

3:50 P.M. HEALTH & PUBLIC SAFETY CHAIRPERSON, WAX

[Bill No. 14-23](#) – An Ordinance Amending Chapter 6, by adding Article 15, Sections 6-94 Through 6-108 Inclusive To Require Landlords and tenants to participate in Bed Bug Remediation

4:10 P.M. ZONING & ANNEXATION CHAIRPERSON, HAMANN

[Bill No. 07-23](#) – An Ordinance Amending the Zoning Ordinance for Property Located at 1007-and 1011 Howard St. Councilmanic District #4

4:20 P.M. COMMUNITY INVESTMENT CHAIRPERSON, TOMAS MORGAN

[Bill No. 23-11](#) – A Resolution Designating an 8-year Real Property Tax Abatement for Property Located at 213 West Washington Street, South Bend, IN, Councilmanic District #2

[Bill No. 23-15](#) – A Resolution Confirming the Adoption of a Declaratory Resolution for Property Located at 2652 Jaclyn Court and 3161 Youngs Court, South Bend, IN, 46614, Councilmanic District # 6

Council President Sharon L. McBride has called an **Informal Meeting** of the Council which will commence immediately after the adjournment of the Community Investment 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, March 27, 2023

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/03272023SBCC>

1. **INVOCATION**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **REPORT FROM SUB-COMMITTEE ON MINUTES**
5. **SPECIAL BUSINESS**

[23-14](#) PUBLICLY RECOGNIZING, COMMENDING, AND HONORING THE RILEY HIGH SCHOOL WILDCATS 2022-2023 BOYS SWIM TEAM ON A SUCCESSFUL SEASON AS: CITY CHAMPIONS, NORTHERN INDIANA CONFERENCE (NIC) 2nd, SECTIONAL CHAMPIONS, AND STATE 6TH OVERALL

[23-12](#) PUBLICLY RECOGNIZING THE INDIANA ATHLETIC TRAINERS' ASSOCIATION AND ACKNOWLEDGING THE MONTH OF MARCH AS NATIONAL ATHLETIC TRAINING MONTH

6. **REPORTS FROM CITY OFFICES**

2045 Plan Update – Lawrence Greenspun, Drucker Institute

7. **COMMITTEE OF THE WHOLE**

BILL NO.

[07-23](#)

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1007 AND 1011 HOWARD ST. COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

[14-23](#)

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, AMENDING CHAPTER 6, BY ADDING ARTICLE 15, SECTIONS 6-94 THROUGH 6-108 INCLUSIVE TO REQUIRE LANDLORDS AND TENANTS TO PARTICIPATE IN BED BUG REMEDIATION

[15-23](#)

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, VACATING THE FOLLOWING DESCRIBED PROPERTY: 1100 BLOCK OF CORBY BOULEVARD BEING A PART OF CORBY BOULEVARD AS SHOWN ON THE INDIANA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLANS FOR SR 23, R/W CODE 3786, DES NO. 9133615, PROJECT NO. STP-S050-(007) DATED DECEMBER 19, 2011 AND BEING SITUATED IN THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 3 EAST, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

8. **RISE AND REPORT**

9. **REGULAR MEETING RECONVENED**

10. **BILLS ON THIRD READING**

BILL NO.

[07-23](#)

THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1007 AND 1011 HOWARD ST. COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

[14-23](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, AMENDING CHAPTER 6, BY ADDING ARTICLE 15, SECTIONS 6-94 THROUGH 6-108 INCLUSIVE TO REQUIRE LANDLORDS AND TENANTS TO PARTICIPATE IN BED BUG REMEDIATION

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11. **RESOLUTIONS**
BILL NO.

[23-11](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 213 WEST WASHINGTON STREET, SOUTH BEND, IN 46601 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF AN EIGHT-YEAR (8) REAL PROPERTY TAX ABATEMENT FOR APARTMENTS AND COMMERCIAL SPACE AT TOWER AT WASHINGTON APARTMENTS AT TOWER AT WASHINGTON SQUARE LLC

[23-13](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, RECOMMENDING TO THE MAYOR CERTAIN APPLICANTS FOR THE POSITION OF DIRECTOR OF THE COMMUNITY POLICE REVIEW BOARD OFFICE

[23-15](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 2652 JACLYN COURT, SOUTH BEND, IN 46614 AND 3161 YOUNGS COURT, SOUTH BEND, IN 46614 ECONOMIC REVITALIZATION AREAS FOR PURPOSES OF A SIX-

YEAR (6) REAL PROPERTY TAX ABATEMENT FOR THE ROBERT
HENRY CORPORATION

12. **BILLS OF FIRST READING**

BILL NO.

[16-23](#)

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL
OF THE CITY OF THE SOUTH BEND, INDIANA, AMENDING THE
ZONING ORDINANCE FOR PROPERTY LOCATED 616, 618
SHERMAN AVE COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF
SOUTH BEND, INDIANA

13. **UNFINISHED BUSINESS**

14. **NEW BUSINESS**

The next Council Committee meeting is tentatively scheduled for **Monday, April 10, 2023**
at **tentatively at 3:30 P.M.** The next Council meeting is scheduled for **Monday, April**
10, 2023, at 7:00 P.M.

15. **PRIVILEGE OF THE FLOOR**

16. **ADJOURNMENT**

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



2023 COMMON COUNCIL STANDING COMMITTEES (Rev. 03-10-2023)

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

Eli Wax, Member
Citizen Member
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
Lori K. Hamann, Vice-Chairperson
Citizen Member

Canneth Lee, Member
Eli Wax, 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

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
Citizen Member

Canneth Lee, Member
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
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
Troy Warner, Vice-Chairperson
Rachel Tomas Morgan, Member

Eli Wax, Member
Canneth Lee, 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
Karen L. White, Vice-Chairperson
Jason Piontek, *Citizen Member*

Lori K. Hamann, 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
Eli Wax, Vice-Chairperson
Citizen Member

Troy Warner, 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



2023 COMMON COUNCIL STANDING COMMITTEES (Rev.01-09-2023)

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
Personnel & Finance Committee, Member

HENRY DAVIS, JR. 2ND District Council Member

Utilities Committee, Chairperson

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

Residential Neighborhoods Committee, Member
PARC Committee, Member

SHARON L. MCBRIDE, 3RD District Council Member

President

Council Rules Committee, Member

TROY WARNER, 4TH District Council Member

Community Relations Committee, Chairperson

Personnel & Finance Committee, Vice-Chair
PARC Committee, Vice-Chairperson

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

ELI WAX, 5TH District Council Member

Health & Public Safety Committee, Chairperson

Utilities, Vice-Chairperson
Community Investment, Member
Personnel & Finance, Member

Committee Relations, 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, Vice Chairperson
Zoning & Annexation Committee, Member

LORI K. HAMANN, AT LARGE Council Member

Zoning & Annexation Committee, Chairperson

Information & Technology Committee, Vice-Chairperson
Community Relations Committee, Vice-Chairperson

Public Works & Property Vacation, Member
Utilities Committee, Member

BILL NO. 23-13

City of South Bend Common Council

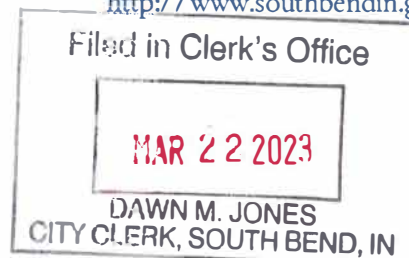
441 County-City Building • 227 W. Jefferson Blvd
South Bend, Indiana 46601

(574) 235-9321

Fax (574) 235-9173

TDD (574) 235-5567

<http://www.southbendin.gov>



March 22, 2023

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

South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

RE: A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, RECOMMENDING TO THE MAYOR CERTAIN APPLICANTS FOR THE POSITION OF DIRECTOR OF THE COMMUNITY POLICE REVIEW BOARD OFFICE

Dear Council Members:

As you all know, the interview process for the Director of the Community Police Review Board is now completed. The Community Relations Standing Committee will meet tonight to discuss the candidates. Following that public meeting, the Council President, the Vice President, the immediate past Council President and the Chair of the Health & Public Safety Committee will meet for the purpose of drafting a resolution of recommendation to the Mayor.

In order to meet the filing deadline for the Council meeting scheduled for March 27, 2023, we are submitting this proposed resolution as a placeholder pending tonight's meeting. A substitute will subsequently be submitted when the names of the recommended applicants are determined. We are proceeding this way in order to have the Resolution ready to be voted on at the full Council meeting on March 27, 2023.

Please file this proposed resolution and place it on the agenda for the Community Relations Committee meeting for March 27, 2023 and the full Council meeting later that evening.

Thank you for your consideration.

Sincerely yours,

Sharon McBride, President
South Bend Common Council

Sheila Niezgodski, Vice-President
South Bend Common Council



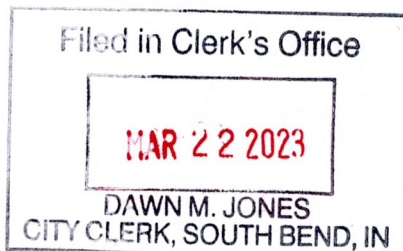
City of South Bend Common Council

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

(574) 235-9321
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TDD (574) 235-5567
<http://www.southbendin.gov>

Karen L. White, At Large Member
South Bend Common Council

Eli Wax, Fifth District Member
South Bend Common Council



MAR 21 2023

DAWN M. JONES

SOUTH BEND, IN

BILL NO. 23-13

RESOLUTION NO. 5010-23

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, RECOMMENDING TO THE MAYOR CERTAIN APPLICANTS FOR THE POSITION OF DIRECTOR OF THE COMMUNITY POLICE REVIEW BOARD OFFICE

Whereas, on October 5, 2020, the South Bend Common Council passed Ordinance No. 10721-20 establishing the Community Police Review Board, Review Board Office, and position of Review Board Office Director; and

Whereas, on August 9, 2021, the Common Council also passed Ordinance No. 10804- 21 amending the Ordinance and moving the Review Board Office to be within the Mayoral administration with involvement and oversight by the Common Council; and

Whereas, on March 14, 2022, the Common Council passed Resolution No. 4948-22, establishing a process for selection of Community Police Review Board Office Director & A Process for the Appointment of the Initial Review Board Members; and

Whereas, the interview process for the Community Police Review Board Director was completed on March 20, 2023, at a Public Forum to meet and consider candidates; and

Whereas, on March 22, 2023, pursuant to the Resolution No. 4948-22, the Community Relations Committee conducted another public committee meeting for the Council to provide its input into the final determinations and express its opinion on the finalists; and

Whereas, on March 22, 2023, pursuant to the Resolution No. 4948-22, the Council President, the Vice President, the immediate past Council President and the Chair of the Health & Public Safety Committee conducted a meeting to prepare a draft Resolution for consideration by the full Council to recommend no more than three applicants to the Mayor as required by the Ordinance; and

Whereas, a majority of the Common Council members recommend the following applicants to fill the Director position: _____, _____, _____.

Now, Therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The Common Council recommends the above applicants to the Mayor to fill the position of Director of the Community Police Review Board Office.

Section II. The Mayor shall select one of the applicants listed above for the position of Director of the Community Police Review Board Office.

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

Approved this 27th day of March 2023

Sharon McBride, Council President
South Bend Common Council

Attest:

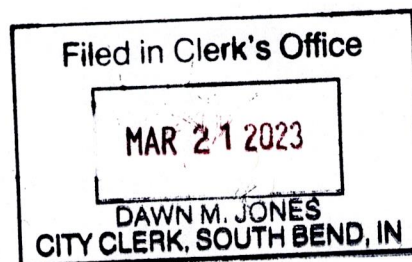
Dawn M. Jones, City Clerk
Office of the City Clerk

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 _____, 2023, at _____ o'clock _____.m.

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

Approved and signed by me on the _____ day of _____, 2023, at ____ o'clock _____.m.

James Mueller, Mayor
City of South Bend



MAR 08 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN



Engineering • Architecture • Land Surveying

March 7, 2023

South Bend Common Council
227 W. Jefferson Blvd
South Bend, IN 46601

Re: Excess Right-of-Way on the South Side of Corby, Blvd West of Arthur St.

Dear members of the Council:

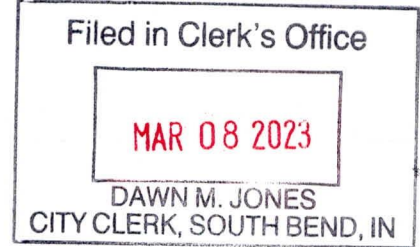
Please find enclosed a Petition to Vacate a Public Right-of-Way. The petitioners recently acquired both homes that used the excess Right-of-Way for access and parking. It is their intent to combine this excess Right-of-Way with their adjacent parcels for the new proposed development.

Respectfully,

ABONMARCHE CONSULTANTS, INC.

A handwritten signature in black ink, appearing to read 'R. A. Nichols'.

Robert A. Nichols
Project Manager



**BILL NO. 15-23
ORDINANCE NO.**

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

1100 BLOCK OF CORBY BOULEVARD

BEING A PART OF CORBY BOULEVARD AS SHOWN ON THE INDIANA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLANS FOR SR 23, R/W CODE 3786, DES NO. 9133615, PROJECT NO. STP-S050-(007) DATED DECEMBER 19, 2011 AND BEING SITUATED IN THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 3 EAST, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA

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:

Excess Right of Way on the South Side of Corby Blvd, West of Arthur St. more fully described in Exhibit A attached hereto

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:

Lots 321, 320 and 319 of Park Pl 3rd Add

Section IV. The purpose of the vacation of the real property is to combine excess Right-of-Way with adjacent parcels for new proposed development.

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 McBride, Council President
South Bend Common Council

Attest:

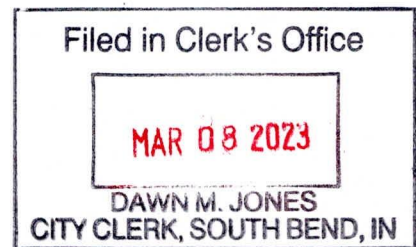
Dawn M. Jones, City Clerk
Office of the City Clerk

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 _____, 2023, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2023, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana



LETTER OF TRANSMITTAL

TO: Office of the City Clerk
City of South Bend
337 W. Jefferson Blvd, Ste. 455
County-City Building
South Bend, IN 46601

DATE: 3/7/2023

JOB NO.: 21-1378.422

RE: ROW Vacation
1100 Block of Corby Blvd

WE ARE SENDING YOU: Contract / Agreement Prints / Plans Shop Drawings
 Change Order Specifications _____


COPIES	DATE	DESCRIPTION
1		BPW Preliminary Review Packet
1		Petition to Vacate
1		Ordinance
1		Letter – Explanation for Alley Vacation
		Certified mailing envelopes
		\$150.00 (cash) filing fee

THESE ARE TRANSMITTED as checked below:

- For Review & Comment
 For Your Use
 As Requested
 Approved as Submitted
 Approved as Noted
 Returned for Corrections
 For Bids Due:

REMARKS:

COPY TO:

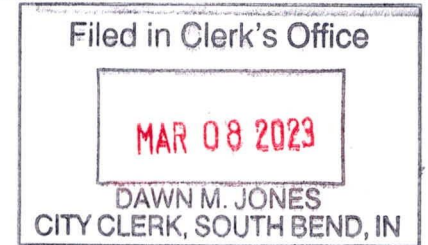
SIGNED: 

If enclosures are not as noted, kindly notify us at once.

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

February 14, 2023

Mr. Robert Nichols for Five Corners, LLC
814 Marietta St.
South Bend, IN 46601
rnichols@abonmarche.com

RE: Right-of-Way Vacation – 1100 Block of Corby Blvd. (Preliminary Review)

Dear Mr. Nichols:

At its February 14, 2023 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 Right-of-Way with a request to maintain the same distance from back of curb and degree of curve in road. If you still wish to pursue this Right-of-Way 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 Right-of-Way vacation will affect your property taxes, please contact the Auditor's Office.

In its Ordinance, the City of South Bend Common Council included the Board of Public Works' requirement that you **eliminate the alley approach by hiring a private contractor bonded with the City to tear out the approach, replace with curb, and establish a tree lawn in accordance with City standards and specifications.** These updates should be made within ninety (90) days of final approval from the Common Council. Please notify us when this work is complete. If you have any further questions, please call this office at (574) 235-9251.

Sincerely,

/s/ Theresa Heffner

Theresa Heffner, Clerk

Enclosures
TH/lh



**INTEROFFICE MEMORANDUM
BOARD OF PUBLIC WORKS**

DATE: January 11, 2023

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

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

SUBJECT: REQUEST FOR RECOMMENDATIONS – ROW VACATION

APPLICANT: Robert Nichols for Five Corners, LLC

LOCATION: 1100 Block of Corby Blvd.

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.

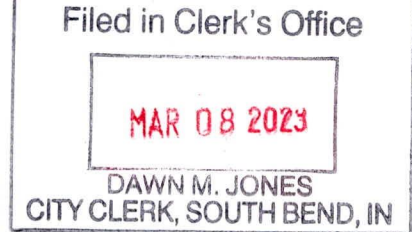
PUBLIC WORKS: No objections to this vacation, assuming the legal description for the proposed new right-of-way line (along south side of Corby) maintains the same distance from back of curb and the degree of curve in the road as the existing right-of-way line of Corby.

COMMUNITY INVESTMENT: Favorable recommendation includes request to include the ROW remnant found at the SW corner of Arthur Street and Corby.

FIRE: Favorable

POLICE: Favorable recommendation

EXHIBIT A



CORBY BOULEVARD VACATION DESCRIPTION

BEING A PART OF CORBY BOULEVARD AS SHOWN ON THE INDIANA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PLANS FOR SR 23, R/W CODE 3786, DES NO. 9133615, PROJECT NO. STP-S050-(007) DATED DECEMBER 19, 2011 AND BEING SITUATED IN THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 6, TOWNSHIP 37 NORTH, RANGE 3 EAST, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARING OF THIS DESCRIPTION PER RECORDED ALTA SURVEY, INSTRUMENT NUMBER 2022-21866, ST. JOSEPH COUNTY RECORDER.

COMMENCING AT A CAPPED REBAR (ABONMARCHE FIRM #0050) ON THE SOUTHERLY LINE OF A TRACT OF LAND CONVEYED TO THE STATE OF INDIANA AS DESCRIBED IN INSTRUMENT NUMBER 1113039 - PARCEL 88 , ST. JOSEPH COUNTY RECORDER; THENCE SOUTH 54° 27' 26" EAST, ALONG THE SOUTHERLY LINE OF SAID STATE OF INDIANA - PARCEL 88 LAND, AND SAID LINE EXTENDED, 141.79 FEET TO A CAPPED REBAR (ABONMARCHE FIRM #0050) ON THE EAST LINE OF LOT 11 OF BERGAN'S REPLAT OF LOTS 2, 3, AND 4 OF LISTENBERGER'S FIRST ADDITION, RECORDED IN PLAT BOOK 10, PAGE 9, ST. JOSEPH COUNTY RECORDER, AND BEING THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 54° 27' 26" EAST, 18.31 FEET TO THE POINT OF CURVATURE OF A TANGENT CURVE TO THE LEFT; THENCE SOUTHEASTERLY, AN ARC DISTANCE OF 100.19 FEET, ALONG SAID CURVE HAVING A RADIUS OF 440.00 FEET AND SUBTENDED BY A LONG CHORD BEARING SOUTH 60° 58' 51" EAST, 99.98 FEET TO A POINT LYING NORTH 00° 11' 53" WEST FROM THE NORTHEAST CORNER OF LOT 319 AS SAID LOT IS KNOWN AND DESIGNATED ON THE THIRD PLAT OF PARK PLACE, RECORDED IN PLAT BOOK 8 PAGE 192, ST. JOSEPH COUNTY RECORDER; THENCE SOUTH 00° 11' 53" EAST, ALONG THE NORTHERLY PROJECTION OF THE EAST LINE OF SAID LOT 319, A DISTANCE OF 34.11 FEET TO THE NORTHEAST CORNER OF SAID LOT; THENCE SOUTH 89° 43' 16" WEST, ALONG THE NORTH LINE OF SAID LOT 319 AND THE NORTH LINE OF LOTS 320 AND 321 OF SAID THIRD PLAT OF PARK PLACE, 102.03 FEET TO A CAPPED REBAR (ABONMARCHE FIRM #0050); THENCE NORTH 00° 15' 02" WEST, ALONG THE SOUTHERLY PROJECTION OF THE EASTERLY LINE OF SAID LOT 11 AND ALONG THE EASTERLY LINE OF SAID LOT 11, 93.75 FEET TO THE POINT OF BEGINNING. SUBJECT TO ALL COVENANTS, RIGHTS-OF-WAY, AND EASEMENTS OF RECORD.

CONTAINING 6,231 SQUARE FEET (0.14 ACRES) MORE OR LESS.

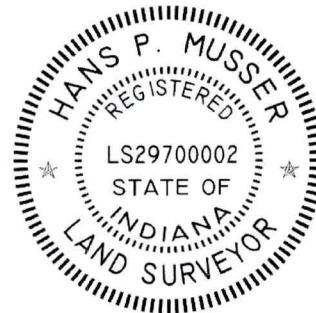
THIS DOCUMENT WAS PREPARED BY HANS P. MUSSER, INDIANA REGISTERED LAND SURVEYOR, LICENSE NUMBER 29700002.



HANS P. MUSSER, PS

12/22/2022

DATE



JOB NO.: 21-1378



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

RECEIVED

JAN 11 2023
 City of South Bend
 Div. of Engineering

Date: 1/11/2023 Phone #: 574-232-8700

Name: Five Corners, LLC Email: rnichols@abonmarche.com
814 Marietta St. S.B. 46601

Property Address: 1100 Block of Corby Blvd.
Mr. Robert Nichols

Applicant property information: Residential Commercial Industrial

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

Excess Right of Way on the South Side of Corby Blvd, West of Arthur St.

- 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:

Five Corners LLC recently acquired both homes that used the excess ROW for access and parking. it is their intent to combine this excess ROW with their adjacent parcels for their new proposed development.

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
 Elizabeth A. Maradik, President

Gary A. Gilot
 Gary A. Gilot, Member

Murray L. Miller
 Murray L. Miller, Member

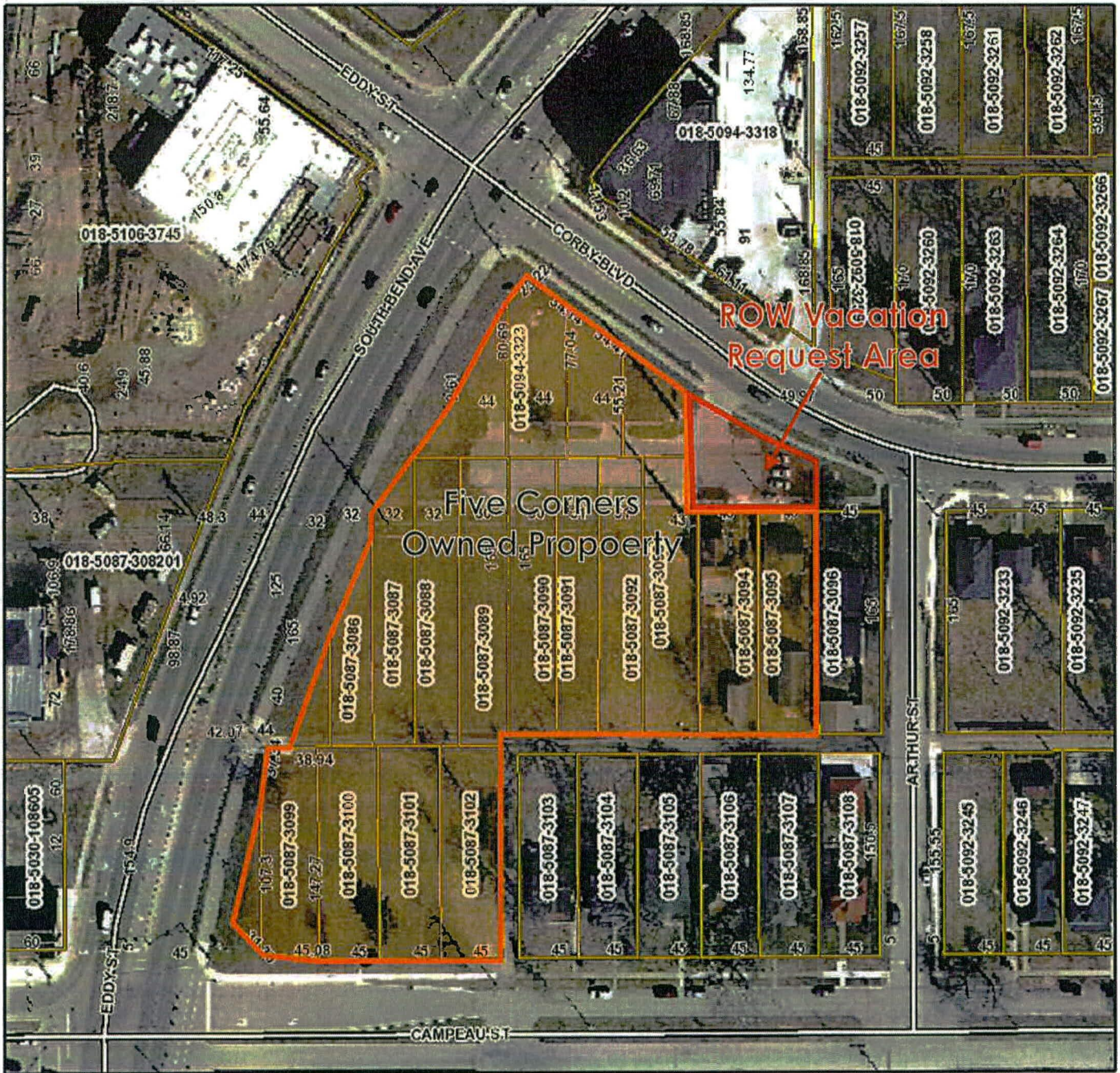
Joseph R. Molnar
 Joseph R. Molnar, Vice President

Jordan V. Gathers
 Jordan V. Gathers, Member

Attest: Theresa M. Heffner, Clerk

Date: February 14, 2023





Legend

- SJC Parcel Dimensions
- SJC Parcels
- SJC Street

Michiana Regional GIS Website
txtSubTitle

Map Generated By: Public
Date Printed: 12/30/2022

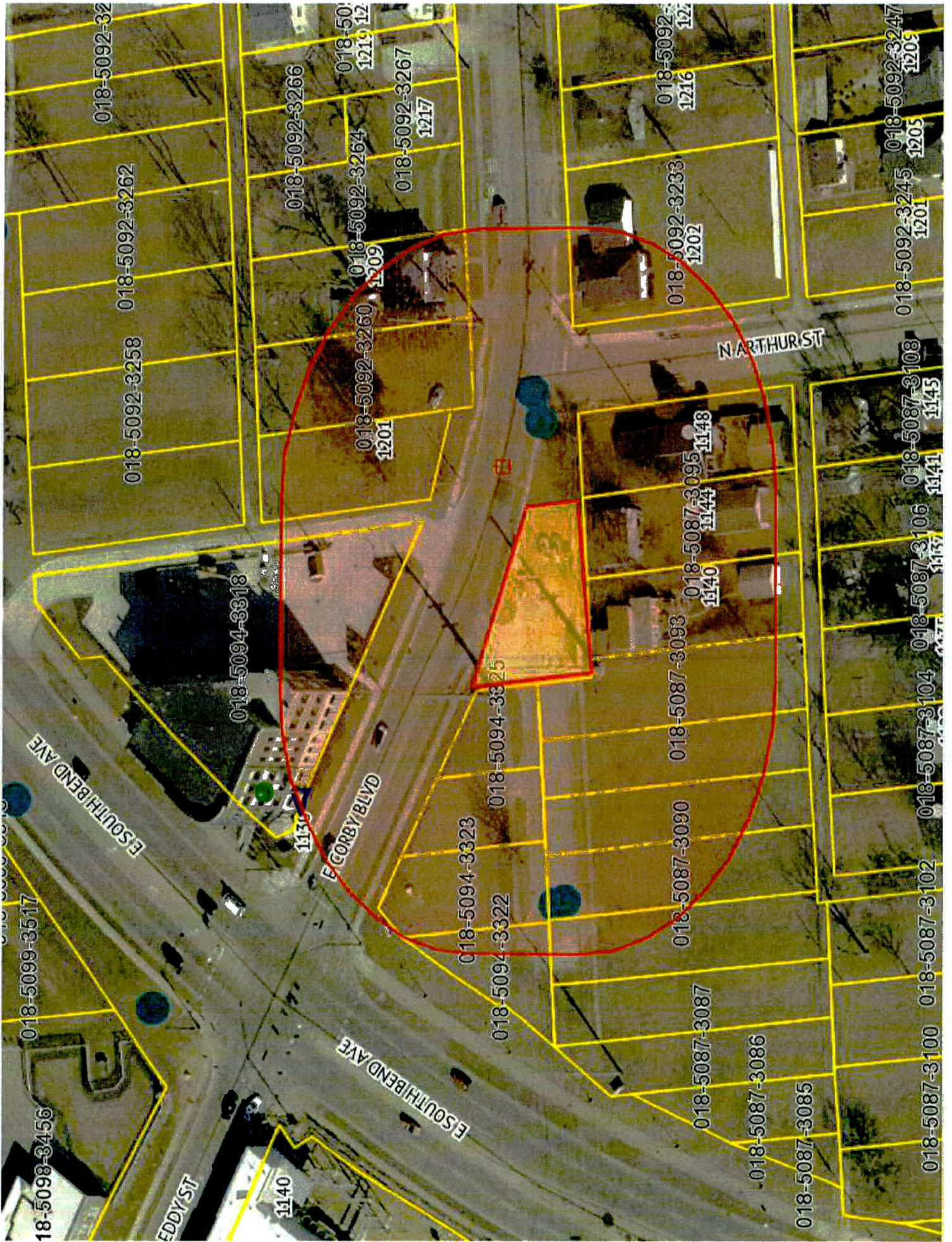
1 inch = 75.00 feet

Michiana Regional Council of Governments Geographic Information System
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Coordinate grid is based on Indiana East State Plane Coordinate System 1983 North American Datum.

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mailingadd	mailingcit	mailing	mailingzip	name_1	prop_addr	prop_city	prop_st	prop_zip
10843 Weston Dr	Carmel	IN	46032	ALFORD PAULA L & JERRY B	1148 CORBY BLVD	SOUTH BEND	IN	46617
1209 Corby Blvd	South Bend	IN	46617	KUHARIC PAUL F & JILL E	1201 CORBY BLVD	SOUTH BEND	IN	46617
814 Marietta	South Bend	IN	46601	FIVE CORNERS LLC	1133 CORBY BLVD	SOUTH BEND	IN	46617
814 Marietta	South Bend	IN	46601	FIVE CORNERS LLC	1124 CORBY BLVD	SOUTH BEND	IN	46617
814 Marietta St	South Bend	IN	46601	FIVE CORNERS LLC	1132 CORBY BLVD	SOUTH BEND	IN	46617
814 Marietta St	South Bend	IN	46601	FIVE CORNERS LLC	1125 CORBY BLVD	SOUTH BEND	IN	46617
1209 Corby Blvd	South Bend	IN	46617	KUHARIC PAUL & JILL E KUHARIC	1209 CORBY BLVD	SOUTH BEND	IN	46617
					1135 CORBY BLVD	SOUTH BEND	IN	46617
					1137 CORBY BLVD	SOUTH BEND	IN	46617
814 Marietta St	South Bend	IN	46601	FIVE CORNERS LLC	1140 CORBY BLVD	SOUTH BEND	IN	46617
814 Marietta St	South Bend	IN	46601	FIVE CORNERS LLC	1144 CORBY BLVD	SOUTH BEND	IN	46617
814 Marietta	South Bend	IN	46601	FIVE CORNERS LLC	1128 CORBY BLVD	SOUTH BEND	IN	46617
814 Marietta St	South Bend	IN	46601	FIVE CORNERS LLC	1134 CORBY BLVD	SOUTH BEND	IN	46617
814 Marietta St	South Bend	IN	46601	FIVE CORNERS LLC	1136 CORBY BLVD	SOUTH BEND	IN	46617
814 Marietta	South Bend	IN	46601	FIVE CORNERS LLC	1136 SOUTH BEND AV	SOUTH BEND	IN	46617
16001 S 108th Ave	Orland Park	IL	60467	RL WHITCOMB LLC	1202 CORBY BLVD	SOUTH BEND	IN	46617
1526 E LaSalle	South Bend	IN	46617	KUHARIC PAUL & KIMMELL ANN MARIE				



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

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

DATE: 3/6/2023

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:

2. THE STREET DESCRIBED AS:

Excess Right of Way on the South Side of Corby Blvd.

(See attached map)

Abutting Property Owner(s) Signatures:

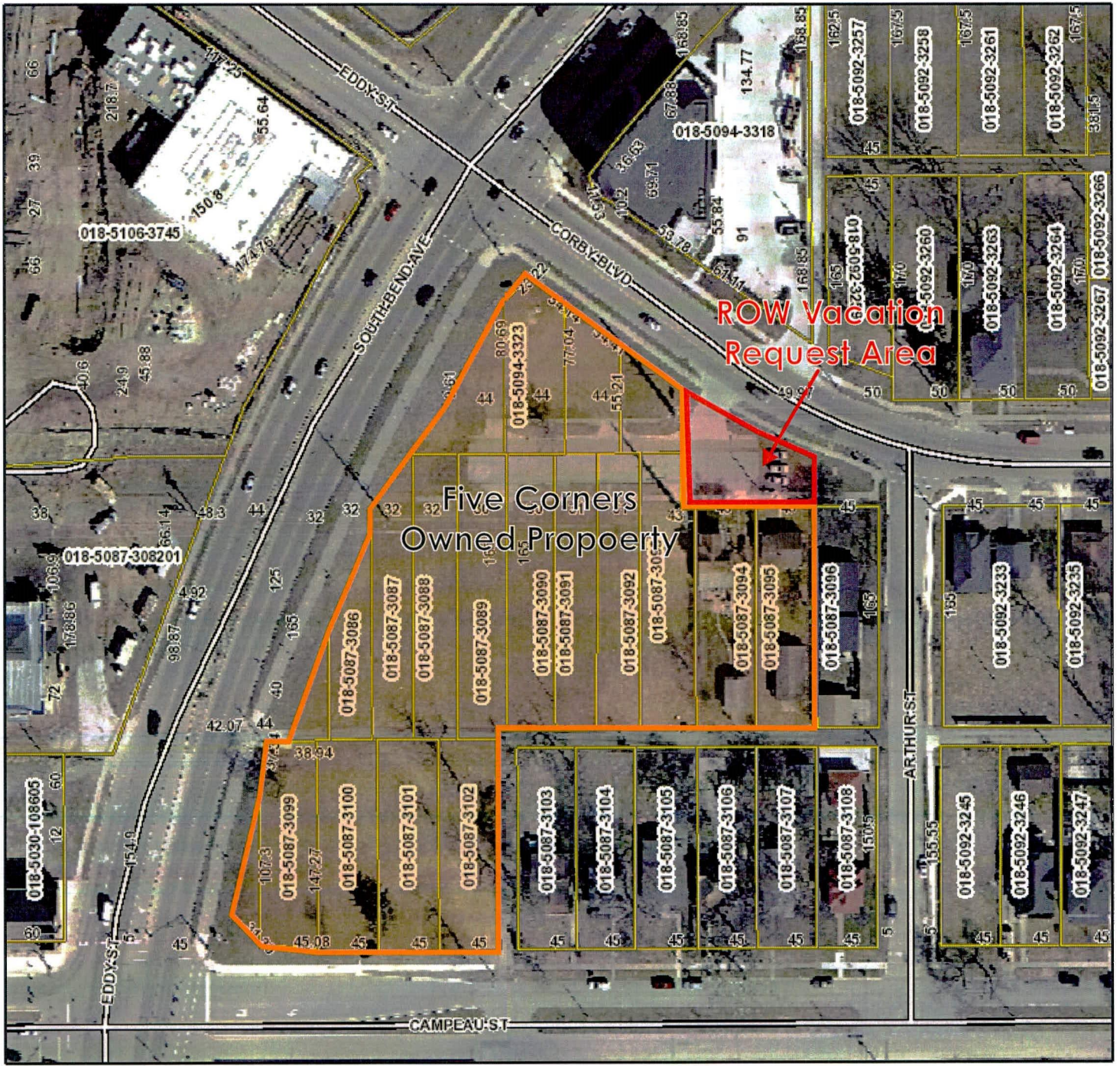
Name (print):	Signature	Address	Lot Number
Five Corners, LLC	<i>Anne Hayes,</i>	814 Marietta St, South Bend, IN 46617 (See attached)	
1.	<i>member</i>		
2.			
3.			

INTEGRITY | SERVICE | ACCESSIBILITY

BIANGA L. TIRADO
CHIEF DEPUTY/DIRECTOR OF OPERATIONS

GRAHAM D. SPARKS
DEPUTY/DIRECTOR OF POLICY

GABRIEL N. MUREI
ORDINANCE VIOLATION CLERK



Legend

- SJC Parcel Dimensions
- SJC Parcels
- SJC Street

Michiana Regional GIS Website

txtSubTitle

Map Generated By: Public
Date Printed: 12/30/2022

1 inch = 75.00 feet

Michiana Area Council of Governments | Geographic Information System
Elkhart and St. Joseph Counties, IN

0 0.00 0.01 0.01 Miles

Coordinate grid is based on Indiana East State Plane Coordinate System 1983 North American Datum.

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Filed in Clerk's Office

MAR 08 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN



BILL NO. 14-23

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

Chairperson Eli Wax

Health and Public Safety Committee

South Bend Common Council

4th Floor, County-City Building

South Bend, IN 46601

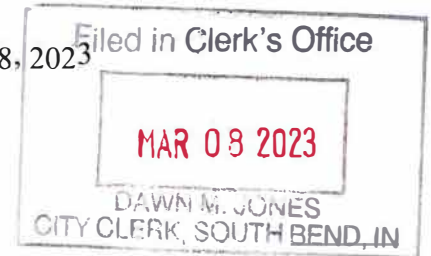
RE: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 6, BY ADDING ARTICLE 15, SECTIONS 6-94 THROUGH 6-108 INCLUSIVE TO REQUIRE LANDLORDS AND TENANTS TO PARTICIPATE IN BED BUG REMEDIATION

Dear Chairperson Wax:

Most of us in our youth heard our elders say “Good night. Don’t let the bed bugs bite.” That cute childhood rhyme has a much different meaning today. It is now an actual warning. Bed bug infestations throughout the entire city are distressing our residents. It has gotten so bad that teachers are leaving classrooms to avoid risking taking bed bugs home with them. Something must change.

Several states have specific laws addressing the issue of bed bugs. Unfortunately, Indiana is not one of those states. Arguably, IC 32-31-8-5 provides broad protection in the form of a warranty of habitability. The Indiana General Assembly has considered bills specifically providing for bed bug remediation in the 2021 session and currently in the 2023 session. Although these bills have not passed in the General Assembly. I believe that it is in the best interests of city residents to have the such protection. This ordinance, based on bills that have been addressed in the General Assembly requires a tenant to inform the landlord if the tenant reasonably suspects the presence of bed bugs. The ordinance requires landlords to have dwelling units inspected by a qualified inspector. After receipt of an inspection report , the landlord must to inform the tenant whether the dwelling unit contains bed bugs and, if so, to begin reasonable measures to treat the bed bug presence. The ordinance also establishes responsibilities for the tenant and landlord concerning notice, access, and costs.

March 8, 2023





City of South Bend Common Council

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

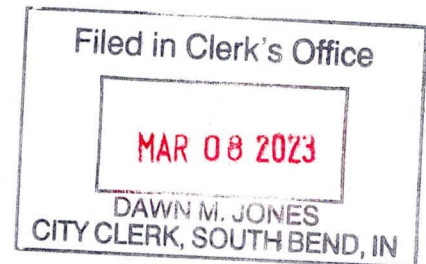
(574) 235-9321
Fax (574) 235-9173
TDD (574) 235-5567
<http://www.southbendin.gov>

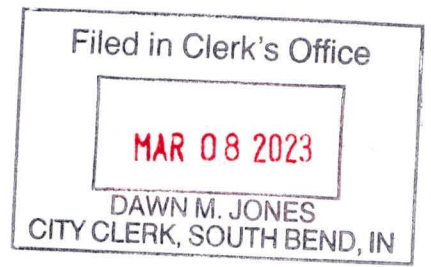
I am filing this proposed ordinance for first reading on March 13, 2023 and request that it be included on the Health and Public Safety Committee agenda to be followed by second and third readings and public hearing on March 27, 2023.

Thank you for your consideration.

Sincerely yours,

Henry Davis, Jr., South Bend Common
Council Second District





BILL NO. 14-23

ORDINANCE NO.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 6, BY ADDING ARTICLE 15, SECTIONS 6-94 THROUGH 6-108 INCLUSIVE TO REQUIRE LANDLORDS AND TENANTS TO PARTICIPATE IN BED BUG REMEDIATION.

STATEMENT OF PURPOSE AND INTENT

Several states have specific laws addressing the issue of bed bugs. Unfortunately, Indiana is not one of those states. Arguably, IC 32-31-8-5 provides broad protection in the form of a warranty of habitability. The Indiana General Assembly has considered bills specifically providing for bed bug remediation in the 2021 session and currently in the 2023 session. Although these bills have not passed in the General Assembly, the South Bend Common Council believes that it is in the best interests of city residents to have the such protection. This ordinance, based on bills that have been addressed in the General Assembly requires a tenant to inform the landlord if the tenant reasonably suspects the presence of bed bugs. The ordinance requires landlords to have dwelling units inspected by a qualified inspector. After receipt of an inspection report , the landlord must to inform the tenant whether the dwelling unit contains bed bugs and, if so, to begin reasonable measures to treat the bed bug presence. The ordinance also establishes responsibilities for the tenant and landlord concerning notice, access, and costs.

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

SECTION I. Chapter 6 (Building), Article 15, Sections 6-94 through Section 6-108 are added to of the South Bend Municipal Code and the Article is hereby amended to read in its entirety as follows:

SECTION I. Article 15. Bed Bug Remediation

Sec. 6-94. As used in this article, "bed bug" means the common bed bug, or cimex lectularius.

Sec. 6-95. As used in this article "contiguous dwelling unit" means a dwelling unit that is contiguous with another dwelling unit, both of which units are owned, managed, leased, or subleased by the same landlord.

Sec. 6-96. As used in this article, "dwelling unit" means a structure or the part of a structure that is used as a home, residence, or sleeping place by a tenant.

Sec. 6-97. As used in this article "electronic notice" means notice by electronic mail or an electronic portal or management communications system that is available to both a landlord and a tenant.

Sec. 6-98. As used in this article, "landlord" means the owner, manager, lessor, or sublessor of a residential premises.

Sec. 6-99. As used in this article, "pest control applicator" means a:

- (1) licensed applicator for hire (as defined by IC 15-16-5-16);
- or
- (2) registered technician (as defined by IC 15-16-5-33).

Sec. 6-100. As used in this article, "qualified inspector" means a:

- (1) local health department official;
- (2) licensed pest inspector (as defined by IC 15-16-5-18); or
- (3) scent detection canine team that holds a current, independent, third-party certification under the guidelines for minimum standards for canine bed bug detection team certification established by the National Pest Management Association or its successor organization;

who is retained by a landlord to conduct an inspection for bed bugs.

Sec. 6-101. As used in this article, "tenant" means a person entitled under a rental agreement to occupy a dwelling unit to the exclusion of others.

Sec. 6-102. (a) A tenant shall promptly notify the tenant's landlord by written or electronic notice when the tenant knows or reasonably suspects that the tenant's dwelling unit contains bed bugs. A tenant who gives a landlord electronic notice concerning potential bed bugs shall send the notice only to the electronic mail address, telephone number, or electronic portal specified by the landlord in the rental agreement for communications. However, if there is not a provision specifying communications in the rental agreement, the tenant shall communicate with the landlord in a manner that the landlord has previously used to communicate with the tenant. The tenant shall retain sufficient proof of the delivery of the electronic notice.

(b) Not more than ninety-six (96) hours after receiving notice of the presence of bed bugs or the possible presence of bed bugs, a landlord, after providing notice to the tenant as required under section 6-104 of this article:

- (1) shall obtain an inspection of the dwelling unit by a qualified inspector; and
- (2) may enter the dwelling unit or any contiguous dwelling unit for the purpose of allowing the inspection as provided in

section 6-105 of this article.

(c) If the inspection of a dwelling unit confirms the presence of bed bugs, the landlord shall have an inspection of all contiguous dwelling units performed as promptly as is reasonably practical.

Sec. 6-103. (a) If a landlord obtains an inspection for bed bugs, the landlord must provide written notice to the tenant within two (2) business days after receiving the inspection report indicating whether the dwelling unit contains bed bugs.

(b) If a qualified inspector conducting an inspection determines that neither the dwelling unit nor any contiguous dwelling unit contains bed bugs, the notice provided by the landlord under subsection (a) must inform the tenant that if the tenant remains concerned that the dwelling unit contains bed bugs, the tenant may contact the local health department to report any concerns.

(c) If a qualified inspector conducting an inspection determines that a dwelling unit or any contiguous dwelling unit contains bed bugs in any stage of the life cycle, the qualified inspector shall provide an inspection report to the landlord within twenty-four (24) hours of completing the inspection. Not more than five (5) business days after receiving an inspection report that indicates the presence of bed bugs, the landlord shall begin reasonable measures, as determined by the qualified inspector, to effectively treat the bed bug presence, including retaining the services of a pest control applicator to treat the dwelling unit and any contiguous dwelling unit.

(d) Except provided in section 6-104(c) of this article, a landlord is responsible for all costs associated with an inspection for, and treatment of, bed bugs.

(e) Nothing in this section prohibits a tenant from contacting any governmental agency at any time concerning the presence of bed bugs.

Sec. 6-104. (a) If a landlord, qualified inspector, or pest control applicator must enter a dwelling unit for the purpose of conducting an inspection for, or treating the presence of, bed bugs, the landlord shall provide the tenant reasonable written or electronic notice of the fact at least forty-eight (48) hours before the landlord, qualified inspector, or pest control applicator attempts to enter the dwelling unit, unless a rental agreement provides for a different minimum time for the notice. A tenant who receives the notice may not unreasonably deny the landlord, qualified inspector, or pest control applicator access to the dwelling unit.

(b) A tenant may waive the notice requirement described in subsection (a) of this section.

Sec. 6-105. (a) A qualified inspector who is inspecting a dwelling unit for bed bugs may conduct an initial visual and manual inspection of a tenant's bedding and upholstered furniture. The

qualified inspector may inspect items other than bedding and upholstered furniture when the qualified inspector determines that an inspection is necessary and reasonable.

(b) If a qualified inspector finds bed bugs in a dwelling unit or in any contiguous dwelling unit, the qualified inspector may have additional access to the tenant's personal belongings as the qualified inspector determines is necessary and reasonable.

(c) A tenant must comply with reasonable measures to permit the inspection for, and the treatment of, the presence of bed bugs as determined by the qualified inspector. The tenant is responsible for all costs associated with preparing the tenant's dwelling unit for inspection and treatment. A tenant who knowingly and unreasonably fails to comply with the inspection and treatment requirements described in this chapter is liable for the cost of any bed bug treatments of the dwelling unit and contiguous dwelling units if the need for the treatment of bed bugs arises from the tenant's noncompliance.

(d) If any furniture, clothing, equipment, or personal property belonging to a tenant is found to contain bed bugs, the qualified inspector shall advise the tenant that the furniture, clothing, equipment, or personal property should not be removed from the dwelling unit until a pest control applicator determines that a bed bug treatment has been completed. The tenant may not dispose of personal property that was determined to contain bed bugs in any common area where the disposal may risk the infestation of other dwelling units.

(e) Nothing in this section requires a landlord to provide a tenant with alternative lodging or to pay to replace a tenant's personal property.

(f) Nothing in this section preempts or restricts the application of any state or federal law concerning reasonable accommodations for persons with disabilities.

Sec. 6-106. (a) A landlord may not offer for rent a dwelling unit that the landlord knows or reasonably suspects to contain bed bugs. Upon request from a prospective tenant, a landlord shall disclose to the prospective tenant whether, to the landlord's knowledge, the dwelling unit that the landlord is offering for rent contained bed bugs within the previous eight (8) months.

(b) Upon request from a tenant or a prospective tenant, a landlord shall disclose the last date, if any, on which a dwelling unit being rented or offered for rent was inspected for, and found to be free of, bed bugs.

Sec. 6-107. (a) A landlord who fails to comply with this article is liable to the tenant for the tenant's actual damages.

(b) A landlord may file an action in a circuit or superior court in the county where the dwelling unit is located to obtain injunctive relief against a tenant who:

(1) refuses to provide reasonable access to a dwelling unit; or

(2) fails to comply with a reasonable request for inspection or treatment of a dwelling unit.

(c) If a court finds that a tenant has unreasonably failed to comply with any of the requirements in this article, the court may issue a temporary order to carry out the requirements in this article, including:

(1) granting the landlord access to the dwelling unit;

(2) granting the landlord the right to engage in bed bug inspection and treatment measures in the dwelling unit; and

(3) requiring the tenant to comply with specific bed bug inspection and treatment measures or assessing the tenant with costs and damages related to the tenant's noncompliance.

(d) A court order granting a landlord access to a dwelling unit must be served upon the tenant at least twenty-four (24) hours before a landlord, qualified inspector, or pest control applicator enters the dwelling unit.

(e) The remedies in this section are in addition to any other remedies available at law or in equity to any person.

(f) This section does not limit or restrict the authority of any state or local housing agency or health department.

Sec. 6-108. A landlord who complies with this chapter is considered to have satisfied the requirements of habitability of the dwelling with respect to matters concerning bed bugs.

Section II. Severability.

If any part, section, subsection, paragraph, sentence, clause, or phrase of this ordinance is for any reason declared to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section III. Effective Date.

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:

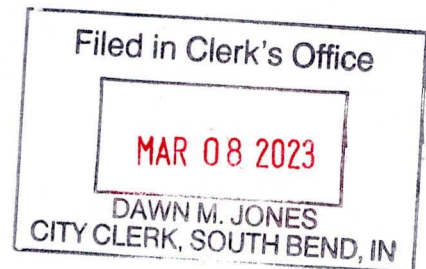
Dawn M. Jones, City Clerk
Office of the City Clerk

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 _____, 2023, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2023, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana

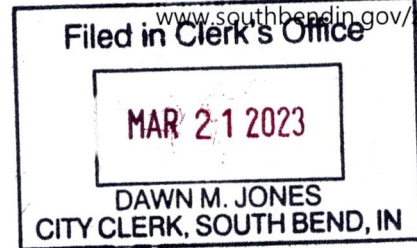


BILL NO. 07-23



City of South Bend PLAN COMMISSION

County-City Building
227 W. Jefferson Blvd. 1400S
South Bend, IN 46601
(574) 235-7627
www.southbend.in.gov/zoning



Tuesday, March 21, 2023

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

Re: Bill#07-23 - A proposed ordinance of UNIVERSITY OF NOTRE DAME DU LAC to zone from U1 Urban Neighborhood 1 to NC Neighborhood Center, property located at 1007 and 1011 HOWARD ST, City of South Bend - PC# 0141-23

Dear Council Members:

I hereby Certify that the above referenced ordinance of UNIVERSITY OF NOTRE DAME DU LAC was legally advertised on March 10, 2023 and that the South Bend Plan Commission at its public hearing on March 20, 2023 took the following action:

Upon a motion by Jason Piontek, being seconded by Kyle Copelin and unanimously carried, a proposed ordinance of UNIVERSITY OF NOTRE DAME DU LAC to zone from U1 Urban Neighborhood 1 to NC Neighborhood Center, property located at 1007 and 1011 HOWARD ST, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation.

The staff report is attached. The deliberations of the Plan Commission and points considered in arriving at the above decision are shown in the minutes of the public hearing, Minutes of the public hearing are available in our office and will be posted on our website once approved.

Sincerely,

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

Angela M. Smith
Zoning Administrator

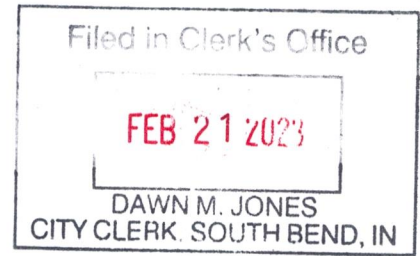
Attachment

CC: UNIVERSITY OF NOTRE DAME DU LAC
Bob Palmer
Richard Bellis

Tim Corcoran
Planning Director

Angela Smith
Zoning Administrator

Scott Ford
Commission President



BILL NO. 07-23

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1007 AND 1011 HOWARD ST. COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Rezone from U1 Urban Neighborhood 1 to NC Neighborhood Center District to allow for a mixed-use office building.

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

SECTION I. Ordinance No. 10689-19, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby amended in order that the zoning classification of the following described real estate in the City of South Bend, St. Joseph County, State of Indiana:

1007 and 1101 Howard St. South Bend, IN 46617. 018-5105-368701 and 018-5105-3687

55 ft E End Lots 105-106 Sorins 2nd Add.

W 55 ft of 110 Ft E End Lots 105-106 Sorins 2nd Add.

be and the same is hereby established as NC Neighborhood Center

SECTION II. This ordinance is and shall be subject to commitments as provided by Chapter 21-12.07(f)(7) Commitments, if applicable.

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, and legal publication, and full execution of any conditions or Commitments placed upon the approval.

Sharon McBride, Council President

South Bend Common Council

Attest:

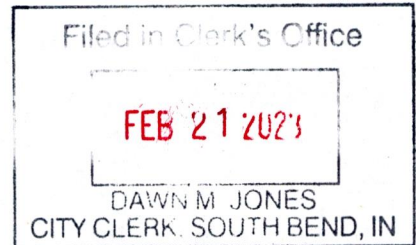
Dawn M. Jones, City Clerk
Office of the City Clerk

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 _____, 2023, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2023, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana



Property Information

Location: 1007 and 1011 HOWARD ST
Owner: UNIVERSITY OF NOTRE DAME DU LAC

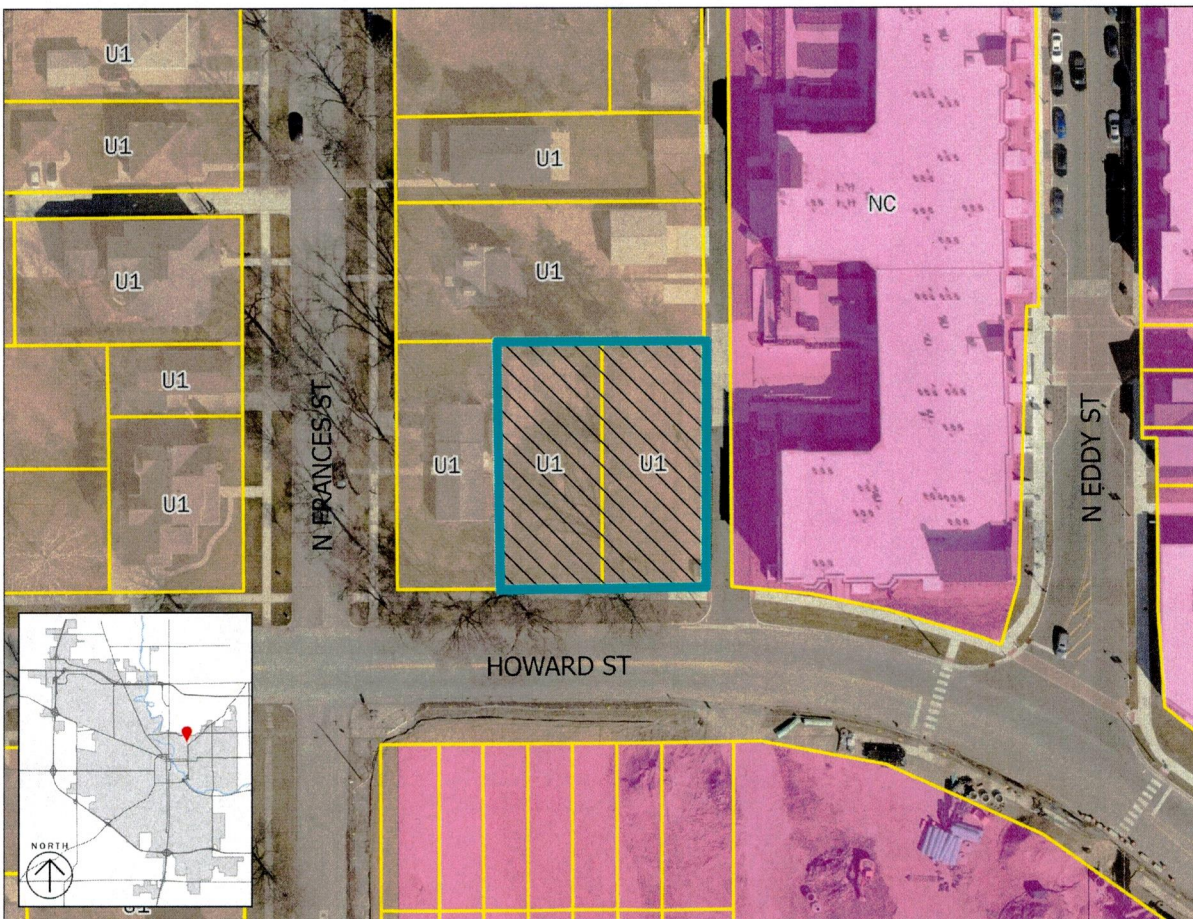
Requested Action

Rezone from U1 Urban Neighborhood 1 to NC Neighborhood Center

Project Summary

Development of a 3-story professional office building.

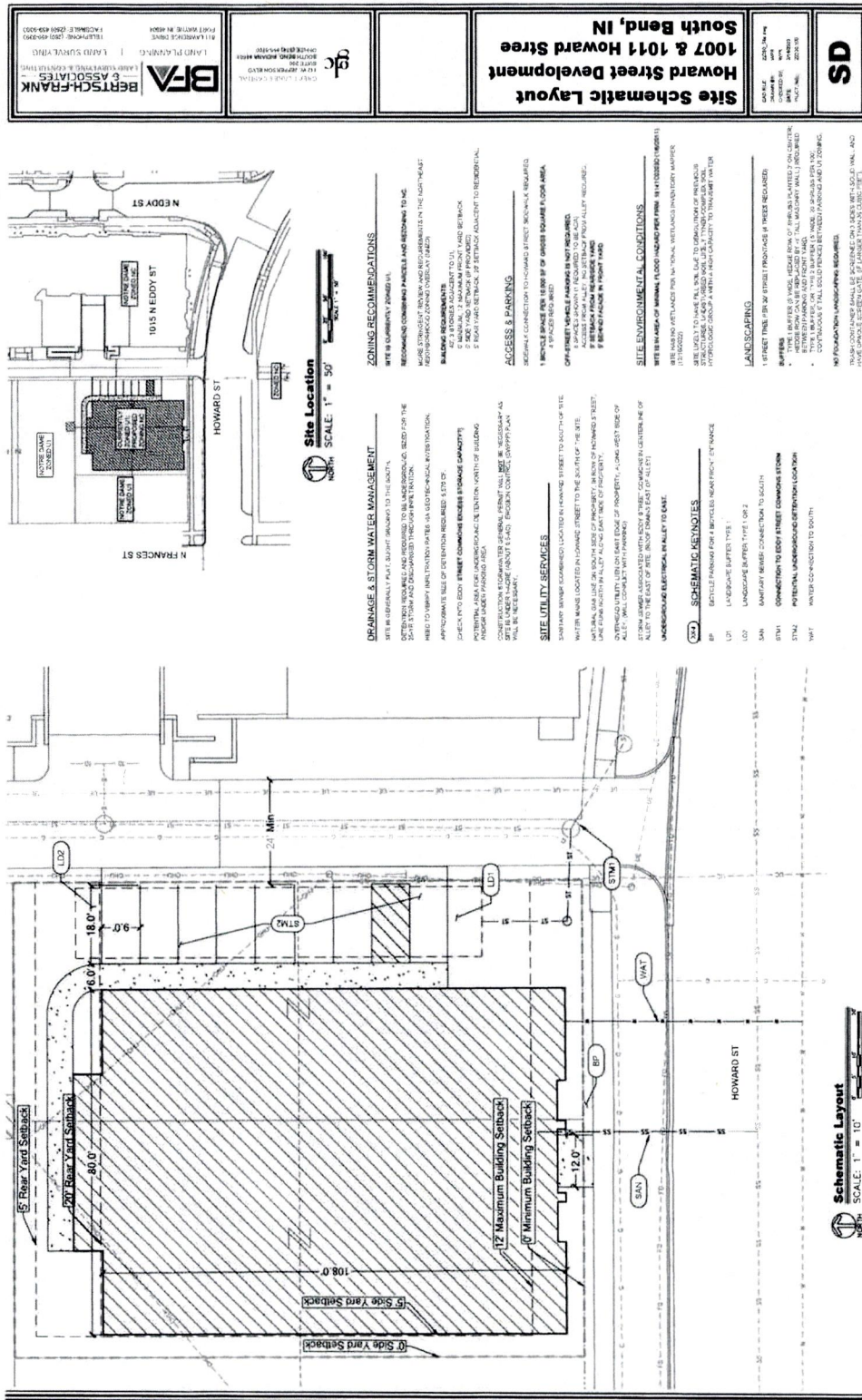
Location Map



Recommendation

Staff Recommendation: Based on the information provided prior to the public hearing, the Staff recommends the Commission send the rezoning to the Common Council with a favorable recommendation.

Proposed Site Plan



Site & Context

Land Uses and Zoning:

On site: On site currently are two vacant lots zoned U1 Urban Neighborhood 1.
 North: 1 unit dwellings zoned U1 Urban Neighborhood 1.
 East: Eddy Street Commons mixed use development zoned NC Neighborhood Center
 South: Across Howard, attached 1 unit dwellings zoned NC Neighborhood Center.
 West: 1 unit dwelling zoned U1 Urban Neighborhood 1.

District Intent:

The NC District is established to promote higher intensity, urban neighborhood centers, typically located near the intersection of major streets, in core and outlying areas of the City that are well connected to surrounding neighborhoods.

Site Plan Description:

The preliminary site plan shows a three story professional office building with off-street parking spaces along the alley. The development will need to meet the development standards of the District and the Northeast Neighborhood Zoning Overlay.

Zoning and Land Use History and Trends:

This section of the Northeast Neighborhood has developed over the last couple of decades for a variety of high intensity mixed uses. Eddy Street Commons developed to the east of the property focusing the higher intensity uses towards the center of the development and lower intensity uses closer to the residential neighborhoods.

Traffic and Transportation Considerations:

East Howard Street is a two lane road with on-street parking.

Agency Comments

Agency Comments:

The site will need to meet all required engineering standards at the time of development.

Staff Comments:

With the higher density development of Eddy Street Commons to the east and traditional neighborhood development to the west, the east side of Frances Street is a critical transition point. Three story buildings adjacent to the alley may be appropriate, but buildings should transition to lower heights along Frances to match the development on the west side of the street.

Criteria for Decision Making

Rezoning

Per State Law, the Plan Commission and Common Council shall pay reasonable regard to:

1. Comprehensive Plan:

Policy Plan:

The petition is consistent with Northeast Neighborhood Plan (2022). The South Bend Avenue - Frances Street Area (Site 12) neighborhood planning concept identifies this area for medium- to high-density mixed-use and residential development.

Land Use Plan:

The Northeast Neighborhood Plan (2022) identifies this area for Medium Density Residential.

Plan Implementation/Other Plans:

The petition is consistent with City Plan, South Bend Comprehensive Plan (2006), Objective LU 2.4: Provide buffer spaces between non-compatible land uses.

2. Current Conditions and Character:

Eddy Street has developed as a commercial hub and village corridor serving Notre Dame and the surrounding residential area. The areas surrounding Eddy Street serve as transition areas to the traditional neighborhood development of the west.

3. Most Desirable Use:

The most desirable use for the land is one that provides a transition from the higher intensity commercial uses in Eddy Street Commons and the surrounding single family residential neighborhood.

4. Conservation of Property Values:

Developing a new commercial project on currently vacant unproductive land will help continue the growth and value of the surrounding neighborhood.

5. Responsible Development and Growth:

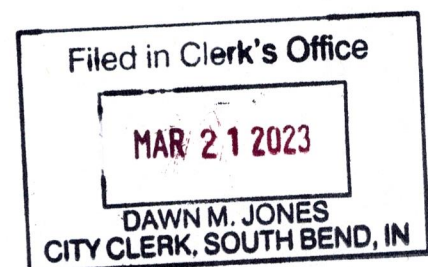
It is responsible development and growth to allow for the continued growth in the Northeast Neighborhood while concentrating large projects along major corridors.

Analysis & Recommendation

Commitments: There are no written commitments proposed.

Analysis: Rezoning the property to NC Neighborhood Center will allow for a smaller scale development that provides a buffer between the residential neighborhood to the west from the large scale development of Eddy Street Commons to the east.

Recommendation: Based on the information provided prior to the public hearing, the Staff recommends the Commission send the rezoning to the Common Council with a favorable recommendation.



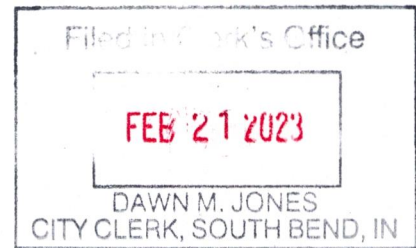


City of South Bend PLAN COMMISSION

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

February 21, 2023

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



RE: 1007 and 1011 Howard St. - PC#0141-23

Dear Committee Chair Hamann:

Enclosed is an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your February 27th, 2023, Council meeting, and set it for public hearing at your March 27th, 2023, Council meeting. The petition is tentatively scheduled for public hearing at the March 20th, 2023, South Bend Plan Commission meeting. The recommendation of the South Bend Plan Commission will be forwarded to the Office of the City Clerk by noon on the day following the public hearing.

The petitioner provided the following to describe the proposed project:

Rezone to allow a mixed-use office building.

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

Sincerely,

Rachel Boyles
Zoning Specialist

CC: Bob Palmer

Tim Corcoran
Planning Director

Angela Smith
Zoning Administrator

Scott Ford
Commission President

Petition for Rezoning or Combined Public Hearing

Property Information

Tax Key Number 018-5105-368701 ; 018-5105-3687

Address: 1007 & 1011 Howard Street

Owner: UNIVERSITY OF NOTRE DAME DU LAC

Legal Description:

55 Ft E End Lots 105-106 Sorins 2nd Add
W 55 Ft Of 110 Ft E End Lots 105-106 Sorins 2nd Add

Project Summary

Development of a 3-story, 8,000 SF footprint building with parking accessed directly from the alley. City Water and Sanitary are available from Howard Street.

Requested Action

Application includes (check all that apply)

Rezoning

Current District: U1 Urban Neighborhood 1

Additional Districts, if applicable

Proposed District: NC Neighborhood Center

Additional Districts, if applicable

The Plan Commission and Council will consider the following in the review of a rezoning petition:

- (1) *The comprehensive Plan;*
- (2) *Current conditions and the character of the current structures and uses in each district;*
- (3) *The most desirable use for which the land in each district is adapted;*
- (4) *The conservation of property values throughout the jurisdiction; and*
- (5) *Responsible development and growth.*

Subdivision – complete and attach subdivision application

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 Contact Information)
- Site Plan drawn to scale
- Filing Fee
- Additional documents as noted above

PAID

FEB 20 2023

Per KB
\$675.00

Contact information

Property owner(s) of the petition site:

Name: UNIVERSITY OF NOTRE DAME DU LAC

Address: 724 Grace Hall
Notre Dame IN 46556

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Richard Bellis

Address: 415 Main Building
Notre Dame, IN 46556

Phone Number: 574-631-0966

E-mail: rbellis@nd.edu

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:



RICHARD BELLIS, Assoc. V.P. FINANCE /
TREASURY SERVICES

UNIVERSITY OF NOTRE DAME







BERTSCH-FRANK
— **& ASSOCIATES** —
LAND SURVEYING & CONSULTING

February 17, 2023

South Bend Plan Commission
227 W. Jefferson Boulevard
14th Floor County City Building
South Bend, Indiana 46601

Re: Rezoning for:
University of Notre Dame – Law Center
#1007 and #1011 Howard Street
South Bend, Indiana

The University of Notre Dame owns the parcels located at #1007 and #1011 Howard Street within South Bend, Indiana. The University is requesting to rezone the parcels listed above from Urban Neighborhood 1 (U1) to Neighborhood Center (NC). We believe that the Neighborhood Center Zoning would allow the University to develop a three-story office building of approximately 24,000 GSF (8,000 SF/floor). This office building will serve as a transition area from the Neighborhood Center (NC) zoning to the east and south toward the Urban Neighborhood 1 (U1) zoning to the north and west. The University of Notre Dame also owns the U1 parcels to the immediate North and West of the parcels in this request.

Neighborhood Center and Urban Flex zoning were both considered for this request. These two zoning options have similar building types, setback, height, and landscaping requirements. We determined that Neighborhood Center would most closely align the intended use with the current zoning ordinance. The driving factor in that determination was that the allowed Principal Use in NC would permit the office building to be open for walk-ins, as opposed to “appointment only” in UF. Also, UF has a 5,000 SF total non-residential or non-civic use maximum. These two constraints were the driving factor to request Neighborhood Center rezoning.

The University of Notre Dame is committed to working with the community and the zoning board to ensure that this rezoning is done in a responsible and sustainable way that is consistent with the community's values and interests. This proposed development will serve as a pleasant buffer from the existing developments to the urban neighborhood. We are happy to provide any additional information or answer any questions you may have about the proposal.

Thank you for your consideration of this request. We believe that this rezoning will have a positive impact on the community and will contribute to its growth and development for years to come.

Sincerely,

Bertsch - Frank & Associates, LLC

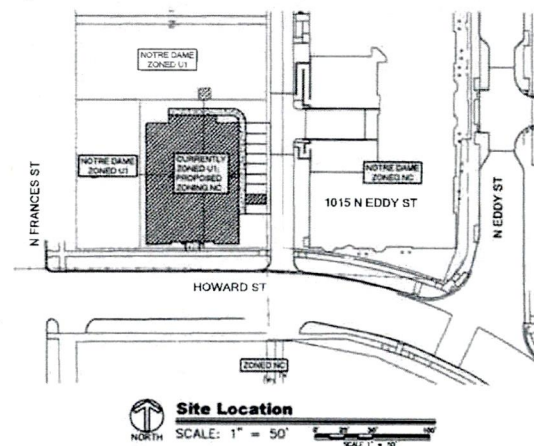
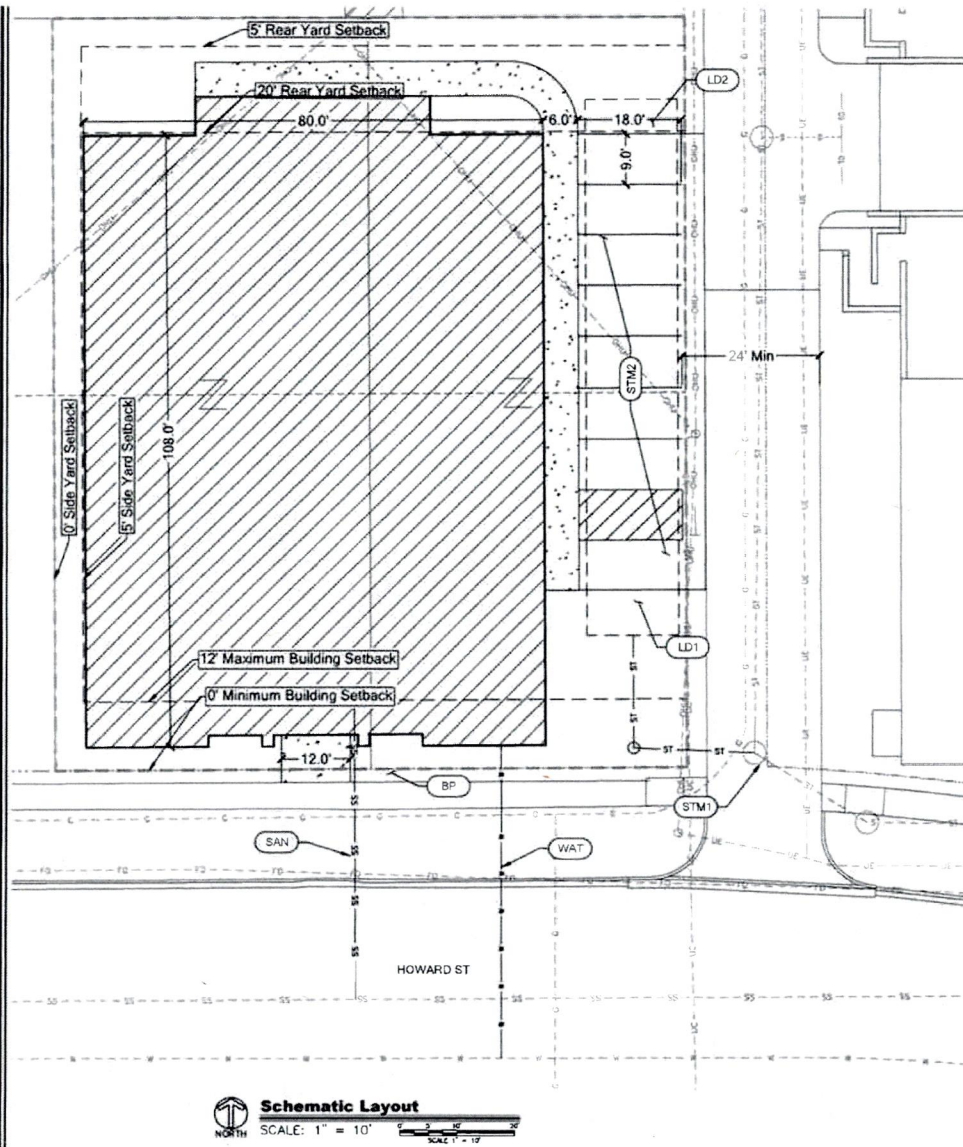
A handwritten signature in blue ink that reads "Wayne P. Richardson".

Wayne Richardson, PE, CPESC
Associate Principal, Director of Engineering

Rezoning Options Analysis Table		
	Zoning District	
	UF Urban Neighborhood Flex	NC Neighborhood Center
Building Type	Shop, Stacked Flats	Shop, Stacked Flats
Principal Use (Allowed)	Professional Offices*	Professional Offices*; General Retail & Services
Principal Use (Special Exception)	General Retail & Services; College/University	College/University
Building Design	5,000 SF total non-residential or non-civic use maximum	
Building Height	55' or 4 stories (Portions of a primary building in excess of 40' or 3 stories shall be located at least 40' from a S1, U1, or U2 District)	
Front / Corner Setback	5' Min; 15' Max	0' min; 12' max
Side Setback	5' min (not required between attached dwellings)	0' min (5' min if provided)
Rear Setback	5' min (20' min adjacent to ground floor residential)	
Side and Rear Setback	0' when abutting an alley	

Per the South Bend Zoning Ordinance:

21-06.01(i) **Professional Offices** - A facility for the processing, manipulation, or application of information or professional expertise, including by businesses, nonprofit organizations, and the government. When such facility offers services to the public, they are typically provided at set appointments or meeting times, **not on a walk-in basis**.



DRAINAGE & STORM WATER MANAGEMENT

SITE IS GENERALLY FLAT. SUGGEST GRADING TO THE SOUTH.
 DETENTION REQUIRED AND REQUIRED TO BE UNDERGROUND. SIZED FOR THE 25-YR STORM AND DISCHARGED THROUGH BARRIATION.
 NEED TO VERIFY INFILTRATION RATES VIA GEOTECHNICAL INVESTIGATION.
 APPROXIMATE SIZE OF DETENTION REQUIRED: 5,576 CF.
 (CHECK INTO EDDY STREET COMMONS EXCESS STORAGE CAPACITY)
 POTENTIAL AREA FOR UNDERGROUND DETENTION NORTH OF BUILDING AND/OR UNDER PARKING AREA.
 CONSTRUCTION STORMWATER GENERAL PERMIT WILL NOT BE NECESSARY AS SITE IS UNDER 1 ACRE (ABOUT 0.5 ACRE). EROSION CONTROL, SWAPPY PLAY WILL BE NECESSARY.

SITE UTILITY SERVICES

SANITARY SEWER (COMBINED) LOCATED IN HOWARD STREET TO SOUTH OF SITE.
 WATER MAINS LOCATED IN HOWARD STREET TO THE SOUTH OF THE SITE.
 NATURAL GAS LINE (8" SOUTH SIDE OF PROPERTY) IN ROW OF HOWARD STREET. LINE RUNS NORTH IN ALLEY ALONG EAST SIDE OF PROPERTY.
 OVERHEAD UTILITY LIEN ON EAST EDGE OF PROPERTY, ALONG WEST SIDE OF ALLEY. (WILL CONFLICT WITH PARKING)
 STORM SEWER ASSOCIATED WITH EDDY STREET COMMONS IN CENTER LINE OF ALLEY TO THE EAST OF SITE. (ROOF DRAINS EAST OF ALLEY)
 UNDERGROUND ELECTRICAL IN ALLEY TO EAST.

SCHEMATIC KEYNOTES

- BP BICYCLE PARKING FOR 4 BICYCLES NEAR FRONT ENTRANCE
- LD1 LANDSCAPE BUFFER TYPE 1
- LD2 LANDSCAPE BUFFER TYPE 1 OR 2
- SAN SANITARY SEWER CONNECTION TO SOUTH
- STM1 CONNECTION TO EDDY STREET COMMONS STORM
- STM2 POTENTIAL UNDERGROUND DETENTION LOCATION
- WAT WATER CONNECTION TO SOUTH

ZONING RECOMMENDATIONS

SITE IS CURRENTLY ZONED UT.
 RECOMMEND CONSIDERING PARCELS AND REZONING TO NC.
 MORE STRINGENT REVIEW AND REQUIREMENTS IN THE NORTHEAST NEIGHBORHOOD ZONING OVERLAY (NEOZ)
BUILDING REQUIREMENTS
 42' 3 STORES ADJACENT TO UT
 0' MINIMAL, 12' MAXIMUM FRONT YARD SETBACK
 5' SIDE YARD SETBACK (IF PROVIDED)
 5' REAR YARD SETBACK, 30' SETBACK ADJACENT TO RESIDENTIAL.

ACCESS & PARKING

SIDEWALK CONNECTION TO HOWARD STREET SIDEWALK REQUIRED.
 1 BICYCLE SPACE PER 10,000 SF OF GROSS SQUARE FLOOR AREA. 4 SPACES REQUIRED.
 OFF-STREET VEHICLE PARKING IS NOT REQUIRED.
 8 SPACES SHOWN (1 REQUIRED TO BE ADA)
 ACCESS FROM ALLEY. NO SETBACK FROM ALLEY REQUIRED.
 9' SETBACK FROM REARSIDE YARD
 9' REAR FACADE IN FRONT YARD

SITE ENVIRONMENTAL CONDITIONS

SITE IS IN AREA OF MINIMAL FLOOD HAZARD PER FIRM: 1814100250 (1/6/2015).
 SITE HAS NO WETLANDS PER NATIONAL WETLANDS INVENTORY MAPPER (12/16/2022).
 SITE LIKELY TO HAVE FILL SOIL DUE TO DEMOLITION OF PREVIOUS STRUCTURES. UNDISTURBED SOIL LIKELY TO BE COMPLEX SOIL. HYDROLOGIC GROUP A WITH A HIGH CAPACITY TO TRANSMIT WATER

LANDSCAPING

1 STREET TREE PER 30' STREET FRONTAGE (4 TREES REQUIRED)
BUFFERS
 TYPE 1 BUFFER (5' WIDE, HEDGE ROW OF SHRUBS PLANTED 7' ON CENTER. HEDGE ROW CAN BE REPLACED BY 12" ALL MASONRY WALL.) REQUIRED BETWEEN PARKING AND FRONT YARD.
 TYPE 1 BUFFER, OR TYPE 2 BUFFER (5' WIDE, 20 SHRUBS PER 100' CONTIGUOUS (7' TALL, 50' FEET) BETWEEN PARKING AND UT ZONING)
 NO FOUNDATION LANDSCAPING REQUIRED.
 TRASH CONTAINER SHALL BE SCREENED ON 3 SIDES WITH SOLID WALL, AND HAVE OPAQUE SCREEN GATE. (9' LARGER THAN 30 CUBIC FEET)

Filed in Clerk's Office
BERTSCH-FRANK ARCHITECTS
 LAND PLANNING | LAND DEVELOPMENT
 1000 W. WASHINGTON
 TELEPHONE: (800) 454-8300
 FAX: (800) 454-8301
 WWW.BERTSCH-FRANK.COM

BFA
 BERTSCH-FRANK ARCHITECTS
 LAND PLANNING | LAND DEVELOPMENT
 1000 W. WASHINGTON
 TELEPHONE: (800) 454-8300
 FAX: (800) 454-8301
 WWW.BERTSCH-FRANK.COM

GIC
 GIC GROUP CAPITAL
 1100 W. WASHINGTON
 SOUTH BEND, INDIANA 46708
 (574) 291-1100

Site Schematic Layout
Howard Street Development
1007 & 1011 Howard Street
South Bend, IN

SD

CITY CLERK, SOUTH BEND, IN

NNRO

Northeast Neighborhood Revitalization Organization

803 Lincoln Way West ♦ South Bend, Indiana 46616 ♦ Phone: 574-289-1066 ♦ Fax: 574-289-4550

March 20, 2023

City of South Bend Plan Commission
227 W. Jefferson Blvd
1400s County-City Building
South Bend, IN 46601

RE: 1007 and 1011 Howard St. Rezoning

Dear Commission:

On behalf of the NNRO board of directors, please accept this letter as unanimous support for the petitioners request to rezone the parcels located at 1007 and 1011 Howard Street from U1 to NC. On March 8, 2023, the NNRO board of directors voted unanimously to endorse the rezoning request.

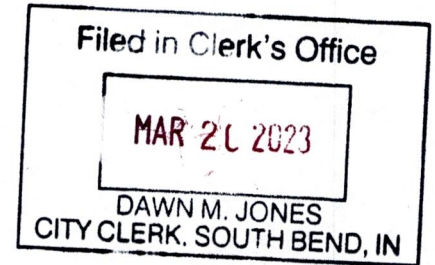
The NNRO board believes that relocating the University of Notre Dame Law Clinic to a higher density location near Eddy St. Commons will be a more appropriate site for the Clinic. Moreover, the relocation will allow the development of more neighborhood housing at the former Clinic location. The NNRO understands that this request is consistent with the 2022 Neighborhood Plan.

If you have questions or require additional information, please contact me at 574-289-1066 (ext. 1216).
Thank you.

Sincerely,

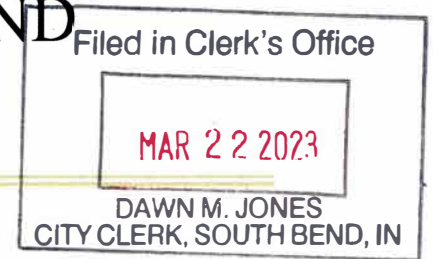


Marco Mariani
Authorized Agent





CITY OF SOUTH BEND COMMUNITY INVESTMENT



March 22, 2023

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

RE: **Declaratory Resolution:** Mixed-Use Development Real Property Tax Abatement
Petition for **the Tower at Washington Square LLC (Liberty Tower)**

Dear Council Member Tomas Morgan:

Please find the enclosed information pertaining to a mixed-use development real property tax abatement petition submitted by Tower at Washington Square LLC, an Indiana Limited Liability Company. The petitioner plans to complete the renovation of the Liberty Tower building at 213 West Washington Street in downtown South Bend. This petition package includes:

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

The report contains the Department's findings relative to the above-mentioned petition. The petitioner will complete the remodel of roughly 90 apartment units, restore and create new meeting and event spaces, and create a bar/lounge and event space with rooftop access on the seventh floor. Previous phases of a complete rehabilitation of the building, including the opening of the Aloft hotel and new commercial spaces, were completed in 2017. The total private investment for the project is \$14.7 million.

The project meets the requirements established by Sections 2-80, et seq. and would qualify for an eight-year (8) mixed-used development real property tax abatement. Representatives from the Tower at Washington Square LLC will be available to meet with the Committee on Monday, March 27, 2023.

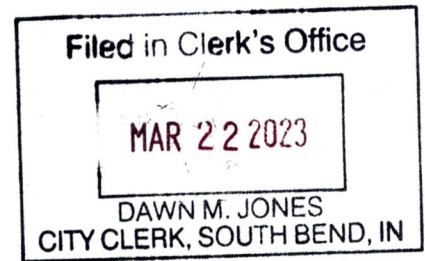
Should you or any of the other Council members have any questions concerning the report, or need additional information, please feel free to call me at (574) 235-5898.

Sincerely,

Erik Glavich
Director, Growth and Opportunity

BILL NO. 23-11

RESOLUTION NO. 5008-23



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

213 West Washington Street, South Bend, IN 46601

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

Apartments and Commercial Space at

Tower at Washington Square LLC

WHEREAS, a petition for real property tax abatement have been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the areas described as:

<i>Key Number:</i>	<i>71-08-12-110-024.000-026</i>
<i>Commonly Known As:</i>	<i>213 West Washington Street, South Bend, IN 46601</i>
<i>Legal Description:</i>	<i>R-1 Apartments Lots 239 & 240 & Vac Alley W & Adj OP w 32.3% int in common areas</i>

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 Key Number and legal description 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 each 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 Areas 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, Council President
South Bend Common Council

Attest:

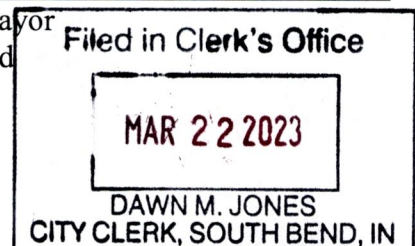
Dawn M. Jones, City Clerk
Office of the City Clerk

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 _____, 2023, at _____ o'clock _____.m.

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

Approved and signed by me on the _____ day of _____, 2023, 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: Mixed-Use Development Real Property Tax Abatement Petition for **the Tower at Washington Square LLC (Liberty Tower)**

DATE: March 22, 2023

On March 21, 2023, a petition for tax abatement from for the Tower at Washington Square LLC was filed with the Office of the City Clerk. The petition seeks consideration for a mixed-use development real property tax abatement for the completion of the rehabilitation of the building known as Liberty Tower at 213 West Washington Street in downtown South Bend.

Pursuant to Chapter 2, Article 6, Section 2 84.9 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 Indiana Code § 6 1.1-12.1 and all zoning requirements have been met.

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

Project Summary

- The petitioner, the Tower at Washington Square LLC, plans to complete the rehabilitation of Liberty Tower. Previous phases of the remodel included the opening of the Aloft hotel and commercial space in 2017. However, for a variety of reasons including increased construction costs and COVID, the final phase of the project has been delayed.
- The petitioner will complete the remodel of roughly 90 apartment units, restore and create new meeting and event spaces, and create a bar/lounge and event space with rooftop access on the seventh floor.
- The petitioner is investing a total of \$14.7 million into this latest phase of the project. The previous phases of the remodel had costs in excess of \$40 million.

Tax Estimates

The petitioner qualifies for an eight-year (8) mixed-use development real property tax abatement.

- Current taxes for 2022: \$41,900
- Total estimated taxes during the eight-year (8) abatement period: \$2,631,150
- Estimated taxes being abated during the abatement period: \$1,287,128

- Estimated total taxes to be paid during the abatement period: \$1,344,022
 - Estimated taxes paid after fifteen (15) years: \$3,646,278
 - Estimated taxes paid after twenty (20) years: \$5,290,746

Employment Impact

The parcel and areas of Liberty Tower for which this abatement petition applies currently do not have employees.

- Upon completion of the project, the petitioner expects to create at least nine (9) new full-time jobs with an estimated total annual payroll of \$306,000. Four (4) employees will be dedicated to the apartments while five (5) employees will work for the 7th floor bar, lounge, and event space.
- The petitioner will work closely with hotel management and a third-party property manager to meet additional employment needs. The hotel currently employs approximately 70 individuals.

Abatement Qualification

1. A review of the tax abatements previously granted finds that the petitioner has been granted or is associated with the following previous abatements:

Abatement Type	Years Granted	Confirming Resolution	Date Passed	Note
Real Property (Hotel)	10	4742-18	9/10/18	Reconfirmed Resolution No. 4536-16 (passed on 3/14/16) and extended designation period
Real Property (Parking Garage)	10	4743-18	9/10/18	Reconfirmed Resolution No. 4538-16 (passed on 3/14/16) and extended designation period
Real Property (Apartments & Event Spaces)	10	4745-18	9/10/18	Reconfirmed Resolution No. 4539-16 (passed on 3/14/16) and extended designation period
Real Property (Retail)	10	4744-18	9/10/18	Reconfirmed Resolution No. 4552-16 (passed on 3/29/16) and extended designation period

Note also that the petitioner previously received a four-year (4) real property tax abatement (Resolution No. 4361-14) on May 12, 2014. However, this abatement was rescinded in 2015 (Resolution No. 4500-15) because the scope of the rehabilitation of the building significantly expanded and the Common Council approved new abatements in 2016.

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 located in the River West Tax Incremental Financing (TIF) area.
5. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner meets the qualifications for an eight-year (8) mixed-use development real property tax abatement under Division 5 (Mixed Use Development Real Property Tax Abatement), Section 2-80 (Mixed Use Developments in Central Business District).

Tower at Washington Square LLC

South Bend Portage Township
Commerical Development Real Property Tax Abatement Schedule *

Type of Property: Mixed Use
Estimated Project Cost: \$ 11,900,000 Rehabilitation

Property Address: 213 W Washington Street - Residential Portion
Tax Key Number: 71-08-12-110-024.000-026

	Current	Without Abatement	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8
Assessed Value (AV)										
Land	\$ 11,300	\$ 11,300	\$ 11,300	\$ 11,300	\$ 11,300	\$ 11,300	\$ 11,300	\$ 11,300	\$ 11,300	\$ 11,300
Structure (Current AV + 80% Project Cost)	735,800	10,255,800	10,255,800	10,255,800	10,255,800	10,255,800	10,255,800	10,255,800	10,255,800	10,255,800
Gross Assessed Value	747,100	10,267,100	10,267,100	10,267,100	10,267,100	10,267,100	10,267,100	10,267,100	10,267,100	10,267,100
Abatement										
			100%	95%	90%	85%	80%	75%	70%	65%
Abatement Deduction		-	(9,520,000)	(9,044,000)	(8,568,000)	(8,092,000)	(7,616,000)	(7,140,000)	(6,664,000)	(6,188,000)
Net Assessed Value	747,100	10,267,100	747,100	1,223,100	1,699,100	2,175,100	2,651,100	3,127,100	3,603,100	4,079,100
Property Taxes										
Assume constant tax rate of 5.2897%										
Gross Tax (Tax Rate x Net AV)	39,519	543,099	39,519	64,698	89,877	115,056	140,235	165,414	190,593	215,772
Local Tax Credit (8.7112% of GT-DS)	(3,182)	(43,736)	(3,182)	(5,210)	(7,238)	(9,265)	(11,293)	(13,321)	(15,348)	(17,376)
Circuit Breaker Credit	(18,409)	(252,984)	-	-	-	-	-	-	-	-
Taxes Due	\$ 17,928	\$ 246,380	\$ 36,337	\$ 59,488	\$ 82,640	\$ 105,791	\$ 128,942	\$ 152,093	\$ 175,245	\$ 198,396
	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%
Circuit Breaker Cap	14,942	205,342	205,342	205,342	205,342	205,342	205,342	205,342	205,342	205,342
Debt Service (0.3997% of Net AV)	2,986	41,038	2,986	4,889	6,791	8,694	10,596	12,499	14,402	16,304
Max Tax Under the Cap	17,928	246,380	208,328	210,231	212,133	214,036	215,938	217,841	219,744	221,646

Year	Abatement	Current Taxes Due	New Projected Tax	Combined Current & New Taxes	Taxes Abated	Net Taxes Paid
1	100%	\$ 17,928	\$ 228,451	\$ 246,380	\$ (210,043)	\$ 36,337
2	95%	17,928	228,451	246,380	(186,891)	59,488
3	90%	17,928	228,451	246,380	(163,740)	82,640
4	85%	17,928	228,451	246,380	(140,589)	105,791
5	80%	17,928	228,451	246,380	(117,437)	128,942
6	75%	17,928	228,451	246,380	(94,286)	152,093
7	70%	17,928	228,451	246,380	(71,135)	175,245
8	65%	17,928	228,451	246,380	(47,984)	198,396
Total:		143,425	1,827,612	1,971,037	(1,032,105)	938,932

* This schedule is for estimation purposes only and assumes constant tax rates equal to those for 2022 Payable 2023. The true tax values will ultimately be determined by the actual assessed valuation and the then current tax rates.



Tower at Washington Square LLC

South Bend Portage Township
Commerical Development Real Property Tax Abatement Schedule *

Type of Property: Mixed Use
Estimated Project Cost: \$ 2,100,000 Rehabilitation

Property Address: 213 W Washington Street - Non-Residential Portion
Tax Key Number: 71-08-12-110-024.000-026

	Current	Without Abatement	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8
Assessed Value (AV)										
Land	\$ 11,300	\$ 11,300	\$ 11,300	\$ 11,300	\$ 11,300	\$ 11,300	\$ 11,300	\$ 11,300	\$ 11,300	\$ 11,300
Structure (Current AV + 80% Project Cost)	735,800	2,415,800	2,415,800	2,415,800	2,415,800	2,415,800	2,415,800	2,415,800	2,415,800	2,415,800
Gross Assessed Value	747,100	2,427,100	2,427,100	2,427,100	2,427,100	2,427,100	2,427,100	2,427,100	2,427,100	2,427,100
Abatement										
			100%	95%	90%	85%	80%	75%	70%	65%
Abatement Deduction		-	(1,680,000)	(1,596,000)	(1,512,000)	(1,428,000)	(1,344,000)	(1,260,000)	(1,176,000)	(1,092,000)
Net Assessed Value	747,100	2,427,100	747,100	831,100	915,100	999,100	1,083,100	1,167,100	1,251,100	1,335,100
Property Taxes										
Assume constant tax rate of 5.2897%										
Gross Tax (Tax Rate x Net AV)	39,519	128,386	39,519	43,963	48,406	52,849	57,293	61,736	66,179	70,623
Local Tax Credit (8.7112% of GT-DS)	(3,182)	(10,339)	(3,182)	(3,540)	(3,898)	(4,256)	(4,614)	(4,972)	(5,329)	(5,687)
Circuit Breaker Credit	(10,938)	(35,533)	-	-	-	-	-	-	-	-
Taxes Due	\$ 25,399	\$ 82,514	\$ 36,337	\$ 40,422	\$ 44,508	\$ 48,593	\$ 52,679	\$ 56,765	\$ 60,850	\$ 64,936
	3%	3%	3%	3%	3%	3%	3%	3%	3%	3%
Circuit Breaker Cap	22,413	72,813	72,813	72,813	72,813	72,813	72,813	72,813	72,813	72,813
Debt Service (0.3997% of Net AV)	2,986	9,701	2,986	3,322	3,658	3,993	4,329	4,665	5,001	5,336
Max Tax Under the Cap	25,399	82,514	75,799	76,135	76,471	76,806	77,142	77,478	77,814	78,149

Year	Abatement	Current Taxes Due	New Projected Tax	Combined Current & New Taxes	Taxes Abated	Net Taxes Paid
1	100%	\$ 25,399	\$ 57,115	\$ 82,514	\$ (46,177)	\$ 36,337
2	95%	25,399	57,115	82,514	(42,092)	40,422
3	90%	25,399	57,115	82,514	(38,006)	44,508
4	85%	25,399	57,115	82,514	(33,921)	48,593
5	80%	25,399	57,115	82,514	(29,835)	52,679
6	75%	25,399	57,115	82,514	(25,750)	56,765
7	70%	25,399	57,115	82,514	(21,664)	60,850
8	65%	25,399	57,115	82,514	(17,579)	64,936
Total:		203,193	456,920	660,113	(255,023)	405,090

* This schedule is for estimation purposes only and assumes constant tax rates equal to those for 2022 Payable 2023.
The true tax values will ultimately be determined by the actual assessed valuation and the then current tax rates.



City of South Bend Petition for Incentives

*Petition must include a \$250 filing fee payable to the City Clerk's Office
before processing can be complete*



Filed in Clerk's Office

General Information		Project Name	Project Number
Legal name as registered with Secretary of State	The Tower at Washington Square LLC		
Business structure	LLC		
Company website	n/a		
Proposed Project Information			
Proposed project address	213 West Washington Street	Parent company name	n/a
City, State, Zip	South Bend, IN 46601	Legal owner	The Tower at Washington Square LLC
Site acreage or acreage required	0.36	Is the real estate owned or leased?	owned
Square feet of facility	~118,700 (floor 7 and floors 17-26)	If leased, by whom?	n/a
Primary Contact Information			
Primary company contact name	Emmanuel Kazanas	Title	Partner
Address of company contact	5-44 47th Avenue, 4th Floor	Phone	718-786-5555
City, State, Zip	Long Island City, NY 11101	Email	mkazanas1969@gmail.com
Senior Official Information			
Company senior official name	Liberty Angeliades	Title	Manager
Address of company contact (If different from above)	same as above	Phone	
City, State, Zip		Email	
Consultant Information/Agent			
Hired business consultant/agent name	Mark Neal	Consultant release? (Y/N)	Y
Address	112 W. Jefferson Blvd, Suite 300	Local economic development partners approval? (Y/N)	n/a
City, State, Zip	South Bend, IN 46601	Email	mneal@bradleyco.com
Project Overview			
Brief description of your company, project, and why the property is necessary for economic growth	<p>Private developer purchased the building for purpose of re-development in 2014. The building's age and significant deferred maintenance made the building obsolete without a complete demolition of all interiors and building systems, including mechanicals, HVAC, windows, interior apartment and commercial buildout, parking garage, 7th floor rooftop and exterior facade. Property rebranded as Liberty Tower.</p> <p>Developer completed the entire building shell, Aloft hotel space, ground floor retail and parking garage at a cost in excess of \$40.0 million in 2017. Due to initial construction costs, DTSB market conditions and COVID impact, there has been a multi-year delay to complete ~90 apartment units, additional meeting/event spaces and 7th floor bar/lounge/event venue with 7th floor rooftop.</p>		
Certified Technology Park appropriate	No		
Is the project in a Tax Incremental Financing (TIF) area? If so, which?	Yes, River West		
Have Building Permits been Issued? (Y/N) (Note-Not eligible for abatement if Yes)	No	Number of residential units created by project	~90
If this is a petition for personal property tax abatement, has the equipment been installed?	n/a		

MAR 21 2024

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

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?
n/a	No	not yet determined	not yet determined

New Project Investments								
Calendar Year	2022	2023	2024	2025	2026	2027	2028	2029
Land Acquisition								
Building Lease Payments								
Building Purchase Costs								
New Building Construction								
Existing Building Improvements		\$ 6,000,000.00	\$ 8,000,000.00					
New Machinery & Equipment								
Special Tooling/Retrofitting								
New Furniture/Fixtures			\$ 450,000.00					
New Computer/IT Hardware			\$ 250,000.00					
New Software								
On-site Rail Infrastructure								
On-site Fiber Infrastructure								
TOTAL	\$ 0.00	\$ 6,700,000.00	\$ 8,700,000.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

Full-Time Permanent Indiana-Resident Positions by Calendar Year						
Calendar Year	Jobs retained	Hourly average wage, w/o benefits 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
2023	n/a					
2024			9 - 4 (apts); 5 (bar/lounge)	\$17		
2025						
2026						
2027						
2028						
2029						
2030						
2031						
2032						
2033						
2034						

Provide hourly wage information for new employees in the following positions.		
	Full time	Part time
Laborers	4	
Technical	3	
Managerial	2	
Administrative	1	

Who will be the individual responsible for coordinating with WorkOne on recruiting? n/a

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 the following 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	2023		2022		2019		
	Full Time	Part Time	Full Time	Part Time	Full Time		Part Time
Black							Developer will utilize hotel mgmt and 3rd party property manager with experience in SB Market to recruit a diverse, inclusive team in management and hourly staff
Hispanic							
Asian							
Indian							
Female							
Other							

**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	<u>Construction Related (Contractors):</u>				
	A.	Employ Local Companies (75%)	Y	20	20
	B.	Purchase Materials from Local Companies (75%)	Y	20	20
	C.	Require Employees vs. Independent Contractors	Y	19	19
	D.	Require Prevailing Wage (Davis Bacon)	N	/	22
	E.	Require Health Benefits	Y	22	22
	F.	Require Retirement Benefits	Y	18	18
	G.	Maintain Affirmative Action Plan	Y	20	20
		Sub-total Construction Related:		119	141
2	<u>Wage & Benefit Related (Owner):</u>				
	A.	Pay Target Wage Levels	Y	33	33
	B.	Provide Health Benefits	Y	34	34
	C.	Provide Retirement Benefits	Y	29	29
	D.	Provide Training	Y	28	28
	E.	Provide Child Care	N	/	15
	F.	Provide Transportation Assistance	N	/	14
	G.	Provide Employer Assisted Housing program	N	/	9
		Sub-total Wage & Benefit Related:		124	162
3	<u>Workforce Related:</u>				
	A.	Create New Jobs	Y	42	42
	B.	Retain Existing Jobs	n/a	/	41
	C.	Maintain Affirmative Action Plan	Y	35	35
	D.	Provide Targeted Hiring Preference	N	/	34
	Sub-total Workforce Related:		77	152	
4	<u>Support a Municipal Facility:</u>				
	A.	Support a SB Municipal Facility (donations to the zoo, conservatory, museum, etc.)	Y	84	84
		Name of Facility			
	Sub-total Municipal Facility:		84	84	
Sub-total from Above:			404	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: *Anthony DeJardin* **Date:** 03/20/2023

For Staff Use Only Below This Line

What is the current assessed value?	Real Property:	1,494,200	Personal Property:	—
What is the projected assessed value?	Real Property:	12,694,200	Personal Property:	—
What is the tax key number for this project?	71-08-12-110-024.000-026			
What is the six digit NAICS code?	N/A			

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	2022	42 318.58	
Year Two	2021	62 919.02	
Year Three	2020	18 677.50	
Year Four	2019	34 516.20	
Year Five	2018	29 884.68	

Please fill out the following Public Benefit Summary information and add to total from above.

		(Y or N)	Points	Points
Public Benefit Item:				
Project Related:				
5	A. Redevelop a Site that has Special Needs			49
	B. Develop Based on Local University Research			35
	C. Achieve a Physical Element of a Plan			36
	Sub-total Project Related:	—	—	120
	Super Size Projects (point values are cumulative):			
6	A. 100% to 199%	y	↓	25
	B. 200% to 299%	y		68
	C. 300% to 399%	y		65
	D. 400% and Over	y		52
	Sub-total Super Size Projects:		210	210
7	Pay for Municipal Infrastructure:			
	A. Pay for Oversizing or Upgrading			14
	B. Pay for 26-50% of Extension Cost			26
	C. Pay for 51-75% of Extension Cost			39
	D. Pay for 76-100% of Extension Cost			52
Sub-total Infrastructure Related:	—	—	131	
Total from Applicant Section:			404	539
Total from Staff Section:			210	461
Total Public Benefit Points:			614	1000



**STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**

State Form 51787 (R6 / 10-14)
Prescribed by the Department of Local Government Finance

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 The Tower at Washington Square LLC					
Address of taxpayer (number and street, city, state, and ZIP code) 5-44 47th Avenue, 4th Floor, Long Island City, NY 11101					
Name of contact person			Telephone number () 718-786-5555	E-mail address mkzanas1969@gmail.com	
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body Common Council of South Bend				Resolution number	
Location of property 213 West Washington Street, South Bend, IN 46601		County St. Joseph		DLGF taxing district number 026	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) Develop ~90 apt units, add'l meeting/event spaces and 7th floorbar/lounge/event venue				Estimated start date (month, day, year) 04/15/2023	
				Estimated completion date (month, day, year) 04/15/2024	
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number 0	Salaries	Number retained	Salaries	Number additional 9	Salaries avg ~\$36,000
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
			REAL ESTATE IMPROVEMENTS		
			COST		ASSESSED VALUE
Current values			1100000		1494200
Plus estimated values of proposed project			14700000		
Less values of any property being replaced			0		
Net estimated values upon completion of project			15800000		
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER					
Estimated solid waste converted (pounds) _____			Estimated hazardous waste converted (pounds) _____		
Other benefits					
SECTION 6 TAXPAYER CERTIFICATION					
I hereby certify that the representations in this statement are true.					
Signature of authorized representative <i>Liberty Angelades</i>				Date signed (month, day, year) 03/20/2023	
Printed name of authorized representative Liberty Angelades			Title Manager		

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, passed or to be passed 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.

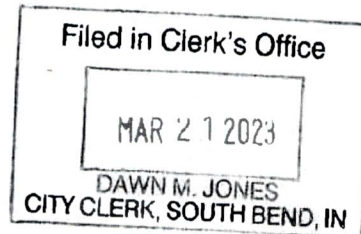
- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating 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

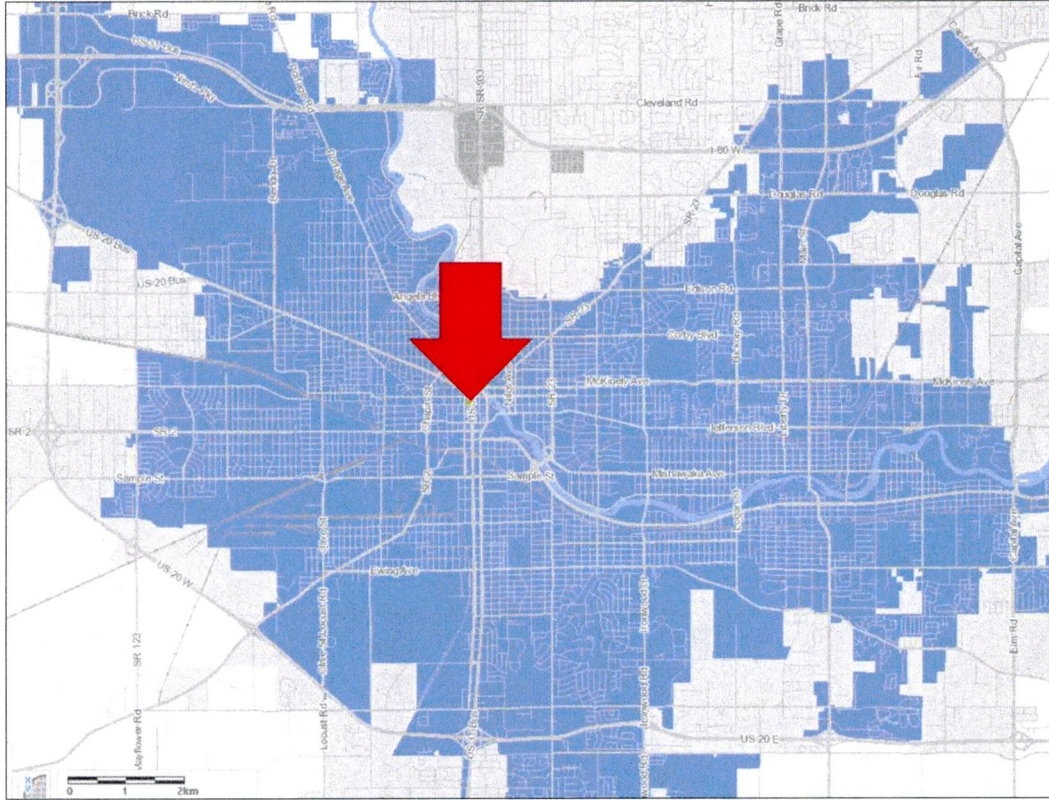
Abatement schedules

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.



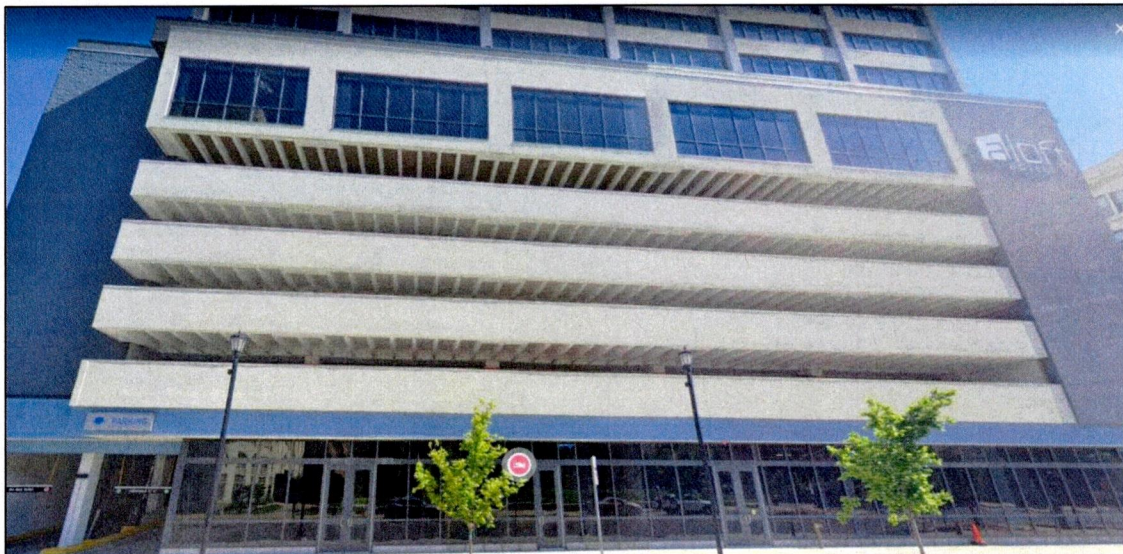
Aerial Views



View of Liberty Tower looking north from South Main Street



View of Liberty Tower looking south from West Washington Street



View of Liberty Tower looking south from South Main Street



Project Renderings

Two-Bedroom Apartment



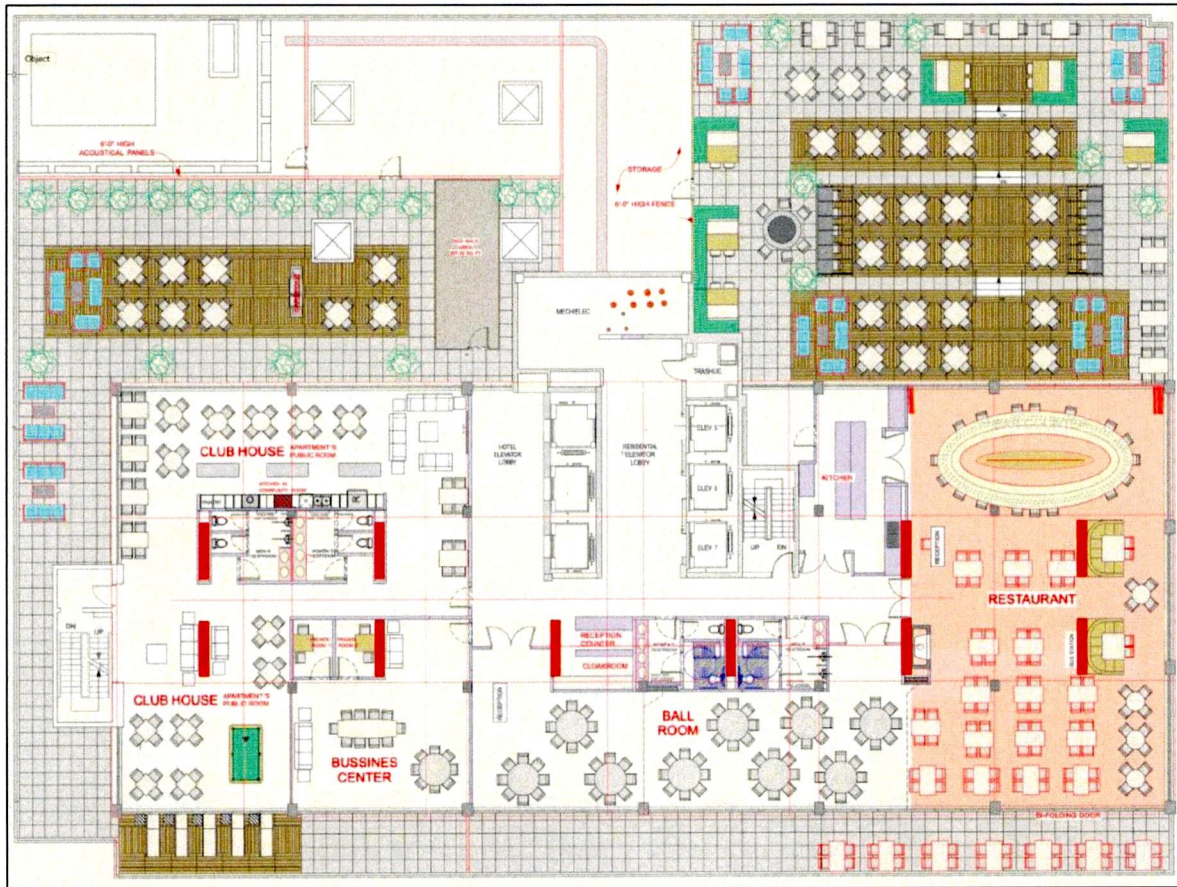
Two-Bedroom Apartment (continued)



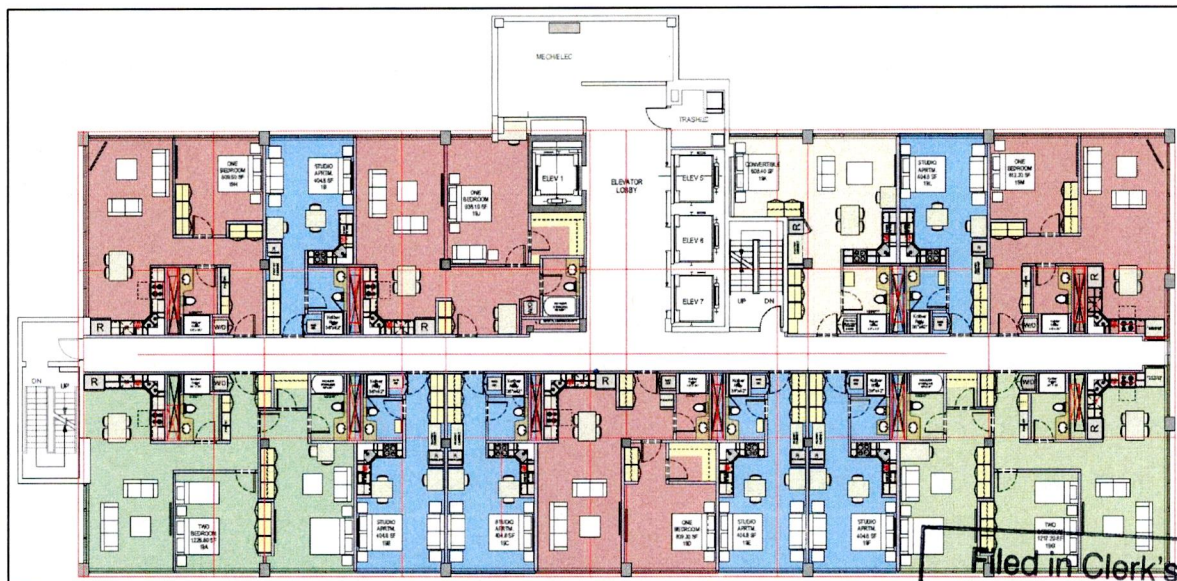
Residential Lobby (entrance from Washington Street)



7th Floor Layout



Apartment Layout



Filed in Clerk's Office

MAR 22 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

City of South Bend Petition for Incentives

*Petition must include a \$250 filing fee payable to the City Clerk's Office
before processing can be complete*



Filed in Clerk's Office

MAR 21 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

General Information		Project Name	Project Number
Legal name as registered with Secretary of State		The Tower at Washington Square LLC	
Business structure		LLC	
Company website		n/a	
Proposed Project Information			
Proposed project address		213 West Washington Street	Parent company name n/a
City, State, Zip		South Bend, IN 46601	Legal owner The Tower at Washington Square LLC
Site acreage or acreage required		0.36	Is the real estate owned or leased? owned
Square feet of facility		~118,700 (floor 7 and floors 17-26)	If leased, by whom? n/a
Primary Contact Information			
Primary company contact name		Emmanuel Kazanas	Title Partner
Address of company contact		5-44 47th Avenue, 4th Floor	Phone 718-786-5555
City, State, Zip		Long Island City, NY 11101	Email mkazanas1969@gmail.com
Senior Official Information			
Company senior official name		Liberty Angeliades	Title Manager
Address of company contact (if different from above)		same as above	Phone
City, State, Zip			Email
Consultant Information/Agent			
Hired business consultant/agent name		Mark Neal	Consultant release? (Y/N) Y
Address		112 W. Jefferson Blvd, Suite 300	Local economic development partners approval? (Y/N) n/a
City, State, Zip		South Bend, IN 46601	Email mneal@bradleyco.com
Project Overview			
Brief description of your company, project, and why the property is necessary for economic growth		<p>Private developer purchased the building for purpose of re-development in 2014. The building's age and significant deferred maintenance made the building obsolete without a complete demolition of all interiors and building systems, including mechanicals, HVAC, windows, interior apartment and commercial buildout, parking garage, 7th floor rooftop and exterior facade. Property rebranded as Liberty Tower.</p> <p>Developer completed the entire building shell, Aloft hotel space, ground floor retail and parking garage at a cost in excess of \$40.0 million in 2017. Due to initial construction costs, DTSB market conditions and COVID impact, there has been a multi-year delay to complete ~90 apartment units, additional meeting/event spaces and 7th floor bar/lounge/event venue with 7th floor rooftop.</p>	
Certified Technology Park appropriate		No	
Is the project in a Tax Incremental Financing (TIF) area? If so, which?		Yes, River West	
Have Building Permits been issued? (Y/N) (Note-Not eligible for abatement if Yes)		No	Number of residential units created by project ~90
If this is a petition for personal property tax abatement, has the equipment been installed?		n/a	

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?
n/a	No	not yet dermined	not yet determined

New Project Investments								
Calendar Year	2022	2023	2024	2025	2026	2027	2028	2029
Land Acquisition								
Building Lease Payments								
Building Purchase Costs								
New Building Construction								
Existing Building Improvements		\$ 6,000,000.00	\$ 8,000,000.00					
New Machinery & Equipment								
Special Tooling/Retooling								
New Furniture/Fixtures			\$ 450,000.00					
New Computer/IT Hardware			\$ 250,000.00					
New Software								
On-site Rail Infrastructure								
On-site Fiber Infrastructure								
TOTAL	\$ 0.00	\$ 6,000,000.00	\$ 8,700,000.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

Full-Time Permanent Indiana-Resident Positions by Calendar Year						
Calendar Year	Jobs retained	Hourly average wage, w/o benefits 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
2023	n/a					
2024			9 - 4 (apts); 5 (bar/lounge)	\$17		
2025						
2026						
2027						
2028						
2029						
2030						
2031						
2032						
2033						
2034						

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

	Full time	Part time
Laborers	4	
Technical	3	
Managerial	2	
Administrative	1	

Who will be the individual responsible for coordinating with WorkOne on recruiting? n/a

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 the following years:

Year	2023		2022		2019		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.
	Full Time	Part Time	Full Time	Part Time	Full Time	Part Time	
Black							Developer will utilize hotel mgmt and 3rd party property manager with experience in SB Market to recruit a diverse, inclusive team in management and hourly staff
Hispanic							
Asian							
Indian							
Female							
Other							

**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	<u>Construction Related (Contractors):</u>				
	A.	Employ Local Companies (75%)	Y	20	20
	B.	Purchase Materials from Local Companies (75%)	Y	20	20
	C.	Require Employees vs. Independent Contractors	Y	19	19
	D.	Require Prevailing Wage (Davis Bacon)	N		22
	E.	Require Health Benefits	Y	22	22
	F.	Require Retirement Benefits	Y	18	18
	G.	Maintain Affirmative Action Plan	Y	20	20
		Sub-total Construction Related:		119	141
2	<u>Wage & Benefit Related (Owner):</u>				
	A.	Pay Target Wage Levels	y	33	33
	B.	Provide Health Benefits	Y	34	34
	C.	Provide Retirement Benefits	Y	29	29
	D.	Provide Training	Y	28	28
	E.	Provide Child Care	N		15
	F.	Provide Transportation Assistance	N		14
	G.	Provide Employer Assisted Housing program	N		9
	Sub-total Wage & Benefit Related:		124	162	
3	<u>Workforce Related:</u>				
	A.	Create New Jobs	Y	42	42
	B.	Retain Existing Jobs	n/a		41
	C.	Maintain Affirmative Action Plan	Y	35	35
	D.	Provide Targeted Hiring Preference	N		34
	Sub-total Workforce Related:		77	152	
4	<u>Support a Municipal Facility:</u>				
	A.	Support a SB Municipal Facility (donations to the zoo, conservatory, museum, etc.)	Y	84	84
		Name of Facility			
	Sub-total Municipal Facility:		84	84	
Sub-total from Above:			404	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: Robert Dujardin Date: 03/20/2023

For Staff Use Only Below This Line

What is the current assessed value?	Real Property:		Personal Property:	
What is the projected assessed value?	Real Property:		Personal Property:	
What is the tax key number for this project?				
What is the six digit NAICS code?				
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				
Year Two				
Year Three				
Year Four				
Year Five				

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			49
	B.	Develop Based on Local University Research			35
	C.	Achieve a Physical Element of a Plan			36
	Sub-total Project Related:				120
6	<u>Super Size Projects (point values are cumulative):</u>				
	A.	100% to 199%			25
	B.	200% to 299%			68
	C.	300% to 399%			65
	D.	400% and Over			52
Sub-total Super Size Projects:				210	
7	<u>Pay for Municipal Infrastructure:</u>				
	A.	Pay for Oversizing or Upgrading			14
	B.	Pay for 26-50% of Extension Cost			26
	C.	Pay for 51-75% of Extension Cost			39
	D.	Pay for 76-100% of Extension Cost			52
Sub-total Infrastructure Related:				131	
Total from Applicant Section:					539
Total from Staff Section:					461
Total Public Benefit Points:					1000



STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R6 / 10-14)

Prescribed by the Department of Local Government Finance

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 The Tower at Washington Square LLC					
Address of taxpayer (number and street, city, state, and ZIP code) 5-44 47th Avenue, 4th Floor, Long Island City, NY 11101					
Name of contact person		Telephone number () 718-786-5555		E-mail address mkazanas1969@gmail.com	
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT			
Name of designating body Common Council of South Bend		Resolution number			
Location of property 213 West Washington Street, South Bend, IN 46601		County St. Joseph		DLGF taxing district number 026	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) Develop ~90 apt units, add'l meeting/event spaces and 7th floorbar/lounge/event venue				Estimated start date (month, day, year) 04/15/2023	
				Estimated completion date (month, day, year) 04/15/2024	
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT			
Current number 0	Salaries	Number retained	Salaries	Number additional 9	Salaries avg ~\$36,000
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT			
		REAL ESTATE IMPROVEMENTS			
		COST		ASSESSED VALUE	
Current values		1100000		1494200	
Plus estimated values of proposed project		14700000			
Less values of any property being replaced		0			
Net estimated values upon completion of project		15800000			
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER			
Estimated solid waste converted (pounds) _____		Estimated hazardous waste converted (pounds) _____			
Other benefits					
SECTION 6		TAXPAYER CERTIFICATION			
I hereby certify that the representations in this statement are true.					
Signature of authorized representative <i>Liberty Angelides</i>				Date signed (month, day, year) 03/20/2023	
Printed name of authorized representative Liberty Angelides			Title Manager		

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, passed or to be passed 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:

<input type="checkbox"/> Year 1	<input type="checkbox"/> Year 2	<input type="checkbox"/> Year 3	<input type="checkbox"/> Year 4	<input type="checkbox"/> Year 5 (* see below)
<input type="checkbox"/> Year 6	<input type="checkbox"/> Year 7	<input type="checkbox"/> Year 8	<input type="checkbox"/> Year 9	<input type="checkbox"/> 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 (<i>signature and title of authorized member of designating body</i>)	Telephone number ()	Date signed (<i>month, day, year</i>)
Printed name of authorized member of designating body	Name of designating body	
Attested by (<i>signature and title of attester</i>)	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.

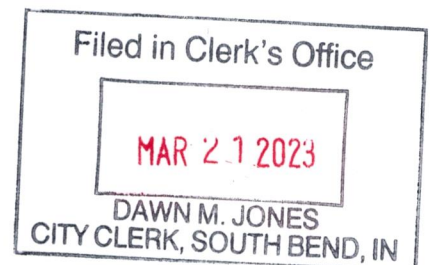
- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating 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:

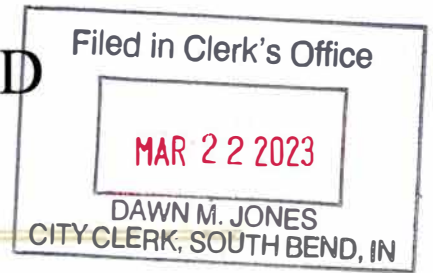
- (1) The total amount of the taxpayer's investment in real and personal property.
 - (2) The number of new full-time equivalent jobs created.
 - (3) The average wage of the new employees compared to the state minimum wage.
 - (4) The infrastructure requirements for the taxpayer's investment.
- (b) This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



BILL NO. 23-15



CITY OF SOUTH BEND COMMUNITY INVESTMENT



March 22, 2023

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

RE: **Confirming Resolution:** Industrial Development Real Property Tax Abatement Petition
for the **Robert Henry Corporation**

Dear Council Member Tomas Morgan:

Please find enclosed information pertaining to industrial development real property tax abatement petitions submitted by the Robert Henry Corporation, an Indiana for-profit corporation. The petitioner plans to build a truck maintenance facility and new offices at 3161 Youngs Court and 2652 Jaclyn Court on the southwest side of South Bend. The Robert Henry Corporation plans to transfer operations to the new facilities from its current location on South Frances Street in the East Bank Neighborhood.

This petition package includes:

- Letter from the petitioner
- Department of Community Investment's summary report
- Petitions (one for each property for which the application is requesting an abatement)
- Statement of Benefits forms (SB-1 / Real Property)
- Supporting information

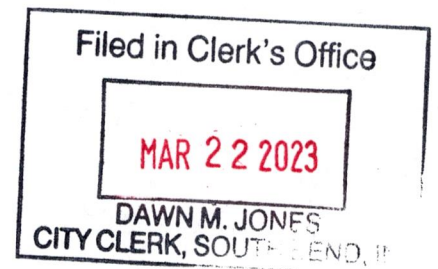
The report contains the Department's findings relative to the above-mentioned petition. In addition to a new truck maintenance center and offices, Robert Henry Corporation will construct a worker training facility. The total private investment for the project is \$6 million. The project meets the requirements established by Sections 2-82, et seq. and would qualify for a six-year (6) industrial development real property tax abatement. Representatives from the Robert Henry Corporation will be available to meet with the Committee on Monday, March 27, 2023.

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,

Erik Glavich
Director, Growth and Opportunity

BILL NO. 23-15
RESOLUTION NO. 5013-23



A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY
RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF
SOUTH BEND, INDIANA, COMMONLY KNOWN AS

2652 Jaclyn Court, South Bend, IN 46614

AND

3161 Youngs Court, South Bend, IN 46614

ECONOMIC REVITALIZATION AREAS FOR PURPOSES OF A SIX-YEAR
(6) REAL PROPERTY TAX ABATEMENT FOR

THE ROBERT HENRY CORPORATION

WHEREAS, the Common Council of the City of South Bend, Indiana, has adopted a
Declaratory Resolution designating certain areas within the City as Economic Revitalization Areas
for the purpose of tax abatement consideration; and

WHEREAS, a Declaratory Resolution designated the areas described as:

Key Number: 71-08-22-103-005.000-026
Commonly Known As: 2652 Jaclyn Court, South Bend, IN 46614
Legal Description: Lot 13 Youngs Commerce Park 00-01 Replat Trans
5206 7/16/99

and

Key Number: 71-08-22-102-002.000-026
Commonly Known As: 3161 Youngs Court, South Bend, IN 46614
Legal Description: Lot 3c Youngs Commerce Park 2nd Replat 03-04
Replat Per Tr 9214 10-30-2002 00-01 Replat Trans

be designated as Economic Revitalization Areas 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, notice of the adoption of a Declaratory Resolution and the public hearing
before the Council has been published pursuant to Indiana Code 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing for the purposes of hearing all remonstrances and objections from interested persons; and

WHEREAS, the Council has determined that the qualifications for an economic revitalization area have been met.

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

SECTION I. The Common Council hereby confirms its Declaratory Resolution designating the areas described herein as Economic Revitalization Areas for the purposes of tax abatement. Such designation is for industrial development real property tax abatement only and is limited to three (3) calendar years from the date of adoption of the Declaratory Resolution by the Common Council.

SECTION II. The Common Council hereby determines that the property owner is qualified for and is granted real property tax deduction for up to a period of six (6) years as shown by the schedule outlined below as well as the attachment pursuant to Indiana Code 6-1.1-12.1-17 and further determines that the petition, the Memorandum of Agreement between the Petitioner and the City of South Bend, and the Statement of Benefits comply with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12 et seq.

Year 1 - 100%

Year 2 - 90%

Year 3 - 80%

Year 4 - 70%

Year 5 - 60%

Year 6 - 50%

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

Sharon McBride, Council President
South Bend Common Council

Attest:

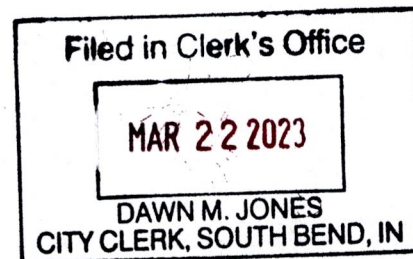
Dawn M. Jones, City Clerk
Office of the City Clerk

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 _____, 2023, at _____ o'clock _____.m.

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

Approved and signed by me on the _____ day of _____, 2023, at _____ o'clock _____.m.

James Mueller, Mayor
City of South Bend





THE ROBERT HENRY CORPORATION

General and Utility Contractors

February 24, 2023

Dear City Council members,

The Robert Henry Corporation, a South Bend contractor and employer for nearly 50 years, is seeking an abatement in connection with relocation of its facilities within South Bend. This project would result in the expenditure of 6 Million Dollars for construction and allow for additional jobs through expansion.

Currently, the Robert Henry operates from its location at 404 South Frances Street in South Bend. For several reasons explained below, the company is contemplating relocating its operation to two parcels located on the City's west side, in the Sixth District. The first parcel is located on 2652 Jaclyn Court and the second is on Youngs Ct. The parcels are across the street from each other. The Jaclyn Court parcel is owned by Mac Henry LLC and the Youngs Ct parcel is owned by BMAC, LLC. Each of these property owners is an entity related to Robert Henry Corporation as they have common owners, and all list 404 South Frances as their business address.

The construction of improvements would be funded by Robert Henry Corporation and Robert Henry Corporation would be responsible for payment of all real estate taxes under a triple net lease for the parcels. The Youngs Ct parcel will hold a 10,000sf mechanics bay with a few offices inside, and the Jaclyn Ct parcel will hold a 15,000sf office building as well as another 8,000sf training lab used for continuous education purposes of the field staff.

The Robert Henry Corporation has been a part of the South Bend community since 1974 and prides itself on providing high-paying local union jobs and delivering building and utility construction services to the greater Michiana area. We have reached capacity at our current location and facilities on South Frances Street in the Howard Park neighborhood, but we have not maxed out the potential that our company has to offer. The nation's infrastructure is in great need of repair and upgrading, and this project will allow us the space required to grow our company to help meet the need of the industry in our regional market.

At the time that this letter is written, 210 employees and their families are supported with competitive and high-paying union jobs by The Robert Henry Corporation. We are signatory with IBEW Local 1393, Carpenters Local 413, Plasters & Cement Masons Local 692, and Laborers Local 645, and our union employees make up over 90% of our workforce. In an industry that is transient by nature and labor that has plenty of options for employment, we have more than 30 union employees that have been with us for 10 years or longer. We believe this is a great testament to our culture here at The Robert Henry Corporation.

Our company culture is extremely important to us. With the goal of protecting that and growing it, we would like to move our entire operation to Jaclyn Ct and Youngs Ct. We have been thinking about making the move to the properties in question on the Southwest side of town for a while but have really been unable to make the economics work to justify the move. Without the abatement for which we are applying for, it would not make enough business sense to move the entire operation. Our other options are to only move our utility division, leaving our construction division at our current location, or to leave our mechanics and logistics personnel at our current location and move the office personnel to the new properties. Neither of these alternatives is as good as moving our entire operation.

At the same time, we are cognizant of the transformation taking place in and around downtown South Bend. It seems that the time is right for a mutually beneficial move by Robert Henry that enables us to relocate and expand, while at the same serving the needs of a renewed, residential neighborhood near Howard Park

Robert Henry Corporation is committed to supporting South Bend and providing high-quality jobs to our City's residents. We ask that you support our petition for abatement because it will allow us to expand, provide more jobs, and further support the revitalization taking place in our great City.

We appreciate your consideration of our petition for abatement.

Gratefully yours,

A handwritten signature in blue ink, appearing to read "Brian Henry", with a long horizontal flourish extending to the right.

Brian Henry, President



TAX ABATEMENT REPORT

TO: South Bend Common Council

FROM: Erik Glavich, Director, Growth and Opportunity

SUBJECT: **Confirming Resolution** – Industrial Development Real Property Tax Abatement Petition for **the Robert Henry Corporation**

DATE: March 22, 2023

On March 27, the Department of Community Investment will present to the Common Council for consideration a Confirming Resolution for an industrial development real property tax abatement. On March 13, the Common Council approved Resolution No. 4999-23, the Declaratory Resolution.

On March 7, 2023, two petitions for tax abatement from the Robert Henry Corporation were filed with the Office of the City Clerk. The petitions seek consideration for an industrial development real property tax abatement for two properties at an industrial complex off of Prairie Avenue near the U.S.-31/U.S.-20 bypass in southwest South Bend.

Pursuant to Chapter 2, Article 6, Section 2 84.9 of the Municipal Code of the City of South Bend, this petition was referred to the Department of Community Investment to investigate and prepare a report to determine whether the area qualifies as an Economic Revitalization Area pursuant to Indiana Code § 6 1.1-12.1 and all zoning requirements have been met.

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

Project Summary

- The developer, the Robert Henry Corporation, plans to build a new truck maintenance facility, offices, and a worker training center at two vacant lots. The lots are across the street from each other, located at 2652 Jaclyn Court and 3161 Youngs Court.
- The truck maintenance facility will be housed on the Youngs Court parcel and will be about 10,000 square feet. The Jaclyn Court property will feature a 15,000 square foot office building and an 8,000 square foot training lab.
- The developer is investing a total of \$6 million into this project.

Tax Estimates

The petitioner qualifies for a six-year (6) industrial development real property tax abatement for two parcels.

- Taxes paid in 2022 for the existing properties: \$733
- Total estimated taxes during the six-year (6) abatement period: \$1,596,057
- Estimated taxes being abated during the abatement period: \$1,015,732

- Estimated total taxes to be paid during the abatement period: \$580,326
 - Estimated taxes paid after ten (10) years: \$1,644,363

Employment Impact

The Robert Henry Corporation employs 210 individuals. Only 24 of those are non-bargaining employees while the rest are supplied by the unions with which they work.

- Upon completion of the project, the petitioner expects to create at least five (5) new full-time jobs with an estimated total annual payroll of \$500,000.
- The project will enable the petitioner to expand operations, which will lead to more union jobs in the building and utility construction industries. These additional jobs are not included in the estimate.

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 not located in a Tax Incremental Financing (TIF) area.
5. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner meets the qualifications for a six-year (6) industrial development real property tax abatement under Division 7 (Industrial Development Real Property Tax Abatement), Section 2-82 (Industrial Development City-Wide General Standards).

The Robert Henry Corporation

*South Bend Portage Township
Commercial Development Real Property Tax Abatement Schedule **

Type of Property: Industrial
Estimated Project Cost: \$ 4,000,000 New Construction

Property Address: 2652 Jaclyn Court, South Bend, IN 46619
Tax Key Number: 71-08-22-103-005.000-026

	<u>Current</u>	<u>Without Abatement</u>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>	<u>Year 6</u>
Assessed Value (AV)								
Land	\$ 13,200	\$ 13,200	\$ 13,200	\$ 13,200	\$ 13,200	\$ 13,200	\$ 13,200	\$ 13,200
Structure (AV = 80% Project Cost)	-	3,200,000	3,200,000	3,200,000	3,200,000	3,200,000	3,200,000	3,200,000
Gross Assessed Value	13,200	3,213,200	3,213,200	3,213,200	3,213,200	3,213,200	3,213,200	3,213,200
Abatement								
Abatement Deduction		-	100% (3,200,000)	90% (2,880,000)	80% (2,560,000)	70% (2,240,000)	60% (1,920,000)	50% (1,600,000)
Net Assessed Value	13,200	3,213,200	13,200	333,200	653,200	973,200	1,293,200	1,613,200
Property Taxes								
Assume constant tax rate of 5.2897%								
Gross Tax (Tax Rate x Net AV)	698	169,969	698	17,625	34,552	51,479	68,406	85,333
Local Tax Credit (8.0000% of GT-DS)	(52)	(12,570)	(52)	(1,303)	(2,555)	(3,807)	(5,059)	(6,311)
Circuit Breaker Credit	(198)	(48,159)	-	-	-	-	-	-
Taxes Due	\$ 449	\$ 109,239	\$ 647	\$ 16,322	\$ 31,997	\$ 47,672	\$ 63,347	\$ 79,023
Circuit Breaker Cap								
	3%	3%	3%	3%	3%	3%	3%	3%
	396	96,396	96,396	96,396	96,396	96,396	96,396	96,396
Debt Service (0.3997% of Net AV)	53	12,843	53	1,332	2,611	3,890	5,169	6,448
Max Tax Under the Cap	449	109,239	96,449	97,728	99,007	100,286	101,565	102,844

Year	Abatement	Current Taxes Due	New Projected Tax	Combined Current & New Taxes	Taxes Abated	Net Taxes Paid
1	100%	\$ 449	\$ 108,790	\$ 109,239	\$ (108,593)	\$ 647
2	90%	449	108,790	109,239	(92,917)	16,322
3	80%	449	108,790	109,239	(77,242)	31,997
4	70%	449	108,790	109,239	(61,567)	47,672
5	60%	449	108,790	109,239	(45,892)	63,347
6	50%	449	108,790	109,239	(30,217)	79,023
Total:		2,693	652,742	655,435	(416,427)	239,008

* This schedule is for estimation purposes only and assumes constant tax rates equal to those for 2022 Payable 2023.
The true tax values will ultimately be determined by the actual assessed valuation and the then current tax rates.



The Robert Henry Corporation

South Bend Portage Township
Commerical Development Real Property Tax Abatement Schedule *

Type of Property: Industrial
Estimated Project Cost: \$ 5,750,000 New Construction

Property Address: 3161 Youngs Court, South Bend, IN 46619
Tax Key Number: 71-08-22-102-002.000-026

	<u>Current</u>	<u>Without Abatement</u>	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>	<u>Year 4</u>	<u>Year 5</u>	<u>Year 6</u>
Assessed Value (AV)								
Land	\$ 11,300	\$ 11,300	\$ 11,300	\$ 11,300	\$ 11,300	\$ 11,300	\$ 11,300	\$ 11,300
Structure (AV = 80% Project Cost)	-	4,600,000	4,600,000	4,600,000	4,600,000	4,600,000	4,600,000	4,600,000
Gross Assessed Value	11,300	4,611,300	4,611,300	4,611,300	4,611,300	4,611,300	4,611,300	4,611,300
Abatement								
Abatement Deduction		-	100% (4,600,000)	90% (4,140,000)	80% (3,680,000)	70% (3,220,000)	60% (2,760,000)	50% (2,300,000)
Net Assessed Value	11,300	4,611,300	11,300	471,300	931,300	1,391,300	1,851,300	2,311,300
Property Taxes								
Assume constant tax rate of 5.2897%								
Gross Tax (Tax Rate x Net AV)	598	243,924	598	24,930	49,263	73,596	97,928	122,261
Local Tax Credit (8.0000% of GT-DS)	(44)	(18,039)	(44)	(1,844)	(3,643)	(5,443)	(7,242)	(9,042)
Circuit Breaker Credit	(169)	(69,114)	-	-	-	-	-	-
Taxes Due	\$ 384	\$ 156,770	\$ 554	\$ 23,087	\$ 45,620	\$ 68,153	\$ 90,686	\$ 113,219
Circuit Breaker Cap								
	3%	3%	3%	3%	3%	3%	3%	3%
	339	138,339	138,339	138,339	138,339	138,339	138,339	138,339
Debt Service (0.3997% of Net AV)	45	18,431	45	1,884	3,722	5,561	7,400	9,238
Max Tax Under the Cap	384	156,770	138,384	140,223	142,061	143,900	145,739	147,577

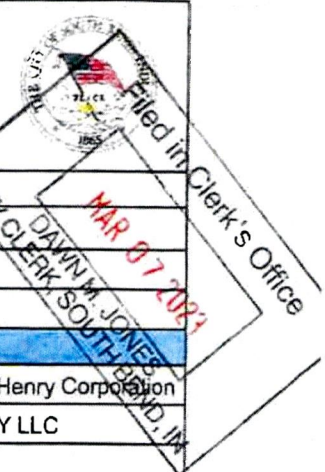
Year	Abatement	Current Taxes Due	New Projected Tax	Combined Current & New Taxes	Taxes Abated	Net Taxes Paid
1	100%	\$ 384	\$ 156,386	\$ 156,770	\$ (156,217)	\$ 554
2	90%	384	156,386	156,770	(133,684)	23,087
3	80%	384	156,386	156,770	(111,151)	45,620
4	70%	384	156,386	156,770	(88,618)	68,153
5	60%	384	156,386	156,770	(66,084)	90,686
6	50%	384	156,386	156,770	(43,551)	113,219
Total:		2,305	938,317	940,622	(599,305)	341,318

* This schedule is for estimation purposes only and assumes constant tax rates equal to those for 2022 Payable 2023.
The true tax values will ultimately be determined by the actual assessed valuation and the then current tax rates.



City of South Bend Petition for Incentives

*Petition must include a \$250 filing fee payable to the City Clerk's Office
before processing can be complete*



General Information		Project Name	Project Number
Legal name as registered with Secretary of State		The Robert Henry Corporation	
Business structure		S Corp	
Company website		www.roberthenrycorp.com	
Proposed Project Information			
Proposed project address		2652 Jaclyn Ct	Parent company name The Robert Henry Corporation
City, State, Zip	South Bend, IN 46614	Legal owner	MAC HENRY LLC
Site acreage or acreage required	5 acres	is the real estate owned or leased?	Owned
Square feet of facility	7200 + 6000	If leased, by whom?	
Primary Contact Information			
Primary company contact name		Brian Henry	Title President
Address of company contact		404 South Frances St	Phone 574-993-3340
City, State, Zip	South Bend, IN 46624	Email	bhenry@roberthenrycorp.com
Senior Official Information			
Company senior official name		same as above	Title
Address of company contact (if different from above)			Phone
City, State, Zip		Email	
Consultant Information/Agent			
Hired business consultant/agent name		Peter Agostino	Consultant release? (Y/N)
Address		131 South Taylor Street	Local economic development partners approval? (Y/N)
City, State, Zip	South Bend, IN 46601	Email	agostino@aaklaw.com
Project Overview			
Brief description of your company, project, and why the property is necessary for economic growth		<p>The Robert Henry Corporation has been a part of the South Bend community since 1974 and prides itself on providing high paying local union jobs, by delivering building and utility construction services to the greater Michiana area. We have reached capacity at our current location and facilities, but not maxed out the potential of our combined effort. The nations infrastructure is in great need of repair and upgrading, and this project will allow us the space needed to grow our company with the need of the industry.</p>	
Certified Technology Park appropriate		No	
Is the project in a Tax Incremental Financing (TIF) area? If so, which?		No	
Have Building Permits been issued? (Y/N) [Note-Not eligible for abatement if Yes]		No	Number of residential units created by project 0
If this is a petition for personal property tax abatement, has the equipment been installed?		N/A	

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?
0	No	Unknown	Unknown

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

Filed in Clerk's Office
 PAWN M. JONES
 MAR 17 2023
 CITY CLERK SOUTH BEND IN

Full-Time Permanent Indiana-Resident Positions by Calendar Year						
Calendar Year	Jobs retained	Hourly average wage, w/o benefits 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
2023	210	50.31	5	50.34	\$266,000	214
2024			5	51.85	\$272,000	219
2025			5	53.41	\$278,000	224
2026			5	55.01	\$284,000	229
2027			5	56.66		
2028			5	58.36		
2029			5	60.11		
2030			5	61.91		
2031			5	63.77		
2032			5	65.68		
2033			5	67.65		
2034						

Provide hourly wage information for new employees in the following positions.		
	Full time	Part time
Laborers	25.73	
Technical	58.37	
Managerial	54.94	
Administrative	23.64	

Who will be the individual responsible for coordinating with WorkOne on recruiting?

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 the following 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	2023		2022		2021	
	Full Time	Part Time	Full Time	Part Time	Full Time	Part Time
Black	8		8		5	
Hispanic	12		12		1	
Asian						
Indian						
Female	5		5		4	
Other						

Out of the 210 employees at The Robert Henry Corporation, only 24 are non bargaining employees while the rest are supplied by the union. As a union contractor associated with unions that are themselves EEO, we rely on them to supply us with a qualified labor force.

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

Filed in Clerk's Office
MAR 07 2023
DAWN M. JONES
CITY CLERK SOUTH BEND, IN

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)	Yes	22	22
	E.	Require Health Benefits	Yes	22	22
	F.	Require Retirement Benefits	Yes	18	18
	G.	Maintain Affirmative Action Plan	Yes	20	20
		Sub-total Construction Related:			141
2	Wage & Benefit Related (Owner):				
	A.	Pay Target Wage Levels	Yes	33	33
	B.	Provide Health Benefits	Yes	34	34
	C.	Provide Retirement 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	162
3	Workforce Related:				
	A.	Create New Jobs	Yes	42	42
	B.	Retain Existing Jobs	Yes	41	41
	C.	Maintain Affirmative Action Plan	Yes	35	35
	D.	Provide Targeted Hiring Preference	Yes	34	34
	Sub-total Workforce Related:			152	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	84
Sub-total from Above:				417	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: *[Signature]* **Date:** 3-6-2023

For Staff Use Only Below This Line

What is the current assessed value?	Real Property:	13,200	Personal Property:	—
What is the projected assessed value?	Real Property:	3213200	Personal Property:	—
What is the tax key number for this project?	71-08-22-103-005.000-026			
What is the six digit NAICS code?	237130 / 236220			

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	2022	808.84	
Year Two	2021	455.76	
Year Three	2020	396.00	
Year Four	2019	452.16	
Year Five	2018	467.08	

Please fill out the following Public Benefit Summary Information and add to total from above.

		(Y or N)	Points	Points	
Public Benefit Item:					
Project Related:					
5	A. Redevelop a Site that has Special Needs			49	
	B. Develop Based on Local University Research			35	
	C. Achieve a Physical Element of a Plan			36	
	Sub-total Project Related:			—	120
	Super Size Projects (point values are cumulative):				
6	A. 100% to 199%			25	
	B. 200% to 299%			68	
	C. 300% to 399%			65	
	D. 400% and Over			52	
	Sub-total Super Size Projects:			—	210
7	Pay for Municipal Infrastructure:				
	A. Pay for Oversizing or Upgrading			14	
	B. Pay for 26-50% of Extension Cost			26	
	C. Pay for 51-75% of Extension Cost			39	
	D. Pay for 76-100% of Extension Cost			52	
Sub-total Infrastructure Related:			—	131	
Total from Applicant Section:			417	539	
Total from Staff Section:			—	461	
Total Public Benefit Points:			417	1000	

Filed in Clerk's Office
 CITY CLERK, SOUTH BEND, IN.
 MARIAN M. JONES
 MAR 07 2023



**STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R6 / 10-14)

Prescribed by the Department of Local Government Finance

City Clerk's Office
MAR 07 2023
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 The Robert Henry Corporation					
Address of taxpayer (number and street, city, state, and ZIP code) 404 South Frances St					
Name of contact person Brian Henry			Telephone number () 574-232-2091	E-mail address bhenry@roberthenrycorp.com	
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body City of South Bend Common Council				Resolution number	
Location of property 2652 Jaclyn Ct		County St. Joseph		DLGF taxing district number 026 South Bend - Portage	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) We plan to build a larger mechanic shop as our current location has been a limiting factor				Estimated start date (month, day, year) Sep 4, 2023	
				Estimated completion date (month, day, year) Apr 31, 2024	
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number 210	Salaries 37,597,094	Number retained 210	Salaries 37,597,094	Number additional 50	Salaries 8,951,689
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
			REAL ESTATE IMPROVEMENTS		
			COST	ASSESSED VALUE	
Current values			325,000	325,000	
Plus estimated values of proposed project			4,000,000	4,000,000	
Less values of any property being replaced			0	0	
Net estimated values upon completion of project			4,325,000	4,325,000	
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER					
Estimated solid waste converted (pounds) _____			Estimated hazardous waste converted (pounds) _____		
Other benefits					
SECTION 6 TAXPAYER CERTIFICATION					
I hereby certify that the representations in this statement are true.					
Signature of authorized representative <i>Brian Henry</i>				Date signed (month, day, year) 3-6-2023	
Printed name of authorized representative BRIAN HENRY			Title PRESIDENT		

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, passed or to be passed 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.

Filed in Clerk's Office
MAR 07 2023
 DAWN M. JONES
 CITY CLERK, SOUTH BEND, IN

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.

City of South Bend Petition for Incentives

Petition must include a \$250 filing fee payable to the City Clerk's Office before processing can be complete

Filed in Clerk's Office

MAR 07 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN



General Information		Project Name	
Legal name as registered with Secretary of State		The Robert Henry Corporation	
Business structure		S Corp	
Company website		www.roberthencorp.com	

Proposed Project Information			
Proposed project address		3161 Youngs Ct	Parent company name
City, State, Zip		South Bend, IN 46614	Legal owner
Site acreage or acreage required		2 acres	Is the real estate owned or leased?
Square feet of facility		10,000	If leased, by whom?

Primary Contact Information			
Primary company contact name		Brian Henry	Title
Address of company contact		404 South Frances St	Phone
City, State, Zip		South Bend, IN 46624	Email

Senior Official Information			
Company senior official name		same as above	Title
Address of company contact (if different from above)			Phone
City, State, Zip			Email

Consultant Information/Agent			
Hired business consultant/agent name		Peter Agostino	Consultant release? (Y/N)
Address		131 South Taylor Street	Local economic development partners approval? (Y/N)
City, State, Zip		South Bend, IN 46601	Email

Project Overview	
Brief description of your company, project, and why the property is necessary for economic growth	The Robert Henry Corporation has been a part of the South Bend community since 1974 and prides itself on providing high paying local union jobs, by delivering building and utility construction services to the greater Michiana area. We have reached capacity at our current location and facilities, but not maxed out the potential of our combined effort. The nations infrastructure is in great need of repair and upgrading, and this project will allow us the space needed to grow our company with the need of the industry.

Certified Technology Park appropriate	No
Is the project in a Tax Incremental Financing (TIF) area? If so, which?	No
Have Building Permits been issued? (Y/N) [Note-Not eligible for abatement if Yes]	No
Number of residential units created by project	0
If this is a petition for personal property tax abatement, has the equipment been installed?	N/A

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?
0	No	Unknown	Unknown

New Project Investments								
Calendar Year	2022	2023	2024	2025	2026	2027	2028	2029
Land Acquisition	\$ 260,000.00							
Building Lease Payments								
Building Purchase Costs								
New Building Construction		\$ 3,750,000.00	\$ 2,000,000.00					
Existing Building Improvements								
New Machinery & Equipment		\$ 250,000.00						
Special Tooling/Retooling			\$ 100,000.00					
New Furniture/Fixtures			\$ 170,000.00					
New Computer/IT Hardware			\$ 55,000.00					
New Software			\$ 10,000.00					
On-site Rail Infrastructure								
On-site Fiber Infrastructure								
TOTAL	\$ 260,000.00	\$ 4,000,000.00	\$ 2,335,000.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

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 MAY 11 2023
 JAMES M. JONES
 CITY CLERK
 SOUTH BEND, IN

Full-Time Permanent Indiana-Resident Positions by Calendar Year						
Calendar Year	Jobs retained	Hourly average wage, w/o benefits 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
2023	210	50.31	5	50.34	\$266,000	214
2024			5	51.85	\$272,000	219
2025			5	53.41	\$278,000	224
2026			5	55.01	\$284,000	229
2027			5	56.66		
2028			5	58.36		
2029			5	60.11		
2030			5	61.91		
2031			5	63.77		
2032			5	65.68		
2033			5	67.65		
2034						

Provide hourly wage information for new employees in the following positions.		
	Full time	Part time
Laborers	25.73	
Technical	58.37	
Managerial	54.94	
Administrative	23.64	

Who will be the individual responsible for coordinating with WorkOne on recruiting? _____

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 the following 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	2023		2022		2021	
	Full Time	Part Time	Full Time	Part Time	Full Time	Part Time
Black	8		8		5	
Hispanic	12		12		1	
Asian						
Indian						
Female	5		5		4	
Other						

Out of the 210 employees at The Robert Henry Corporation, only 24 are non bargaining employees while the rest are supplied by the union. As a union contractor associated with unions that are themselves EEO, we rely on them to supply us with a qualified labor force.

Clerk's Office
 MAY 11 2023
 CITY CLERK
 JONES
 SOUTH BEND, IN

For Staff Use Only Below This Line

What is the current assessed value?	Real Property:	11 300	Personal Property:	—
What is the projected assessed value?	Real Property:	4611300	Personal Property:	—
What is the tax key number for this project?	71-08-22-102-002.000-026			
What is the six digit NAICS code?	237130 / 236220			

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 2022	744.22	
Year Two 2021	401.11	
Year Three 2020	339.00	
Year Four 2019	387.80	
Year Five 2018	400.58	

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			49	
	B.	Develop Based on Local University Research			35	
	C.	Achieve a Physical Element of a Plan			36	
	Sub-total Project Related:				—	120
6	<u>Super Size Projects (point values are cumulative):</u>					
	A.	100% to 199%			25	
	B.	200% to 299%			68	
	C.	300% to 399%			65	
	D.	400% and Over			52	
Sub-total Super Size Projects:				—	210	
7	<u>Pay for Municipal Infrastructure:</u>					
	A.	Pay for Oversizing or Upgrading			14	
	B.	Pay for 26-50% of Extension Cost			26	
	C.	Pay for 51-75% of Extension Cost			39	
	D.	Pay for 76-100% of Extension Cost			52	
Sub-total Infrastructure Related:				—	131	
Total from Applicant Section:				417	539	
Total from Staff Section:				—	461	
Total Public Benefit Points:				417	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
MAR 07 2023
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 section (check the 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 The Robert Henry Corporation					
Address of taxpayer (number and street, city, state, and ZIP code) 404 South Frances St					
Name of contact person Brian Henry		Telephone number () 574-232-2091		E-mail address bhenry@roberthenrycorp.com	
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body City of South Bend Common Council				Resolution number	
Location of property 3161 Youngs Ct		County St. Joseph		DLGF taxing district number 026 South Bend - Portage	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) We plan to build a larger mechanic shop as our current location has been a limiting factor				Estimated start date (month, day, year) July 10, 2023	
				Estimated completion date (month, day, year) December 29, 2023	
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number 210	Salaries 37,597,094	Number retained 210	Salaries 37,597,094	Number additional 4	Salaries 716,135
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
			REAL ESTATE IMPROVEMENTS		
			COST		ASSESSED VALUE
Current values			260,000		260,000
Plus estimated values of proposed project			2,000,000		2,000,000
Less values of any property being replaced			0		0
Net estimated values upon completion of project			2,260,000		2,260,000
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER					
Estimated solid waste converted (pounds) _____			Estimated hazardous waste converted (pounds) _____		
Other benefits					
SECTION 6 TAXPAYER CERTIFICATION					
I hereby certify that the representations in this statement are true.					
Signature of authorized representative 				Date signed (month, day, year) 3-6-2023	
Printed name of authorized representative BRIAN HENRY				Title PRESIDENT	

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, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

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MAR 07 2023
 DAWN M. JONES
 CITY CLERK, SOUTH BEND, IN

- 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

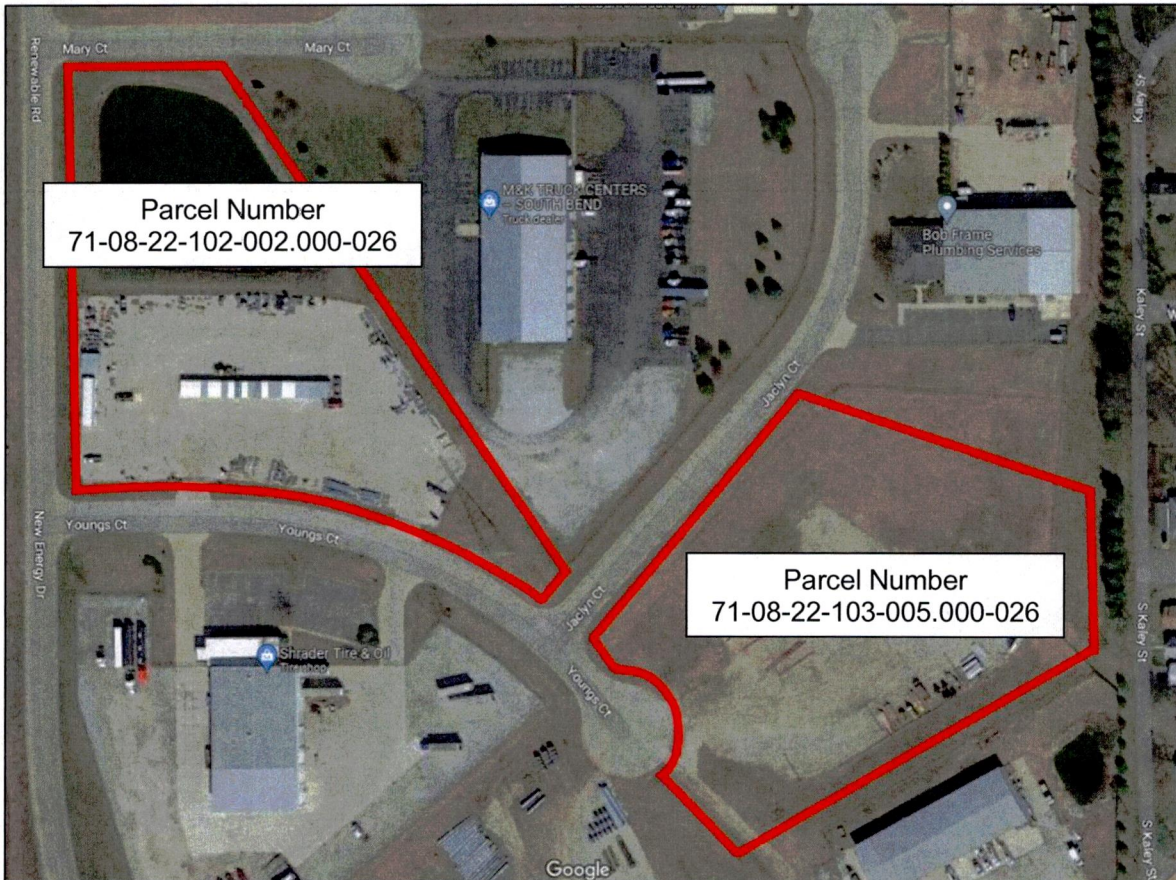
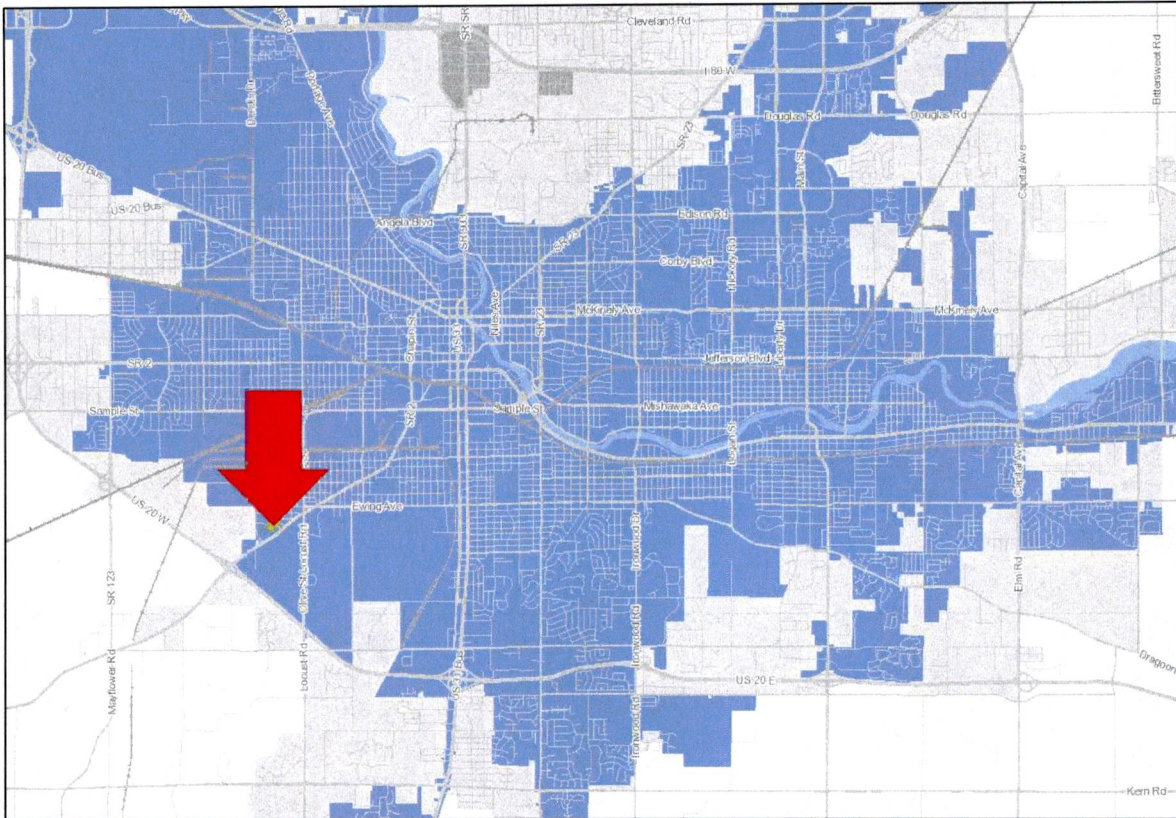
Abatement schedules

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.

Aerial Views



View of 2652 Jaclyn Court looking east from Jaclyn Court

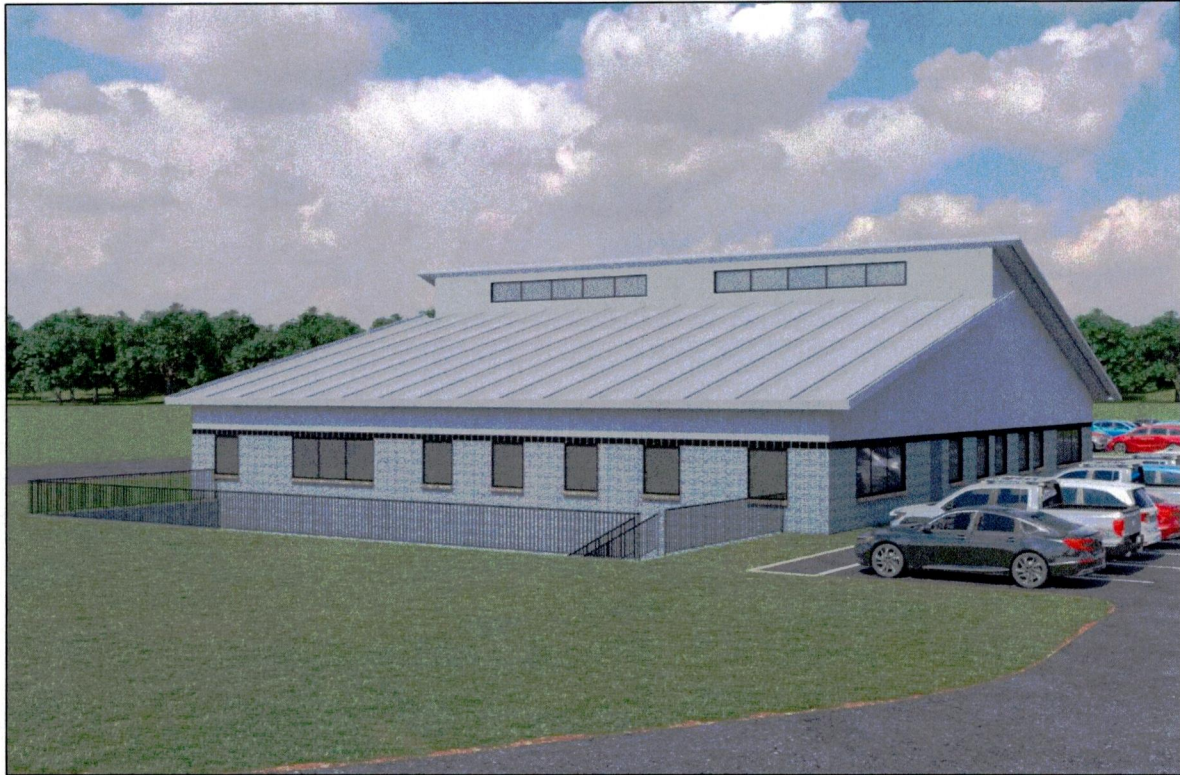


View of 3161 Youngs Court looking east from New Energy Drive



Project Renderings

Office Building



Truck Maintenance Center



Filed in Clerk's Office

MAR 22 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN



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
MAR 07 2023
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)

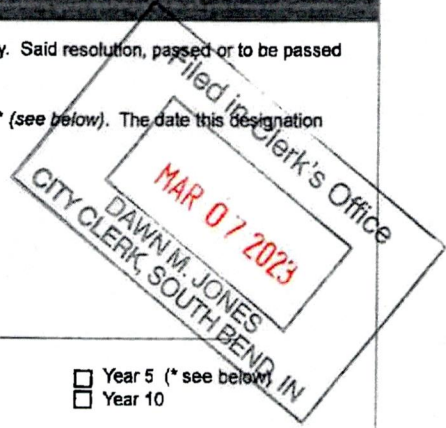
INSTRUCTIONS:

- 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 The Robert Henry Corporation					
Address of taxpayer (number and street, city, state, and ZIP code) 404 South Frances St					
Name of contact person Brian Henry		Telephone number () 574-232-2091		E-mail address bhenry@roberthenrycorp.com	
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body City of South Bend Common Council				Resolution number	
Location of property 2652 Jaclyn Ct		County St. Joseph		DLGF taxing district number 026 South Bend - Portage	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) We plan to build a larger mechanic shop as our current location has been a limiting factor				Estimated start date (month, day, year) Sep 4, 2023	
				Estimated completion date (month, day, year) Apr 31, 2024	
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number 210	Salaries 37,597,094	Number retained 210	Salaries 37,597,094	Number additional 50	Salaries 8,951,689
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
			REAL ESTATE IMPROVEMENTS		
			COST	ASSESSED VALUE	
Current values			325,000	325,000	
Plus estimated values of proposed project			4,000,000	4,000,000	
Less values of any property being replaced			0	0	
Net estimated values upon completion of project			4,325,000	4,325,000	
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER					
Estimated solid waste converted (pounds) _____			Estimated hazardous waste converted (pounds) _____		
Other benefits					
SECTION 6 TAXPAYER CERTIFICATION					
I hereby certify that the representations in this statement are true.					
Signature of authorized representative 				Date signed (month, day, year) 3-6-2023	
Printed name of authorized representative BRIAN HENRY			Title PRESIDENT		

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, passed or to be passed 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.

MAR 22 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN**MEMORANDUM OF AGREEMENT****(INDUSTRIAL DEVELOPMENT REAL PROPERTY TAX ABATEMENT)**

This Memorandum of Agreement (Agreement) dated as of March 20, 2023, serves as confirmation of a commitment by Mac Henry LLC (the "Applicant"), pending a March 27, 2023, public hearing, to comply with the project description, job creation and retention (and associated wage rates and salaries) figures contained in its petition, Statement of Benefits, and attachments and this Agreement (the "Commitments").

1. Property Associated with the Abatement and Responsibilities of the Applicant. At the time of this agreement, the property is located at 2652 Jaclyn Court, South Bend, Indiana 46614, and has Key Number 71-08-22-103-005.000-026. Throughout the duration of the abatement, the Applicant shall promptly report any changes in the address or Key Number of the property receiving the abatement to the Department of Community Investment and to the Office of the City Clerk. Moreover, the Applicant also shall report any material changes or improvements made to the property subject to the abatement including changes as the result of subdividing, replatting, or otherwise. The Applicant agrees that failure to promptly report changes can result in a finding of noncompliance on behalf of the Applicant under the commitments of this agreement.

2. Commitments of City and Applicant. Subject to the adoption of a Declaratory Resolution and a Confirmatory Resolution by the South Bend Common Council (the "SBCC"), the City of South Bend, Indiana, (the "City") commits to provide a **six-year (6) industrial development real property tax abatement** for the Applicant, based on the Applicant's commitment set forth in its Application. The Applicant commits to construct offices and a training facility. In combination with a construction project at 3161 Youngs Court, South Bend, Indiana 46614, which is subject to a separate but related Memorandum of Agreement between the City of South Bend, Indiana, and BMac, LLC (BMac, LLC being a related party to Mac Henry LLC) dated on or about March 21, 2023, the Applicant, jointly along with BMac, LLC, commits to a total capital expenditure of approximately Six Million dollars (\$6,000,000.00) for the two projects. The projects together will create approximately five (5) permanent full-time jobs with a total estimated annual payroll of \$550,000 within five (5) years of the tax abatement.

3. Applicant's Compliance with City and State Laws. During the term of the abatement, the Applicant shall comply with Chapter 2, Article 6, of the South Bend Municipal Code, entitled "Tax Abatement Procedures," and all governing provisions of the Indiana Code. During the term of this abatement, the City may annually request information from the Applicant concerning the nature of the Project, the approved capital expenditure of the Project, the number of full-time permanent positions newly created by the Project, and the average wage rates and salaries (excluding benefits & overtime) associated with the positions, and the Applicant shall provide the City with adequate written evidence thereof within fifteen (15) days of such request (the "Annual Survey"). The City shall utilize this information and the information required to be filed by the Applicant in the CF-1 Compliance with the Statement of Benefits form to verify that the Applicant has at all times complied with the Commitments after the Commitment Date and during the duration of the abatement and for no other purpose. The Applicant further agrees to provide the City with such additional information as requested by the City to determine Applicant's compliance with the Commitments and with local and state requirements

within twenty (20) days following any such request. Notwithstanding anything herein to the contrary, the Applicant acknowledges that the City may be required to disclose certain documents provided by the Applicant as required by a court order or applicable law.

4. Substantial Compliance and Rights of Termination. The City, by and through the SBCC, reserves the right to terminate the Economic Revitalization Area designation and associated property tax abatement deductions if it reasonably determines that the Applicant has not made reasonable efforts to substantially comply with all the Commitments, and the Applicant's failure to substantially comply with the Commitments was not due to factors beyond its reasonable control. As used in this Agreement, "substantial compliance" shall mean the Applicant's compliance with the following: (a) making total combined real property expenditures of no less than Six Million dollars (\$6,000,000.00) for projects that include the construction of offices and a training facility at a parcel identified by Key Number 71-08-22-103-005.000-026 and the construction of a truck maintenance facility and mechanics bay at a parcel identified by Key Number 71-08-22-102-002.000-026 and (b) creating through these real property projects approximately five (5) permanent full-time jobs with a total estimated annual payroll of \$550,000 within five (5) years of the tax abatement.

5. Factors Beyond Control. As used in this Agreement, factors beyond the control of the Applicant shall only include factors not reasonably foreseeable at the time of designation application and submission of Statement of Benefits which are not caused by any act or omission of the Applicant, and which materially and adversely affect the ability of the Applicant to substantially comply with this Agreement. Applicant has the burden to communicate to the City any such factors in which it believes is beyond its control and impacting its ability to fulfill the terms of this Agreement or any tax abatement benefit provided to the City. The City reserves the right to investigate the factors cited by Applicant under this Section 5 to the fullest extent possible and may deny Applicant's request upon the completion of the City's investigation.

6. Repayment of Tax Abatement Savings. If at any time during the term of this Agreement the Applicant shall: (a) be delinquent or in default with respect to any tax payment in St. Joseph County, Indiana; or (b) cease operations at the facility for which the tax abatement was granted; or (c) announce the cessation of operations at such facility, then the City may immediately terminate the Economic Revitalization Area designation and associated tax abatement deductions, and upon such termination, require Applicant to repay all of the tax abatement savings received through the date of such termination.

7. Notice/Hearing of Termination. In the event that the City determines that the Economic Revitalization Area designation and associated tax abatement deductions should be terminated or that all or a portion of the tax abatement savings should be repaid, it will give the Applicant notice of such determination, including a written statement calculating the amount due from the Applicant, and will provide the Applicant with an opportunity to meet with the City's designated representatives to show cause why the abatement should not be terminated and/or the tax savings repaid. Such notice shall state the names of the person with whom the Applicant may meet and will provide that the Applicant shall have thirty (30) days from the date of such notice to arrange such meeting and to provide its evidence concerning why the abatement termination and/or tax savings repayment should not occur. If, after giving such notice and receiving such evidence, if any, the City determines that the abatement termination and/or the tax repayment action is proper, the Applicant shall be provided with written

notice and a hearing before the SBCC before any final action shall be taken terminating the abatement and/or requiring repayment of tax benefits. The Applicant shall be entitled to appeal that determination to a St. Joseph County Superior or Circuit Court.

8. Repayment. In the event the City requires repayment of the tax abatement savings as provided hereunder, it shall provide Applicant with a written statement calculating the amount due (the "Statement"), and Applicant shall make such repayment to the City within one hundred twenty (120) days of the date of the Statement. If the Applicant does not make timely repayment, the City shall be entitled to all reasonable costs and attorneys' fees incurred in the enforcement of this Agreement and the collection of the tax abatement savings required to be repaid hereunder.

9. Modification/Entire Agreement. This Agreement and the schedules attached hereto contain the entire understanding between the City and the Applicant with respect to the subject matter hereof, and supersede all prior and contemporaneous agreements and understandings, inducements, and conditions, expressed or implied, oral, or written, except as herein contained. This Agreement may not be modified or amended other than by an agreement in writing signed by the City and the Applicant. The Applicant understands that any and all filings required to be made or actions required to be taken to initiate or maintain the abatement are solely the responsibility of the Applicant.

10. Waivers. Neither the failure nor any delay on the part of the City to exercise any right, remedy, power, or privilege under this Agreement shall operate as a waiver thereof, nor shall any single or partial exercise of any right, remedy, power, or privilege preclude any other or further exercise of the same or of any other right, remedy, power, or privilege with respect to any occurrence or be construed as a waiver of such right, remedy, power, or privilege with respect to any other occurrence. No waiver shall be effective unless it is in writing and is signed by the party asserted to have granted such waiver.

11. Governing Laws of Indiana. This Agreement and all questions relating to its validity, interpretation, performance, and enforcement shall be governed by the laws and decisions of the courts of the State of Indiana.

12. Applicant's Consent to Jurisdiction. The Applicant hereby irrevocably consents to the jurisdiction of the Courts of the State of Indiana and of the St. Joseph County Circuit or Superior Court in connection with any action or proceeding arising out of or relating to this Agreement or any documents or instrument delivered with respect to any of the obligations hereunder, and any action related to this Agreement shall be brought in such County and in such Court.

12. Notices. All notices, requests, demands, and other communications required or permitted under this Agreement shall be in writing and shall be deemed to have been received when delivered by hand or by facsimile (with confirmation by registered or certified mail) or on the third business day following the mailing, by registered or certified mail, postage prepaid, return receipt requested, thereof, addressed as set forth below:

If to Applicant:	Mac Henry LLC 404 SOUTH FRANCES STREET SOUTH BEND, IN 46624 Attn: BRIAN HENRY
If to the City:	City of South Bend, Indiana 227 W. Jefferson Boulevard, Suite 1400S South Bend, Indiana 46601 Attn: Executive Director of Community Investment

13. Assignment and Transfer Prohibited. This Agreement shall be binding upon and inure to the benefit of the City and the Applicant and their successors and assigns, except (a) that no party may assign or transfer its rights or obligations under this Agreement without the prior written consent of the other party hereto, in which consent shall not be unreasonably withheld, and (b) Applicant may assign and transfer its rights under this Agreement to the Permitted Assign without prior written consent. "Permitted Assign" means the affiliated single purpose entity created for purposes of designing, constructing, owning, operating, and maintaining the apartment complex which is the subject of this Agreement.

14. Valid and Binding Agreement. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original as against any party whose signature appears thereon, and all of which shall together constitute one and the same instrument. By executing this Agreement, each person so executing affirms that he has been duly authorized to execute this Agreement on behalf of such party and that this Agreement constitutes a valid and binding obligation of the party.

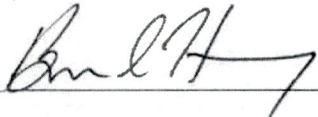

15. Severability. The provisions of this Agreement and of each section or other subdivision herein are independent of and separable from each other, and no provision shall be affected or rendered invalid or unenforceable by virtue of the fact that for any reason any other or others of them may be invalid or unenforceable in whole or in part unless this Agreement is rendered totally unenforceable thereby.

16. No Personal Liability. No official, director, officer, employee, or agent of the City shall be charged personally by the Applicant, its employees, or its agents with any liabilities or expenses of defense or be held personally liable to the Applicant under any term or provision of this Agreement or because of the execution by such party of this Agreement or because of any default by such party hereunder.

[Remainder of page intentionally blank.]

Filed in Clerk's Office
 MAR 22 2023
 DAWN M. JONES
 CITY CLERK, SOUTH BEND, IN

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

<p>"Applicant"</p> <p>Mac Henry LLC</p> <p>By: </p> <p>Brian Henry President The Robert Henry Corporation, a duly authorized member of Mac Henry LLC</p> <p>Approved as to Legal Adequacy and Form this _____ day of _____, 2023.</p> <p>Counsel, South Bend Common Council</p> <hr/> <p>Counsel for Applicant</p>	<p>"City"</p> <p>City of South Bend, Indiana</p> <p>By: _____</p> <p>Sharon McBride President, South Bend Common Council</p> <p>By: _____</p> <p>Rachel Tomas Morgan Chairperson, Community Investment Committee</p> <p></p> <p>By: _____</p> <p>Erik Glavich Department of Community Investment</p> <p>By: _____</p> <p>James Mueller Mayor</p>
--	---

[Attachment follows.]

Filed in Clerk's Office
MAR 08 2023
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

BILL NO. 23-03
RESOLUTION NO. 4999-23

**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**

2652 Jaclyn Court, South Bend, IN 46614

AND

3161 Youngs Court, South Bend, IN 46614

**ECONOMIC REVITALIZATION AREAS FOR PURPOSES OF A SIX-
YEAR (6) REAL PROPERTY TAX ABATEMENT FOR
THE ROBERT HENRY CORPORATION**

WHEREAS, petitions for real property tax abatement have been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the areas described as:

Key Number: 71-08-22-103-005.000-026
Commonly Known As: 2652 Jaclyn Court, South Bend, IN 46614
Legal Description: Lot 13 Youngs Commerce Park 00-01 Replat Trans
5206 7/16/99

and

Key Number: 71-08-22-102-002.000-026
Commonly Known As: 3161 Youngs Court, South Bend, IN 46614
Legal Description: Lot 3c Youngs Commerce Park 2nd Replat 03-04
Replat Per Tr 9214 10-30-2002 00-01 Replat Trans

be designated as Economic Revitalization Areas 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 Key Number and legal description 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 each area

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DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

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 areas 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 each 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 Petitions for Real Property Tax Abatement and the Statement of Benefits forms 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 Petitions 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 forms 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 areas herein described be designated as Economic

Revitalization Areas and hereby adopts a Resolution designating each area as an Economic Revitalization Area for purposes of real property tax abatement.

SECTION V. The designations as Economic Revitalization Areas 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 six (6) 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 - 90%
Year 3 - 80%
Year 4 - 70%
Year 5 - 60%
Year 6 - 50%

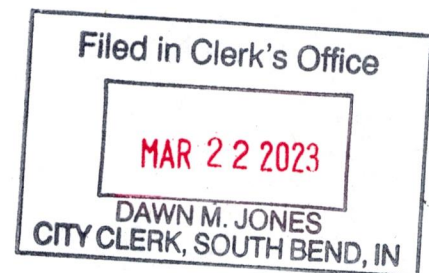
SECTION VII. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana Code § 5-3-1 and Indiana Code § 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the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

Attest:

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





**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
MAR 07 2023
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 State Code(s):

- 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:

1. 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.
2. 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.
3. 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.
4. 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)
5. 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 The Robert Henry Corporation					
Address of taxpayer (number and street, city, state, and ZIP code) 404 South Frances St					
Name of contact person Brian Henry		Telephone number () 574-232-2091		E-mail address bhenry@roberthenrycorp.co	
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body City of South Bend Common Council				Resolution number	
Location of property 3161 Youngs Ct		County St. Joseph		DLGF taxing district number 026 South Bend - Portage	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) We plan to build a larger mechanic shop as our current location has been a limiting factor				Estimated start date (month, day, year) July 10, 2023	
				Estimated completion date (month, day, year) December 29, 2023	
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number 210	Salaries 37,597,094	Number retained 210	Salaries 37,597,094	Number additional 4	Salaries 716,135
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
			REAL ESTATE IMPROVEMENTS		
			COST	ASSESSED VALUE	
Current values			260,000	260,000	
Plus estimated values of proposed project			2,000,000	2,000,000	
Less values of any property being replaced			0	0	
Net estimated values upon completion of project			2,260,000	2,260,000	
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER					
Estimated solid waste converted (pounds) _____			Estimated hazardous waste converted (pounds) _____		
Other benefits					
SECTION 6 TAXPAYER CERTIFICATION					
I hereby certify that the representations in this statement are true.					
Signature of authorized representative 				Date signed (month, day, year) 3-6-2023	
Printed name of authorized representative BRIAN HENRY			Title PRESIDENT		

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, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

Filed in Clerks Office
MAR 07 2023
 DAWN M. JONES
 CITY CLERK, SOUTH BEND, IN

- 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.

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

* 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.)

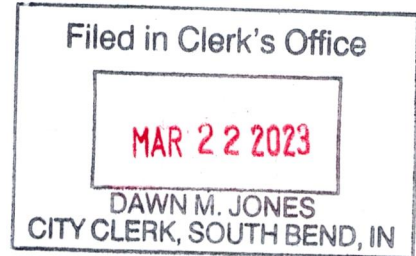
IC 6-1.1-12.1-17
Abatement schedules

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.



MEMORANDUM OF AGREEMENT

(INDUSTRIAL DEVELOPMENT REAL PROPERTY TAX ABATEMENT)

This Memorandum of Agreement (Agreement) dated as of March 21, 2023, serves as confirmation of a commitment by BMac, LLC (the "Applicant"), pending a March 27, 2023, public hearing, to comply with the project description, job creation and retention (and associated wage rates and salaries) figures contained in its petition, Statement of Benefits, and attachments and this Agreement (the "Commitments").

1. Property Associated with the Abatement and Responsibilities of the Applicant. At the time of this agreement, the property is located at 3161 Youngs Court, South Bend, Indiana 46614, and has Key Number 71-08-22-102-002.000-026. Throughout the duration of the abatement, the Applicant shall promptly report any changes in the address or Key Number of the property receiving the abatement to the Department of Community Investment and to the Office of the City Clerk. Moreover, the Applicant also shall report any material changes or improvements made to the property subject to the abatement including changes as the result of subdividing, replatting, or otherwise. The Applicant agrees that failure to promptly report changes can result in a finding of noncompliance on behalf of the Applicant under the commitments of this agreement.

2. Commitments of City and Applicant. Subject to the adoption of a Declaratory Resolution and a Confirmatory Resolution by the South Bend Common Council (the "SBCC"), the City of South Bend, Indiana, (the "City") commits to provide a **six-year (6) industrial development real property tax abatement** for the Applicant, based on the Applicant's commitment set forth in its Application. The Applicant commits to construct a truck maintenance facility and mechanics bay. In combination with a construction project at 2652 Jaclyn Court, South Bend, Indiana 46614, which is subject to a separate but related Memorandum of Agreement between the City of South Bend, Indiana, and Mac Henry LLC (Mac Henry LLC being a related party to BMac, LLC) dated on or about March 21, 2023, the Applicant jointly, along with Mac Henry LLC, commits to a total capital expenditure of approximately Six Million dollars (\$6,000,000.00) for the two projects. The projects together will create approximately five (5) permanent full-time jobs with a total estimated annual payroll of \$550,000 within five (5) years of the tax abatement.

3. Applicant's Compliance with City and State Laws. During the term of the abatement, the Applicant shall comply with Chapter 2, Article 6, of the South Bend Municipal Code, entitled "Tax Abatement Procedures," and all governing provisions of the Indiana Code. During the term of this abatement, the City may annually request information from the Applicant concerning the nature of the Project, the approved capital expenditure of the Project, the number of full-time permanent positions newly created by the Project, and the average wage rates and salaries (excluding benefits & overtime) associated with the positions, and the Applicant shall provide the City with adequate written evidence thereof within fifteen (15) days of such request (the "Annual Survey"). The City shall utilize this information and the information required to be filed by the Applicant in the CF-1 Compliance with the Statement of Benefits form to verify that the Applicant has at all times complied with the Commitments after the Commitment Date and during the duration of the abatement and for no other purpose. The Applicant further agrees to provide the City with such additional information as requested by the City to determine Applicant's compliance with the Commitments and with local and state requirements

within twenty (20) days following any such request. Notwithstanding anything herein to the contrary, the Applicant acknowledges that the City may be required to disclose certain documents provided by the Applicant as required by a court order or applicable law.

4. Substantial Compliance and Rights of Termination. The City, by and through the SBCC, reserves the right to terminate the Economic Revitalization Area designation and associated property tax abatement deductions if it reasonably determines that the Applicant has not made reasonable efforts to substantially comply with all the Commitments, and the Applicant's failure to substantially comply with the Commitments was not due to factors beyond its reasonable control. As used in this Agreement, "substantial compliance" shall mean the Applicant's compliance with the following: (a) making total combined real property expenditures of no less than Six Million dollars (\$6,000,000.00) for projects that include the construction of offices and a training facility at a parcel identified by Key Number 71-08-22-103-005.000-026 and the construction of a truck maintenance facility and mechanics bay at a parcel identified by Key Number 71-08-22-102-002.000-026 and (b) creating through these real property projects approximately five (5) permanent full-time jobs with a total estimated annual payroll of \$550,000 within five (5) years of the tax abatement.

5. Factors Beyond Control. As used in this Agreement, factors beyond the control of the Applicant shall only include factors not reasonably foreseeable at the time of designation application and submission of Statement of Benefits which are not caused by any act or omission of the Applicant, and which materially and adversely affect the ability of the Applicant to substantially comply with this Agreement. Applicant has the burden to communicate to the City any such factors in which it believes is beyond its control and impacting its ability to fulfill the terms of this Agreement or any tax abatement benefit provided to the City. The City reserves the right to investigate the factors cited by Applicant under this Section 5 to the fullest extent possible and may deny Applicant's request upon the completion of the City's investigation.

6. Repayment of Tax Abatement Savings. If at any time during the term of this Agreement the Applicant shall: (a) be delinquent or in default with respect to any tax payment in St. Joseph County, Indiana; or (b) cease operations at the facility for which the tax abatement was granted; or (c) announce the cessation of operations at such facility, then the City may immediately terminate the Economic Revitalization Area designation and associated tax abatement deductions, and upon such termination, require Applicant to repay all of the tax abatement savings received through the date of such termination.

7. Notice/Hearing of Termination. In the event that the City determines that the Economic Revitalization Area designation and associated tax abatement deductions should be terminated or that all or a portion of the tax abatement savings should be repaid, it will give the Applicant notice of such determination, including a written statement calculating the amount due from the Applicant, and will provide the Applicant with an opportunity to meet with the City's designated representatives to show cause why the abatement should not be terminated and/or the tax savings repaid. Such notice shall state the names of the person with whom the Applicant may meet and will provide that the Applicant shall have thirty (30) days from the date of such notice to arrange such meeting and to provide its evidence concerning why the abatement termination and/or tax savings repayment should not occur. If, after giving such notice and receiving such evidence, if any, the City determines that the abatement termination and/or the tax repayment action is proper, the Applicant shall be provided with written

notice and a hearing before the SBCC before any final action shall be taken terminating the abatement and/or requiring repayment of tax benefits. The Applicant shall be entitled to appeal that determination to a St. Joseph County Superior or Circuit Court.

8. Repayment. In the event the City requires repayment of the tax abatement savings as provided hereunder, it shall provide Applicant with a written statement calculating the amount due (the "Statement"), and Applicant shall make such repayment to the City within one hundred twenty (120) days of the date of the Statement. If the Applicant does not make timely repayment, the City shall be entitled to all reasonable costs and attorneys' fees incurred in the enforcement of this Agreement and the collection of the tax abatement savings required to be repaid hereunder.

9. Modification/Entire Agreement. This Agreement and the schedules attached hereto contain the entire understanding between the City and the Applicant with respect to the subject matter hereof, and supersede all prior and contemporaneous agreements and understandings, inducements, and conditions, expressed or implied, oral, or written, except as herein contained. This Agreement may not be modified or amended other than by an agreement in writing signed by the City and the Applicant. The Applicant understands that any and all filings required to be made or actions required to be taken to initiate or maintain the abatement are solely the responsibility of the Applicant.

10. Waivers. Neither the failure nor any delay on the part of the City to exercise any right, remedy, power, or privilege under this Agreement shall operate as a waiver thereof, nor shall any single or partial exercise of any right, remedy, power, or privilege preclude any other or further exercise of the same or of any other right, remedy, power, or privilege with respect to any occurrence or be construed as a waiver of such right, remedy, power, or privilege with respect to any other occurrence. No waiver shall be effective unless it is in writing and is signed by the party asserted to have granted such waiver.

11. Governing Laws of Indiana. This Agreement and all questions relating to its validity, interpretation, performance, and enforcement shall be governed by the laws and decisions of the courts of the State of Indiana.

12. Applicant's Consent to Jurisdiction. The Applicant hereby irrevocably consents to the jurisdiction of the Courts of the State of Indiana and of the St. Joseph County Circuit or Superior Court in connection with any action or proceeding arising out of or relating to this Agreement or any documents or instrument delivered with respect to any of the obligations hereunder, and any action related to this Agreement shall be brought in such County and in such Court.

12. Notices. All notices, requests, demands, and other communications required or permitted under this Agreement shall be in writing and shall be deemed to have been received when delivered by hand or by facsimile (with confirmation by registered or certified mail) or on the third business day following the mailing, by registered or certified mail, postage prepaid, return receipt requested, thereof, addressed as set forth below:

If to Applicant:	BMac, LLC 404 SOUTH FRANCES STREET SOUTH BEND, IN 46624 Attn: BRIAN HENRY
If to the City:	City of South Bend, Indiana 227 W. Jefferson Boulevard, Suite 1400S South Bend, Indiana 46601 Attn: Executive Director of Community Investment

13. Assignment and Transfer Prohibited. This Agreement shall be binding upon and inure to the benefit of the City and the Applicant and their successors and assigns, except (a) that no party may assign or transfer its rights or obligations under this Agreement without the prior written consent of the other party hereto, in which consent shall not be unreasonably withheld, and (b) Applicant may assign and transfer its rights under this Agreement to the Permitted Assign without prior written consent. "Permitted Assign" means the affiliated single purpose entity created for purposes of designing, constructing, owning, operating, and maintaining the apartment complex which is the subject of this Agreement.

14. Valid and Binding Agreement. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original as against any party whose signature appears thereon, and all of which shall together constitute one and the same instrument. By executing this Agreement, each person so executing affirms that he has been duly authorized to execute this Agreement on behalf of such party and that this Agreement constitutes a valid and binding obligation of the party.

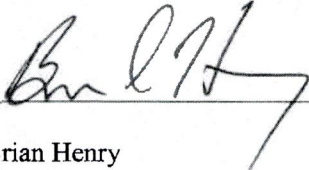

15. Severability. The provisions of this Agreement and of each section or other subdivision herein are independent of and separable from each other, and no provision shall be affected or rendered invalid or unenforceable by virtue of the fact that for any reason any other or others of them may be invalid or unenforceable in whole or in part unless this Agreement is rendered totally unenforceable thereby.

16. No Personal Liability. No official, director, officer, employee, or agent of the City shall be charged personally by the Applicant, its employees, or its agents with any liabilities or expenses of defense or be held personally liable to the Applicant under any term or provision of this Agreement or because of the execution by such party of this Agreement or because of any default by such party hereunder.

[Remainder of page intentionally blank.]

Filed in Clerk's Office
MAR 22 2023
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

"Applicant"	"City"
BMac, LLC	City of South Bend, Indiana
By: 	By: _____
Brian Henry President The Robert Henry Corporation, a duly authorized member of BMac, LLC	Sharon McBride President, South Bend Common Council
Approved as to Legal Adequacy and Form this _____ day of _____, 2023.	By: _____
Counsel, South Bend Common Council	Rachel Tomas Morgan Chairperson, Community Investment Committee
Counsel for Applicant	By: 
	Erik Glavich Department of Community Investment
	By: _____
	James Mueller Mayor

[Attachment follows.]

Filed in Clerk's Office

MAR 08 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

BILL NO. 23-03
RESOLUTION NO. 4999-23

**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**

2652 Jaclyn Court, South Bend, IN 46614

AND

3161 Youngs Court, South Bend, IN 46614

**ECONOMIC REVITALIZATION AREAS FOR PURPOSES OF A SIX-
YEAR (6) REAL PROPERTY TAX ABATEMENT FOR**

THE ROBERT HENRY CORPORATION

WHEREAS, petitions for real property tax abatement have been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the areas described as:

Key Number: 71-08-22-103-005.000-026
Commonly Known As: 2652 Jaclyn Court, South Bend, IN 46614
Legal Description: Lot 13 Youngs Commerce Park 00-01 Replat Trans
5206 7/16/99

and

Key Number: 71-08-22-102-002.000-026
Commonly Known As: 3161 Youngs Court, South Bend, IN 46614
Legal Description: Lot 3c Youngs Commerce Park 2nd Replat 03-04
Replat Per Tr 9214 10-30-2002 00-01 Replat Trans

be designated as Economic Revitalization Areas 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 Key Number and legal description 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 each 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 areas 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 each 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 Petitions for Real Property Tax Abatement and the Statement of Benefits forms 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 Petitions 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 forms 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 areas herein described be designated as Economic

Revitalization Areas and hereby adopts a Resolution designating each area as an Economic Revitalization Area for purposes of real property tax abatement.

SECTION V. The designations as Economic Revitalization Areas 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 six (6) 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 - 90%
Year 3 - 80%
Year 4 - 70%
Year 5 - 60%
Year 6 - 50%

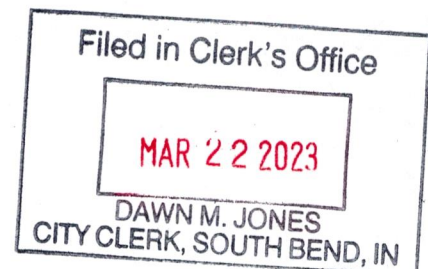
SECTION VII. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana Code § 5-3-1 and Indiana Code § 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the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

Attest:

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

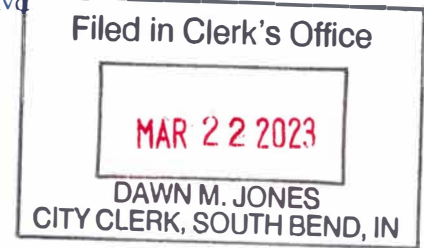


BILL NO. 23-14

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>



March 22, 2023

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

South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

RE: A SPECIAL RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY RECOGNIZING, COMMENDING, AND HONORING THE RILEY HIGH SCHOOL WILDCATS 2022-2023 BOYS SWIM TEAM ON A SUCCESSFUL SEASON AS: CITY CHAMPIONS, NORTHERN INDIANA CONFERENCE (NIC) 2nd, SECTIONAL CHAMPIONS, AND STATE 6th OVERALL.

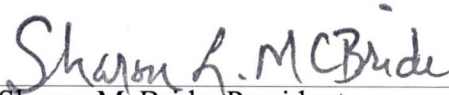
Dear Council Members:

It is always a pleasure to recognize young people in our community for outstanding achievements, whether those achievements are in the areas of academics, athletics, music, community involvement, or otherwise. This Special Resolution honors a group of Riley High School athletes, the Boys Swim Team, for not only a spectacular season, but also for carrying on Riley's long tradition of excellence in swimming competitions.

We request that this Special Resolution be placed on the Council's agenda under "Special Business" for the Council meeting on March 27, 2023. Please join us in this Special Resolution recognizing and honoring that group of young men.

Thank you for your consideration.

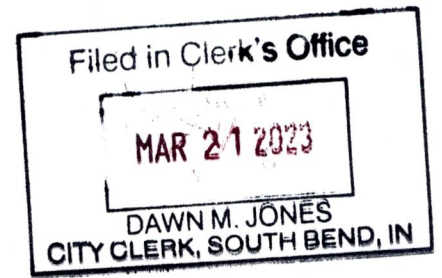
Sincerely yours,


Sharon McBride, President
South Bend Common Council


Eli Wax, Fifth District Member
South Bend Common Council

Bill NO. 23-14

SPECIAL RESOLUTION NO. 5012-23



A SPECIAL RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY RECOGNIZING, COMMENDING, AND HONORING THE RILEY HIGH SCHOOL WILDCATS 2022-2023 BOYS SWIM TEAM ON A SUCCESSFUL SEASON AS: CITY CHAMPIONS, NORTHERN INDIANA CONFERENCE (NIC) 2nd, SECTIONAL CHAMPIONS, AND STATE 6TH OVERALL

Whereas, the Common Council proudly recognizes the **2022-2023** Riley High School Boys Swim Team on a successful swim season wherein they won their **9th** consecutive City-wide Championship, **2nd** consecutive Highland Invite Championship, **2nd** consecutive Valparaiso Long Course Championship, and the **2023** Sectional Championship Title for the **30th** time in program history. Also, this is the **48th** consecutive season sending swim athletes to the State championships, and since 2001, Riley has won **88** events at the Sectional championships, compared to all other South Bend high schools combined 12 wins. Riley High School Boys Swim holds the South Bend Community School Corporation record for the most wins ever in any and all sports combined.

Whereas, this season, the Riley Wildcats under **Coach John VanDriessche**, Asst. Coach **Brett Mauer** and Dive Coach **Matt Solomon**, and Team Captains **Ashton Mauer, Jarek Ruszkowski, Cooper VanDriessche**, have amassed an amazing dual meet record of **11-1**, and the Riley Seniors finishing their High School careers with a record of **44-6**. Coach John's to-date Riley coaching record is **254-45-1**.

Whereas, out of the top 24 teams in the state and top 32 individual swimmers in the state (*there is no regional or semi-state in high school swimming*), Riley as a team, had the smallest high school in the state (*with other schools ranging from 1,585 to over 3,000 students*) competition top 10, yet finished **#6** overall and took **9** state spots in the top **16** rankings in **9** out of the **12** events. Riley swimmers **Chris Bartmess, Paddy Chapman, Joel Kricheff, Ashton Maurer, Ike Ruszkowski and Jarek Ruszkowski** also broke several school, pool, and Sectional records this season.

Whereas, on behalf of our entire community, the South Bend Common Council is honored to recognize and extend their appreciation for the hard work, support, and dedication of the team, coaches, athletic director (**MR. SEABE GAVIN**) and school principal (**THE MR. SHAWN HEBDERSON**).

The members of the **2022-2023** Riley High School Boys Swim Team are:

FRESHMEN: Michael Botello and Landon Eickleberry, Everett Maurer

SOPHOMORES: Nathaniel Amaya, Michael Anderson, Pdraig “Paddy” Chapman, Eliot Riem, Anthony Schmok, Dominic Vitale-Richards

JUNIORS: Chris Bartmess, Lawrence Carpenter, Joel Kricheff, Trystan Lathion, Ignatius “Ike” Ruszkowski

SENIORS: Lucas Carpenter, Alvaro Fernandez, Jared Flora, Alexander “Alex” Knappenberger, Hugo Mengibar, Ashton Maurer, Upile Mpunga, Jarek Ruszkowski, Cooper VanDriessche
Now, therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The Common Council of the City of South Bend, Indiana, publicly honors and congratulates the **2022-2023 Riley High School Boys Swim Team** for winning the many listed titles and events and for reclaiming the Sectional Title.

Section II. The Council also wishes to extend a special thank you and its appreciation not only for the Riley High School Administration and Staff, but to all the parents, family and friends who support and encourage these amazing athletes, especially from 03:00am until 7:00pm 6 days a week, most of the year.

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

Approved this 27th day of March 2023

Sharon McBride, Council President
South Bend Common Council

Attest:

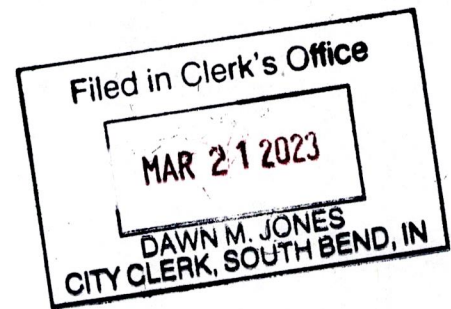
Dawn M. Jones, City Clerk
Office of the City Clerk

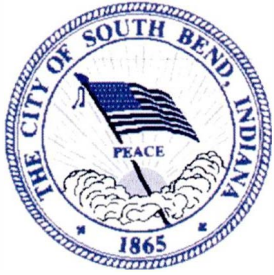
Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana, on the _____ day of _____, 2023, at _____ o'clock _____.m.

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

Approved and signed by me on the _____ day of _____, 2023, at _____
o'clock ____m.

James Mueller, Mayor
City of South Bend





BILL NO. 23-12

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>

Filed in Clerk's Office

MAR 22 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

March 22, 2023

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

South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

RE: A SPECIAL RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY RECOGNIZING THE INDIANA ATHLETIC TRAINERS' ASSOCIATION AND ACKNOWLEDGING THE MONTH OF MARCH AS NATIONAL ATHLETIC TRAINING MONTH

Dear Council Members:

South Bend is well known for its many athletic programs in both the academic and non-academic arenas. South Bend is equally well known for the medical resources available to the community. Common to both is the practice of athletic training. Athletic trainers have a long history of providing quality health care for athletes and persons engaged in regular physical activity. They are highly skilled health care professionals who specialize in immediate, acute, and emergency care; examination, assessment and diagnosis; injury prevention; risk management; therapeutic intervention; and rehabilitation of injury and illness.

This Special Resolution recognizes the Indiana Trainers Association, founded in 1984, and acknowledges the Month of March as National Athletic Training Month. The Special Resolution also incorporates sections of Mayor Mueller's prior Proclamation honoring these healthcare Providers.

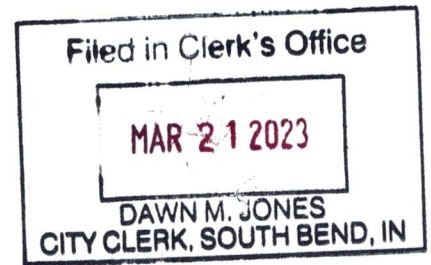
Please place this Special Resolution on the agenda for the March 27, 2023, full Council meeting under "Special Business".

Thank you for your consideration.

Sincerely yours,

Sharon McBride, President
South Bend Common Council

Sheila Niezgodski, Vice-President
South Bend Common Council



Bill NO. 23-12

SPECIAL RESOLUTION NO. 5009-23

A SPECIAL RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY RECOGNIZING THE INDIANA ATHLETIC TRAINERS ASSOCIATION AND ACKNOWLEDGING THE MONTH OF MARCH AS NATIONAL ATHLETIC TRAINING MONTH

Whereas, the Indiana Athletic Trainers Association was founded in 1984 as an organization committed to the education of its members and the enhancement of the profession of athletic training, creating better health care for the population it serves; and

Whereas, athletic trainers from professional, collegiate, and high school teams; industries; physician offices; rehabilitation clinics; and every branch of the United States military work together to promote and practice the profession of athletic training within the City of South Bend; and

Whereas, athletic trainers have a long history of providing quality health care for athletes and persons engaged in regular physical activity; and

Whereas, athletic trainers are highly skilled health care professionals who specialize in immediate, acute, and emergency care; examination, assessment and diagnosis; injury prevention; risk management; therapeutic intervention; and rehabilitation of injury and illness; and

Whereas, the National Athletic Trainers' Association represents and supports more than 45,000 members of the athletic training profession, including more than 1,930 athletic trainers in the State of Indiana; and

Whereas, leading organizations concerned with athletic training and health care have united in a common commitment to raise public awareness of the importance of the profession of athletic training and the role of athletic trainers in the provision of quality health care services; and

Whereas, it is the desire of the City of South Bend to promote improved health care for athletes and all of those who engage in physical activity; and

Whereas, Mayor Mueller has previously proclaimed the month of March as National Athletic Training Month and called upon the residents of South Bend to recognize athletic trainers for their honorable work in keeping the community healthy.

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

Section I. The City of South Bend is unique in the availability of both athletic and medical resources.

Section II. This uniqueness makes it appropriate for the Common Council to acknowledge the valuable services athletic trainers provide to not only athletes, but to all who need quality health care services.

Section III. The Common Council joins with Mayor Mueller in recognizing athletic trainers for their honorable work in keeping the community healthy.

Section IV. The Common Council joins with Mayor Mueller in recognizing the month of March as National Athletic Training Month.

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

Approved this 27th day of March 2023

Sharon McBride, Council President
South Bend Common Council

Attest:

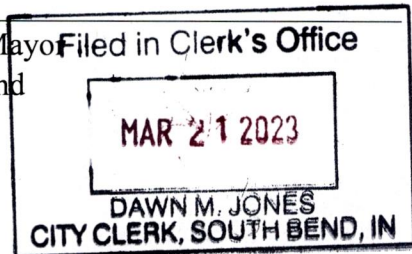
Dawn M. Jones, City Clerk
Office of the City Clerk

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 _____, 2023, at _____ o'clock ____m.

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

Approved and signed by me on the _____ day of _____, 2023, at _____ o'clock ____m.

James Mueller, Mayor
City of South Bend



BILL NO. 16-23



City of South Bend PLAN COMMISSION

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

March 21, 2023

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

RE: 616 Sherman Ave – PC#0143-23

Dear Committee Chair Hamann:

Enclosed is an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your March 27th, 2023, Council meeting, and set it for public hearing at your April 24th, 2023, Council meeting. The petition is tentatively scheduled for public hearing at the April 17th, 2023, South Bend Plan Commission meeting. The recommendation of the South Bend Plan Commission will be forwarded to the Office of the City Clerk by noon on the day following the public hearing.

The petitioner provided the following to describe the proposed project:

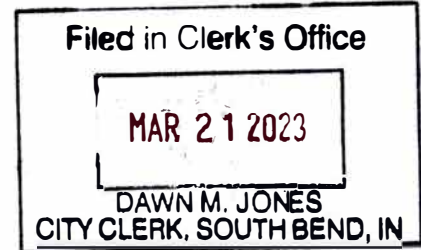
Rezone the property from U2 Urban Neighborhood 2 to U3 Urban Neighborhood 3 to allow for a six-plex.

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

Sincerely,

Rachel Boyles
Zoning Specialist

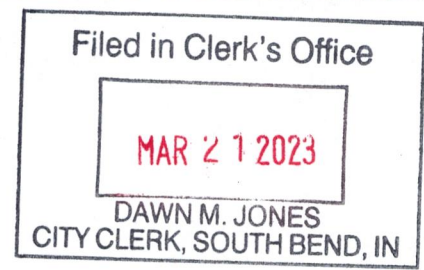
CC: Bob Palmer



Tim Corcoran
Planning Director

Angela Smith
Zoning Administrator

Scott Ford
Commission President



BILL NO. 16-23
ORDINANCE NO.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 616, 618 SHERMAN AVE COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Rezone the property from U2 Urban Neighborhood 2 to U3 Urban Neighborhood 3 to allow for a six-plex.

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

SECTION I. Ordinance No. 10689-19, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby amended in order that the zoning classification of the following described real estate in the City of South Bend, St. Joseph County, State of Indiana:

616 618 Sherman Ave. Lot 4 Cushings 1st Addition.

be and the same is hereby established as U3 Urban Neighborhood 3

SECTION II. This ordinance is and shall be subject to commitments as provided by Chapter 21-12.07(f)(7) Commitments, if applicable.

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, and legal publication, and full execution of any conditions or Commitments placed upon the approval.

Sharon McBride, Council President
South Bend Common Council

Attest:

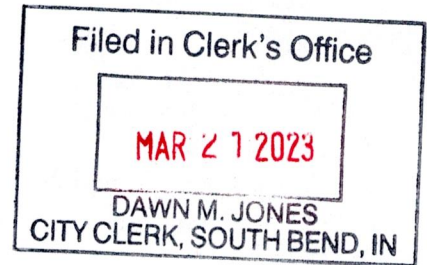
Dawn M. Jones, City Clerk
Office of the City Clerk

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 _____, 2023, at _____ o'clock ____ . m.

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

Approved and signed by me on the _____ day of _____, 2023, at ____ o'clock ____ .m.

James Mueller, Mayor
City of South Bend, Indiana



Petition for Rezoning or Combined Public Hearing

Property Information

Tax Key Number: 71-08-02-335-006.000-026

Address: 616-618 Sherman Ave South Bend, IN 46616

Owner: 71-08-02-335-006.000-02

Legal Description:

LOT 4 CUSHINGS 1ST

Project Summary

Currently the lot is vacant. Property Bros owns the U2 (duplex allowed) Zoned property at 614 Sherman (just south of the proposed development), which he is willing to rezone as well to keep consistent for future development towards Lincolnway. 616 - 618 Sherman was purchased by Jordan Richardson

Requested Action

Application includes (check all that apply)

Rezoning

Current District: U2 Urban Neighborhood 2

Additional Districts, if applicable

Proposed District U3 Urban Neighborhood 3

Additional Districts, if applicable

The Plan Commission and Council will consider the following in the review of a rezoning petition:

- (1) The comprehensive Plan;*
- (2) Current conditions and the character of the current structures and uses in each district;*
- (3) The most desirable use for which the land in each district is adapted;*
- (4) The conservation of property values throughout the jurisdiction; and*
- (5) Responsible development and growth.*

Subdivision – *complete and attach subdivision application*

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 Contact Information)
- Site Plan drawn to scale
- Filing Fee
- Additional documents as noted above

Contact information

Property owner(s) of the petition site:

Name: Jordan Richardson /PB POWER LLC

Address: 1251 N Eddy St South Bend, IN 46617

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: JORDAN RICHARDSON

Address: 1251 N Eddy St South Bend, IN 46617

Phone Number: 574-904-5674

E-mail: JORDAN@PROPERTYBROSLLC.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:

Jordan Richardson

Digitally signed by Jordan
Richardson
Date: 2023.03.15 12:30:14 -04'00'

MODEL BUILDING TYPE: SIX-PLEX APARTMENT BUILDING

DESCRIPTION:

DWELLING UNIT CONFIG:	101	1 BDR 1BA	615 SF
	102	1 BDR 1BA	605 SF
	103	2 BDR 2BA	790 SF
	201	1 BDR 1BA	650 SF
	202	1 BDR 1BA	640 SF
	203	2 BDR 2BA	845 SF

BUILDING HEIGHT: 2 STORIES
EXTERIOR OPTIONS: A, B, -OR- C



EXTERIOR ELEVATION - FRONT
OPTION A



EXTERIOR ELEVATION - FRONT
OPTION B



EXTERIOR ELEVATION - FRONT
OPTION C

DRAWING INDEX

D.0.01	COVER, DRAWING INDEX, AND GENERAL INFORMATION
A.1.01	SITE PLAN DIAGRAMS
A.1.03	FOUNDATION AND FIRST FLOOR PLAN
A.1.04	SECOND FLOOR PLAN AND FRAMING
A.1.05A	ROOF PLAN AND ROOF FRAMING (OPTION A)
A.2.01A	EXTERIOR ELEVATIONS (OPTION A)
A.2.01B	EXTERIOR ELEVATIONS (OPTION B)
A.2.01C	EXTERIOR ELEVATIONS (OPTION C)
A.3.01A	BUILDING SECTIONS (OPTION A)
A.3.02	WINDOW & DOOR SCHEDULES
A.4.01	WALL DETAIL SECTIONS
A.5.01A	EXTERIOR DETAILS (OPTION A)
A.6.01	CEILING & LIGHTING PLANS
M.1.01	PLUMB SCHEMATICS

APPLICABLE CODES

ZONING CODE	R200 SOUTH BEND ZONING ORDINANCE
ZONING DISTRICTS	ALLOWED IN R2, U3, LP, NC & O1 (MUST COMPLY W/ ALL DEVELOPMENT STANDARDS OF SECTION 21.03)
REQUIRED PARKING	NO REQUIRED OFF-STREET PARKING NEW OFF-STREET PARKING MAY BE PROVIDED IN ACCORDANCE W/ SECTION 21.07.03
BUILDING CODE	R201B INDIANA BUILDING CODE (R201B IBC + IN AMENDMENTS)
OCCUPANCY TYPE	R-2
OCCUPANCY LOAD	75 (1 / 700 GROSS)
FIRE ALARM	REQUIRED
STORIES	2
SPRINKLERS	NFPA 13B
AREA (SQ. FT. GROSS)	NA
BASEMENT	NA
1ST FLOOR	2,450 SF
2ND FLOOR	2,380 SF
BUILDING TOTAL	4,840 SF
ENERGY CODE	R201B INTERNATIONAL ENERGY CONSERVATION CODE (W/ R201B INDIANA AMENDMENTS)
ACCESSIBILITY	R200-CC # 1 / 7

CITY OF
SOUTH BEND



SIX-PLEX APARTMENT
SOUTH BEND MODEL BUILDING
(4) X 1 BED / 1 BATH
(2) X 2 BED / 2 BATH
SOUTH BEND, INDIANA

JAN 12, 2022
PRE-APPROVED
BUILDING SET

NOTE: THIS DRAWING SET IS IN PART FOR THE SOUTH BEND MODEL BUILDING FOR THE CITY OF SOUTH BEND, INDIANA. THE CITY OF SOUTH BEND, INDIANA, IS THE OWNER OF THIS DRAWING SET. ALL RIGHTS ARE RESERVED BY THE CITY OF SOUTH BEND, INDIANA.

CITY OF SOUTH BEND
COVER DRAWING
INDEX AND GENERAL
INFORMATION

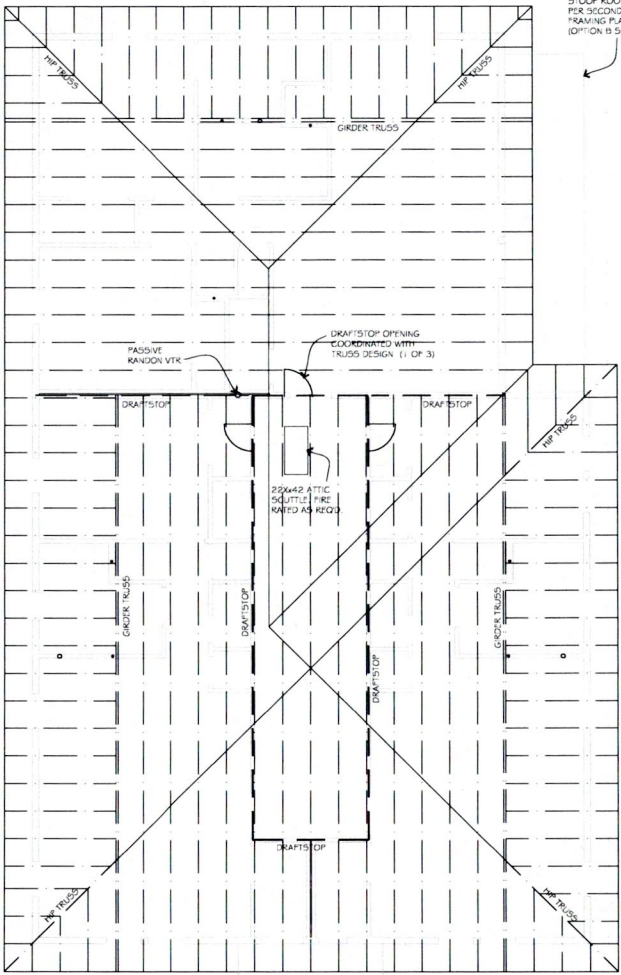
G-O-01

GENERAL NOTES

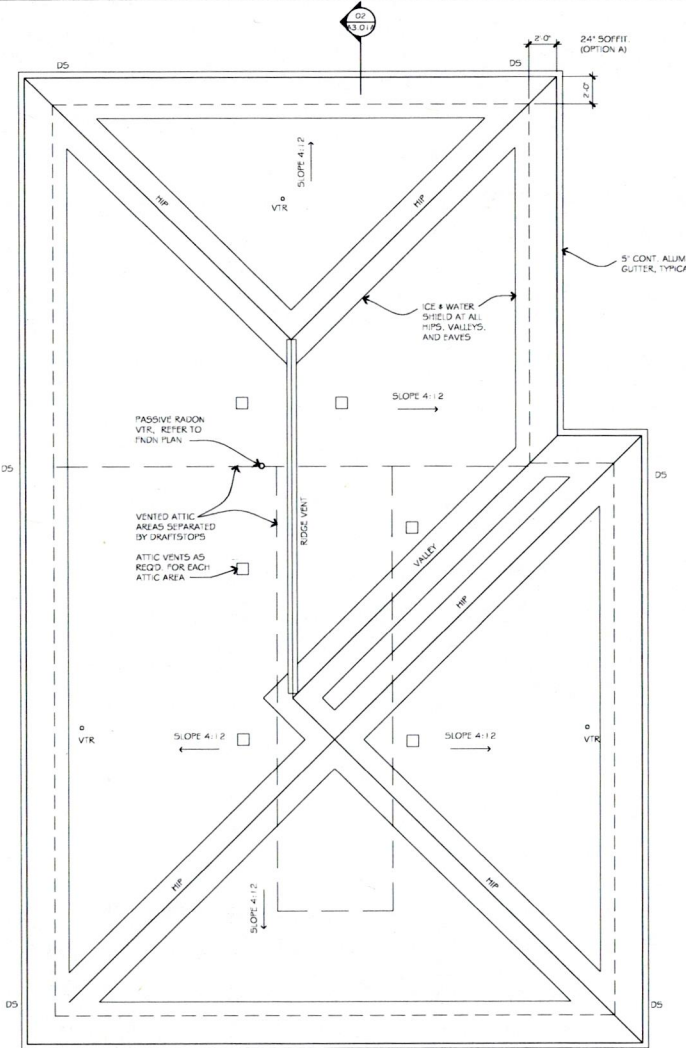
- THESE DRAWINGS ARE SCHEMATIC IN NATURE. THEY REQUIRE REVIEW AND FURTHER DEVELOPMENT BY A LICENSED PROFESSIONAL ARCHITECT AND/OR ENGINEER. DEVELOPED DRAWINGS MUST BE STAMPED & SUBMITTED TO THE INDIANA DEPARTMENT OF HOMELAND SECURITY TO OBTAIN A CERTIFICATE OF DESIGN RELEASE (CDR) FOR THE GENERAL ADMINISTRATIVE BUILDING ACT (GAB). A CDR AND SURVEYOR'S BUILDING PERMIT CANNOT BE OBTAINED FROM THESE SCHEMATIC DRAWINGS.
- THE INFORMATION CONTAINED WITHIN THESE DOCUMENTS IS ISSUED TO SHOW DESIGN INTENT WITH STANDARD CONSTRUCTION PRACTICES IN MIND. ALL PARTIES PERFORMING WORK SHALL VISIT THE SITE AND BE FAMILIAR WITH ALL CONDITIONS THAT MIGHT AFFECT THEIR WORK. AS A RESULT, THE INFORMATION CONTAINED IN THESE DRAWINGS MAY REQUIRE MODIFICATION OR FIELD ADJUSTMENTS IN ORDER TO MEET VARIATIONS IN FIELD CONDITIONS AND RELEVANT CODES. THE CONTRACTOR IS RESPONSIBLE FOR CONFIRMING THAT THE FINAL DESIGN AND CONSTRUCTION IS ZONING & BUILDING CODE COMPLIANT, APPROPRIATE, AND COMPLETE.
- THE GENERAL CONTRACTOR AND OWNER ASSUME ALL RESPONSIBILITY TO PERFORM ALL WORK WITHIN STANDARD CONSTRUCTION PRACTICES THAT REQUIRE PROPER STRUCTURAL, DETAILING, WEATHERPROOF CONSTRUCTION, AND QUALITY WORKMANSHIP. ALL CONSTRUCTION SHALL MEET OR EXCEED ALL APPLICABLE CODES AND STANDARDS, DIMENSIONS, FLOOR AND ROOF LOADS, AND BEAM DESIGN SHOULD BE CHECKED PRIOR TO ORDERING MATERIALS OR STARTING CONSTRUCTION.
- ALL DIMENSIONS ARE SHOWN TO FACE OF STUD OR FACE OF FOUNDATION AND TO THE CENTRINES OF DOORS, WINDOWS, AND COLUMNS UNLESS INDICATED OTHERWISE.
- THE CONTRACTOR SHALL LOCATE AND MARK ALL UTILITY SERVICES AND SYSTEMS LOCATIONS PRIOR TO THE COMMENCEMENT OF WORK. FIELD VERIFY LOCATIONS OF ALL EXISTING UTILITY COMPONENTS.
- SCOPE ALL GRANTS AWAY FROM BUILDING.
- EXTERNAL HVAC UNITS AND EXTERNAL ELECTRICAL PANELS SHALL ONLY BE INSTALLED ON THE REAR OR SIDES OF RESIDENCES OR SHALL BE SCREENED SO THAT NO PORTION IS VISIBLE FROM ANY PUBLIC RIGHT OF WAY, WITH EXCEPTION OF ALLEYS. UNITS ARE TO BE PLACED OUT OF CRITICAL PATHS.
- ALL STAIR RISERS WITHIN A RUN MUST BE IDENTICAL. CONTRACTOR MUST COORDINATE WITH INTERIOR FLOOR FINISHES WHEN LAYING OUT STAIRS SO THAT RISERS ARE EQUAL.
- SET INTERIOR DOOR LOCATIONS TO ALLOW 4" OF WALL SPACE ON EACH SIDE OF THE DOOR FOR TRIM UNLESS INDICATED OTHERWISE. AT AREAS WHERE DOOR CASING TRIM MUST BE RIPPED DOWN, SET DOOR SO THAT DOOR CASING TRIM IS OF EQUAL WIDTH ON EACH SIDE OF THE DOOR.
- PROVIDE WOOD BLOCKING BEHIND GYPSUM WALL BOARD AT ALL HORIZONTAL CASINGS, GRAB BARS, CLOSET ROOFS, INCLUDING ALL WALL MOUNTED ACCESSORIES AND ARCHITECTURAL MODULAR SHOWER SURROUND.
- COORDINATE SIZE AND LOCATIONS OF SELECTED EQUIPMENT AND APPLIANCES ACCORDING TO THE MANUFACTURER'S SPECIFICATIONS.

GENERAL CONSTRUCTION STANDARDS

- THE FOLLOWING DESCRIBES THE TYPICAL CONDITIONS ASSUMED THROUGHOUT THIS DRAWING SET. STRUCTURE TO BE CONFIRMED AND VERIFIED BY OTHERS. MODIFICATIONS TO THESE DETAILS MAY BE REQUIRED AT THE DISCRETION AND LIABILITY OF THE GENERAL CONTRACTOR.
 - EXTERIOR WALL ASSEMBLY:
 - EXTERIOR ASSEMBLY: FIBER CEMENT SIDING W/ 5" EXPOSURE ON WATER RESISTIVE BARRIER (WRB) OR 1/2" STRUCTURAL SHEATHING
 - WALL STRUCTURE: 2X6 WOOD STUDS @ 16" O.C. W/ R-19 MINIMUM INSULATION BETWEEN STUDS
 - INTERIOR FINISH: GYPSUM WALL BOARD
 - INTERIOR WALL ASSEMBLY:
 - WALL STRUCTURE: 2X4 WOOD STUDS @ 16" O.C. UNLESS OTHERWISE NOTED
 - INTERIOR FINISH: GYPSUM WALL BOARD
 - WHERE 1-HR FIRE RATING IS NECESSARY THE APPLICABLE WALL ASSEMBLY MUST MEET ALL MINIMUM CODE REQUIREMENTS
 - FLOOR / CEILING ASSEMBLY:
 - FLOOR SYSTEM: 3/4" THICK SUBFLOOR GLED AND SCREWED TO FLOOR JOISTS. INTERIOR FLOOR FINISH BY OTHERS.
 - WOOD JOIST: 2x8-11 JOISTS, OR AS REQUIRED BY STRUCTURAL
 - CEILING SYSTEM: 1" LAYER OF GYPSUM WALL BOARD OVER RESILIENT CHANNELS
 - WHERE 1-HR FIRE RATING IS NECESSARY THE APPLICABLE FLOOR / CEILING ASSEMBLY MUST MEET ALL MINIMUM CODE REQUIREMENTS
 - ALL MINIMUM CODE REQUIREMENTS:
 - ROOF ASSEMBLY:
 - EXTERIOR ASSEMBLY: ARCHITECTURAL SHINGLES ON ROOFING FELT ON 1/2" STRUCTURAL SHEATHING
 - STRUCTURE: ROOF TRUSSES OR ROOF RAFTERS AND JOISTS, STRUCTURE BY OTHERS
 - FOUNDATION / BASEMENT CONSTRUCTION:
 - FOUNDATION WALL: 8" THICK CONCRETE FOUNDATION WALL. MINIMUM PER CODE
 - SLAB ON GRADE: 4" CONCRETE SLAB ON GRADE OVER WATER BARRIER OVER 2" RIGID INSULATION. THICKENED SLAB UNDER INTERIOR BEARING WALLS AND STRUCTURAL COLUMNS. CON. JOISTS AS REQUIRED. COORDINATE WITH PLUMBING ROUGH IN.



02 UPPER ROOF FRAMING PLAN - OPTION A 1/4" = 1' 0"



01 ROOF PLAN - OPTION A 1/4" = 1' 0"



SIX-PLEX APARTMENT
 SOUTH BEND MODEL BUILDINGS
 (4) X 1 BED / 1 BATH
 (2) X 2 BED / 2 BATH
 SOUTH BEND, INDIANA

JAN 12, 2022
 PRE-APPROVED
 BUILDING SET

FOR CITY USE

NOTES:
 1. THE DRAWING IS NOT TO BE USED FOR ANY OTHER PROJECTS WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.
 2. THE ARCHITECT IS NOT RESPONSIBLE FOR ANY CONFLICTS OR OMISSIONS THAT MAY OCCUR BETWEEN THIS DRAWING AND ANY OTHER DRAWINGS OR SPECIFICATIONS.
 3. THE ARCHITECT IS NOT RESPONSIBLE FOR ANY CONFLICTS OR OMISSIONS THAT MAY OCCUR BETWEEN THIS DRAWING AND ANY OTHER DRAWINGS OR SPECIFICATIONS.

SHEET TITLE
**ROOF FRAMING
 AND ROOF PLAN
 (OPTION A)**

SHEET NO.
A-1.05A

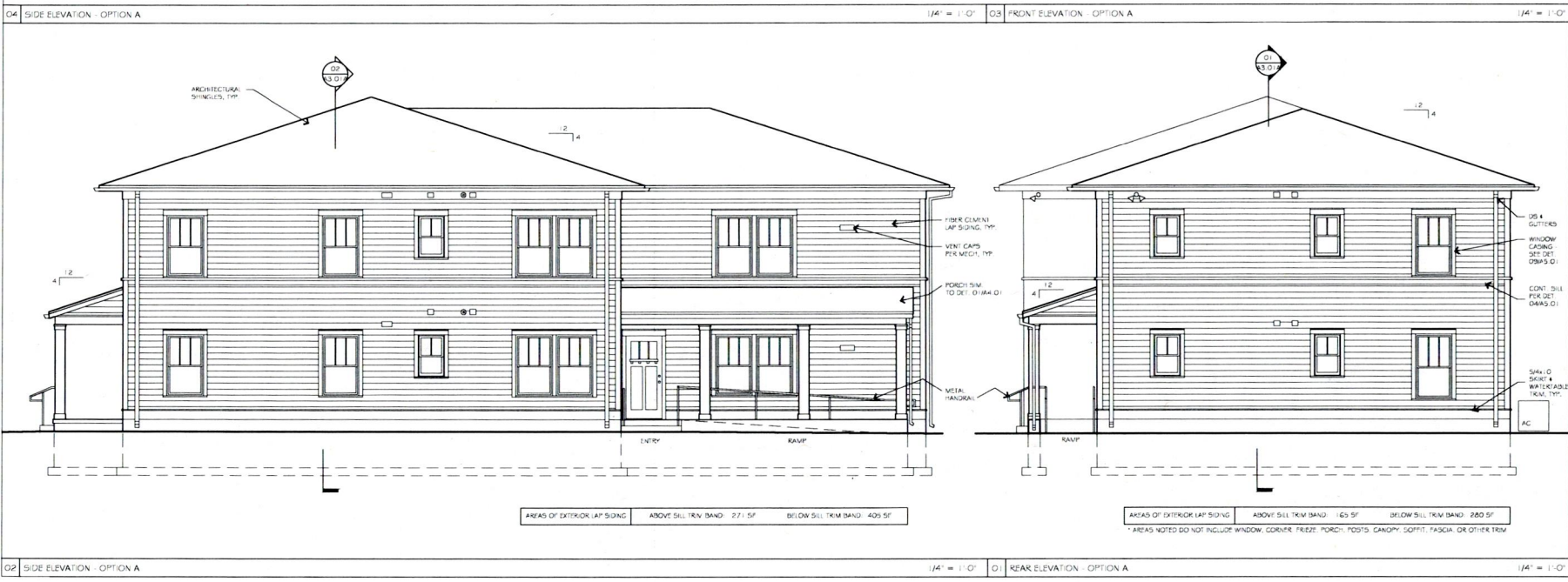
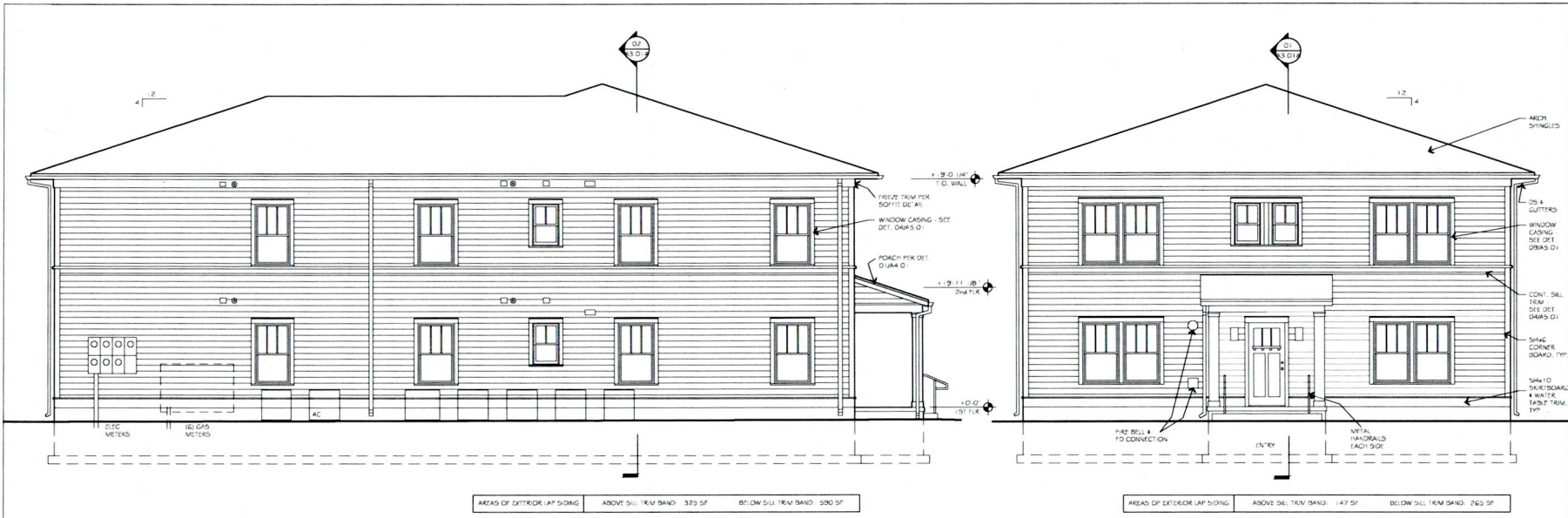


SIX-PLEX APARTMENT
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(2) X 2 BED / 2 BATH
SOUTH BEND, INDIANA

JAN 12, 2022
PRE-APPROVED
BUILDING SET

EXTERIOR
ELEVATIONS
(OPTION A)

A-2.01A



NOTES:
1. THE DRAWING IS NOT AN AS-BUILT DRAWING. ANY CHANGES TO THE DRAWING SHALL BE MADE BY THE ARCHITECT. ANY CHANGES TO THE DRAWING SHALL BE MADE BY THE ARCHITECT. ANY CHANGES TO THE DRAWING SHALL BE MADE BY THE ARCHITECT.

CITY OF
SOUTH BEND



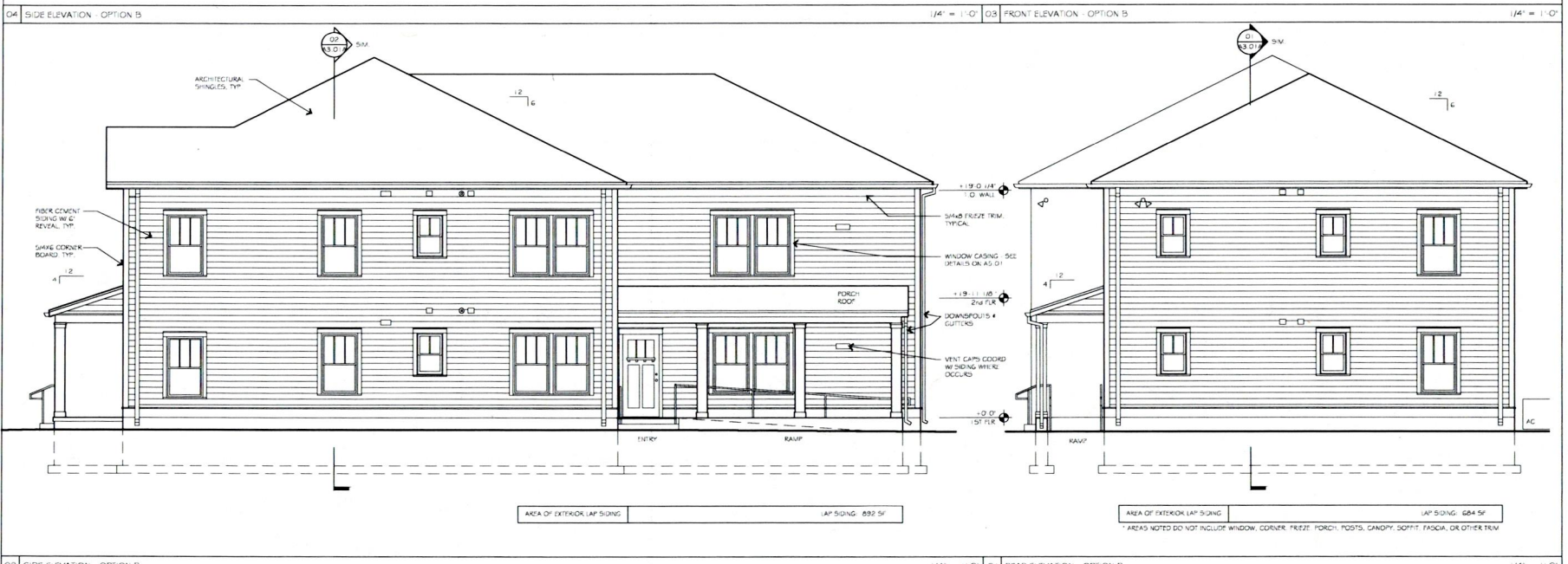
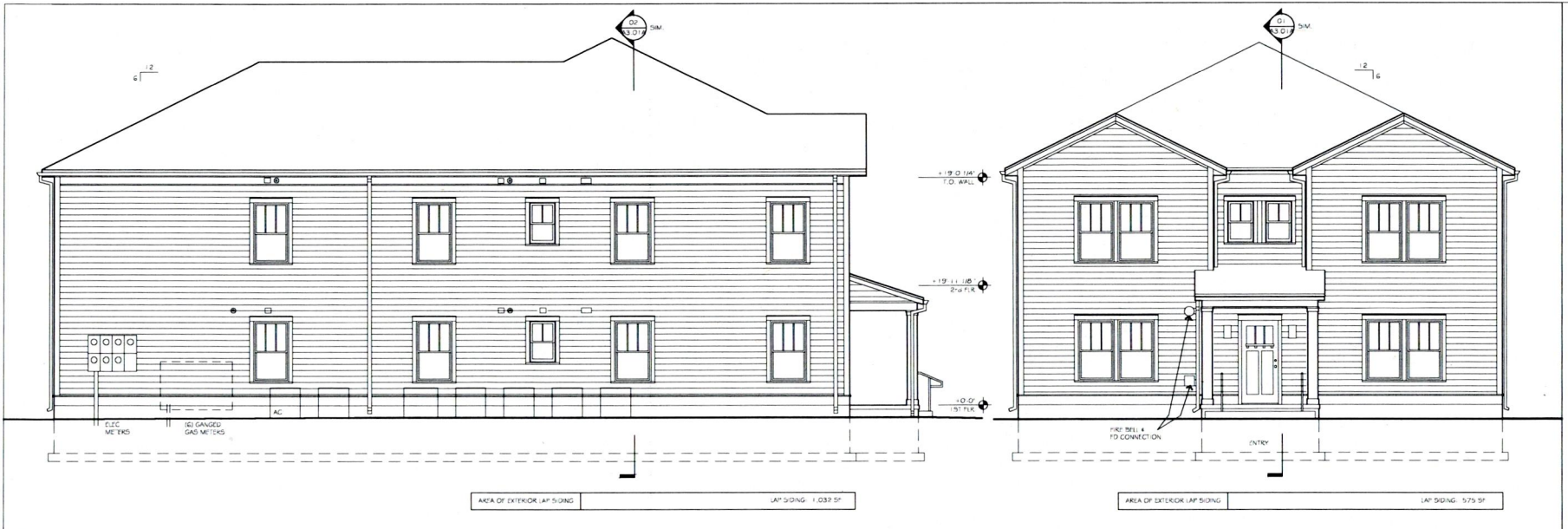
SIX-PLEX APARTMENT
SOUTH BEND MODEL BUILDINGS
(4) X 1 BED / 1 BATH
(2) X 2 BED / 2 BATH
SOUTH BEND, INDIANA

JAN 12, 2022
PRE-APPROVED
BUILDING SET

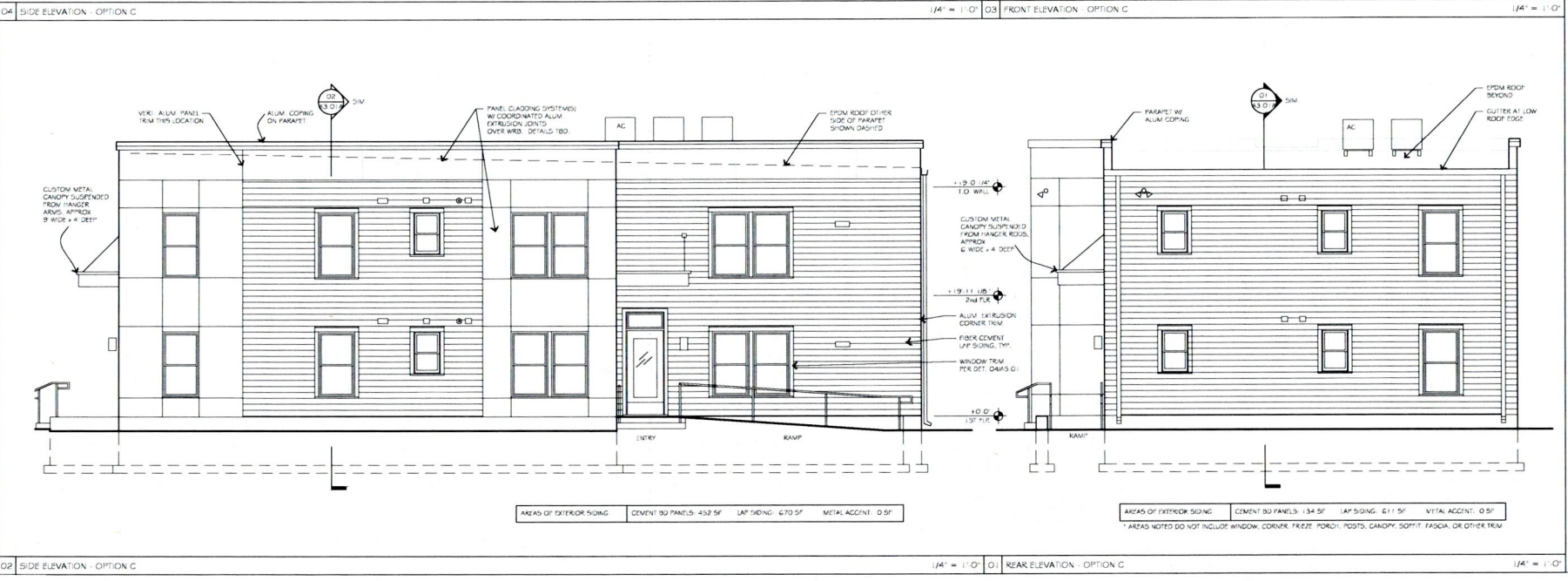
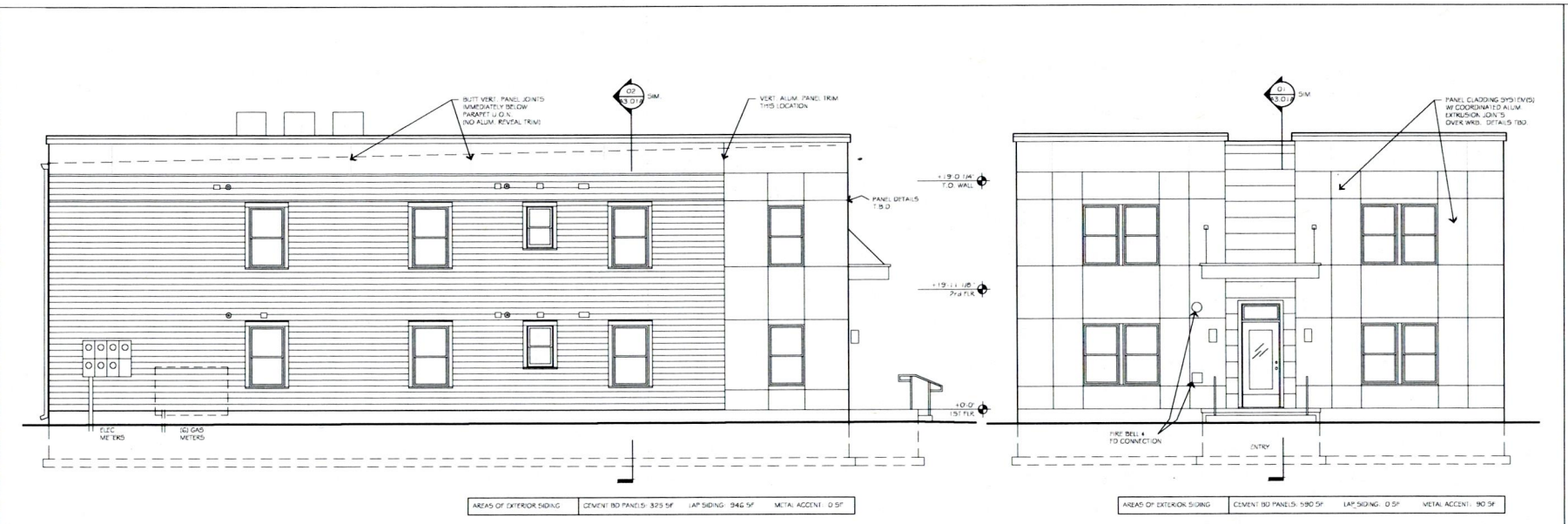
NOTES:
1. THE DRAWING IS NOT TO BE USED FOR ANY OTHER PROJECTS WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.
2. THE ARCHITECT IS NOT RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATORY REQUIREMENTS. SEE CHECKLIST NOTATION ON DRAWING SHEET 01 FOR MORE INFORMATION.

EXTERIOR
ELEVATIONS
(OPTION B)

A-2.OIB



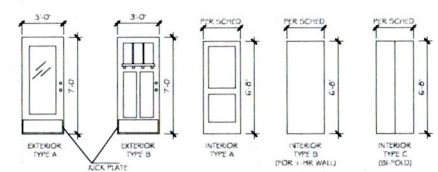
02 SIDE ELEVATION - OPTION B 1/4" = 1'-0" 01 REAR ELEVATION - OPTION B 1/4" = 1'-0"





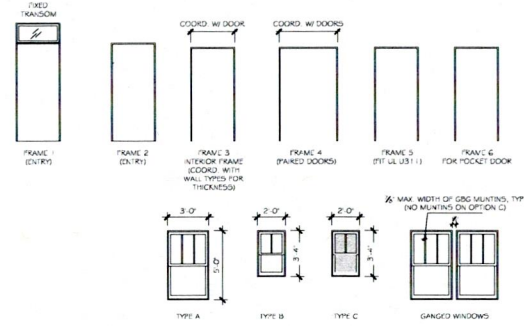
AREA OF FLOORING (GROSS SF)			
APARTMENT 101		APARTMENT 201	
LIVING / DINING / KITCHEN	307	LIVING / DINING / KITCHEN	337
POWDR ROOM (INC TUB)	47	POWDR ROOM (INC TUB)	47
HALLWAY	31	HALLWAY	31
BEDROOM	155	BEDROOM	155
APARTMENT 102		APARTMENT 202	
LIVING / DINING / KITCHEN	204	LIVING / DINING / KITCHEN	336
POWDR ROOM (INC TUB)	47	POWDR ROOM (INC TUB)	47
HALLWAY	31	HALLWAY	31
BEDROOM	142	BEDROOM	142
APARTMENT 103		APARTMENT 203	
LIVING / DINING / KITCHEN	282	LIVING / DINING / KITCHEN	374
POWDR RMG (INC TUB) (W/ BQ)	60	POWDR RMG (INC TUB) (W/ BQ)	73
HALLWAY	43	HALLWAY	43
BEDROOMS	285	BEDROOMS	285
FIRST FLOOR PUBLIC AREAS		SECOND FLR PUBLIC AREAS	
CORRIDOR & VESTIBULES	345	CORRIDOR	60
STAIRS	42	STAIRS	30
MEDIC & MANT	34	MEDIC & MANT	11
FIRST FLOOR TOTAL	2,190	SECOND FLOOR TOTAL	2,164

02 FINISH SCHEDULE



DOOR & FRAME SCHEDULE

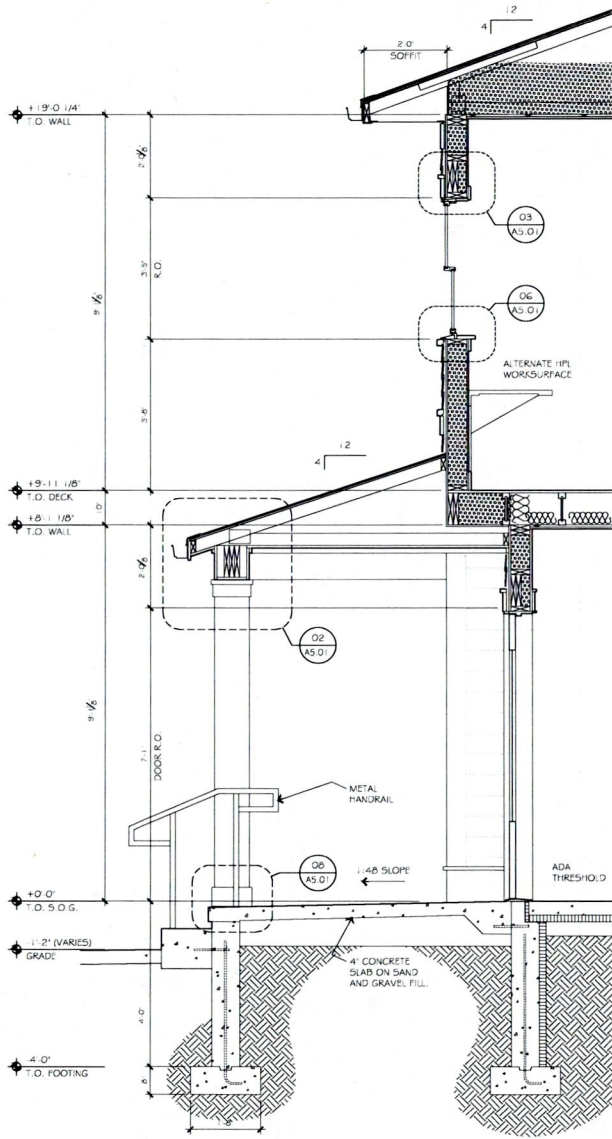
DR TYPE	LEAF	FRAME	QUANTITY		NOTES
			OPTION A/B	OPTION C	
EXTERIOR A	3'-0" x 7'-0"	1	0	2	ADA THRESHOLD, PASSAGE, CLOSURE
EXTERIOR B	3'-0" x 7'-0"	2	2	0	ADA THRESHOLD, PASSAGE, CLOSURE
EXTERIOR A	3'-0" x 7'-0"	3	0	2	NO THRESHOLD, MASTERKEY, CLOSURE
EXTERIOR B	3'-0" x 7'-0"	3	2	0	NO THRESHOLD, MASTERKEY, CLOSURE
INTERIOR A	2'-8" x 6'-8"	3	16		COORD. LOCKSET 1/M PER PLAN
INTERIOR A	2'-0" x 6'-0"	3	11		COORD. LOCKSET 1/M PER PLAN
INTERIOR A	2'-0" x 6'-0"	3	0		CLOSET
INTERIOR A	PK 2'-0" x 6'-8"	4	6	PAIR	CLOSET DOORS - 1/FRENCH
INTERIOR A	1'-6" x 6'-8"	3	3		LINE
INTERIOR A	2'-4" x 6'-8"	6	3		POCKET DOOR
INTERIOR B	3'-0" x 6'-8"	3	6		APT. ENTRY: 20 MIN. MASTER KEY; SPRING HINGED
INTERIOR B	2'-8" x 6'-8"	3	3		MEDIC & MANT DOORS: 20 MIN. MASTERKEY
INTERIOR C	PK 1'-3" x 6'-8"	3	3		BIFOLD
INTERIOR C	PK 1'-3" x 6'-8"	3	1		BIFOLD PAIR



WINDOW SCHEDULE

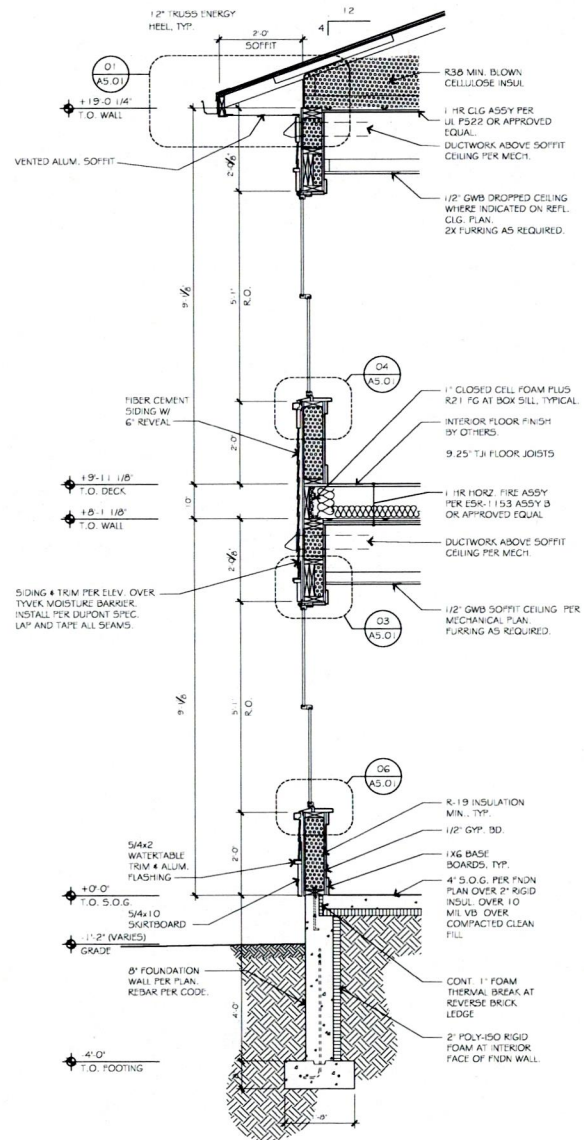
TYPE	FRAME SIZE		QUANTITY		STYLE	NOTES
	WIDTH	HT-GHT	OPTION A/B	OPTION C		
A	3'-0"	5'-0"	30	30	DOUBLE HUNG	TEMPERED GLASS WHEN REQUIRED BY CODE NO GRILLES FOR DESIGN OPTION C
B	2'-0"	5'-4"	4	2	DOUBLE HUNG	TEMPERED GLASS WHEN REQUIRED BY CODE NO GRILLES FOR DESIGN OPTION C
C	2'-0"	3'-4"	6	6	DOUBLE HUNG	TRANSLUCENT GLASS AND TEMPERED NO GRILLES FOR DESIGN OPTION C

01 WINDOW & DOOR SCHEDULES



01 WALL DETAIL SECTION AT FRONT PORCH - OPTION A

3/4" = 1'-0" 02 WALL DETAIL SECTION - OPTION A



3/4" = 1'-0"

CITY OF

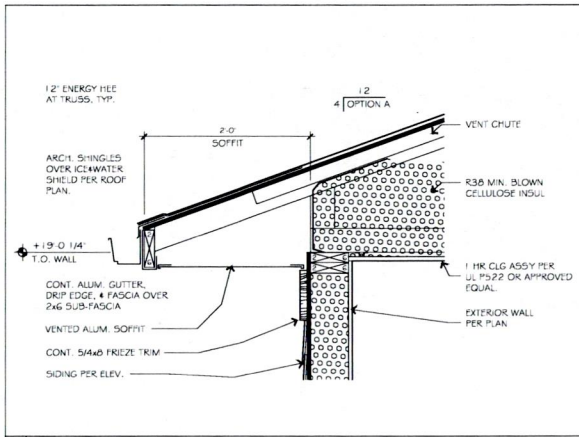
SOUTH BEND

SIX-PLEX APARTMENT
SOUTH BEND MODEL BUILDINGS
(4) X 1 BED / 1 BATH
(2) X 2 BED / 2 BATH
SOUTH BEND, INDIANA

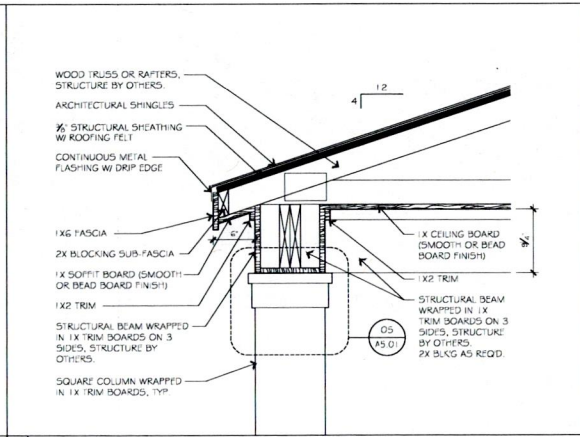
PRE-APPROVED BUILDING SET

WALL DETAIL SECTIONS

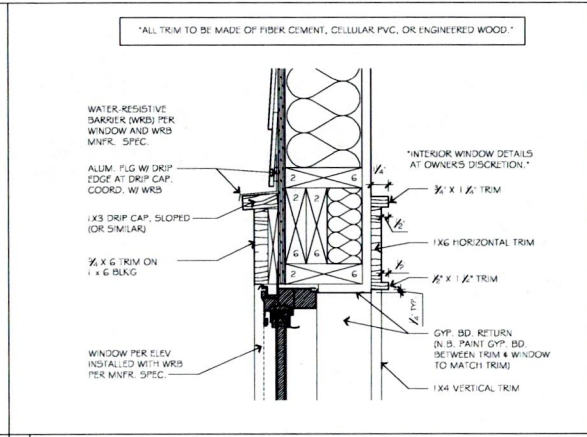
A-4.01



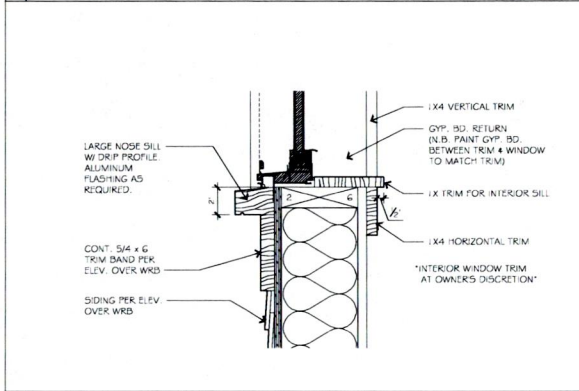
01 ROOF EAVE DETAIL - OPTION A 1/12" = 1'-0"



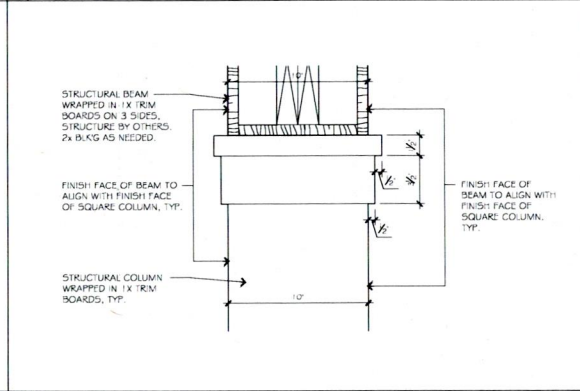
02 PORCH EAVE DETAIL 1/12" = 1'-0"



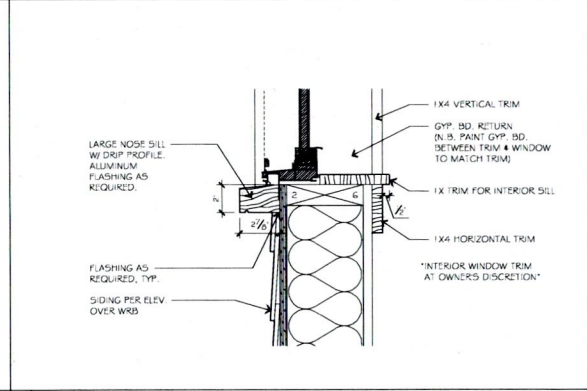
03 WINDOW HEAD 3" = 1'-0"



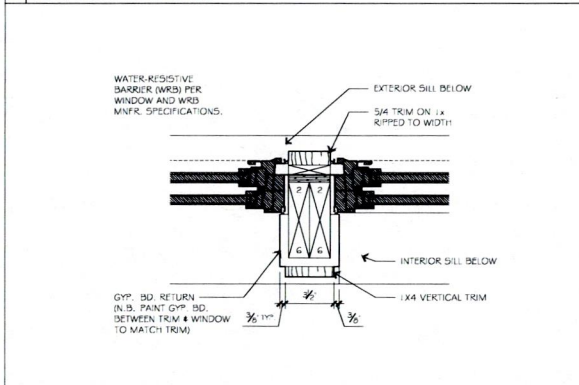
04 WINDOW SILL AT OPTION A TRIM BAND 3" = 1'-0"



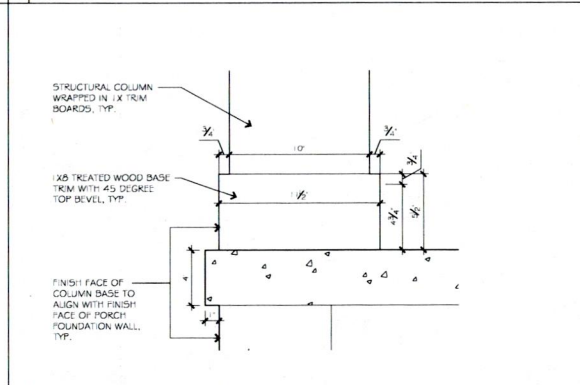
05 COLUMN CAPITAL 3" = 1'-0"



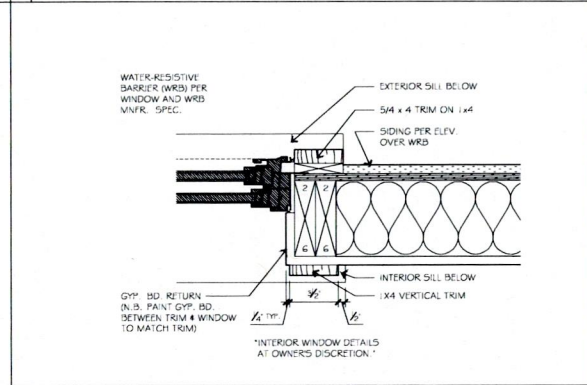
06 WINDOW SILL 3" = 1'-0"



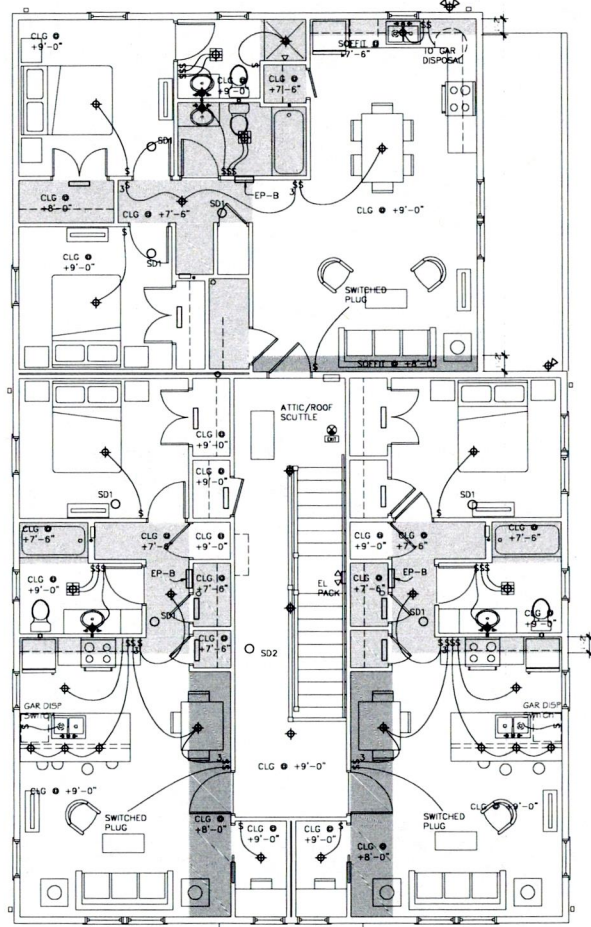
07 WINDOW MULL 3" = 1'-0"



08 COLUMN BASE 3" = 1'-0"



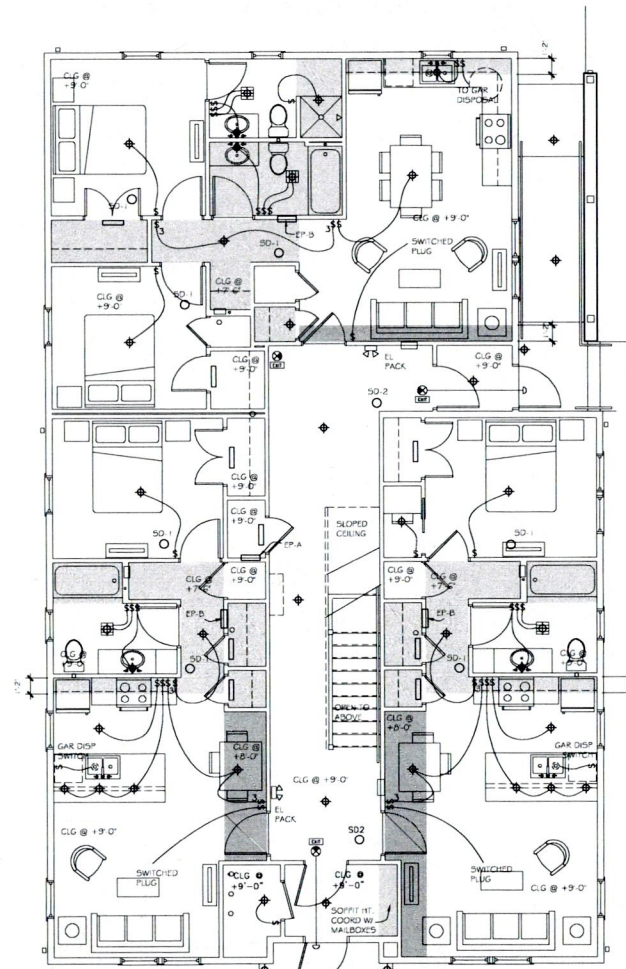
09 WINDOW JAMB 3" = 1'-0"



NOTE:
LIGHTING PLANS ARE SCHEMATIC
ONLY. POWER & FIRE ALARM PLANS
ARE NOT INCLUDED. FURTHER
DEVELOPMENT IS REQUIRED.

02 SECOND LEVEL LIGHTING

1/4" = 1'-0"



LIGHTING LEGEND

COMMON AREA AND EXTERIOR LIGHTING SWITCHED
AT E.P.A. ADD PHOTOCELL TO ALL EXTERIOR LIGHTS

- ⊞ SWITCH
- ⊞ SWITCH (F-WAYS)
- ⊞ CEILING LIGHT
- ⊞ FAN/LIGHT PER HVAC, SWITCHED SEPARATELY.
- ⊞ WALL MOUNTED LIGHT OR SCONCE
- ⊞ EXTERIOR SECURITY LIGHT
- ⊞ EXIT INDICATOR W/ EXTERIOR EMERGENCY LIGHT AT EGRESS DOORS
- ⊞ EMERGENCY LIGHTING PACK
- ⊞ SO-1 HARDWIRED SMOKE/CO DETECTOR - NOT MONITORED
- ⊞ SO-2 SMOKE / CO DETECTOR TIED TO BLDG FIRE ALARM
- ⊞ CLOSET LT. MOTION SWITCH

01 FIRST LEVEL LIGHTING

1/4" = 1'-0"

JAN 12, 2022
PRE-APPROVED
BUILDING SET

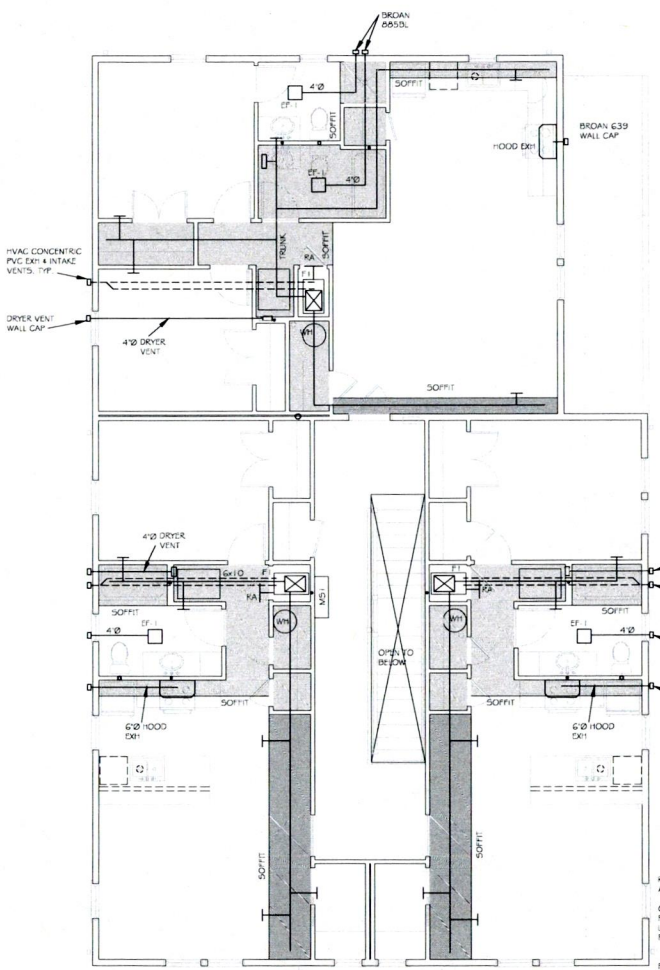
DATE: 07/14/21

NOTES:
1. THIS DRAWING IS NOT BE A PART OF THE
BUILDING PERMITS APPLICATION. THE
OWNER SHALL BE RESPONSIBLE FOR
OBTAINING ALL NECESSARY PERMITS AND
APPROVALS. SEE EXISTING RECORDS FOR
RECORDS. SEE EXISTING RECORDS FOR
RECORDS.

DATE: 07/14/21

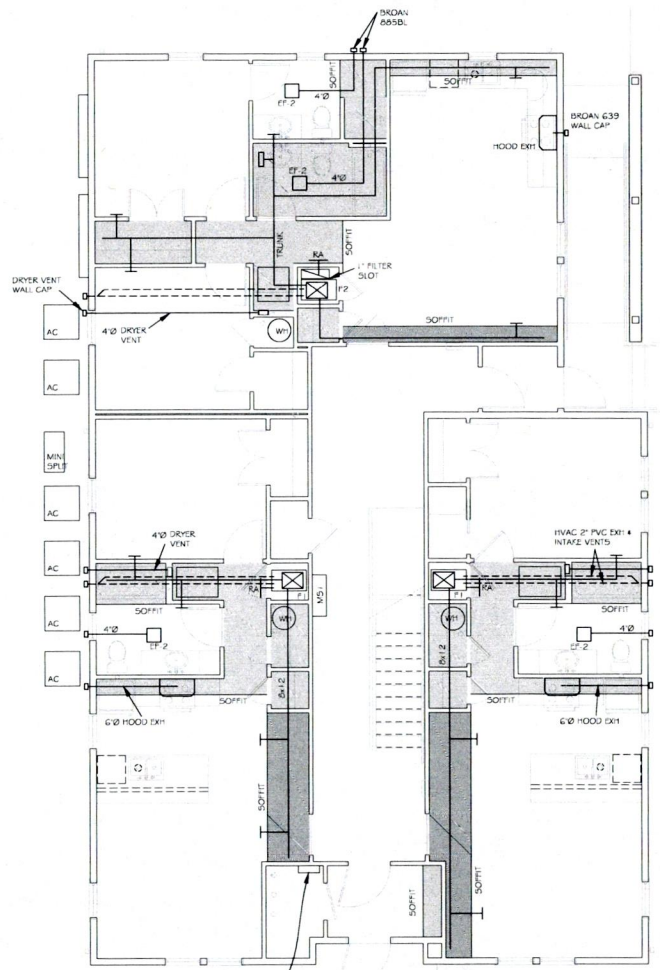
**CEILING &
LIGHTING PLANS**

A-6.01



- REFER TO A & D1 FOR FOR CLG AND SOFFIT HEIGHTS.
- COORDINATE DUCTWORK PLACEMENT WITH FIRE SPRINKLER (AND/IT AND ALL FIRE RATED PARTITIONS)
- F1 50K BTU GAS FURNACE SET ON RA BOX W/ FILTER SLOT, RA GRILLE IN ACCESS DOOR, 1.5 TON AC
 - F2 SAME AS F1, BUT WITH DUCTED RETURN AIR FILTER GRILLE AT ADJACENT WALL
 - MS1 MINI-SPLIT WALL UNIT
 - EF1 80 CFM EXH FAN & LIGHT
 - EF2 SAME AS EF1, PLUS DAMPER IF REQ'D. AT RATED HORIZONTAL ASSY.
 - W1 WATER HEATER TYPE TBD.

NOTE: HVAC PLANS ARE SCHEMATIC ONLY. FURTHER DEVELOPMENT IS REQUIRED.



SUPPLEMENTAL ELEC HEATER W/1-STAT IN RISER ROOM FOR FROST PROTECTION

02 SECOND LEVEL HVAC & VENTILATION SCHEMATIC PLAN

1/4" = 1'-0"

01 FIRST LEVEL HVAC & VENTILATION SCHEMATIC PLAN

1/4" = 1'-0"



SIX-PLEX APARTMENT
SOUTH BEND MODEL BUILDINGS
(4) X 1 BED / 1 BATH
(2) X 2 BED / 2 BATH
SOUTH BEND, INDIANA

JAN 12, 2022
PRE-APPROVED
BUILDING SET

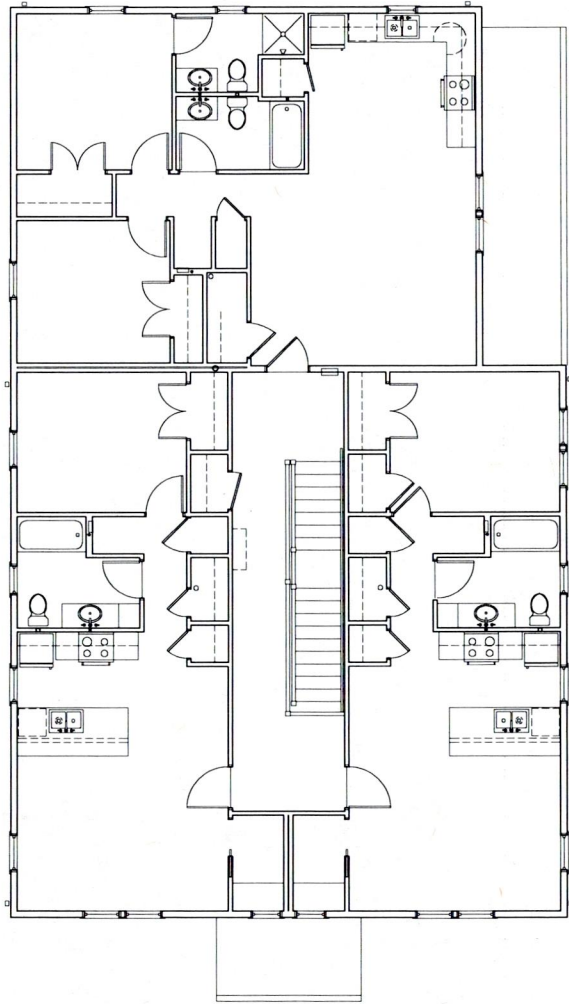
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NOTES:
1. THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION OF ANY STRUCTURE OR EQUIPMENT WITHOUT THE WRITTEN APPROVAL OF THE CITY ENGINEER. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE DRAWING AND DOES NOT CONSTITUTE AN ENDORSEMENT OR GUARANTEE OF ANY KIND. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE DRAWING AND DOES NOT CONSTITUTE AN ENDORSEMENT OR GUARANTEE OF ANY KIND.

DATE: 1/12/22

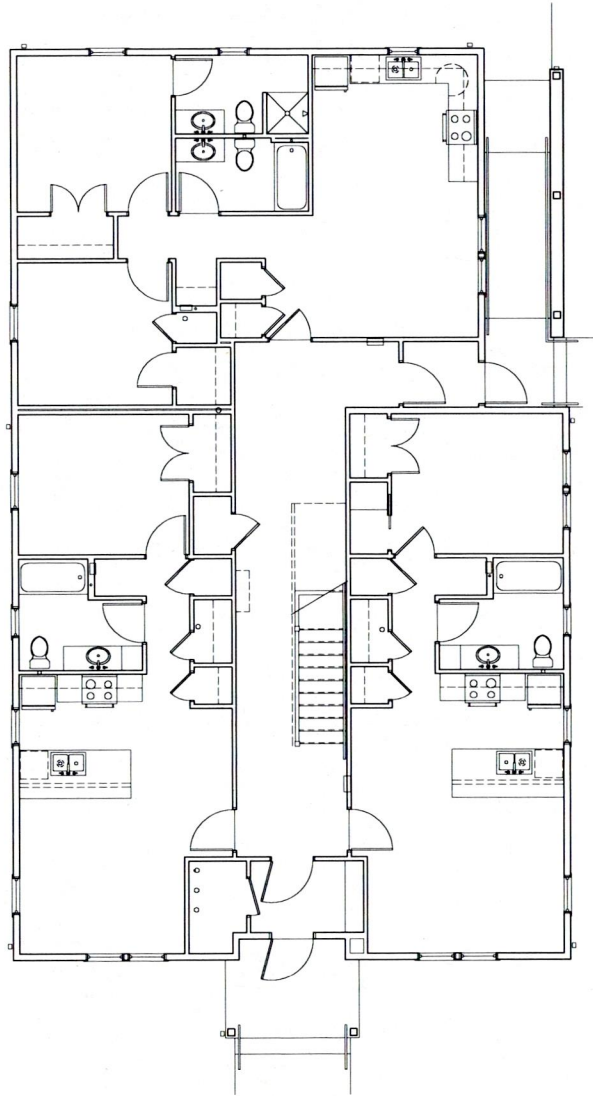
HVAC SCHEMATICS

M-I-O-I



O2 SECOND LEVEL BACKGROUND PLAN

1/4" = 1'-0"



O1 FIRST LEVEL BACKGROUND PLAN

1/4" = 1'-0"

CITY OF
SOUTH BEND



SIX-PLEX APARTMENT

SOUTH BEND MODEL BUILDINGS
(4) X 1 BED / 1 BATH
(2) X 2 BED / 2 BATH
SOUTH BEND, INDIANA

DATE
JAN 12, 2022
PRE-APPROVED
BUILDING SET

FOR CITY USE

NOTES
IF THIS DRAWING IS NOT 24" X 36" IT MUST
BE ENLARGED FROM THIS ONE-PART SET. IT MAY
NOT BE REDUCED OR REPRODUCED.
THIS DRAWING IS NOT FOR CONSTRUCTION. SEPARATION OF RESPONSIBILITY
IS REQUIRED. SEE OTHER NOTES ON DRAWING
SET.

SHEET TITLE
BACKGROUND
PLANS

SHEET NO.

THE KING HOUSE

616-618 SHERMAN AVE AFFORDABLE LUXURY DEVELOPMENT

A MODERN HOUSING DEDICATION TO MARTIN LUTHER KING



3.14.23
PROPERTY BROS, LLC

Purpose & Overview

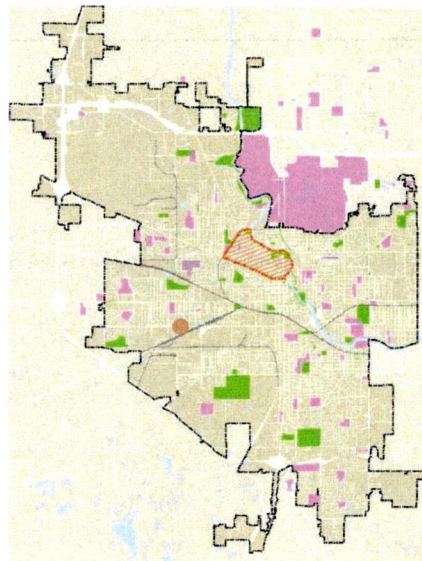
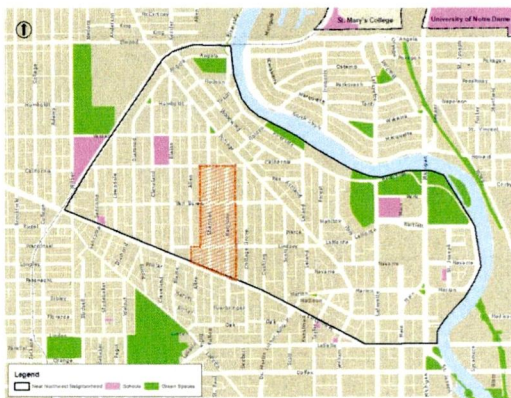
The Urban Enterprise Association of South Bend, Inc. (UEA), in partnership with the City of South Bend (City), is soliciting proposals from private developers and nonprofit entities for the development of NEW residential construction in the Near Northwest Neighborhood.

The purpose of this effort is to help support our urban neighborhoods by introducing new affordable multi unit housing, improving the quality of life, and promoting the market potential to a broader audience.

- Develop infill housing consistent with the Near Northwest Neighborhood Plan and the Analysis of Residential Market Potential;
- Provide a quality infill housing product which is desirable and meets the needs of area residents;
- Develop infill housing that is consistent with principles for an urban walkable neighborhood;
- Incorporate principles of place making, urban planning, and urban design; and
- Ensure attractive, well designed development that enhances the neighborhood and City's image.

Project Area

The Near Northwest Neighborhood is experiencing a revival as a vital neighborhood and ideal place to live. It is a walkable and bikeable neighborhood that is perfectly located to provide residents access to parks, the St. Joseph River, the bike & pedestrian trail network, and cultural opportunities. Its proximity to the University of Notre Dame, Downtown South Bend employers, Downtown dining and entertainment, and the East Bank provides unique opportunities to live, work and play within a couple mile radius.



THE KING COMPLEX

616-618 SHERMAN AVE AFFORDABLE LUXURY DEVELOPMENT

The Small Apartment offers a multi-family infill building housing 6 units. It maintains a 2-story massing, simple facade compositions, and a narrow width that can fit into most urban neighborhoods, particularly well suited for corner lots. This modest building provides a increase in critical density that can support more walkable environments and affordable housing options.

Building Type Overview

Building Dimensions

Building Height 2 story

Building Width 40'

Building Depth (incl. stoop) 72'

Program

Unit Configuration (4) 1 bed / 1 bath

(2) 2 bed / 2 bath

Building Size (finished gross) 4,840 sq. ft.

Basement (unfinished) None

1st Floor 2,450 sq. ft.

2nd Floor 2,390 sq. ft.

Lot Standards

Lot Width (min.) 50'

Lot Width (max.) 80'



Concentrated Construction Efforts

- Property Bros, LLC has been developing single family and multi family properties within the 46616 and 46601 area codes and as of q2 2023, will have developed a total of 21 stabilized residential units. All units being funded from a combination of private and CDFI loan funds.
- The Near Northwest Neighborhood, Inc. will continue its work to rehabilitate and build new housing within the neighborhood – continuing to build off past efforts, including in the 800 blocks of Harrison Avenue and Sherman Avenue, along California Avenue (at the northern end of the Target Area), and within a couple blocks of the Target Area in locations near their offices on Portage Avenue.
- Cross Community has resources to build five single-family homes in the 700 block of Harrison Avenue. This organization was founded by members of Kingdom of Life Christian Cathedral which is located at the corner of Sherman & Lindsey Avenues. The church has actively been acquiring properties in the surrounding area.
- Village to Village International “envisions building seven duplexes, a small community building and two single-family homes. The duplexes would face each other rather than the street, in a “cottage court” layout.” The development will occur in the 800 blocks of Sherman and Harrison Avenues.
- A joint venture named The Bakery Group is actively working to redevelop the Ward Bakery Building located on Portage Avenue, just around the corner from the Target Area. The vision for the building is “a mix of retail, studios, shared office space and professional services in the building.”

Our Partners



PROPERTY BROS, LLC



CITY OF

SOUTH BEND

K I L
ARCHITECTURE
P L A N N I N G
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ADMINISTRATIVE INFORMATION

PARCEL NUMBER
71-08-02-335-006.000-026
Parent Parcel Number

Property Address
618 616 SHERMAN

Neighborhood
7126386 18537-245

Property Class
500 Res Vacant platted lot

TAXING DISTRICT INFORMATION

Jurisdiction 71 St. Joseph

Area 011 Portage

Corporation N

District 026 SOUTH BEND (PORTAGE)

Routing Number 8-2F

Site Description

Legal Acres:
0.0000

Admin Legal
0.0000

OWNERSHIP

PROPERTY BROS LLC
1251 N EDDY ST
SOUTH BEND, IN 46617-1479 UNITED STATES OF AMERICA
LOT 4 CUSHINGS 1ST

Tax ID 018-1074-3129

TRANSFER OF OWNERSHIP

Date

Table with columns: Date, Transferor, Recipient, Amount. Includes entries for 03/02/2022, 05/15/2018, 07/07/2015, 01/02/1998, 09/27/1995.

RESIDENTIAL

VALUATION RECORD

Table with columns: Year (2018-2022), Reason for Change, Valuation (L, B, T), True Tax Value (B, T).

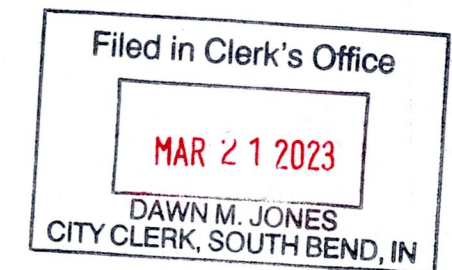
LAND DATA AND CALCULATIONS

Table with columns: Land Type, Rating, Measured Soil ID, Effective Frontage, Table Acreage, Effective Depth, Prod. Factor, Depth Factor, Base Rate, Adjusted Rate, Extended Value, Influence Factor, Value.

CR: CYCLICAL REASSESSMENT
15/16 CYCLICAL REASSESSMENT. Pictometry Only. PJR
No Change in value.
CR21: CYCLICAL REASSESSMENT 18-22 1
7/11/18 Cyclical Reassessment 19/20 Reviewed BK.
GI20: GENERAL INFORMATION 2020
10/9/2019 Stratified Portage Twp MK KP AD PSC RM
GI21: GENERAL INFORMATION 2021
9/30/2021 MOVED VACANTS FROM 7126383 TO 7126386
PER MEETING. KP MK AD PSC RM
MM01: Plexis Conv. Note 06/22/1999 Parcel
1999-2000 DEPT OFCODE; DEMOLISH HOUSE.
PCC4: PROPERTY CLASS CODE 15/16
07-17-2015 - CHANGED THE PCC FROM 500 TO 640 PER TAX DEED
TRANSFER #4975 DATED 07-07-2015. MM

FARMLAND COMPUTATIONS
Parcel Acreage
81 Legal Drain NV [-]
82 Public Roads NV [-]
83 UT Towers NV [-]
9 Homesite(s) [-]
91/92 Excess Acreage[-]
TOTAL ACRES FARMLAND
TRUE TAX VALUE

Measured Acreage
Average True Tax Value/Acre
TRUE TAX VALUE FARMLAND
Classified Land Total
Homesite(s) Value (+)
Excess Acreage Value (+)



Supplemental Cards
TRUE TAX VALUE 9780

Supplemental Cards
TOTAL LAND VALUE 9800