



# OFFICE OF THE CITY CLERK

## DAWN M. JONES, CITY CLERK

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### MEMORANDUM

**TO:** MEMBERS OF THE COMMON COUNCIL  
**FROM:** DAWN M. JONES, CITY CLERK  
**DATE:** THURSDAY, APRIL 20, 2023  
**SUBJECT:** COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **Monday, April 24, 2023:**

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

The Council Chambers will be Open to the Public or Members of the Public May Attend this Meeting Virtually via Microsoft Teams Meeting app here: <https://tinyurl.com/04242023CC>.

**4:00 P.M.**                    **COMMUNITY INVESTMENT**                    **CHAIRPERSON, TOMAS MORGAN**  
[Bill No. 23-19](#) – A Resolution Confirming a Tax Abatement for Property Located at 724 and 726 Harrison Ave.

**4:10 P.M.**                    **ZONING & ANNEXATION**                    **CHAIRPERSON, HAMANN**  
[Bill No. 11-23](#) – A Zoning Ordinance for Property Located at 1306, 1330 High St. and 909 E. Broadway St., Councilmanic District No. 3 in the City of South Bend, Indiana  
[Bill No. 16-23](#) – A Zoning Ordinance for Property Located at 616, 618 Sherman Ave. Councilmanic District No. 1 in the City of South Bend, Indiana

**4:30 P.M.**

**HEALTH & PUBLIC SAFETY**

**CHAIRPERSON, WAX**

[Bill No. 14-23](#) – An Ordinance Amending Chap 6, Adding Art 15, Sections 6-94 through 6-108, Inclusive to Require Landlords and Tenants to Participate in Bed Bug Remediation.

[Bill No. 20-23](#) – An Ordinance Amending Chap 6 of the South Bend Municipal Code by Rescinding and Replacing Art 14 Titled Rental Safety Verification Program

Council President Sharon L. McBride has called an **Informal Meeting** of the Council which will commence immediately after the adjournment of the Zoning and Annexation 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

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## Meeting Agenda

Monday, April 24, 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/04242023SBCC>.

1. **INVOCATION**

Pastor Spencer Davis – Christian Center Church

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **REPORT FROM SUB-COMMITTEE ON MINUTES**

5. **SPECIAL BUSINESS**

[23-20](#)

A SPECIAL RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, PUBLICLY ACKNOWLEDGING AND HONORING JOHN ADAMS' HIGH SCHOOL SENIOR ANGEL THOMAS FOR HER SUCCESS IN THE 2023 GIRLS STATE INDOOR TRACK MEET

6. **REPORTS FROM CITY OFFICES**

7. **COMMITTEE OF THE WHOLE**  
BILL NO.

[11-23](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 1306, 1330 HIGH ST. AND 909 E BROADWAY ST. COUNCILMANIC DISTRICT NO. 3 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

[16-23](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 616, 618 SHERMAN AVE COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

[20-23](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, AMENDING CHAPTER 6 OF THE SOUTH BEND MUNICIPAL CODE BY RESCINDING AND REPLACING ARTICLE 14 TITLED RENTAL SAFETY VERIFICATION PROGRAM

8. **RISE AND REPORT**

9. **REGULAR MEETING RECONVENED**

10. **BILLS ON THIRD READING**  
BILL NO.

[03-23](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, CERTAIN LAND LOCATED IN GERMAN TOWNSHIP, CONTIGUOUS THEREWITH; COUNCILMANIC DISTRICT NO. 1,

FOR THE SOUTHEAST CORNER OF NIMTZ PARKWAY AND OLIVE ROAD, SOUTH BEND, INDIANA – (THIRD READING ONLY)

[11-23](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 1306, 1330 HIGH ST. AND 909 E BROADWAY ST. COUNCILMANIC DISTRICT NO. 3 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

[16-23](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 616, 618 SHERMAN AVE COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

[20-23](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, AMENDING CHAPTER 6 OF THE SOUTH BEND MUNICIPAL CODE BY RESCINDING AND REPLACING ARTICLE 14 TITLED RENTAL SAFETY VERIFICATION PROGRAM

**11. RESOLUTIONS**

BILL NO.

[23-19](#) 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 724 HARRISON AVENUE, SOUTH BEND, IN 46616 AND 726 HARRISON AVENUE, SOUTH BEND, IN 46616 AS A RESIDENTIALLY DISTRESSED AREA FOR PURPOSES OF A FIVE-YEAR (5) RESIDENTIAL REAL PROPERTY TAX ABATEMENT FOR CROSS COMMUNITY, INC.

**12. BILLS OF FIRST READING**

BILL NO.

[21-23](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1301 AND 1305 ELWOOD AVE. COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

[22-23](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE FIRST NORTH-SOUTH ALLEY LYING WEST OF EDDY STREET, BOUNDED ON THE SOUTH BY THE NORTH RIGHT OF WAY LINE OF QUIMBY STREET AND BOUNDED ON THE NORTH BY THE SOUTH RIGHT OF WAY LINE OF THE FIRST EAST-WEST ALLEY LYING NORTH OF QUIMBY STREET, BEING APPROXIMATELY 99.99 LINEAL FEET

13. **UNFINISHED BUSINESS**

14. **NEW BUSINESS**

THE NEXT COUNCIL COMMITTEE MEETING IS TENTATIVELY SCHEDULED FOR MAY 8, 2023 AT 3:30 PM WITH THE NEXT REGULAR COUNCIL MEETING IS MAY 8, 2023 AT 7:00 PM

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. 04-20-2023)

### 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  
Thomas Kurzhal, *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*, Matthew Coats

Canneth Lee, Member *Citizen*  
*Citizen Member*, Maria Gibbs

### 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  
Beth Sanford, *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  
*Citizen Member*, Amika Micou

Henry Davis, Jr., Member  
Sheila Niezgodski, Member  
*Citizen Member*, LaKeyue Williams

### **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

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### **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, 1<sup>ST</sup> District Council Member**

#### **Chairperson, Committee of the Whole**

##### **PARC Committee, Chairperson**

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

Health & Public Safety Committee, Member

Information & Technology Committee, Member

### **HENRY DAVIS, JR. 2<sup>ND</sup> 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, 3<sup>RD</sup> District Council Member**

#### **President**

Council Rules Committee, Member

### **TROY WARNER, 4<sup>TH</sup> 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, 5<sup>TH</sup> 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, 6<sup>TH</sup> 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. 23-19



## CITY OF SOUTH BEND COMMUNITY INVESTMENT

Filed in Clerk's Office

APR 18 2023

DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN

April 19, 2023

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

RE: **Confirming Resolution:** Residential Real Property Tax Abatement Petition for **Cross Community, Inc.**

Dear Council Member Tomas Morgan:

Please find the enclosed information pertaining to a residential real property tax abatement petition submitted by Cross Community, Inc., an Indiana Nonprofit Corporation. This petition package includes:

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

The report contains the Department's findings relative to the above-mentioned petition. The petitioner plans to build two new houses on vacant lots Harrison Avenue, just north of Lincoln Way West, with an estimated construction cost of \$440,000.

The project meets the requirements established by Sections 2-77 et seq. and would qualify for a five-year (5) residential real property tax abatement. Representatives from Cross Community, Inc., will be available to meet with the Committee on Monday, April 24, 2023.

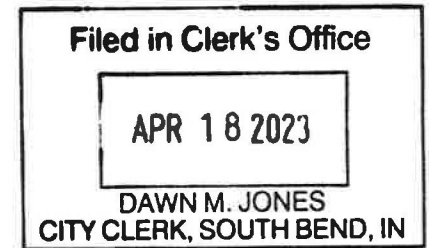
If you or any of the other Council members have questions concerning the report or need additional information, please feel free to call me at (574) 235-5838.

Sincerely,

Erik Glavich  
Director, Growth and Opportunity



BILL NO. 23-19  
RESOLUTION NO. 5016-23



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

**724 Harrison Avenue, South Bend, IN 46616**

AND

**726 Harrison Avenue, South Bend, IN 46616**

AS A RESIDENTIALLY DISTRESSED AREA FOR PURPOSES OF A  
FIVE-YEAR (5) RESIDENTIAL REAL PROPERTY TAX ABATEMENT FOR

**Cross Community, Inc.**

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

WHEREAS, a Declaratory Resolution designated the areas described as:

*Key Number:* 71-08-02-407-013.000-026  
*Commonly Known As:* 724 Harrison Avenue, South Bend, IN 46616  
*Legal Description:* Lot 2 Kingdom Campus Minor Sub 23/24 NP #1221  
6/27/2022

and

*Key Number:* 71-08-02-407-012.000-026  
*Commonly Known As:* 726 Harrison Avenue, South Bend, IN 46616  
*Legal Description:* Lot 1 Kingdom Campus Minor Sub 23/24 NP #1221  
6/27/2022

be designated as a Residentially Distressed 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, 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 a residentially distressed 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 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 that the area meets one of the following conditions as formally established in Ordinance No. 9394-03, which was passed on February 10, 2003:

A. The area is comprised of parcels that are either unimproved or contain only one-family (1) or two-family (2) dwellings designed for up to four (4) families, including accessory buildings for those dwellings; or

B. Any dwellings in the area are not permanently occupied and are:

- i. the subject of an order issued under Indiana Code 36-7-9; or
- ii. evidencing significant building deficiencies; or

C. Parcels of property in the area:

- i. have been sold and not redeemed under Indiana Code 6-1.1-24 and Indiana Code 6-1.1-25; or
- ii. are owned by a unit of local government; or

D. A significant number of dwelling units within the area are not permanently occupied or a significant number of parcels in the area are vacant land; or

E. A significant number of dwelling units within the area are:

- i. the subject of an order issued under Indiana Code 36-7-9; or
- ii. evidencing significant building deficiencies; or

F. The area has experienced a net loss in the number of dwelling units, as documented by census information, local building and demolition permits, or certificates of occupancy, or the areas are owned by Indiana or the United States; or

G. The area (plus any areas previously designated under this subsection) will not exceed ten percent (10%) of the total area within the Council's jurisdiction.

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

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

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

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

D. 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;

E. That the deduction will not be allowed unless the dwelling is rehabilitated to meet local code standards for habitability; and

F. That the deduction will not be allowed unless the dwelling rehabilitation is completed by December 31, 2025.

SECTION IV. The Common Council hereby confirms its Declaratory Resolution designating the area described herein as a Residentially Distressed Area for the purposes of tax abatement. Such designation is for real property tax abatement only.

SECTION V. The designation as a Residentially Distressed Area shall expire on December 31, 2025.

SECTION VI. The Common Council hereby determines that the property owner is qualified for and is granted a real property tax deduction for a period of five (5) years as shown by the schedule outlined below pursuant to Indiana Code 6-1.1-12.1-17, and further determines that the petition complies with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12.1 et seq.

Year 1 - 100%

Year 2 - 100%

Year 3 - 95%

Year 4 - 95%

Year 5 - 90%

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

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Sharon McBride, Council President  
South Bend Common Council

Attest:

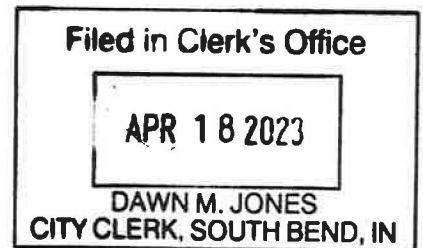
\_\_\_\_\_  
Dawn M. Jones, City Clerk  
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 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: Residential Real Property Tax Abatement Petition for **Cross Community, Inc.**

DATE: April 19, 2023

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On March 30, 2023, a tax abatement petition for Cross Community, Inc., was filed with the Office of the City Clerk. The petition seeks consideration for a residential development real property tax abatement for the completion of two new 2-story homes that will range from 1,400 to 1,600 square feet. These new houses will be sold to first time homebuyers who have participated in financial/credit building workshops.

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 or a Residentially Distressed 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, Cross Community, Inc., plans to build two new single-family houses at 724 and 726 Harrison Ave. These new houses will range from 1,400 to 1,600 square feet and will feature 3 bedrooms, 2.5 bathrooms, and a finished basement.
- The intended occupants will be first time homebuyers who have participated in financial/credit building workshops.
- The petitioner is investing a total of \$440,000 to develop these two new houses.
- These houses will be built in two empty lots where former houses had been torn down. The lots had become abandoned, vacant, and blighted.

## Tax Estimates

The petitioner qualifies for a five-year (5) residential real property tax abatement.

- Current taxes for 2022: \$86
- Total estimated taxes during the five-year (5) abatement period: \$21,303
- Estimated taxes being abated during the abatement period: \$17,978
- Estimated total taxes to be paid during the abatement period: \$3,325

## **Employment Impact**

There are no employees of Cross Community, Inc.

- For the development of the two houses, Cross Community, Inc., intends to employ local companies, require employees versus independent contractors, and require a prevailing wage, health benefits, and an affirmative action plan.

## **Abatement Qualification**

1. A review of the tax abatements previously granted, finds that the petitioner has not been granted or is associated with any prior abatements:
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 a five-year (5) residential real property tax abatement under section 2-77.1, Single Family Residential Construction.





MAR 30 2023

# 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*

DAVID W. JONES  
CITY CLERK  
CITY OF SOUTH BEND, IN  
Insured by Form 1-9  
Annual Report Form 3-1 for  
the type of abatement (personal property or personal property)  
for which you are applying.



General Information		Project Name	Project Number
Legal name as registered with Secretary of State	Cross Community Inc.		
Business structure	CDC - Domestic Nonprofit Corporation		
Company website	https://mycrosscommunity.org/		
Proposed Project Information			
Proposed project address	724 & 726 Harrison Ave	Parent company name	
City, State, Zip	South Bend, IN 46616	Legal owner	Cross Community Inc.
Site acreage or acreage required	0.34	Is the real estate owned or leased?	Owned
Square feet of facility	N/A	If leased, by whom?	
Primary Contact Information			
Primary company contact name	Tina Patton	Title	President
Address of company contact	707 Sherman Ave	Phone	574-876-2106
City, State, Zip	South Bend, IN 46616	Email	tmpatton2@comcast.net
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		Consultant release? (Y/N)	
Address		Local economic development partners approval? (Y/N)	
City, State, Zip		Email	
Project Overview			
Brief description of your company, project, and why the property is necessary for economic growth	We will building two (2) new two-story homes that in general will be between 1390-1620 sqft with 3 bedrooms, 2.5 bathrooms, with a finished basement. The homes will be sold to first time homeowners who have participated in financial/credit building workshops.		
Certified Technology Park appropriate	N/A		
Is the project in a Tax Incremental Financing (TIF) area? If so, which?	River West		
Have Building Permits been issued? (Y/N) [Note-Not eligible for abatement if Yes]	N	Number of residential units created by project	2
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 506 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?
\$45-60k			



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MAR 30 2023

DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN

New Project Investments								
Calendar Year	2022	2023	2024	2025	2026	2027	2028	2029
Land Acquisition								
Building Lease Payments								
Building Purchase Costs								
New Building Construction		\$ 440,000.00						
Existing Building Improvements								
New Machinery & Equipment								
Special Tooling/Retooling								
New Furniture/Fixtures								
New Computer/IT Hardware								
New Software								
On-site Rail Infrastructure								
On-site Fiber Infrastructure								
<b>TOTAL</b>	<b>\$ 0.00</b>	<b>\$ 440,000.00</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>

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						
2024						
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		
Technical		
Managerial		
Administrative		

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

Does your company have an EEO hiring policy?  Are you an EEO employer?

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							
Hispanic							
Asian							
Indian							
Female							
Other							

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DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN

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

**Public Benefit Item:**

Information is required on both the construction companies and the companies which will provide materials purchased for this project. Please complete the table below with the appropriate information. If you qualify for the points, please enter the full amount of available points.

		Quality (Yes or No)	Earned Points	Available Points	
1	<b>Construction Related (Contractors):</b>				
	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)	Y	22	22
	E.	Require Health Benefits	Y	22	22
	F.	Require Retirement Benefits	N	0	18
	G.	Maintain Affirmative Action Plan	Y	20	20
		<b>Sub-total Construction Related:</b>		123	141
2	<b>Wage &amp; Benefit Related (Owner):</b>				
	A.	Pay Target Wage Levels	N		33
	B.	Provide Health Benefits	N		34
	C.	Provide Retirement Benefits	N		29
	D.	Provide Training	N		28
	E.	Provide Child Care	N		15
	F.	Provide Transportation Assistance	N		14
	G.	Provide Employer Assisted Housing program	N		9
	<b>Sub-total Wage &amp; Benefit Related:</b>		0	162	
3	<b>Workforce Related:</b>				
	A.	Create New Jobs	N		42
	B.	Retain Existing Jobs	N		41
	C.	Maintain Affirmative Action Plan	N		35
	D.	Provide Targeted Hiring Preference	N		34
	<b>Sub-total Workforce Related:</b>		0	152	
4	<b>Support a Municipal Facility:</b>				
	A.	Support a SB Municipal Facility (donations to the zoo, conservatory, museum, etc.)	N		84
		Name of Facility			
	<b>Sub-total Municipal Facility:</b>		0	84	
<b>Sub-total from Above:</b>			123	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:

*Dawn M. Jones*

Date:

March 30, 2023



Filed in Clerk's Office

MAR 30 2023

DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN

**For Staff Use Only Below This Line**

What is the current assessed value?	Real Property: Land: 2600 / 3400	Personal Property:	
What is the projected assessed value?	Real Property: Bldgs: 352 K	Personal Property:	
What is the tax key number for this project?	71-08-02-407-013.000-026		
What is the six digit NAICS code?	71-08-02-407-012.000-026		
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	85.70 / 0	
Year Two	2021	0 / 0	
Year Three	2020	0 / 62.00	
Year Four	2019	0 / 74.02	
Year Five	2018	0 / 83.57	

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

Public Benefit Item:		(Y or N)	Points	Points
<b>Project Related:</b>				
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
	<b>Sub-total Project Related:</b>			120
<b>Super Size Projects (point values are cumulative):</b>				
6	A. 100% to 199%			25
	B. 200% to 299%			68
	C. 300% to 399%			65
	D. 400% and Over			52
<b>Sub-total Super Size Projects:</b>			210	
<b>Pay for Municipal Infrastructure:</b>				
7	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
<b>Sub-total Infrastructure Related:</b>			131	
<b>Total from Applicant Section:</b>				539
<b>Total from Staff Section:</b>				461
<b>Total Public Benefit Points:</b>				1000



Department of  
**Community Investment**

Filed in Clerk's Office  
**MAR 30 2023**  
DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN

**RESIDENTIAL TAX ABATEMENT (PETITION ADDENDUM)**

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 Residential Real 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 following:

<b>Legal Name of Petitioner</b> (same as top of page 1 of petition)	Cross Community Inc.
<b>Project Title</b>	

<b>Project Address</b>	724 & 726 Harrison Ave
<b>Project City, State, ZIP</b>	South Bend, IN 46616

<p>Describe the proposed construction project. Include information about square footage, number of rooms, number of stories, other amenities such as finished basements and garages, the amount of land to be used, and the proposed use of the improvements.</p> <p>Also provide a general statement as to the importance of the project (use an additional sheet for long project descriptions if necessary).</p>	We will building Two (2) new two-story homes that in general will be between 1390-1620 sqft with 3 bedrooms, 2.5 bathrooms, with a finished basement.
---	---

<b>Estimate the dollar value of the construction project.</b> (Do not include land cost.)	\$ 440,000
--	------------

Filed in Clerk's Office

MAR 30 2023

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

### RESIDENTIAL TAX ABATEMENT (PETITION ADDENDUM)

For the real property or properties for which tax abatement consideration is petitioned, provide the information below on the individual(s) or corporation(s) who own or will own the properties. If the business organization is publicly held, also indicate the name of the corporate parent, if any, and the name under which the corporation has filed with the Securities and Exchange Commission. Also, describe the owner's interest in the property.

List out each residential property which could receive an abatement. If you need additional rows, then make additional copies of this page or attach a similar document to this petition addendum.

Address	Current Owner(s)	Future Owner(s)	Owner's Interest
724 Harrison	Cross Community Inc.		
726 Harrison	Cross Community Inc.		



Filed in Clerk's Office  
 MAR 30 2023  
 CITIM DAWN M. JONES  
 CLERK SOUTH BEND, IN

**RESIDENTIAL TAX ABATEMENT (PETITION ADDENDUM)**

Provide the commonly known addresses and tax key number of the property or properties. The tax key number will start with "71" (e.g., 71-08-12-152-005.000-026) and typically has 18 numbers separated by dashes and a dot. Also provide the current assessed value(s).

List out each residential property as you did on the previous page. If you need additional rows, then make additional copies of this page or attach a similar document to this petition addendum.

Address	Tax Key Number	Current Assessed Value	Estimated Market Value After Project Completion
724 Harison	71-08-02-407-013.000-026	\$ 2,600	\$ 245,000
726 Harrison	71-08-02-407-012.000-026	\$ 3,400	\$ 245,000

List the real property taxes paid at the location(s) during the previous two calendar years, whether paid by the current owner or a previous owner. Provide the year (e.g., 2022) and the amount of total taxes paid. (Note that if a property's taxes are past due, then that property is ineligible to receive a tax abatement.)

If you need additional rows, then make additional copies of this page or attach a similar document to this petition addendum.

Tax Key Number	Year 1	Year 1 \$ Taxes Paid	Year 2	Year 2 \$ Taxes Paid
71-08-02-407-013.000-026	2022	\$ 85.70	2021	\$ 0.00
71-08-02-407-012.000-026	2022	\$ 0.00	2021	\$ 0.00

Check box to confirm that building permits HAVE NOT been issued for any of the properties.

**RESIDENTIAL TAX ABATEMENT (PETITION ADDENDUM)**

Filed in Clerk's Office  
**MAR 30 2023**  
 DAWN M. JONES  
 CITY CLERK  
 SOUTH BEND, IN

<p>Describe and list other anticipated public financing for the project, including any assistance to be sought or already authorized through the U.S. Department of Housing Urban Development (HUD), the City of South Bend, the South Bend Housing Authority, the Housing Assistance Office, the St. Joseph County Housing Consortium, or other entity providing financial assistance.</p> <p>Do not limit your response to public works improvements only.)</p>	<p>City Housing Subsidy Program, City Sewer Reimbursement, and City Sidewalk Repair Program</p>
---	---

<p>Describe how the property has become undesirable for or impossible of normal development because of a lack of development, cessation of growth, deterioration of improvements or other factors which have impaired values and prevent a normal development of the property.</p>	<p>Lack of investments in the neighborhood, maintenance to the previous home led to it being demolished leaving the lots to become abandoned, vacant and blighted</p>
--	---

Provide the current use and zoning for each property. (Zoning information, including the zoning map, can be [found here](#).)

If you need to add additional properties, you can add rows to the table below, use the space below the table, or use an additional sheet.

Address or Tax Key Number	Current Use	Zone
724 Harrison	Vacant	U2
726 Harrison	Vacant	U2



**RESIDENTIAL TAX ABATEMENT (PETITION ADDENDUM)**

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 MAR 30 2023  
 DAWN M. JONES  
 CITY CLERK, SOUTH BEND, IN

Indicate the Tax Incremental Financing (TIF) area in which the properties are located.  <a href="#">Click here</a> to view the TIF boundaries.	<input checked="" type="checkbox"/> River West	<input type="checkbox"/> South Side	<input type="checkbox"/> West Washington
	<input type="checkbox"/> River East	<input type="checkbox"/> Douglas Road	<input type="checkbox"/> Not in a TIF Area

WHEREFORE, Petitioner has paid the required fee of \$150.00 and requests that the Common Council of the City of South Bend, Indiana, adopt a declaratory resolution designating the area described herein as a residentially distressed area for the purposes of real property tax abatement consideration, and after publication of notice and public hearing, determine that the qualifications for a residentially distressed area have been met and confirm such resolution.

The Petitioner agrees to provide the staff of the Department of Community Investment upon request information related to the project, including but not limited to a legal description of each property, a map and/or plat indicating the location of each property, and photographs of each property that are accurate representations of each property's condition at the time of this petition is filed.

Submitted by:

*Tina M. Patton*  
 Signature

**Tina M. Patton**  
 Printed Name

**President**  
 Title

**3/30/2023**  
 Date





**STATEMENT OF BENEFITS  
REAL ESTATE IMPROVEMENTS**

State Form 51787 (R7 / 1-21)

Prescribed by the Department of Local Government Finance

Filed in Clerk's Office

MAR 30 2023

DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN

2023 PAY 2024

FORM SB-1 / Real Property

PRIVACY NOTICE

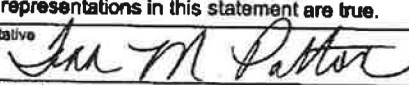
Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

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:**

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 January 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 <b>Cross Community Inc.</b>					
Address of taxpayer Number and Street: <b>707 Sherman Ave</b> City: <b>South Bend</b> State: <b>IN</b> ZIP: <b>46616</b>					
Name of contact person First Name: <b>Tina</b> Last Name: <b>Patton</b>		Telephone number <b>(574) 876-2106</b>		E-mail address <b>tmpatton2@comcast.net</b>	
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body <b>Common Council of the City of South Bend</b> Resolution number					
Location of property Number and Street: <b>724 Harrison Avenue</b> City: <b>South Bend</b> State: <b>IN</b> ZIP: <b>46616</b> County: <b>St. Joseph</b> DLGF taxing district number <b>026 (South Bend-Portage)</b>					
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) <b>We will building 2 new homes that in general will be between 1390-1620 sqft. The homes will be sold to first time homeowners who have participated in financial/credit building workshops.</b> Estimated start date (month, day, year) <b>5/1/2023</b> Estimated completion date (month, day, year) <b>12/1/2023</b>					
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current Number	Salaries	Number Retained	Salaries	Number Additional	Salaries
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
		<b>REAL ESTATE IMPROVEMENTS</b>			
		<b>COST</b>		<b>ASSESSED VALUE</b>	
<b>Current values</b>				<b>\$ 2,600</b>	
<b>Plus estimated values of proposed project</b>		<b>\$ 220,000</b>		<b>\$ 242,400</b>	
<b>Less values of any property being replaced</b>					
<b>Net estimated values upon completion of project</b>		<b>\$ 220,000</b>		<b>\$ 245,000</b>	
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER					
Estimated solid waste converted (pounds) _____			Estimated hazardous waste converted (pounds) _____		
Other benefits <b>The homes will be sold to first time homeowners who have participated in financial/credit building workshops.</b>					
SECTION 6 TAXPAYER CERTIFICATION					
I hereby certify that the representations in this statement are true.					
Signature of authorized representative 				Date signed (month, day, year) <b>3/30/2023</b>	
Printed name of authorized representative <b>Tina M. Patton</b>				Title <b>President</b>	

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 \_\_\_\_\_. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*
- 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. Except as provided in IC 6-1.1-12.1-18, 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**

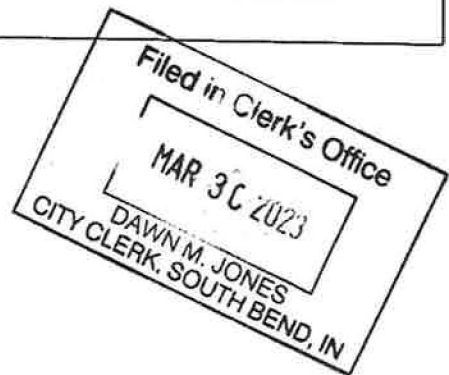
**Abatement schedules**

**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. Except as provided in IC 6-1.1-12.1-18, 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.





**STATEMENT OF BENEFITS  
REAL ESTATE IMPROVEMENTS**

State Form 51787 (R7 / 1-21)

Prescribed by the Department of Local Government Finance

Filed in Clerk's Office  
**MAR 30 2023**  
DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN

20 <u>23</u> PAY 20 <u>24</u>
<b>FORM SB-1 / Real Property</b>
<b>PRIVACY NOTICE</b>
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 January 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 <b>Cross Community Inc.</b>					
Address of taxpayer Number and Street: <b>707 Sherman Ave</b> City: <b>South Bend</b> State: <b>IN</b> ZIP: <b>46616</b>					
Name of contact person First Name: <b>Tina</b> Last Name: <b>Patton</b>		Telephone number <b>(574) 876-2106</b>		E-mail address <b>tmpatton2@comcast.net</b>	
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT			
Name of designating body <b>Common Council of the City of South Bend</b> Resolution number					
Location of property Number and Street: <b>726 Harrison Avenue</b> City: <b>South Bend</b> State: <b>IN</b> ZIP: <b>46616</b> County: <b>St. Joseph</b> DLGF taxing district number <b>026 (South Bend-Portage)</b>					
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) <b>We will building 2 new homes that in general will be between 1390-1620 sqft. The homes will be sold to first time homeowners who have participated in financial/credit building workshops.</b>					
Estimated start date (month, day, year) <b>5/1/2023</b>					
Estimated completion date (month, day, year) <b>12/1/2023</b>					
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT			
Current Number	Salaries	Number Retained	Salaries	Number Additional	Salaries
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT			
		<b>REAL ESTATE IMPROVEMENTS</b>			
		<b>COST</b>		<b>ASSESSED VALUE</b>	
Current values				\$ 3,400	
Plus estimated values of proposed project		\$ 220,000		\$ 241,800	
Less values of any property being replaced					
Net estimated values upon completion of project		\$ 220,000		\$ 245,000	
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER			
Estimated solid waste converted (pounds)		Estimated hazardous waste converted (pounds)			
Other benefits <b>The homes will be sold to first time homeowners who have participated in financial/credit building workshops.</b>					
SECTION 6		TAXPAYER CERTIFICATION			
I hereby certify that the representations in this statement are true.					
Signature of authorized representative <i>Tina M. Patton</i>				Date signed (month, day, year) <b>3/30/2023</b>	
Printed name of authorized representative <b>Tina M. Patton</b>			Title <b>President</b>		

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 \_\_\_\_\_. *NOTE: This question addresses whether the resolution contains an expiration date for the designated area.*
- 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. Except as provided in IC 6-1.1-12.1-18, 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**

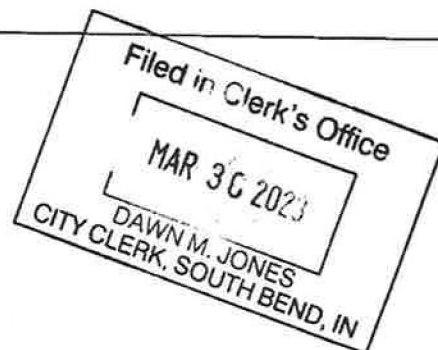
**Abatement schedules**

**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.

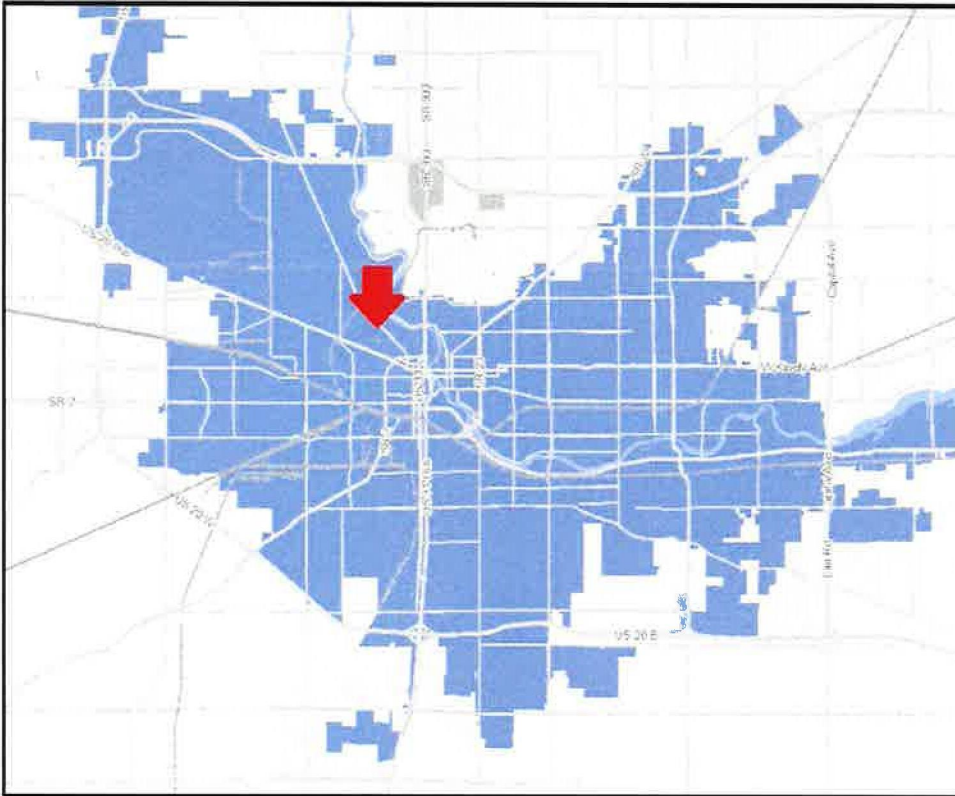
(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except as provided in IC 6-1.1-12.1-18, 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 726 Harrison from the street facing east.**



**View of 724 Harrison from the street facing east.**



MODEL BUILDING TYPE:

# Harrison Street

DESCRIPTION:

UNIT CONFIGURATION: 3 BED / 2.5 BATH  
 UNIT SIZE: 1,618 SQ. FT. (FINISH GROSS)  
 BUILDING HEIGHT: 2 STORIES + BASEMENT

CITY OF  
**SOUTH BEND**



CROSS COMMUNITY 2 STORY HOUSE  
 SOUTH BEND MODEL BUILDING

2 BED / 1.5 BATH

SOUTH BEND, INDIANA

08.18.2022  
 PRICING SET

COVER DRAWING INDEX AND GENERAL INFORMATION

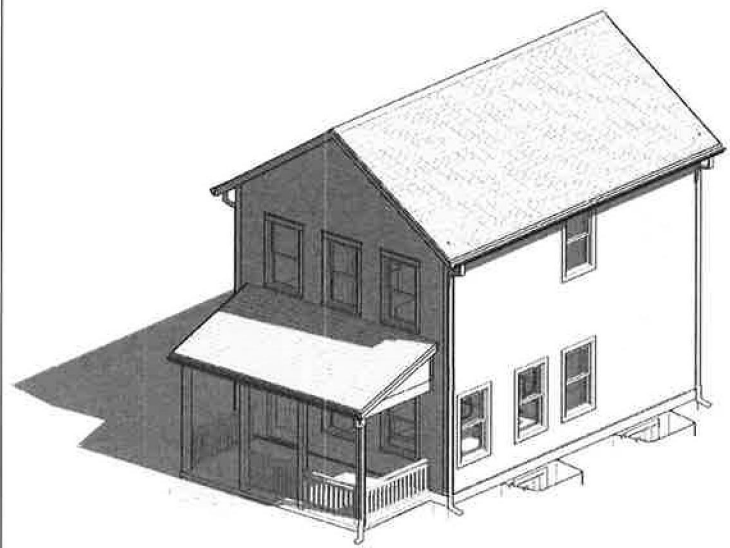
G-0.01

### SHEET INDEX

MODEL	CROSS COMMUNITY 2 STORY HOUSE GENERAL INFORMATION
FOUNDATION	FOUNDATION WALLS AND GENERAL INFORMATION
FLOOR	FLOOR FINISH
FLOOR	FLOOR PLAN AND SECTION DETAILS
FLOOR	EXTERIOR FINISHES
FLOOR	FLOOR CEILING TRUSS WALL SECTION AND WINDOW & DOOR SCHEDULES
FLOOR	EXTERIOR DETAILS (ELEVATION OPTION 1)

### APPLICABLE CODES

FORBID CODE	2018 IBC WITH 2018 IRC	ALLOWED BY S.I. 02, U1, U2, U3 & U4 (MUST COMPLY WITH DEVELOPMENT STANDARDS OF SECTION 2.4.02)
REQUIRED	2018 IBC WITH 2018 IRC	NO REQUIRED CODES APPLICABLE TO THIS PROJECT (MUST COMPLY WITH DEVELOPMENT STANDARDS OF SECTION 2.4.02)
BUILDING CODE	2018 IBC WITH 2018 IRC	
CONSTRUCTION TYPE	TYPE I	
FLOOR AREA	RESIDENTIAL	
STORY	2 + BASEMENT	
OCUPANCY	RESIDENTIAL	
AREA	RESIDENTIAL	
BASEMENT	RESIDENTIAL	854 SF
FLOOR	FLOOR	550 SF
FLOOR	FLOOR	550 SF
FLOOR	FLOOR	1484 SF
ENERGY CODE	2018 INTERNATIONAL ENERGY CONSERVATION CODE (W/ 2019 IBC/IRC AMENDMENTS)	
THIS SET ASSUMES THE FOLLOWING APPLICABLE CODES:		



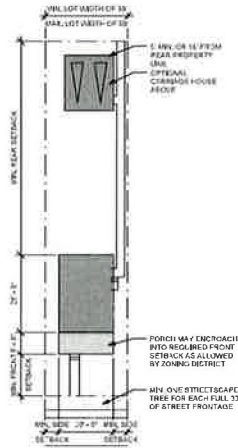
### GENERAL NOTES:

- SITE PLAN SHALL BE SUBMITTED SEPARATELY BY APPLICANT PER REQUIREMENTS OF THE CITY OF SOUTH BEND PERMIT APPLICATION.
- THE INFORMATION CONTAINED WITHIN THESE DOCUMENTS IS SOLELY TO SHOW DESIGN DETAIL 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 ADJUSTMENT IN ORDER TO MEET VARIATIONS IN LOCAL STATE AND FEDERAL CODES. THE CONTRACTOR IS RESPONSIBLE FOR CONFIRMING THAT THE FINAL DESIGN AND CONSTRUCTION IS IN ACCORDANCE WITH ALL APPLICABLE AND COMPLETE.
- THE GENERAL CONTRACTOR AND OWNER ASSUME ALL RESPONSIBILITY TO PERFORM ALL WORK WITHIN STANDARD CONSTRUCTION PRACTICES THAT ENSURE PROPER STRUCTURAL, DETAILING, WEATHERPROOFING, CONSTRUCTION, AND QUALITY WORKMANSHIP. ALL CONSTRUCTION SHALL MEET OR EXCEED ALL APPLICABLE CODES AND STANDARDS FOR FOUNDATION, FLOOR AND ROOF LOADS, AND BEAM DESIGN SHOULD BE CHECK PRIOR TO ORDERING MATERIALS OR STARTING CONSTRUCTION.
- ALL DIMENSIONS ARE SHOWN TO FACE OF STUDY OR FACE OF FOUNDATION AND TO THE CENTERLINE 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.

### GENERAL CONSTRUCTION STANDARDS:

- THE FOLLOWING DESCRIBES THE PHYSICAL CONDITIONS ASSUMED THROUGHOUT THIS DRAWING SET. STRUCTURES TO BE CONFIRMED AND VERIFIED BY OTHER. MODIFICATIONS TO THESE DETAILS MAY BE REQUIRED AT THE DISCRETION AND LIABILITY OF THE GENERAL CONTRACTOR.
  - EXTERIOR WALL ASSEMBLY
    - EXTERIOR ASSEMBLY: BRICK CEMENT SIDING ON WATER RESISTANT BARRIER ON 1/2" STRUCTURAL SHEATHING.
    - WALL STRUCTURE: 2X4 WOOD STUDS @ 16" O.C. WITH 4" MINIMUM INSULATION BETWEEN STUDS.
    - INTERIOR FINISH: 1/2" GYPSUM WALL BOARD.
  - INTERIOR WALL ASSEMBLY
    - WALL STRUCTURE: 2X4 WOOD STUDS @ 16" O.C. UNLESS OTHERWISE NOTED.
    - INTERIOR FINISH: 1/2" GYPSUM WALL BOARD.
    - WHERE 1-HR OR 2-HR FIRE RATINGS IS NECESSARY THE APPLICABLE WALL ASSEMBLY MUST MEET ALL MINIMUM CODE REQUIREMENTS.
  - FLOOR / CEILING WALL ASSEMBLY
    - FLOOR SYSTEM: 8" THICK SELF-CLEANING AND STRENGTHENED FLOOR JOISTS. FLOOR FINISH BY OTHER.
    - WOOD JOIST: 2X12 W/ MINIMUM SPACING OR AS REQUIRED BY CODE.
    - CEILING SYSTEM: 1x4 FLOOR OF 1" GYPSUM WALL BOARD.
    - WHERE 1-HR OR 2-HR FIRE RATINGS IS NECESSARY THE APPLICABLE FLOOR/CEILING ASSEMBLY MUST MEET ALL MINIMUM CODE REQUIREMENTS.
  - ROOF ASSEMBLY
    - EXTERIOR ASSEMBLY: ARCHITECTURAL SHINGLES ON ROOFING FELT OVER STRUCTURAL SHEATHING.
    - STRUCTURE: ROOF TRUSSES OR ROOF RAFTERS AND JOISTS. STRUCTURE BY OTHER.
  - FOUNDATION BASEMENT CONSTRUCTION
    - FOUNDATION WALL: 8" SPICED IN PLACE CONCRETE FOUNDATION WALL WITH DAM PROOFING ON WATER PROOFING BELOW GRADE. REBAR PER SOUICC. WALLS SHALL HAVE 1/2" GYPSUM WALL BOARD.
    - BASEMENT FLOOR: 4" CONCRETE SLAB OVER BRIDGE OVER JUNGLE BARRIER CURB. 2" FIBER FLOOR. THICKENED SLAB UNDER BARRIER CURB AND UNDER STRUCTURAL COLUMN.





**SITE PLAN REQUIREMENTS FOR ALL MARKED AREAS**

MIN. FRONT SETBACK: 2'-0" (SEE NOTES)

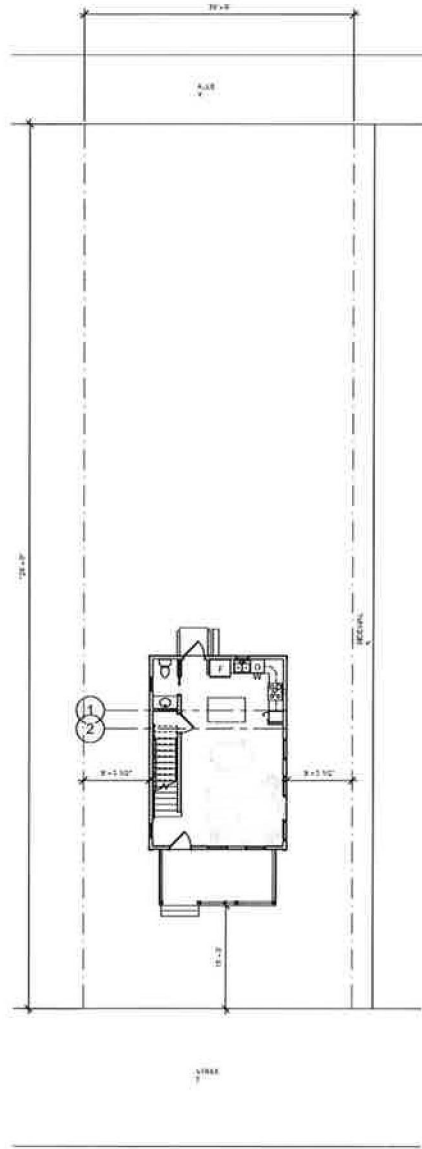
MIN. SIDE SETBACK: 3'-0" (SEE NOTES)

MIN. REAR SETBACK: 5'-0" (SEE NOTES)

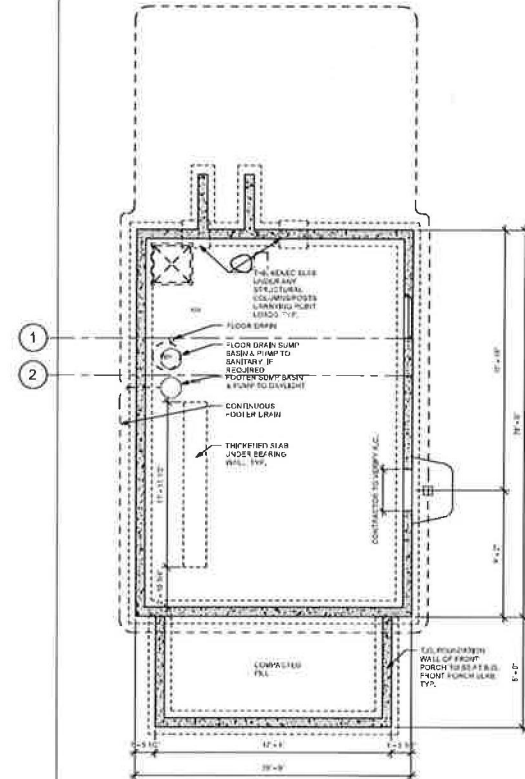
EASE OR EASEMENT NEAR RESIDENTIAL STREET FOR COMMERCIAL HOUSE FRONT PORCH

MIN. OVERSHOOT TREE FOR EACH SIDE OF STREET FRONTAGE

**01 SITE PLAN DIAGRAM** 1" = 20'-0"



**02 SITE PLAN** 1/8" = 1'-0"



**03 FOUNDATION PLAN** 1/8" = 1'-0"





**CROSS COMMUNITY 2 STORY HOUSE**

SOUTH BEND MODEL  
BUILDING  
**2 BED / 1.5**

SOUTH BEND, INDIANA

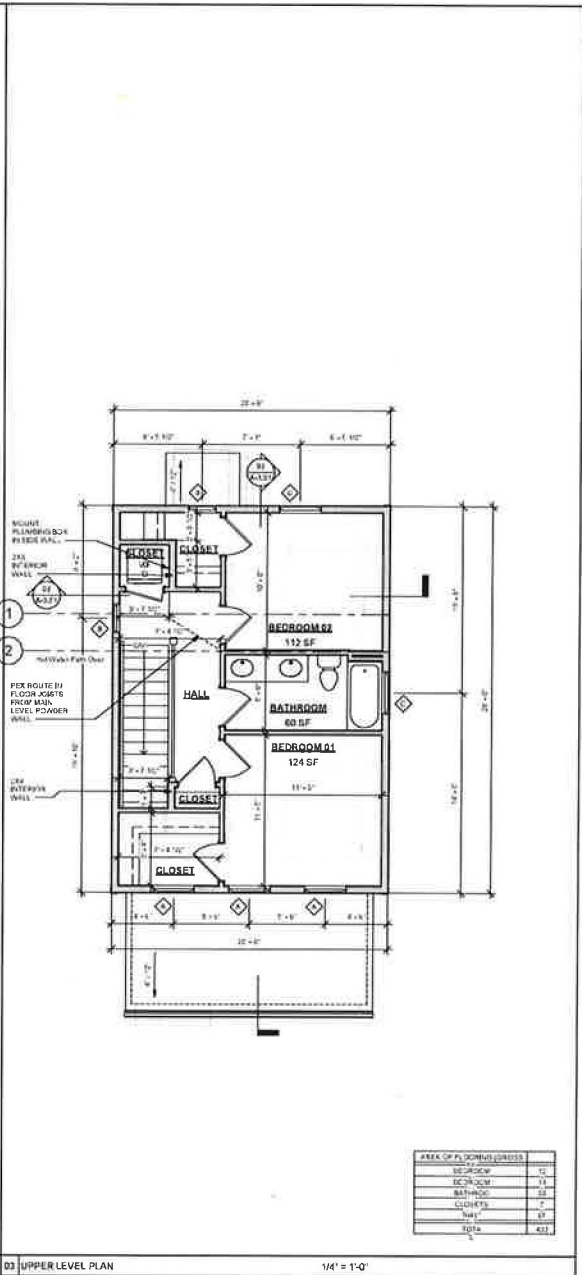
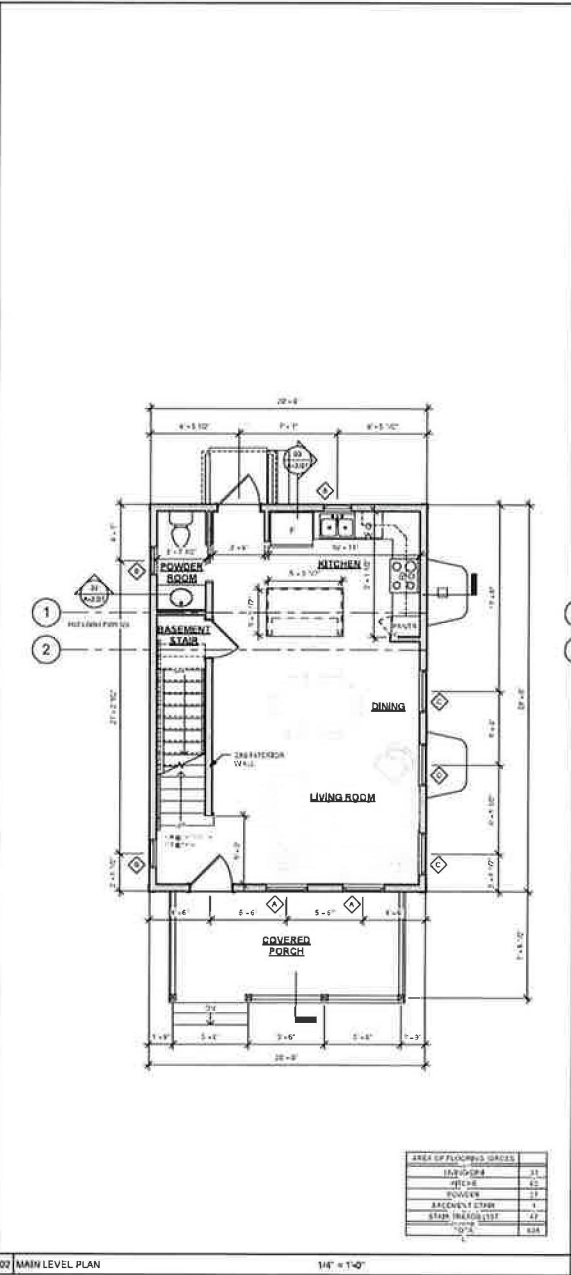
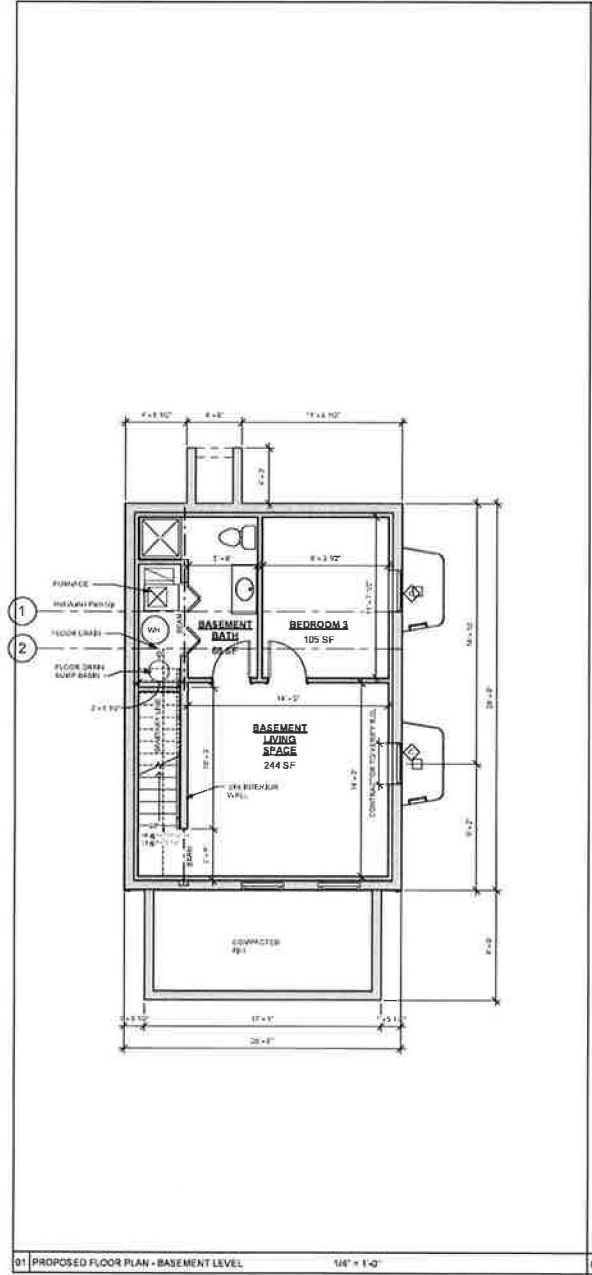
08.18.2022  
PRICING SET

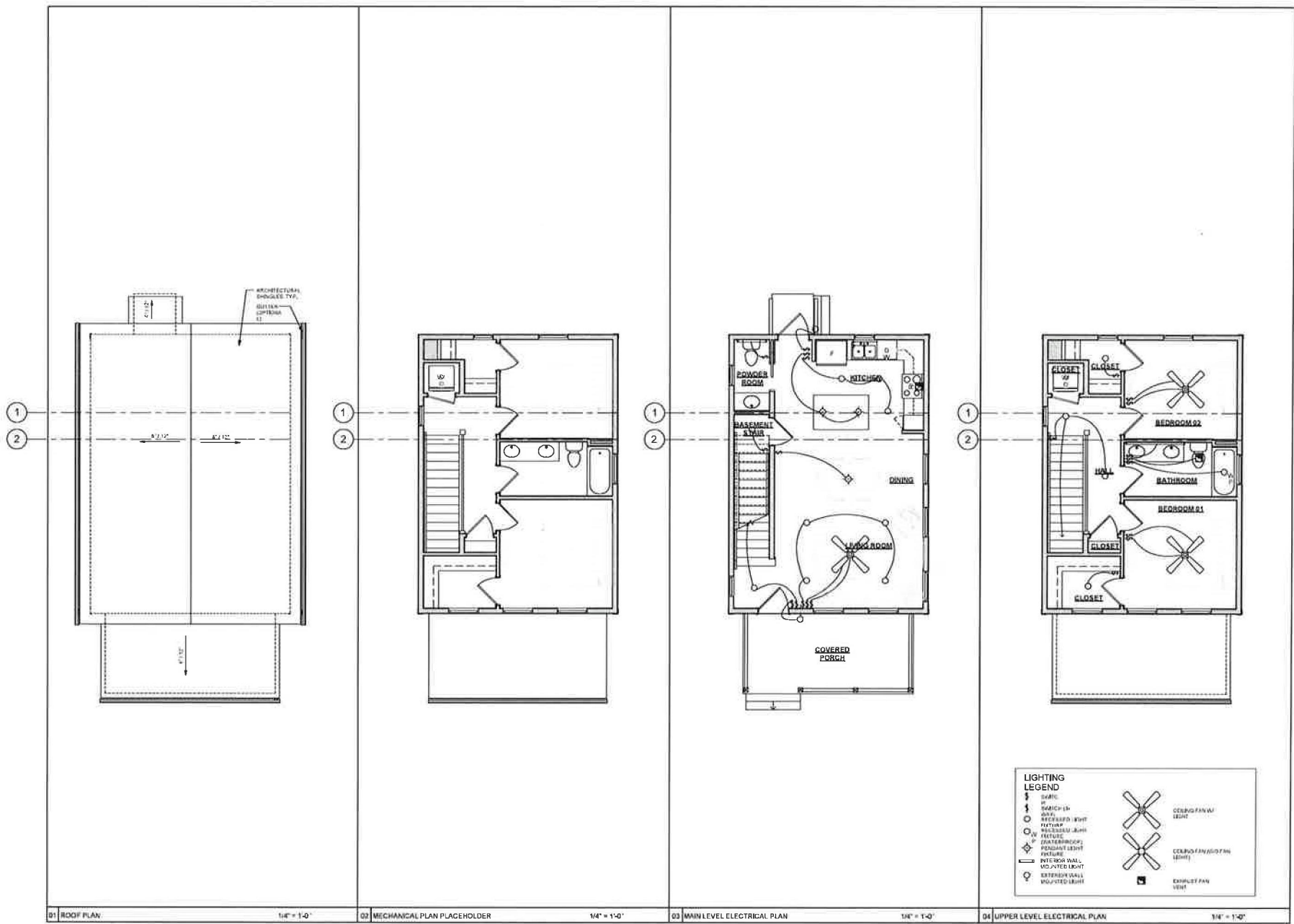
100 CITY

NOTES:  
1. THIS DRAWING IS TO BE USED IN CONJUNCTION WITH THE SOUTH BEND MODEL BUILDING SPECIFICATIONS AND THE SOUTH BEND MODEL BUILDING CONTRACT.  
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SOUTH BEND.  
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SOUTH BEND.  
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SOUTH BEND.  
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SOUTH BEND.  
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8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SOUTH BEND.  
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SOUTH BEND.  
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SOUTH BEND.

**FLOOR PLANS**

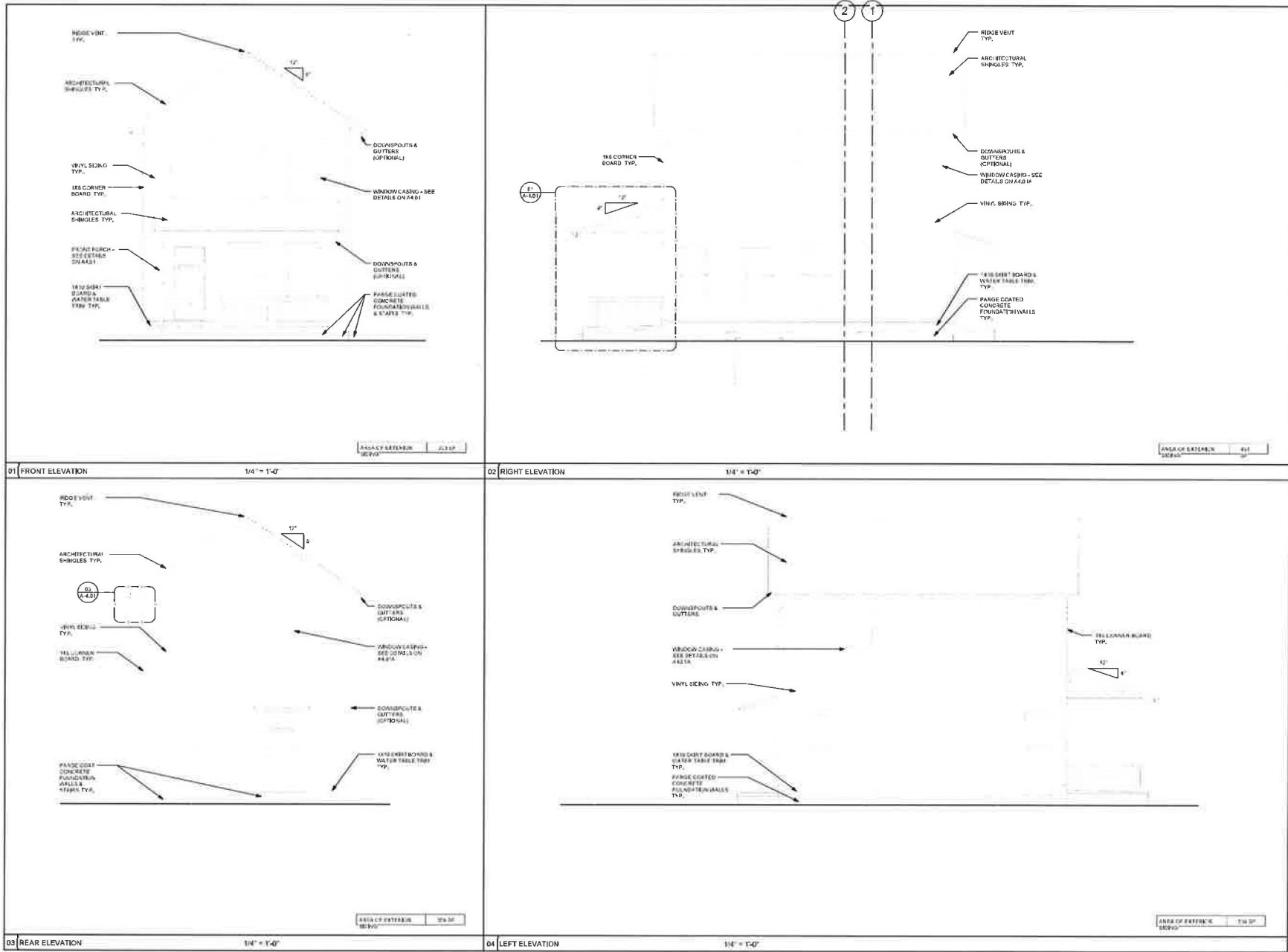
SHEET NO. **A-1.02**







NOTE: THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES. THE ARCHITECT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.





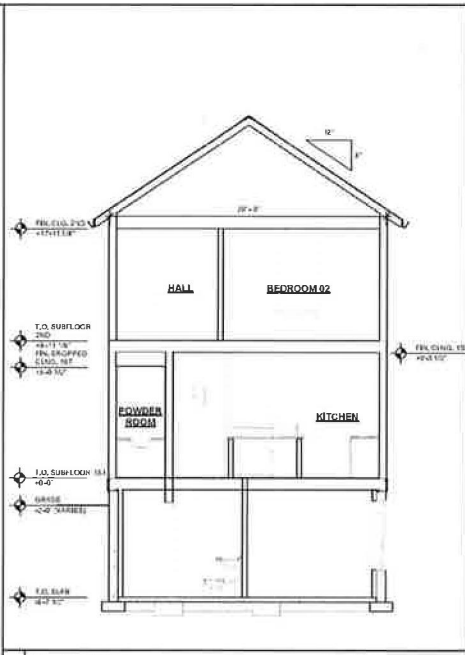
CROSS COMMUNITY 2 STORY HOUSE  
SOUTH BEND MODEL BUILDINGS  
2 BED / 1.5 BATH

SOUTH BEND, INDIANA

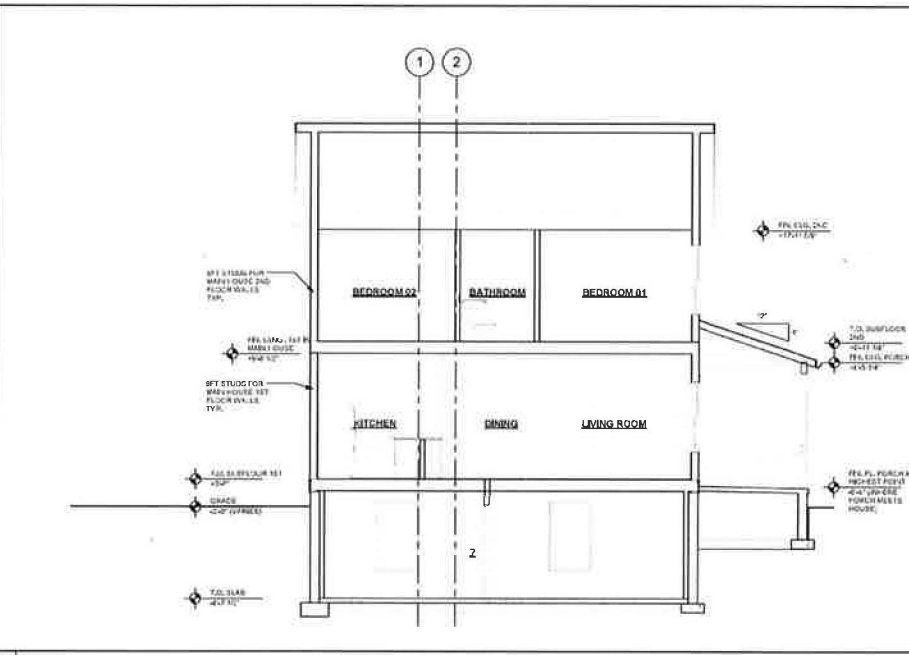
08.18.2022  
PRICING SET

NOTES:  
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SOUTH BEND.  
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS OF THE SITE AND ADJACENT PROPERTIES.  
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SOUTH BEND.  
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SOUTH BEND.  
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SOUTH BEND.  
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SOUTH BEND.

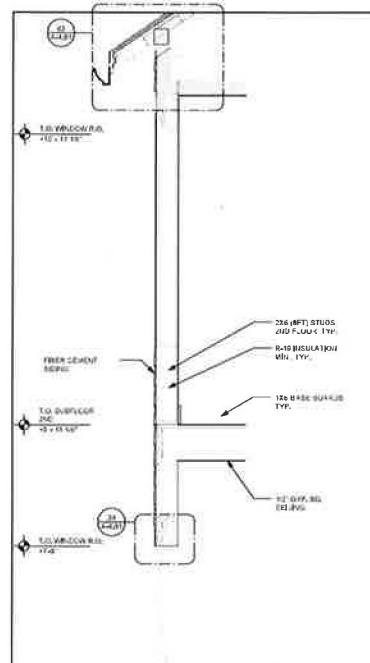
Sheet No.:  
A-3.01



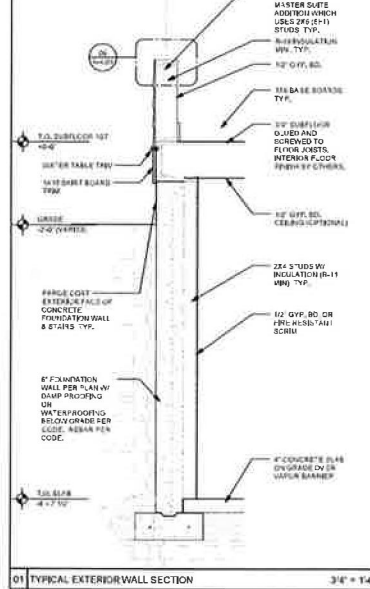
02 CROSS SECTION 8'0" x 1'-0"



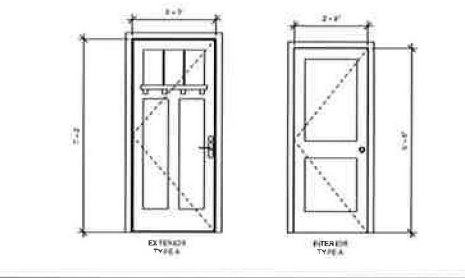
03 LONGITUDINAL SECTION 8'0" x 1'-0"



01 TYPICAL EXTERIOR WALL SECTION 3 1/2" x 1'-0"

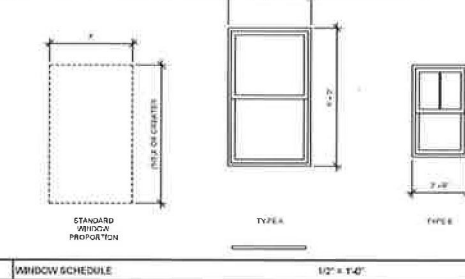


01 TYPICAL EXTERIOR WALL SECTION 3 1/2" x 1'-0"



TYPE	SEMI SIZE		QUANTITY	NOTES
	WIDTH	HEIGHT		
DOOR	2'-0"	7'-0"	1	
EXTERIOR DOOR	2'-0"	7'-0"	1	
INTERIOR DOOR	2'-0"	7'-0"	1	

DOOR SCHEDULE 1/2" x 1'-0"



WINDOW SCHEDULE 1/2" x 1'-0"

TYPE	FRAME SIZE		QUANTITY	SIFTS	NOTES
	WIDTH	HEIGHT			
A	2'-0"	2'-0"	1	DOUBLE HUNG	
B	3'-0"	4'-0"	1	DOUBLE HUNG	
C	3'-0"	3'-0"	1	DOUBLE HUNG	TEMPERED GLASS IS REQUIRED BY CODE.

WINDOW SCHEDULE 1/2" x 1'-0"





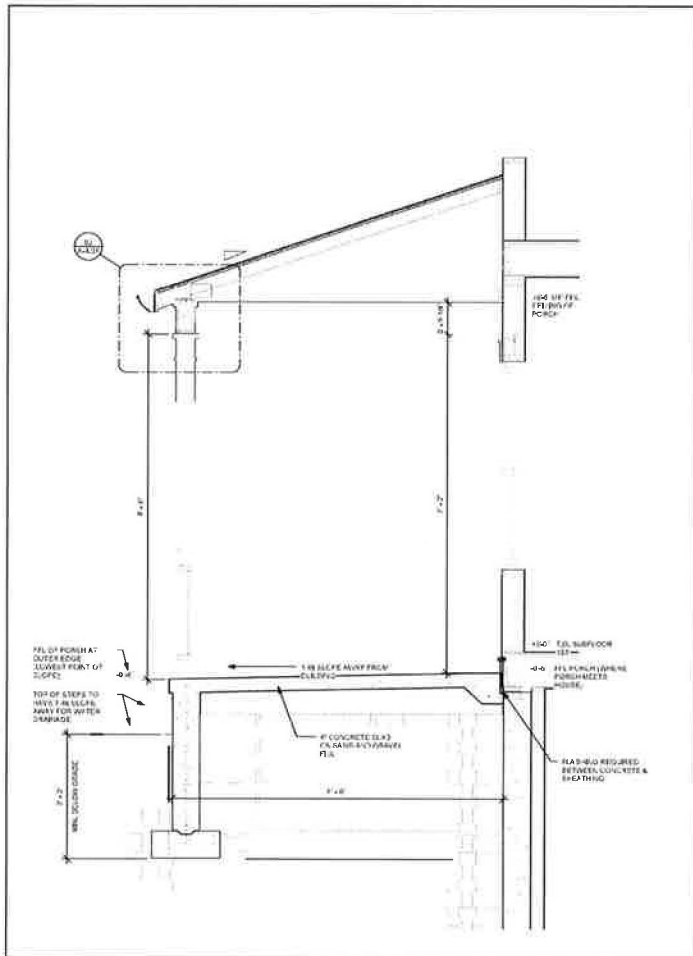
**EXTERIOR DETAILS (ELEVATION OPTION A)**

1. ALL EXTERIOR SURFACES SHALL BE FINISHED AND PROTECTED TO MATCH THE QUALITY OF THE INTERIOR FINISHES.

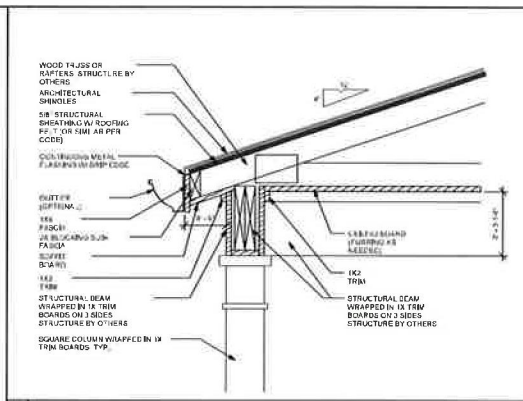
2. ALL EXTERIOR SURFACES SHALL BE MAINTAINED TO MATCH THE QUALITY OF THE INTERIOR FINISHES.

3. ALL EXTERIOR SURFACES SHALL BE MAINTAINED TO MATCH THE QUALITY OF THE INTERIOR FINISHES.

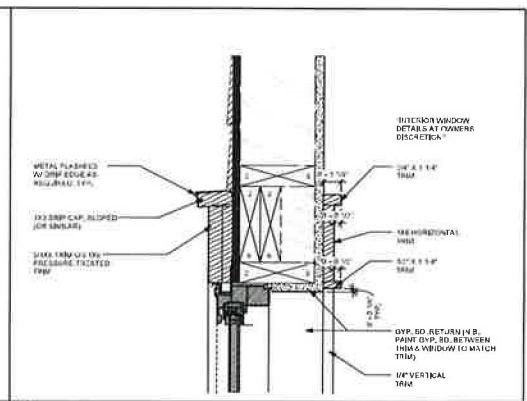
4. ALL EXTERIOR SURFACES SHALL BE MAINTAINED TO MATCH THE QUALITY OF THE INTERIOR FINISHES.



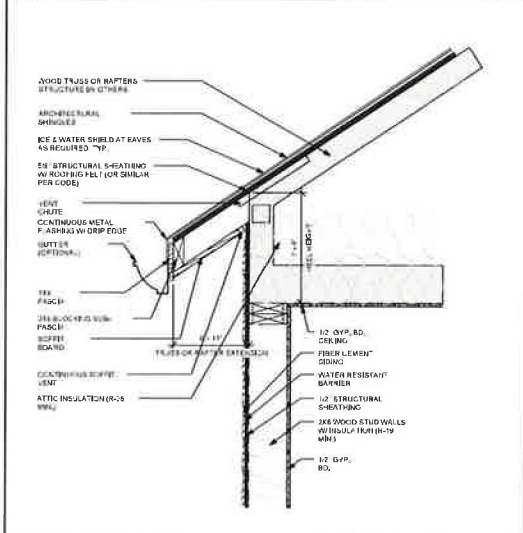
01 FRONT PORCH SECTION 3'-4" x 7'-2"



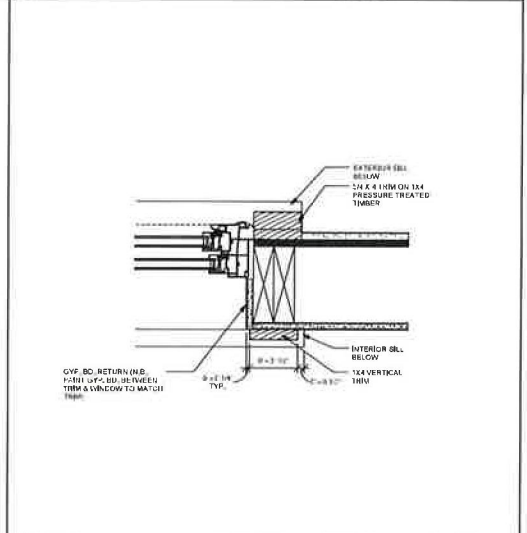
02 FRONT PORCH - EAVE DETAIL 1'-10 1/2" x 7'-2 1/2"



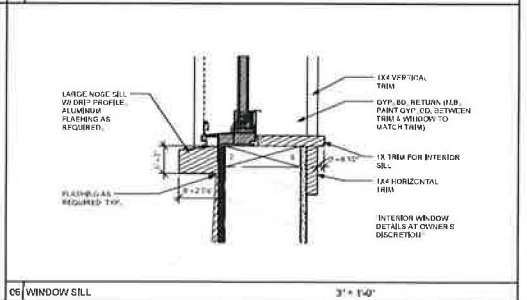
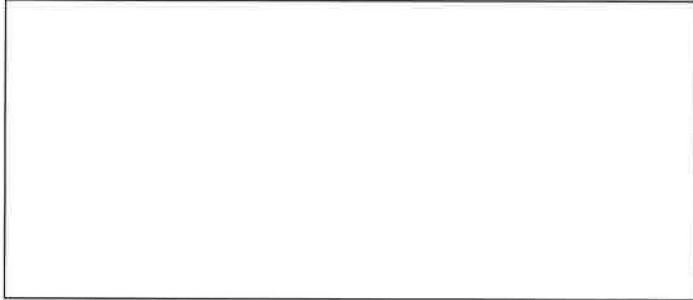
04 WINDOW HEAD 3' x 1'-4"



03 MAIN ROOF - EAVE DETAIL 1'-10 1/2" x 1'-10 1/2"



05 WINDOW JAMB 3' x 1'-4"

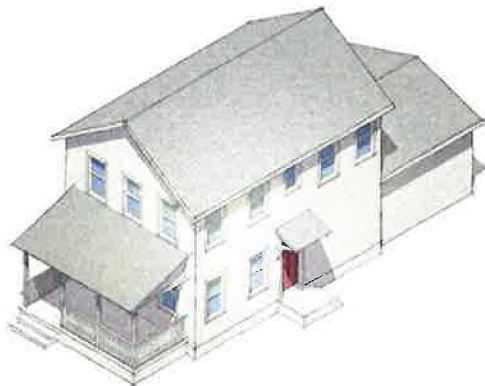


06 WINDOW SILL 3' x 1'-4"

# South Bend Neighborhood Infill | Narrow House (3-bedroom)

## The Narrow House II

The 3-bedroom version of the Narrow House provides an efficient, yet comfortable detached, fee-simple option that allows development of the city's most skinny infill lots. It maintains the same vernacular elevation options as the 2-bedroom Narrow House, however, a 1-story rear addition accommodates a ground floor master suite. This extension could also be modified into a one-car garage, office/workshop, or attached ancillary dwelling unit.



Option A



Option B



Option C



Ground Floor



Second Floor

### Building Type Overview

Building Dimensions	
Building Height	2 story
Building Width	20'
Building Depth (incl. porch)	51'
Program	
Unit Configuration	3 bed / 2.5 bath
Unit Size (finished gross)	1,390 sq. ft.
Basement (unfinished)	830 sq. ft.
Porch (unconditioned)	136 sq. ft.
1st Floor	830 sq. ft.
2nd Floor	560 sq. ft.
Lot Standards	
Lot Width (min.)	30'
Lot Width (max.)	60'
Cost Assumptions	
Preliminary Construction Estimates	\$220,000 - \$270,000
Financing Options	30-yr mortgage

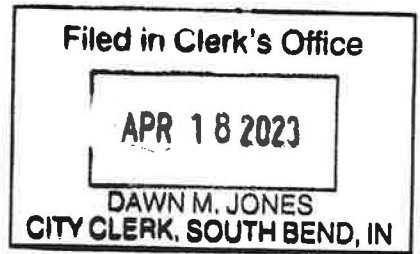
### ZONING DISTRICTS ALLOWED

- S1
- S2
- U1
- U2
- U3
- UF

Filed in Clerk's Office

APR 18 2023

DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN



## MEMORANDUM OF AGREEMENT

### (SINGLE-FAMILY RESIDENTIAL REAL PROPERTY TAX ABATEMENT)

This Memorandum of Agreement (Agreement) dated as of April 11, 2023, serves as confirmation of a commitment by Cross Community, Inc. (the "Applicant"), pending an April 24, 2023, public hearing, to comply with the project description contained in its petition, Statement of Benefits, and attachments and this Agreement.

1. Properties Associated with the Abatement and Responsibilities of the Applicant. At the time of this agreement, the properties are located at the following addresses with corresponding key numbers:

724 Harrison Street, South Bend, Indiana 46616  
Key Number 71-08-02-407-013.000-026

726 Harrison Street, South Bend, Indiana 46616  
Key Number 71-08-02-407-012.000-026

Throughout the duration of the abatement, the Applicant shall promptly report any changes in the addresses or Key Numbers of the properties receiving an 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 properties subject to an 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 **five-year (5) single-family residential real property tax abatement** for the Applicant, based on the Applicant's commitment set forth in its Application. The Applicant commits to the following (the "Commitments"):

(a) making total combined real property expenditures of no less than Four Hundred Forty Thousand dollars (\$440,000.00) for the construction of two (2) single-family homes at the properties identified in Section 1 of this agreement; and

(c) acting in good faith to complete the project as described in its Application.

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 and 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, as defined in Section 2 of this Agreement, and the Applicant's failure to substantially comply with the Commitments was not due to factors beyond its reasonable control, as described in Section 5 below.

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 and their successors and assigns shall: (a) be delinquent or in default with respect to any tax payment in St. Joseph County, Indiana; or (b) fail to comply with the obligations established by this Agreement, then the City may immediately terminate the Residentially Distressed 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 Residentially Distressed 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:	Cross Community, Inc. 707 Sherman Avenue South Bend, Indiana 46616  Attn: Tina Patton
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 single-family residences which are 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.]**

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

<b>"Applicant"</b>	<b>"City"</b>
Cross Community, Inc.	City of South Bend, Indiana
By: 	By: _____
Tina Patton President Cross Community, Inc.	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  
APR 18 2023  
DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN

Filed in Clerk's Office  
APR 18 2023  
DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN

BILL NO. 23-18

Filed in Clerk's Office  
APR 05 2023  
DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN

RESOLUTION NO. 5015-23

**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**

**724 Harrison Avenue, South Bend, IN 46616**

AND

**726 Harrison Avenue, South Bend, IN 46616**

**AS A RESIDENTIALLY DISTRESSED AREA FOR PURPOSES OF A  
FIVE-YEAR (5) RESIDENTIAL REAL PROPERTY TAX ABATEMENT  
FOR**

**Cross Community, Inc.**

---

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:

*Key Number:* 71-08-02-407-013.000-026  
*Commonly Known As:* 724 Harrison Avenue, South Bend, IN 46616  
*Legal Description:* Lot 2 Kingdom Campus Minor Sub 23/24 NP #1221  
6/27/2022

and

*Key Number:* 71-08-02-407-012.000-026  
*Commonly Known As:* 726 Harrison Avenue, South Bend, IN 46616  
*Legal Description:* Lot 1 Kingdom Campus Minor Sub 23/24 NP #1221  
6/27/2022

be designated as a Residentially Distressed 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 the area qualifies as a Residentially Distressed 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 a Residentially Distressed 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 that the area meets one of the following conditions as formally established in Ordinance No. 9394-03, which was passed on February 10, 2003:

A. The area is comprised of parcels that are either unimproved or contain only one-family (1) or two-family (2) dwellings designed for up to four (4) families, including accessory buildings for those dwellings; or

B. Any dwellings in the area are not permanently occupied and are:

- i. the subject of an order issued under Indiana Code 36-7-9; or
- ii. evidencing significant building deficiencies; or

C. Parcels of property in the area:

- i. have been sold and not redeemed under Indiana Code 6-1.1-24 and Indiana Code 6-1.1-25; or
- ii. are owned by a unit of local government; or

D. A significant number of dwelling units within the area are not permanently occupied or a significant number of parcels in the area are vacant land; or

E. A significant number of dwelling units within the area are:

- i. the subject of an order issued under Indiana Code 36-7-9; or
- ii. evidencing significant building deficiencies; or

F. The area has experienced a net loss in the number of dwelling units, as documented by census information, local building and demolition permits, or certificates of occupancy, or the areas are owned by Indiana or the United States; or

G. The area (plus any areas previously designated under this subsection) will not exceed ten percent (10%) of the total area within the Council's jurisdiction.

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

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

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

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

D. 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;

E. That the deduction will not be allowed unless the dwelling is rehabilitated to meet local code standards for habitability; and

F. That the deduction will not be allowed unless the dwelling rehabilitation is completed by December 31, 2025.

SECTION IV. The Common Council hereby determines and finds that the proposed described redevelopment can be reasonably expected to yield benefits identified in the Statement of Benefits and the petition for real property tax abatement consideration and that the Statement of Benefits form prescribed by the State Board of Accounts are sufficient to justify the deduction granted under Indiana Code 6-1.1-12.1-3.

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

SECTION VI. The designation as a Residentially Distressed Area shall expire on December 31, 2025.

SECTION VII. The Common Council hereby determines that the property owner is qualified for and is granted a real property tax deduction for a period of five (5) years as shown below pursuant to Indiana Code 6-1.1-12.1-17.

Year 1 - 100%

Year 2 - 100%

Year 3 - 95%

Year 4 - 95%  
Year 5 - 90%

SECTION VIII. 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 IX. Pursuant to Indiana Code 6-1.1-12.1-2, the rehabilitation must meet all local code standards for habitability as a specific condition of having such property designated as a residentially distressed area.

SECTION X. 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

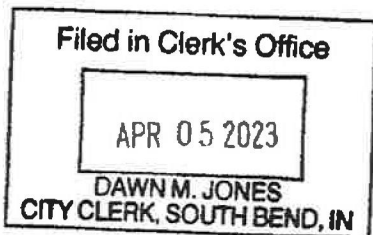
Attest:

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

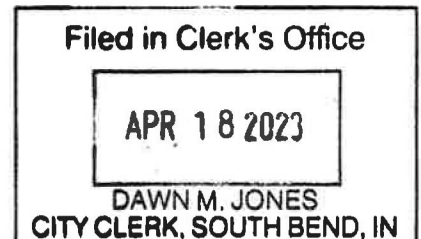
Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_\_ o'clock \_\_\_\_ .m.

\_\_\_\_\_  
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







# STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51787 (R7 / 1-21)

Prescribed by the Department of Local Government Finance

Filed in Clerk's Office

MAR 30 2023

DAWN M. JONES

CITY CLERK, SOUTH BEND, IN

Filed in Clerk's Office

APR 18 2023

2023 - pay 2024  
DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN

### 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:

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 January 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 <b>Cross Community Inc.</b>					
Address of taxpayer Number and Street: <b>707 Sherman Ave</b> City: <b>South Bend</b> State: <b>IN</b> ZIP: <b>46616</b>					
Name of contact person First Name: <b>Tina</b> Last Name: <b>Patton</b>		Telephone number <b>(574) 876-2106</b>	E-mail address <b>tmpatton2@comcast.net</b>		
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT			
Name of designating body <b>Common Council of the City of South Bend</b>					Resolution number
Location of property Number and Street: <b>724 Harrison Avenue</b> City: <b>South Bend</b> State: <b>IN</b> ZIP: <b>46616</b>		County <b>St. Joseph</b>		DLGF taxing district number <b>026 (South Bend-Portage)</b>	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) <b>We will building 2 new homes that in general will be between 1390-1620 sqft. The homes will be sold to first time homeowners who have participated in financial/credit building workshops.</b>					Estimated start date (month, day, year) <b>5/1/2023</b>
					Estimated completion date (month, day, year) <b>12/1/2023</b>
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT			
Current Number	Salaries	Number Retained	Salaries	Number Additional	Salaries
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT			
		REAL ESTATE IMPROVEMENTS			
		COST		ASSESSED VALUE	
Current values				\$ 2,600	
Plus estimated values of proposed project		\$ 220,000		\$ 242,400	
Less values of any property being replaced					
Net estimated values upon completion of project		\$ 220,000		\$ 245,000	
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER			
Estimated solid waste converted (pounds) _____			Estimated hazardous waste converted (pounds) _____		
Other benefits <b>The homes will be sold to first time homeowners who have participated in financial/credit building workshops.</b>					
SECTION 6		TAXPAYER CERTIFICATION			
I hereby certify that the representations in this statement are true.					
Signature of authorized representative 				Date signed (month, day, year) <b>3/30/2023</b>	
Printed name of authorized representative <b>Tina M. Patton</b>			Title <b>President</b>		



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 N/A calendar years\* (see below). The date this designation expires is 12/31/2025. NOTE: This question addresses whether the resolution contains an expiration date for the designated area.
- 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 \$ N/A
- D. Other limitations or conditions (specify) N/A
- 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. Except as provided in IC 6-1.1-12.1-18, 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. Except as provided in IC 6-1.1-12.1-18, 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.

Filed in Clerk's Office  
 APR 18 2023  
 DAWN M. JONES  
 CITY CLERK, SOUTH BEND, IN

Filed in Clerk's Office  
 MAR 30 2023  
 DAWN M. JONES  
 CITY CLERK, SOUTH BEND, IN



# STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

Slate Form 51787 (R7 / 1-21)

Prescribed by the Department of Local Government Finance

Filed in Clerk's Office  
MAR 30 2023  
DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN

2023 PAY 2024
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 January 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 <b>Cross Community Inc.</b>						
Address of taxpayer Number and Street: <b>707 Sherman Ave</b> City: <b>South Bend</b> State: <b>IN</b> ZIP: <b>46616</b>						
Name of contact person First Name: <b>Tina</b> Last Name: <b>Patton</b>		Telephone number <b>(574) 876-2106</b>		E-mail address <b>tmpatton2@comcast.net</b>		
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT				
Name of designating body <b>Common Council of the City of South Bend</b>						Resolution number
Location of property Number and Street: <b>726 Harrison Avenue</b> City: <b>South Bend</b> State: <b>IN</b> ZIP: <b>46616</b>		County <b>St. Joseph</b>		DLGF taxing district number <b>026 (South Bend-Portage)</b>		
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) <b>We will building 2 new homes that in general will be between 1390-1620 sqft. The homes will be sold to first time homeowners who have participated in financial/credit building workshops.</b>						Estimated start date (month, day, year) <b>5/1/2023</b>
						Estimated completion date (month, day, year) <b>12/1/2023</b>
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT				
Current Number	Salaries	Number Retained	Salaries	Number Additional	Salaries	
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT				
		<b>REAL ESTATE IMPROVEMENTS</b>				
		<b>COST</b>		<b>ASSESSED VALUE</b>		
Current values				\$ 3,400		
Plus estimated values of proposed project		\$ 220,000		\$ 241,800		
Less values of any property being replaced						
Net estimated values upon completion of project		\$ 220,000		\$ 245,000		
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER				
Estimated solid waste converted (pounds) _____			Estimated hazardous waste converted (pounds) _____			
Other benefits <b>The homes will be sold to first time homeowners who have participated in financial/credit building workshops.</b>						
SECTION 6		TAXPAYER CERTIFICATION				
I hereby certify that the representations in this statement are true.						
Signature of authorized representative <i>Tina M. Patton</i>				Date signed (month, day, year) <b>3/30/2023</b>		
Printed name of authorized representative <b>Tina M. Patton</b>			Title <b>President</b>			

Filed in Clerk's Office  
APR 18 2023  
DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, 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 N/A calendar years\* (see below). The date this designation expires is 12/31/2025. NOTE: This question addresses whether the resolution contains an expiration date for the designated area.
- 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 \$ N/A.
- D. Other limitations or conditions (specify) N/A
- 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. Except as provided in IC 6-1.1-12.1-18, 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. Except as provided in IC 6-1.1-12.1-18, 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.

Filed in Clerk's Office  
 APR 18 2023  
 DAWN M. JONES  
 CITY CLERK, SOUTH BEND, IN

Filed in Clerk's Office  
 MAR 30 2023  
 DAWN M. JONES  
 CITY CLERK, SOUTH BEND, IN

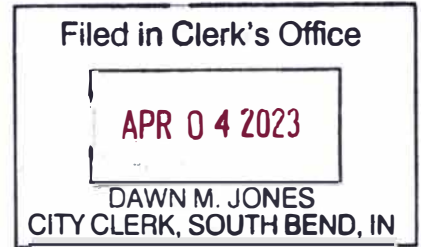
# BILL NO. 11-23

## City of South Bend BOARD OF ZONING APPEALS

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

April 4, 2023

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



Re: The petition of RED TAIL PROPERTIES LLC seeking a Special Exception for Heavy Industrial in the I Industrial for property located at 1306, 1330 HIGH ST, & 909 E BROADWAY ST, Bill#11-23

Dear Council Members:

I hereby Certify that the above referenced petition of RED TAIL PROPERTIES LLC was legally advertised on March 24, 2023 and that the South Bend Board of Zoning Appeals at its public hearing on April 3, 2023 took the following action:

Upon a motion by Caitlin Stevens, being seconded by Mark Burrell and unanimously carried, a petition by RED TAIL PROPERTIES LLC seeking a Special Exception for Heavy Industrial for property located at 1306, 1330 HIGH ST, & 909 E BROADWAY ST, City of South Bend, is sent to the Common Council with an **unfavorable recommendation**, and will issue written Findings of Fact.

The staff comments related to this petition and exhibits received prior to the meeting are attached. The Findings of Fact will be adopted at the next South Bend Board of Zoning Appeals meeting. The recording of the meeting is available on our website. Official minutes of the public hearing will be posted on our website once approved.

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

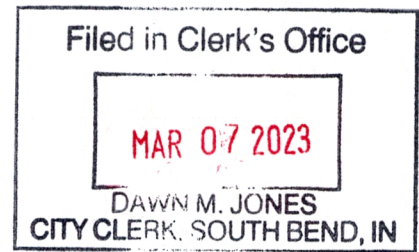
Sincerely,

Angela M. Smith  
Zoning Administrator

Attachment

CC: RED TAIL PROPERTIES LLC  
Bryan Cook





**BILL NO. 11-23**

**ORDINANCE NO. 10926-23**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 1306, 1330 HIGH ST. AND 909 E BROADWAY ST. COUNCILMANIC DISTRICT NO. 3 IN THE CITY OF SOUTH BEND, INDIANA**

---

**STATEMENT OF PURPOSE AND INTENT**

*Request a Special Exception for Heavy Industrial to allow for a salvage yard.*

---

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

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

1306, 1330 High St. and 909 E Broadway St. South Bend, IN 46618. 018-7017-072604, 018-7017-072601, and 018-7010-037101

In order to permit Heavy Industrial

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

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

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

4. The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan;

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

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

---

Sharon McBride, Council President  
South Bend Common Council

Attest:

---

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

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 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: 1306, 1330 HIGH ST, & 909 E BROADWAY ST  
Owner: RED TAIL PROPERTIES LLC

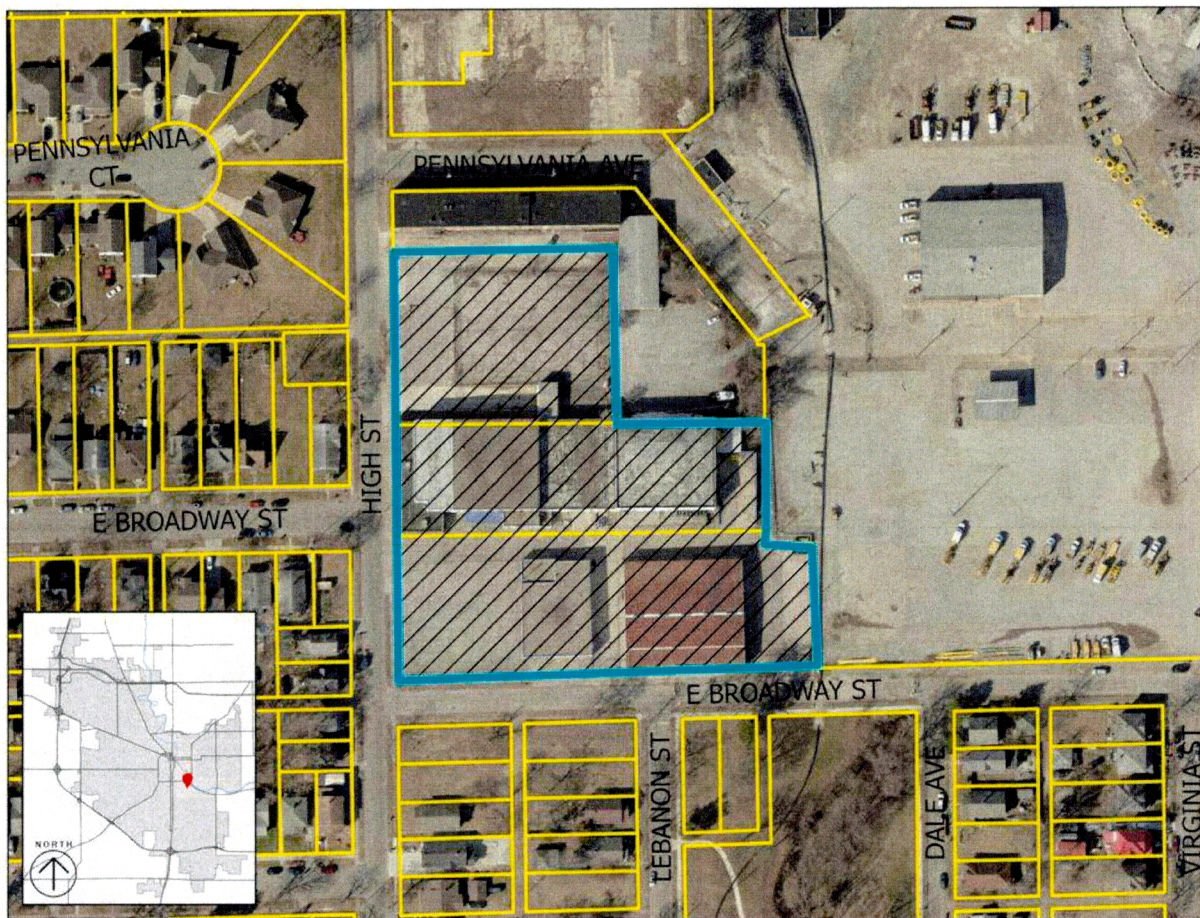
**Project Summary**

Vehicle towing, dismantling and auto repair. 2 fenced in lots on property for storage of vehicles.

**Requested Action**

Special Exception: Heavy Industrial

**Site Location**

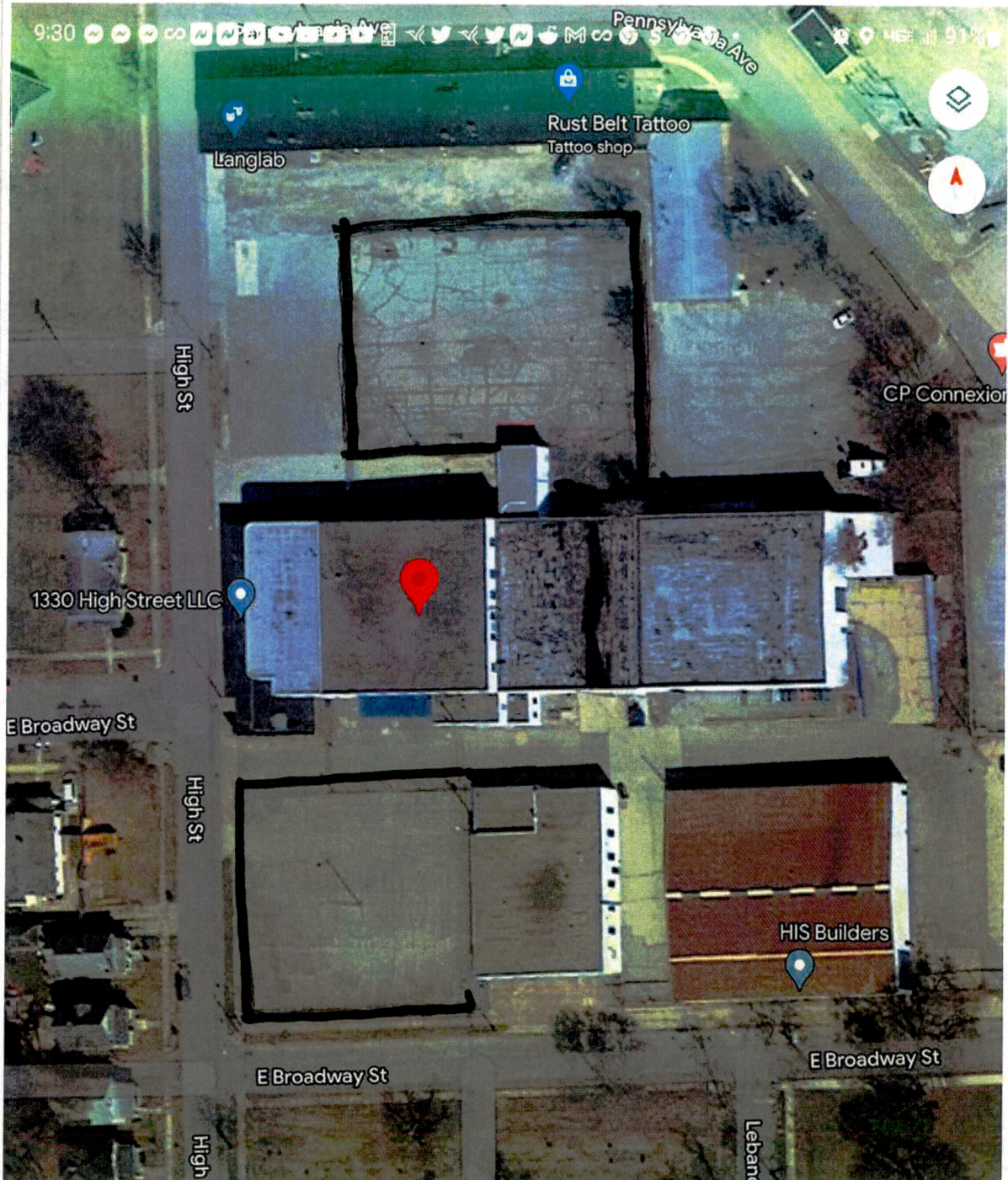


**Staff Recommendation**

Based on the information provided prior to the public hearing, the Staff recommends the Board send the petition to the Common Council with an unfavorable recommendation.



Proposed Site Plan





**Criteria for Decision Making: Special Exception**

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

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

The proposed use could be injurious to the public healthy, safety and general welfare of the community. The area is largely residential with small scale commercial surrounding the immediate property. Auto services and repair would be allowed by right, however, those services would be performed inside the buildings with restrictions on how long vehicles can remain on the lot.

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

The proposed use could adversely affect the use and values of the adjacent properties and area. Heavy Industrial uses are not appropriate when adjacent to or located within a residential neighborhood. Heavy Industrial uses can have a negative impact on future residential development.

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

The proposed use of Heavy Industrial is not consistent with the character of the surrounding neighborhood. The site is zoned I Industrial but Heavy Industrial is not appropriate located in the middle of a neighborhood.

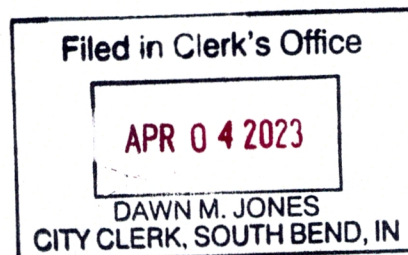
**(4) The proposed use is compatible with the recommendations of the Comprehensive Plan.**

The proposed use is not compatible with the recommendations of the Comprehensive Plan. The Southeast Neighborhood Master Plan (2015) specifically states this location should be a mixed use community center to expand upon LangLab and the amenities offered to the neighborhood.

**Analysis & Recommendation**

**Analysis:** Heavy Industrial uses are not appropriate when adjacent to, or located within, a residential neighborhood. The area is largely residential with small scale commercial surrounding the immediate property

**Staff Recommendation:** Based on the information provided prior to the public hearing, the Staff recommends the Board send the petition to the Common Council with an unfavorable recommendation.





Filed in Clerk's Office  
APR 04 2023  
DAWN M. JONES  
CITY CLERK SOUTH BEND, IN

Southeast Organized Area Residents, Inc.  
1412 South Carroll Street  
South Bend, Indiana 46613

February 25, 2023

Dear Tim Corcoran:

Although I talked with you about this issue at the talk to the mayor session at Riley High School, at our monthly SOAR meeting on February 14, it was decided that I should write an official letter of concern and assistance for the city to close the "junk yard" which has been established at the former site of the Pepsi Cola Bottling Plant.

This eyesore should not be allowed in a predominantly residential neighborhood. We know that light industrial is the official zoning of the area north of Broadway, east of High, south of Sample, and west of Miami, but there must be some limits. In addition, was the buyer honest about his intention for this property at the time he purchased it, and would the sale have been finalized with this intent? What can we do about this?

Stephenie at LangLab told me that you called her the next day expressing concern. We are grateful for that. We hope LangLab can thrive, but its surrounding area will need to be attractive to their customers. Especially as they plan to make major improvements to their building and parking lot.

Please do whatever the city can to end this use, and the abuse of our residential area. And please keep us informed of what is going on, and let us know if there is anything we can do to help.

Thank you.

Sincerely,

Conrad Damian, President



**Kate Bolze**

---

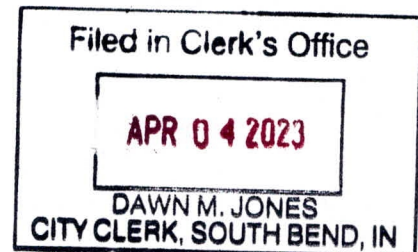
**From:** Rahman Johnson <rocknd9393@gmail.com>  
**Sent:** Monday, April 3, 2023 1:28 PM  
**To:** Zoning  
**Subject:** BZA#0183-23 RED TAIL PROPERTIES LLC 1330 and 1306 High St.

Dear Board of Zoning Appeals,

Please accept this letter as opposition to the requested action of **Special Exemption for Heavy Industrial** at the location referenced above. My name is Rahman Johnson and I reside at the following address: 728 Pennsylvania Ave. , South Bend, IN 46601.

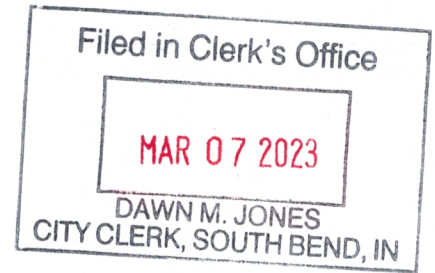
I believe this site or Junkyard poses a serious threat to the health of the residents and environment that live near this site. This threat includes hazardous materials such as lead batteries, mercury from light switches, anti-freeze, freon from cooling systems, polychlorinated Biphenyls (PCBs) Chlorofluorocarbons (CFCs), asbestos found in brake pads, motor oil, and heavy other metals. These toxins pose real health risks and can be linked to kidney disease, possible brain damage, problems with the blood and damage to the reproductive and nervous systems. In addition, PCBS and asbestos are carcinogenic. The environmental concerns include plant contamination, endanger animals, soil and groundwater. These heavy metals and other contaminants may enter drinking water and pose risk to everyone living near this site.

Again, my name is Rahman J



# City of South Bend

## BOARD OF ZONING APPEALS



March 7, 2023

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

RE: Special Exception at 1306, 1330 High St. and 909 E Broadway St.

Dear Committee Chair Hamann:

Enclosed is an Ordinance for the proposed Special Exception at the above referenced location. Please include the attached Ordinance on the Council agenda for **first reading** at your **March 13, 2023**, Council meeting and set it for public hearing at your **April 10th, 2023** Council meeting. The petition is tentatively scheduled for public hearing at the April 3rd, 2023 South Bend Board of Zoning Appeals meeting. The staff report and recommendation of the South Bend Board of Zoning Appeals will be forwarded to the Office of the City Clerk by noon on the Wednesday following the public hearing.

The petitioner provided the following to describe the proposed project:  
*A Special Exception for Heavy Industrial to allow for a salvage yard.*

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

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

Sincerely,

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

Rachel Boyles  
Zoning Specialist

CC: Bob Palmer

City of South Bend  
**BOARD OF ZONING APPEALS**

RECEIVED MAR 03 2023

**Petition for Variance - Special Exception**

**Property Information**

018-7017-072604, 018-7017-072601, 018-7010-037101

Tax Key Number:

Address: 1330 High St South Bend, IN 46601

Owner: Redtail Properties LLC

Zoning: I

**Project Summary:**

Vehicle Towing, Dismantling, and Auto repair. I need 2 fenced in lots on the property for storage of vehicles.

**Requested Action**

Special Exception – complete and attach Criteria for Decision Making

Use requested: Industrial, Heavy - Salvage Yard

Variance(s) - List variances below, complete and attach Criteria for Decision Making

Variance(s) requested:

**Required Documents**

Completed Application (including Criteria for Decision Making and Contact Information)

Site Plan drawn to scale

Filing Fee

**PAID**

MAR 05 2023

Per KB  
\$300 - cash



## Criteria for Decision Making

### Special Exception - If applicable

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

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

I intend to follow all rule and regulations required by the city, County, and state.

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

I will keep areas clean and neat. I will comply with all requirments for landscaping and fence Height.

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

I follow all Zoning regulation.

(4) The proposed use is compatible with the recommendations of the Comprehensive Plan, because:

I will follow the character of the District.

## Contact Information

### Property owner(s) of the petition site:

X Name: REDTAIL PROPERTIES, LLC  
Address: 4100 EDISON LAKES PARKWAY SUITE 350  
MISHAWAKA, IN 46545

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

### Contact Person:

Name: Bryan Cook

Address: 5308 Miami St  
South Bend, IN. 46614

Phone Number: 870 456 3882

E-mail: BryanCook77@gmail.com

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

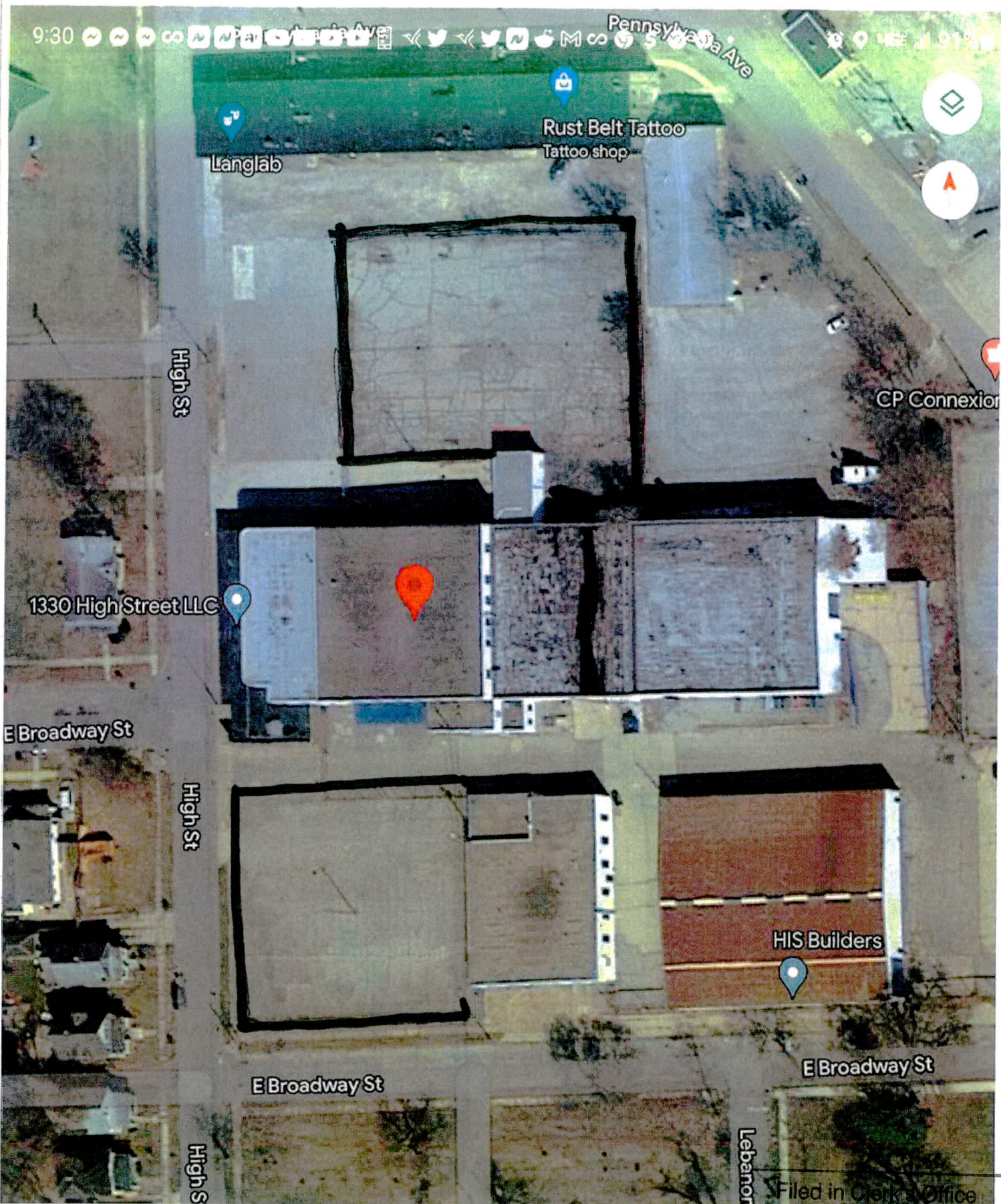
**The undersigned authorizes the contact person listed above to represent this petition before the South Bend Plan Commission and Common Council and to answer any and all questions related to this petition.**

Property Owner (s) Signatures:

X Sarah Pusek as agent for Red Tail Properties, LLC

\_\_\_\_\_





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



# 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](http://www.southbendin.gov/zoning)

Filed in Clerk's Office

APR 18 2023

DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN

Tuesday, April 18, 2023

South Bend Common Council  
227 W. Jefferson Blvd., 4<sup>th</sup> Floor  
South Bend, IN 46601

Re: Bill#16-23 - A proposed ordinance of PROPERTY BROS LLC to zone from U2 Urban Neighborhood 2 to U3 Urban Neighborhood 3, property located at 616 618 SHERMAN AVE, City of South Bend - PC# 0143-23


Dear Council Members:

I hereby Certify that the above referenced ordinance of PROPERTY BROS LLC was legally advertised on April 7, 2023 and that the South Bend Plan Commission at its public hearing on April 17, 2023 took the following action:

Upon a motion by Kyle Copelin, being seconded by Jason Piontek and unanimously carried, a proposed ordinance of PROPERTY BROS LLC to zone from U2 Urban Neighborhood 2 to U3 Urban Neighborhood 3, property located at 616 618 SHERMAN AVE, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation, subject to the following commitment:  
1) No more than six (6) units shall be permitted on the property.

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,

  
Angela M. Smith  
Zoning Administrator

Attachment

CC: PROPERTY BROS LLC  
Bob Palmer

**Tim Corcoran**  
*Planning Director*

**Angela Smith**  
*Zoning Administrator*

**Scott Ford**  
*Commission President*

Filed in Clerk's Office  
MAR 21 2023  
DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN

**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 1<sup>st</sup> 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.

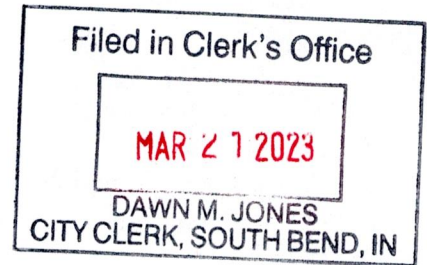
---

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





**Property Information**

Location: 616 618 SHERMAN AVE  
Owner: PROPERTY BROS LLC

**Requested Action**

Rezone from U2 Urban Neighborhood 2 to U3 Urban Neighborhood 3

**Project Summary**

Construct a six-plex apartment building

**Location Map**

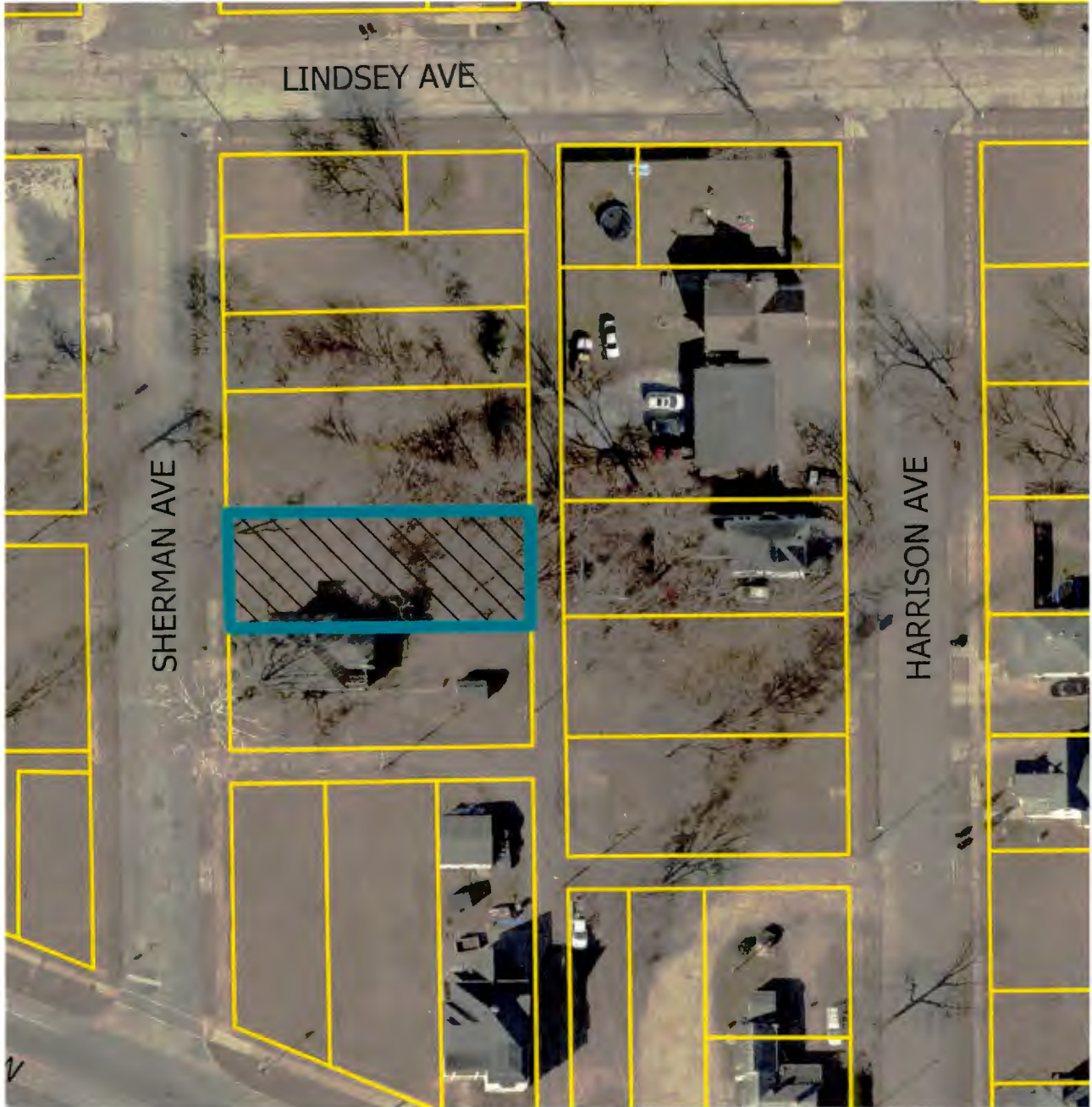


**Recommendation**

**Staff Recommendation:** Based on information available prior to the public hearing, the Staff recommends the Plan Commission send the rezoning petition to the Common Council with a favorable recommendation



Proposed Site Plan



## Site & Context

### Land Uses and Zoning:

- On site: On site is an undeveloped parcel.
- North: An undeveloped parcel zoned U2.
- East: A one unit dwelling zoned U2.
- South: A two unit dwelling zoned U2.
- West: An undeveloped parcel zoned NC Neighborhood Center and an undeveloped parcel zoned U2.

### District Intent:

The U3 District is established to provide for, promote, and maintain the development of a full range of housing types located near neighborhood centers and along major streets in urban neighborhood centers and along major streets in urban neighborhoods in core and outlying areas of the City.

### Site Plan Description:

Petitioner is proposing to build a six-plex apartment building utilizing a pre-approved building plan.

### Zoning and Land Use History and Trends:

The neighborhood was largely established in the late 1890s and early 1900s as a walkable urban single family neighborhood consisting of single family homes with the occasional duplex or triplex, accessed by rear alleys. Through the last few decades, houses have been demolished, resulting in many vacant lots. There has been an effort in recent years to build new housing on vacant lots.

### Traffic and Transportation Considerations:

Sherman Avenue is two lanes with on-street parking.

## Agency Comments

### Agency Comments:

- There are no additional comments at this time.
- There are no Engineering comments at this time.

### Staff Comments:

These housing types blend well with the character and scale of existing urban neighborhoods. With its location in a fairly walkable urban neighborhood that is close to a major corridor and its businesses, transit, and downtown, this property is well suited for U3 zoning.

## 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 the City Plan, South Bend Comprehensive Plan (2006), Objective H 1: Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of households now and in the future.



**Land Use Plan:**

The Future Land Use Plan identifies this area for Medium Density Residential, which would allow for a range of neighborhood-scaled residential housing types.

**Plan Implementation/Other Plans:**

The Near Northwest Neighborhood Plan (2019) promotes a mix of housing styles to address missing middle housing needs in the area.

**2. Current Conditions and Character:**

The existing neighborhood was a dense urban single-family neighborhood. Over time, the demolition of homes has resulted in an increased number of vacant lots. Most of the original homes in the neighborhood date from prior to the 1920s. A concerted effort is being made to build new housing on vacant lots as well as rehabilitate deteriorated housing.

**3. Most Desirable Use:**

The most desirable use, at this time, is a range of low to medium density residential housing types that will seamlessly fit in the established character of the neighborhood.

**4. Conservation of Property Values:**

Allowing new development on vacant lots should improve the overall value of the neighborhood. Adding additional population to the neighborhood should help stabilize property values.

**5. Responsible Development and Growth:**

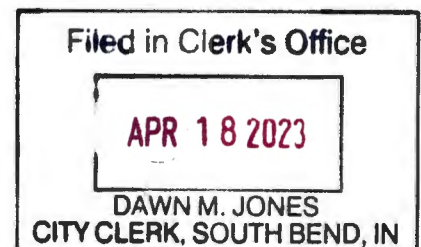
It is responsible development and growth to allow for a variety of housing options within this urban neighborhood.

**Analysis & Recommendation**

**Commitments:** The Staff recommends the following written commitment: No more than six (6) units shall be permitted on the property.

**Analysis:** Rezoning the site to U3 Urban Neighborhood 3 will allow for residential growth and increased housing options in the neighborhood while not drastically changing the established character.

**Recommendation:** Based on information available prior to the public hearing, the Staff recommends the Plan Commission send the rezoning petition 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

March 21, 2023

Honorable Committee Chair Hamann  
4<sup>th</sup> 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 27<sup>th</sup>, 2023, Council meeting, and set it for public hearing at your April 24<sup>th</sup>, 2023, Council meeting. The petition is tentatively scheduled for public hearing at the April 17<sup>th</sup>, 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:

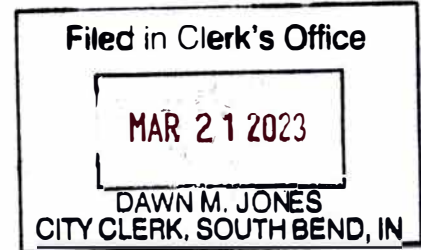
Rezone the property from U2 Urban Neighborhood 2 to U3 Urban Neighborhood 3 to allow for a six-plex.

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

**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 NO. 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	RS20 SOUTH BEND ZONING ORDINANCE
ZONING DISTRICT	ALLOWED IN RS2, US3, LP1, NC & DT1 (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	RS218 INDIANA BUILDING CODE (RS218 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	RS218 INTERNATIONAL ENERGY CONSERVATION CODE (W/ RS20 INDIANA AMENDMENTS)
ACCESSIBILITY	RS209 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 FULL COMPLIANCE WITH THE INDIANA BUILDING CODE AND ALL APPLICABLE AMENDMENTS. FOR MORE INFORMATION, CONTACT THE SOUTH BEND CITY ENGINEER'S OFFICE. SEE THE CITY ENGINEER'S OFFICE WEBSITE FOR THE LATEST CITY ENGINEER'S OFFICE NOTICES ON THIS PAGE.

CITY ENGINEER  
COVER DRAWING,  
INDEX AND GENERAL  
INFORMATION

DATE: 01  
**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 HOUSING AND SECURITY TO OBTAIN A CERTIFICATE OF DESIGN RELEASE (CDR) FOR THE GENERAL ADMINISTRATIVE BUILDING ACT (GAB). A GAB AND SURROUNDING 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, CASSETS, GRAB BARS, CLOSET ROOFS, INCLUDING ALL WALL MOUNTED ACCESSORIES AND ARCHIT. MODULAR SHOWER SURROUND.
- COORDINATE SIZE AND LOCATIONS OF SELECTED EQUIPMENT AND APPLIANCES ACCORDING TO THE MANUFACTURER'S SPECIFICATIONS.

**GENERAL CONSTRUCTION STANDARDS**

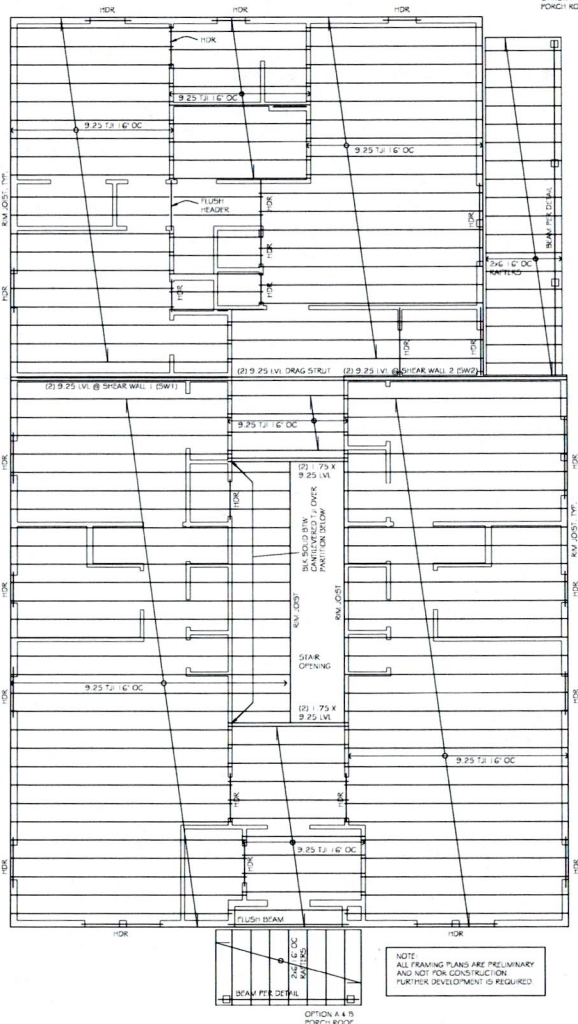
- THE FOLLOWING DESCRIBES THE TYPICAL CONDITIONS ASSUMED THROUGHOUT THIS DRAWING SET. STRUCTURE TO BE CONFIRMED AND VERIFIED BY OTHERS. MODIFICATIONS TO THESE DETAILS MAY BE REQUIRED AT THE DISCRETION AND LIABILITY OF THE GENERAL CONTRACTOR.
  - EXTERIOR WALL ASSEMBLY:
    - EXTERIOR ASSEMBLY: FIBER CEMENT SIDING W/ 5" EXPOSURE ON WATER RESISTIVE BARRIER (WRB) OR 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 GLEED AND SCREED TO FLOOR JOISTS. INTERIOR FLOOR FINISH BY OTHERS.
    - WOOD JOIST: 2x8s / 12 JOISTS, OR AS REQUIRED BY STRUCTURAL.
    - CEILING SYSTEM: 1" LAYER OF GYPSUM WALL BOARD OVER RESULT 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 A 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.





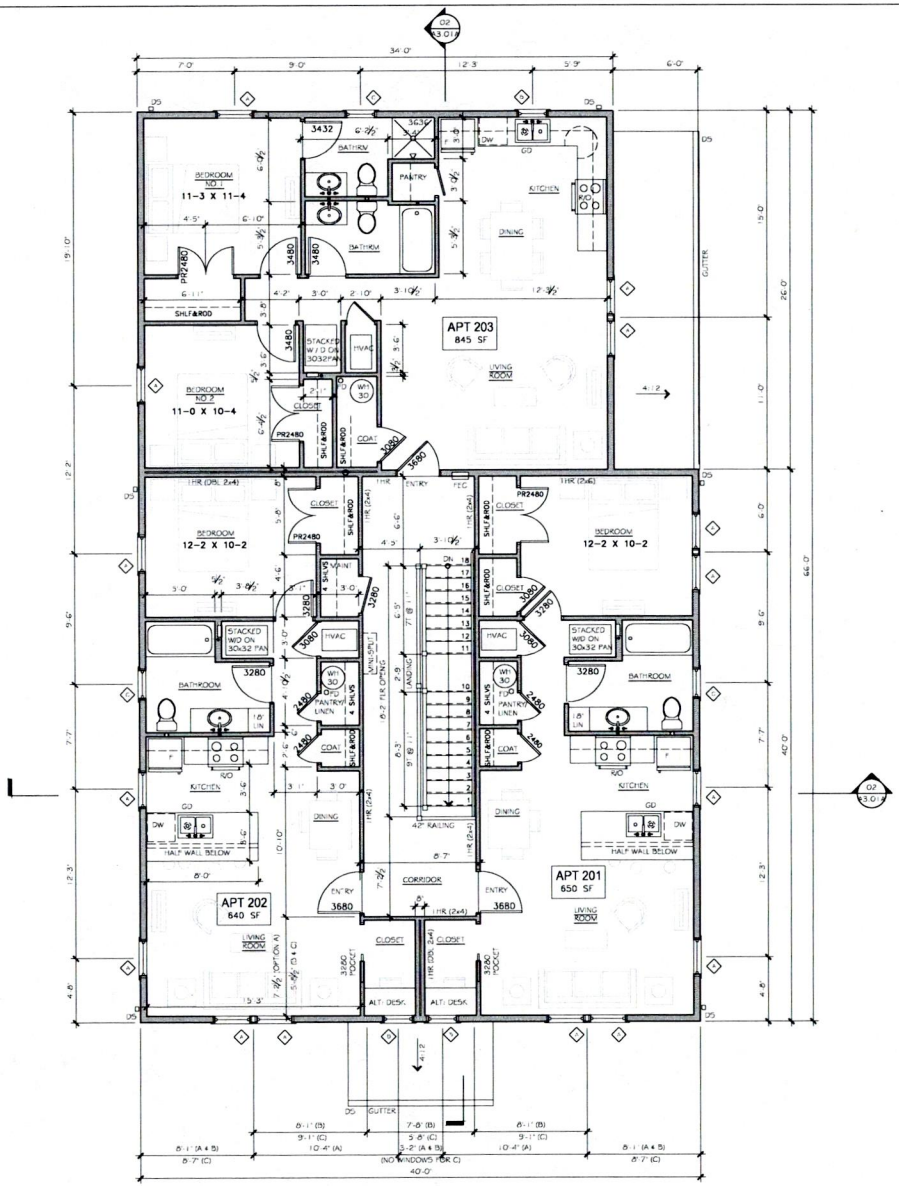






G2 SECOND LEVEL FLOOR FRAMING PLAN

1/4" = 1'-0"



G1 SECOND LEVEL PLAN

1/4" = 1'-0"



**SOUTH BEND**

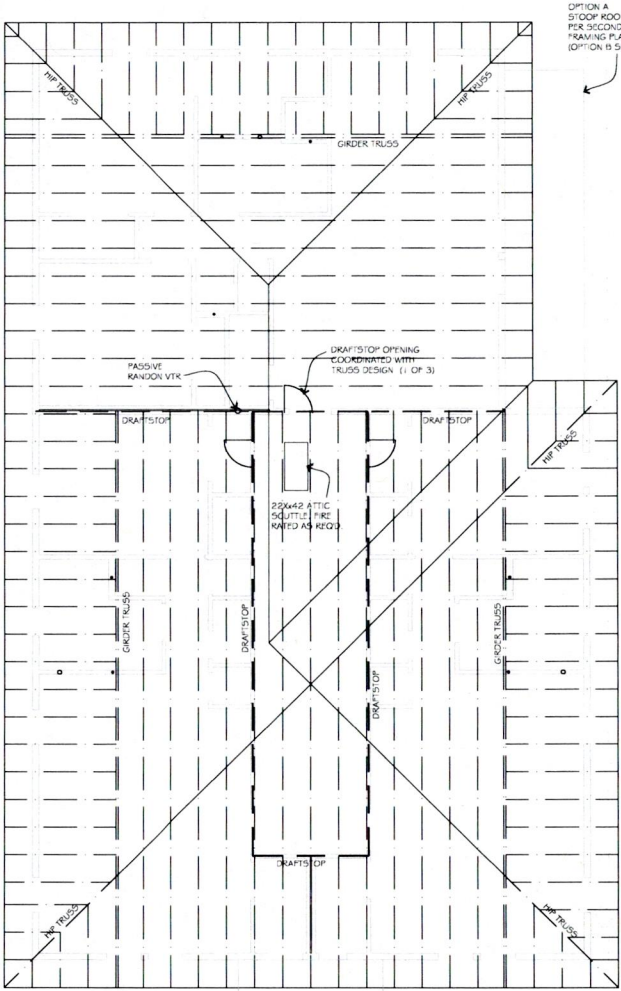
SIX-PLEX APARTMENT  
SOUTH BEND MODEL BUILDINGS

JAN 12, 2022  
PRE-APPROVED  
BUILDING SET

NOTE:  
1. THIS FRAMING SET IS A PRELIMINARY SET AND IS NOT FOR CONSTRUCTION.  
2. THIS FRAMING SET IS FOR INFORMATIONAL PURPOSES ONLY.  
3. THIS FRAMING SET IS NOT TO BE USED FOR ANY OTHER PROJECTS.  
4. THIS FRAMING SET IS NOT TO BE USED FOR ANY OTHER PROJECTS.  
5. THIS FRAMING SET IS NOT TO BE USED FOR ANY OTHER PROJECTS.

SHEET TITLE  
2ND FLOOR FRAMING  
AND  
2ND FLOOR PLAN

SHEET NO.  
A-104

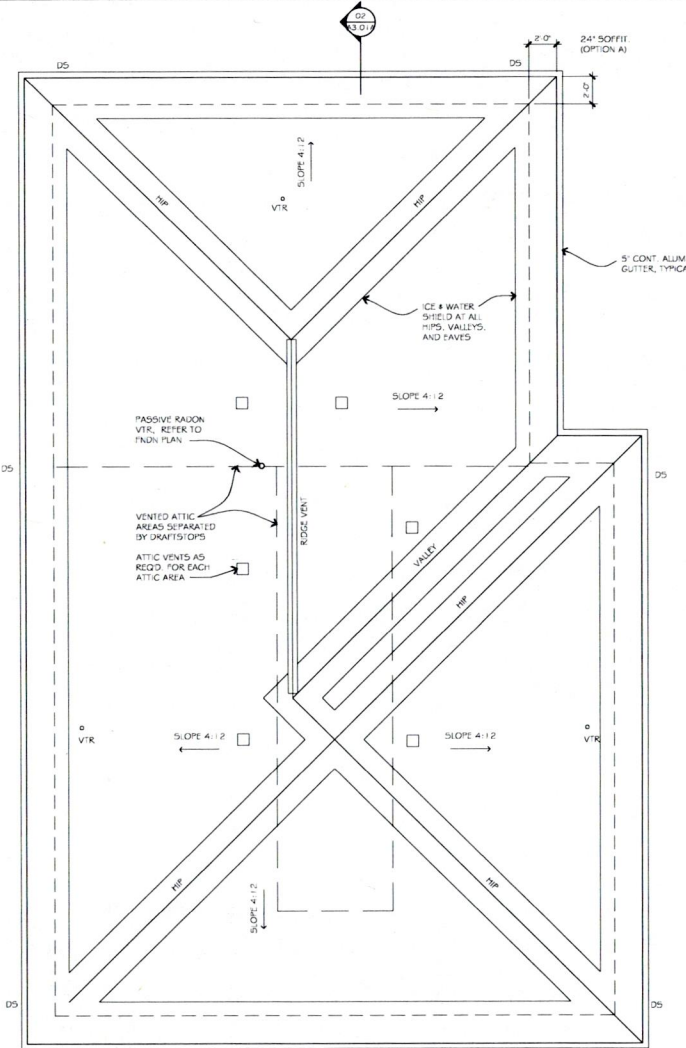


OPTION A  
STOOFF ROOF BELOW  
PER SECOND FLOOR  
FRAMING PLAN  
(OPTION B SIMILAR)

OPTION A  
STOOFF ROOF BELOW  
PER SECOND FLOOR  
FRAMING PLAN  
(OPTION B SIMILAR)

02 UPPER ROOF FRAMING PLAN - OPTION A

1/4" = 1' 0"



OPTION A  
STOOFF ROOF BELOW  
PER SECOND FLOOR  
FRAMING PLAN  
(OPTION B SIMILAR)

OPTION A  
STOOFF ROOF BELOW  
PER SECOND FLOOR  
FRAMING PLAN  
(OPTION B SIMILAR)

01 ROOF PLAN - OPTION A

1/4" = 1' 0"



**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

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**





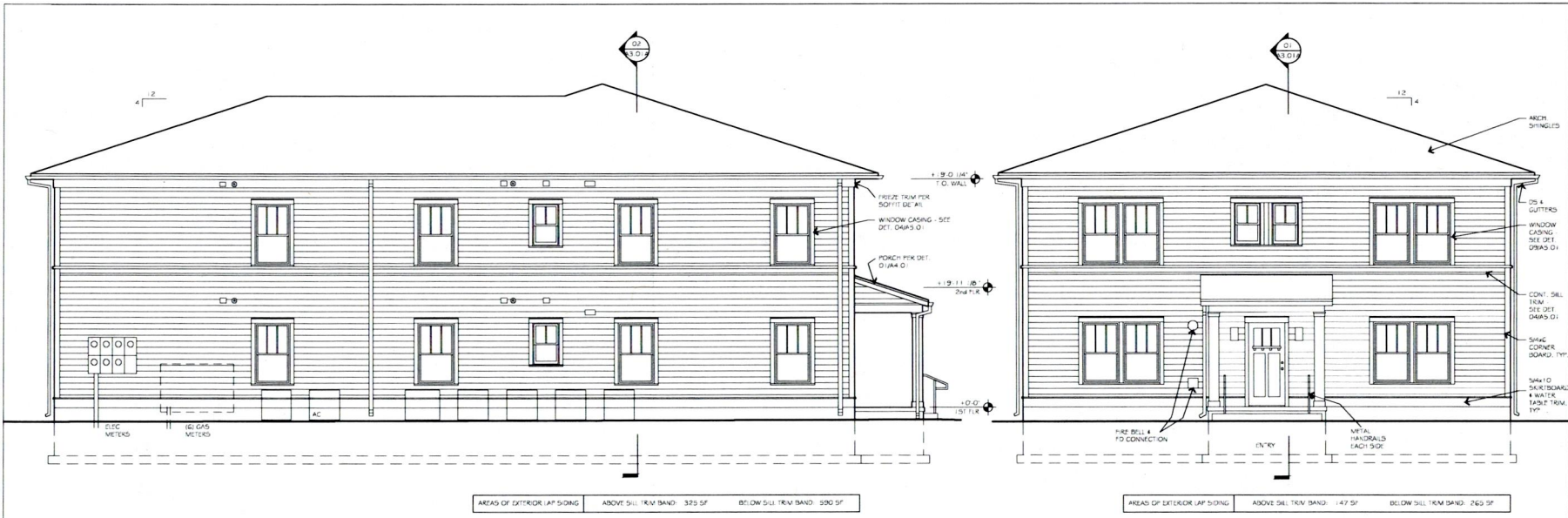
**SIX-PLEX APARTMENT**  
SOUTH BEND MODEL BUILDINGS  
(4) X 1 BED / 1 BATH  
(2) X 2 BED / 2 BATH  
SOUTH BEND, INDIANA

JAN 12, 2022  
PRE-APPROVED  
BUILDING SET

NOTES:  
1. THE DRAWING IS NOT 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.

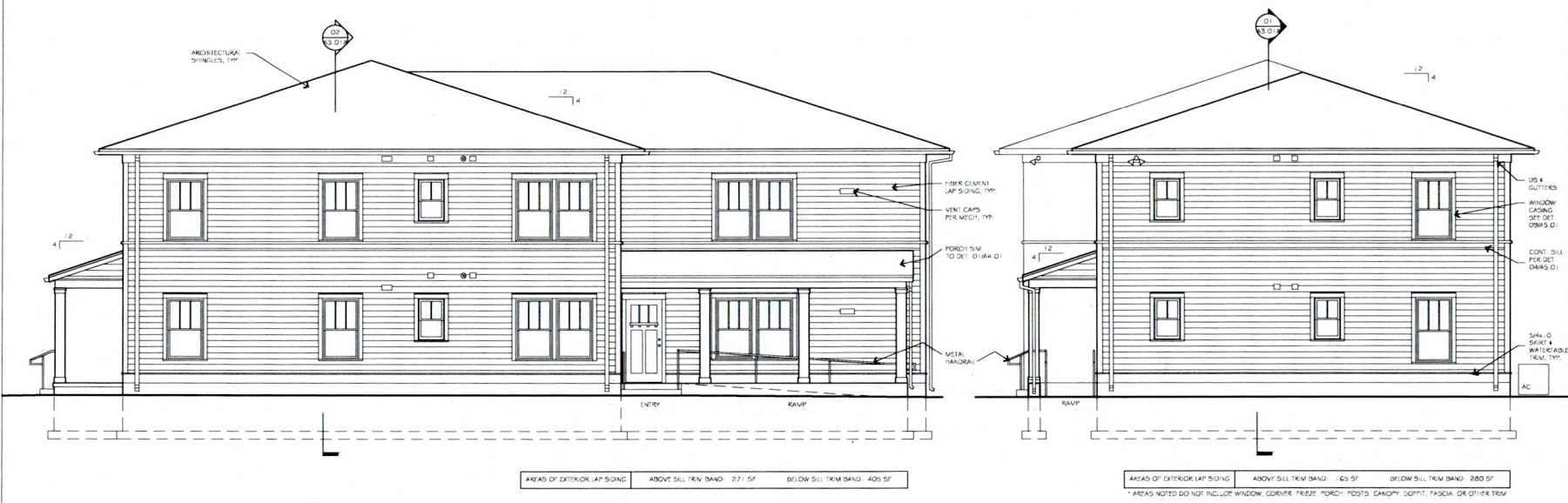
EXTERIOR  
ELEVATIONS  
(OPTION A)

A-2.01A



04 SIDE ELEVATION - OPTION A

03 FRONT ELEVATION - OPTION A



02 SIDE ELEVATION - OPTION A

01 REAR ELEVATION - OPTION A



CITY OF  
**SOUTH BEND**



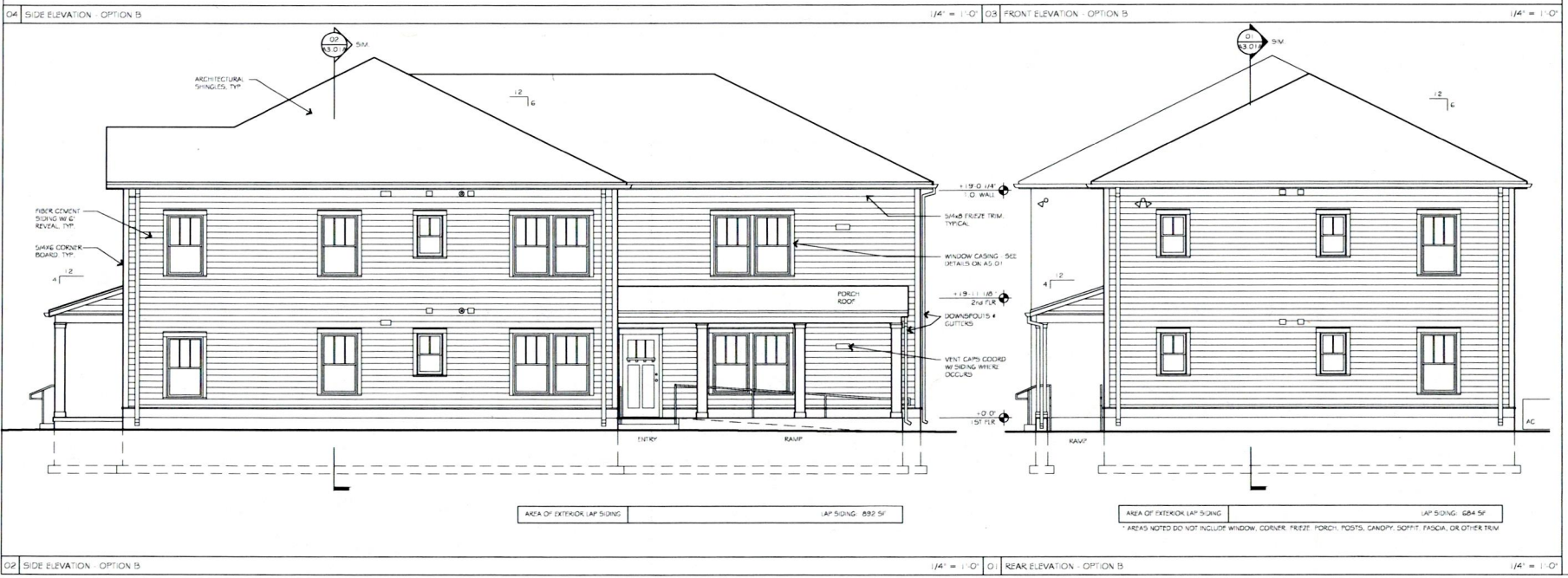
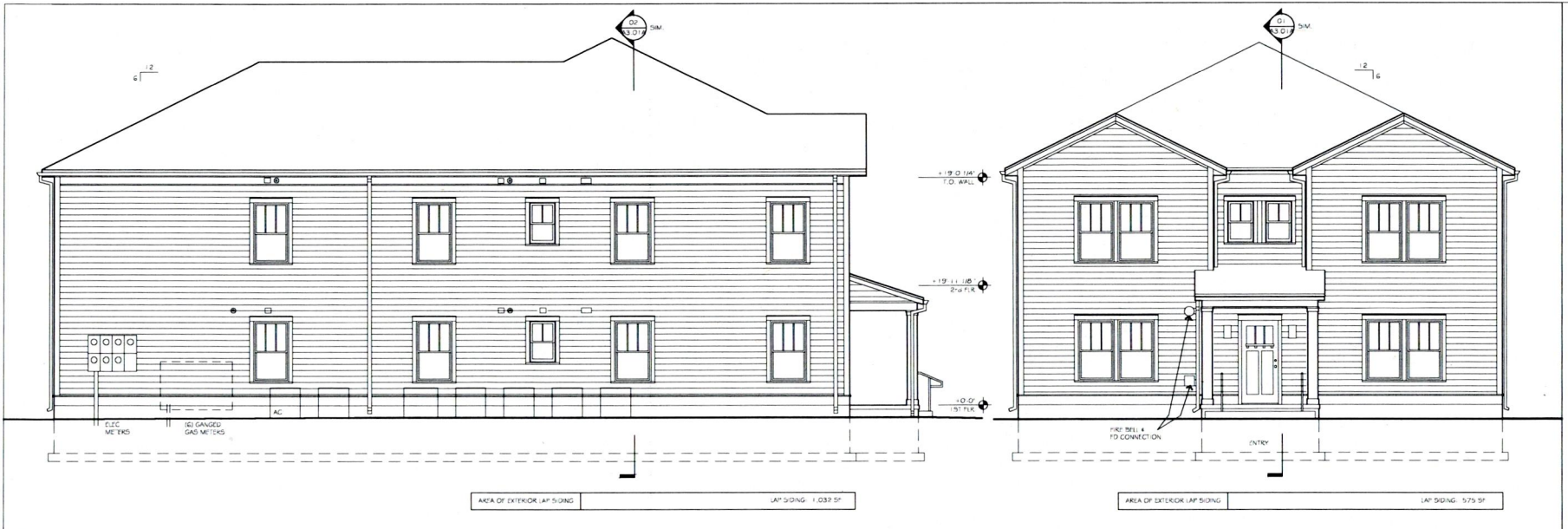
**SIX-PLEX APARTMENT**  
SOUTH BEND MODEL BUILDINGS  
(4) X 1 BED / 1 BATH  
(2) X 2 BED / 2 BATH  
SOUTH BEND, INDIANA

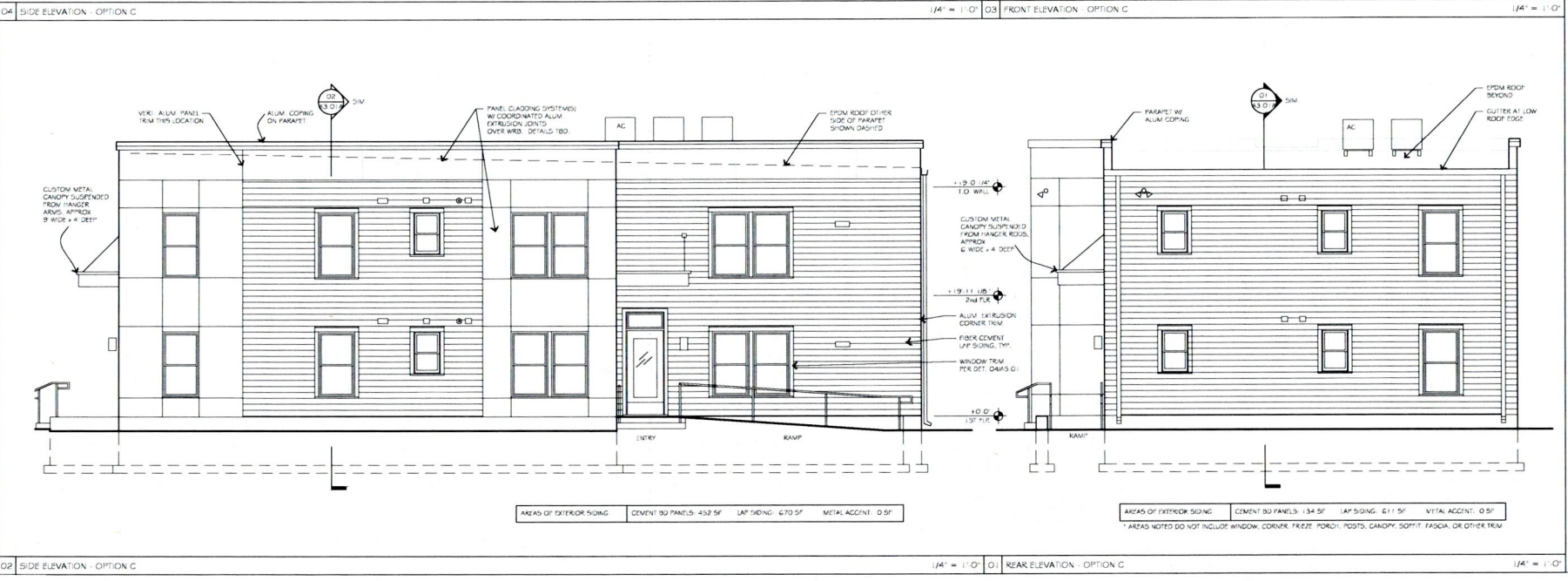
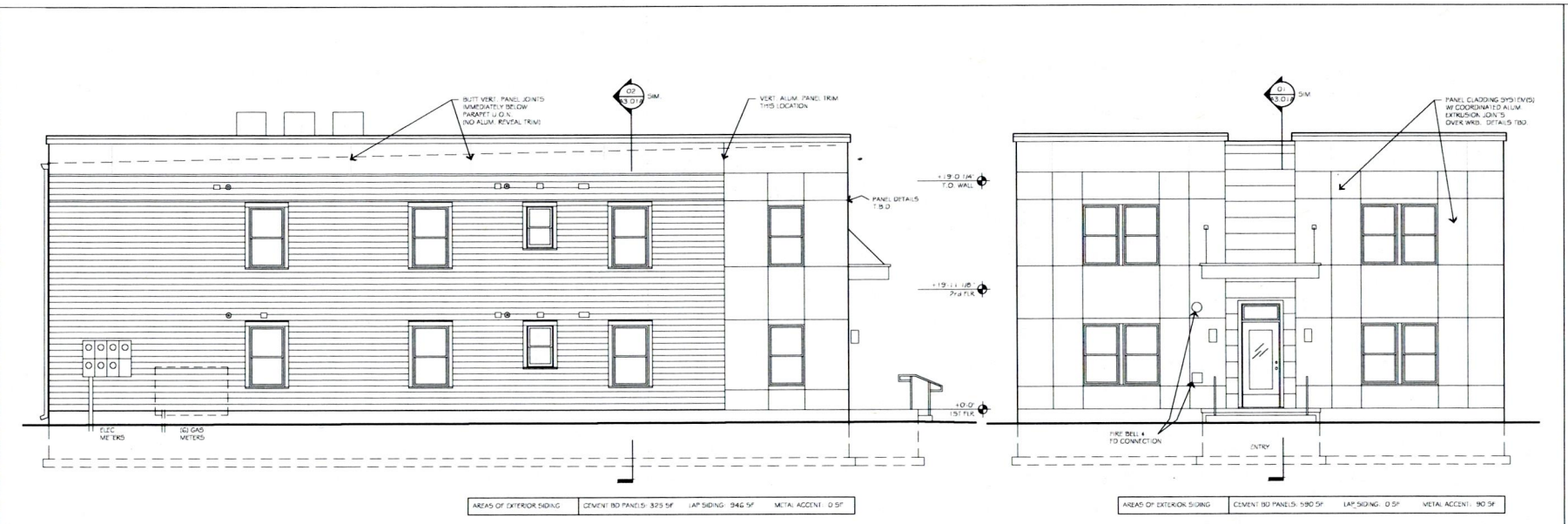
JAN 12, 2022  
PRE-APPROVED  
BUILDING SET

NOTES:  
1. THE DRAWING IS NOT TO BE USED FOR ANY OTHER PROJECTS WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.  
2. THE ARCHITECT IS NOT RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REGULATORY REQUIREMENTS. SEE CHECK NOTES ON DRAWING PAGE.

EXTERIOR  
ELEVATIONS  
(OPTION B)

A-2.OIB

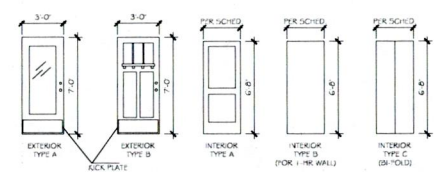






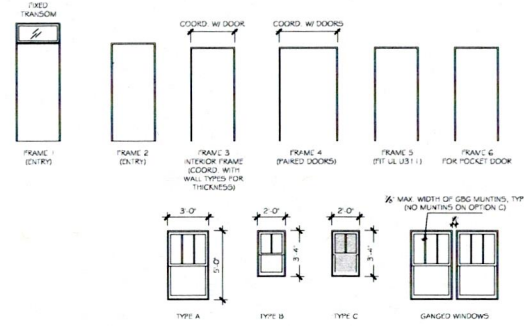
AREA OF FLOORING (GROSS SF)			
APARTMENT 101		APARTMENT 201	
LIVING / DINING / KITCHEN	307	LIVING / DINING / KITCHEN	337
POWDR ROOM (INC TUB)	47	POWDR ROOM (INC TUB)	47
HALLWAY	31	HALLWAY	31
BEDROOM	155	BEDROOM	155
APARTMENT 102		APARTMENT 202	
LIVING / DINING / KITCHEN	294	LIVING / DINING / KITCHEN	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/ W/)	60	POWDR RMG (INC TUB) (W/ W/)	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 1/4" PER PLAN
INTERIOR A	2'-0" x 6'-0"	3	11		COORD. LOCKSET 1/4" 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 - 1/4" RENO
INTERIOR A	1'-0" x 6'-8"	3	3		POCKET DOOR
INTERIOR A	2'-4" x 6'-8"	6	3		
INTERIOR B	3'-0" x 6'-8"	5	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





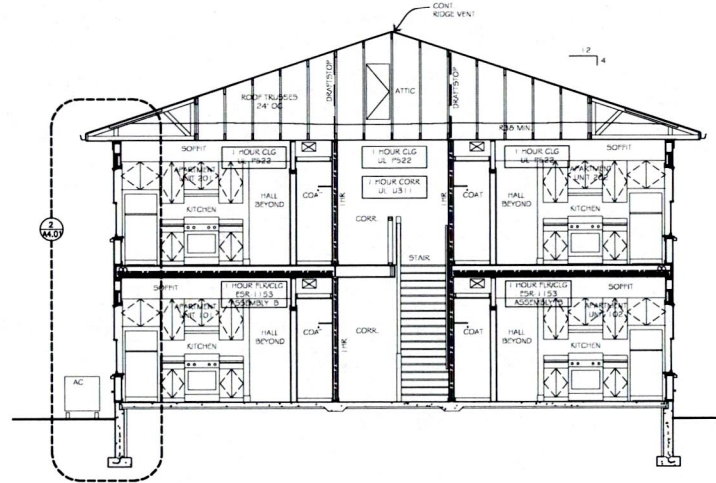
**SIX-PLEX APARTMENT**  
SOUTH BEND MODEL BUILDINGS  
(4) X 1 BED / 1 BATH  
(2) X 2 BED / 2 BATH  
SOUTH BEND, INDIANA

JAN 12, 2022  
PRE-APPROVED  
BUILDING SET

NOTES:  
1. THE DRAWING IS NOT TO BE USED FOR CONSTRUCTION UNLESS THE CONTRACTOR HAS REVIEWED THE DRAWING AND FOUND IT TO BE ACCURATE AND COMPLETE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF SOUTH BEND.

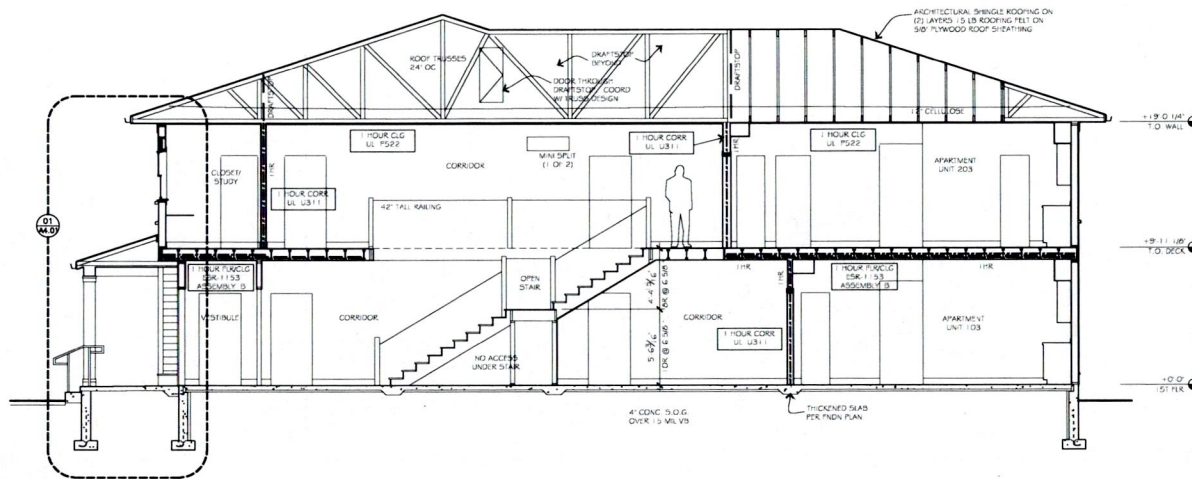
BUILDING  
SECTIONS  
(OPTION A)

A-3.01A



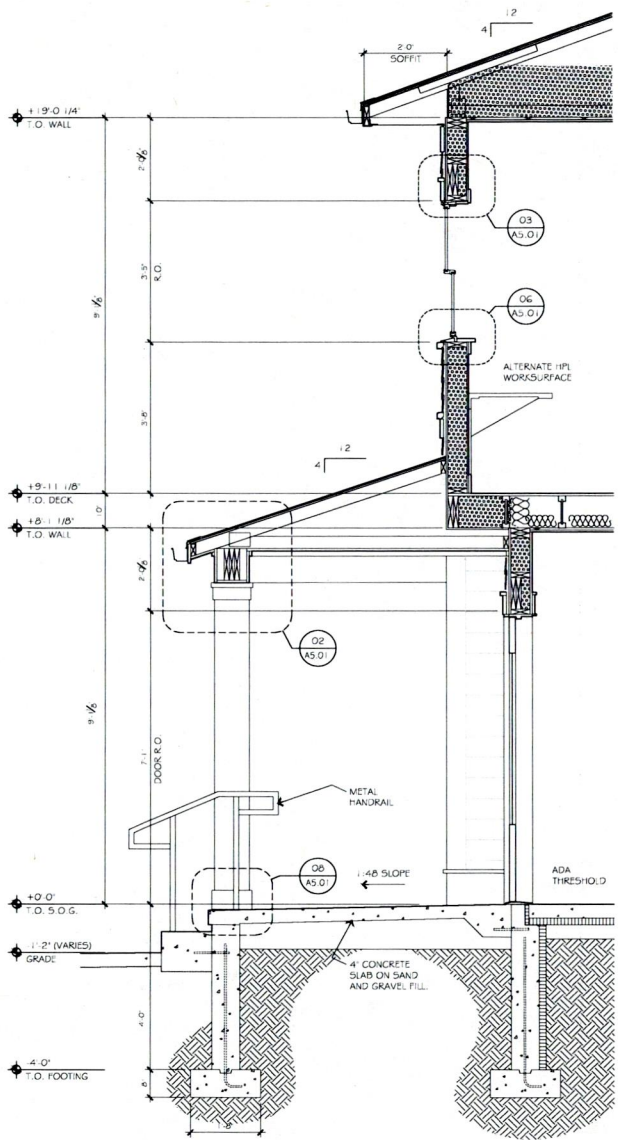
02 LONGITUDINAL SECTION - OPTION A

1/4" = 1'-0"



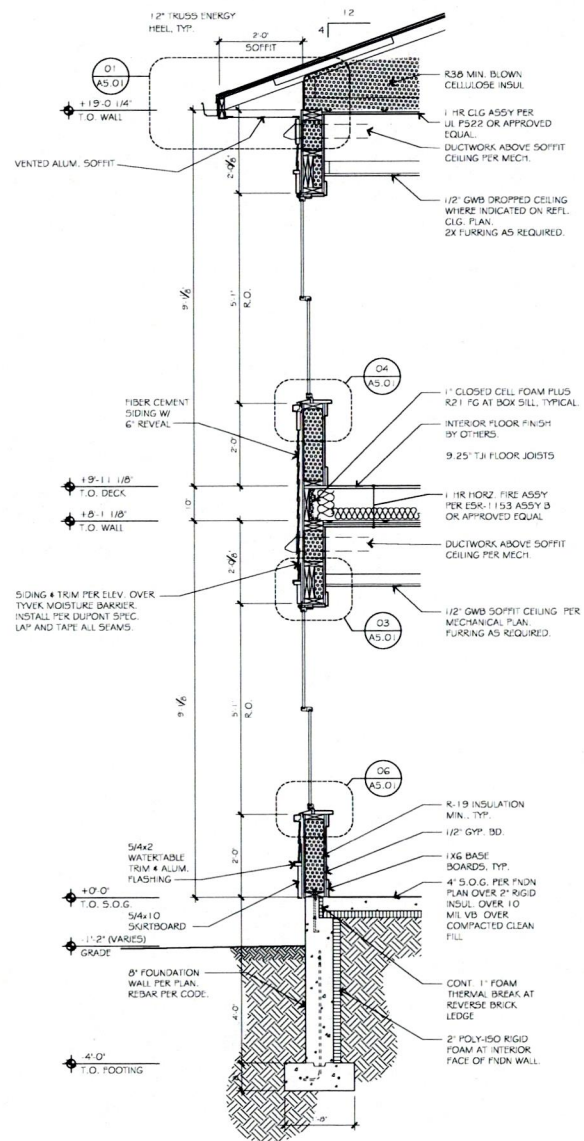
01 LONGITUDINAL SECTION - OPTION A

1/4" = 1'-0"




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**

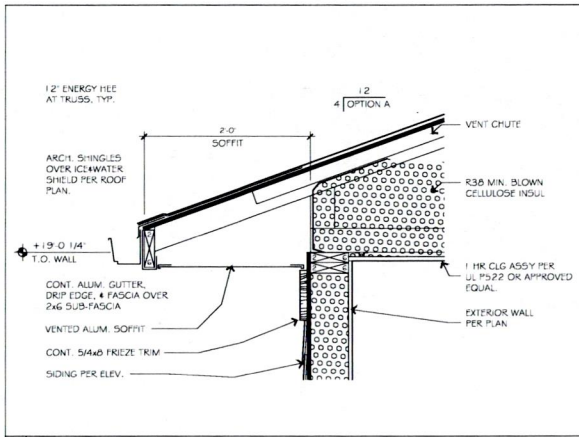


**SIX-PLEX APARTMENT**  
SOUTH BEND MODEL BUILDINGS  
(4) X 1 BED / 1 BATH  
(2) X 2 BED / 2 BATH  
SOUTH BEND, INDIANA

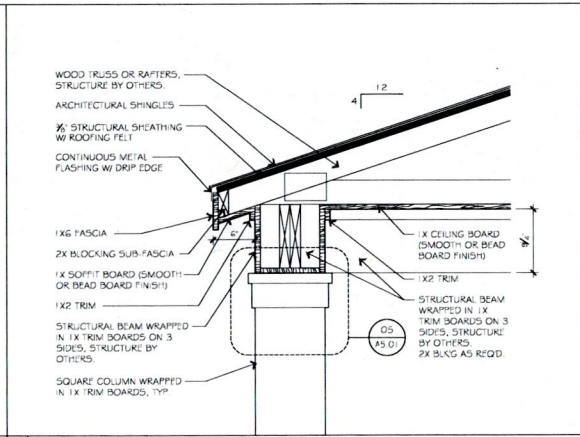
**LEED CERTIFIED**  
PRE-APPROVED  
BUILDING SET

WALL DETAIL SECTIONS

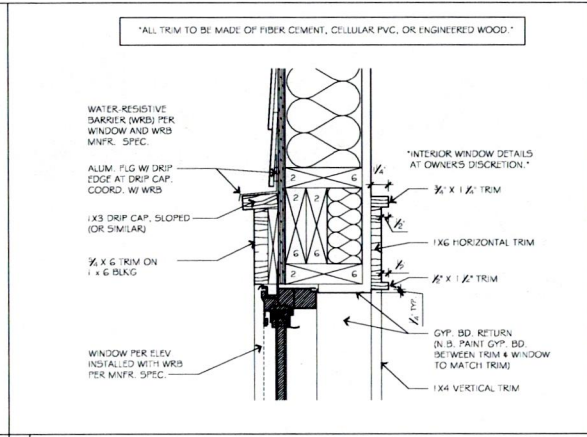
A-4.01



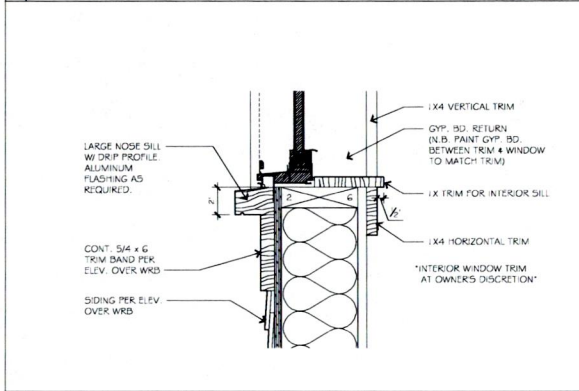
01 ROOF EAVE DETAIL - OPTION A 1/12" = 1'-0"



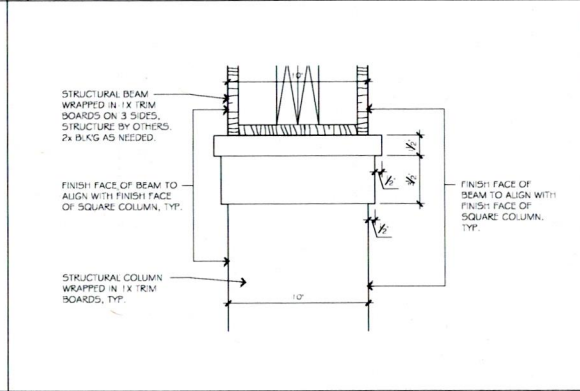
02 PORCH EAVE DETAIL 1/12" = 1'-0"



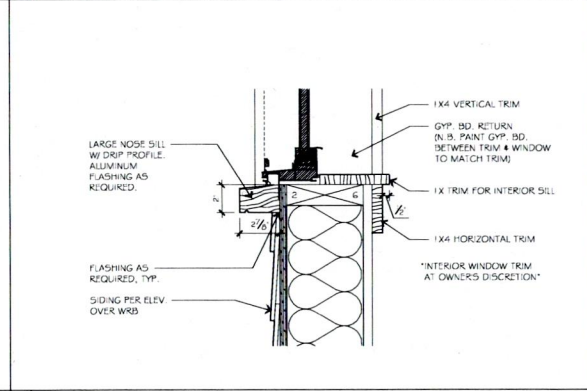
03 WINDOW HEAD 3\"/>



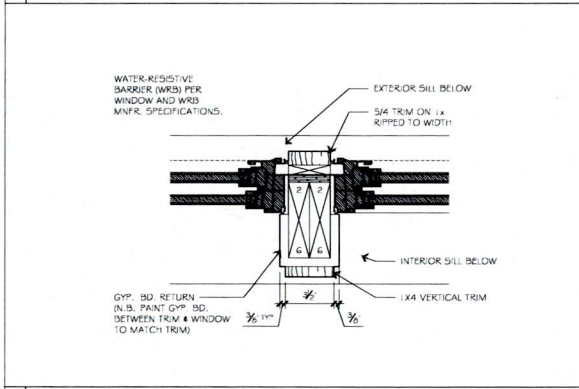
04 WINDOW SILL AT OPTION A TRIM BAND 3\"/>



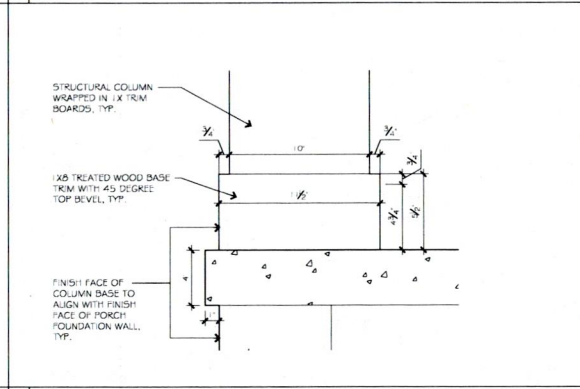
05 COLUMN CAPITAL 3\"/>



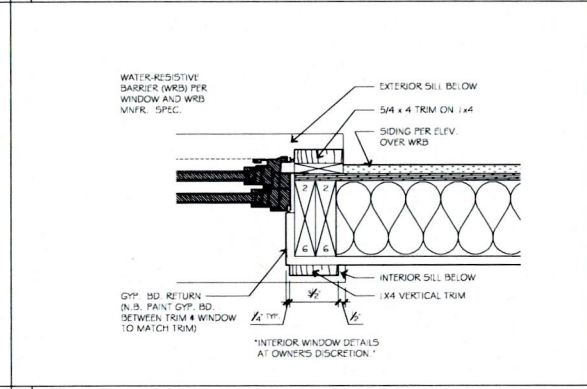
06 WINDOW SILL 3\"/>



07 WINDOW MULL 3\"/>



08 COLUMN BASE 3\"/>



09 WINDOW JAMB 3\"/>



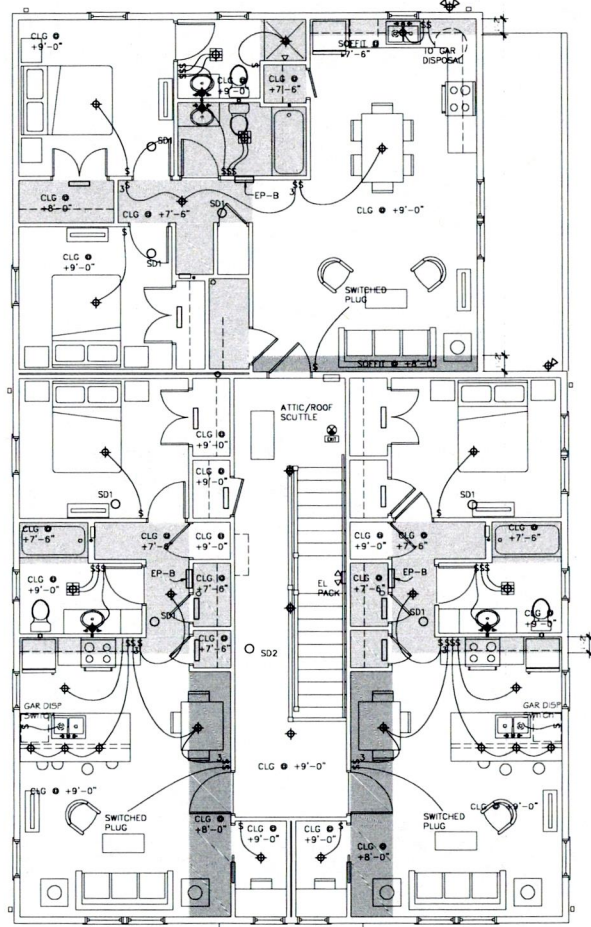
SIX-PLEX APARTMENT  
SOUTH BEND MODEL BUILDINGS  
(4) X 1 BED / 1 BATH  
(2) X 2 BED / 2 BATH  
SOUTH BEND, INDIANA

JAN 12, 2022  
PRE-APPROVED  
BUILDING SET

EXTERIOR  
DETAILS  
(OPTION A)

A-5.01A

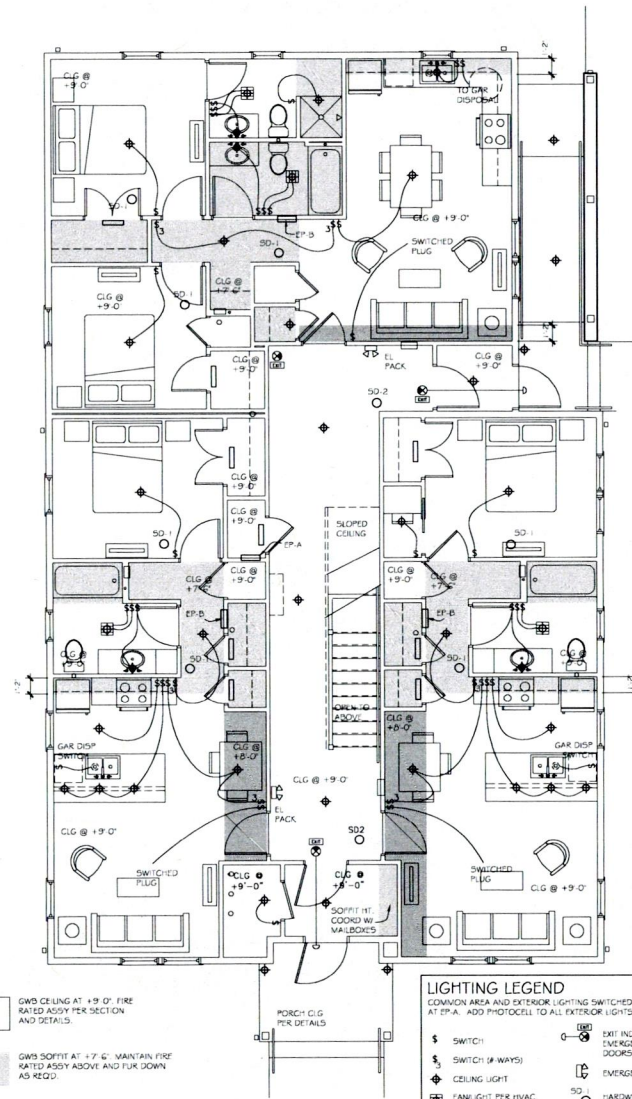




NOTE:  
LIGHTING PLANS ARE SCHEMATIC  
ONLY. POWER & FIRE ALARM PLANS  
ARE NOT INCLUDED. FURTHER  
DEVELOPMENT IS REQUIRED.

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 SIGNAGE
- EXTERIOR SECURITY LIGHT
- EXIT INDICATOR W/ EXTERIOR EMERGENCY LIGHT AT EGRESS DOORS
- EMERGENCY LIGHTING PACK
- HARDWIRED SMOKE/CO DETECTOR - NOT MONITORED
- SMOKE / CO DETECTOR TIED TO BLDG FIRE ALARM
- CLOSED LT. MOTION SWITCH

01 FIRST LEVEL LIGHTING

1/4" = 1'-0"

CITY OF  
**SOUTH BEND**



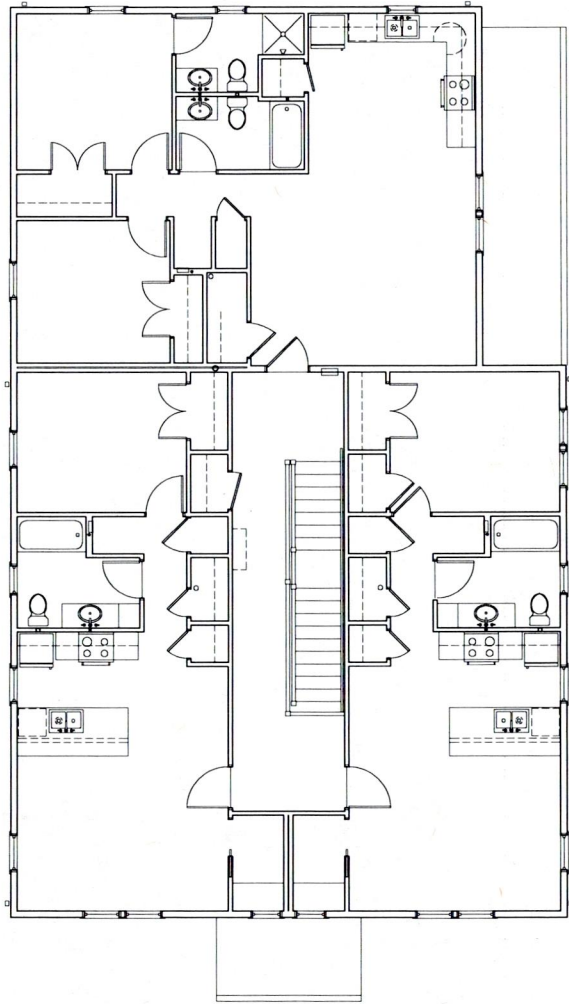
**SIX-PLEX APARTMENT**  
SOUTH BEND MODEL BUILDINGS  
(4) X 1 BED / 1 BATH  
(2) X 2 BED / 2 BATH  
SOUTH BEND, INDIANA

JAN 12, 2022  
PRE-APPROVED  
BUILDING SET

CEILING &  
LIGHTING PLANS

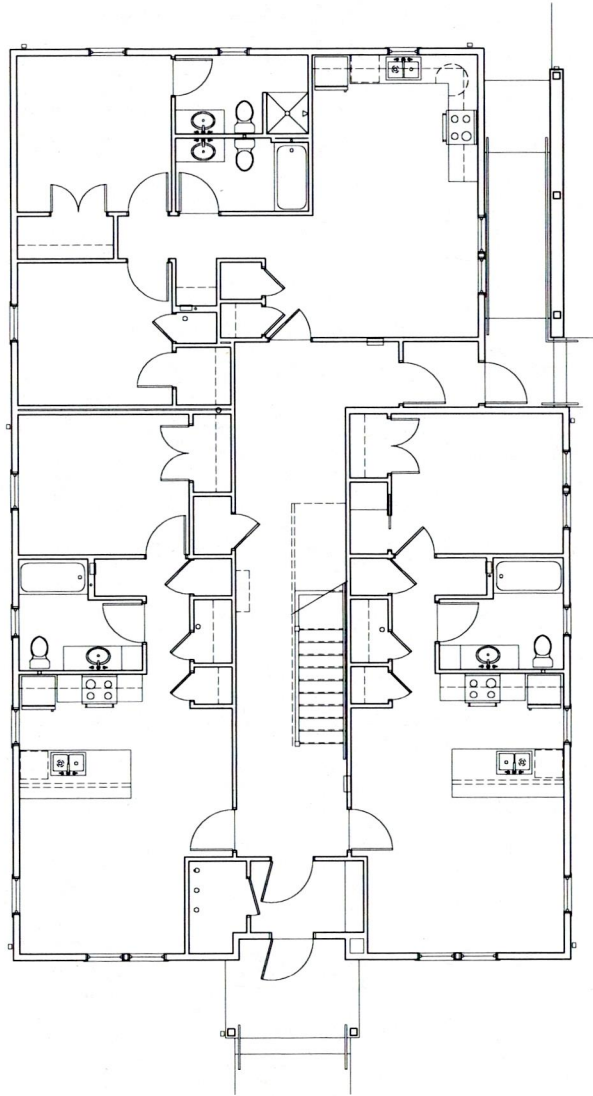
A-6.01





02 SECOND LEVEL BACKGROUND PLAN

1/4" = 1'-0"



01 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 WILL  
BEEN REPRODUCED FROM THE ORIGINAL SET. IT  
IS THE USER'S RESPONSIBILITY TO  
VERIFY THE SCALE AND DIMENSIONS OF ALL  
ELEMENTS. SEE THE CITY OF SOUTH BEND  
FOR MORE INFORMATION.

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

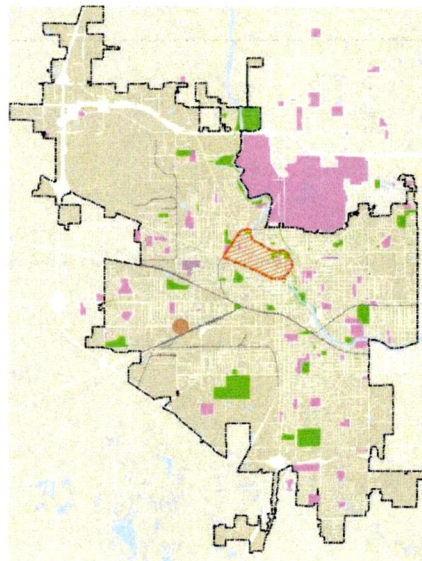
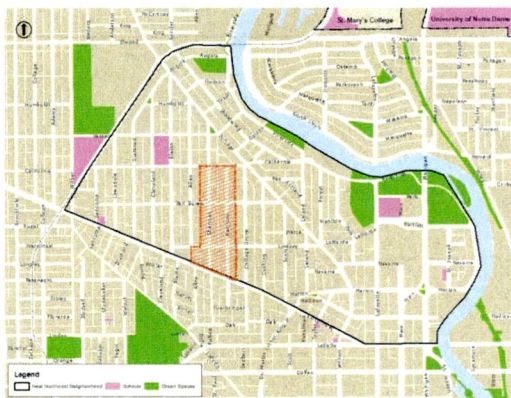
The Urban Enterprise Association of South Bend, Inc. (UEA), in partnership with the City of South Bend (City), is soliciting proposals from private developers and nonprofit entities for the development of NEW residential construction in the Near Northwest Neighborhood.

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  
© Copyright 2023

**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		
03/02/2022	Gilkie Clinton & Shundra Doc #: 2022-06410	\$0
05/15/2018	Civil City of South Bend Doc #: 1811568	\$2190
07/07/2015	Lottie Christopher L & Farr Susan C	\$0
01/02/1998	BELL WILLIAMT Bk/Pg: 0, 0	\$0
09/27/1995	ODLE MARILYNJ. % MARILYN J WHITLOW Bk/Pg: 0, 0	\$0

# RESIDENTIAL

**VALUATION RECORD**

2018	01/01/2016	01/01/2017	01/01/2018	01/01/2019	01/01/2020	01/01/2021	01/01/2022
Reason for Change	Annual	Annual	Annual	Annual	Annual	Annual	Annual
VALUATION L	2700	2700	2700	2700	2700	3600	9800
Appraised Value B	0	0	0	0	0	0	0
T	2700	2700	2700	2700	2700	3600	9800
VALUATION L	2700	2700	2700	2700	2700	3600	9800
True Tax Value B	0	0	0	0	0	0	0
T	2700	2700	2700	2700	2700	3600	9800

**LAND DATA AND CALCULATIONS**

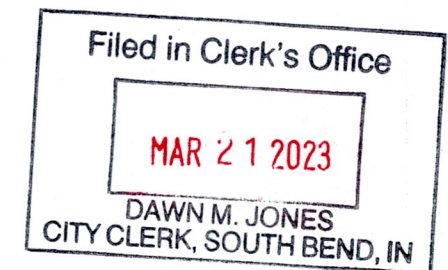
Land Type	Rating Soil ID -or- Actual Frontage	Measured Acreage -or- Effective Frontage	Table 132 Effective Depth	Prod. Factor -or- Depth Factor -or- Square Feet	Base Rate	Adjusted Rate	Extended Value	Influence Factor	Value
1 FRONT LOT		50.0	50.0	128.0	0.99	247.14	244.67	12230 L -20%	9780

CR: CYCLICAL REASSESSMENT  
15/16 CYCLICAL REASSESSMENT. Pictometry Only. PUR  
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**



# 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.southbendin.gov>

March 8, 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

Chairperson Eli Wax  
Health and Public Safety Committee  
South Bend Common Council  
4<sup>th</sup> 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.





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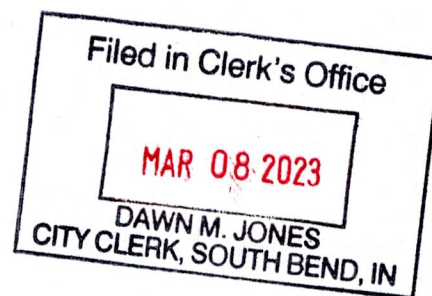
I am filing this proposed ordinance for first reading on March 13, 2023 and request that it be included on the Health and Public Safety Committee agenda to be followed by second and third readings and public hearing on March 27, 2023.

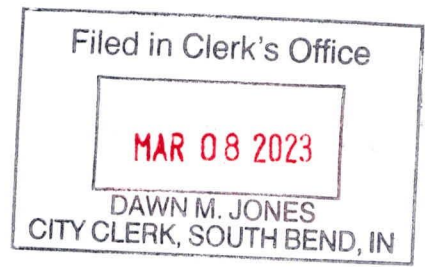
Thank you for your consideration.

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:



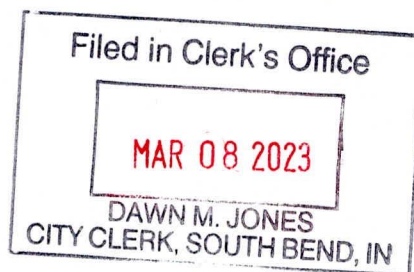
\_\_\_\_\_  
Dawn M. Jones, City Clerk  
Office of the City Clerk

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





# SUBSTITUTE BILL NO. 20-23

## 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.southbendin.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

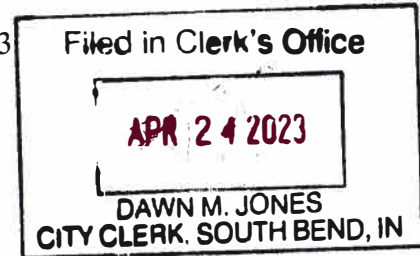
Karen L. White  
At Large

Rachel Tomas Morgan  
At Large

Lori K. Hamann  
At Large

Eli Wax  
South Bend Common Council Member  
4<sup>th</sup> Floor, County-City Building  
South Bend, IN 46601

April 24, 2023



**RE: SUBSTITUTE BILL NO. 20-23 AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 6 OF THE SOUTH BEND MUNICIPAL CODE BY RESCINDING AND REPLACING ARTICLE 14 TITLED RENTAL SAFETY VERIFICATION PROGRAM**

Dear Council Member Wax:

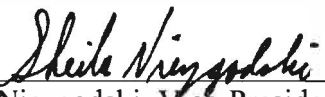
Bill No. 2023 was given first reading on April 10, 2023, and was assigned to the Health and Public Safety Committee. It is scheduled for second and third reading and public hearing on April 24, 2023.

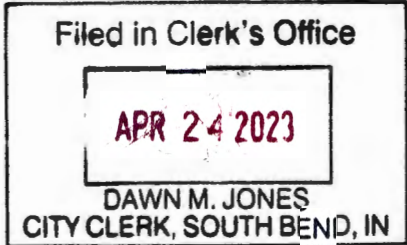
The revisions to the R.S.V.P. ordinance were very detailed, both in form and substance. In reviewing the proposed ordinance again after it was filed, we found a couple of formatting, non-substantive errors. This substitute bill corrects the errors and makes the ordinance more consistent in format.

I ask that this substitute bill be filed and distributed to all Council members as soon as possible before the Health and Public Safety Committee this afternoon.

Thank you for your consideration.

Sincerely yours,

  
\_\_\_\_\_  
Sheila Niezgodski, Vice-President  
South Bend Common Council



**SUBSTITUTE BILL NO.** 20-23

**ORDINANCE NO.** \_\_\_\_\_

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,  
INDIANA, AMENDING CHAPTER 6 OF THE SOUTH BEND MUNICIPAL CODE  
BY RESCINDING AND REPLACING ARTICLE 14 TITLED RENTAL SAFETY  
VERIFICATION PROGRAM**

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**STATEMENT OF PURPOSE AND INTENT**

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On February 25, 2019, the rental safety verification program (RSVP) was established by this Council's adoption of Ordinance No. 10644-19 to ensure safe, decent, quality residential rental units by requiring minimum property standards, and to ensure the health, safety, and welfare of tenants. On October 15, 2019, RSVP was amended by Ordinance No. 10686-19 to revise Sec. 6-86(f) for an update to the City of South Bend accounting fund where RSVP penalties and fees are deposited. At this time, it is necessary to clarify and to improve efficiency of the program by rescinding and replacing Chapter 6, Article 14 of the South Bend Municipal Code. Among the specific changes to the existing ordinance are the following:

1. textual language clarification for better understanding and ease of use;
2. clearer definition of the process to ensure that it matches actual implementation including compliance with state law;
3. references to and clarification of building and other standards to be used for inspections;
4. adding to and improving the definitions; and
5. revision of the City's organizational structure of RSVP within the reorganized Department of Community of Investment.

It is in the best interest of the City and its residents that this ordinance be adopted.

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

**SECTION I.** Chapter 6 of the South Bend Municipal Code shall be and hereby is amended by rescinding the existent version of Article 14 of that Chapter and replacing it with a new Article 14 that shall read in its entirety as follows:

**ARTICLE 14. Rental Safety Verification Program**

**Sec. 6-79. General Concept and Purpose of Rental Inspections.**

- (a) The Rental Safety Verification Program (RSVP) is designed to ensure that City of South Bend rental units meet minimum property standards based on the International Property Maintenance Code and Indiana State Code IC 22-11-18, as defined by the RSVP Inspection Standards established by the Department and as amended from time to time, which are



incorporated into this Article 14 by reference and without formal citation. This program authorizes the inspection of rental units that are intended to be occupied or are occupied by anyone other than the owner. A copy of the RSVP Inspection Standards will be available for inspection in the Department's Neighborhoods Office. After the rental unit has passed Inspection and is compliant with the provisions of this Article an Inspection Certificate shall be issued by the Department.

- (b) The purpose of the Inspection, Inspection Report, and Inspection Certificate issued to the owner is to verify that the rental unit is safe and habitable for occupancy with respect to: electrical supply and electrical systems; plumbing and plumbing supply; water supply, including hot water; heating, ventilation, and air conditioning equipment and systems; bathroom and toilet facilities; doors, windows, stairways, and hallways; functioning smoke detectors; and the structure in which a rental unit is located.
- (c) This Article shall be liberally construed and applied to promote its purpose and intent.

**Sec. 6-80. Definitions.**

- (a) *Authorized individual* means someone authorized or designated by the owner to provide access to a rental unit.
- (b) *Certification Period* means the period between the issuance and expiration of an Inspection Certificate as may be determined under the provisions of this Article.
- (c) *City* means the City of South Bend, Indiana.
- (d) *Condemn or condemned* means to adjudge unfit for occupancy or use.
- (e) *Contract of Sale* means land contract sales or purchases.
- (f) *Department* means the City of South Bend Department of Community Investment or its designee.
- (g) *Dwelling unit* means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (h) *Egress* means a place or means of going out or exiting.
- (i) *Habitable space* means the space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, attics and basements and similar areas are not considered habitable spaces. Finished basements are not considered habitable spaces unless proper egress requirements are met.
- (j) *Housing Cooperatives or housing co-ops* means a type of residential housing whereby a corporation owns the housing structure with individual units for living and to occupy a unit a person must buy shares or a membership of the corporation.
- (k) *Immediate family member* means an individual that is related to a person as follows, parent; sibling; child by blood, adoption, or marriage; spouse; grandparent or grandchild.
- (l) *Indiana Unsafe Building Law* means Indiana Code, Title 36, Article 7, Chapter 9, as it may be amended from time to time.

- (m) *Inspection* means an Inspector conducting a visual examination of a rental unit, including all its major systems, to verify existence of, and list repairs or improvements necessary to meet minimum property standards as defined by the RSVP Inspection Standards.
- (n) *Inspection Certificate* means an official document issued by the Department, after all fees and penalties due, if any, under this Article are paid, that acknowledges the rental unit has passed the Inspection and is compliant with the provisions of this Article.
- (o) *Inspection Report* means a written record that an Inspector prepares after conducting a visual examination of a rental unit, including all its major systems, to verify existence of, and list repairs or improvements necessary to meet minimum property standards as defined by the RSVP Inspection Standard.
- (p) *Inspector* means an employee of the Department who is charged with the administration and enforcement of this Article.
- (q) *International Property Maintenance Code (IPMC)* means a model code, as amended from time to time, that regulates the minimum maintenance requirements for existing buildings. The IPMC is a maintenance document intended to establish minimum maintenance standards, such as for basic equipment, light, ventilation, plumbing, mechanical, heating, sanitation, and fire safety.
- (r) *Occupancy* means the purpose for which a building or portion thereof is utilized or occupied.
- (s) *Operator* means any person who has charge, care or control of a structure or rental unit which is let or offered for occupancy.
- (t) *Owner* means any person, and the person's property manager, operator, designated representative or authorized agent, having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control over decisions on the use and condition of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person.
- (u) *Owner of Record* means any person who holds any fee interest, life estate interest, equitable interest in a contract of sale or other legal interest and whose identity, including address, can be determined from an instrument recorded in the recorder's office of the county where the rental unit is located; or, written information or actual knowledge received by the Department; or a review of Department records that is sufficient to identify information that is reasonably ascertainable.
- (v) *Person* means an individual, corporation, partnership or association, or any other group acting as a unit, and includes a government, governmental subdivision or agency, business trust, estate, trust, two or more people having a joint or common interest, and any other legal or commercial entity.
- (w) *Premises* means a lot, plot or parcel of land, easement or public way, including any structures thereon.
- (x) *Private Inspector* means, for purposes of Indiana Code 36-1-20-4.1(c)(2)(B)(iii), an inspector of rental units who satisfies the following qualifications prescribed by the City: must be a State of Indiana Licensed Home Inspector.

- (y) *Private Inspection* means an inspection conducted for the purpose of meeting the exemption requirements under Indiana Code 36-1-20-4.1(c).
- (z) *Property Manager* means a person who manages land or buildings as a business including keeping buildings in good condition and renting property.
- (aa) *Re-Inspection* means after the initial inspection a follow up inspection or assessment of a rental unit to confirm the unit meets RSVP Inspection Standards.
- (bb) *Rental Safety Verification Program Warrant (RSVP Warrant)* means a court authorization to enter a rental unit to conduct an inspection and complete an Inspection Report if the owner, tenant or others in possession of a rental unit decline consent to an Inspection.
- (cc) *Rental unit* as used in this Article, means one (1) or more dwelling units in a structure intended to be occupied or is occupied as a home, residence or habitable space by anyone other than the owner and may include a tenancy agreement or lease.
- (dd) *Rental unit community* means one (1) or more parcels of contiguous real property upon which are located in one (1) or more structures containing rental units, if the combined total of all rental units in all of the structures is five (5) or more rental units and the rental units are not occupied solely by the owner or owner's family.
- (ee) *RSVP Inspection Standards* means the minimum property standards a rental unit must comply with based on the International Property Maintenance Code, as modified for smoke detectors, defective paint surfaces, and buildings with two (2) or more dwelling units pursuant to Sec. 6-81(b) of this Article and established by the Department as amended from time to time.
- (ff) *Special Project(s)* means a dedicated and active plan to improve the physical condition of rental units independent of RSVP but engages a unique partnership between the owner and the City due to the shared goals or interests for the welfare and benefit of the community, such as redevelopment, funding sources and adequate housing or rental stock, and the complexity and extent of the improvement plan.
- (gg) *Short term rental* means the rental of a single-family home, a dwelling unit in a single-family home, a dwelling unit in a two-family or multifamily dwelling, or a dwelling unit in a condominium, cooperative, or time share for terms of less than thirty (30) days at a time through a short-term rental platform. The term includes a detached accessory structure, including a guest house, or other living quarters that are intended for human habitation, if the entire property is designated for a single-family residential use. The term does not include property that is used for any nonresidential use.
- (hh) *Structure* means that which is built or constructed or a portion thereof.
- (ii) *Tenancy Agreement* means all agreements, written, oral or implied, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a rental unit.
- (jj) *Tenant* means someone who lives in a place owned by someone else, usually paying rent.

**Sec. 6-81. Compliance required.**

- (a) No person shall maintain, or allow occupancy of, a rental unit in the City that fails to meet the



RSVP Inspection Standards enforced by this Article. Failure to comply with the RSVP Inspection Standards is a violation of this Article. Any structure converted into a rental unit is encouraged to have an Inspection completed and receive an Inspection Certificate before occupancy.

(b) This program is designed to ensure rental units in the City meet the minimum property standards as defined by the RSVP Inspection Standards established by the Department as amended from time to time, based on the International Property Maintenance Code, with the following modifications:

(1) Indiana Code § 22-11-18 minimum standards will apply to smoke detectors which conform to the minimum standards for type, components, and maintenance prescribed by the National Fire Protection Association.

(2) If based on the RSVP Inspection Standards, defective paint surfaces are identified in a rental unit built before 1978, owners must complete the repairs to such surfaces using lead safe practices in accordance with all applicable federal and state laws and related agency rules and regulations and submit to the Department lawful proof of compliance before being issued an Inspection Certificate. Examples of lead safe practices can be found in Indiana Administrative Code 410 IAC 32 and U.S. Code of Federal Regulations 40 CFR 745.

(3) For purposes of enforcement of this Article, RSVP Inspection Standards for buildings with more than two (2) dwelling units will be established following International Residential Code standards.

(c) The provisions in this Article shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe stricter standards and/or additional requirements than are provided herein.

(d) This Article applies to rental units located within the City, but shall not apply to the following occupancy arrangements unless such arrangements are created to avoid the application of this Article:

(1) Occupancy by the purchaser of a structure with one (1) or more dwelling units under a recorded contract of sale.

(2) Short term rental.

(3) Owners who occupy the premises and rent to no more than two unrelated tenants.

(4) Housing cooperatives, also known as housing co-ops.

(5) Occupancy by immediate family member(s) of the owner.

(e) A rental unit may be exempt from this Article as follows:

(1) Rental units built as new construction, for ten (10) years after the rental unit construction is completed. The owner of such rental unit must submit to the Department the required information to prove the new construction date of the rental unit; and

(2) Rental units inspected by a State of Indiana licensed home inspector pursuant to a

completed real estate sales transaction, for three (3) years from the date of the inspection. The purchaser of the rental unit must submit to the Department the required information to prove the validity of the inspection meeting the minimum standards of this Article.

- (3) If the Department has reason to believe, or receives a complaint, that the rental unit does not comply with RSVP Inspection Standards, then a new Inspection of the rental unit may be performed.
- (f) An owner that believes RSVP does not apply to their rental unit must submit documentation that the rental unit meets Sec. 6-81(d), Sec. 6-81(e) or Sec. 6-82(o) of this Article to the Department for review and determination. Necessary documentation must be submitted to the Department on or before the due date established by the Department. Failure to do so may result in fees and/or penalties under this Article.
- (g) This Article applies to governmental or public agencies acting as landlords. If the federal or state subsidized, or owned rental units are regularly inspected by a government entity and verification of housing conditions meeting the standards of this Article are delivered to the Department as requested, then such rental units may qualify for an exemption as provided in sub-section 6-82(o).
- (h) An owner shall not allow a rental unit to be occupied that has been issued a vacate and seal order by the Department or is condemned by any agency that has the authority to condemn.
- (i) This Article applies to rental units that have been issued an exemption or an Inspection Certificate. If the Department has reason to believe, or receives a complaint, that the rental unit does not comply with RSVP Inspection Standards, then a new Inspection of the rental unit may be performed.

**Sec. 6-82. Inspection of rental units.**

- (a) Unless sub-section 6-82 (o) below is applicable, rental units covered by Secs. 6-79 and 6-81 within the City may be inspected by the Department.
- (b) The Certification Period will be one (1), two (2) or five (5) years. Thereafter, the Certification Periods are subject to adjustment as established and published by the Department pursuant to Sec. 6-87.
- (c) The Certification and Certification Period process is as follows:

Inspection	Certification Path
Initial Inspection – <i>Passes</i>	<p>Rental unit meets RSVP Inspection Standards at the time of the initial inspection.</p> <p>Single-family property or duplex will be issued a five-year inspection certificate.</p>

	<p>Multi-family property will be issued a five-year inspection certificate.</p>
<p>First Reinspection</p>	<p>If a unit fails its initial inspection, reinspection(s) must be conducted, and RSVP compliance achieved, no later than sixty (60) days from the initial inspection. Critical violations must be addressed within ten (10) days and all other violations must be addressed within sixty (60) days of the initial inspection.</p> <p>Any new violations identified during reinspection(s) must be addressed in no more than thirty (30) days from the inspection date when they were identified or within sixty (60) days of the initial inspection, whichever date is later. If the new violation is a critical violation, it must be addressed in no more than ten (10) days from the inspection date when it was identified.</p> <p>No fees are imposed for the first reinspection.</p> <p>Single-family property or duplex in compliance with RSVP at the time of the first reinspection will result in a five-year inspection certificate.</p> <p>Multi-family property in compliance with RSVP at the time of the first reinspection will result in a five-year inspection certificate.</p>
<p>Additional Reinspection(s)</p>	<p>Reinspection(s) must be conducted, and RSVP compliance achieved, no more than sixty (60) days from the initial inspection. Critical violations must be addressed within ten (10) days and all other violations must be addressed within sixty (60) days of the initial inspection.</p> <p>Any new violations identified during reinspection(s) will be given a deadline of no more than thirty (30) days from the inspection date when they were identified or within sixty (60) days of the initial inspection, whichever date is later. If the new violation is a critical violation, it must be addressed in no more than ten (10) days from the inspection date when it was identified.</p> <p>Failure to address violations within the specified timeframe may result in penalties and fees Units that require inspection(s) beyond the initial inspection and first reinspection are subject to an inspection fee. See Penalties and Fees section in this Article.</p>



	<p>Single-family property or duplex upon passage based on a reinspection that occurred after the initial and first reinspection will result in a one-year inspection certificate.</p> <p>Multi-family property upon passage based on a reinspection that occurred after the initial and first reinspection will result in a two-year inspection certificate.</p>
Failure to comply	<p>If the owner fails to schedule an RSVP inspection, no reinspection is performed, or a unit fails to meet RSVP standards and requirements within the specified timeframe, then the unit is not in compliance. Non-compliant units are subject to penalties and fees and the property may be subject to further enforcement as allowed by law, including the Indiana Unsafe Building Law.</p>
Compliance Deadline	<p>Critical violations must be addressed within ten (10) days and all other violations must be addressed within sixty (60) days of the initial inspection.</p> <p>Any new violations identified during reinspection(s) will be given a deadline of no more than thirty (30) days from the inspection date when they were identified or within sixty (60) days of the initial inspection, whichever date is later. If the new violation is a critical violation, it must be addressed in no more than ten (10) days from the inspection date when it was identified. The violations identified during prior inspection(s) will not receive a repair deadline extension.</p> <p>An extension to a repair deadline can be considered on a case-by-case basis with proper documentation as determined by the Department.</p>

(d) If a rental unit community has five (5) or fewer rental units, the Department will inspect every rental unit. Rental unit communities with six (6) or more rental units will have at least 20% of the rental units randomly sampled by the Department to inspect and then use those findings to extrapolate the overall quality and condition of the rental units therein.

(1) If the findings extrapolated indicate the overall substandard conditions of the rental units or such violations that could affect other rental units, the Department may complete Inspections of additional rental units, up to and including all rental units, as deemed necessary.

- (e) In addition to repairs listed in the Inspection Report, to receive the Inspection Certificate, the owner shall repair pre-existing substandard housing violations that are active with the Department to meet minimum standards under this Article.
- (f) A deadline extension may be granted if a rental unit has all repairs completed excepting either exterior items that cannot be completed due to the weather conditions or repairs that cannot be completed due to unforeseen conditions, as approved by the Department. Documentation indicating timely completion will occur must be provided to the Department for review and determination. A reinspection is needed to confirm compliance prior to the issuance of an Inspection Certificate.
- (g) The Department reserves the right to conduct a reinspection of any rental unit and may adjust the certification period based upon the results of the reinspection.
- (h) The Department may consider documentation submitted by the owner as sufficient proof of compliance on minor violations at the discretion of the Department. The Department will keep a record of any documentation submitted.
- (i) Should the rental unit fail to achieve an Inspection Certificate, the Department may impose penalties, and the rental unit and the owner of record may be subject to further enforcement as allowed by law, including the Indiana Unsafe Building Law, but with all due process or appeal rights as afforded thereunder. The Department may identify the rental unit as "Rental unit is not in compliance with the Rental Safety Verification Program (RSVP) and does not have an inspection certificate."
- (j) An Inspection Report and Inspection Certificate shall be issued to the owner for each rental unit upon which an inspection is performed within ten (10) business days from the date the Inspection is completed and from the date the Inspection Certificate is issued, unless notified by the Department that additional time is needed.
- (k) An Inspection may be conducted based upon owner voluntary compliance, a complaint, the Department's reasonable belief that the unit is out of compliance with, or in violation of, RSVP Inspection Standards, or the Department ensuring compliance with this Article based on strategic criteria.
- (l) If the Department has reason to believe that the rental unit no longer complies with the RSVP Inspection Standards or determines that the condition of the rental unit has deteriorated since the issuance of an Inspection Certificate, then a new Inspection of the entire rental unit may be performed.
  - (1) Upon completion, a new Inspection Report and, if appropriate, Inspection Certificate, as approved by the Department, shall be issued to the owner.
- (m) The following procedures shall be used to obtain entry to rental units for completing an Inspection:
  - (1) When the Department has reason to believe that the rental unit does not comply with RSVP Inspection Standards, including observing a violation or receiving a complaint, it may initiate the inspection process.
    - a. Whenever an Inspection is required, the Department will send a first-class

letter to the owner to initiate the process for completing the Inspection.

- b. The owner shall communicate with the Department and make reasonable arrangements for a date and time to complete the Inspection process.
  - c. An authorized individual must be present at the Inspection to provide the Inspector with access to the rental unit and any essential functions of the rental unit, such as mechanical equipment, if located outside of the rental unit. The owner may be present at the time the Inspector conducts the Inspection.
  - d. Should the owner or tenant take action(s) that prevents the Inspection from occurring during the scheduled date and time, the owner is responsible for rescheduling the Inspection. There may be a \$100.00 fee for each rental unit for the failure to meet the Inspector for a scheduled inspection.
  - e. Should the owner fail to schedule a date and time to complete the Inspection and inform the Department per sub-section (b) above, the Department may send a first-class letter to the owner of record explaining the failure to comply and the possible consequences, such as penalties and a RSVP warrant, for such failure if not cured within the time prescribed.
  - f. If the owner does not comply with scheduling a date and time to complete the Inspection or does not have the Inspection performed until after the time allowed in sub-section (e) above, the Department may issue penalties under this Article.
  - g. The Department may identify the rental unit as "Rental unit is not in compliance with the Rental Safety Verification Program (RSVP) requirements and does not have an inspection certificate".
  - h. Should the owner continue to fail to schedule a date and time to complete the Inspection the Department may send a first-class and certified letter to the owner of record, or provide notice by publication, explaining the failure to comply and the consequences, such as penalties and a RSVP warrant, for such failure if not cured within the time prescribed.
  - i. If the owner or tenant refuses to allow entry or schedule arrangements to complete the Inspection the Department may obtain a RSVP warrant from any court of competent jurisdiction.
- (2) If the tenant contacts the Department to request an RSVP Inspection, the Department may initiate the inspection process.
- a. The tenant(s) may schedule a date and time to complete the Inspection. The Department is not required to provide notification of the Inspection to the owner.
  - b. Should the tenant(s) take action(s) that prevent the Inspection from



occurring during the scheduled date and time, the tenant(s) is responsible for rescheduling the Inspection.

- c. Failure to reschedule the Inspection or communicate with the Department will result in no Inspection occurring. However, should the Department have reason to believe that the rental unit does not comply with RSVP Inspection Standards, the Department may proceed under 6-82(m)(1) of this Article.

(3) If the owner contacts the Department to request an RSVP Inspection, the Department may initiate the inspection process.

- a. The owner shall communicate with the Department and make reasonable arrangements for a date and time to complete the Inspection.
- b. An authorized individual must be present at the Inspection to provide the Inspector with access to the rental unit and any essential functions of the rental unit, such as mechanical equipment, if located outside of the rental unit. The owner may be present at the time the Inspector conducts the Inspection.
- c. Should the owner or tenant take action(s) that prevents the Inspection from occurring during the scheduled date and time, the owner is responsible for rescheduling the Inspection. There may be a \$100.00 fee for each rental unit for the failure to meet the Inspector for a scheduled inspection.
- d. Failure to reschedule the Inspection or communicate with the Department will result in no Inspection occurring. However, should the Department have reason to believe that the rental unit does not comply with RSVP Inspection Standards, the Department may proceed under 6-82(m)(1) of this Article.

(4) Should the Department proceed with ensuring compliance with this Article based on strategic criteria, such as geography or rental unit communities, the Department may initiate the inspection process.

- a. Whenever an Inspection is required, the Department will contact the owner to initiate the process for completing the Inspection.
- b. The owner shall communicate with the Department and make reasonable arrangements for a date and time to complete the Inspection.
- c. An authorized individual must be present at the Inspection to provide the Inspector with access to the rental unit and any essential functions of the rental unit, such as mechanical equipment, if located outside of the rental unit. The owner may be present at the time the Inspector conducts the Inspection.
- d. Should the owner or tenant take action(s) that prevents the Inspection from occurring during the scheduled date and time, the owner is

responsible for rescheduling the Inspection. There may be a \$100.00 fee for each rental unit for the failure to meet the Inspector for a scheduled inspection.

- e. Should the owner fail to schedule a date and time to complete the Inspection and inform the Department per sub-section (b) above, the Department may send a first-class letter to the owner of record explaining the failure to comply and the possible consequences, such as penalties and a RSVP warrant, for such failure if not cured within the time prescribed.
  - f. If the owner does not comply with scheduling a date and time to complete the Inspection or does not have the Inspection performed until after the time allowed in sub-section (e) above, the Department may issue penalties under this Article.
  - g. The Department may identify the rental unit as "Rental unit is not in compliance with the Rental Safety Verification Program (RSVP) requirements and does not have an inspection certificate".
  - h. Should the owner continue to fail to schedule a date and time to complete the Inspection the Department may send a first-class and certified letter to the owner of record, or provide notice by publication, explaining the failure to comply and the consequences, such as penalties and a RSVP warrant, for such failure if not cured within the time prescribed.
  - i. If the owner or tenant refuses to allow entry or schedule arrangements to complete the Inspection the Department may obtain a RSVP warrant from any court of competent jurisdiction.
- (n) The City recognizes there may be Special Projects involving rental units. To provide a more efficient system towards RSVP certification regarding Special Projects involving rental units, and so that orderly inspection schedules can be made by City officials, the Department may coordinate a process for the improvement efforts and timeline with the Owner, memorialized in writing including by email, for the completion of the inspection and repairs of the rental units and the Special Project.
- (o) Private Inspections completed as specified under Indiana Code § 36-1-20-4.1(c) must meet all the requirements for an exemption to be approved by the Department.
- (1) An owner of a rental unit qualifying for an exemption described in Indiana Code § 36-1-20-4.1(c) must apply to the Department for that exemption. The exemption request may be denied if all qualifications of Indiana Code § 36-1-20-4.1(c) are not met.
  - (2) The owner applying to the Department for approval of the exemption must submit a written inspection report that verifies the rental unit is safe and habitable, along with all other necessary proof of the exemption, to the Department on or before the due date established by the Department. Failure to do so may result in fees and/or penalties under this Article.

- (3) Pursuant to Indiana Code § 36-1-20-4.1(d), the Department may inspect a rental unit that meets the requirements for an exemption, or has been approved for an exemption, if the Department has reason to believe or receives a complaint that the rental unit does not comply with RSVP Inspection Standards.
- (p) Inspection Report will be made available for the tenant who occupies the rental unit at the time of the inspection. Unless other arrangements are made with the Department, the Inspection Report may be sent to the tenant who occupies the rental unit upon request as approved by the Department.
- (q) Stop Work Order. To further the purposes of Secs. 6-79 and 6-81, and in conjunction with Chapter 16, Article 8 of the South Bend Municipal Code, the Department may issue stop work orders.
- (1) Authority. Whenever any work regulated by this Article is being performed in a manner contrary to the provisions of this Article or in a dangerous or unsafe manner, the Department is authorized to issue a stop work order.
  - (2) Issuance. A stop work order shall be in writing and shall be given to the owner or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.
  - (3) Emergencies. Where an emergency exists that poses an immediate threat to life, health, or safety of persons or property, the Department shall not be required to give a written notice prior to stopping the work.
  - (4) Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a penalty of not less than \$500.00 dollars or more than \$2,500.00 dollars per day.
- (r) The owner is required to provide the Department with current contact information.
- (1) At the time the owner informs the Department of the arrangements made to complete the Inspection, the owner shall provide, or confirm with, the Department their name, telephone number, email address, and mailing address, as well as the name, telephone number, email address, and mailing address of the unit's property manager, if any.
  - (2) Should the ownership or contact information related to a unit change, it is the responsibility of the owner to update official property records with St. Joseph County and to notify the Department.

**Sec. 6-83. Approved certification for rental.**

- (a) The Inspection Certificate will be issued after the rental unit passes Inspection and all fees and penalties due under this Article are paid.
- (b) An Inspection Certificate will not be issued for a rental unit, and may be revoked, if:



- (1) a unit does not meet RSVP Inspection Standards, or
  - (2) there are any fees or penalties due under this Article.
- (c) Non-compliant units are subject to penalties and fees and the property may be subject to further enforcement as allowed by law, including the Indiana Unsafe Building Law.
- (d) The Department encourages that the Inspection Certificate be placed in a conspicuous location, such as in the façade of the building facing a public street and containing a building entry, or in a conspicuous interior location.

**Sec. 6-84. Revocation of Inspection Certificate.**

- (a) Revocation of Inspection Certificate means the Department canceling an issued Inspection Certificate whenever it discovers that such certificate was issued in error or based on incorrect information or discovers other causes demonstrating a lack of compliance with the provisions of this Article.
- (b) The Department may revoke an Inspection Certificate, by sending notice to the owner of record via first-class, or certified mail and publication if mail service is returned undeliverable, for causes such as:
- (1) The rental unit has deteriorated, does not meet RSVP Inspection Standards, and the owner is unresponsive or refuses to make repairs.
  - (2) The rental unit has deteriorated significantly to the point of becoming condemned.
  - (3) The Department has reason to believe, or receives a complaint, that the rental unit does not comply with RSVP Inspection Standards since the Inspection Certificate was issued and the owner is unresponsive or fails to have a new Inspection performed.
  - (4) The owner supplied false information knowingly with intent to deceive or falsify a private inspection.
  - (5) Since the Inspection Certificate was issued, the owner or tenant illegally converted space in the rental unit to increase the occupancy.
  - (6) Since the last Inspection, the owner failed to correct violations within the time allowed.
  - (7) The rental unit has been designated as a chronic problem property pursuant to the South Bend Municipal Code.

**Sec. 6-85. Transfer of Inspection Certificate.**

- (a) An Inspection Certificate may be transferred to a new owner, except as prohibited in this section, by the owner filing with the Department the required owner information and agent information, if applicable. In addition, the new owner must file documentation with St. Joseph County to ensure that official property records are accurate and up to date. This

includes transfers of ownership between corporations or other legal entities even where there is identical ownership interest in the acquiring legal entity as in the previous legal entity.

- (b) The new owner shall have thirty (30) days from the date the rental unit was transferred to the new owner to file with the Department the required owner information and agent information, if applicable, and failure to do so may result in a penalty of \$250.00.

**Sec.6-86. Penalties and fees.**

- (a) There is no fee for the initial inspection and the first reinspection.
- (b) There may be a \$100.00 fee for the second reinspection per rental unit and the fee of \$200.00 for each reinspection per rental unit thereafter.
- (c) There may be a \$100.00 fee for each rental unit for the failure to meet the Inspector for a scheduled inspection.
- (d) The owner of record will be notified by first-class mail before a penalty may be issued in accordance with Indiana Code 36-1-20-6. Penalties may be imposed as follows:
  - (1) A \$250.00 penalty per week for a rental unit that has not been inspected or certified.
  - (2) A \$300.00 penalty per week for a rental unit that has an expired certification, whether posted or not.
  - (3) A \$250.00 penalty for the removal of signage identifying the rental unit as not in compliance with the Rental Safety Verification Program (RSVP) may be imposed for each incident of removal.
  - (4) A \$500.00 penalty for the removal of a condemned notice from the rental unit may be imposed for each incident of removal.
  - (5) A \$500.00 penalty the first week of occupancy in a condemned structure. After the first week, the penalty doubles each week thereafter until a maximum of \$7,500.00 per week.
  - (6) A penalty of not less than \$500.00 dollars or more than \$2,500.00 dollars per day may be imposed for failure to comply with a stop work order.
  - (7) A \$250.00 penalty for failing to file with the Department the required owner information and agent information, if applicable, within thirty (30) days from the date the rental unit was transferred to the new owner.
- (e) The fees and penalties imposed under this section shall be enforced through the City's Ordinance Violations Bureau as prescribed in Chapter 2, Article 19 of the South Bend Municipal Code, with all due process or appeal rights as afforded thereunder, and do not prohibit or restrict the enforcement for violations under other applicable ordinances, state or federal laws.
- (f) Penalties and fees received from the Rental Safety Verification Program shall be deposited into the Rental Units Regulation Fund, Fund No. 221, as that fund is further

detailed in Chapter 2, Article 14, Section 2-169.5.

(1) Acts of God or other conditions beyond the control of the property owner or caused by the tenant's negligent, wrongful or malicious acts or omissions will not qualify for short-term relocation assistance.

(g) Penalties under this section will be imposed pursuant to Indiana Code § 36-1-20-6(b).

(h) If the owner of record fails to pay penalties, fees, costs and expenses, the Department may pursue collections against the person and against the property as allowed by law, including in the same manner as prescribed under Indiana Code § 36-1-6-2, Indiana Code § 36-7-9-13 and Indiana Code § 36-7-9-13.5 except that amounts collected shall be deposited and used according to Rental Units Regulation Fund.

**Sec. 6-87. Monitoring progress.**

(a) The Department will review this Article at least biennially, providing adequate time for implementation of the process, to determine if processes are effective and assisting the program in meeting anticipated goals. Updates may be provided by written report or presentation to Common Council, through a committee or full Council, no more often than on an annual basis.

**Sec. 6-88. Severability clause.**

(a) The provisions of this ordinance are severable, and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

**Secs. 6-89—6-93. Reserved.**

**SECTION II.** This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor and any legal publication required by law.

---

Sharon McBride, Council President  
South Bend Common Council

Attest:

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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.

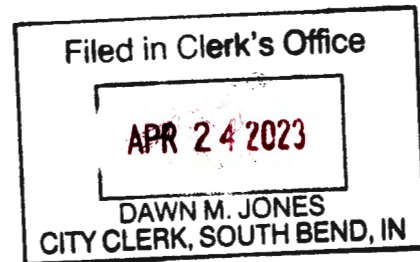
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Dawn M. Jones, City Clerk  
Office of the City Clerk

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

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James Mueller, Mayor  
City of South Bend, Indiana





# BILL NO. 20-23

## 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.southbendin.gov>

Filed in Clerk's Office

APR 05 2023

DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN

April 4, 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  
4<sup>th</sup> 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 OF THE SOUTH BEND MUNICIPAL CODE BY RESCINDING AND REPLACING ARTICLE 14 TITLED RENTAL SAFETY VERIFICATION PROGRAM**

Dear Council Members:

On February 25, 2019, the rental safety verification program (RSVP) was established to ensure safe, decent, quality residential rental units by requiring minimum property standards, and to ensure the health, safety, and welfare of tenants. On October 15, 2019, RSVP was amended to revise Sec. 6-86(f) for an update to the City of South Bend accounting fund where RSVP penalties and fees are deposited.

At this time, it is necessary to clarify and to improve the efficiency of the program by rescinding and replacing Chapter 6, Article 14 of the South Bend Municipal Code. Among the specific changes to the existing ordinance are the following:

1. textual language clarification for better understanding and ease of use;
2. clearer definition of the process to ensure that it matches actual implementation including compliance with state law;
3. references to and clarification of building and other standards to be used for inspections;
4. adding to and improving the definitions; and
5. revision of the City's organizational structure of RSVP within the reorganized Department of Community of Investment.

It is in the best interest of the City and its residents that this ordinance be adopted.



# City of South Bend Common Council

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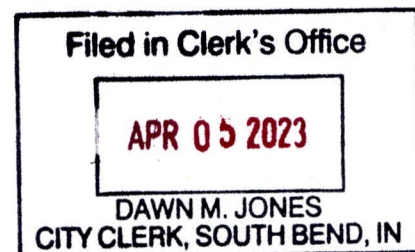
I request that this proposed amendment be included on the full Council agenda for first reading and assignment to the Health and Public Safety Standing Committee on April 10, 2023 to be followed by second and third readings and public hearing on April 24, 2023.

Thank you for your consideration.

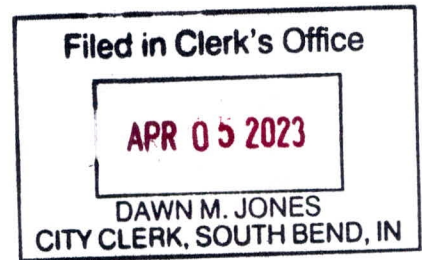
Sincerely yours,

---

Sheila Niezgodski, Vice-President  
South Bend Common Council







**BILL NO. 20-23**

**ORDINANCE NO.**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,  
INDIANA, AMENDING CHAPTER 6 OF THE SOUTH BEND MUNICIPAL CODE  
BY RESCINDING AND REPLACING ARTICLE 14 TITLED RENTAL SAFETY  
VERIFICATION PROGRAM**

---

**STATEMENT OF PURPOSE AND INTENT**

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On February 25, 2019, the rental safety verification program (RSVP) was established by this Council's adoption of Ordinance No. 10644-19 to ensure safe, decent, quality residential rental units by requiring minimum property standards, and to ensure the health, safety, and welfare of tenants. On October 15, 2019, RSVP was amended by Ordinance No. 10686-19 to revise Sec. 6-86(f) for an update to the City of South Bend accounting fund where RSVP penalties and fees are deposited. At this time, it is necessary to clarify and to improve efficiency of the program by rescinding and replacing Chapter 6, Article 14 of the South Bend Municipal Code. Among the specific changes to the existing ordinance are the following:

1. textual language clarification for better understanding and ease of use;
2. clearer definition of the process to ensure that it matches actual implementation including compliance with state law;
3. references to and clarification of building and other standards to be used for inspections;
4. adding to and improving the definitions; and
5. revision of the City's organizational structure of RSVP within the reorganized Department of Community of Investment.

It is in the best interest of the City and its residents that this ordinance be adopted.

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

**SECTION I.** Chapter 6 of the South Bend Municipal Code shall be and hereby is amended by rescinding the existent version of Article 14 of that Chapter and replacing it with a new Article 14 that shall read in its entirety as follows:

**ARTICLE 14. Rental Safety Verification Program**

**Sec. 6-79. General Concept and Purpose of Rental Inspections.**

- (a) The Rental Safety Verification Program (RSVP) is designed to ensure that City of South Bend rental units meet minimum property standards based on the International Property Maintenance Code and Indiana State Code IC 22-11-18, as defined by the RSVP Inspection Standards established by the Department and as amended from time to time, which are

incorporated into this Article 14 by reference and without formal citation. This program authorizes the inspection of rental units that are intended to be occupied or are occupied by anyone other than the owner. A copy of the RSVP Inspection Standards will be available for inspection in the Department's Neighborhoods Office. After the rental unit has passed Inspection and is compliant with the provisions of this Article an Inspection Certificate shall be issued by the Department.

- (b) The purpose of the Inspection, Inspection Report, and Inspection Certificate issued to the owner is to verify that the rental unit is safe and habitable for occupancy with respect to: electrical supply and electrical systems; plumbing and plumbing supply; water supply, including hot water; heating, ventilation, and air conditioning equipment and systems; bathroom and toilet facilities; doors, windows, stairways, and hallways; functioning smoke detectors; and the structure in which a rental unit is located.
- (c) This Article shall be liberally construed and applied to promote its purpose and intent.

#### **Sec. 6-80. Definitions.**

- (a) *Authorized individual* means someone authorized or designated by the owner to provide access to a rental unit.
- (b) *Certification Period* means the period between the issuance and expiration of an Inspection Certificate as may be determined under the provisions of this Article.
- (c) *City* means the City of South Bend, Indiana.
- (d) *Condemn or condemned* means to adjudge unfit for occupancy or use.
- (e) *Contract of Sale* means land contract sales or purchases.
- (f) *Department* means the City of South Bend Department of Community Investment or its designee.
- (g) *Dwelling unit* means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- (h) *Egress* means a place or means of going out or exiting.
- (i) *Habitable space* means the space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, attics and basements and similar areas are not considered habitable spaces. Finished basements are not considered habitable spaces unless proper egress requirements are met.
- (j) *Housing Cooperatives or housing co-ops* means a type of residential housing whereby a corporation owns the housing structure with individual units for living and to occupy a unit a person must buy shares or a membership of the corporation.
- (k) *Immediate family member* means an individual that is related to a person as follows, parent; sibling; child by blood, adoption, or marriage; spouse; grandparent or grandchild.
- (l) *Indiana Unsafe Building Law* means Indiana Code, Title 36, Article 7, Chapter 9, as it may be amended from time to time.



- (m) *Inspection* means an Inspector conducting a visual examination of a rental unit, including all its major systems, to verify existence of, and list repairs or improvements necessary to meet minimum property standards as defined by the RSVP Inspection Standards.
- (n) *Inspection Certificate* means an official document issued by the Department, after all fees and penalties due, if any, under this Article are paid, that acknowledges the rental unit has passed the Inspection and is compliant with the provisions of this Article.
- (o) *Inspection Report* means a written record that an Inspector prepares after conducting a visual examination of a rental unit, including all its major systems, to verify existence of, and list repairs or improvements necessary to meet minimum property standards as defined by the RSVP Inspection Standard.
- (p) *Inspector* means an employee of the Department who is charged with the administration and enforcement of this Article.
- (q) *International Property Maintenance Code (IPMC)* means a model code, as amended from time to time, that regulates the minimum maintenance requirements for existing buildings. The IPMC is a maintenance document intended to establish minimum maintenance standards, such as for basic equipment, light, ventilation, plumbing, mechanical, heating, sanitation, and fire safety.
- (r) *Occupancy* means the purpose for which a building or portion thereof is utilized or occupied.
- (s) *Operator* means any person who has charge, care or control of a structure or rental unit which is let or offered for occupancy.
- (t) *Owner* means any person, and the person's property manager, operator, designated representative or authorized agent, having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control over decisions on the use and condition of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person.
- (u) *Owner of Record* means any person who holds any fee interest, life estate interest, equitable interest in a contract of sale or other legal interest and whose identity, including address, can be determined from an instrument recorded in the recorder's office of the county where the rental unit is located; or, written information or actual knowledge received by the Department; or a review of Department records that is sufficient to identify information that is reasonably ascertainable.
- (v) *Person* means an individual, corporation, partnership or association, or any other group acting as a unit, and includes a government, governmental subdivision or agency, business trust, estate, trust, two or more people having a joint or common interest, and any other legal or commercial entity.
- (w) *Premises* means a lot, plot or parcel of land, easement or public way, including any structures thereon.
- (x) *Private Inspector* means, for purposes of Indiana Code 36-1-20-4.1(c)(2)(B)(iii), an inspector of rental units who satisfies the following qualifications prescribed by the City: must be a State of Indiana Licensed Home Inspector.



- (y) *Private Inspection* means an inspection conducted for the purpose of meeting the exemption requirements under Indiana Code 36-1-20-4.1(c).
- (z) *Property Manager* means a person who manages land or buildings as a business including keeping buildings in good condition and renting property.
- (aa) *Re-Inspection* means after the initial inspection a follow up inspection or assessment of a rental unit to confirm the unit meets RSVP Inspection Standards.
- (bb) *Rental Safety Verification Program Warrant (RSVP Warrant)* means a court authorization to enter a rental unit to conduct an inspection and complete an Inspection Report if the owner, tenant or others in possession of a rental unit decline consent to an Inspection.
- (cc) *Rental unit* as used in this Article, means one (1) or more dwelling units in a structure intended to be occupied or is occupied as a home, residence or habitable space by anyone other than the owner and may include a tenancy agreement or lease.
- (dd) *Rental unit community* means one (1) or more parcels of contiguous real property upon which are located in one (1) or more structures containing rental units, if the combined total of all rental units in all of the structures is five (5) or more rental units and the rental units are not occupied solely by the owner or owner's family.
- (ee) *RSVP Inspection Standards* means the minimum property standards a rental unit must comply with based on the International Property Maintenance Code, as modified for smoke detectors, defective paint surfaces, and buildings with two (2) or more dwelling units pursuant to Sec. 6-81(b) of this Article and established by the Department as amended from time to time.
- (ff) *Special Project(s)* means a dedicated and active plan to improve the physical condition of rental units independent of RSVP but engages a unique partnership between the owner and the City due to the shared goals or interests for the welfare and benefit of the community, such as redevelopment, funding sources and adequate housing or rental stock, and the complexity and extent of the improvement plan.
- (gg) *Short term rental* means the rental of a single-family home, a dwelling unit in a single-family home, a dwelling unit in a two-family or multifamily dwelling, or a dwelling unit in a condominium, cooperative, or time share for terms of less than thirty (30) days at a time through a short-term rental platform. The term includes a detached accessory structure, including a guest house, or other living quarters that are intended for human habitation, if the entire property is designated for a single-family residential use. The term does not include property that is used for any nonresidential use.
- (hh) *Structure* means that which is built or constructed or a portion thereof.
- (ii) *Tenancy Agreement* means all agreements, written, oral or implied, and valid rules and regulations embodying the terms and conditions concerning the use and occupancy of a rental unit.
- (jj) *Tenant* means someone who lives in a place owned by someone else, usually paying rent.

#### **Sec. 6-81. Compliance required.**

- (a) No person shall maintain, or allow occupancy of, a rental unit in the City that fails to meet the

RSVP Inspection Standards enforced by this Article. Failure to comply with the RSVP Inspection Standards is a violation of this Article. Any structure converted into a rental unit is encouraged to have an Inspection completed and receive an Inspection Certificate before occupancy.

- (b) This program is designed to ensure rental units in the City meet the minimum property standards as defined by the RSVP Inspection Standards established by the Department as amended from time to time, based on the International Property Maintenance Code, with the following modifications:
  - (1) Indiana Code § 22-11-18 minimum standards will apply to smoke detectors which conform to the minimum standards for type, components, and maintenance prescribed by the National Fire Protection Association.
  - (2) If based on the RSVP Inspection Standards, defective paint surfaces are identified in a rental unit built before 1978, owners must complete the repairs to such surfaces using lead safe practices in accordance with all applicable federal and state laws and related agency rules and regulations and submit to the Department lawful proof of compliance before being issued an Inspection Certificate. Examples of lead safe practices can be found in Indiana Administrative Code 410 IAC 32 and U.S. Code of Federal Regulations 40 CFR 745.
  - (3) For purposes of enforcement of this Article, RSVP Inspection Standards for buildings with more than two (2) dwelling units will be established following International Residential Code standards.
- (c) The provisions in this Article shall not be construed to prevent the enforcement of other ordinances or regulations which prescribe stricter standards and/or additional requirements than are provided herein.
- (d) This Article applies to rental units located within the City, but shall not apply to the following occupancy arrangements unless such arrangements are created to avoid the application of this Article:
  - (1) Occupancy by the purchaser of a structure with one (1) or more dwelling units under a recorded contract of sale.
  - (2) Short term rental.
  - (3) Owners who occupy the premises and rent to no more than two unrelated tenants.
  - (4) Housing cooperatives, also known as housing co-ops.
  - (5) Occupancy by immediate family member(s) of the owner.
- (e) A rental unit may be exempt from this Article as follows:
  - (1) Rental units built as new construction, for ten (10) years after the rental unit construction is completed. The owner of such rental unit must submit to the Department the required information to prove the new construction date of the rental unit; and
  - (2) Rental units inspected by a State of Indiana licensed home inspector pursuant to a



completed real estate sales transaction, for three (3) years from the date of the inspection. The purchaser of the rental unit must submit to the Department the required information to prove the validity of the inspection meeting the minimum standards of this Article.

- (3) If the Department has reason to believe, or receives a complaint, that the rental unit does not comply with RSVP Inspection Standards, then a new Inspection of the rental unit may be performed.
- (f) An owner that believes RSVP does not apply to their rental unit must submit documentation that the rental unit meets Sec. 6-81(e) or Sec. 6-81(f) of this Article to the Department for review and determination. Necessary documentation must be submitted to the Department on or before the due date established by the Department. Failure to do so may result in fees and/or penalties under this Article.
- (g) This Article applies to governmental or public agencies acting as landlords. If the federal or state subsidized, or owned rental units are regularly inspected by a government entity and verification of housing conditions meeting the standards of this Article are delivered to the Department as requested, then such rental units may qualify for an exemption as provided in sub-section 6-82(n).
- (h) An owner shall not allow a rental unit to be occupied that has been issued a vacate and seal order by the Department or is condemned by any agency that has the authority to condemn.
- (i) This Article applies to rental units that have been issued an exemption or an Inspection Certificate. If the Department has reason to believe, or receives a complaint, that the rental unit does not comply with RSVP Inspection Standards, then a new Inspection of the rental unit may be performed.

**Sec. 6-82. Inspection of rental units.**

- (a) Unless sub-section 6-82 (n) below is applicable, rental units covered by Secs. 6-79 and 6-81 within the City may be inspected by the Department.
- (b) The Certification Period will be one, two or five years. Thereafter, the Certification Periods are subject to adjustment as established and published by the Department pursuant to Sec. 6-87.
- (c) The Certification and Certification Period process is as follows:

Inspection	Certification Path
Initial Inspection – <i>Passes</i>	<p>Rental unit meets RSVP Inspection Standards at the time of the initial inspection.</p> <p>Single-family property or duplex will be issued a five-year inspection certificate.</p>



	<p>Multi-family property will be issued a five-year inspection certificate.</p>
<p>First Reinspection</p>	<p>If a unit fails its initial inspection, reinspection(s) must be conducted, and RSVP compliance achieved, no later than sixty (60) days from the initial inspection. Critical violations must be addressed within 10 days and all other violations must be addressed within 60 days of the initial inspection.</p> <p>Any new violations identified during reinspection(s) must be addressed in no more than 30 days from the inspection date when they were identified or within sixty (60) days of the initial inspection, whichever date is later. If the new violation is a critical violation, it must be addressed in no more than 10 days from the inspection date when it was identified.</p> <p>No fees are imposed for the first reinspection.</p> <p>Single-family property or duplex in compliance with RSVP at the time of the first reinspection will result in a five-year inspection certificate.</p> <p>Multi-family property in compliance with RSVP at the time of the first reinspection will result in a five-year inspection certificate.</p>
<p>Additional Reinspection(s)</p>	<p>Reinspection(s) must be conducted, and RSVP compliance achieved, no more than sixty (60) days from the initial inspection. Critical violations must be addressed within 10 days and all other violations must be addressed within 60 days of the initial inspection.</p> <p>Any new violations identified during reinspection(s) will be given a deadline of no more than 30 days from the inspection date when they were identified or within sixty (60) days of the initial inspection, whichever date is later. If the new violation is a critical violation, it must be addressed in no more than 10 days from the inspection date when it was identified.</p> <p>Failure to address violations within the specified timeframe may result in penalties and fees Units that require inspection(s) beyond the initial inspection and first reinspection are subject to an inspection fee. See Penalties and Fees section in this Article.</p>

	<p>Single-family property or duplex upon passage based on a reinspection that occurred after the initial and first reinspection will result in a one-year inspection certificate.</p> <p>Multi-family property upon passage based on a reinspection that occurred after the initial and first reinspection will result in a two-year inspection certificate.</p>
Failure to comply	<p>If the owner fails to schedule an RSVP inspection, no reinspection is performed, or a unit fails to meet RSVP standards and requirements within the specified timeframe, then the unit is not in compliance. Non-compliant units are subject to penalties and fees and the property may be subject to further enforcement as allowed by law, including the Indiana Unsafe Building Law.</p>
Compliance Deadline	<p>Critical violations must be addressed within 10 days and all other violations must be addressed within 60 days of the initial inspection.</p> <p>Any new violations identified during reinspection(s) will be given a deadline of no more than 30 days from the inspection date when they were identified or within sixty (60) days of the initial inspection, whichever date is later. If the new violation is a critical violation, it must be addressed in no more than 10 days from the inspection date when it was identified. The violations identified during prior inspection(s) will not receive a repair deadline extension.</p> <p>An extension to a repair deadline can be considered on a case-by-case basis with proper documentation as determined by the Department.</p>

(d) If a rental unit community has five (5) or fewer rental units, the Department will inspect every rental unit. Rental unit communities with six (6) or more rental units will have at least 20% of the rental units randomly sampled by the Department to inspect and then use those findings to extrapolate the overall quality and condition of the rental units therein.

(1) If the findings extrapolated indicate the overall substandard conditions of the rental units or such violations that could affect other rental units, the Department may complete Inspections of additional rental units, up to and including all rental units, as deemed necessary.

(e) In addition to repairs listed in the Inspection Report, to receive the Inspection Certificate,



the owner shall repair pre-existing substandard housing violations that are active with the Department to meet minimum standards under this Article.

- (f) A deadline extension may be granted if a rental unit has all repairs completed excepting either exterior items that cannot be completed due to the weather conditions or repairs that cannot be completed due to unforeseen conditions, as approved by the Department. Documentation indicating timely completion will occur must be provided to the Department for review and determination. A reinspection is needed to confirm compliance prior to the issuance of an Inspection Certificate.
- (g) The Department reserves the right to conduct a reinspection of any rental unit and may adjust the certification period based upon the results of the reinspection.
- (h) The Department may consider documentation submitted by the owner as sufficient proof of compliance on minor violations at the discretion of the Department. The Department will keep a record of any documentation submitted.
- (i) Should the rental unit fail to achieve an Inspection Certificate, the Department may impose penalties, and the rental unit and the owner of record may be subject to further enforcement as allowed by law, including the Indiana Unsafe Building Law, but with all due process or appeal rights as afforded thereunder. The Department may identify the rental unit as “Rental unit is not in compliance with the Rental Safety Verification Program (RSVP) and does not have an inspection certificate.”
- (j) An Inspection Report and Inspection Certificate shall be issued to the owner for each rental unit upon which an inspection is performed within ten (10) business days from the date the Inspection is completed and from the date the Inspection Certificate is issued, unless notified by the Department that additional time is needed.
- (k) An Inspection may be conducted based upon owner voluntary compliance, a complaint, the Department’s reasonable belief that the unit is out of compliance with, or in violation of, RSVP Inspection Standards, or the Department ensuring compliance with this Article based on strategic criteria.
- (l) If the Department has reason to believe that the rental unit no longer complies with the RSVP Inspection Standards or determines that the condition of the rental unit has deteriorated since the issuance of an Inspection Certificate, then a new Inspection of the entire rental unit may be performed.
  - (1) Upon completion, a new Inspection Report and, if appropriate, Inspection Certificate, as approved by the Department, shall be issued to the owner.
- (m) The following procedures shall be used to obtain entry to rental units for completing an Inspection:
  - (1) When the Department has reason to believe that the rental unit does not comply with RSVP Inspection Standards, including observing a violation or receiving a complaint, it may initiate the inspection process.
    - a. Whenever an Inspection is required, the Department will send a first-class letter to the owner to initiate the process for completing the Inspection.



- b. The owner shall communicate with the Department and make reasonable arrangements for a date and time to complete the Inspection process.
  - c. An authorized individual must be present at the Inspection to provide the Inspector with access to the rental unit and any essential functions of the rental unit, such as mechanical equipment, if located outside of the rental unit. The owner may be present at the time the Inspector conducts the Inspection.
  - d. Should the owner or tenant take action(s) that prevents the Inspection from occurring during the scheduled date and time, the owner is responsible for rescheduling the Inspection. There may be a \$100.00 fee for each rental unit for the failure to meet the Inspector for a scheduled inspection.
  - e. Should the owner fail to schedule a date and time to complete the Inspection and inform the Department per sub-section (b) above, the Department may send a first-class letter to the owner of record explaining the failure to comply and the possible consequences, such as penalties and a RSVP warrant, for such failure if not cured within the time prescribed.
  - f. If the owner does not comply with scheduling a date and time to complete the Inspection or does not have the Inspection performed until after the time allowed in sub-section (e) above, the Department may issue penalties under this Article.
  - g. The Department may identify the rental unit as “Rental unit is not in compliance with the Rental Safety Verification Program (RSVP) requirements and does not have an inspection certificate”.
  - h. Should the owner continue to fail to schedule a date and time to complete the Inspection the Department may send a 1<sup>st</sup> class and certified letter to the owner of record, or provide notice by publication, explaining the failure to comply and the consequences, such as penalties and a RSVP warrant, for such failure if not cured within the time prescribed.
  - i. If the owner or tenant refuses to allow entry or schedule arrangements to complete the Inspection the Department may obtain a RSVP warrant from any court of competent jurisdiction.
- (2) If the tenant contacts the Department to request an RSVP Inspection, the Department may initiate the inspection process.
- a. The tenant(s) may schedule a date and time to complete the Inspection. The Department is not required to provide notification of the Inspection to the owner.
  - b. Should the tenant(s) take action(s) that prevent the Inspection from occurring during the scheduled date and time, the tenant(s) is responsible for rescheduling the Inspection.

- c. Failure to reschedule the Inspection or communicate with the Department will result in no Inspection occurring. However, should the Department have reason to believe that the rental unit does not comply with RSVP Inspection Standards, the Department may proceed under 6-82(m)(1) of this Article.

(3) If the owner contacts the Department to request an RSVP Inspection, the Department may initiate the inspection process.

- a. The owner shall communicate with the Department and make reasonable arrangements for a date and time to complete the Inspection.
- b. An authorized individual must be present at the Inspection to provide the Inspector with access to the rental unit and any essential functions of the rental unit, such as mechanical equipment, if located outside of the rental unit. The owner may be present at the time the Inspector conducts the Inspection.
- c. Should the owner or tenant take action(s) that prevents the Inspection from occurring during the scheduled date and time, the owner is responsible for rescheduling the Inspection. There may be a \$100.00 fee for each rental unit for the failure to meet the Inspector for a scheduled inspection.
- d. Failure to reschedule the Inspection or communicate with the Department will result in no Inspection occurring. However, should the Department have reason to believe that the rental unit does not comply with RSVP Inspection Standards, the Department may proceed under 6-82(m)(1) of this Article.

(4) Should the Department proceed with ensuring compliance with this Article based on strategic criteria, such as geography or rental unit communities, the Department may initiate the inspection process.

- a. Whenever an Inspection is required, the Department will contact the owner to initiate the process for completing the Inspection.
- b. The owner shall communicate with the Department and make reasonable arrangements for a date and time to complete the Inspection.
- c. An authorized individual must be present at the Inspection to provide the Inspector with access to the rental unit and any essential functions of the rental unit, such as mechanical equipment, if located outside of the rental unit. The owner may be present at the time the Inspector conducts the Inspection.
- d. Should the owner or tenant take action(s) that prevents the Inspection from occurring during the scheduled date and time, the owner is responsible for rescheduling the Inspection. There may be a \$100.00 fee for each rental unit for the failure to meet the Inspector for a scheduled inspection.



- e. Should the owner fail to schedule a date and time to complete the Inspection and inform the Department per sub-section (b) above, the Department may send a first-class letter to the owner of record explaining the failure to comply and the possible consequences, such as penalties and a RSVP warrant, for such failure if not cured within the time prescribed.
  - f. If the owner does not comply with scheduling a date and time to complete the Inspection or does not have the Inspection performed until after the time allowed in sub-section (e) above, the Department may issue penalties under this Article.
  - g. The Department may identify the rental unit as “Rental unit is not in compliance with the Rental Safety Verification Program (RSVP) requirements and does not have an inspection certificate”.
  - h. Should the owner continue to fail to schedule a date and time to complete the Inspection the Department may send a first-class and certified letter to the owner of record, or provide notice by publication, explaining the failure to comply and the consequences, such as penalties and a RSVP warrant, for such failure if not cured within the time prescribed.
  - i. If the owner or tenant refuses to allow entry or schedule arrangements to complete the Inspection the Department may obtain a RSVP warrant from any court of competent jurisdiction.
- (n) The City recognizes there may be Special Projects involving rental units. To provide a more efficient system towards RSVP certification regarding Special Projects involving rental units, and so that orderly inspection schedules can be made by City officials, the Department may coordinate a process for the improvement efforts and timeline with the Owner, memorialized in writing including by email, for the completion of the inspection and repairs of the rental units and the Special Project.
- (o) Private Inspections completed as specified under Indiana Code § 36-1-20-4.1(c) must meet all the requirements for an exemption to be approved by the Department.
- (1) An owner of a rental unit qualifying for an exemption described in Indiana Code § 36-1-20-4.1(c) must apply to the Department for that exemption. The exemption request may be denied if all qualifications of Indiana Code § 36-1-20-4.1(c) are not met.
  - (2) The owner applying to the Department for approval of the exemption must submit a written inspection report that verifies the rental unit is safe and habitable, along with all other necessary proof of the exemption, to the Department on or before the due date established by the Department. Failure to do so may result in fees and/or penalties under this Article.
  - (3) Pursuant to Indiana Code § 36-1-20-4.1(d), the Department may inspect a rental unit that meets the requirements for an exemption, or has been approved for an exemption, if the Department has reason to believe or receives a complaint that the



rental unit does not comply with RSVP Inspection Standards.

- (p) Inspection Report will be made available for the tenant who occupies the rental unit at the time of the inspection. Unless other arrangements are made with the Department, the Inspection Report may be sent to the tenant who occupies the rental unit upon request as approved by the Department.
- (q) Stop Work Order. To further the purposes of Secs. 6-79 and 6-81, and in conjunction with Chapter 16, Article 8 of the South Bend Municipal Code, the Department may issue stop work orders.
  - (1) Authority. Whenever any work regulated by this Article is being performed in a manner contrary to the provisions of this Article or in a dangerous or unsafe manner, the Department is authorized to issue a stop work order.
  - (2) Issuance. A stop work order shall be in writing and shall be given to the owner or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.
  - (3) Emergencies. Where an emergency exists that poses an immediate threat to life, health, or safety of persons or property, the Department shall not be required to give a written notice prior to stopping the work.
  - (4) Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a penalty of not less than \$500.00 dollars or more than \$2,500.00 dollars per day.
- (r) The owner is required to provide the Department with current contact information.
  - (1) At the time the owner informs the Department of the arrangements made to complete the Inspection, the owner shall provide, or confirm with, the Department their name, telephone number, email address, and mailing address, as well as the name, telephone number, email address, and mailing address of the unit's property manager, if any.
  - (2) Should the ownership or contact information related to a unit change, it is the responsibility of the owner to update official property records with St. Joseph County and to notify the Department.

**Sec. 6-83. Approved certification for rental.**

- (a) The Inspection Certificate will be issued after the rental unit passes Inspection and all fees and penalties due under this Article are paid.
- (b) An Inspection Certificate will not be issued for a rental unit, and may be revoked, if:
  - (1) a unit does not meet RSVP Inspection Standards, or
  - (2) there are any fees or penalties due under this Article.

- (c) Non-compliant units are subject to penalties and fees and the property may be subject to further enforcement as allowed by law, including the Indiana Unsafe Building Law.
- (d) The Department encourages that the Inspection Certificate be placed in a conspicuous location, such as in the façade of the building facing a public street and containing a building entry, or in a conspicuous interior location.

**Sec. 6-84. Revocation of Inspection Certificate.**

- (a) Revocation of Inspection Certificate means the Department canceling an issued Inspection Certificate whenever it discovers that such certificate was issued in error or based on incorrect information or discovers other causes demonstrating a lack of compliance with the provisions of this Article.
- (b) The Department may revoke an Inspection Certificate, by sending notice to the owner of record via first-class, or certified mail and publication if mail service is returned undeliverable, for causes such as:
  - (1) The rental unit has deteriorated, does not meet RSVP Inspection Standards, and the owner is unresponsive or refuses to make repairs.
  - (2) The rental unit has deteriorated significantly to the point of becoming condemned.
  - (3) The Department has reason to believe, or receives a complaint, that the rental unit does not comply with RSVP Inspection Standards since the Inspection Certificate was issued and the owner is unresponsive or fails to have a new Inspection performed.
  - (4) The owner supplied false information knowingly with intent to deceive or falsify a private inspection.
  - (5) Since the Inspection Certificate was issued, the owner or tenant illegally converted space in the rental unit to increase the occupancy.
  - (6) Since the last Inspection, the owner failed to correct violations within the time allowed.
  - (7) The rental unit has been designated as a chronic problem property pursuant to the South Bend Municipal Code.

**Sec. 6-85. Transfer of Inspection Certificate.**

- (a) There is no fee for the initial inspection and the first reinspection.
- (b) There may be a \$100.00 fee for the second reinspection per rental unit and the fee of \$200.00 for each reinspection per rental unit thereafter.
- (c) There may be a \$100.00 fee for each rental unit for the failure to meet the Inspector for a scheduled inspection.
- (d) The owner of record will be notified by first-class mail before a penalty may be issued in



accordance with Indiana Code 36-1-20-6. Penalties may be imposed as follows:

- (1) A \$250.00 penalty per week for a rental unit that has not been inspected or certified.
  - (2) A \$300.00 penalty per week for a rental unit that has an expired certification, whether posted or not.
  - (3) A \$250.00 penalty for the removal of signage identifying the rental unit as not in compliance with the Rental Safety Verification Program (RSVP) may be imposed for each incident of removal.
  - (4) A \$500.00 penalty for the removal of a condemned notice from the rental unit may be imposed for each incident of removal.
  - (5) A \$500.00 penalty the first week of occupancy in a condemned structure. After the first week, the penalty doubles each week thereafter until a maximum of \$7,500.00 per week.
  - (6) A penalty of not less than \$500.00 dollars or more than \$2,500.00 dollars per day may be imposed for failure to comply with a stop work order.
- (e) The fees and penalties imposed under this section shall be enforced through the City's Ordinance Violations Bureau as prescribed in Chapter 2, Article 19 of the South Bend Municipal Code, with all due process or appeal rights as afforded thereunder, and do not prohibit or restrict the enforcement for violations under other applicable ordinances, state or federal laws.
- (f) Penalties and fees received from the Rental Safety Verification Program shall be deposited into the Rental Units Regulation Fund, Fund No. 221, as that fund is further detailed in Chapter 2, Article 14, Section 2-169.5.
- (1) Acts of God or other conditions beyond the control of the property owner or caused by the tenant's negligent, wrongful or malicious acts or omissions will not qualify for short-term relocation assistance.
- (g) Penalties under this section will be imposed pursuant to Indiana Code § 36-1-20-6(b).
- (h) If the owner of record fails to pay penalties, fees, costs and expenses, the Department may pursue collections against the person and against the property as allowed by law, including in the same manner as prescribed under Indiana Code § 36-1-6-2, Indiana Code § 36-7-9-13 and Indiana Code § 36-7-9-13.5 except that amounts collected shall be deposited and used according to Rental Units Regulation Fund.

**Sec. 6-87. Monitoring progress.**

- (a) The Department will review this Article at least biennially, providing adequate time for implementation of the process, to determine if processes are effective and assisting the program in meeting anticipated goals. Updates may be provided by written report or presentation to Common Council, through a committee or full Council, no more often than on an annual basis.



**Sec. 6-88. Severability clause.**

- (a) The provisions of this ordinance are severable, and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

**Secs. 6-89—6-93. Reserved.**

**SECTION II.** This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor and any legal publication required by law.

\_\_\_\_\_  
Sharon McBride, Council President  
South Bend Common Council

Attest:

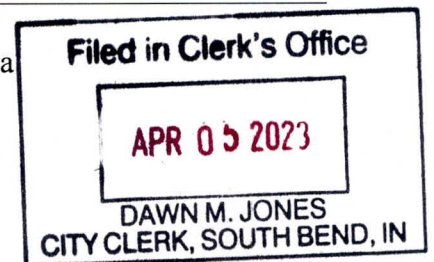
\_\_\_\_\_  
Dawn M. Jones, City Clerk  
Office of the City Clerk

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

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

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

\_\_\_\_\_  
James Mueller, Mayor  
City of South Bend, Indiana



April 22, 2023

Dear Council Members,

I'm writing with organizational support for Bill No. 20-23 RSVP from both the Near Northwest Neighborhood, Inc. and also the Lead Affinity Group.

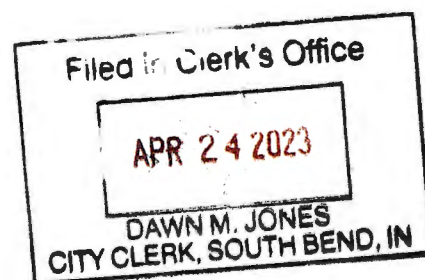
RSVP was created in 2019 to better address poor conditions of rental properties in the City of South Bend. The program is well-needed, and we have been communicating with the author of the Bill (Councilwoman Neizgodski) to talk through the positive impact this can have on our neighborhoods, and as protections for tenants, while creating a standard system of inspection requirements and property standards that is fair for landlords.

We would like you to give this Bill full support.

Kathy Schuth

Executive Director  
Near Northwest Neighborhood, Inc.  
1007 Portage Ave.  
South Bend, IN 46616  
(574) 232-9182  
[nnndirector@nearnorthwest.org](mailto:nnndirector@nearnorthwest.org)

[www.nearnorthwest.org](http://www.nearnorthwest.org)





# BILL NO. 23-20

## 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>

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  
4<sup>th</sup> Floor, County-City Building  
South Bend, IN 46601

RE: A Special Resolution of the Common Council of the City of South Bend, Indiana, Publicly Acknowledging and Honoring John Adams' High School Senior Angel Thomas for her Success in the 2023 Girls State Indoor Track Meet.

Dear Common Council Members:

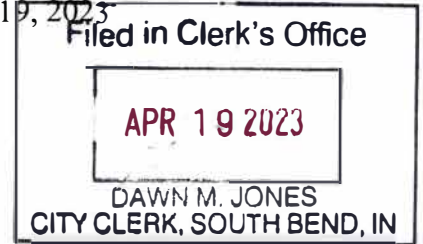
I believe that part of the Council's job includes recognizing the good things that happen in South Bend. This is especially true when it comes to the accomplishments of our public-school students, whether those accomplishments are academic, athletic, musical, or otherwise.

For this reason, I am filing a Special Resolution acknowledging and honoring Adams' High School student and athlete Angel Thomas for her recent victory in the Girls State Indoor Track Meet in the 60-meter Dash.

Please add this Special Resolution to the agenda for the Common Council meeting scheduled for April 24, 2023, under "Special Business". Because it is a special resolution, there is no need to be heard by a committee.

Thank you for your consideration.

April 19, 2023



Sincerely yours,

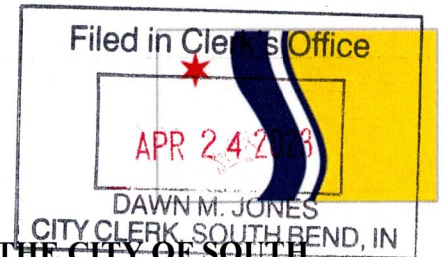
Henry Davis, Jr., South Bend Common  
Council Second District





**BILL NO. 23-20**

**SPECIAL RESOLUTION NO. 5017-23**



**A SPECIAL RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY ACKNOWLEDGING AND HONORING JOHN ADAMS HIGH SCHOOL SENIOR ANGEL THOMAS FOR HER SUCCESS IN THE 2023 GIRLS STATE INDOOR TRACK MEET**

*Whereas*, the phrase “fast woman” has historically had different meanings, not all of them complimentary; and

*Whereas*, in the case of John Adams High School Senior track athlete Angel Thomas, “fast woman” has only one meaning and it is very complimentary; and

*Whereas*, on March 25, 2023, Angel used the Girls State Indoor Track Meet to become Adams first individual Girls Indoor Track champion by winning the Girls 60 Meter Dash in 7.62 seconds, the fastest time by a high school girl in Indiana this year; and

*Whereas*, Angel also competed in the 100 Meter Dash, finishing fourth with an Adams school record time of 11.91 seconds; and

*Whereas*, Angel is not satisfied with these accomplishments, but uses them to set her goals for the 2023 outdoor season; and

*Whereas*, those goals include breaking the 200-meter record for Adams High School, along with the record for long jump, and bringing home state championships in the 100- and 200-meter dashes.

*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 acknowledges and honors Angel Thomas for her athletic accomplishments, including a state championship in the 60-meter dash.

**Section II.** The Council also wishes Angel the best of luck in accomplishing her remaining goals in the 2023 outdoor season.

**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 24th day April 2023*

*Sharon L. McBride*

Sharon McBride, President  
South Bend Common Council

*Canneth Lee*

Canneth Lee, 1<sup>st</sup> District Council  
Member

*Henry Davis, Jr.*

Henry Davis, Jr., 2<sup>nd</sup> District Council  
Member

*Troy Warner*

Troy Warner, 4<sup>th</sup> District Council  
Member

*Eli Wax*

Eli Wax, 5<sup>th</sup> District Council Member

*Sheila Niezgodski*

Sheila Niezgodski, 6th District Council  
Member

*Karen L. White*

Karen L. White, At Large Council  
Member

*Lori K. Hamann*

Lori K. Hamann, At Large Council  
Member

*Rachel Tomas Morgan*

Rachel Tomas Morgan, At Large  
Council Member

Filed in Clerk's Office  
APR 24 2023  
DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN

---

Sharon McBride, President  
South Bend Common Council

*Attest:*

---

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

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

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

**Approved and Signed** by me, on the \_\_\_\_\_ day of April 2023, at \_\_ o'clock \_\_.  
m.

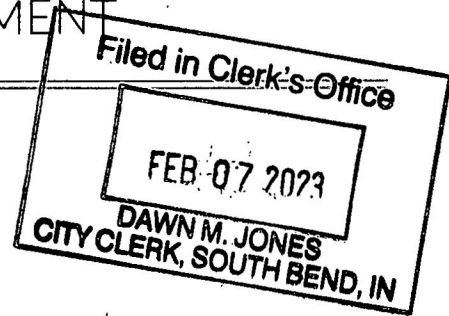
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James Mueller, Mayor  
City of South Bend





CITY OF SOUTH BEND  
COMMUNITY INVESTMENT



February 7, 2023

Honorable Committee Chair Lori K. Hamman  
South Bend Common Council  
4th Floor, County-City Building

**RE: Resurrection Lutheran Annexation Area, southeast corner of Olive Road & Nimitz Parkway**

Dear Committee Chair Hamman:

Attached is an Ordinance for the proposed annexation at the above referenced location. Please include this Ordinance on the Council agenda for first reading at the February 13, 2023, Council meeting; for second reading at the March 27, 2023, Council meeting; and for third reading at the April 10, 2023, Council meeting. Per the provisions of Section 21-01.02(g) of the South Bend Municipal Code, the property would automatically be zoned to S1 Suburban Neighborhood 1 District upon annexation without needing a public hearing before the South Bend Plan Commission.

The petitioner provided the following to describe the proposed project:

Annexation of A-Agricultural parcels from St. Joseph County into the City of South Bend as S1 Suburban Neighborhood 1.

If you have any questions, please feel free to contact me at (574) 235-5843. Thank you.

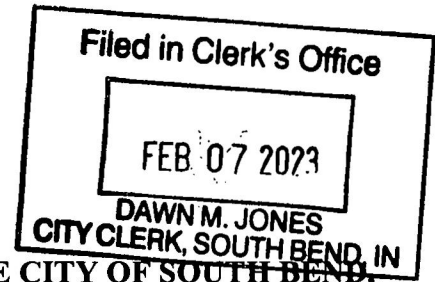
Sincerely,

Michael P. Divita, AICP  
Principal Planner

cc: Bob Palmer, Attorney, Common Council  
Staff, South Bend Plan Commission

**BILL NO. 03-23**

**ORDINANCE NO. 10916-23**



**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ANNEXING TO AND BRINGING WITHIN THE CITY LIMITS OF SOUTH BEND, INDIANA, CERTAIN LAND LOCATED IN GERMAN TOWNSHIP, CONTIGUOUS THEREWITH; COUNCILMANIC DISTRICT NO. 1, FOR THE SOUTHEAST CORNER OF NIMTZ PARKWAY AND OLIVE ROAD, SOUTH BEND, INDIANA**

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**STATEMENT OF PURPOSE AND INTENT**

Petitioner desires to annex two properties at the southeast corner of Nimitz Parkway and Olive Road (53000 block of Olive Road); the properties would be automatically zoned to S1 Suburban Neighborhood 1 District in South Bend.

---

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

**SECTION I.** That the following described real estate is situated in St. Joseph County, Indiana, being contiguous by more than one-eighth (1/8) of its aggregate external boundaries with the present boundaries of the City of South Bend, Indiana, shall be and hereby is annexed to and brought within the City of South Bend:

Part of the East Half of the Northwest Quarter of Section 30, Township 38 North, Range 2 East, German Township, St. Joseph County, Indiana, being more particularly described as follows:

Starting at the Northwest corner of the East Half of the Northwest Quarter of Section 30, Township 38 North, Range 2 East (being the intersection of the Cleveland Road/Nimitz Parkway and Olive Road centerlines); thence South 40 feet, more or less, to the South Right-of-Way Line of Nimitz Parkway extended; thence East 20 feet, more or less, to the Point of Beginning, which lies on the South Bend corporate limits; thence East 128.50 feet, more or less, along the South Right-of-Way Line of Nimitz Parkway to the north-south South Bend corporate limits; thence South 390.40 feet, more or less, along the north-south South Bend corporate limits to the east-west South Bend corporate limits; thence West 128.5 feet, more or less along the east-west South Bend corporate limits to the north-south South Bend corporate limits; thence North 390.4 feet along the north-south South Bend corporate limits to the Point of Beginning. Containing 1.15 acres, more or less.

**SECTION II.** That the boundaries of the City of South Bend, Indiana, shall be and are hereby declared to be extended so as to include the real estate of the above-described parcel as part of the City of South Bend, Indiana.

**SECTION III.** Ordinance No. 10689-19, as amended, 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 above described real estate, with the exception of all adjacent rights-of-way, in the City of South Bend, St. Joseph County, State of Indiana be and the same is hereby established as S1 Suburban Neighborhood 1 District, per the provisions of Section 21-01.02(g) of the South Bend Municipal Code.

**SECTION IV.** This Ordinance shall be in full force and effect 30 days from and after its passage by the Common Council, approval by the Mayor, and legal publication.

\_\_\_\_\_  
Sharon McBride, Council President  
South Bend Common Council

Attest:

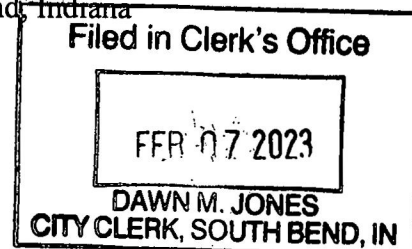
\_\_\_\_\_  
Dawn M. Jones, City Clerk  
Office of the City Clerk

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.

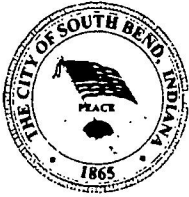
\_\_\_\_\_  
Dawn M. Jones, City Clerk  
Office of the City Clerk

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

\_\_\_\_\_  
James Mueller, Mayor  
City of South Bend, Indiana







Department of  
**Community Investment**

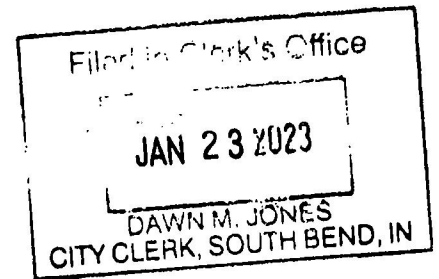
**Memorandum**

Monday, January 23, 2023

TO: Kara Boyles, Engineering  
Aladean DeRose, Legal  
Gerard Ellis, Fire  
Timothy Lancaster and Eric Crittendon, Police  
Pam Meyer, Neighborhood Services & Enforcement  
Ben Dougherty, Administration & Finance  
Angela Smith, Community Investment - Zoning  
Kelly J. Smith, Solid Waste

FROM: Michael Divita, Principal Planner

SUBJECT: Request for Service Reports  
**Resurrection Lutheran Annexation Area**  
(100% Voluntary Annexation of Contiguous Property)



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A petition for voluntary annexation of the Resurrection Lutheran Annexation Area has been received by the City and is to receive First Reading by the Common Council on Monday, February 13, 2023.

The proposed Annexation Area consists of two parcels and adjacent right-of-way totaling about 1.2 acres and is located at the southeast corner of Nimtz Parkway and Olive Road. The area is currently vacant and is zoned agricultural in the County. With the annexation, the petitioner seeks zoning of S1 Suburban Neighborhood 1 District to expand the parking area for the adjacent Resurrection Lutheran Academy.

**Please complete the Service Report** addressing how your Department will or can provide City services to the proposed Annexation Area, and return it to me **by February 6, 2023**. This deadline must be met so that the Legal Department can prepare the necessary resolutions in time to be considered by the Board of Public Works and the Board of Public Safety. A fact sheet, map, and an annexation schedule are attached to assist you in your review.

If you have any questions, please contact me at (574) 235-5843 or [mdivita@southbendin.gov](mailto:mdivita@southbendin.gov).

cc: Mayor James Mueller  
Kacey Gergely, Chief of Staff, Office of the Mayor  
Bob Palmer, Attorney for the Common Council  
Caleb Bauer, Executive Director, Community Investment  
Tim Corcoran, Director of Planning, Community Investment  
Dawn M. Jones, City Clerk  
Staff, City Clerk  
Robert Kruszynski, County Surveyor



## SERVICE REPORT CHECK LIST

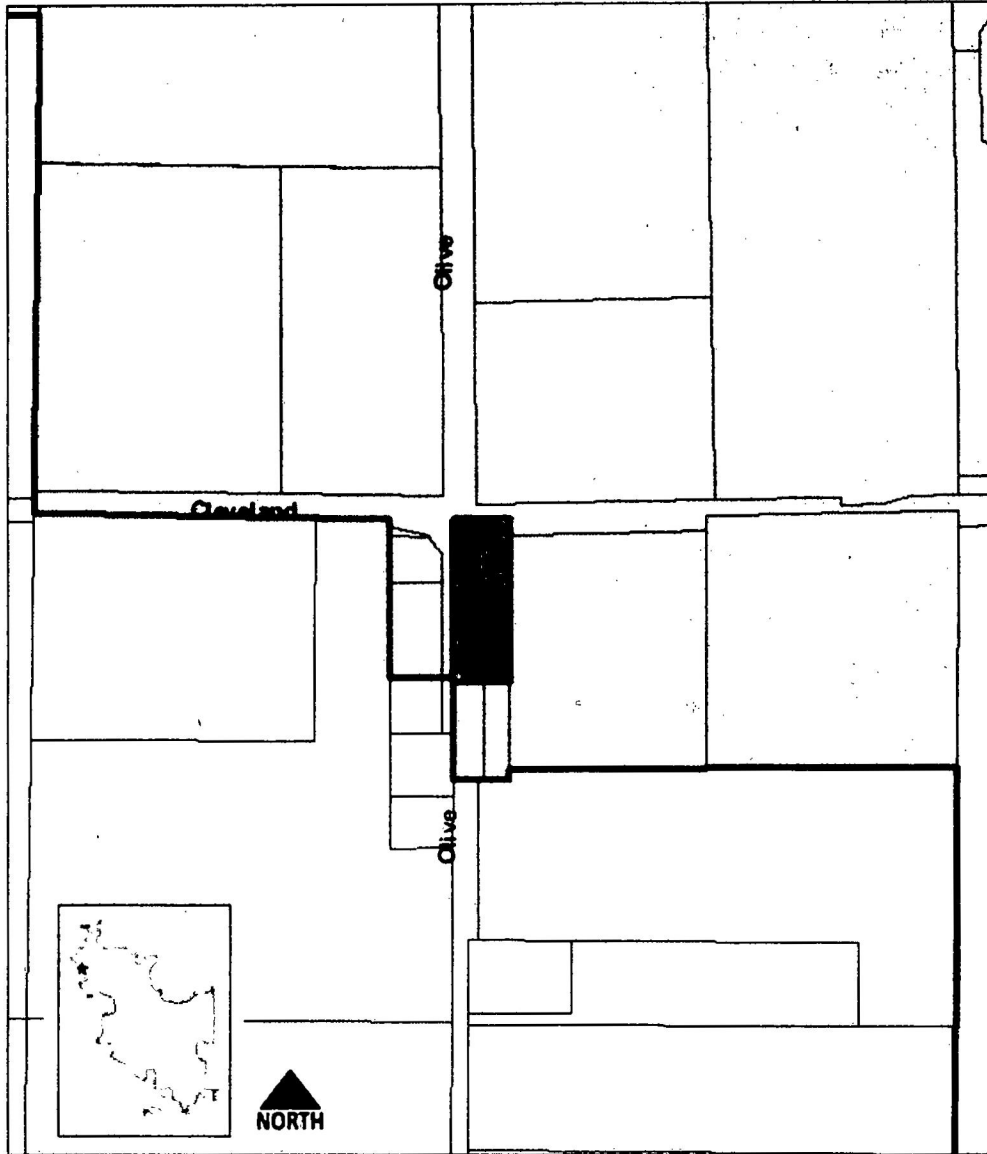
- Department of Law:* 1) legal concerns, if any (if none, no report is required)
- Public Works:* 1) location, size, and capacity of water line(s)  
2) listing of properties connected to water line(s)  
3) location, size, and capacity of sewer line(s)  
4) listing of properties connected to sewer line(s)  
5) any public improvements required or suggested, such as street signs, street lighting, pavement upgrade, storm drainage  
6) cost, timing, and source of funds for providing those improvements (within 1 year for non-capital items and 3 years for capital items)  
7) a listing of properties covered by waivers
- Police Department:* 1) Police Beat to be assigned  
2) cost, timing, and source of funds of providing any improvements  
3) whether comparable response time can be maintained
- Fire Department:* 1) primary and secondary fire stations to be assigned  
2) cost, timing, and source of funds of providing any improvements  
3) whether comparable response time can be maintained
- Neighborhood Services:* 1) Inspector Area to be assigned  
2) whether comparable response time can be maintained
- Zoning:* 1) current zoning of property  
2) anticipated/required zoning  
3) compatibility of land uses relative to city zoning  
4) copies of recorded subdivision plats, if any
- Admin/Finance:* 1) (no report necessary for this annexation)
- Solid Waste:* 1) capacity to provide solid waste service  
2) cost to owner of service  
3) when service can begin
- County Surveyor:* 1) verify accuracy of legal description







Map

# Resurrection Lutheran Annexation Area



 Resurrection Lutheran Annexation Area  City of South Bend

0 250 500  
Feet

Prepared by City of South Bend Department of Community Investment January 20, 2023

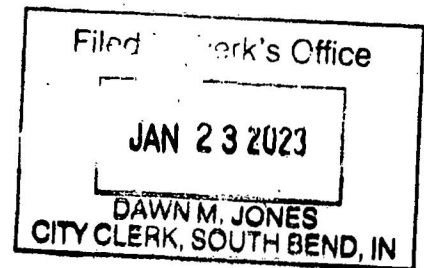
## Legal Description

Part of the East Half of the Northwest Quarter of Section 30, Township 38 North, Range 2 East, German Township, St. Joseph County, Indiana, being more particularly described as follows:

Starting at the Northwest corner of the East Half of the Northwest Quarter of Section 30, Township 38 North, Range 2 East (being the intersection of the Cleveland Road/Nimtz Parkway and Olive Road centerlines); thence South 40 feet, more or less, to the South Right-of-Way Line of Nimtz Parkway extended; thence East 20 feet, more or less, to the Point of Beginning, which lies on the South Bend corporate limits; thence East 128.50 feet, more or less, along the South Right-of-Way Line of Nimtz Parkway to the north-south South Bend corporate limits; thence South 390.40 feet, more or less, along the north-south South Bend corporate limits to the east-west South Bend corporate limits; thence West 128.5 feet, more or less along the east-west South Bend corporate limits to the north-south South Bend corporate limits; thence North 390.4 feet along the north-south South Bend corporate limits to the Point of Beginning. Containing 1.15 acres, more or less.

**Proposed Schedule for Resurrection Lutheran Annexation Area**

Fiscal Plan Service Request Sent	1/23/23
Fiscal Plan Service Request Due	2/6/23
File Date	2/8/23
Council 1st Reading	2/13/23
Fiscal Plan Done	2/27/23
Council Advertisement	3/3/23
Board of Public Works Agenda Session	3/9/23
Board of Public Works Hearing	3/14/23
Board of Public Safety	3/15/23
Plan Commission Public Hearing	NA
Fiscal Plan Resolution to Clerk	3/22/23
Council 2nd Reading	3/27/23
Council 3rd Reading	4/10/23
Ordinance Advertised	4/21/23
Appeal Period Start	4/21/23
Appeal Period End	5/21/23



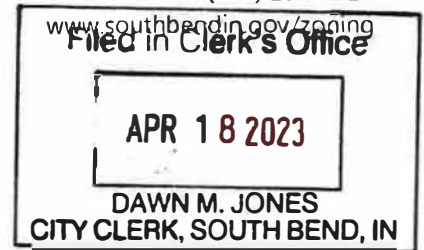


# BILL NO. 16-23



## City of South Bend PLAN COMMISSION

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



April 18, 2023

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

RE: 1301 and 1305 Elwood Ave – PC#0145-23

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 April 24<sup>th</sup>, 2023, Council meeting, and set it for public hearing at your May 22<sup>nd</sup>, 2023, Council meeting. The petition is tentatively scheduled for public hearing at the May 15<sup>th</sup>, 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 U1 Urban Neighborhood 1 to NC Neighborhood Center to allow for a mixed use commercial development.

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

Sincerely,

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

Rachel Boyles  
Zoning Specialist

CC: Bob Palmer

**Tim Corcoran**  
*Planning Director*

**Angela Smith**  
*Zoning Administrator*

**Scott Ford**  
*Commission President*

APR 18 2023

DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN

**BILL NO. 21-23**

**ORDINANCE NO.**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1301 AND 1305 ELWOOD AVE. COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA**

---

**STATEMENT OF PURPOSE AND INTENT**

*Rezone the property from UI Urban Neighborhood 1 to NC Neighborhood Center to allow for a mixed-use commercial development.*

---

**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:

1301 and 1305 Elwood Ave. Lot 7 and 8 Victory Addition.

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.

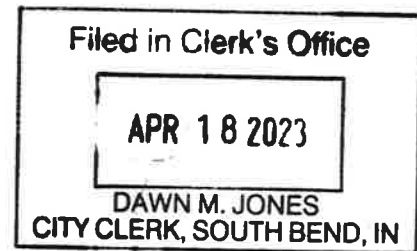
---

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





City of South Bend  
PLAN COMMISSION

Petition for Rezoning or Combined Public Hearing

Property Information

Tax Key Number: 71-03-35-360-016.000-026 and 71-03-35-360-017.000-026

Address: 1301 & 1305 ELWOOD AVENUE, SOUTH BEND, IN 46628 (LOTS 7 & 8)

Owner: PEAK INVESTMENT AND ASSET MANAGEMENT, LLC

Legal Description:

LOTS NUMBERED SEVEN (7) AND EIGHT (8) AS SHOWN ON  
THE RECORDED PLAT OF VICTORY ADDITION TO THE  
CITY OF SOUTH BEND

Project Summary TO DEVELOP A NEIGHBORHOOD SHOPPING CENTER AT THE  
PROPERTIES DESCRIBED BELOW:

① 71-03-35-360-020.000-026

② 71-03-35-360-016.000-026

③ 71-03-35-360-017.000-026 CONCEPTUAL PLAN ATTACHED

Requested Action

Application includes (check all that apply)

Rezoning

Current District: Choose the current district

Additional Districts, if applicable

Proposed District: Choose the proposed district

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: PEAK INVESTMENT & ASSET MANAGEMENT, LLC

Address: 5199 GARDENIA CT WEST LAFAYETTE  
IN, 47906

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

**Contact Person:**

Name: PRAVEEN K GULATI & ELLORA GULATI

Address: 5199 GARDENIA CT, WEST LAFAYETTE  
IN 47906

Phone Number: 765 412 0756 / 765 427 0646

E-mail: praveeng217@gmail.com / egulati23@hotmail.com

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

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

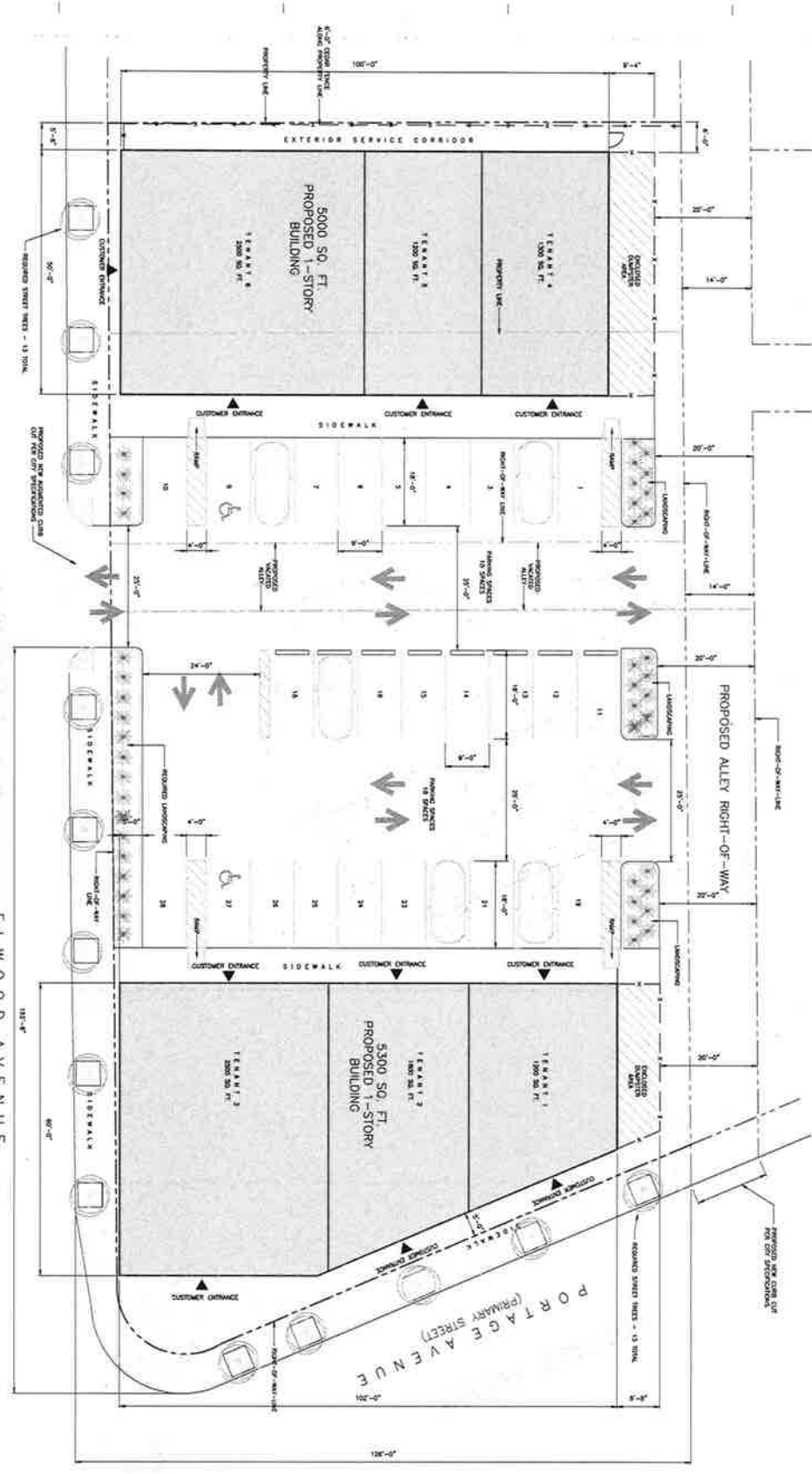
Property Owner (s) Signatures:



(PRAVEEN K. GULATI)



(ELLORA GULATI)



1 PROPOSED SITE DEVELOPMENT PLAN  
 SCALE: 1"=16'-0"

**S1**  
 SHEET NUMBER

SHEET NAME  
 PROPOSED SITE DEVELOPMENT PLAN

DRAWING ISSUE DATE  
 17 APRIL 2023

PROJECT NUMBER	17-2023-001
DATE	17 APRIL 2023
DATE OF PRELIMINARY DESIGN	17 APRIL 2023
DATE OF FINAL DESIGN	17 APRIL 2023
REVISIONS	

NEIGHBORHOOD SHOPPING CENTER  
 PEAK INVESTMENT AND ASSET MANAGEMENT, LLC  
 PROJECT LOCATION  
 NW CORNER OF PORTAGE AND ELMWOOD AVENUE  
 SOUTH BEND, INDIANA

PUZZELLO ARCHITECTURE PRACTICE  
 200 W. MAIN STREET, SUITE 200  
 SOUTH BEND, INDIANA 46701  
 TEL: (574) 298-1111 FAX: (574) 298-1112  
 WWW.PUZZELLOARCHITECTURE.COM



018-2182-6828  
018-2182-6829

Transfer 64980  
Taxing Unit South Bend  
Date 03/09/2023

**2023-04917**  
RECORDED AS PRESENTED ON  
03/09/2023 09:22 AM  
MARY BETH WISNIEWSKI  
ST. JOSEPH COUNTY  
RECORDER  
PGS: 4 FEES: 25.00

**GENERAL WARRANTY DEED**

THIS INDENTURE WITNESSETH, that Khaled Ibrahim ("Grantor"), CONVEYS AND WARRANTS to Peak Investment and Asset Management LLC ("Grantee"), for the sum of Ten and 00/100ths Dollars (\$10.00), and other valuable consideration, the receipt of which is hereby acknowledged, that certain real estate located in St. Joseph County, in the State of Indiana, more particularly described in Exhibit A, attached hereto and by reference made a part hereof (the "Real Estate").

**MH** THIS CONVEYANCE IS MADE, and the Real Estate is SUBJECT TO:

- (1) real estate taxes and public assessments due and payable after the closing on the conveyance, and all such taxes and assessments payable thereafter; and
- (2) all covenants, agreements, easements, restrictions and rights of way of record.

**Remainder of Page Intentionally Left Blank.  
Signature Page Follows.**

DULY ENTERED FOR TAXATION  
ST. JOSEPH CO. INDIANA  
SUBJECT TO FINAL ACCEPTANCE  
FOR TRANSFER

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 27<sup>th</sup> day of February, 2023.

**GRANTOR:**

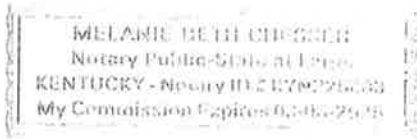
[Signature]  
Khaled Ibrahim

STATE OF Kentucky )  
  ) SS:  
COUNTY OF Shelby

Before me, a Notary Public in and for said County and State, personally appeared Khaled Ibrahim, who being first duly sworn by me upon his/her oath, acknowledged execution of the foregoing in his/her individual capacity, and stated that the representations therein are true.

WITNESS my hand and Notarial Seal this 27<sup>th</sup> day of February, 2023.

[Signature]  
Notary Public



Tax Parcel Number(s):

71-03-35-360-016.000-026; and  
71-03-35-360-017.000-026

Address of Transferred Property:

St. Joseph County, IN

Grantee's Address for Mailing of Tax Statements and Recorded Deed:

Peak Investment and Asset Management, LLC

5199 Gardenia Court

West Lafayette, IN 47906

**THIS INSTRUMENT PREPARED BY:**

Patrick M. Rooney, Attorney at Law  
1638 Shelby Street, Suite 101  
Indianapolis, Indiana 46203  
pmrooney1@gmail.com; 317.445.9956

I affirm under penalties for perjury that  
I have taken reasonable care to redact  
each social security number in this  
document, unless required by law.

*/s/ Patrick M. Rooney*

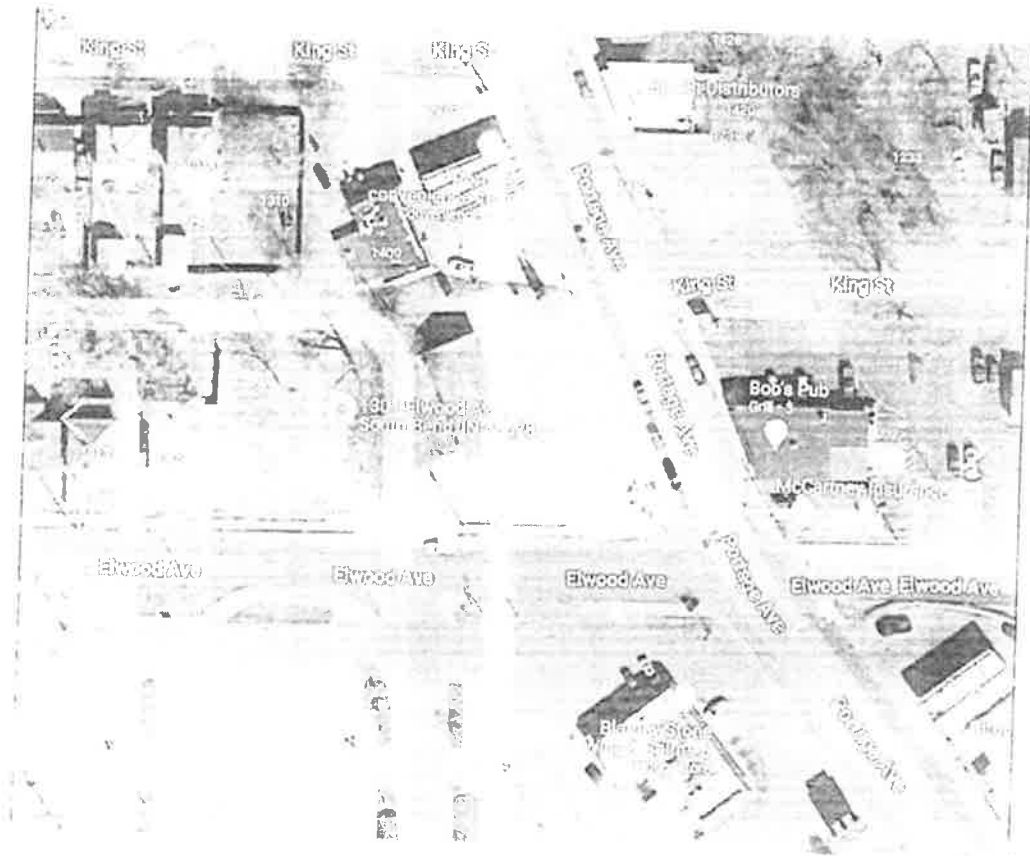


**Exhibit A**

**Legal Description of Real Estate**

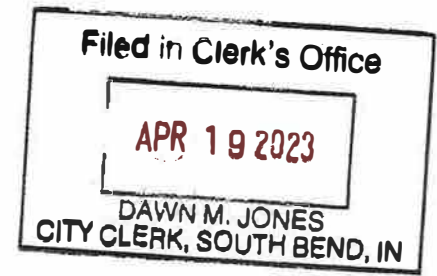
Lots Numbered Seven (7) and Eight (8) as shown on the recorded Plat of Victory Addition to the City of South Bend.





Filed in Clerk's Office  
**APR 18 2023**  
DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN

Drag from top and touch the back button to exit full screen.



April 18, 2023

City of South Bend  
Common Council  
455 County-City Building  
227 W. Jefferson Boulevard  
South Bend, Indiana 46601

**RE: ALLEY VACATION – 1023 QUIMBY STREET**

To the Council,

On behalf of the Owners of the above referenced property, Elliot Properties, LLC, we request the adjacent alley be vacated. The Owner owns 100% of adjacent properties. They wish to reconfigure the lot layout of these adjacent properties. Therefore, this requested alley vacation shall prove beneficial in new lot line distribution.

If you have further questions regarding this alley vacation, please contact me at the above listed phone number.

Sincerely,

Terance D. Lang, PS  
[tlang@gowightman.com](mailto:tlang@gowightman.com)  
574-233-1841



Filed in Clerk's Office

APR 19 2023

DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN

BILL NO. 22-23

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

THE FIRST NORTH-SOUTH ALLEY LYING WEST OF EDDY STREET, BOUNDED ON THE SOUTH BY THE NORTH RIGHT OF WAY LINE OF QUIMBY STREET AND BOUNDED ON THE NORTH BY THE SOUTH RIGHT OF WAY LINE OF THE FIRST EAST-WEST ALLEY LYING NORTH OF QUIMBY STREET, BEING APPROXIMATELY 99.99 LINEAL FEET.

---

STATEMENT OF PURPOSE AND INTENT

---

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

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

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

THE FIRST NORTH-SOUTH ALLEY LYING WEST OF EDDY STREET, BOUNDED ON THE SOUTH BY THE NORTH RIGHT OF WAY LINE OF QUIMBY STREET AND BOUNDED ON THE NORTH BY THE SOUTH RIGHT OF WAY LINE OF THE FIRST EAST-WEST ALLEY LYING NORTH OF QUIMBY STREET, BEING APPROXIMATELY 99.99 LINEAL FEET.

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:

*LOT 16, 1; 18 AND 19 OF LISTER'S SUBDIVISION*

Section IV. The purpose of the vacation of the real property is to eliminate the north south alley and alley approach, install 6" concrete curb and establish a tree lawn in accordance with the City standards and specifications.

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

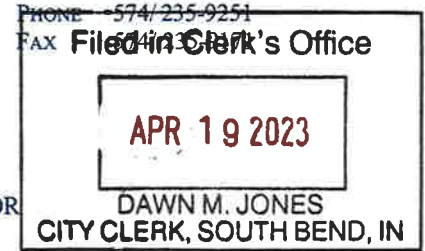
Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_\_ o'clock \_\_\_\_ . m.

\_\_\_\_\_  
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

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



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

Elliot Properties, LLC  
615 W. Colfax Ave.  
South Bend, IN 46601  
[B.Emberton@outlook.com](mailto:B.Emberton@outlook.com)

RE: Alley/Street Vacation – Alley at 1023 Quimby St. (Preliminary Review)

Dear Mr. Emberton:

At its March 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 alley **subject to: 1) removal of the alley approach and installation of 6-inch curb per City standards; 2) no drive access from Eddy Street shall be permitted; and 3) provide a cross access agreement to the 315 S. Eddy Street.** If you still wish to pursue this alley vacation, please bring this BPW Recommendation Packet to the City Clerk's Office, located on the 4<sup>th</sup> floor of the County-City Building. Alley/Street vacations require a presentation to the Common Council, approval of an ordinance, and certification of the ordinance from the Mayor. The property then must be recorded with the Recorder's Office to ensure that your 50% ownership of the property is appropriately transferred to your name. If you have any questions about how the alley vacation will affect your property taxes, please contact the Auditor's Office.

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

March 14, 2023



715 South Michigan Street  
 South Bend, Indiana 46601  
 P. 574.233.1841  
[WWW.GOWIGHTMAN.COM](http://WWW.GOWIGHTMAN.COM)

# LETTER OF TRANSMITTAL

Date	04/18/2023	Job No.	226189
Attention	<div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>Filed in Clerk's Office</b>   <b>APR 19 2023</b>             DAWN M. JONES            CITY CLERK, SOUTH BEND, IN         </div>		
RE:			
	<b>ALLEY VACATION</b> <b>AT 1023 QUIMBY STREET</b>		

TO CITY OF SOUTH BEND  
CITY CLERK  
4<sup>TH</sup> FLOOR

WE ARE SENDING YOU  ATTACHED

- SEPTIC DESIGN      SEPTIC DESIGN SUBMITTAL FORM      HO PERMIT APPLICATION  
 SOIL BORINGS      SUPPORT DATA SHEET      HOUSE PLANS  
 \_\_\_\_\_

Under separate cover via \_\_\_\_\_ the following items:

COPIES	DATE	NO.	DESCRIPTION
1	04/18/2023		BPW Recommendation Packet
			Petition to Vacated
			Ordinance Draft
			Envelopes - 150' Radius - <i>UPDATED ON 04.17.2023</i>
			A Letter of Explanation
			\$150.00 Filing Fee

THESE ARE TRANSMITTED as checked below:

- For approval      Approved as submitted      Resubmit \_\_\_\_\_ copies for approval  
 For your use      Approved as noted      Submit \_\_\_\_\_ copies for distribution  
 As requested      Returned for corrections      Return \_\_\_\_\_ corrected prints  
 For review and comment      \_\_\_\_\_  
 FOR BIDS DUE \_\_\_\_\_ 20 \_\_\_\_      PRINTS RETURNED AFTER LOAN TO US

REMARKS UPDATED 300' RAD. LIST OF OWNERS ATTACHED. 04.17.2023

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COPY TO \_\_\_\_\_

SIGNED: \_\_\_\_\_





APR 19 2023

DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN

### Street/Alley Vacation Form

Submission Date: January 26, 2023

Applicant Name: Elliot Properties, LLC  
615 W. Colfax Ave.  
South Bend, Indiana 4601

Phone #: 574-286-7119

Email: B.Emberton@outlook.com

Property Address: alley lying east and adjacent to 1023 Quimby Street

Applicant property information:  Residential  Commercial  Industrial

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

The first north-south alley lying west of Eddy Street, bounded on the south by the north right of way line of Quimby Street and bounded on the north by the south right of way line of the first east-west alley lying north of Quimby Street, being approximately 99.99 lineal feet.

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

Reason for street/alley vacation and proposed use:

The alley vacation is for the reconfiguration of the 4 adjacent lots. This reconfiguration shall be done through the subdivision process. The existing driveway shall be utilized as is.

#### OFFICE USE ONLY:

Board Recommendation for the proposed alley vacation:  Yes  No

Board of Public Works Authorized Signatures:

CITY OF SOUTH BEND, INDIANA  
BOARD OF PUBLIC WORKS

Elizabeth A. Maradik, President

Joseph R. Molnar, Vice President

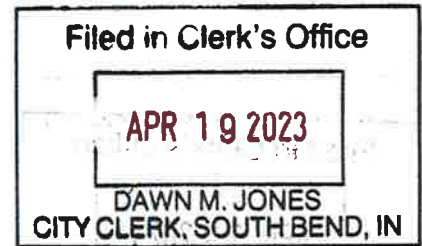
Gary A. Gilot, Member

Jordan V. Gathers, Member

Murray L. Miller, Member

Attest: Theresa M. Heffner, Clerk

Date: March 14, 2023



**INTEROFFICE MEMORANDUM  
BOARD OF PUBLIC WORKS**

**DATE:** January 26, 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 – ALLEY VACATION

**APPLICANT:** Elliot Properties, LLC  
**LOCATION:** 1023 Quimby Street

**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:** Favorable. Removal of alley approach & install 6-inch curb required. Fill tree lawn to proper grade with top soil and establish grass.

**COMMUNITY INVESTMENT:** Favorable recommendation contingent upon the following:

- Removal of alley approach/ reestablishment of curb and sidewalk on Quimby St.
- No drive access agreement from Eddy Street
- Cross access agreement for center lot (315 S. Eddy St.)

**FIRE:** Favorable

**POLICE:** Favorable recommendation

CITY OF SOUTH BEND

DEPARTMENT OF PUBLIC WORKS  
Filed in Clerk's Office

APR 19 2023

DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN



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

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

### Street/Alley Vacation Form

Submission Date: January 26, 2023

Applicant Name: Elliot Properties, LLC  
615 W. Colfax Ave.  
South Bend, Indiana 4601

Phone #: 574-286-7119

Email: B.Emberton@outlook.com

Property Address: alley lying east and adjacent to 1023 Quimby Street

Applicant property information:     Residential     Commercial     Industrial

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

The first north-south alley lying west of Eddy Street, bounded on the south by the north right of way line of Quimby Street and bounded on the north by the south right of way line of the first east-west alley lying north of Quimby Street, being approximately 99.99 lineal feet.

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

Reason for street/alley vacation and proposed use:

The alley vacation is for the reconfiguration of the 4 adjacent lots. This reconfiguration shall be done through the subdivision process. The existing driveway shall be utilized as is.

**OFFICE USE ONLY:**

Board Recommendation for the proposed alley vacation:                     Yes                     No

Board of Public Works Authorized Signatures: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

018-6006-0153  
331 S EDDY OF INDIANA LLC  
57177 Pine View Dr  
South Bend, IN 46619

018-6108-3859  
BEAM TRAVIS AND JULIA L  
1102 Wayne St  
South Bend, IN 46615

018-6006-0133  
BERNARDO'S PROPERTIES & REMODELING LLC  
1115 Autumn Trail Ct  
Mishawaka, IN 46544

018-6006-0136  
BODINE STEVEN C & JENNIFER L  
310 S Frances St  
South Bend, IN 46617

018-6108-3881  
BRYAN RONALD & CONNIE  
313 Tiger Ct  
New Carlisle, IN 46552

018-6006-0137, 0138  
BUNDY MARY E  
318 Frances St  
South Bend, IN 46617

018-6006-0144  
CORCORAN TIMOTHY JOSEPH  
16812 Edinburg Ln  
South Bend, IN 46635

018-6006-0132  
DMS LIVING TRUST UTD 4/2/2003  
1224 Stanford Ave  
Fullerton, CA 92831

018-6006-0127  
ELI PROPERTIES  
25875 Longwood Ct  
South Bend, IN 46628

018-6006-0145 thru 0149  
ELLIOT PROPERTIES LLC  
615 W Colfax Ave  
South Bend, IN 46601

018-6006-0124  
EMBERTON DEVELOPMENT LLC  
PO Box 1236  
South Bend, IN 46624

018-6006-0154  
FRANTZ JERRY D & BEVERLY D  
1024 Quimby St  
South Bend, IN 46617

018-6006-0158  
HANDLEBAR PROPERTIES LLC  
723 Park Ave  
South Bend, IN 46616

018-6006-0160  
HISCOCK JESSICA L & LORI A  
1008 Quimby St  
South Bend, IN 46617

018-6006-0150  
JACKSON CONWAY L  
329/327 S EDDY ST  
South Bend, IN 46617

018-6006-0156  
MILLER KYLE A  
1012 Quimby  
South Bend, IN 46617

018-6006-0125  
PAPAGIANNIS SUSAN  
16635 Bennington Ct  
Granger, IN 46530

018-6006-0139  
PRINCE SHERRY L  
1009 E Quimby St  
South Bend, IN 46617

018-6111-3975  
RL MADISON LLC  
16001 S 108th Place  
Orland Park, IL 60467

018-6006-016403  
ROBERT HENRY CORPORATION  
404 S Frances St  
South Bend, IN 46617

018-6006-0126  
SALVAGNI RICHARD  
6522 Edgemont Dr  
Huntington Beach, CA 92647

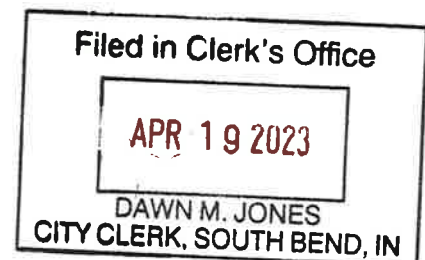
018-6006-0131  
SB221 HOLDINGS LLC  
1920 Ridgedale Rd  
South Bend, IN 46614

018-6006-0129  
SMITH JAMES  
1020 Wayne St  
South Bend, IN 46617

018-6006-0142  
SPEELMAN DONALD RICHARD  
1013 Quimby  
South Bend, IN 46617

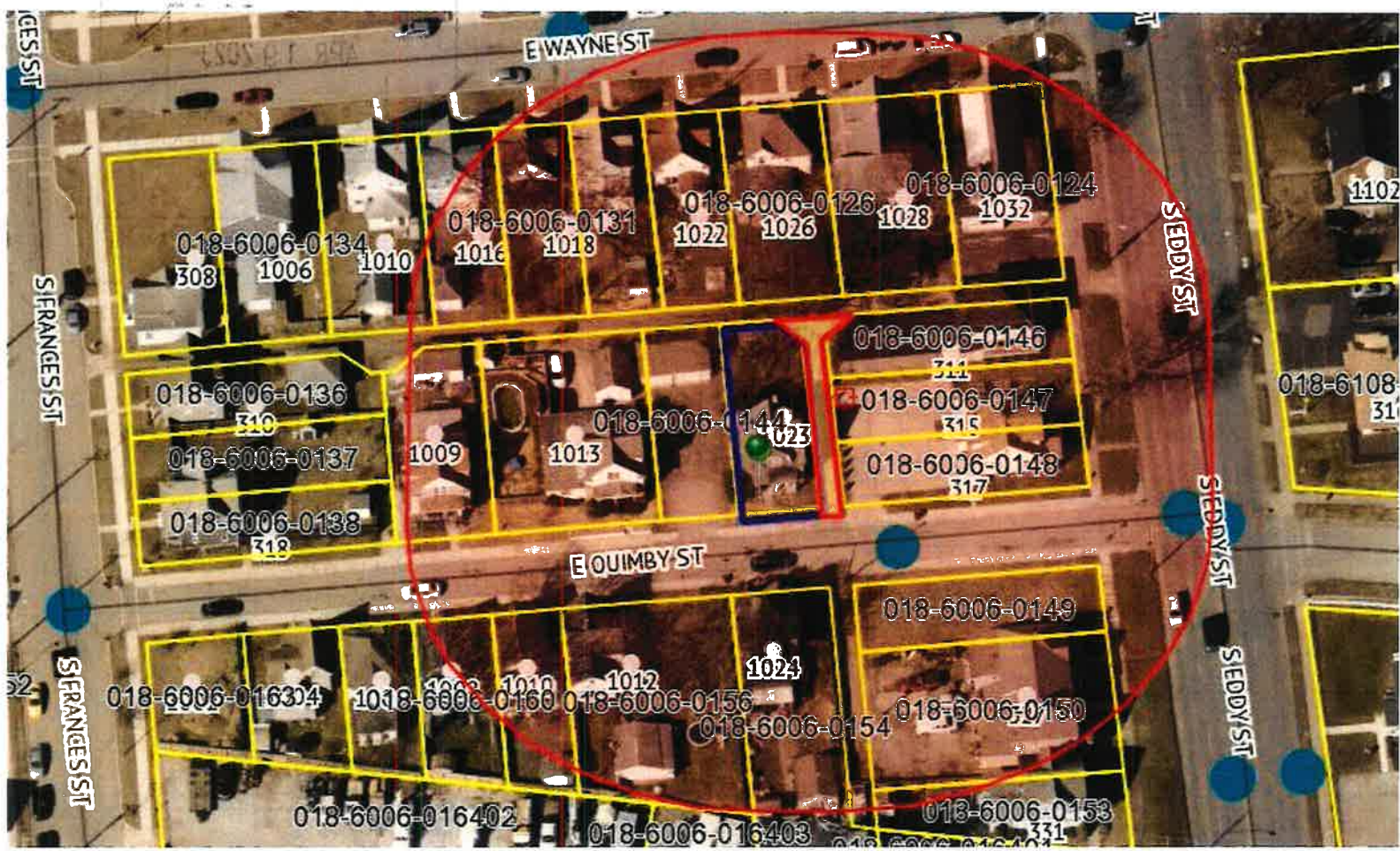
018-6006-0161  
SPEELMAN TONY E  
324 W 13th St  
Mishawaka, IN 46544

018-6006-016402  
THE ROBERT HENRY CORP  
P O Box 1407  
South Bend, IN 46624



Revised List: April 18, 2023





Filed in Clerk's Office  
**APR 19 2023**  
DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN

APR 19 2023

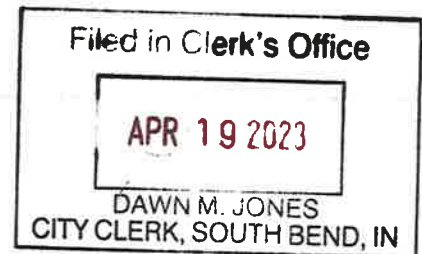
DAWN M. JONES

CITY CLERK, SOUTH BEND, IN  
Proper Address

Name	Mailing Address	
Jackson Conway	327/329 Eddy St. South Bend, IN 46617	327 S. Eddy St. Parcel #018-6006-0150
Elliott Properties	PO BOX 1236 South Bend, IN 46624	315 S. Eddy St. Parcel #018-6006-0147
331 S. Eddy of Indiana LLC	57177 Pine View Dr. South Bend, IN 46619	331 S Eddy St. Parcel #018-6006-0153
Jessica & Lori Hiscock	1008 Quimby St. South Bend, IN 46617	1008 Quimby St. Parcel #018-6006-0160
Handlebar Properties LLC	723 Park Ave. South Bend, IN 46616	1010 Quimby St. Parcel #018-6006-0158
Jerry & Beverly Frantz	1024 Quimby St. South Bend, IN 46617	1024 Quimby St. Parcel #018-6006-0154
Sherry Prince	1009 Quimby St. South Bend, IN 46617	1009 Quimby St. Parcel #018-6006-0139
Donald Richard Speelman	1013 Quimby St. South Bend, IN 46617	1013 Quimby St. Parcel #018-6006-0142
Elliott Properties LLC	615 W. Colfax Ave. South Bend, IN 46601	1023 Quimby St. Parcel #018-6006-0145
Elliott Properties LLC	26230 Twin Lakes Tral South Bend, IN 46628	311 S. Eddy St. Parcel #018-6006-0146
Elliott Properties LLC	PO Box 1236 South Bend, IN 46624	317 S. Eddy St. Parcel #018-6006-0148
Bernardo's Properties & Remodeling LLC	1115 Autumn Trail Ct. Mishawaka, IN 46544	1010 E. Wayne St. Parcel #018-6006-0133
DMS Living Trust UTD 4/2/2003 W Shank Donald William Jr. & Margaret Caiedo as Trustees	1224 Stanford Ave. Fullerton, CA 92831	1016 E. Wayne St. Parcel #018-6006-0132
SB221 Holdings LLC	1920 Ridgedale Rd. South Bend, IN 46614	1018 E. Wayne St. Parcel #018-6006-0131
James Smith	1020 Wayne St. South Bend, IN 46617	1020 E. Wayne St. Parcel #018-6006-0129
Eli Properties	25875 Longwood Ct. South Bend, IN 46628	1022 E. Wayne St. Parcel #018-6006-0127
Richard Salvagni	6522 Edgemont Dr. Huntington Beach, CA 92647	1026 E. Wayne St. Parcel #018-6006-0126
Susan Papagiannis	16635 Bennington Ct. Granger, IN 46530	1028 E. Wayne St. Parcel #018-6006-0125
Emberton Development LLC	PO BOX 1236 South Bend, IN 46624	1032 E. Wayne St. Parcel #018-6006-0124
Elliott Properties LLC	PO BOX 1236 South Bend, IN 46624	325 E. Eddy St. Parcel #018-6006-0149
Timothy Corcoran	16812 Edinburg Ln. South Bend, IN 46635	1015 Quimby St. South Bend, IN 46617



January 26, 2023



City of South Bend  
Common Council  
455 County-City Building  
227 W. Jefferson Boulevard  
South Bend, Indiana 46601

**RE: ALLEY VACATION – 1023 QUIMBY STREET**

To the Council,

On behalf of the Owners of the above referenced property, Elliot Properties, LLC, we request the adjacent alley be vacated. The Owner owns 100% of adjacent properties. They wish to reconfigure the lot layout of these adjacent properties. Therefore, this requested alley vacation shall prove beneficial in new lot line distribution.

If you have further questions regarding this alley vacation, please contact me at the above listed phone number.

Sincerely,

Terance D. Lang, PS  
[tlang@gowightman.com](mailto:tlang@gowightman.com)  
574-233-1841





Filed in Clerk's Office

**APR 19 2023**

DAWN M. JONES  
CITY CLERK, SOUTH BEND, IN