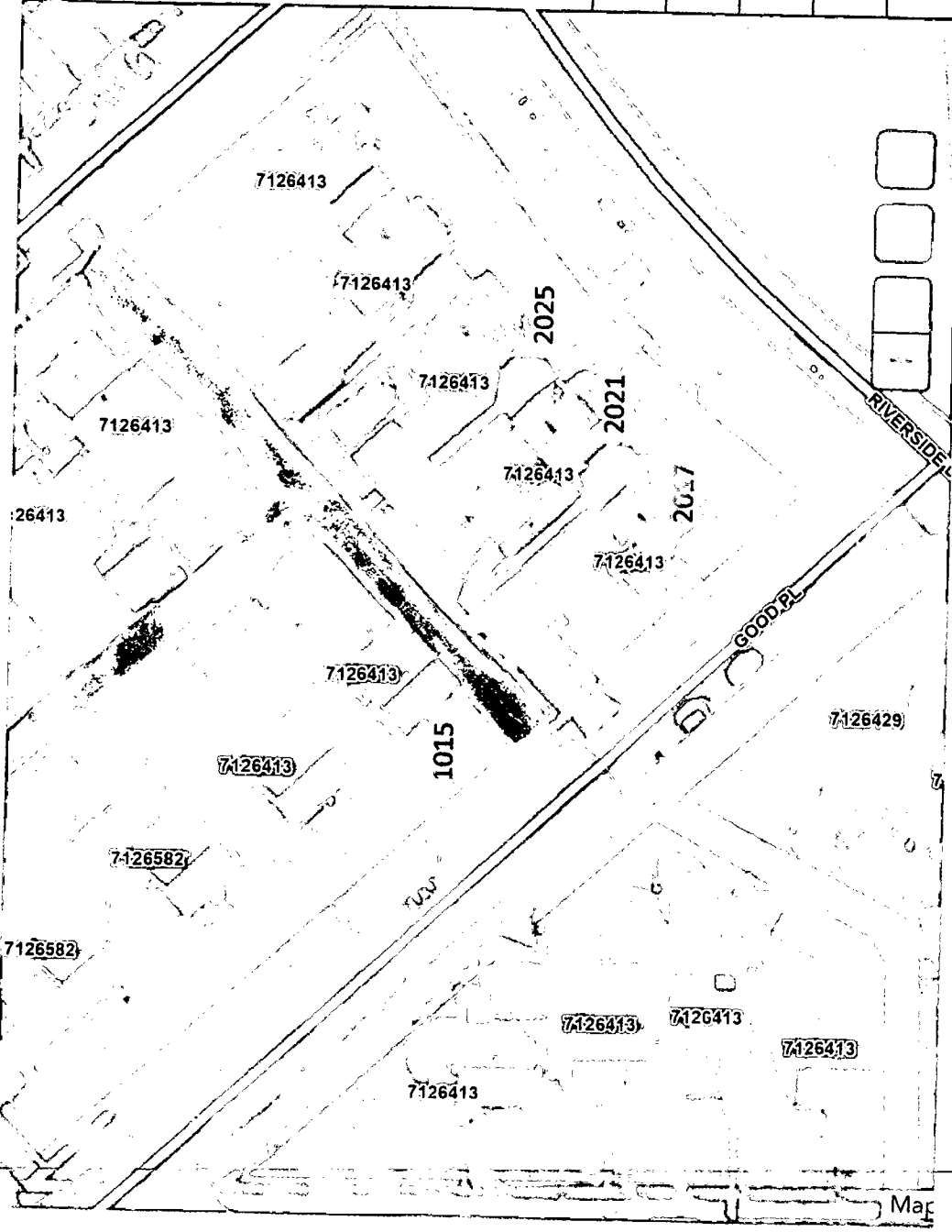
DAVID M AND VICKIE L LOUGHLIN
2017 RIVERSIDE DR
SOUTH BEND, IN 46616-1948
Lot 49 Lot 49 Boulevard Park Add
PARCEL NUMBER: 71-03-35-180-005.000-026



CALVIN & ELIZABETH LEWIS
2021 N RIVERSIDE DR
SOUTH BEND, IN 46616-1948
Lot 50 Replat of Boulevard Park Add
PARCEL NUMBER: 71-03-35-180-004.000-026



JIANBO LIU
2025 RIVERSIDE DR
SOUTH BEND, IN 46616-1948
Lot 51 Replat of Boulevard Park Add
PARCEL NUMBER: 71-03-35-180-003.000-026



Flight: [unclear] Office

SEP 09 2008
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

Exhibit A

Through alley remains open
Closed alley to be ceded to 1015 Good Place

davevicki@comcast.net

From: davevicki@comcast.net
Sent: Thursday, July 14, 2022 2:34 PM
To: 'Laura Hensley'; 'Chris Boardman'
Subject: RE: City of South Bend Board of Public Works
Attachments: Boardman Alley Cede.docx; Alley Cede Memo Signatures.pdf; Exhibit A Alley.pdf; Alley Varance Cede Photo #1.pdf; Alley Varance Cede Photo #2.pdf

Laura and Chris, attached are copies of the original documents that I will be hand delivering to you Laura this afternoon.

Given the fullest endorsement of all four property owners for the vacation and ceding of the alley at issue to Christopher Boardman per the attached submitted memorandum and attachments and the continued unchanged traffic pattern in the alley system at the rear of the homes of Riverside Drive from Good Place to Blyler Place as well as the unchanged alley at the rear of the homes between Good Place and Blyler Place there should be no issues that the vacation would make access to the lands of the aggrieved person by means of public way difficult or inconvenient, nor that the vacation would hinder the use of a public right-of-way by the neighborhood in which it is located or to which it is contiguous.

On the behalf of the Keller Park Neighborhood neighbors with homes adjacent to the alley at issue, thank you for all of your efforts in this request and please contact me if I may provide any further assistance on Chris Boardman's behalf in his absence.

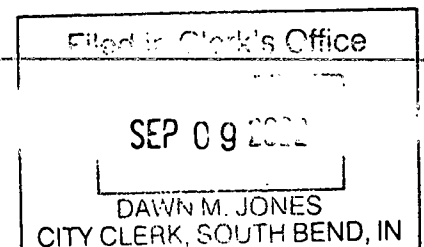
Thanks, Dave

David M. Loughlin
2017 Riverside Drive
South Bend, IN 46616
574-234-6927 H
574-220-9536 C
davevicki@comcast.net

From: Laura Hensley <lhensley@southbendin.gov>
Sent: Monday, July 11, 2022 8:16 AM
To: Chris Boardman <irishcb222@hotmail.com>
Cc: davevicki@comcast.net
Subject: RE: City of South Bend Board of Public Works

Good morning, Chris,
We are here Monday-Friday 8:00 a.m. to 4:30 p.m. You can drop it off or email if that is easier. Hope you're having a good Monday!

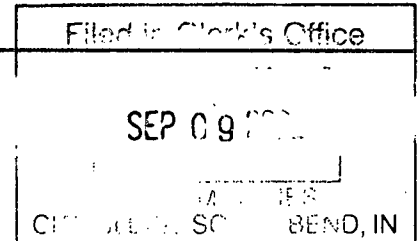
From: Chris Boardman <irishcb222@hotmail.com>
Sent: Monday, July 11, 2022 7:28 AM
To: Laura Hensley <lhensley@southbendin.gov>
Cc: davevicki@comcast.net
Subject: Re: City of South Bend Board of Public Works



Good morning Laura,

We had spoken in person back in April in your office regarding my alley vacation request and with the assistance of my neighbor Dave Loughlin (whom was present with me when we met you) we have collected the additional information per your direction. Since I do not live in South Bend full time, Dave has agreed to assist in delivering the paperwork. Please let us know when would be a good time to stop by with the paperwork and maybe answering a few more questions. I really appreciate all your help and if there is anything you need please do not hesitate to call me at 617-312-2211.

Thank you,
Chris



From: Laura Hensley <lhensley@southbendin.gov>
Sent: Tuesday, December 14, 2021 12:48 PM
To: Irishcb222@hotmail.com <Irishcb222@hotmail.com>
Subject: City of South Bend Board of Public Works

Hello,
Attached you will find a letter and signed documents pertaining to the December 14, 2021, City of South Bend Board of Public Works Meeting. Please read the letter attached. ****There may be extra documents attached to the file, this is for your records only.****

Hope you have a wonderful day!



Laura Hensley

Administrative Assistant
Department of Public Works
(574) 235-5927
lhensley@southbendin.gov
City of South Bend
227 W. Jefferson Blvd., Ste. 1316
South Bend, IN 46601

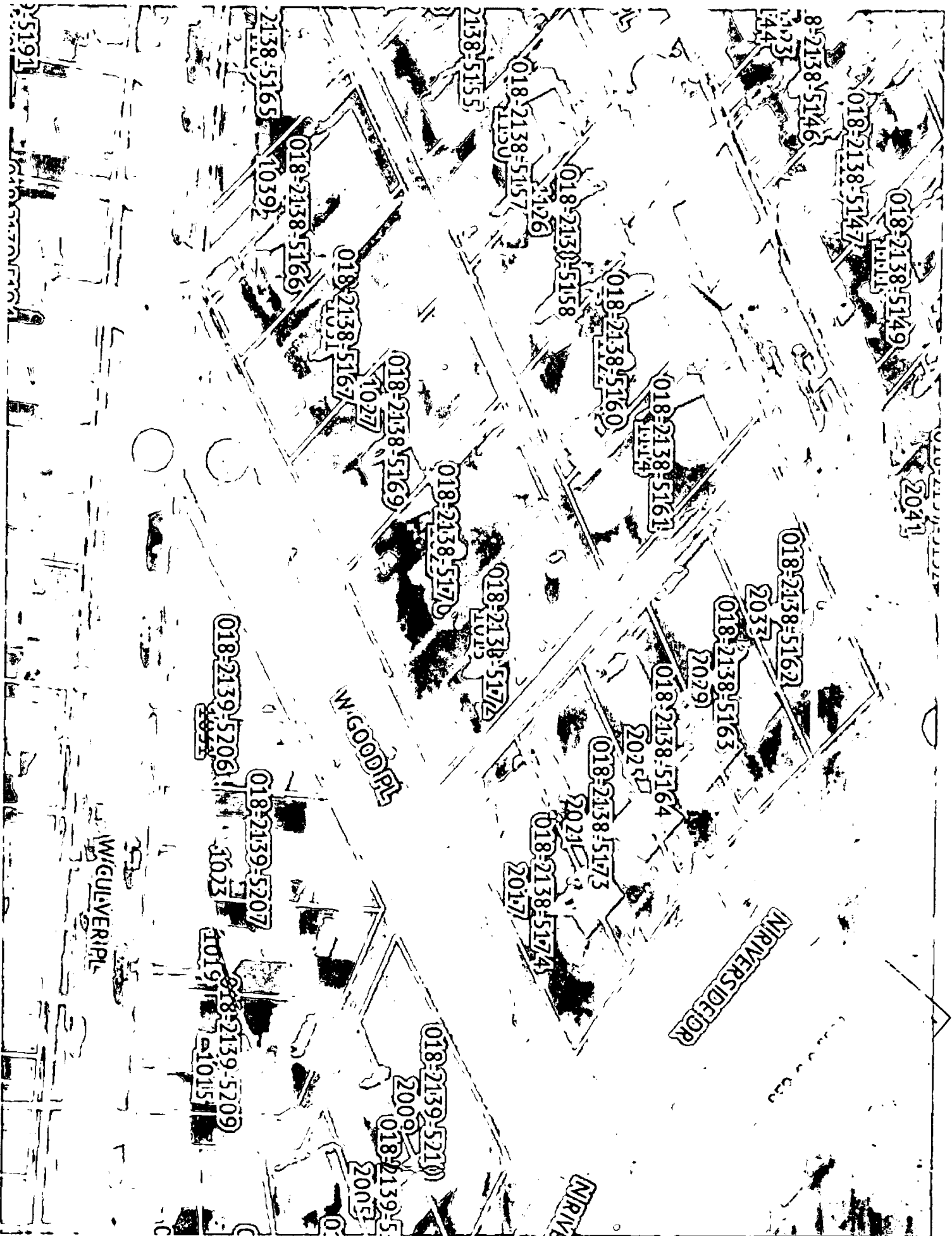
Excellence | Accountability | Innovation | Inclusion | Empowerment

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containing deadlines. In addition, E-Mail information cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain virus. Therefore, the sender does not accept liability for any errors or omissions in the contents of this message which arise as a consequence of E-Mail transmission. If verification is required, please request a hard-copy version.

Filed in Clerk's Office
SEP 09 2002
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN



018-2138-5147
018-2138-5149

018-2138-5146

2041

018-2138-5162

2033

018-2138-5163

2029

018-2138-5164

2025

018-2138-5173

2021

018-2138-5174

2017

018-2139-5210

2009

018-2139-5205

2003

018-2138-5169

1027

018-2138-5167

018-2138-5166

1039

018-2138-5165

018-2138-5172

2015

018-2138-5170

2012

018-2138-5157

2126

018-2138-5155

018-2139-5206

2022

018-2139-5207

2023

018-2139-5209

2019

018-2139-5208

2015

W/GUILVER RPL

N RIVERSIDE DR

N RIVERSIDE DR

018-2139-5191



Looking northwest from Good Place to alley at issue and Blyler Place in background. 1015 Good Place on left in photo and 2017 Riverside Drive on right in the photo.



SEP 09 2022
DAVID M. JONES
CITY CLERK, SOUTH BEND, IN

Looking northwest from the alley at issue with the end of the vacation/ceding to stop at the end of the chain-link fence at the rear of 1015 Good Place on the left in the photo and 2025 Riverside Drive on the right in the photo. Note the utility pole in the alley easement preventing turns in alleyway from or onto the section of alley requested to be vacated.



Looking southeast in alley at issue toward Good Place with 1015 Good Place on right in photo behind utility pole in alley easement. Note right turn traffic pattern to alley behind homes on Good Place and Blyler Place which would remain open if alley at were closed.



Looking south in alley at issue toward 1015 Good Place and utility pole in alley easement preventing turns in alleyway from or to the section of alley at issue.

Filed in Clerk's Office
SEP 09 2022
DAWN HIGINES
CITY CLERK SOUTH BEND, IN

MARGO B LOVEING
1015 Culver Pl
South Bend IN 46616

7022 0410 0001 3219 3117

JIANBO LIU
2025 Riverside Dr
South Bend IN 46616

7022 0410 0001 3219 3049

2005 RIVERSIDE DR LAND TRUST
115 1/2 N Main St
South Bend IN 46601

7022 0410 0001 3219 3025

JANET MORRIS
1126 Blyler Pl
South Bend IN 46616

7022 0410 0001 3219 3124

DAVID M AND VICKIE L LOUGHLIN
2017 Riverside Dr
South Bend IN 46616

7022 0410 0001 3219 3056

DAVID A VANWANZEELE
116 Mansfield C
Boca Raton FL 33434

7022 0410 0001 3219 3018

JENNIFER TOMAINO
6131 Fairway Ave
Dallas TX 75227

7022 0410 0001 3219 2592

VINCE J BARLETTO
1019 Culver Place
South Bend IN 46616

7022 0410 0001 3219 3063

CALVIN & ELIZABETH LEWIS
2021 N Riverside Dr
South Bend IN 46616

7022 0410 0001 3219 3001

KIM CARTAINO & RYAN JTWROS
39 Illex Dr
Newbury Park CA 91320

7022 0410 0001 3219 2608

AUSTIN & SARAH LOVEING
1023 Culver Pl
South Bend IN 46616

7022 0410 0001 3219 3070

RONALD E ALT
1114 Blyler Place
South Bend IN 46616

7022 0410 0001 3219 2646

MARK MAKOWSKI
PO Box 11262
South Bend IN 46634

7022 0410 0001 3219 2547

DEBRA S SPETH
222 E Walter St
South Bend IN 46614

7022 0410 0001 3219 3087

DAVID M GILBERT & MEAGAN E DRONE
2029 Riverside Dr
South Bend IN 46616

7022 0410 0001 3219 2998

RUSSELL R MICINSKI
1130 Blyler Place
South Bend IN 46616

7022 0410 0001 3219 2554

BRYAN E EYER
2001 Riverside Dr
South Bend IN 46616

7022 0410 0001 3219 3094

STACIE PRIEBE
2033 Riverside Dr
South Bend IN 46616

7022 0410 0001 3219 2981

CHRISTOPHER BOARDMAN
1015 Good Pl
South Bend IN 46616

7022 0410 0001 3219 2561

TROPIC LIFE INVESTMENTS LLC
1727 Elsie St
Green Cove Springs FL 32043

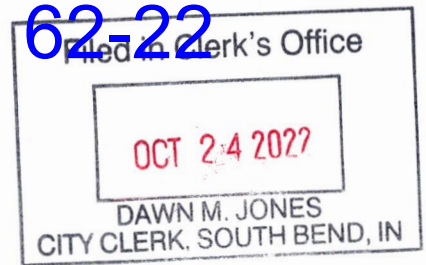
7022 0410 0001 3219 3032

Filed in Clerk's Office

SEP 09 2022

DAVID M JONES
CITY CLERK, SOUTH BEND, IN

SUBSTITUTE BILL NO. 62-22



SUBSTITUTE BILL NO. 62-22

ORDINANCE NO. 10897-22

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

ALLEY VACATION – THE FIRST EAST-WEST ALLEY SOUTH OF CORBY BOULEVARD BEGINNING AT THE EAST LINE OF HILL STREET AND EXTENDING APPROXIMATELY 165 FEET TO THE WEST LINE OF THE FIRST NORTH-SOUTH ALLEY BETWEEN HILL STREET AND SAINT LOUIS BOULEVARD.

STATEMENT OF PURPOSE AND INTENT

Pursuant to Indiana Code Section 36-7-3-12, the Common Council is charged with the authority to hear all petitions to vacate public ways or public places within the City. The following Ordinance vacates the above described public property.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, as follows:

SECTION I. The Common Council of the City of South Bend having held a Public Hearing on the petition to vacate the following property:

THE FIRST EAST-WEST ALLEY SOUTH OF CORBY BOULEVARD BEGINNING AT THE EAST LINE OF HILL STREET AND EXTENDING APPROXIMATELY 165 FEET TO THE WEST LINE OF THE FIRST NORTH-SOUTH ALLEY BETWEEN HILL STREET AND SAINT LOUIS BOULEVARD.

hereby determines that it is desirable to vacate said property.

SECTION II. The City of South Bend hereby reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana, to construct and maintain any facilities, including, but not limited to, the following: electric, telephone, gas, water, sewer, surface water control structures and ditches, within the vacated right-of-way, unless such rights are released by the individual utilities.

SECTION III. The following property may be injuriously or beneficially affected by such vacating:

824/820 N HILL ST, DANIEL AND JODY MACHIELA

816 N HILL ST, BECKY ADAMS

Section IV. The purpose of the vacation of the property is: *THIS UNIMPROVED ALLEY HAS NOT BEEN IN USE FOR DECADES, WITH EASY ACCESS FOR ALL ADJACENT PROPERTIES PROVIDED THROUGH THE BACK, NORTH-SOUTH ALLEY BETWEEN HILL STREET AND SAINT LOUIS BOULEVARD. ALL PARKING AND GARAGES ARE OFF OF THE BACK, NORTH-SOUTH ALLEY. 820 AND 824 N HILL HAVE NOW BEEN COMBINED FOR A SINGLE HOME. BOTH ADJACENT PROPERTIES WOULD LIKE THE ALLEY TO BE SPLIT AND USED FOR GREEN/YARD SPACE.*

SECTION V. This ordinance shall be in full force and effect from and after its Passage by the Common Council and approval by the Mayor.

Sharon L. McBride, Council President
South Bend Common Council

Attest:

Dawn M. Jones, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2022, at _____ o'clock ____ . m.

Dawn M. Jones, City Clerk
Office of the City Clerk

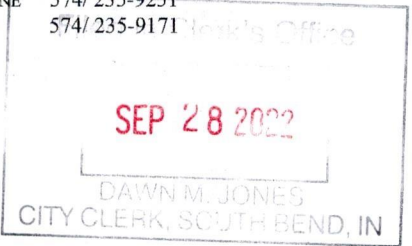
Approved and signed by me on the _____ day of _____, 2022, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana

1316 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



PHONE 574/235-9251
FAX 574/235-9171



CITY OF SOUTH BEND JAMES MUELLER, MAYOR
BOARD OF PUBLIC WORKS

September 13, 2022

Mr. Daniel A. Machiela
824 N. Hill St.
South Bend, IN 46617
dmachiela@nd.edu

RE: Alley/Street Vacation – Alley at 824 N. Hill Street (Preliminary Review)

Dear Mr. Machiela:

At its September 13, 2022 meeting, the Board of Public Works reviewed comments by the Engineering Division, Community Investment, Fire Department, Police Department. The following comments and recommendations were submitted:

Per IC 36-7-3-13, the vacation would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous. The vacation would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient. The vacation would not hinder the public's access to a church, school or other public building or place. The vacation would not hinder the use of a public right of way by the neighborhood in which it is located or to which it is contiguous.

Therefore, the Board of Public Works submitted a **favorable** recommendation for the vacation of this alley **pending the applicant hiring a bonded and permitted contractor to remove the existing alley entrance apron between sidewalk and N. Hill Street and installing a new six (6) inch curb across the opening within thirty (30) days.** If you still wish to pursue this alley vacation, please bring this BPW Recommendation Packet to the City Clerk's Office, located on the 4th floor of the County-City Building. Alley/Street vacations require a presentation to the Common Council, approval of an ordinance, and certification of the ordinance from the Mayor. The property then must be recorded with the Recorder's Office to ensure that your 50% ownership of the property is appropriately transferred to your name. If you have any questions about how the alley vacation will affect your property taxes, please contact the Auditor's Office.

If you have any further questions, please call this office at (574) 235-9251.

Sincerely,

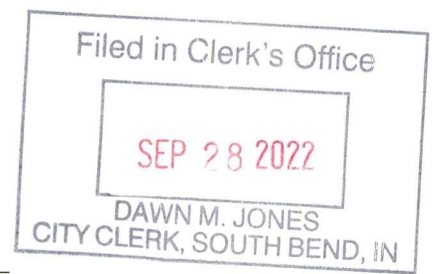
/s/ Theresa Heffner

Theresa Heffner, Clerk

Enclosures
TH/lh

BILL NO. 62-22

ORDINANCE NO. _____



AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

ALLEY VACATION – N-S ALLEY STARTING FROM HILL ST TO FIRST E-W ALLEY BETWEEN CORBY AND KALORAMA

STATEMENT OF PURPOSE AND INTENT

Pursuant to Indiana Code Section 36-7-3-12, the Common Council is charged with the authority to hear all petitions to vacate public ways or public places within the City. The following Ordinance vacates the above described public property.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, as follows:

SECTION I. The Common Council of the City of South Bend having held a Public Hearing on the petition to vacate the following property:

N-S ALLEY STARTING FROM HILL ST TO FIRST E-W ALLEY BETWEEN CORBY AND KALORAMA

hereby determines that it is desirable to vacate said property.

SECTION II. The City of South Bend hereby reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana, to construct and maintain any facilities, including, but not limited to, the following: electric, telephone, gas, water, sewer, surface water control structures and ditches, within the vacated right-of-way, unless such rights are released by the individual utilities.

SECTION III. The following property may be injuriously or beneficially affected by such vacating:

824/820 N HILL ST, DANIEL AND JODY MACHIELA

816 N HILL ST, BECKY ADAMS

Section IV. The purpose of the vacation of the property is: *THIS UNIMPROVED ALLEY HAS NOT BEEN IN USE FOR DECADES, WITH EASY ACCESS FOR ALL ADJACENT PROPERTIES PROVIDED THROUGH THE BACK ALLEY. ALL PARKING AND GARAGES ARE OFF OF THE BACK ALLEY. 820 AND 824 N HILL HAVE NOW BEEN COMBINED FOR A SINGLE HOME. BOTH ADJACENT PROPRITIES WOULD LIKE THE ALLEY TO BE SPLIT AND USED FOR GREEN/YARD SPACE.*

SECTION V. This ordinance shall be in full force and effect from and after its

Passage by the Common Council and approval by the Mayor.

Sharon L. McBride, Council President
South Bend Common Council

Attest:

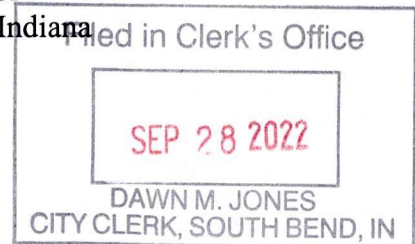
Dawn M. Jones, City Clerk
Office of the City Clerk

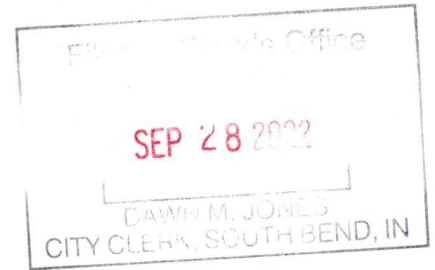
Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2022, at _____ o'clock ____ . m.

Dawn M. Jones, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2022, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana





**INTEROFFICE MEMORANDUM
BOARD OF PUBLIC WORKS**

DATE: July 20, 2022

TO: Matt Longfellow, Public Works
Chris Dressel, Community Investment
Gerard Ellis, Fire Department
Brad Rohrscheib, Police Department

FROM: Theresa Heffner, Clerk (theffner@southbendin.gov)

SUBJECT: REQUEST FOR RECOMMENDATIONS – ALLEY VACATION

APPLICANT: Daniel A. Machiela
LOCATION: 824 N. Hill St.

PLEASE INSERT YOUR RECOMMENDATIONS IN THE APPROPRIATE FIELD BELOW, BASED ON THE FOLLOWING I.C. 36-7-3-13 CRITERIA:

1. The vacation would/would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
2. The vacation would/would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
3. The vacation would/would not hinder the public's access to a church, school or other public building or place.
4. The vacation would/would not hinder the use of a public right-of-way by the neighborhood in which it is located or to which it is contiguous.

PUBLIC WORKS: No objections to the vacation pending the applicant hires a bonded and permitted contractor to remove the existing alley entrance apron between sidewalk and N. Hill Street, then install new 6" curb across the opening. Recommending this should take place within 30 days after City Council approval of the vacation.

COMMUNITY INVESTMENT: Recommended for approval subject to removing the approach and reestablishing curb

FIRE: Favorable

POLICE: Favorable recommendation



STREET/ALLEY VACATION APPLICATION
 City of South Bend – Board of Public Works
 227 W. Jefferson Boulevard, Ste. 1316
 South Bend, IN 46601

Filed in Clerk's Office
 SEP 28 2022
 DAWN M. JONES
 CITY CLERK, SOUTH BEND, IN

Date: July 14, 2022

Phone #: 616-416-6859

Name: Daniel A. Machiela

Email: dmachiela@nd.edu

Property Address: 824 N. Hill St.

Applicant property information: Residential Commercial Industrial

Describe the general alley location with boundaries (Ex: Church Pl, between E. Colfax Ave & E. LaSalle Ave):

The alley is currently unimproved and lies between two homes on the east side of N. Hill St. between Corby and Kalorama. N S a ey starting from Hi St to first E W a ey between Corby and Ka orama

- Is your property adjacent to the alley of interest? Yes No
- Do you own all adjacent properties to the alley of interest? Yes No
- Does the existing alley provide garage access to other property owners? Yes No
- Does the alley receive daily traffic excluding your own use? Yes No
- Would the vacation hinder public access to any of the following: a church, school, or any other public building or place? Yes No

Reason for street/alley vacation and proposed use:

This unimproved alley has not been in use for decades, with easy access for all adjacent properties provided through the back alley. All parking and garages are off of the back alley. 820 and 824 N. Hill have now been combined for a single home. Both adjacent properties would like the alley to be split and used for green/yard space.

A map MUST be provided highlighting the area you would like to vacate with this application.

OFFICE USE ONLY:

Board Recommendation: Yes No

CITY OF SOUTH BEND, INDIANA
 BOARD OF PUBLIC WORKS

Elizabeth A. Maradik, President

Joseph R. Molnar, Vice President

Gary A. Gilot, Member

Jordan V. Gathers, Member

Murray L. Miller, Member

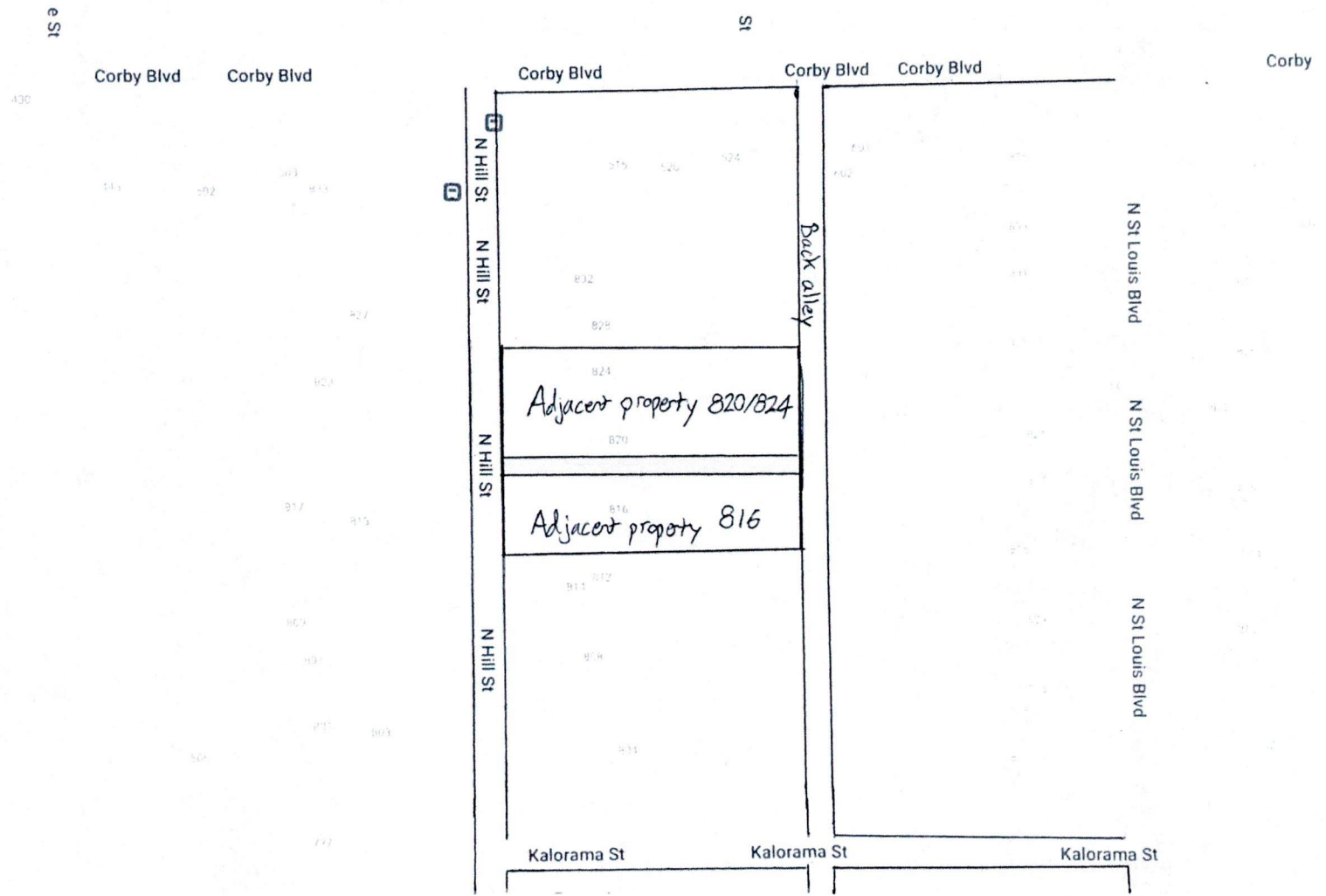
Attest: Theresa M. Heffner, Clerk

Date: September 13, 2022

Filed in Clerk's Office
SEP 28 2022
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN



Filed in Clerk's Office
SEP 28 2022
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

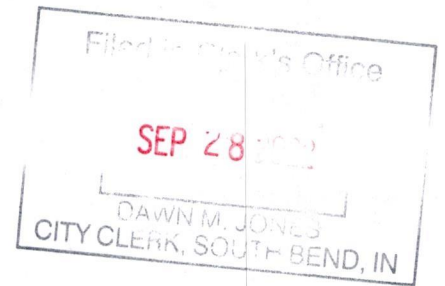


Filed in Clerk's Office

SEP 28 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN





Kisha Hoover 803 N. Hill St. South Bend, IN 46617

Alan Weber & Tracy Allega 809 N. Hill St. South Bend, IN 46617

Zachary Spaulding 813 N. Hill St. South Bend, IN 46617

Brandon Prince 808 N. Hill St. South Bend, IN 46617

Becky Adams 816 Hill St. South Bend, IN 46617

Kevin & Cathlin Coughlan 814 N. Hill St. South Bend, IN 46617

Century Builders- 230 W. Catalpa Dr. Mishawaka IN, 46545 ---- 820 N. Hill St. South Bend, IN 46617

516 Corby LLC- 10 Hanover Square New York, NY 10005 ---- 516 Corby Blvd. South Bend, IN 46617

---- 520 Corby Blvd. South Bend, IN 46617

---- 827 N. Hill St. South Bend, IN 46617

---- 524 Corby Blvd. South Bend, IN 46617

---- 602 Corby Blvd. South Bend, IN 46617

Stefan Borysiak & Irene Arellano PO BOX 441 South Bend, IN 46624 ----- 821 N. St. Louis Blvd, South Bend IN, 46617

South Bend Realty LLC 6 Fairland Farms Rd Kinderhook NY, 12106 ----- 815 N. St. Louis Blvd South Bend, IN 46617

Richard & Elizabeth Harte 804 N. Hill St. South Bend, IN 46617

Susan Papagiannis 16635 Bennington Ct. Granger IN 46530 ---- 805 N. St Louis Blvd. South Bend, IN 46617

Century Builders INC. 230 W. Catalpa Dr. Mishawaka IN 46545 ---- 824 N. Hill St. South Bend, IN 46617

Michael Fischer 53195 Ridgewood Dr. South Bend, IN 46637 ---- 825 N. St. Louis Blvd. South Bend, IN 46617

Latoya Miller 833 N. St. Louis Blvd. South Bend, IN 46617

Mills Family Trust – 504 Via Media Palos Verdes Estates CA, 90274 ----- 809 N. St Louis Blvd. South Bend, IN 46617

Filed in Clerk's Office

SEP 28 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

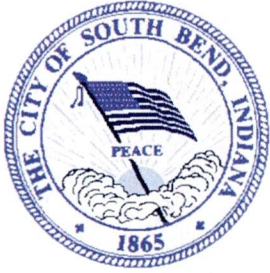
Oscar Barajas & Kathryn Wehrli 817 N. St. Louis St. South Bend, IN 46617

Bradley Rouse & Michael Papagiannis 828 N. Hill St. South Bend IN 46617

Melinda Marlow 1935 N. Oakley Ave. Chicago IL 60647 ----- 831 N. St. Louis Blvd, South Bend IN 46617

Berg Family Trust 14556 Old Farm Rd Granger IN 46530 ----- 827 N. Hill St. South Bend, IN 46617

Michael Voll 823 H. Hill St. South Bend, IN 46617



BILL NO. 22-54

City of South Bend

Common Council

441 County-City Building • 227 W. Jefferson Blvd
South Bend, Indiana 46601

(574) 235-9321
Fax (574) 235-9173
TDD (574) 235-5567
<http://www.southbend.in.gov>

November 9, 2022

Sharon L. McBride
President

Sheila Niezgodski
Vice-President

Canneth Lee
Chairperson, Committee
of the Whole

Canneth Lee
First District

Henry Davis, Jr.
Second District

Sharon L. McBride
Third District

Troy Warner
Fourth District

Eli Wax
Fifth District

Sheila Niezgodski
Sixth District

Karen L. White
At Large

Rachel Tomas Morgan
At Large

Lori K. Hamann
At Large

Members of the Common Council
4th Floor County-City Building
South Bend, Indiana 46601

Re: A SPECIAL RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA COMMEMORATING NOVEMBER 19, 2022, AS WOMEN'S ENTREPRENEURSHIP DAY IN SOUTH BEND, INDIANA AND CELEBRATING WOMEN ENTREPRENEURS WHO PLAY A VITAL ROLE IN STRENGTHENING SOUTH BEND'S ECONOMY

Dear Council Members:

November 19, 2022 is being celebrated as Women's Entrepreneurship Day in the United Nations, in over 144 countries, in the State of New York and in cities such as New York, Philadelphia and Los Angeles. The day is set aside to recognize the global growth and contributions of women-owned businesses and to empower women and girls to be active participants in global and local economies.

We ask that this Special Resolution be placed on the Common Council agenda for its meeting on November 14, 2022, under the topic of "Special Business".

Thank you for your consideration.

Sincerely yours,

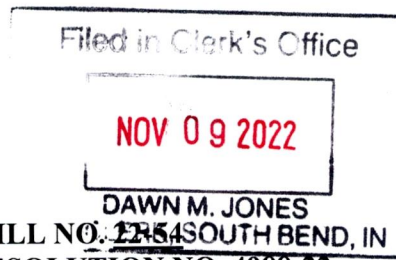
Rachel Tomas Morgan, At Large Member
South Bend Common Council

Sheila Niezgodski, Vice-President
South Bend Common Council

Filed in Clerk's Office

NOV 09 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN



BILL NO. ~~2154~~ SOUTH BEND, IN
SPECIAL RESOLUTION NO. 4988-22

A SPECIAL RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA COMMEMORATING NOVEMBER 19, 2022, AS WOMEN'S ENTREPRENEURSHIP DAY IN SOUTH BEND, INDIANA AND CELEBRATING WOMEN ENTREPRENEURS WHO PLAY A VITAL ROLE IN STRENGTHENING SOUTH BEND'S ECONOMY

Whereas, women in developed and developing nations alike are contributing to the diversity and inclusiveness of business expansion at a rapid rate and are vital to the growth of local and global economies; and

Whereas, in the United States, according to a 2017 study conducted by the National Association of Women Business Owners, more than 11.6 million firms were owned by women, employing nearly 9 million people, and generating \$1.7 trillion in revenue; according to that same 2017 study, women-owned businesses comprised 39 percent of all private firms, contributing an estimated 8 percent of employment across the United States and 4.2 percent of revenue; and

Whereas, American Express' annual State of Women-Owned Businesses Report 2019 – which merges data from the Bureau of Economic Analysis and the Census Bureau – found that 42 percent of all American businesses are owned by women and estimates America's total number of businesses led by women climbed 21 percent between 2014 and 2019 to nearly 13 million operations, while overall business growth in the U.S. was about 9 percent during the same period. Meanwhile, revenues generated by women-run businesses ballooned 21% to \$2 trillion, while the jobs they created rose by 8 percent to 9.4 million, both growth totals exceeding the national averages for companies headed by executives of any gender; and

Whereas, in Indiana, according to the U.S. Small Business Administration 2021 report women made up 47.3 percent of the workers and owned (187,915) 42.4 percent of businesses across the state; and

Whereas, according to the most recent United States Census reported in July 2021, 11.8 percent (690) of business in St. Joseph County and 12 percent (239) of businesses in South Bend were women-owned; and

Whereas, despite positive growth, the barriers for women-owned businesses, especially minority women-owned businesses, remain real. The U.S. Chamber of Commerce latest survey indicated women-owned small businesses were the hardest hit and since the onset of the COVID-19 pandemic, many women- and minority-owned businesses have closed nationwide, with South Bend being no exception, while the gender wage gap continues to see disparity across Indiana and the United States; and

Whereas, eradicating extreme poverty across our state and closing the gender gap in our nation depends on ensuring inclusive economic growth that reaches typically excluded populations like women and communities of color; and

Whereas, Women Entrepreneurship Day is a global movement to recognize and promote the advancement of women entrepreneurs, support women in business by encouraging women leaders, innovators, and entrepreneurs to initiate startups, drive economic expansion, and advance communities worldwide; and

Whereas, the economic impact of women-owned businesses is undeniable from the trillions they generated via revenue to the millions of jobs they provide and Women Entrepreneurship Day celebrates this and furthermore empowers women and girls to be active participants in our global and local economies and to build a network of women leaders; and

Whereas, Women Entrepreneurship Day is celebrated in the United Nations, in over 144 countries, and annually in the State of New York, the cities of New York, Philadelphia, and Los Angeles; and

Whereas, the state of Indiana recognizes and promotes the advancement of women's entrepreneurship throughout our state and nation.

Now, therefore, be it resolved by the Common Council, the city of South Bend, IN as follows:

Section I: We, the South Bend Common Council, with Mayor James Mueller, do hereby proclaim and commemorate **November 19, 2022**, as **"Women's Entrepreneurship Day"** in South Bend, Indiana, and commend its observance to all residents.

Section II: The Common Council joins with the Mayor to recognize and thank organizations such as C2 Your Women's Health Women's Initiative Inc., the University of Notre Dame's South Bend Adversity Entrepreneurship Program, St. Mary's College SPARK Program, the South Bend Regional Chamber of Commerce, and others, who are supporting, mentoring, and growing women-owned businesses in our community.

Section III: The Common Council joins with the mayor and community organizations calling for residents to support women entrepreneurs in our community by patronizing, investing in, and promoting women owned businesses.

Section IV: The Common Council joins with the Mayor and community organizations to celebrate and highlight the creative women entrepreneurs who play a vital role in driving innovation, strengthening South Bend's economy and creating jobs.

Section V: In doing so, South Bend will continue on the path to being a more vibrant and prosperous community.

Section VI: This resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Approved this 14th day of November 2022

Sharon McBride, President,
South Bend Common Council

Attest:

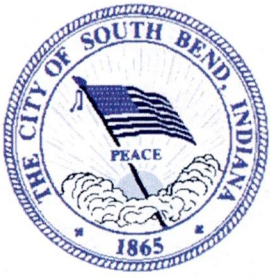
Dawn M. Jones, City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of November 2022 at __ o'clock __. m.

Dawn M. Jones, City Clerk
Office of the City Clerk

Approved and Signed by me, on the _____ day of November 2022, at __ o'clock __. m.

James Mueller, Mayor
City of South Bend



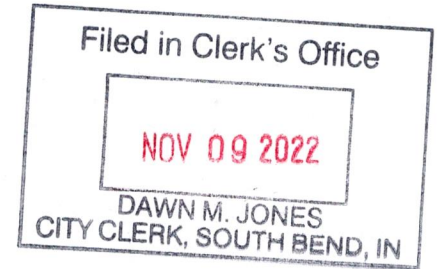
BILL NO. 22-55

City of South Bend

Common Council

441 County-City Building • 227 W. Jefferson Blvd
South Bend, Indiana 46601

(574) 235-9321
Fax (574) 235-9173
TDD (574) 235-5567
<http://www.southbend.in.gov>



Sharon L. McBride
President

Sheila Niezgodski
Vice-President

Canneth Lee
Chairperson, Committee
of the Whole

Canneth Lee
First District

Henry Davis, Jr.
Second District

Sharon L. McBride
Third District

Troy Warner
Fourth District

Eli Wax
Fifth District

Sheila Niezgodski
Sixth District

Karen L. White
At Large

Rachel Tomas Morgan
At Large

Lori K. Hamann
At Large

November 9, 2022

Members of the Common Council
4th Floor County-City Building
South Bend, Indiana 46601

Re: A SPECIAL RESOLUTION OF THE SOUTH BEND COMMON COUNCIL COMMEMORATING VETERANS' DAY 2022, AND HONORING ALL VETERANS

Dear Council Members:

As you know, the country will be celebrating Veterans Day on November 11, 2022. As part of that celebration, we are submitting this Special Resolution to honor all veterans, from whichever branch of service, as these women and men have made many sacrifices for their country.

We ask that this Special Resolution be placed on the Common Council agenda for its meeting on November 14, 2022, under the topic of "Special Business".

Thank you for your consideration.

Sincerely yours,

Sharon McBride, President,
South Bend Common Council

Sheila Niezgodski, Vice-President,
South Bend Common Council



BILL NO. 22-55
SPECIAL RESOLUTION NO. 4989-22



**A SPECIAL RESOLUTION OF THE SOUTH BEND COMMON COUNCIL, COMMEMORATING
VETERANS' DAY 2022, AND HONORING ALL VETERANS**

Whereas, an armistice ending World War I between the Allied forces and Germany went into effect on the 11th hour of the 11th day of the 11th month of 1918; and

Whereas, in November 1919, President Woodrow Wilson proclaimed November 11, as Armistice Day, commemorating the end of World War I, declaring that the day should be “filled with solemn pride in the heroism of those who died in the country’s service and with gratitude for the victory”; and

Whereas, on May 13, 1938, an act was approved which made November 11 in each year a legal holiday, intended to honor veterans of World War I; and

Whereas, in 1954, President Dwight D. Eisenhower changed Armistice Day to Veterans Day and expanded the commemoration to all veterans “in order that a grateful Nation might pay appropriate homage to veterans of all its wars”; and

Whereas, President Eisenhower’s vision of Veterans Day remains as sacred today as it was in 1954 to: “let us solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air, and on foreign shores, to preserve our heritage of freedom, and let us reconsecrate ourselves to the task of promoting an enduring peace so that their efforts shall not have been in vain”; and

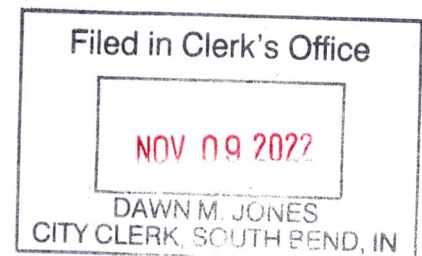
Now, therefore, be it resolved by the Common Council, the city of South Bend, IN as follows:

Section I. The sacrifices made by American veterans should be remembered and honored each and every day, but especially so on the day proclaimed by our Nation as Veterans Day.

Section II. At the same time, the sacrifices made by the families of veterans should also be remembered and honored each and every day.

Section III. This resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Approved this 14th day of November 2022



Sharon McBride, President,
South Bend Common Council

Attest:

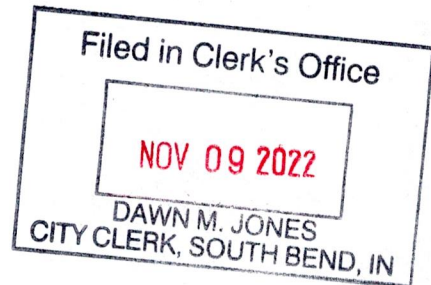
Dawn M. Jones, City Clerk
Office of the City Clerk

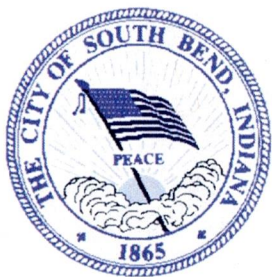
Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of November 2022 at ___ o'clock __. m.

Dawn M. Jones, City Clerk
Office of the City Clerk

Approved and Signed by me, on the _____ day of November 2022, at ___ o'clock __. m.

James Mueller, Mayor
City of South Bend





BILL NO. 22-56

City of South Bend

Common Council

441 County-City Building • 227 W. Jefferson Blvd
South Bend, Indiana 46601

(574) 235-9321
Fax (574) 235-9173
TDD (574) 235-5567
<http://www.southbend.in.gov>

Sharon L. McBride
President

Sheila Niezgodski
Vice-President

Canneth Lee
Chairperson, Committee
of the Whole

Canneth Lee
First District

Henry Davis, Jr.
Second District

Sharon L. McBride
Third District

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Fourth District

Eli Wax
Fifth District

Sheila Niezgodski
Sixth District

Karen L. White
At Large

Rachel Tomas Morgan
At Large

Lori K. Hamann
At Large

November 9, 2022

Members of the Common Council
4th Floor County-City Building
South Bend, Indiana 46601

Re: A SPECIAL RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA COMMEMORATING OVER FIVE YEARS OF SMOKE FREE ESTABLISHMENTS THROUGH THE PASSAGE OF SOUTH BEND'S CLEAN AIR ORDINANCE

Dear Council Members:

On March 29, 2016, the Common Council passed what became known as the Clean Air Ordinance in order to protect all workers in South Bend from second and third hand smoke. After five years, this ordinance remains a model for other communities seeking to create a smoke-free environment.

This Special Resolution is being submitted in conjunction with Mayor Mueller celebrating the five-year anniversary of the Clean Air Ordinance on November 17, 2022, during the Great American Smokeout.

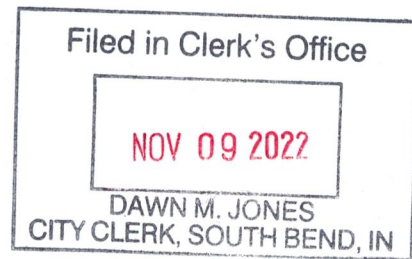
We ask that this Special Resolution be placed on the Common Council agenda for its meeting on November 14, 2022, under the topic of "Special Business".

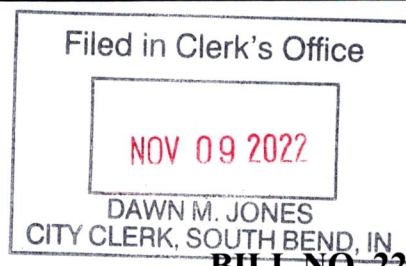
Thank you for your consideration.

Sincerely yours,

Rachel Tomas Morgan, At Large Member
South Bend Common Council

Karen L. White, At Large Member
South Bend Common Council





BILL NO. 22-56
SPECIAL RESOLUTION NO. 4990-22

A SPECIAL RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA COMMEMORATING OVER FIVE YEARS OF SMOKE FREE ESTABLISHMENTS THROUGH THE PASSAGE OF SOUTH BEND'S CLEAN AIR ORDINANCE

Whereas, on March 29, 2016, the South Bend Common Council voted in favor of passing what became known as the Clean Air Ordinance to protect all workers in the City of South Bend from second and third-hand smoke; and

Whereas, on January 1, 2017, the City of South Bend's Clean Air Ordinance was implemented thereby providing protection to all workers in the City of South Bend with sixty-nine bars, taverns, membership clubs and tobacco retailers becoming smoke-free establishments; and

Whereas, the City of South Bend's Clean Air Ordinance is the strongest smoke-free air ordinance in the State of Indiana and has become a model for other communities across the state and country and gives optimism for the expansion for St. Joseph County; and

Whereas, Smoke Free St. Joe Coalition, a local tobacco control coalition of community-based organizations and supporters, partnered with the South Bend Common Council to protect all workers so no worker within the City of South Bend would have to trade their health for a paycheck; and

Whereas, the University of Missouri School of Medicine found a 92% reduction in particulate matter pollution in a South Bend, Indiana Air Quality Monitoring Study since the Clean Air Ordinance went into effect; and

Whereas, November 17th, 2022, is the Great American Smokeout, a National Awareness Day hosted by the American Cancer Society to challenge smokers to 24 hours smoke-free to jumpstart their journey towards quitting; and

Whereas, also, on November 17th, 2022, the City will celebrate the five-year anniversary of the Clean Air Ordinance.

Now, therefore, be it resolved by the Common Council, the city of South Bend, IN as follows:

Section I: The South Bend Common Council joins Mayor Mueller in recognizing November 17, 2022, as the Great American Smokeout.

Section II: The South Bend Common Council also joins Mayor Mueller in recognizing South Bend's contributions to the cessation of smoking by celebrating November 17, 2022, as the five-year anniversary of the Clean Air Ordinance.

Section III: The South Bend Common Council also joins Mayor Mueller in asking residents to encourage the cessation of smoking and recognizing the benefits of being tobacco-free.

Section IV: This resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Approved this 14th day of November 2022

Sharon McBride, President,
South Bend Common Council

Attest:

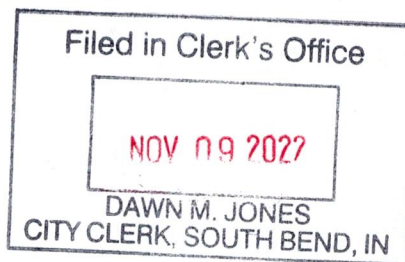
Dawn M. Jones, City Clerk
Office of the City Clerk

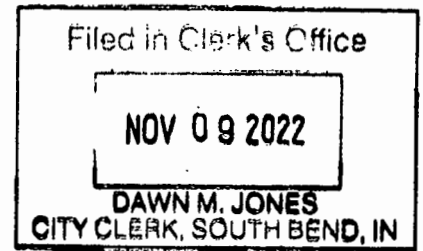
Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of November 2022 at ___ o'clock __. m.

Dawn M. Jones, City Clerk
Office of the City Clerk

Approved and Signed by me, on the _____ day of November 2022, at ___ o'clock __. m.

James Mueller, Mayor
City of South Bend





City of South Bend BOARD OF ZONING APPEALS

November 9, 2022

Honorable Lori Hamann
4th Floor, County-City Building
South Bend, IN 46601

RE: Special Exception at 1405 Portage Ave

Dear Committee Chair Hamann:

Enclosed is an Ordinance for the proposed Special Exception Use at the above referenced location. Please include the attached Ordinance on the Council agenda for **first reading** at your **November 14th, 2022**, Council meeting and set it for public hearing at your **December 12th, 2022**, Council meeting. The petition is tentatively scheduled for public hearing at the December 5, 2022, South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the Wednesday following the public hearing.

The petitioner provided the following to describe the proposed project:

Request a Special Exception to allow for the property to operate a tobacco/hookah/vape shop.

The full petition is attached for your reference. Changes may occur between the filing and the public hearing. Any substantial changes will be identified at the Council meeting.

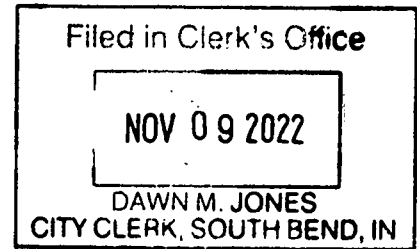
If you have any questions, please feel free to contact our office.

Sincerely,

Rachel Boyles
Zoning Specialist

CC: Bob Palmer

BILL NO. 69-22
ORDINANCE NO.



**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING
APPEALS FOR THE PROPERTY LOCATED AT 1405 PORTAGE AVE.
COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA**

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow for the property to operate a tobacco/hookah/vape shop.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Advisory Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for property located at:

1405 Portage Ave. 018-2182-6831

In order to permit Tobacco/Hookah/Vaping

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Advisory Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience, or general welfare;
2. The proposed use will not injure or adversely affect the use of adjacent area of property values therein;
3. The proposed use will be consistent with the character of the district in which it is located, and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan;

SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions, if any, established by the Advisory Board of Zoning Appeals which are on file in the Office of the City Clerk.

SECTION V. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor, and legal publication, and full execution of any conditions or Commitments placed upon the approval.

Sharon McBride, Council President
South Bend Common Council

Attest:

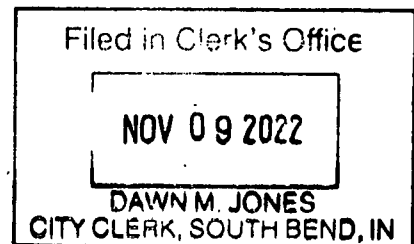
Dawn M. Jones, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2022, at _____ o'clock ____ . m.

Dawn M. Jones, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2022, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana



City of South Bend
BOARD OF ZONING APPEALS

227 W. Jefferson - Suite 1400S
South Bend, IN 46601
zoning@southbendin.gov
RECEIVED NOV 07 2022

Petition for Variance - Special Exception

Property Information

Tax Key Number: 71-03-35-360-020.000-026

Address: 1405 Portage Avenue, South Bend, INDIANA 46616

Owner: Peak Investment and asset Management, LLC

Zoning: NC Neighborhood Center

Project Summary:

To open a Tobacco /hookah/Vaping shop , at the existing 1 story building 1675.5 sq ft (Survey enclosed)

Requested Action

Special Exception/ Use Variance – *complete and attach Criteria for Decision Making*
Use requested: 21-06.01(k)(20)

Variance(s) - *List variances below, complete and attach Criteria for Decision Making*

Variance(s) requested:

- 1.) To allow for parking in the established front yard.
- 2.) From the ~~60%~~ minimum transparency to none

Filed in Clerk's Office
NOV 09 2022
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

Required Documents

Completed Application (including Criteria for Decision Making and Contact Information)

Site Plan drawn to scale

Filing Fee

\$ 400

PAID

NOV 07 2022

Per KB
\$400

Criteria for Decision Making

Special Exception - *if applicable*

A Special Exception may only be granted upon making a written determination, based upon the evidence presented at a public hearing. Please address how the project meets the following criteria.

(1) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare, because:

Vaping products are battery operated devices that heat an e-liquid or e-juice. The heated e-liquids are available in different flavours mixed in a glycerol and propylene glycol solution that contain varying levels of nicotine. Vaping is less harmful than smoking. People trying to quit smoking using e-cigarettes have a higher quit rate than normal nicotine replacement therapy. Hookahs are waterpipes that are used to smoke specially made tobacco mixtures through a water-filled chamber. A user then inhales the smoke through a tube and mouthpiece. Hookah users often perceive it to be less harmful than smoking cigarettes.

(2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein, because:

We recently acquired this property from Speedway, LLC a known corporation. The facility has been closed for many years. In fact, new business will help in enhancing the property value of nearby properties. Besides this it will generate more revenue for the state and county and will create 2 to 3 jobs for local community. Legislatures of the State of Indiana approve this kind of business with proper licensing.

(3) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein, because:

The proposed use will do more good than harm. The proposed use will help the community to quit smoking and create a better health environment.

(4) The proposed use is compatible with the recommendations of the Comprehensive Plan, because:

NC neighborhood center provides provision of special exception for use of Tobacco/Hookah and vaping shops. This clearly indicates that proposed use is compatible with recommendations of the Comprehensive plan . .

Contact Information

Property owner(s) of the petition site:

Name: Praveen K Gulati - Peak Investment and Asset Management, LLC

Address: 5199 Gardenia Court
West Lafayette, Indiana 47906

Name: Ellora Gulati- Peak Investment and Asset Management, LLC

Address: 5199 Gardenia Court
West Lafayette, Indiana 47906

Name: _____

Address: _____

Contact Person:

Name: Praveen K Gulati

Address: 5199 Gardenia Court
West Lafayette, Indiana 47906

Phone Number: 765-412-0756

E-mail: praveeng217@gmail.com

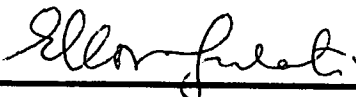
By signing this petition, the Petitioner/Property Owners of the above described Real Estate acknowledge they are responsible for understanding and complying with the South Bend Zoning Ordinance and any other ordinance governing the property. Failure of staff to notify the petitioner of a requirement does not imply approval or waiver from anything contained within the ordinance.

The undersigned authorizes the contact person listed above to represent this petition before the South Bend Plan Commission and Common Council and to answer any and all questions related to this petition.

Property Owner (s) Signatures:



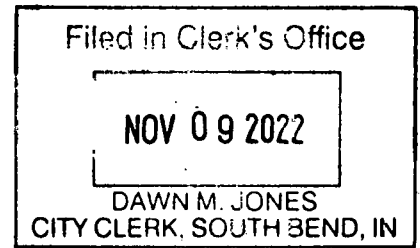
PRAVEEN K. GULATI



ELLORA GULATI

BILL NO. 70-22

City of South Bend BOARD OF ZONING APPEALS



November 9, 2022

Honorable Lori Hamann
4th Floor, County-City Building
South Bend, IN 46601

RE: Special Exception at 3409 S Saint Joseph St.

Dear Committee Chair Hamann:

Enclosed is an Ordinance for the proposed Special Exception Use at the above referenced location. Please include the attached Ordinance on the Council agenda for **first reading** at your **November 14th, 2022**, Council meeting and set it for public hearing at your **December 12th, 2022**, Council meeting. The petition is tentatively scheduled for public hearing at the December 5, 2022, South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the Wednesday following the public hearing.

The petitioner provided the following to describe the proposed project:

Request a Special Exception to allow for the property to operate a residential care facility.

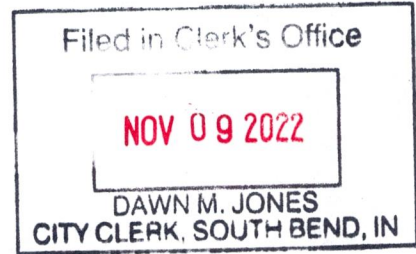
The full petition is attached for your reference. Changes may occur between the filing and the public hearing. Any substantial changes will be identified at the Council meeting.

If you have any questions, please feel free to contact our office.

Sincerely,

Rachel Boyles
Zoning Specialist

CC: Bob Palmer



BILL NO. 70-22
ORDINANCE NO.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 3409 S ST. JOSEPH ST. COUNCILMANIC DISTRICT NO. 6 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow for the property to operate a residential care facility.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Advisory Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for property located at:

3409 S St. Joseph St. 018-7199-7286

In order to permit Residential Care Facility

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Advisory Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience, or general welfare;
2. The proposed use will not injure or adversely affect the use of adjacent area of property values therein;
3. The proposed use will be consistent with the character of the district in which it is located, and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan;

SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions, if any, established by the Advisory Board of Zoning Appeals which are on file in the Office of the City Clerk.

SECTION V. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor, and legal publication, and full execution of any conditions or Commitments placed upon the approval.

Sharon McBride, Council President
South Bend Common Council

Attest:

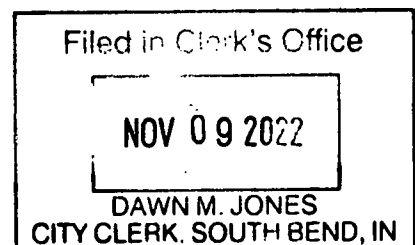
Dawn M. Jones, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2022, at _____ o'clock ____ m.

Dawn M. Jones, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2022, at ____ o'clock ____ m.

James Mueller, Mayor
City of South Bend, Indiana



City of South Bend
BOARD OF ZONING APPEALS

227 W. Jefferson - Suite 1400S
South Bend, IN 46601
zoning@southbendin.gov

RECEIVED SEP 16 2022

Petition for Variance - Special Exception

Property Information

Tax Key Number: 018-7199-7286
Address: 3409 S SAINT JOSEPH ST, SOUTH BEND IN 46614
Owner: DAPHINE PATEL
Zoning: U1 Urban Neighborhood 1

Project Summary:

To convert a Three(3) unit dwelling house into Residential Care Facility

Requested Action

- Special Exception/ Use Variance – complete and attach Criteria for Decision Making
Use requested: Residential Care Facility
- Variance(s) - List variances below, complete and attach Criteria for Decision Making
Variance(s) requested:

Required Documents

- Completed Application (including Criteria for Decision Making and Contact Information)
- Site Plan drawn to scale
- Filing Fee

Filed in Clerk's Office
NOV 09 2022
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

P A I D
SEP 16 2022
Per _____

Criteria for Decision Making

Special Exception - if applicable

A Special Exception may only be granted upon making a written determination, based upon the evidence presented at a public hearing. Please address how the project meets the following criteria.

(1) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare, because:

The proposed use of the property will continue to adhere to sanitary and waste management practices, continue observing the community's moral standards, maintain the property in acceptable and recommended living standards for occupants, and provide appropriate and recommended parking features to enhance convenience of other road users.

(2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein, because:

The proposed use is in conformity to permitted uses of zoning district U1 Special Exceptions for residential care facility. On the valuation aspect, the property will be maintained to reduce all forms of depreciation. Additionally, the highest and best use will not change thereby minimising adverse effects on adjacent property values.

(3) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein, because:

It is permitted under principal uses 21-06.01(j)(8) of Residential Care Facility as defined under Section 21-06.01(j)(8).

(4) The proposed use is compatible with the recommendations of the Comprehensive Plan, because:

It maintains community moral living and aims to provide supported living services to elderly and aging population.

Criteria for Decision Making

Variance(s) - if applicable *N/A*

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. Please address how the project meets the following criteria:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community, because:

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner, because:

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property, because:

(4) The variance granted is the minimum necessary, because:

(5) The variance does not correct a hardship caused by a former or current owner of the property, because:

Contact Information

Property owner(s) of the petition site:

Name: DAPHINE PATEL

Address: 3409. S SAINT JOSEPH STREET
SOUTH BEND IN 46614

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: PETER JUMBE

Address: 3409 S SAINT JOSEPH ST
SOUTH BEND, IN 46614

Phone Number: 317 701 8312

E-mail: pejusoncare@gmail.com

By signing this petition, the Petitioner/Property Owners of the above described Real Estate acknowledge they are responsible for understanding and complying with the South Bend Zoning Ordinance and any other ordinance governing the property. Failure of staff to notify the petitioner of a requirement does not imply approval or waiver from anything contained within the ordinance.

The undersigned authorizes the contact person listed above to represent this petition before the South Bend Plan Commission and Common Council and to answer any and all questions related to this petition.

Property Owner (s) Signatures:

P. Jumba _____

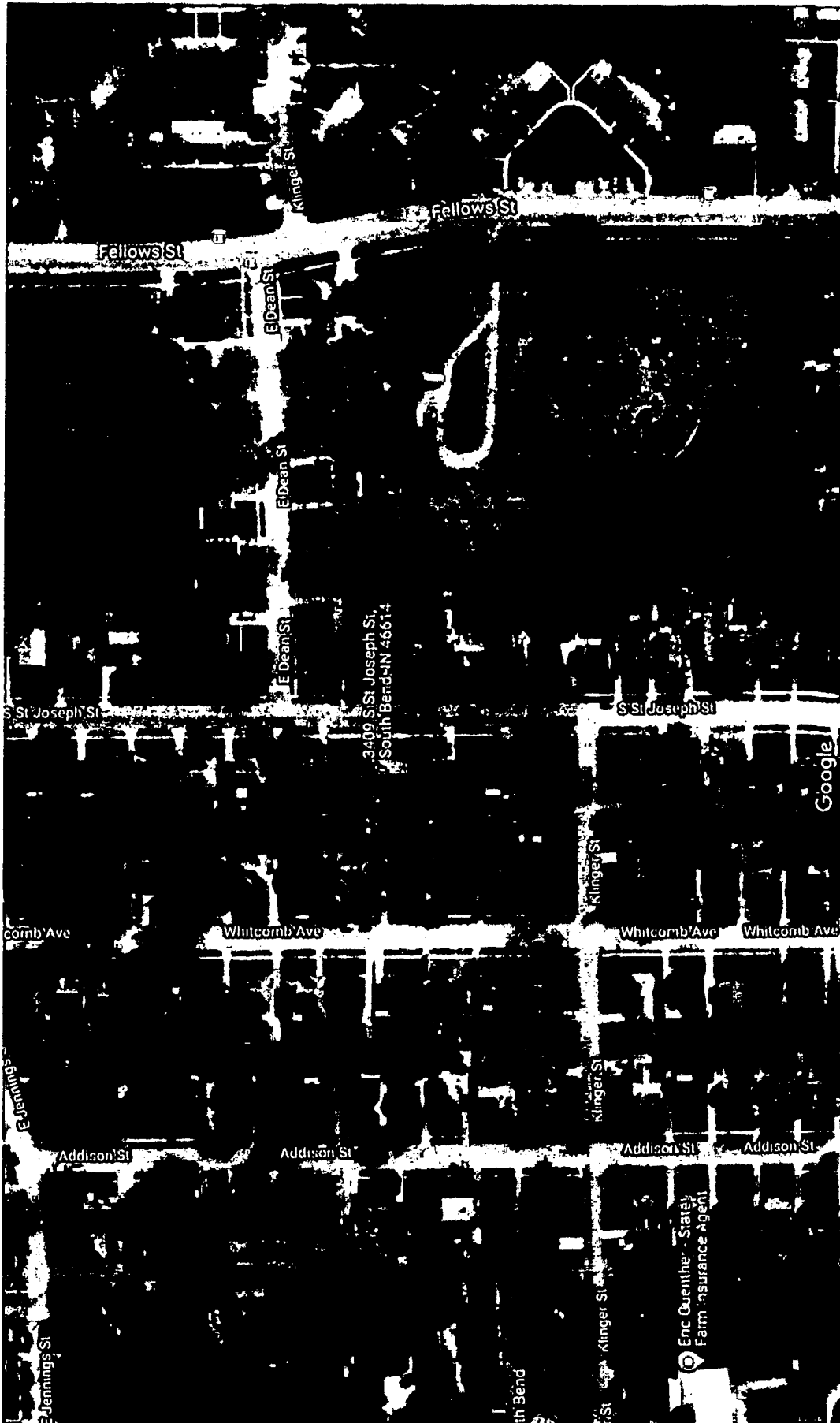
9.8.22 _____

Filed in Clerk's Office

NOV 09 2022

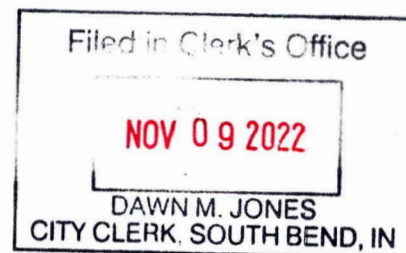
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

SITE PLAN FOR 3409 S. JOSEPH STREET, SOUTH BEND, IN



BILL NO. 71-22

City of South Bend BOARD OF ZONING APPEALS



November 9, 2022

Honorable Lori Hamann
4th Floor, County-City Building
South Bend, IN 46601

RE: Special Exception at 1502 Miami St.

Dear Committee Chair Hamann:

Enclosed is an Ordinance for the proposed Special Exception at the above referenced location. Please include the attached Ordinance on the Council agenda for **first reading** at your **November 14th, 2022**, Council meeting and set it for public hearing at your **December 12th, 2022**, Council meeting. The petition is tentatively scheduled for public hearing at the December 5, 2022, South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the Wednesday following the public hearing.

The petitioner provided the following to describe the proposed project:

Request a Special Exception to allow for the property to operate an automotive carwash and detailing shop.

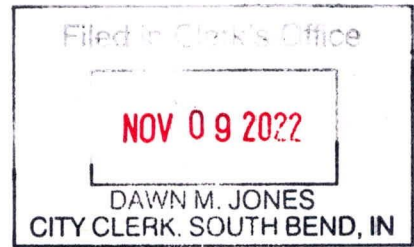
The full petition is attached for your reference. Changes may occur between the filing and the public hearing. Any substantial changes will be identified at the Council meeting.

If you have any questions, please feel free to contact our office.

Sincerely,

Rachel Boyles
Zoning Specialist

CC: Bob Palmer



BILL NO. 71-22

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 1502 MIAMI ST. COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow for the property to operate an automotive carwash and detailing shop

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council has provided notice of the hearing on the Petition from the Advisory Board of Zoning Appeals pursuant to Indiana Code Section 5-14-1.5-5, requesting that a Special Exception be granted for property located at:

1502 Miami St. 018-7081-2943

In order to permit Vehicle Service, Minor

SECTION II. Following a presentation by the Petitioner, and after proper public hearing, the Common Council hereby approves the petition of the Advisory Board of Zoning Appeals, a copy of which is on file in the Office of the City Clerk.

SECTION III. The Common Council of the City of South Bend, Indiana, hereby finds that:

1. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience, or general welfare;
2. The proposed use will not injure or adversely affect the use of adjacent area of property values therein;
3. The proposed use will be consistent with the character of the district in which it is located, and the land uses authorized therein;
4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan;

SECTION IV. Approval is subject to the Petitioner complying with the reasonable conditions, if any, established by the Advisory Board of Zoning Appeals which are on file in the Office of the City Clerk.

SECTION V. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor, and legal publication, and full execution of any conditions or Commitments placed upon the approval.

Sharon McBride, Council President
South Bend Common Council

Attest:

Dawn M. Jones, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2022, at _____ o'clock ____ m.

Dawn M. Jones, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of _____, 2022, at ____ o'clock ____ m.

James Mueller, Mayor
City of South Bend, Indiana

City of South Bend
BOARD OF ZONING APPEALS

221 W. Jefferson - Suite 14003
South Bend, IN 46601
zoning@southbendin.gov

Petition for Variance - Special Exception

Property Information

Tax Key Number: _____
Address: ~~156 Madelle Island Rd Medford~~ 1502 South Miami St ^{South Bend}
Owner: Luz A. Matute ^{IN 46613}
Zoning: Choose the current district

Project Summary:

Requested Action

- Special Exception – *complete and attach Criteria for Decision Making*
Use requested: Vehicle Service, minor
- Variance(s) - *List variances below, complete and attach Criteria for Decision Making*
Variance(s) requested:



Required Documents

- Completed Application (including Criteria for Decision Making and Contact Information)
- Site Plan drawn to scale
- Filing Fee

PAID

SEP 15 2022

Per VRB

Criteria for Decision Making

Special Exception - if applicable

A Special Exception may only be granted upon making a written determination, based upon the evidence presented at a public hearing. Please address how the project meets the following criteria.

(1) The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare, because:

it will be used as a Car wash /
Detail place

(2) The proposed use will not injure or adversely affect the use of the adjacent area or property values therein, because:

It will be run as a business
Washing vehicles

(3) The proposed use will be consistent with the character of the district in which it is located and the land uses authorized therein, because:

It will be up to Code Clean, grass
trimmed, Clean outside and inside and
Well maintained.

(4) The proposed use is compatible with the recommendations of the Comprehensive Plan, because:

It will be a thrive^{own} business in the
town provide excellence service to the community
with cleaning.

Criteria for Decision Making

Variance(s) - *if applicable*

State statutes and the Zoning Ordinance require that certain standards must be met before a variance can be approved. Please address how the project meets the following criteria:

(1) The approval will not be injurious to the public health, safety, morals and general welfare of the community, because:

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner, because:

(3) The strict application of the terms of this Chapter would result in practical difficulties in the use of the property, because:

(4) The variance granted is the minimum necessary, because:

(5) The variance does not correct a hardship caused by a former or current owner of the property, because:

Contact Information

Property owner(s) of the petition site:

Name: Luz A Matuk
Address: 156 Middle Island RD Medford Ny 11763

Name: _____
Address: _____

Name: _____
Address: _____

Contact Person:

Name: Harry Ortega
Address: 156 Middle Island RD Medford Ny 11763

Phone Number: 631-949-2381

E-mail: Harry ^{Ortega}1997@gmail.com

By signing this petition, the Petitioner/Property Owners of the above described Real Estate acknowledge they are responsible for understanding and complying with the South Bend Zoning Ordinance and any other ordinance governing the property. Failure of staff to notify the petitioner of a requirement does not imply approval or waiver from anything contained within the ordinance.

The undersigned authorizes the contact person listed above to represent this petition before the South Bend Plan Commission and Common Council and to answer any and all questions related to this petition.

Property Owner (s) Signatures:





BILL NO. 72-22

City of South Bend

Common Council

441 County-City Building • 227 W. Jefferson Blvd
South Bend, Indiana 46601

(574) 235-9321
Fax (574) 235-9173
TDD (574) 235-5567
<http://www.southbend.in.gov>

Sharon L. McBride
President

Sheila Niezgodski
Vice-President

Canneth Lee
Chairperson, Committee
of the Whole

Canneth Lee
First District

Henry Davis, Jr.
Second District

Sharon L. McBride
Third District

Troy Warner
Fourth District

Eli Wax
Fifth District

Sheila Niezgodski
Sixth District

Karen L. White
At Large

Rachel Tomas Morgan
At Large

Lori K. Hamann
At Large

November 9, 2022

Filed in Clerk's Office

NOV 09 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

Members of the Common Council
4th Floor – County City Building
South Bend, Indiana 46601

Re: Proposed Re-Districting Ordinance

Dear Council Members:

As you know, the Common Council is required to pass a redistricting ordinance in the second year after each federal census. I am pleased to submit this proposed ordinance for your consideration.

A bi-partisan special committee that is diverse in race, gender and location of their residences has been named to make recommendations for the redistricting.

This proposed ordinance meets the state law criteria which require each Council District to be:

1. Composed of contiguous territory
2. Reasonably compact
3. Have, as nearly as possible, equal population.

It is my understanding that a Council Rules Committee will hold a public hearing on at a time and place to be announced between November 14 and November 25, with an additional Council Rules Committee meeting being held on November 28 with the Council taking final action on the proposed ordinance that evening at its 7:00 p.m. meeting.

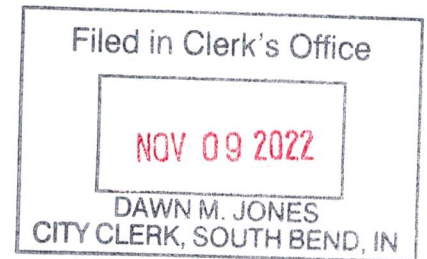
Additional information will be made known as it becomes available.

Thank you for your consideration.

Sincerely yours,

Sharon McBride, President,
South Bend Common Council

BILL NO. 72-22
ORDINANCE NO. 10906-22



**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING CHAPTER 1, SECTION 1- 4 OF THE SOUTH BEND
MUNICIPAL CODE ADDRESSING "SIX COUNCILMANIC DISTRICTS"**

STATEMENT OF PURPOSE AND INTENT

Redistricting of the Common Council's six (6) councilmanic districts is required every ten (10) years based on data from the most recent U.S. federal census. The 2020 U.S. Census data revealed that the population for the City of South Bend, Indiana, was 103,453.

Indiana Code § 36-4- 6- 3 sets forth the governing state law addressing the division of six (6) districts for second class Indiana cities. It requires the city legislative body to pass an ordinance addressing councilmanic districts during the second year after the year in which a federal decennial census was conducted. It further requires that six (6) districts be established which are:

1. Composed of contiguous territory, except for territory that is not contiguous to any other part of the city;
2. Reasonably compact;
3. Do not cross precinct boundary lines, except as authorized by law; and
4. Contain, as nearly as is possible, equal population.

A special committee was appointed to make advisory recommendations to the Council Rules Committee. The membership of the volunteers on this special committee is bi-partisan, diverse in age, race, and ethnic backgrounds.

The following ordinance is consistent with governing laws and is believed to be in the best interests of the City of South Bend, Indiana.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, as follows:

Section I. Chapter 1, Section 1- 4 of the *South Bend Municipal Code* entitled Six Councilmanic Districts" is amended to read in its entirety as follows:

Sec. 1- 4 Six Councilmanic Districts.

a) The City of South Bend, Indiana, is divided into six (6) Councilmanic Districts which shall be known as the: First Councilmanic District, Second Councilmanic District, Third Councilmanic District, Fourth Councilmanic District, Fifth Councilmanic District, and Sixth Councilmanic District, with the legal description for each such district being set forth in "Exhibit A" which is attached hereto and included herein by reference and maintained on file in the Office of the City Clerk. "Exhibit B" sets forth a map of the six (6) Councilmanic Districts depicting the 2022 Councilmanic Redistricting Ordinance precincts contained in each, which is attached hereto and included herein by reference and maintained on file in the Office of the City Clerk. Each such district shall consist of the following precincts:

1) **South Bend First Councilmanic District** consisting of the following precincts, presently numbered by the St. Joseph County Election Board as follows:

Precincts: 130101, 130102, 130103, 130104, 130105, 130106, 130107, 130108, 130110, 130111, 130112, 130113, 130114, and 130115.

2) **Second Councilmanic District** consisting of the following precincts, presently numbered by the St. Joseph County Election Board as follows:

Precincts: 130201, 130202, 130203, 130204, 130205, 130206, 130207, 130208, 130209, 130210, and 130211.

3) **Third Councilmanic District** consisting of the following precincts, presently numbered by the St. Joseph County Election Board as follows:

Precincts: 130301, 130302, 130303, 130304, 130305, 130306, 130307, 130308, 130309, 130310, 130311, 130312, 130313, and 130314.

4) **Fourth Councilmanic District** consisting of the following precincts, presently numbered by the St. Joseph County Election Board as follows:

Precincts: 130401, 130402, 130403, 130404, 130405, 130406, 130407, 130408, 130409, 130410, 130411, 1304012, 130413, 130414, 130415, and 130416.

5) **Fifth Councilmanic District** consisting of the following precincts, presently numbered by the St. Joseph County Election Board as follows:

Precincts: 130501, 130502, 130503, 130504, 130505, 130506, 130508, 130509, 130510, 130511, 130512, 130513, 130514, 130515, 130516, 130517, and 130518.

6) **Sixth Councilmanic District** consisting of the following precincts, presently numbered by the St. Joseph County Election Board as follows:

Precincts: 130601, 130602, 130603, 130604, 130605, 130606, 130607, 130608, 130609, 130611, and 130612.

b) Any annexation which occurs subsequent to the passage of this ordinance shall be deemed to be part of that district with which it is most contiguous. All linear descriptions are understood to be " more or less" when stated in linear dimensions.

Section II. Repeal of Conflicting Ordinances: All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section III. Severability: If any part, subsection, sentence, clause or phrase of this ordinance is for any reason declared to be unconstitutional or otherwise invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section IV. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor and legal publication.

PASSED AND ADOPTED by the Common Council of the City of South Bend, Indiana this _____ day of _____, 2022.

Sharon L. McBride, Council President
South Bend Common Council

Attest:

Dawn M. Jones, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of November, 2022, at _____ o'clock ____ . m.

Dawn M. Jones, City Clerk
Office of the City Clerk

Approved and signed by me on the _____ day of November, 2022, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana

NOV 09 2022

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

EXHIBIT "A"

City of South Bend Common Council Districts

(1)

South Bend First Councilmanic District: Beginning at the intersection of the center lines of the St. Joseph River and Colfax Avenue; thence West along said line of Colfax Avenue to its intersection with the centerline of William Street; thence South along said line to its intersection with the centerline of Wayne Street; thence West along said line to its intersection with the centerline of Taylor Street; thence North along said line to its intersection with the centerline of Wayne Street; thence West along said line to its intersection with the centerline of Chapin Street; thence North along said line to its intersection with the centerline of Washington Street; thence West along said line to its intersection with the centerline of La Porte Avenue; thence Northwesterly along said line to its intersection with the centerline of Walnut Street; thence northeasterly along said line to its intersection with the centerline Lincolnway West; thence Southeasterly along said line to its intersection with the centerline of Cleveland Avenue; thence North along said line to its intersection with the centerline of Van Buren Street; thence East along said line to its intersection with the centerline of Blaine Street; thence North along said line to its intersection with the centerline of California Avenue; thence West along said line to its intersection with the centerline of Lawndale Avenue; thence North along said line to its intersection with the centerline of Vassar Avenue; thence East along said line to its intersection with the centerline of Diamond Avenue; thence Northeasterly along said line to its intersection with the centerline of Portage Avenue; thence Northwesterly along said line to its intersection with the centerline of Elwood Avenue; thence West along said line and said line extended to the West to its intersection with the centerline of Bendix Drive; thence South along said line to its intersection with the centerline of Lincolnway West; thence Northwesterly along said line to its intersection with the Portage and German Township boundary line; thence South along said boundary line to its intersection with the centerline of Edison Road; thence West along said line 198.33 feet; thence North 428.31 feet; thence East 200.00 feet to the intersection with the Portage and German Township boundary line; thence North along said boundary line to its intersection with the Lincolnway West Northerly right-of-way line; thence Northwesterly 2,945 feet along said North right-of-way line; thence South 533.83 feet; thence West 1,229.54 feet to the East right-of-way line of Mayflower Road; thence North 915.94 feet along

said East right-of-way line; thence Northeasterly perpendicular to the R/W of Lincolnway West, 150 feet to the Northerly right-of-way line of Lincolnway West; thence Northwesterly along said right-of-way line 4,000 feet to the interchange with the US 20/31; thence South 300 feet; thence Southwesterly along said US 20/31 right-of-way line 2,107 feet; thence East 2,025 feet to the East right-of-way line of Oak Road; thence South 1,950 feet along said East right-of-way line; thence West 1,340.51 feet; thence South 700 feet to the South line of Edison Road; thence West 413 feet along the South right-of-way line of Edison Road to the East line projected of I.P.C. Minor Subdivision; thence North 510.3 feet to the Northeast corner of I.P.C. Minor Subdivision; thence West 496.73 feet to the Northwest corner of I.P.C. Minor; thence continuing West to the West right-of-way line of the US 20/31; thence North 2,511 feet along the West right-of-way line of the US 20/31 to the interchange with Lincolnway West; thence Northwesterly 2,640 feet along said interchange right-of-way line; thence Northeasterly 800 feet along said interchange right-of-way line to the North-South centerline of Section 30, Township 38 North, Range 2 East; thence North 4,630 feet to the Northeast corner of Lot 1, Miller-Owens Minor Subdivision; thence West 1,173.60 feet along the North line of said lot; thence South 27.31 feet; thence West 148.50 feet to the intersection with the centerline of Olive Road; thence North 256 feet along said centerline; thence West 185 feet; thence North 380 feet to the South right-of-way line of Cleveland Road; thence West along the South line of Cleveland Road, 925.82 feet; thence North along the West line of said Section 19, 1,401.89 feet; thence N89-27-12W, 1,865.95 feet; thence N81-17-18W, 103.20 feet; thence N89-27-12W, 706.79 feet to the North-South quarter line of Section 24, Township 38 North, Range 1 East; thence N00-08-51E, 1,672.56 feet to the North right-of-way line of Indiana East-West Toll Road; thence N89-20-23E, 3,715 feet along said North right-of-way line of the Indiana East-West Toll Road the West right-of-way line of Olive Road; thence north 2,500 feet to the South line of Brick Road; thence West along the South right-of-way line of Brick Road 500 feet; thence North 40 feet to the North right-of-way line of Brick Road; thence East along the North right-of-way line of Brick Road, 820 feet more or less; thence Northeasterly along the North right-of-way line of Brick Road 196.91 feet; thence East 68.28 feet along the North right-of-way line of Brick Road to the West right-of-way line of Orange Road; thence East 60 feet to the East right-of-way line of Orange Road; thence South along the East right-of-way line of Orange Road 12.81 feet to the Southwest corner of Rolling Oaks County Estates, Section 2; thence East 347 feet along the North right-of-way line of Brick Road; thence Northeasterly 301.49 feet along the North right-of-way line of Brick Road; thence North 97.06 feet; thence East 12.96 feet along the North right-of-way

line of Brick Road to the West right-of-way line of Lake Blackthorn Drive; thence North 181.22 feet along the West right-of-way line of Lake Blackthorn Drive to the South right-of-way line of The Villas at Lake Blackthorn, Section One; thence west 323.58 feet along said line to the Southwest corner of The Villas at Lake Blackthorn, Section One; thence North 805.23 feet to the Southeast corner of The Villas at Lake Blackthorn, Section Two; thence West 388.00 feet along the South line of The Villas at Lake Blackthorn, Section Two to the intersection of the centerline of Orange Road; thence North 296.75 feet along said centerline to the North line of The Villas at Lake Blackthorn, Section Two; thence 387.00 feet east along said line to the East right-of-way line of Portside Drive and the West line of The Villas at Lake Blackthorn, Section One; thence North 903.26 feet along said line to Northwest corner of The Villas at Lake Blackthorn, Section One; thence 100.00 feet east along the North line of The Villas at Lake Blackthorn, Section One to the West line of Lot 56 The Villas at Lake Blackthorn, Section One; thence North along said line 251.56 feet to the centerline of Orange Road; thence Northeasterly along said centerline 112.92 feet; thence South 70.83 feet to a point on the East line of Lot 56 in The Villas at Lake Blackthorn, Section One; thence Southeasterly 66.96 feet to the Lot Corner common to Lots 55 and 56 of The Villas at Lake Blackthorn, Section One; thence East 556.25 feet to the West line of Lot 34 of The Villas at Lake Blackthorn, Section One; thence North 80.00 feet along said lot line to the North line of The Villas at Lake Blackthorn Section One; thence East along said line 729.56 feet to the West right-of-way line of the US 31 ; thence Northeasterly 736.17 feet along said right-of-way line to the East corner of Lot 43 in Rolling Oaks Country Estates, Section 5; thence North 612.59 feet to the North Line of Rolling Oaks Country Estates, Section 3; thence West 883.66 feet along said line to the Kertes Minor Subdivision East Line; thence North 1,309.78 feet along said line to the South right-of-way line of Adams Road; thence West 1,736.65 along said right-of-way line to the extended East line of Portage Prairie Cemetery; thence North 218.00 feet along said line; thence East 183.50 feet; thence North 214.50 feet; thence West 264.00 feet; thence North 775.54 feet; thence East 3657.70 feet to the West right-of-way line of the US 31; thence Northeasterly 3657.70 feet along said right-of-way line to the North line of the West Half of Fractional Section 8, Township 38 North, Range 2 East and the Monumented Indiana State Line; thence East along said Indiana State line 2,420.44 feet; thence South 21.63 to the Eastern right-of-way line of Mayflower Road; thence Southerly 639.62 feet along said right-of-way line to the South line of Arbor Pointe, Section 6; thence West 20 feet; thence South 980.41 feet along the East right-of-way line of Mayflower Road ; thence East 20.00 feet to the Northwest Corner of

Lichtenbarger Minor Subdivision; thence South 158.97 feet along the west line of Lichtenbarger Minor Subdivision and the East right-of-way line of Mayflower Road to the North Line of Cherokee Gardens Subdivision extended and the North line of Wagner's Replat extended; thence West 1,846.60 feet along said line to the Northwest Corner of said Cherokee Gardens; thence South 1,280.00 feet to the North right-of-way Line of Adams Road; thence East 1,844.57 feet along said North right-of-way line to the East right-of-way line of Mayflower Road; thence South 1,166.32 feet along said East right-of-way line to the Northwest Corner of Lot 3 of Church's Minor Subdivision; thence East 287.61 feet along the North line of said Lot 3 to its Northeast Corner; thence South 203.85 feet along the East line of said Lot 3 to its Southeast Corner; thence East 1,433.07 feet; thence South 253.00 feet; thence West 1,721.20 feet to the East right-of-way line of Mayflower Road; thence South 279.00 along said right-of-way line; thence East 20.00 feet along said line; thence South 133.00 feet along said right-of-way line; thence West 20.00 feet along said line; thence South 665.75 feet along said right-of-way line; thence 1,298.64 feet West to the Northeast Corner of the Southwest Quarter of Section 17, Township 38 North, Range 2 East; thence South 2,465.70 feet along the East Line of U.S. 31 Industrial Park, Phase II; thence West 400.00 feet along the South line of Lot 10 in said Subdivision; thence South 200.00 feet to the centerline of Brick Road ; thence East 200.00 feet along said centerline; thence South 240.00 feet; thence East 200.00 feet; thence North 240 feet to the centerline of Brick Road; thence East 1,320 feet along said centerline to its intersection with the centerline of Mayflower Road; thence continuing East along said centerline of Brick Road, 905.61 feet; thence North 20 feet to the North right-of-way line of Brick Road; thence East 75.16 feet along said right-of-way line; thence North 20 feet along said line; thence East 162.84 feet along said right-of-way line; thence South 20 feet along said line; thence East 182 feet along said right-of-way line; thence South 1,040 feet to the South line of Hartman & DeMaegt Subdivision; thence East along said South line 1,384.95 feet; thence North 1,020 feet along the East line of Hartman & DeMaegt Subdivision to the centerline of Brick Road; thence East 2,231.96 feet along said centerline to the east line of Harvest Pointe Subdivision Section 2, thence South 662.95 feet to the South line of Fuerbringer's Minor Subdivision; thence East 329.62 feet along said line; thence North 21.09 feet; thence East 1,326.57 feet to the West line of Field Pointe Subdivision; thence North 1,062.16 feet along said line to the centerline of Brick Road; thence continuing East 2650.83 feet along said centerline; thence South 429.40 feet; thence West 800.00 feet to the East right-of-way line of Portage Road; thence South 280 feet along said right-of-way line to the South right-of-way line of Maple Road extended;;

thence along the Southerly right-of-way line of Maple Road along a 313.06 foot radius curve to the left, an arc distance of 254.00 feet, more or less; thence S89-45-13E 328.02 feet to the Easterly right-of-way line of Portage Road; thence S20-22-43E 130 feet along said Easterly right-of-way line of Portage Road; thence N89-45-13W, 395.58 feet to the East line of Section 21, Township 38 North, Range 2 East; thence South along said East line of Section 21, 1,100 feet; thence East 940 feet to the Easterly right-of-way line of Portage Road; thence Southerly 310 feet along said right-of-way line; thence East 1,614.09 feet to the Northeast Corner of Lot 2 Hurwich Farms Minor Subdivision; thence South 2,422.63 feet along the east line of said subdivision; thence West 99 feet; thence South 172.71 feet to the North right-of-way line of Cleveland Road; thence East 487.6 feet along said right-of-way line to the West right-of-way line of Lynnewood Avenue; thence North 411 feet along said right-of-way line; thence East 460 feet; thence South 93 feet; thence East 80 feet; thence South 318 feet to the North right-of-way line of Cleveland Road; thence West 1,167 feet along the North right-of-way line of Cleveland Road to the centerline of Lilac Road; thence North 443 feet along said centerline; thence East 510 feet; thence North 224.1 feet; thence East 192.42 feet to the West line of Riverside Manor 1st Section; thence North 165.9 feet along said subdivision line; thence West 532.52 feet along the South line of said subdivision to the centerline of Lilac Road; thence North 1,811.8 feet along said centerline; thence West 2,288.82 feet along the south line of Cross Creek Subdivision; thence North 650 feet along the West line of said subdivision; thence West 438 feet along the South line of the Oaks Subdivision; thence North 1,989 feet along the West line of said subdivision to the North right-of-way of Brick Road; thence East thence East 1,191 feet along said right-of-way line to the East line of Cross Creek Subdivision; thence South 1,551.04 feet along said East line; thence East 1,253.27 feet along said subdivision North line; thence South 233.74 feet along said subdivision East line; thence East 254.08 feet along said subdivision North line to the centerline of Lilac Road; thence South 168.54 feet along said centerline; thence West 272.48 feet; thence South 160.00 feet; thence East 274.10 feet to the centerline of Lilac Road; thence South 175 feet along said centerline; thence East 684.25 feet along the North line of Darden Crossings Subdivision; thence South 413.21 feet along the East line of said subdivision to the South right-of-way line of Darden Road; thence Easterly along said South right-of-way line 1,192.38 feet abutting Riverside Manor 2nd and 3rd Sections; thence continuing Easterly crossing the St. Joseph River along said South right-of-way line, 1,285 feet to the intersection of the West right-of-way line of Laurel Road (extended) and said South line of said Darden Road; thence North along said West right-of-way line of Laurel Road, 5,300 feet to

the centerline of Auten Road; thence East 1,720 feet along said centerline; thence South 963.3 feet; thence West 1,700 feet to the East right-of-way line of Laurel Road; thence South along said East right-of-way line of Laurel Road, 4,337 feet to the South right-of-way line of Darden Road; thence East 1,302.2 feet along said South right-of-way line of Darden Road; thence South 2,332.69 feet to the North right-of-way line of Cleveland Road; thence West along said North right-of-way line to the intersection of said North line and the East bank of the St. Joseph River; thence southerly along the St. Joseph River 24,000 feet, more or less to the intersection with the centerline of Colfax Avenue; thence West along said line to its intersection with the centerline of the St. Joseph River; thence Southerly along said centerline to the place of beginning.

(2)

South Bend Second Councilmanic District: Beginning at the intersection of the centerlines of the St. Joseph River and The George Cooper Memorial Bridge; thence Westerly along the centerline of the George Cooper Memorial Bridge to its intersection with the centerline of Sample Street; thence West along said line to its intersection with the centerline of Michigan Street; thence South along said line to its intersection with the centerline of Indiana Avenue; thence West along said line to its intersection with the centerline of the main Penn Central Railroad right-of-way line on the West side of Franklin Street; thence Westerly along said line to the centerline of Olive Street; thence North along said line to the intersection with the main Grand Trunk and Western Railroad right-of-way line; thence Easterly along said line to the intersection Walnut Street; thence North along said line to its intersection with the centerline of the main Conrail Railroad right-of-way line; thence Westerly along said line to its intersection with the centerline of Olive Street; thence South along said line to its intersection with the centerline of Western Avenue; thence West along said line to its intersection with the centerline of Mayflower Rd.; thence North along said line to its intersection with the Northerly right-of-way line of the main Conrail Railroad; thence Southeasterly along said line to its intersection with the centerline of Woodland Avenue extended; thence North approximately 2,500 feet along said line; thence West 660 feet; thence North 1,320 feet; thence East 660 feet; thence North 687 feet to its intersection with the centerline of Lincolnway West; thence Southeasterly along said line to its intersection with the centerline of Bendix Drive; thence North along said line to its intersection with the centerline of Elwood Avenue as extended from the East; thence East along said line as extended and said line to its intersection with the centerline of Portage Avenue; thence Southeasterly along said line to its intersection with the centerline of Diamond Avenue; thence Southwesterly along said line to its

intersection with the centerline of Vassar Avenue; thence West along said line to its intersection with the centerline of Lawndale Avenue; thence South along said line to its intersection with the centerline of California Avenue; thence East along said line to its intersection with the centerline of Blaine Avenue; thence South along said line to its intersection with the centerline of Van Buren Street; thence West along said line to its intersection with the centerline of Cleveland Avenue; thence South along said line to its intersection with the centerline of Lincolnway West; thence Northwesterly along said line to its intersection with Walnut Avenue; thence Southwesterly along said line to its intersection with the centerline of La Porte Avenue; thence Southeasterly along said line to its intersection with the centerline of Washington Street; thence East along said line to its intersection with the centerline of Chapin Street; thence South along said line to its intersection with the centerline of Wayne Street; thence East along said line to its intersection with Taylor Street; thence South along said line to its intersection with Wayne Street; thence East along said line to its intersection with Williams Street; thence North along said line to its intersection with the centerline of Colfax Avenue; thence East along said line to the centerline of the St. Joseph River; thence Southerly along said line to the place of beginning.

(3)

South Bend Third Councilmanic District: Beginning at the Northeast corner of Section 8, Township 37 North, Range 3 East, said point also being the intersection of the centerlines of McKinley Avenue and Logan Street; thence South along the East line of Section 8, Township 37 North, Range 3 East, 5,294.81 feet to the Northeast corner of Section 17, Township 37 North, Range 3 East; thence South along the East line of said Section 17, 1,931.8 feet to the centerline of the Saint Joseph River; thence Westerly along the centerline of the St. Joseph River 5,615 feet to the West line of Section 17 (the centerline of Ironwood Drive extended); thence South along said West line of Section 17 to its intersection with the centerline of Ridgedale Road; thence West along said line to its intersection with the centerline of Southridge Drive; thence Northerly along said line to its intersection with the centerline of Hilltop Drive; thence Northwesterly along said line to its intersection with the centerline of York Road; thence Northerly along said line to its intersection with the centerline of Altgeld Street; thence West along said line to its intersection with the centerline of High Street; thence North along said line to its intersection with the centerline of Ewing Avenue; thence West along said line to its intersection with the centerline of Main Street; thence North along said line to its intersection with the centerline of Indiana Avenue; thence East along said line to its intersection with the centerline of Michigan

Street; thence North along said line to its intersection with the centerline of Sample Street; thence East along said line to its intersection with the George Cooper Memorial Bridge; thence Northeasterly along said line to its intersection with the centerline of Eddy Street; thence North along said line to its intersection with the centerline of Jefferson Boulevard; thence Easterly along said line to its intersection with the centerline of Greenlawn Avenue; thence Southerly to the intersection of the centerline of the Mainline of the Grand Trunk and Western Railroad right-of-way; thence Easterly along said rail line to its intersection with the Centerline of 26th Street; thence Northerly along said centerline to Jefferson Boulevard; thence Easterly along said line to its intersection with the centerline of the West intersection of Rue de Ville; thence Northerly along said line to its intersection with the centerline of Rue de la Paix; thence Northerly along said line to its intersection with the centerline of McKinley Avenue; thence Easterly along said line to its intersection with the centerline of Logan Street; thence South along said centerline to the place of beginning.

(4)

South Bend Fourth Councilmanic District: Beginning at the Northeast corner of the Northeast Quarter Section, Section 5, Township 37 North, Range 3 East said point also being the intersection of the centerlines of Edison Road and Hickory Road; thence South along the centerline of Hickory Road to its intersection with the centerline of McKinley Avenue; thence Westerly along said line to its intersection with the centerline of Rue de la Paix; thence Southerly along said line to its intersection with the centerline Rue de Ville; thence Southerly along said line to its intersection with the centerline of Jefferson Boulevard; thence Westerly along said line to its intersection with the centerline of 26th Street; thence Southerly along said centerline to the intersection with the centerline of the Mainline Grand Trunk and Western Railroad right-of-way; thence Westerly to the intersection of the centerline of Greenlawn Avenue; thence Northerly along said line to the intersection of the centerline of Jefferson Boulevard; thence Westerly along said line to its intersection with the centerline of Eddy Street; thence South along said line to its intersection with the centerline of the George Cooper Memorial Bridge; thence Southwesterly along said centerline to its intersection with the East Bank of the St. Joseph River; thence Northerly along said East Bank of said St. Joseph River to its intersection with the centerline of Angela Boulevard; thence continuing Northerly along the said east bank to the intersection of the West right-of-way line of the Michigan Central Railroad; thence Southerly and Westerly along said right-of-way line to a point that is 200 feet North of the South line of Section 35, Township 38 North, Range 2 East; thence Easterly along a line parallel to said South line 1400 feet; thence North 480

feet; thence East 550 feet to the West right-of-way of SR 933 (old U.S. 33); thence South along said West right-of-way 480 feet; thence East 1563.88 feet; thence South 160 feet; thence East 709.1 feet; thence South 375 feet; thence East approximately 1,100 feet; thence South 154.55 feet to the West right-of-way line of Notre Dame Avenue; thence continuing South along said West line to its intersection with the centerline of Angela Blvd.; thence Northeasterly along said centerline to its intersection with the centerline of Edison Road; thence East along said centerline to its intersection with the East right-of-way line of Ivy Road; thence North along said East right-of-way line of Ivy Road and the East line extended, 348 feet; thence East 181.15 feet; thence North 182 feet; thence West to said West right-of-way line of Ivy Road; thence Northwesterly along said line to the East right-of-way line of Ivy Road; thence East 237 feet to the East line of the Schroederville (Original Town); thence North along said line to the intersection of the North right-of-way line of Vaness Street; thence East 348 feet along said line; thence North 119.8 feet; thence West 88 feet; thence South 37.2 feet; thence thence West 282 feet; thence North 185.25 feet; thence East 202 feet to the West right-of-way line of Burdette Street; thence North on said line 46.9 feet; thence East 356 feet; thence North 64.9 feet; thence East 296 feet to the West right-of-way of Willis Avenue; thence North along said line 61 feet; thence East on the North line of Willis Street Townhomes Minor Subdivision extended 260 feet; thence north along the East line of the Vaness Plat, 813.42 feet to the North right-of-way of Dunn Road; thence East along said North right-of-way line of Dunn Road, 1121.97 feet to the East right-of-way line of Ironwood Road; thence South along said East right-of-way line of Ironwood Road to its intersection with the South right-of-way line of SR 23; thence Northeasterly along said South right-of-way of SR 23, 630 feet to the Northwest corner of Lot 148 of Maple Lane Subdivision; thence North along the West line (and said line extended) of said lot to the South line of Lot 146 of said subdivision (also being the north right-of-way line of SR 23); thence Northeasterly along said North right-of-way line to the intersection of the East right-of-way line of Maple Lane Avenue and SR 23; thence Southwesterly to the Northwesterly corner of Lot 238 of said Maple Lane Subdivision; thence South along the West line of said lot and the West lines of Lot 241 and 242 of said subdivision; thence West to the Southeast corner of Lot 149 of said subdivision; thence West along the South lines of Lots 149 and 148, 152 feet; thence South 495 feet to the North R/W line of Roosevelt Street; thence West 372 feet along said North line of Roosevelt Street; thence South 350 feet; thence East 2,454.63 feet; thence North 1,145.68 feet; thence East 179.97 feet to the centerline of Crestwood Blvd; thence North 181 feet along said centerline of said Crestwood Blvd. to its intersection with the centerline of

Hepler Street; thence East along said centerline of Hepler Street, 1,600 feet; thence North 1,320 feet; thence East 630 feet; thence North 301.19 feet to the North line of McErlain Street and McErlain Street extended; thence Northwesterly along said North line 305.53 feet; thence South, 40.24 feet to the South line of McErlain Street; thence Northwesterly along the South line of McErlain Street 57.47 feet to the extended West line of Douglas Road Partners Minor Lot 5; thence North 267.24 feet to the South line of Douglas Road Partners Lot 4; thence West along the south line of said parcel 510 feet, to the West line of the NE Quarter of the NE Quarter of Section 32, Township 38 North, Range 3 East; thence continuing West 31 feet to the West R/W line of 34th Street (a paper street); thence North along said R/W line 312 feet, more or less, to the North line of Elkins Street; thence East along said R/W line 31 feet to said West line of the NE Quarter of the NE Quarter of Section 32; thence North along said line, 288.53 feet to the South line of a parcel of ground with a Tax Key Number of 02-2023-0548; thence South along said West Line, 20 feet to the South line of said parcel; thence East 135 feet along the North line of Douglas Road Partners Minor Lot 3; thence North along the East line of said parcel 243.72 feet to the South line of Tax parcel 02-2023-054801; thence East along said parcel 187.70 feet; thence North along the East line of said parcel 180 feet to the South line of Douglas Road; thence West along said South right-of-way to the East right-of-way line of SR 23; thence North along to the North right-of-way line of Douglas Road; thence East 200.42 to the West Line of Standard Federal Savings Bank Replat Lot A; thence North 160.00 feet to South line of Standard Federal Bank Replat; thence East 300.00 feet to the West line of Eclipse Douglas Road Minor Subdivision; thence North along said line 186.03 feet to the North Line of Eclipse Douglas Road Minor Subdivision; thence East along said North line, 995.85 feet to the Mishawaka City Line; thence South along said City Line 385.95 feet to the centerline of Douglas Road; thence East 132.80 feet along the centerline of Douglas Road to the East line of Lafree's Douglas Road Minor Subdivision; thence South along said East line of said subdivision 752.00 feet; thence East along the South line of said subdivision 200.00 feet to the East line of Section 32; thence South along said East line of Section 32, 569.79 feet; thence West 240 feet to the East line of Creekwood Villas Section 2; thence South 1,320 feet along said line to the centerline of Hepler Street; thence East along said centerline, 240 feet; thence South 2,665.41 feet to the centerline of Edison Road; thence Easterly along said centerline to the point of beginning.

(5)

South Bend Fifth Councilmanic District: Beginning at the intersection of the centerlines of Main Street and Ewing Avenue; thence East along the

centerline of Ewing Avenue to its intersection with the centerline of High Street; thence South along said line to its intersection with the centerline of Altgeld Street; thence East along said line to its intersection with the centerline of York Road; thence Southerly along said line to its intersection with the centerline of Hilltop Drive; thence Southeasterly along said line to its intersection with the centerline Southridge Drive; thence Southerly along said line to its intersection with Ridgedale Road; thence East along said line to its intersection with the centerline of Ironwood Drive; thence North along said line, 1,324.28 feet to the City of Mishawaka Boundary; thence East 2,902 feet; thence South 5,346.02 feet; thence West 992.58 feet; thence South 1,321.20 feet to the centerline of Ireland Road; thence West 664.66 feet along said centerline of Ireland Road; thence South 40 feet to the South right-of-way line of Ireland Road; thence West 652.57 feet along the South right-of-way line of Ireland Road to a point of intersection with the East line extended of Lot A of Hi-View Original Town 1st Replat; thence South 388.45 feet parallel to the East line of Lot 16 of Hi-View to the North line of Lot 148; thence West 60 feet to the Southeast corner of said Lot 16; thence South 970 feet along the East line of Lots 17 through 31 of said Hi-View to a point 30 feet South of the Northeast corner of Lot 31; thence West 210 feet to the center of Ironwood Road; thence South along said centerline to its intersection with the centerline of Jackson Road; thence East 3,960 feet along said centerline; thence South 237 feet; thence East 200 feet; thence North 237 feet to the centerline of Jackson Rd.; thence East to its intersection with the centerline of Grass Road; thence Southerly on said centerline of Grass Road, 900 feet; thence West 1,320 feet; thence South 3,060 feet; thence Westerly 2,640 feet; thence North 713 feet to the Southeast corner of Deer Hollow Subdivision Lot 8; thence West 1,179.11 feet along the South line of Deer Hollow Subdivision to the Southeast corner of Stonehedge Subdivision Section 3, Part 1; thence Northerly 778.65 feet along the east line of Stonehedge Subdivision Section 3, Part 1 to the North line of said Subdivision; thence Westerly 299.96 feet along said line to the Westerly line of Deer Hollow Subdivision; thence Northerly 405.89 feet to the North line of Stoneridge Subdivision Section 3, Part 2; thence West 924.35 feet along said line Northeast corner of Lot number 26 Stonehedge Subdivision Section 2; thence South 376.68 feet along the east line of said Lot 26; thence Southeasterly 73.94 feet along the North line of said Lot 26 to a point on the West R/W of Bromley Chase; thence S 30-0-00 W, along the West R/W line of said Bromley Chase, a distance of 161.69 feet to a point of curvature of a tangent curve; thence Southwesterly along a curve to the right, said curve having a radius of 30.00 feet and being subtended by a long chord having a bearing of S 72-04-50 W and a length of 40.21 feet an arc distance of 44.07

feet to a point of reverse curve, said point also being on the North R/W line of Killington Way; thence Northwesterly along a curve to the left, said curve having a radius of 245.00 feet and being subtended by a long chord having a bearing of N 77 03-38 W and a length 95.36 feet an arc distance of 95.97 feet; thence South 121.53 feet; thence West 460 feet; thence South 100 feet; thence East 260 feet to the centerline of Ironwood Road; thence South along said centerline, 1,735 feet; thence West 330 feet; thence South 484.44 feet; thence West 2,440 feet to the East R/W line of York Road; thence South 330 feet along said East line to its intersection with the centerline of Kern Road; thence West along said centerline of Kern Road, 30 feet; thence South 2,582 feet; thence West 2,228 feet to the West line of Bailey's Miami Road Minor; thence North 703 feet; thence West 436 feet to the West right-of-way line of Miami Road; thence North 220 feet; thence west 20 feet; thence North 109 feet; thence East 60 feet to the centerline of Miami Road; thence North 692 feet along said centerline ; thence West 304 feet; thence North 199.96 feet; thence East 304 feet to the centerline of Miami Road; thence North 409 feet along said centerline; thence West 250 feet; thence North 1,870 feet to the North line of a tract of land conveyed to Terry A. and Mary Beth Wiseman by deed recorded as Instrument Number 9845973; thence West along the North line of said Wiseman tract, 414.58 feet; thence Southerly along the West line of said Wiseman tract, 327.74 feet to the Southwest corner of the Wiseman tract; thence N 86-41-40 W, 2021.14 feet, thence N 00-11-27 E, 1,600.83 feet; thence S 89-48-33 E, 177.00 feet; thence N 00-11-27 E, 285.12 feet to the North R/W line of Johnson Road; thence West along said North R/W line of Johnson Road, 65 feet to the centerline of Fellows Street; thence North 1744 feet along said centerline to the centerline of Jackson Road; thence West 525.00 feet; thence North 720 feet; thence West 230 feet to the R/W of the US 20/31 By-Pass interchange; thence Southwesterly along said R/W, 1,400 feet to the centerline of Jackson Road; thence South along the West right-of-way of US 31 South (Dixie Highway) to the 109.48 feet South of the South right-of-way line of Dice Street; thence East 155 feet; thence South 235 to the South right-of-way line of Pulling Street; thence West along said right-of-way line 155 feet to the East right-of-way line of US 31 South (Dixie Highway); thence South along said right-of-way line to the North line of Gilmer Park 4th Addition, being also the Southwest corner of Lot 592 of Gilmer Park 2nd Addition; thence East 171 feet, more or less, along said North line of Gilmer Park 4th to the East line of the first North/South alley East of US 31 South; thence South along the East line (and said East line extended) of said alley 200 feet, more or less to the South R/W line of Lucinda Street; thence West along said South line to the first North/South alley East of US 31 South; thence South along the East R/W line of said

North/South alley to the North line of Kern Road; thence South to the Northeast corner of Lot 41 of Whitcomb & Keller's Southmoor Addition, being also on the South line of Kern Road; thence Southwesterly 633.4 feet along the East lines of Lots 41, 42, 42, 44, 129, 130, 131 and 132 of said Whitcomb & Keller's Southmoor Addition to the Southeast corner of said Lot 132; thence Southeasterly to the Northeast corner of Lot 2 Landon-Zimmer Minor Subdivision; thence West 131.5 feet to the Northwest corner of said Lot 2 and the East R/W line of US 31 South; thence Southerly along said East line of US 31 South to a point that is the intersection of a line that is parallel to the North line of Weller Heights Subdivision to a point 165 feet North of the Northeast corner of Lot 39 of Weller Heights Subdivision; thence West along said line to a point that is 165 feet North of the Northeast corner of lot 39 of Weler Heights Subdivision; thence South 165 feet to the Northwest corner of Lot 39 in Weller Heights Subdivision; thence West along the North line of Weller Heights Subdivision to the West line of the Southeast quarter of Section 2, Township 36 North, Range 2 East; thence North 1,131.5 feet along the West line of the Southeast quarter and the Northeast quarter of said Section 2, to the Southeast corner of LaFayette Falls, Phase III, Section Two; thence West 2,635.6 feet to the West line of the Northwest Quarter of said Section 2 ; thence South along said line 647 feet; thence West 1,273 feet; thence North 2,296 feet; thence East 1,273 feet to the West line of Kern Road Estates, Section 2; thence South 300 feet along said line; thence East 960 feet; thence North 1,115 feet; thence East 130 feet; thence North 320 feet; thence East 1,280 feet along the centerline of Kern Road; thence South 1,000 feet along the East line of LaFayette Falls; thence East 1,133 feet; thence North 1,000 feet to the North R/W line of Kern Road; thence East 255.25 feet along said North line of Kern Road; thence South 1,593.99 feet; thence East 572.40 feet along the North line of Landon-Zimmer Minor Subdivision; thence South 132.29 feet; thence East 165.11 feet to the West right-of-way line of US 31 South; thence North 800 along said right-of-way line; thence Westerly 210.95 feet; thence North 121.63 feet; thence East 255 feet to the West right-of-way line of US 31; thence 427.23 feet along said right-of-way line; thence West 222.81 feet; thence North 334.87 feet to the centerline of Kern Road; thence East 160 feet along said centerline; thence Northeasterly 150 feet to the West right-of-way line of US 31 South; thence Northeasterly 70 feet along said right-of-way line; thence West 500 feet; thence North 260 feet; thence 520 feet to the West right-of-way line of Main Street; thence North along the West right-of-way line of Main Street to South line of lot 40 Gillmer's South Michigan Street Addition; thence West along the Southe South line of said Lot 40 136.1 feet ; thence North 120.3feet to the Northwest corner of Lot 38 in said Subdivision; thence East 145.2 feet to the

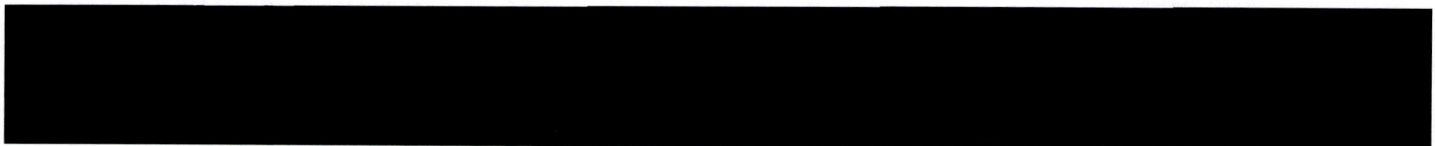
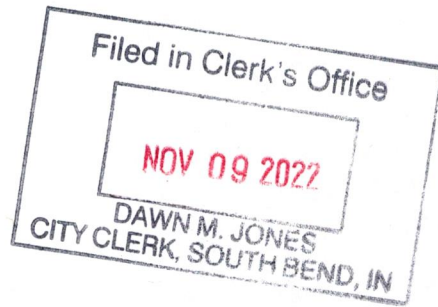
West right-of-way line of Main Street; thence Northerly 196 feet along said right-of-way; thence West 136 feet; thence North 70 feet to the North line of Lot 33 in said Subdivision; thence East 139.4 feet to the West right-of-way line of Main Street; thence North along the West line of Main Street to its intersection with the centerline of Jackson Road; thence West 1,200 feet along said centerline; thence North 300 feet; thence Southwesterly 331.38 feet; thence South 225.00 feet to the centerline of Jackson Road; thence West 2,171.18 feet along said centerline to its intersection with the easterly right-of-way line of Conrail; thence northeasterly along said railroad right-of-way line to its intersection with the centerline of Ireland Road; thence North 2,660 feet North to the intersection with the centerline of Chippewa Avenue; thence West along said centerline to its intersection with the centerline of Linden Road; thence South along said centerline to its intersection with the South right-of-way line of US 20/31; thence Northwesterly, 3,300 feet along the South right-of-way line of US 20/31 to the East right-of-way line of Locust Road; thence South along said East right-of-way line; thence West 200 feet to the West right-of-way line of said Locust Road; thence North to the South right-of-way line of the US 20/31; thence Northwesterly along said right-of-way line to its intersection with the western extension of the centerline of Chippewa Street; thence East along the extension and the centerline of Chippewa Street to the North-South Centre and Portage Townships line; thence South along said Township line to the intersection of the extension of the centerline of Teri Street; thence East along said line extension and the centerline of Teri Street to its intersection with the centerline of Fellows Street; thence North along said centerline to its intersection with the centerline of Southmore Avenue; thence Easterly along said centerline to its intersection with the centerline of Montgolfier Place; thence Easterly and Northerly along said centerline to its intersection with the centerline of Langley Avenue; thence Northerly along said centerline to its intersection with the centerline of Klinger Street; thence Westerly along said centerline to its intersection with the centerline of Fellows Street; thence North along said centerline to its intersection with Dean Street; thence West along said centerline to its intersection with the centerline of St. Joseph Street; thence Northerly along said centerline to its intersection with the centerline of Farneman Street; thence East along said centerline to its intersection with the centerline of Carroll Street; thence North along said centerline to its intersection with the centerline of Donmoyer Avenue; thence West along said centerline to its intersection with the centerline of Michigan Street; thence South along said centerline to its intersection with the centerline of Tasher Avenue; thence West along said centerline to its intersection with the

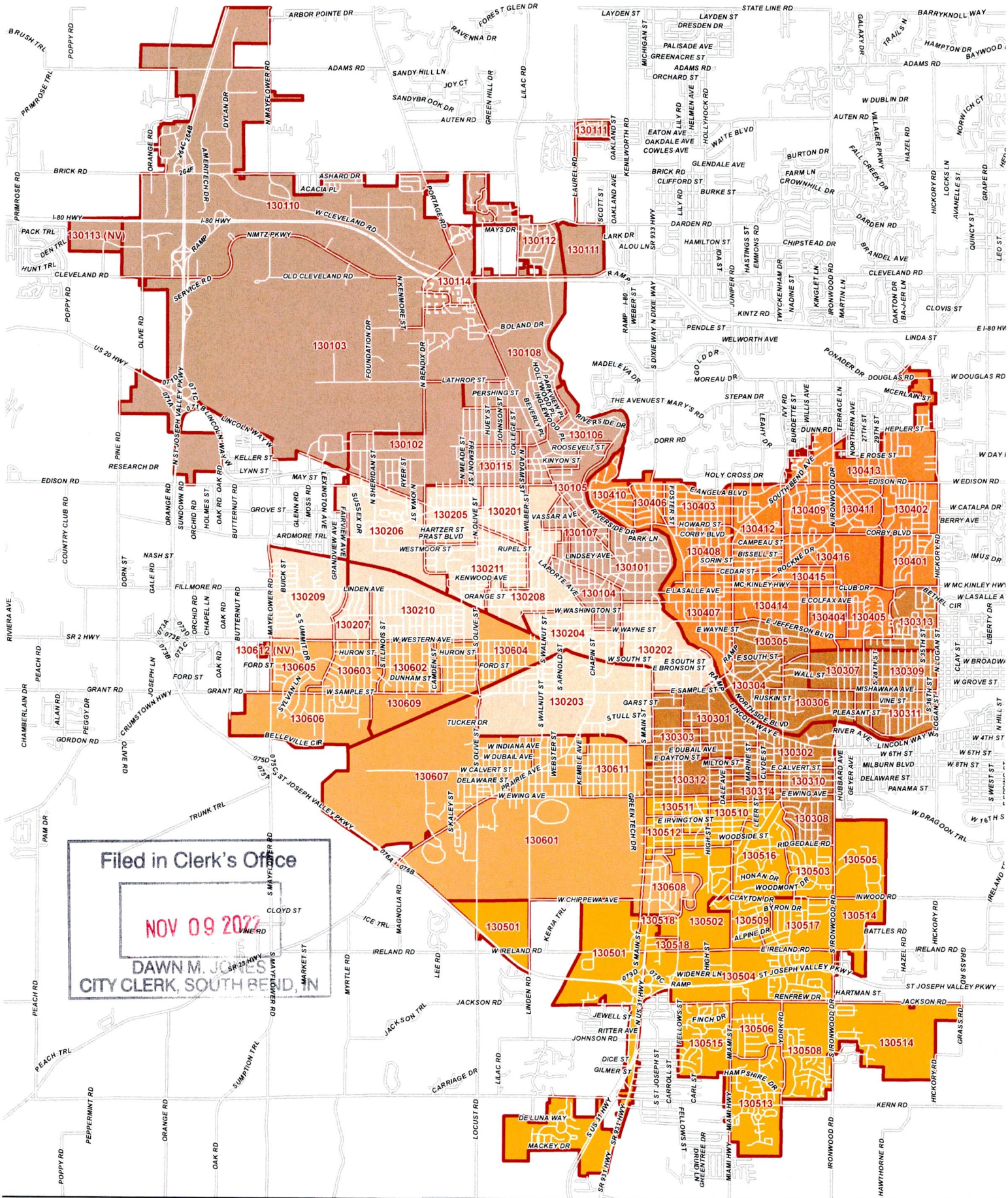
centerline of Main Street; thence North along said centerline to the point of beginning.

(6)

South Bend Sixth Councilmanic District: Beginning at the intersection of the centerline of Chippewa Avenue with the centerline of Linden Road; thence West along the projected centerline of Chippewa Avenue which is also the Boundary line of Centre and Portage Townships to the Southwesterly right-of-way line of US 20/31; thence Northwesterly along the Southwesterly right-of-way line of the US 20/31 to the Southeasterly right-of-way line of SR 23; thence Northeasterly along the Southeasterly right-of-way of SR 23, 2,400, feet more or less to the East property line extended of a lot with Tax Key number 17-1013-0326; thence North 400 feet along said East property line; thence Southwesterly 211.43 feet to the West line of Section 22, Township 37 N, Range 2 East; thence North along the West line of said Section 22, 1,550 feet more or less to a point 210 feet South of the North line of said Section; thence West 200 feet; thence North 210 feet; thence West 2,640 feet; thence North 1,320 feet to the centerline of Calvert Street; thence West along said centerline and said centerline extended, 1,320 feet; thence North 1,720 feet; thence West 1,340 feet to the East line of Matthy's Mayflower Road Second Minor Subdivision; thence South 152.10 feet along said East line; thence West 1,423.53 feet along the South line of said Subdivision; thence Northwesterly 505.66 feet along said boundary line; thence North 68.87 feet along said boundary line; thence Northwesterly 752.90 feet along said boundary line to the East right-of-way line of Mayflower Road; thence North 70.00 feet along said right-of-way line; thence West 2,200 feet; thence North 1,132.3 feet; thence East 788.39 feet; thence North 1,088.7 feet to the North line of Section 17, Township 37 N, Range 2 East, and the centerline of Sample Street; thence East along said centerline, 1,320 feet to its intersection with the centerline of Mayflower Road; thence North along said centerline to its intersection with the centerline of Western Avenue; thence East along said line to its intersection with the centerline of Olive Street; thence North along said centerline to its intersection with the centerline of the main Norfolk and Western Railroad (formerly the Conrail Railroad) R/W; thence Southeasterly along said Norfolk and Western to its intersection with the centerline of Walnut Street; thence South along said centerline to its intersection with the centerline of the main Grand Trunk and Western Railroad R/W; thence Westerly along said centerline to its intersection with the centerline of Olive Street; thence Southerly along said centerline to its intersection with the centerline of the main Penn Central Railroad right-of-way line; thence East along said railroad centerline to its intersection with the centerline of Indiana Avenue; thence East along said centerline to its

intersection with the centerline of Main Street; thence South along said centerline to its intersection with the centerline of Tasher Street; thence East along said centerline to its intersection with the centerline of Michigan Street; thence Northerly along said centerline to its intersection with the centerline of Donmoyer Avenue; thence East along said centerline to its intersection with the centerline of Carroll Street; thence Southerly along said centerline to its intersection with the centerline of Farneman Street; thence West along said line to its intersection with the centerline of St. Joseph Street; thence Southerly along said line to its intersection with the centerline of Klinger Street; thence Easterly along said centerline to its intersection with the centerline of Langley Avenue; thence Southerly along said line to its intersection with the centerline of Montgolfier Place; thence Southerly along said line to its intersection with the centerline of Southmore Avenue; thence Northerly and Westerly along said centerline to its intersection with the centerline of Fellows Street; thence South along said line to its intersection with the centerline of Teri Street; thence Westerly along said centerline line and said line as extended to the West to its intersection with the North-South Centre and Portage Townships line; thence North along said Township line to its intersection with the centerline of Chippewa Street; thence West along said centerline to its intersection with the centerline of Linden Road to the place of beginning.





Filed in Clerk's Office
 NOV 09 2022
 DAWN M. JONES
 CITY CLERK, SOUTH BEND, IN

2022
South Bend City Council
Basemap

EXHIBIT B