



OFFICE OF THE CITY CLERK

DAWN M. JONES, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: DAWN M. JONES, CITY CLERK
DATE: THURSDAY, JULY 6, 2023
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **Monday, July 10, 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/07102023CC>.

4:00 P.M. **ZONING & ANNEXATION** **CHAIRPERSON, HAMANN**

1. **Bill No. 24-23** An Ordinance for Board of Zoning Appeals for Property Located at 1127, 1131, and 1135 WEST WESTERN AVENUE, Councilmanic District No. 2
2. **Bill No. 27-23** An Ordinance Amending the Zoning Ordinance Seeking a Special Exception use for Property Located at 1319, 1323, and 1333 Lincoln Way West and Councilmanic District No. 2

4:15 P.M. **COMMUNITY INVESTMENT** **CHAIRPERSON, TOMAS MORGAN**

1. **Bill No. 23-41** Confirming Tax Abatement for Property Located at 1202 S. Lafayette Blvd, South Bend, IN 46624

2. [Bill No. 23-42](#) Designating Tax Abatement for Property Located at 1144 Corby Blvd. South Bend, IN 46617
3. [Bill No. 23-43](#) Confirming Tax Abatement for Property Located at 1405 Portage Ave., South Bend, IN 46616
4. [Bill No. 23-44](#) Confirming Tax Abatement for Property Commonly Known as Multiple Properties
5. [Bill No. 23-45](#) Designating Tax Abatement for Property Located at 1901 N. Bendix Drive, South Bend, Indiana, 46628

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

Meeting Agenda

Monday, July 10, 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/07102023SBCC>

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

THE SUB-COMMITTEE HAS INSPECTED OF THE APRIL 10, 2023 MEETING AND FOUND THEM TO BE CORRECT. THEREFORE, THEY ARE BEING RECOMMENDED FOR COUNCIL APPROVAL.

5. **SPECIAL BUSINESS**
6. **REPORTS FROM CITY OFFICES**
7. **COMMITTEE OF THE WHOLE**
BILL NO.

[24-23](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 1127, 1131, AND 1135 WEST WESTERN AVENUE, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

[27-23](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE AND SEEKING A SPECIAL EXCEPTION USE FOR PROPERTY LOCATED 1319, 1323, AND 1333 LINCOLN WAY WEST AND, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

8. **RISE AND REPORT**

9. **REGULAR MEETING RECONVENED**

10. **BILLS ON THIRD READING**

BILL NO.

[24-23](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 1127, 1131, AND 1135 WEST WESTERN AVENUE, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

[27-23](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE AND SEEKING A SPECIAL EXCEPTION USE FOR PROPERTY LOCATED 1319, 1323, AND 1333 LINCOLN WAY WEST AND, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

11. **RESOLUTIONS**

BILL NO.

[23-41](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 1202 SOUTH LAFAYETTE BLVD, SOUTH BEND, IN

46624 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A TEN-YEAR (10) REAL PROPERTY TAX ABATEMENT FOR KCG COMPANIES, LLC

[23-42](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 1144 CORBY BLVD, SOUTH BEND, IN 46617 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A TEN-YEAR (10) REAL PROPERTY TAX ABATEMENT FOR FIVE CORNERS, LLC

[23-43](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 1405 PORTAGE AVE, SOUTH BEND, IN 46616 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A FIVE-YEAR (5) REAL PROPERTY TAX ABATEMENT FOR PEAK INVESTMENT AND ASSET MANAGEMENT, LLC

[23-44](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS MULTIPLE PROPERTIES AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A TEN-YEAR (10) REAL PROPERTY TAX ABATEMENT FOR ADVANTIX DEVELOPMENT CORPORATION

[23-45](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 1901 N. BENDIX DRIVE, SOUTH BEND, IN 46628 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A FIVE-YEAR (5) PERSONAL PROPERTY TAX ABATEMENT FOR CROSSROADS SOLAR ENTERPRISES LLC

12. **BILLS OF FIRST READING**

BILL NO.

[46-23](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, TO VACATE THE

FOLLOWING DESCRIBED PROPERTY: ALLEY BETWEEN 1301
ELWOOD AVENUE AND 1405 PORTAGE AVENUE

[47-23](#)

FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL
OF THE CITY OF SOUTH BEND, INDIANA, ADDING THE STATUS
OF “HOMELESS” TO THE PROTECTED CLASSES OF PERSONS
UNDER SOUTH BEND HUMAN RIGHTS ORDINANCE, CHAPTER 2,
ARTICLE 9, OF SOUTH BEND MUNICIPAL CODE AND
ESTABLISHING THE DEFINITION FOR “HOMELESS”

13. UNFINISHED BUSINESS

14. NEW BUSINESS

The next Council Committee meeting is scheduled for July 24, 2023 tentatively at 3:30
p.m. The next regular Council meeting is scheduled for July 24, 2023 at 7:00 p.m.

15. PRIVILEGE OF THE FLOOR

16. ADJOURNMENT

NOTICE FOR HEARING AND SIGHT-IMPAIRED PERSONS

Auxiliary Aid or Other Services may be Available upon Request at No Charge.
Please give Reasonable Advance Request when Possible



2023 COMMON COUNCIL STANDING COMMITTEES (Rev. 04-24-2023)

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*
Kaine Kanczuzewski, *Citizen Member*

COMMUNITY RELATIONS COMMITTEE

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

Troy Warner, Chairperson
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
Desmont Upchurch, *Citizen Member*

INFORMATION AND TECHNOLOGY COMMITTEE- Innovation

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

Rachel Tomas Morgan, Chairperson
Lori K. Hamann, Vice-Chairperson
Matthew Coats, *Citizen Member*

Canneth Lee, Member
Maria Gibbs, *Citizen Member*

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

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

Canneth Lee, Chairperson
Troy Warner, Vice-Chairperson
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
Amika Micou, *Citizen Member*

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

UTILITIES COMMITTEE

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

Henry Davis, Jr., Chairperson
Eli Wax, Vice-Chairperson
Citizen Member

Troy Warner, Member
Lori K. Hamann, Member
Citizen Member

ZONING AND ANNEXATION COMMITTEE

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

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

Sheila Niezgodski, Member
Karen L. White, Member

SUB-COMMITTEE ON MINUTES

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

Troy Warner, Member

Eli Wax, Member



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

CANNETH LEE, 1ST District Council Member

Chairperson, Committee of the Whole

PARC Committee, Chairperson

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

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

HENRY DAVIS, JR. 2ND District Council Member

Utilities Committee, Chairperson

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

Residential Neighborhoods Committee, Member
PARC Committee, Member

SHARON L. MCBRIDE, 3RD District Council Member

President

Council Rules Committee, Member

TROY WARNER, 4TH District Council Member

Community Relations Committee, Chairperson

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

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

ELI WAX, 5TH District Council Member

Health & Public Safety Committee, Chairperson

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

Community Relations Committee, Member
Sub-Committee on Minutes, Member
Council Rules Committee, Member

SHEILA NIEZGODSKI, 6TH District Council Member

Vice-President

Personnel & Finance Committee, Chairperson

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

Residential Neighborhoods Committee, Member
Zoning & Annexation Committee, Member

RACHEL TOMAS MORGAN, AT LARGE Council Member

Information & Technology Committee, Chairperson

Community Investment Committee, Chairperson

Health & Public Safety Committee, Member

PARC Committee, Member
Personnel & Finance Committee, Member

KAREN L. WHITE, AT LARGE Council Member

Residential Neighborhoods Committee, Chairperson

Health & Public Safety Committee, Vice-Chairperson

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

LORI K. HAMANN, AT LARGE Council Member

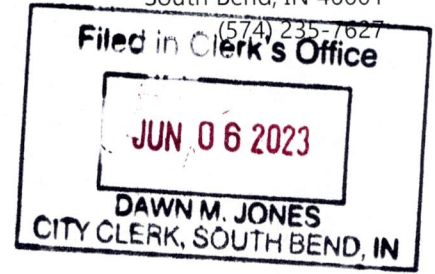
Zoning & Annexation Committee, Chairperson

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

Public Works & Property Vacation, Member
Utilities Committee, Member

City of South Bend
BOARD OF ZONING APPEALS

County-City Building
227 W. Jefferson Blvd. 1400S
South Bend, IN 46601



June 6, 2023

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

Re: The petition of FARGO LLC seeking a Special Exception for Major Vehicle Service in the NC Neighborhood Center for property located at 1127, 1131 and 1135 WESTERN AVE,

Dear Council Members:

I hereby Certify that the above referenced petition of FARGO LLC was legally advertised on May 26, 2023 and that the South Bend Board of Zoning Appeals at its public hearing on June 5, 2023 took the following action:

Upon a motion by Kaine Kanczuzewski, being seconded by Mark Burrell and unanimously carried, a petition by FARGO LLC seeking a Special Exception for Major Vehicle Service for property located at 1127, 1131 and 1135 WESTERN AVE, City of South Bend, is sent to the Common Council with a **favorable recommendation, subject to a written commitment for no outdoor storage of vehicles,** and will issue written Findings of Fact.

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

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

Sincerely,

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

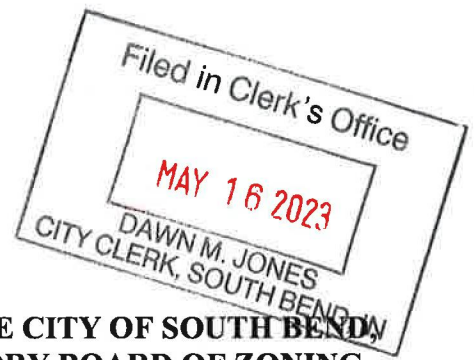
Angela M. Smith
Zoning Administrator

Attachment

CC: FARGO LLC

BILL NO. 24-23

ORDINANCE NO. _____



AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 1127, 1131, and 1135 WEST WESTERN AVENUE, COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow for the use of Major Vehicle Service

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:

1127, 1131, and 1135 West Western Avenue, South Bend, IN 46601. 018-3072-2825, 018-3072-2826, and 018-3072-2828

In order to permit major vehicle service

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

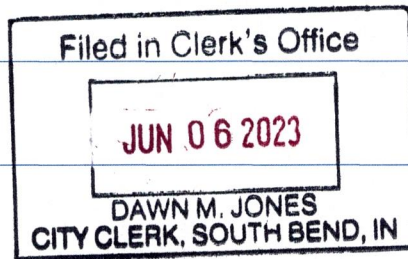
Location: 1127, 1131 and 1135 WESTERN AVE
Owner: FARGO LLC

Project Summary

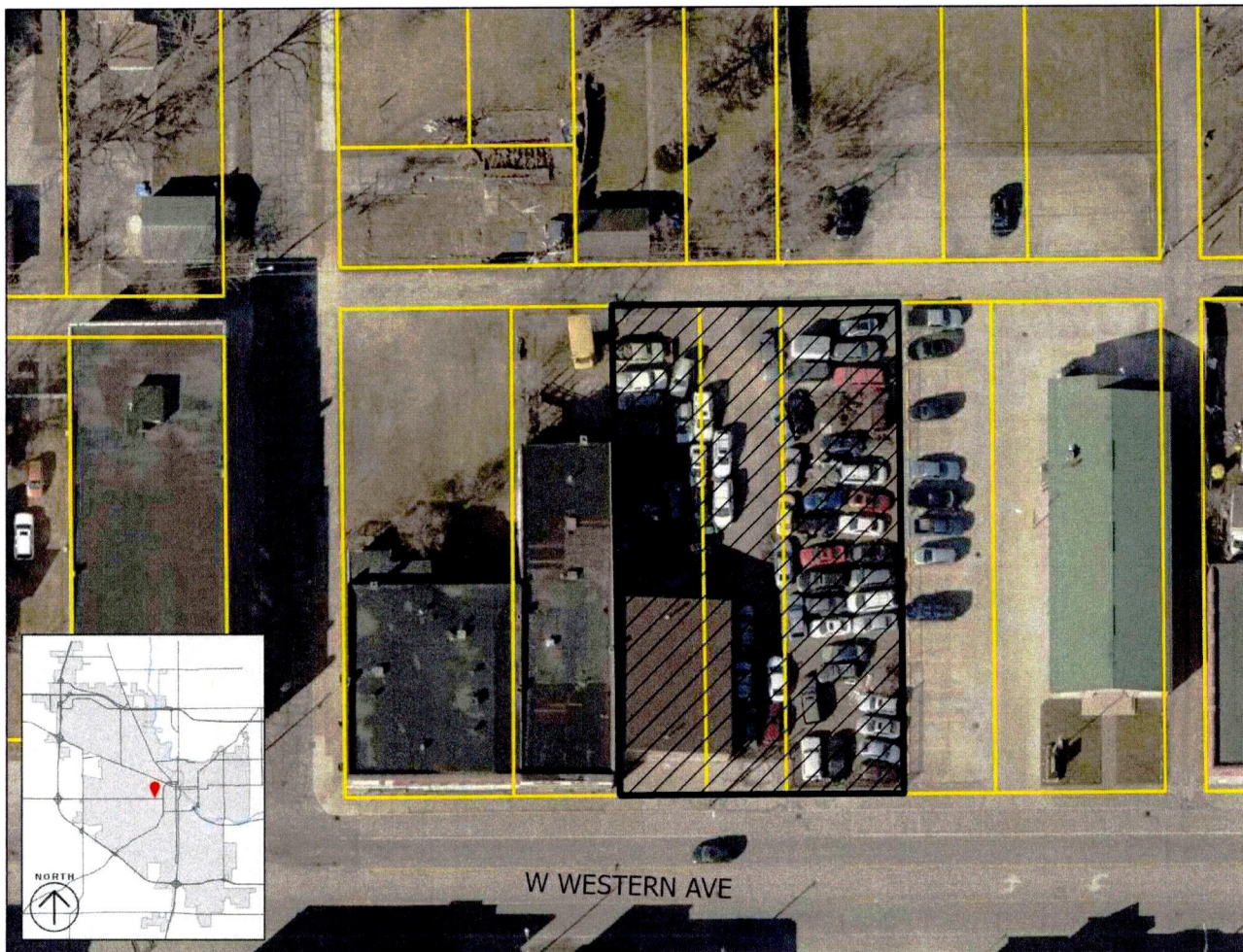
Continue fixing cars at the location.

Requested Action

Special Exception: Major Vehicle Service



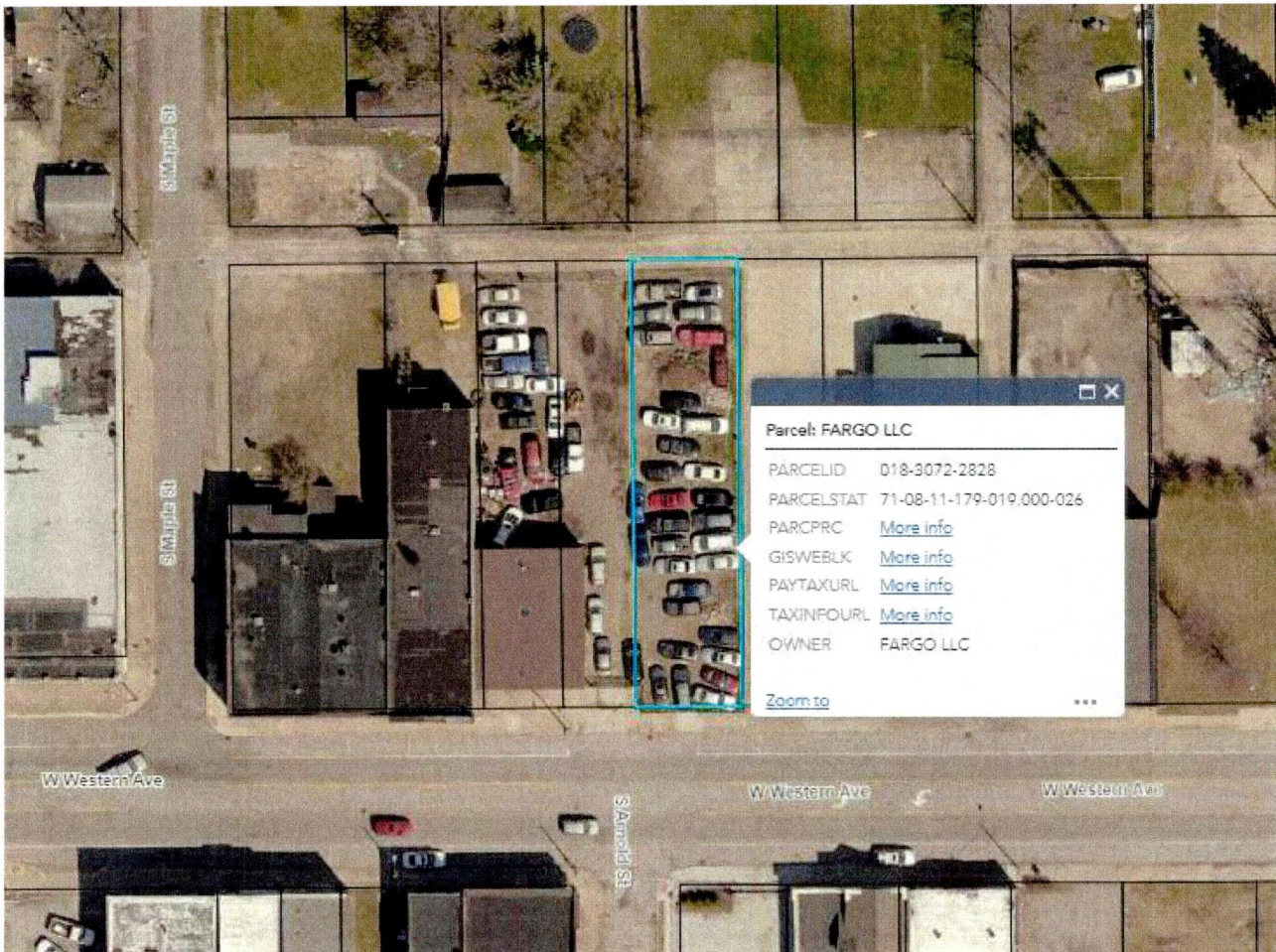
Site Location



Staff Recommendation

Based on the information available prior to the public hearing, the Staff recommends the Board send the petition to the Common Council with a favorable recommendation subject to a Written Commitment for no outdoor storage of vehicles.

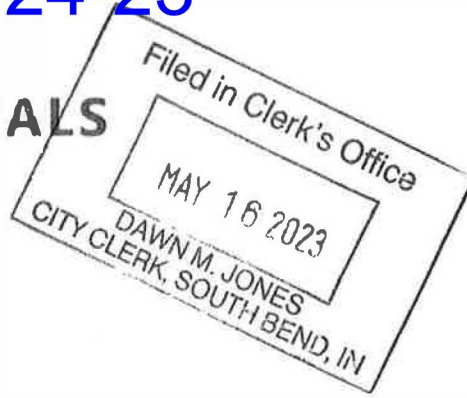
Proposed Site Plan



BILL NO. 24-23

City of South Bend

BOARD OF ZONING APPEALS



May 16, 2023

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

RE: Special Exception at 1127, 1131 and 1135 West Western Avenue

Dear Committee Chair Hamann:

Enclosed is an Ordinance for the proposed Special Exception Use at the above referenced location. Please include the attached Ordinance on the Council agenda for **first reading** at your **May 22, 2023**, Council meeting and set it for public hearing at your **June 12th, 2023** Council meeting. The petition is tentatively scheduled for public hearing at the June 5, 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 major vehicle service.

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 cursive script that reads "Kari Myers".

Kari Myers
Zoning Specialist

CC: Bob Palmer

Criteria for Decision Making: Special Exception

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

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

The proposed use may be injurious to the public health, safety, and general welfare of the community. Because the site is not properly developed and the vehicles are partially dismantled, the site is at risk of causing contamination to the ground water.

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

The proposed use may adversely affect the use and value of the adjacent properties. The vehicles being stored on the site cause visual blight and would negatively impact the value of adjacent properties. If there was a commitment for no outdoor storage of

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

If the property is granted the Special Exception, the entire site will need to be brought into conformance with the Ordinance, including, but not limited to, access, fencing, transparency, surfacing of the lot, and landscaping. If the site is brought into co

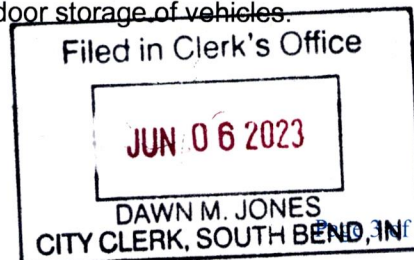
(4) The proposed use is compatible with the recommendations of the Comprehensive Plan.

The West Side Main Streets Plan (2014) shows this site as being part of the Near West Arts and Design District Node. This area calls for a walkable urban character that is sensitive to the architectural history of the area. Parking should be behind the buildings and active facades with windows should face the street. The use, as proposed, is not consistent with the Comprehensive Plan.

Analysis & Recommendation

Analysis: The use, as proposed, is not consistent with the intent or regulations of the Ordinances. If the site is brought up to the current development standards as required by the Ordinance and a commitment was placed on the property for no outdoor storage, the use and development of the property would be compatible with the surrounding area and intent of the Comprehensive Plan.

Staff Recommendation: Based on the information available prior to the public hearing, the Staff recommends the Board send the petition to the Common Council with a favorable recommendation subject to a Written Commitment for no outdoor storage of vehicles.



City of South Bend
BOARD OF ZONING APPEALS

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

RECEIVED APR 04 2023

Petition for Variance - Special Exception

Property Information 018-3072-2825, 018-3072-2826, 018-3072-2828

Tax Key Number: _____

Address: 1135 Western Ave South Bend IN 46619

Owner: David Farhan

Zoning: Choose the current district NC

Project Summary:

Requested Action

- Special Exception – *complete and attach Criteria for Decision Making*
Use requested: Auto Repair
- 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
APR 04 2023
Per KB
\$300

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:

Its going to be fixing on cars. No public safety will be happening.

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

The current building been used for the same uses and will not affect the adjacent properties in the area.

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

Same use been there since the building was built.

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

Building type, has two over head doors.

Criteria for Decision Making

Variance(s) - *if applicable*

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

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

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

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

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

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

Contact Information

Property owner(s) of the petition site:

Name: Fargo LLC / David Farhan

Address: P.O. Box 11664
South Bend IN 46634

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: David Farhan

Address: P.O. Box 11664
South Bend IN 46634

Phone Number: 574-217-2182

E-mail: david.217.2182@yahoo.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.

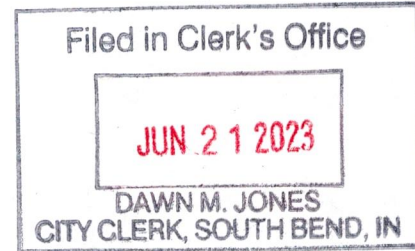
Property Owner (s) Signatures:

 4/3/2023



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



Wednesday, June 21, 2023

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

Re: Bill#27-23 - A proposed ordinance of YAW AURORA to zone from U3 Urban Neighborhood 3 to NC Neighborhood Center and seeking a Special Exception Use to allow Major Auto Repair, property located at 1333 LINCOLNWAY, City of South Bend - PC# 0152-23

Dear Council Members:

I hereby Certify that the above referenced ordinance of YAW AURORA was legally advertised on June 10, 2023 and that the South Bend Plan Commission at its public hearing on June 20, 2023 took the following action:

Upon a motion by Jason Piontek, being seconded by Caitlin Stevens and unanimously carried, a proposed ordinance of YAW AURORA to zone from U3 Urban Neighborhood 3 to NC Neighborhood Center, property located at 1333 LINCOLNWAY, City of South Bend, is sent to the Common Council with a **FAVORABLE** recommendation.

Upon a motion by Jason Piontek, being seconded by Caitlin Stevens and unanimously carried, a Special Use for Major Auto Repair property located at 1333 LINCOLNWAY, City of South Bend, is sent to the Common Council with a **FAVORABLE recommendation**.

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

Sincerely,

Angela M. Smith
Zoning Administrator

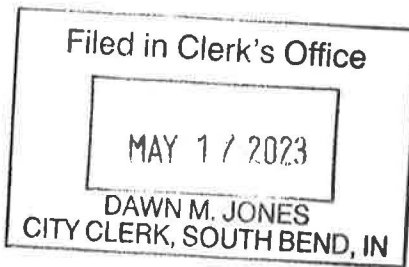
Attachment

CC: YAW AURORA
Bob Palmer
Keith Giden Jr.

Tim Corcoran
Planning Director

Angela Smith
Zoning Administrator

Scott Ford
Commission President



BILL NO. 27-23

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE AND SEEKING A SPECIAL EXCEPTION USE FOR PROPERTY LOCATED 1319, 1323, AND 1333 LINCOLN WAY WEST AND , COUNCILMANIC DISTRICT NO. 2 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property from U3 Urban Neighborhood 3 to NC Neighborhood Center District and seeking a Special Exception Use for Major Vehicle Repair.

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:

LOT 31 AND 32, EXCLUDING THE 33' OF THE NORTH END OF SAID LOTS, OF CUSHING'S ADDITION TO THE CITY OF SOUTH BEND, INDIANA COMMONLY KNOWN AS 1333 LINOLN WAY WEST, SOUTH BEND, INDIANA

be and the same is herby established as NC Neighborhood Center District

SECTION II. That a Special Exception Use for Major Vehicle Repair is herby granted subject to a site development plan hereby attached and made a part of this Ordinance and which site plan contains and lists all conditions, if any, by the Advisory Plan Commission.

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

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: 1333 LINCOLNWAY
Owner: YAW AURORA

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

Requested Action

Rezone from U3 Urban Neighborhood 3 to NC Neighborhood Center
Special Exception: Major Auto Repair
Variance(s): 1) to allow parking in the established front yard
2) from the required 60% transparency to the existing transparency

Project Summary

Vehicle repair shop on the northeast corner of Lawndale and LincolnWay West.

Location Map



Recommendation

Staff Recommendation: Based on the information available prior to the public hearing, the Staff recommends to Commission send the Rezoning and Special Exception to the Common Council with a favorable recommendation. The Staff recommends the Commission approve the variances as requested.

Site & Context

Land Uses and Zoning:

- On site: A former gas station
- North: Vacant lot zoned Urban Neighborhood 3
- East: Residential dwellings zoned U3 Urban Neighborhood 3
- South: Across Lincoln Way, are retail buildings zoned NC Neighborhood Center
- West: Across Lawndale is a residential dwelling zoned U3 Urban Neighborhood 3

District Intent:

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

Site Plan Description:

There are no changes planned for the site. With the landuse approval, the site will need to be brought up to current standards, including closing the southernmost access on Lawndale and installing the appropriate streetscape trees and parking area screening. The Vibrant Places grant is available to assist with the required improvements.

Zoning and Land Use History and Trends:

Lincoln Way West is a primary corridor through the north and western portions of the city, flanked by medium density residential development to the north and south. Properties fronting Lincoln Way West are primarily small to medium scale commercial activities with pockets of small scale commercial and mixed-use development.

Traffic and Transportation Considerations:

Lincoln Way West is a two lane road with a center turn lane for the majority of the corridor. At Lawndale, the center turn lane becomes a designated left turn lane. There is on-street parking on Lincoln Way and Lawndale. Lawndale is a two lane residential street.

Agency Comments

Agency Comments:

While the adopted Comprehensive Plan calls for concentrating development at certain nodes, properties that have been historically commercial have been slow to redevelop.

Staff Comments:

While the adopted Comprehensive Plan calls for concentrating development at certain nodes, properties that have been historically commercial have been slow to redevelop. Limiting the rezoning to the NC Neighborhood Center District will limit the intensity of use on the site. In the future, if the site were to be redeveloped, the building should be built along the street with parking in the rear.

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 not consistent with the Comprehensive Plan. The West Side Main Streets (2014) update to the Comprehensive Plan recommends commercial development be focused at specific nodes.

Land Use Plan:

The future landuse map identifies this area as low density residential.

Plan Implementation/Other Plans:

The petition is consistent with South Bend City Plan (2006) LU 2.2 Pursue a mix of land uses along major corridors and other locations identified on the Future Land Use Map.

2. Current Conditions and Character:

This portion of Lincoln Way is a mix of large residential structures and a wide variety of non-residential uses. Because this site was previously a gas station, redevelopment as residential may be challenging.

3. Most Desirable Use:

The most desirable use is one that will support the neighborhood and improve the appearance of the corridor.

4. Conservation of Property Values:

With the proper landscaping and required improvements to the site, the use and value of the adjacent properties should not be negatively impacted.

5. Responsible Development and Growth:

It is responsible development and growth to allow for the revitalization of a historically commercial site.

Special Exception

The petitioner is seeking a Special Exception to allow:

Major Auto Repair

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

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

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

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

As the property was initially constructed for the proposed use, approval of the Special Exception should not injure or adversely affect the use of the adjacent area, provided the appropriate landscaping and buffering is installed.

(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 Neighborhood Center Zoning District encourages pedestrian orientated development. The use of Minor Vehicle Service is an Special Exception in the district for instances such as this where the original intent of the building was for an automotive repair shop. Activation of the building in a manner that is sympathetic to the surrounding neighborhood is consistent with the character of the district.

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

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

Variance(s)

The petitioner is seeking the following variance(s):

- 1) to allow parking in the established front yard
- 2) from the required 60% transparency to the existing transparency

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

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

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

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

The use and value of the area adjacent to the property included in the variance should not be affected in a substantially adverse manner. While parking in the established front/corner yard is not preferred, the proper parking area screening and site landscaping should reduce any negative impact on the surrounding properties use and value.

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

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

(4) The variance granted is the minimum necessary.

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

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

This site has been in this configuration since the 1960s. The Zoning regulations at the time did not prohibit parking in the front yard. Variance #1 is not correcting a hardship caused by the current owner. There are remedies that would allow the petitioner to install the proper landscaping.

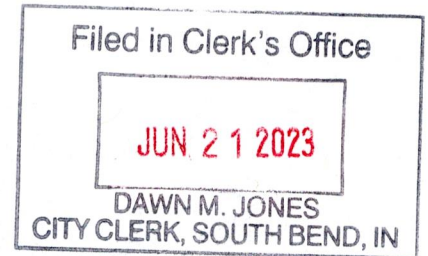
Analysis & Recommendation

Commitments: There are no commitments proposed at this time.

Analysis: While the Comprehensive Plan does not support the rezoning request, the redevelopment of the site for residential is hindered by the fact that it was formerly a gas station. Rezoning the site

to NC Neighborhood Center will allow for a variety of neighborhood oriented retail uses. The Special Exception will allow for the continued use of the property for vehicle repair or service. The variances are the minimum necessary to allow the building to be reused in its current location. The site will need to meet the current standards for access, landscaping, and building design.

Recommendation: Based on the information available prior to the public hearing, the Staff recommends to Commission send the Rezoning and Special Exception to the Common Council with a favorable recommendation. The Staff recommends the Commission approve the variances as requested.





BILL NO. 27-23

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



May 16, 2023

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

RE: 1319, 1323, and 1333 Lincoln Way West
PC# 0152-23

Dear Ms. Hamann:

Enclosed is an Ordinance for the proposed Zone Map Amendment and Special Exception at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your May 22nd, 2023 Council meeting, and set it for public hearing at your June 26th, 2023 Council meeting. The petition is tentatively scheduled for public hearing at the May 20th, 2023 South Bend Plan Commission meeting. The recommendation of the South Bend Plan Commission will be forwarded to the Office of the City Clerk by noon on the day following the public hearing.

The petitioner provided the following to describe the proposed project:

Petitioners desire to rezone the property from U3 Urban Neighborhood 3 to NC Neighborhood Center District and seeking a Special Exception Use for Major Vehicle Repair.

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

Sincerely,

Angela Smith
Zoning Administrator

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: _____

Address: 1333 Lincoln Way West

Owner: _____

Legal Description:

*Repair shop on the ~~west~~ northeast corner
of Laundale & Lincoln Way West
* See Attached*

Project Summary

Filed in Clerk's Office
MAY 17 2023
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

Requested Action

Application includes (check all that apply)

Rezoning

UB to NC

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: Major Auto Repair

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

Variance(s) requested:

- 1.) Parking in the established front yard
- 2.) From the required transparency to ~~none~~ existing none.

Required Documents

Completed Application (including Contact Information)

Site Plan drawn to scale

Filing Fee - \$400 + 625

Additional documents as noted above

*RZ = \$1675
SE = \$300
2 Var = \$100*

*should have
been
\$1075*

PAID

MAY 15 2023

Per KBI/AS

\$1150.00
over paid \$75

Criteria for Decision Making

Special Exception - if applicable

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

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

It's been in operation for 20 years and it's continued use as a major repair is an amenity utilized for the convenience and general welfare of neighborhood car owners.

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

Currently, there are only residential properties to the west and north of the property. The use has not been sighted as an injury or adversity to the residents or commercial tenants surrounding the repair shop.

(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:

As a major city corridor, this shop represents one of only 3 repair shops between the airport and downtown area.

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

Keeping and recruiting businesses to South Beach.

Criteria for Decision Making

Variance(s) - if applicable

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

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

Parking -
Transparency -

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

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

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

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

Contact information

Property owner(s) of the petition site:

Signature

Name: Aurora Yaw

Address: _____

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Keith Giden Jr.

Address: 1121 Goodland Ave
South Bend, IN 46628

Phone Number: (574) 383 8655

E-mail: _____

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.

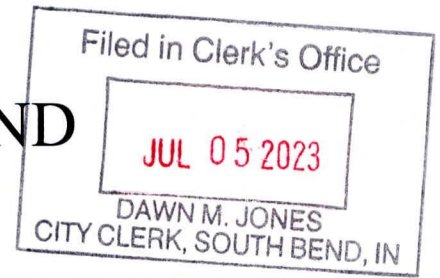
Property Owner (s) Signatures:

(see above) _____



CITY OF SOUTH BEND

COMMUNITY INVESTMENT



July 5, 2023

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

RE: **Confirming Resolution**: Multi-Family Development Real Property Tax Abatement
Petition for **KCG Companies, LLC**

Dear Council Member Tomas Morgan:

Please find the enclosed information pertaining to a multi-family development real property tax abatement petition submitted by KCG Companies, LLC, a Florida Limited Liability Company. The Council passed Declaratory Resolution No. 5032-23 on June 26.

This proposed abatement is part of a support package partnering with KCG Companies, which is applying for rental housing tax credits through the Indiana Housing & Community Development Authority (IHCDA). The abatement will go into effect only if this project is chosen by IHCDA in this year's competitive Tax Credit application round.

This petition package includes:

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

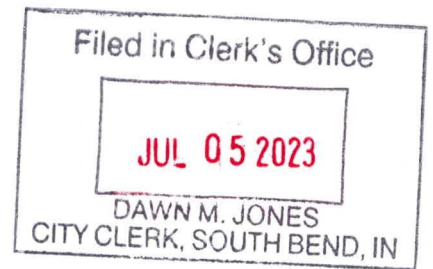
The report contains the Department's findings relative to the above-mentioned petition. The petitioner proposes to construct a 50-unit multi-family affordable housing development. Rents would be a mix of 60 percent, 50 percent, and 30 percent of the Area Median Income (AMI) with eight (8) units offering Project-Based Vouchers. A representative from KCG Companies, LLC, will be available to meet with the Committee on Monday, July 10, 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. 23-41
RESOLUTION NO. 5038-23



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

1202 South Lafayette Boulevard, South Bend, IN 46624

AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A TEN-YEAR (10) REAL PROPERTY TAX ABATEMENT FOR

KCG Companies, LLC

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

WHEREAS, a Declaratory Resolution designated the areas described as:

Key Number: 71-08-13-152-001.000-026
Commonly Known As: 1202 S. Lafayette Boulevard
Legal Description: Lots 18 & 19 Stulls 1st

Key Number: 71-08-13-152-002.000-026
Legal Description: Lot 17 & North 44' Lot 16 Stulls 1st Addn

be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq.; and

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code 6-1.1-12.1-2.5; and

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

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

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

SECTION I. The Common Council hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such

designation is for multi-family residential development real property tax abatement only and shall expire on December 31, 2026.

SECTION II. The Common Council hereby determines that the property owner is qualified for and is granted real property tax deduction for up to a period of ten (10) years as shown by the schedule outlined below as well as the attachment pursuant to Indiana Code 6-1.1-12.1-17 and further determines that the petition, the Memorandum of Agreement between the Petitioner and the City of South Bend, and the Statement of Benefits comply with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12 et seq.

Year 1 - 100%
Year 2 - 100%
Year 3 - 100%
Year 4 - 95%
Year 5 - 95%
Year 6 - 90%
Year 7 - 90%
Year 8 - 85%
Year 9 - 80%
Year 10 - 75%

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

Sharon McBride, Council President
South Bend Common Council

Attest:

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

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

Dawn M. Jones, City Clerk

Office of the City Clerk

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

James Mueller, Mayor
City of South Bend

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

TAX ABATEMENT REPORT

TO: South Bend Common Council

FROM: Erik Glavich, Director, Growth and Opportunity

SUBJECT: Multi-Family Development Real Property Tax Abatement for **KCG Properties, LLC**

DATE: June 21, 2023

On June 20, 2023, a petition for tax abatement was filed by KCG Companies, LLC, for a low-income housing project that will be located at 1202 S. Lafayette Boulevard in South Bend.

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

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

Project Summary

- Founded in 2015, KCG Companies, LLC (KCG) is an Indianapolis-based developer, builder, and manager of affordable housing.
- KCG is proposing a 50-unit multi-family affordable housing development consisting of 30 one-bedroom and 20 two-bedroom units. Rents will be a mix of 60 percent, 40 percent and 30 percent of the Area Median Income (AMI) with eight units offering Project-Based Vouchers.
- KCG is competing for Low Income Housing Tax Credits (LIHTC) with the Indiana Housing & Community Development Authority (IHCDA). Project completion is contingent upon receiving a satisfactory LIHTC award.
- Currently the site is an empty lot owned by the City of South Bend. If the project proceeds, KCG has committed to spending \$12.5 million to develop this lot.

Employment Impact

- Upon completion of the project, KCG will create one (1) full-time position with an estimated annual payroll of \$40,000.

Tax Estimates

Due to being a LIHTC project that will increase the availability of affordable rental units within South Bend, a ten-year (10) multi-family real property tax abatement is being sought.

- Current taxes are zero—property is owned by the City of South Bend.

- Estimated annual taxes after the project's completion: \$23,512
- Total estimated taxes during the ten-year (10) abatement period: \$268,770
 - Estimated taxes being abated during the abatement period: \$237,996
 - Estimated total taxes to be paid during the abatement period: \$30,774

Abatement Qualification

1. A review of the tax abatements previously granted finds that the petitioner has not been granted or is associated with prior South Bend 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 in the River West Development Area.
5. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner qualifies for a ten-year (10) multi-family residential development real property tax abatement under Division 2 (Residential Development Real Property Tax Abatement), Section 2-77 (Multi-Family Residential Developments).

KCG Companies, LLC

*South Bend Portage Township
Residential Real Property Tax Abatement Schedule **

Type of Dwelling: Multi-Family Residence - 50 units -
 Estimated Project Cost: \$12,323,616 New Construction
 Property Address: 1202 South Lafayette Boulevard
 Tax Key Number: 71-08-13-152-001.000-026; 71-08-13-152-002.000-026

| True Tax Value Method: | 5% of Total Gross Rent | | 5% of Total Gross Rent | | 5% of Total Gross Rent | | 5% of Total Gross Rent | | 5% of Total Gross Rent | | 5% of Total Gross Rent | |
|---|------------------------|----------------|------------------------|----------------|------------------------|-----------------|------------------------|-----------------|------------------------|-----------------|------------------------|-----------------|
| | Current | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Year 6 | Year 7 | Year 8 | Year 9 | Year 10 | |
| <i>Assessed (AV) and True Tax Value (TTV)</i> | | | | | | | | | | | | |
| Land (AV) | \$ 10,800 | \$ 10,800 | \$ 10,800 | \$ 10,800 | \$ 10,800 | \$ 10,800 | \$ 10,800 | \$ 10,800 | \$ 10,800 | \$ 10,800 | \$ 10,800 | \$ 10,800 |
| Structure (Structure TTV) | - | 472,617 | 486,795 | 501,399 | 516,441 | 531,934 | 547,892 | 564,329 | 581,259 | 598,697 | 616,657 | 634,614 |
| Gross TTV | 10,800 | 483,417 | 497,595 | 512,199 | 527,241 | 542,734 | 558,692 | 575,129 | 592,059 | 609,497 | 627,457 | 645,471 |
| <i>Abatement</i> | | | | | | | | | | | | |
| Abatement Deduction | | 100% (472,617) | 100% (486,795) | 100% (501,399) | 95% (490,619) | 95% (505,337) | 90% (493,103) | 90% (507,896) | 85% (494,070) | 80% (478,957) | 75% (462,493) | |
| Net TTV | 10,800 | 10,800 | 10,800 | 10,800 | 36,622 | 37,397 | 65,589 | 67,233 | 97,989 | 130,539 | 164,964 | 198,033 |
| <i>Property Taxes</i> | | | | | | | | | | | | |
| Assume constant tax rate of 5.2897% | | | | | | | | | | | | |
| Gross Tax (Tax Rate x Net TTV) | 571 | 571 | 571 | 571 | 1,937 | 1,978 | 3,469 | 3,556 | 5,183 | 6,905 | 8,726 | 10,557 |
| Local Tax Credit (8.7112% of GT-DS) | (46) | (46) | (46) | (46) | (156) | (159) | (279) | (286) | (417) | (556) | (703) | (859) |
| Circuit Breaker Credit | (158) | - | - | - | - | - | - | - | - | - | - | - |
| Taxes Due | \$ 367 | \$ 525 | \$ 525 | \$ 525 | \$ 1,781 | \$ 1,819 | \$ 3,190 | \$ 3,270 | \$ 4,766 | \$ 6,349 | \$ 8,023 | \$ 9,698 |
| <i>Capex</i> | | | | | | | | | | | | |
| Circuit Breaker Cap | 324 | 197,394 | 197,394 | 197,394 | 197,394 | 197,394 | 197,394 | 197,394 | 197,394 | 197,394 | 197,394 | 197,394 |
| Debt Service (0.3997% of Net TTV) | 43 | 43 | 43 | 43 | 146 | 149 | 262 | 269 | 392 | 522 | 659 | 803 |
| Max Tax Under the Cap | 367 | 197,437 | 197,437 | 197,437 | 197,540 | 197,543 | 197,656 | 197,663 | 197,786 | 197,916 | 198,053 | 198,156 |

| Year | Abatement | Total Tax Liability | Taxes Abated | Net Taxes Paid |
|---------------|-----------|---------------------|------------------|----------------|
| 1 | 100% | \$ 23,512 | \$ (22,987) | \$ 525 |
| 2 | 100% | 24,202 | (23,676) | 525 |
| 3 | 100% | 24,912 | (24,387) | 525 |
| 4 | 95% | 25,644 | (23,862) | 1,781 |
| 5 | 95% | 26,397 | (24,578) | 1,819 |
| 6 | 90% | 27,173 | (23,983) | 3,190 |
| 7 | 90% | 27,973 | (24,703) | 3,270 |
| 8 | 85% | 28,796 | (24,030) | 4,766 |
| 9 | 80% | 29,644 | (23,295) | 6,349 |
| 10 | 75% | 30,518 | (22,494) | 8,023 |
| Total: | | 268,770 | (237,996) | 30,774 |

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



City of South Bend Petition for Incentives

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

Instructions: Complete pages 1-3 AND the proper Form SB-1 for the type of abatement (real property or personal property) for which you are applying.

Filed in Clerk's Office



DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

| | | | | | |
|--|------------------------|---|--|---|--|
| General Information | | Project Name | TBD | Project Number | |
| Legal name as registered with Secretary of State | | KCG Companies, LLC (Florida entity) | | | |
| Business structure | | LLC | | | |
| Company website | | https://www.kcgcompanies.com/ | | | |
| Proposed Project Information | | | | | |
| Proposed project address | | 1202 S. Lafayette Blvd. | Parent company name | KCG Companies | |
| City, State, Zip | South Bend, IN 46624 | | Legal owner | Dept. of Redevelopment - City of South Bend | |
| Site acreage or acreage required | 0.92 acres | | Is the real estate owned or leased? | Owned by Dept. of Redevelopment | |
| Square feet of facility | Approx. 50,500 | | If leased, by whom? | N/A | |
| Primary Contact Information | | | | | |
| Primary company contact name | | Todd Jensen | Title | VP of Development - Midwest | |
| Address of company contact | | 9311 N. Meridian St, Ste. 100 | Phone | (317) 688-1729 | |
| City, State, Zip | Indianapolis, IN 46260 | | Email | todd.jensen@kcgcompanies.com | |
| Senior Official Information | | | | | |
| Company senior official name | | RJ Pasquesi | Title | President | |
| Address of company contact (if different from above) | | 9311 N. Meridian St, Ste. 100 | Phone | 317-708-6519 | |
| City, State, Zip | Indianapolis, IN 46260 | | Email | rj.pasquesi@kcgcompanies.com | |
| Consultant Information/Agent | | | | | |
| Hired business consultant/agent name | | N/A | 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 | | <p>Founded in 2015, KCG Companies is an Indianapolis-based, developer, builder and manager of affordable housing. KCG would like to be part of the solution to address the affordable housing shortage in South Bend now & in the future. Please see the attached KCG Resume for additional background on our company.</p> <p>KCG Development is proposing a 50-unit, multifamily affordable housing development consisting of 30 one-bedroom & 20 two-bedroom units. Rents would be a mix of 60%, 50% & 30% of the Area Median Income (AMI) with eight units offering Project-Based Vouchers. The property is currently a vacant parcel. KCG will be competing for Low Income Housing Tax Credits (LIHTC) with the Indiana Housing & Community Development Authority. If successful in receiving a satisfactory LIHTC award, KCG would move forward on this project with total development costs currently projected at approximately \$12.5MM. Providing quality, affordable housing in the downtown area is crucial to the area's economic growth. Many employees want to live close to their jobs - especially given the high gas prices the last few years. With the loss of hundreds of affordable housing units in the area due to the recent closings of Rabbi Shulman & Monroe Circle Apartments, replacing those units so that residents can continue to live and work in the downtown area is important for the local economy.</p> | | | |
| Certified Technology Park appropriate | | No | | | |
| Is the project in a Tax Incremental Financing (TIF) area? If so, which? | | Yes, River West Development Area | | | |
| Have Building Permits been issued? (Y/N) [Note-Not eligible for abatement if Yes] | | No | Number of residential units created by project | 50 | |
| If this is a petition for personal property tax abatement, has the equipment been installed? | | Equipment has not been installed. | | | |

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

| New Project Investments | | | | | | | | |
|--------------------------------|----------------|----------------|------------------------|------------------------|----------------------|----------------|----------------|----------------|
| Calendar Year | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 |
| Land Acquisition | | | \$ 1,000.00 | | | | | |
| Building Lease Payments | | | | | | | | |
| Building Purchase Costs | | | | | | | | |
| New Building Construction | | | \$ 6,881,229.00 | \$ 5,231,501.00 | \$ 210,886.00 | | | |
| Existing Building Improvements | | | | | | | | |
| New Machinery & Equipment | | | | | | | | |
| Special Tooling/Retrofitting | | | | | | | | |
| New Furniture/Fixtures | | | | \$ 150,000.00 | | | | |
| New Computer/IT Hardware | | | | | | | | |
| New Software | | | | | | | | |
| On-site Rail Infrastructure | | | | | | | | |
| On-site Fiber Infrastructure | | | | | | | | |
| TOTAL | \$ 0.00 | \$ 0.00 | \$ 6,882,229.00 | \$ 5,381,501.00 | \$ 210,886.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 |

| Full-Time Permanent Indiana-Resident Positions by Calendar Year | | | | | | |
|---|---------------|--|---|--|---|--|
| Calendar Year | Jobs retained | Hourly average wage, w/o benefits or bonuses | Cumulative # of net NEW full time permanent jobs created at project | Hourly average wage, w/o benefits or bonuses, of cumulative net new jobs | Total training expenditure - not cumulative | Total # to be trained - not cumulative |
| 2023 | | | | | | |
| 2024 | | | | | | |
| 2025 | | | 1 | \$ 20.00 | \$ 500 | 2 |
| 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 | | \$ 25.00 |
| Technical | | |
| Managerial | \$ 20.00 | |
| Administrative | | |

Who will be the individual responsible for coordinating with WorkOne on recruiting? **DeeAnna Woiton, Talent Acquisition Partner**

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

| Please list the number of full time and part time minority and/or female employees for the following years: | | | | | | | Please describe your commitment to diversity and inclusion by detailing your outreach and recruitment efforts for the last three years as well as current policies. |
|---|-----------|-----------|-----------|-----------|-----------|-----------|---|
| Year | 2023 | | 2022 | | 2021 | | |
| | Full Time | Part Time | Full Time | Part Time | Full Time | Part Time | |
| Black | 17 | | 10 | | 5 | | All postings for positions at KCG inform candidates that we are looking for the right skills and potential, and the evaluation is free from the bias of gender, and race. |
| Hispanic | 9 | | 8 | | 2 | | |
| Asian | 2 | | 1 | | 1 | | |
| Indian | | | | | 1 | | |
| Female | 40 | | 30 | | 16 | | |
| Other | 6 | | 3 | | | | |

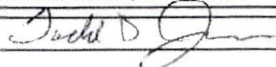
**Complete below for Real or Personal Property Tax Abatement only.
Please sign for all requested incentives.**

Public Benefit Item:

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

| | | Qualify (Yes or No) | Earned Points | Available Points | |
|------------------------------|--|--|--------------------------------------|------------------|-----|
| 1 | Construction Related (Contractors): | | | | |
| | A. | Employ Local Companies (75%) | Yes | 20 | 20 |
| | B. | Purchase Materials from Local Companies (75%) | Yes | 20 | 20 |
| | C. | Require Employees vs. Independent Contractors | Yes | 19 | 19 |
| | D. | Require Prevailing Wage | Evaluating | | 22 |
| | E. | Require Health Benefits | Yes | 22 | 22 |
| | F. | Require Retirement Benefits | Some | 9 | 18 |
| | G. | Maintain Affirmative Action Plan | Yes | 20 | 20 |
| | | Sub-total Construction Related: | | 110 | 141 |
| | 2 | Wage & Benefit Related (Owner): | | | |
| A. | | Pay Target Wage Levels | Yes | 33 | 33 |
| B. | | Provide Health Benefits | Yes, FT emp | 34 | 34 |
| C. | | Provide Retirement Benefits | Yes, FT emp | 29 | 29 |
| D. | | Provide Training | Yes | 28 | 28 |
| E. | | Provide Child Care | No | | 15 |
| F. | | Provide Transportation Assistance | No, bill on bus stop | | 14 |
| G. | | Provide Employer Assisted Housing program | No | | 9 |
| | Sub-total Wage & Benefit Related: | | 124 | 162 | |
| 3 | Workforce Related: | | | | |
| | A. | Create New Jobs | Yes | 42 | 42 |
| | B. | Retain Existing Jobs | N/A | | 41 |
| | C. | Maintain Affirmative Action Plan | Yes | 35 | 35 |
| | D. | Provide Targeted Hiring Preference | | | 34 |
| | Sub-total Workforce Related: | | 77 | 152 | |
| 4 | Support a Municipal Facility: | | | | |
| | A. | Support a SB Municipal Facility (donations to the zoo, conservatory, museum, etc.) | No | | 84 |
| | | Name of Facility | We would like to volunteer annually. | | |
| | Sub-total Municipal Facility: | | 0 | 84 | |
| Sub-total from Above: | | | 311 | 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:  **Date:** 6/19/2023

| For Staff Use Only Below This Line | | | | | | |
|--|---|--|-----------------------------------|--------|--------|-----|
| Land: \$10,800 | | | | | | |
| What is the current assessed value? | Real Property: | N/A-Vacant Lot | Personal Property: | N/A | | |
| What is the projected assessed value? | Real Property: | \$472,617 | Personal Property: | N/A | | |
| What is the tax key number for this project? | 71-08-13-152-001.000-026 & 71-08-13-152-002.000-026 | | | | | |
| What is the six digit NAICS code? | N/A | | | | | |
| Please attach a Google map and street view of the location. | | | | | | |
| Please list the amount of real and personal property taxes paid for the last five years when applicable. | | Real Property Taxes: | Personal Property Taxes: | | | |
| Year One | N/A-City owned | | | | | |
| Year Two | N/A-City owned | | | | | |
| Year Three | N/A-City owned | | | | | |
| Year Four | N/A-City owned | | | | | |
| Year Five | N/A-City owned | | | | | |
| Please fill out the following Public Benefit Summary Information and add to total from above. | | | | | | |
| | | | (Y or N) | Points | Points | |
| Public Benefit Item: | | | | | | |
| <u>Project Related:</u> | | | | | | |
| 5 | A. | Redevelop a Site that has Special Needs | Y | 49 | 49 | |
| | B. | Develop Based on Local University Research | N | 0 | 35 | |
| | C. | Achieve a Physical Element of a Plan | Y | 36 | 36 | |
| | | | | | | |
| | | | Sub-total Project Related: | | 85 | 120 |
| 6 | <u>Super Size Projects (point values are cumulative):</u> | | | | | |
| | A. | 100% to 199% | Y | 25 | 25 | |
| | B. | 200% to 299% | Y | 68 | 68 | |
| | C. | 300% to 399% | Y | 65 | 65 | |
| | D. | 400% and Over | Y | 52 | 52 | |
| | | Sub-total Super Size Projects: | | 210 | 210 | |
| 7 | <u>Pay for Municipal Infrastructure:</u> | | | | | |
| | A. | Pay for Oversizing or Upgrading | N | 0 | 14 | |
| | B. | Pay for 26-50% of Extension Cost | N | 0 | 26 | |
| | C. | Pay for 51-75% of Extension Cost | N | 0 | 39 | |
| | D. | Pay for 76-100% of Extension Cost | N | 0 | 52 | |
| | | Sub-total Infrastructure Related: | | | 131 | |
| Total from Applicant Section: | | | | 311 | 539 | |
| Total from Staff Section: | | | | 295 | 461 | |
| Total Public Benefit Points: | | | | 606 | 1000 | |

Filed in Clerk's Office

JUN 20 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN



STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R7 / 1-21)
Prescribed by the Department of Local Government Finance

Filed in Clerk's Office
JUN 20 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: **KCG Companies, LLC**

Address of taxpayer:
Number and Street: **9311 N. Meridian St, Ste. 100** City: **Indianapolis** State: **IN** ZIP: **46260**

Name of contact person:
First Name: **Todd** Last Name: **Jensen** Telephone number: **(317) 688-1729** E-mail address: **todd.jensen@kcgcompanies.com**

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body: **Common Council of the City of South Bend** Resolution number:

Location of property:
Number and Street: **1202 S. Lafayette Blvd.** City: **South Bend** State: **IN** ZIP: **46624** County: **St. Joseph** DLGF taxing district number: **026 (South Bend-Portage)**

Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary):
KCG Development is proposing a 50-unit, multifamily affordable housing development consisting of 30 one-bedroom & 20 two-bedroom units.

Estimated start date (month, day, year): **5/1/2024**
Estimated completion date (month, day, year): **8/1/2025**

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

| | | | | | |
|----------------|----------|-----------------|----------|-------------------|-----------|
| Current Number | Salaries | Number Retained | Salaries | Number Additional | Salaries |
| 0 | \$ 0 | 0 | \$ 0 | 1 | \$ 40,000 |

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

| | REAL ESTATE IMPROVEMENTS | |
|---|--------------------------|----------------|
| | COST | ASSESSED VALUE |
| Current values | \$ 0 | \$ 0 |
| Plus estimated values of proposed project | \$ 12,323,616 | \$ 472,617 |
| Less values of any property being replaced | \$ 0 | \$ 0 |
| Net estimated values upon completion of project | \$ 12,323,616 | \$ 472,617 |

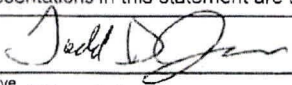
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (pounds) 0 Estimated hazardous waste converted (pounds) 0

Other benefits

SECTION 6 TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative:  Date signed (month, day, year): **6/20/2023**

Printed name of authorized representative: **Todd Jensen** Title: **Vice President of Development - Midwest**

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 12/31/2026. 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 Common Council of the City of South Bend, Indiana | |
| 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.

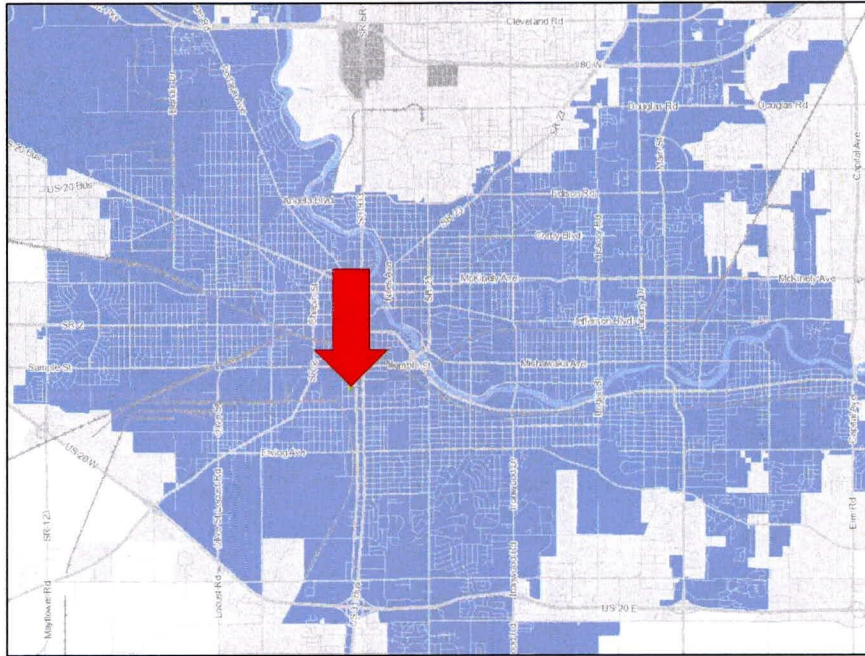
(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. Except 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

 DAWN M. JONES
 CITY CLERK, SOUTH BEND, IN

Aerial and Street Views



View Looking South from Stull St.



View Looking Northeast from S. Lafayette Blvd.



Project Renderings

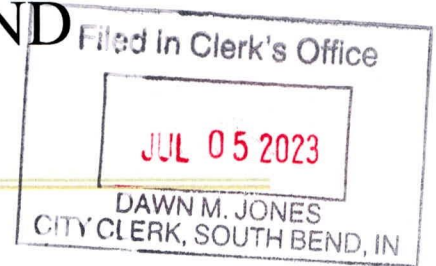


Filed in Clerk's Office
JUL 05 2023
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN



CITY OF SOUTH BEND

COMMUNITY INVESTMENT



July 5, 2023

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

RE: **Declaratory Resolution:** Mixed-Use Development Real Property Tax Abatement
Petition for **Five Corners LLC**

Dear Council Member Tomas Morgan:

Please find the enclosed information pertaining to a mixed-use development real property tax abatement petition submitted by Five Corners LLC, an Indiana Limited Liability Company. The petitioner plans to construct a new residential and retail development at the northeast corner of Eddy Street/State Route 23 and Campeau Street in South Bend. This petition package includes:

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

The report contains the Department's findings relative to the above-mentioned petition. The petitioner will construct 108 residential apartments, four (4) for-sale condo units, and approximately 5,000 square feet of retail space. The total private investment for the project is \$31.5 million.

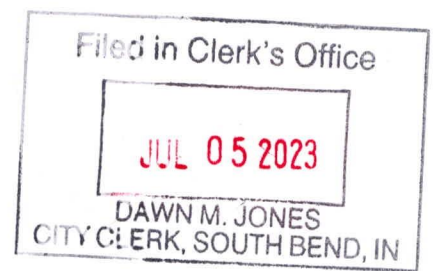
The project meets the requirements established by Sections 2-79 et seq. and would qualify for a ten-year (10) mixed-use development real property tax abatement. Representatives from Five Corners LLC will be available to meet with the Committee on Monday, July 10, 2023.

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

Sincerely,

Erik Glavich
Director, Growth and Opportunity

BILL NO. 23-42
RESOLUTION NO. 5039-23



**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**

1144 Corby Boulevard, South Bend, IN 46617

**AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A
TEN-YEAR (10) REAL PROPERTY TAX ABATEMENT FOR**

Five Corners LLC

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

Key Number: 71-09-06-301-014.000-026
Commonly Known As: 1144 Corby Boulevard
Legal Description: Lot 319 Park Pl 3rd Add

be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq. and South Bend Municipal Code Sections 2-76 et seq.; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION V. The designation as an Economic Revitalization Area shall expire on December 31, 2026.

SECTION VI. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of ten (10) years as shown by the schedule outlined below as well as the attachment pursuant to Indiana Code 6-1.1-12.1-17.

Year 1 - 100%
Year 2 - 90%

Year 3 - 80%
Year 4 - 70%
Year 5 - 60%
Year 6 - 50%
Year 7 - 40%
Year 8 - 30%
Year 9 - 20%
Year 10 - 10%

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

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

Sharon McBride, Council President
South Bend Common Council

Attest:

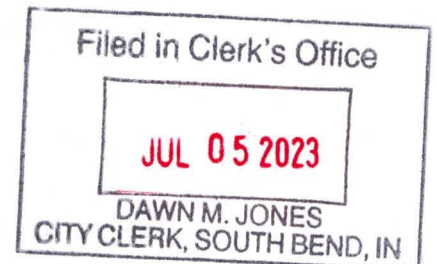
Dawn M. Jones, City Clerk
Office of the City Clerk

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

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

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

James Mueller, Mayor
City of South Bend



TAX ABATEMENT REPORT

TO: South Bend Common Council

FROM: Erik Glavich, Director, Growth and Opportunity

SUBJECT: Mixed-Use Development Real Property Tax Abatement Petition
for **Five Corners LLC**

DATE: July 5, 2023

On June 30, 2023, a petition for tax abatement from Five Corners LLC was filed with the Office of the City Clerk. The petition seeks consideration for a mixed-use development real property tax abatement for property at the northeast corner of Eddy Street/State Route 23 and Campeau Street in South Bend.

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

The Department of Community Investment has reviewed the petition, investigated the area, and makes the following report.

Project Summary

- The petitioner, Five Corners LLC, has partnered with HP Irish Corners LLC (a Holladay Properties entity) to build a mixed-use project. The project is being developed by HP Irish Corners LLC on a ground lease structure with Five Corners LLC.
- The project will consist of 108 residential apartments, four (4) for-sale condominiums, and 5,000 square feet of retail space. Private investment into this project is approximately \$31.5 million.
- The project will greatly contribute to the walkable urban community south of Notre Dame's campus.

Employment Impact

- By the end of 2024, the petitioner anticipates to create five (5) full-time jobs with an estimated annual payroll of \$348,600.
- By the end of 2025, the petitioner anticipates to create nine (9) total full-time jobs with an estimated annual payroll of \$602,200. This includes the jobs created in 2024.

Tax Estimates

The petitioner qualifies for a ten-year (10) mixed-use development real property tax abatement.

- Current estimated annual taxes: \$12,800
- Estimated annual taxes after the project's completion: \$486,300
- Total estimated taxes during the ten-year (10) abatement period: \$4,862,900
 - Estimated taxes being abated during the abatement period: \$1,526,100
 - Estimated total taxes to be paid during the abatement period: \$3,336,800

Abatement Qualification

1. A review of the tax abatements previously granted finds that the petitioner has been granted the following previous abatement.
 - Resolution No. 4811-19: Seven-year (7) real property tax abatement for property at the northeast corner of Eddy Street/State Route 23 and Corby Boulevard.
2. The property is properly zoned for the proposed project.
3. Taxes on the property have been paid in full.
4. A review of the South Bend Redevelopment designation areas finds that the property is in the River East Development Area.
5. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner meets the qualifications for a ten-year (10) mixed use development real property tax abatement under Division 5 (Mixed Use Development Real Property Tax Abatement).

Five Corners LLC

South Bend Portage Township
Residential Real Property Tax Abatement Schedule *

Type of Dwelling: Multi-Family Residence - 108 units -
Estimated Project Cost: \$23,000,000 New Construction

Property Address: 1144 Corby Boulevard
Tax Key Number: 71-09-06-301-014.000-026

| | Current | Without Abatement | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Year 6 | Year 7 | Year 8 | Year 9 | Year 10 |
|-------------------------------------|------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|
| Assessed Value (AV) | | | | | | | | | | | | |
| Land | \$ 150,673 | \$ 150,673 | \$ 150,673 | \$ 150,673 | \$ 150,673 | \$ 150,673 | \$ 150,673 | \$ 150,673 | \$ 150,673 | \$ 150,673 | \$ 150,673 | \$ 150,673 |
| Structure (AV = 80% Project Cost) | 216,200 | 18,400,000 | 18,400,000 | 18,400,000 | 18,400,000 | 18,400,000 | 18,400,000 | 18,400,000 | 18,400,000 | 18,400,000 | 18,400,000 | 18,400,000 |
| Gross Assessed Value | 366,873 | 18,550,673 | 18,550,673 | 18,550,673 | 18,550,673 | 18,550,673 | 18,550,673 | 18,550,673 | 18,550,673 | 18,550,673 | 18,550,673 | 18,550,673 |
| Abatement | | | | | | | | | | | | |
| Abatement Deduction | | | 100% | 90% | 80% | 70% | 60% | 50% | 40% | 30% | 20% | 10% |
| Net Assessed Value | 366,873 | 18,550,673 | 366,873 | 2,185,253 | 4,003,633 | 5,822,013 | 7,640,393 | 9,458,773 | 11,277,153 | 13,095,533 | 14,913,913 | 16,732,293 |
| Property Taxes | | | | | | | | | | | | |
| Assume constant tax rate of 5.2897% | | | | | | | | | | | | |
| Gross Tax (Tax Rate x Net AV) | 19,407 | 981,275 | 19,407 | 115,593 | 211,780 | 307,967 | 404,154 | 500,341 | 596,528 | 692,714 | 788,901 | 885,088 |
| Local Tax Credit (8.7112% of GT-DS) | (1,563) | (79,022) | (1,563) | (9,309) | (17,055) | (24,800) | (32,546) | (40,292) | (48,038) | (55,784) | (63,530) | (71,276) |
| Circuit Breaker Credit | (5,371) | (457,093) | - | - | - | - | - | (51,228) | (132,401) | (213,574) | (294,747) | (375,920) |
| Taxes Due | \$ 12,473 | \$ 445,161 | \$ 17,844 | \$ 106,285 | \$ 194,726 | \$ 283,167 | \$ 371,608 | \$ 408,820 | \$ 416,088 | \$ 423,356 | \$ 430,624 | \$ 437,892 |
| | 3% | 2% | 2% | 2% | 2% | 2% | 2% | 2% | 2% | 2% | 2% | 2% |
| Circuit Breaker Cap | 11,006 | 371,013 | 371,013 | 371,013 | 371,013 | 371,013 | 371,013 | 371,013 | 371,013 | 371,013 | 371,013 | 371,013 |
| Debt Service (0.3997% of Net AV) | 1,466 | 74,147 | 1,466 | 8,734 | 16,003 | 23,271 | 30,539 | 37,807 | 45,075 | 52,343 | 59,611 | 66,879 |
| Max Tax Under the Cap | 12,473 | 445,161 | 372,480 | 379,748 | 387,016 | 394,284 | 401,552 | 408,820 | 416,088 | 423,356 | 430,624 | 437,892 |

| Year | Abatement | Current Taxes Due | New Projected Tax | Combined Current & New Taxes | Taxes Abated | Net Taxes Paid |
|---------------|-----------|-------------------|-------------------|------------------------------|--------------------|------------------|
| 1 | 100% | \$ 12,473 | \$ 432,688 | \$ 445,161 | \$ (427,317) | \$ 17,844 |
| 2 | 90% | 12,473 | 432,688 | 445,161 | (338,876) | 106,285 |
| 3 | 80% | 12,473 | 432,688 | 445,161 | (250,435) | 194,726 |
| 4 | 70% | 12,473 | 432,688 | 445,161 | (161,994) | 283,167 |
| 5 | 60% | 12,473 | 432,688 | 445,161 | (73,553) | 371,608 |
| 6 | 50% | 12,473 | 432,688 | 445,161 | (36,340) | 408,820 |
| 7 | 40% | 12,473 | 432,688 | 445,161 | (29,072) | 416,088 |
| 8 | 30% | 12,473 | 432,688 | 445,161 | (21,804) | 423,356 |
| 9 | 20% | 12,473 | 432,688 | 445,161 | (14,536) | 430,624 |
| 10 | 10% | 12,473 | 432,688 | 445,161 | (7,268) | 437,892 |
| Total: | | 124,726 | 4,326,879 | 4,451,605 | (1,361,195) | 3,090,410 |

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



Five Corners LLC

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

Type of Property: Retail Establishment
Estimated Project Cost: \$ 1,500,000 New Construction

Property Address: 1144 Corby Boulevard
Tax Key Number: 71-09-06-301-014.000-026

| | Current | Without Abatement | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Year 6 | Year 7 | Year 8 | Year 9 | Year 10 |
|-------------------------------------|---------------|-------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
| Assessed Value (AV) | | | | | | | | | | | | |
| Land | \$ 9,827 | \$ 9,827 | \$ 9,827 | \$ 9,827 | \$ 9,827 | \$ 9,827 | \$ 9,827 | \$ 9,827 | \$ 9,827 | \$ 9,827 | \$ 9,827 | \$ 9,827 |
| Structure (AV = 80% Project Cost) | - | 1,200,000 | 1,200,000 | 1,200,000 | 1,200,000 | 1,200,000 | 1,200,000 | 1,200,000 | 1,200,000 | 1,200,000 | 1,200,000 | 1,200,000 |
| Gross Assessed Value | 9,827 | 1,209,827 | 1,209,827 | 1,209,827 | 1,209,827 | 1,209,827 | 1,209,827 | 1,209,827 | 1,209,827 | 1,209,827 | 1,209,827 | 1,209,827 |
| Abatement | | | 100% | 90% | 80% | 70% | 60% | 50% | 40% | 30% | 20% | 10% |
| Abatement Deduction | - | - | (1,200,000) | (1,080,000) | (960,000) | (840,000) | (720,000) | (600,000) | (480,000) | (360,000) | (240,000) | (120,000) |
| Net Assessed Value | 9,827 | 1,209,827 | 9,827 | 129,827 | 249,827 | 369,827 | 489,827 | 609,827 | 729,827 | 849,827 | 969,827 | 1,089,827 |
| Property Taxes | | | | | | | | | | | | |
| Assume constant tax rate of 5.2897% | | | | | | | | | | | | |
| Gross Tax (Tax Rate x Net AV) | 520 | 63,996 | 520 | 6,867 | 13,215 | 19,563 | 25,910 | 32,258 | 38,606 | 44,953 | 51,301 | 57,649 |
| Local Tax Credit (8.7112% of GT-DS) | (42) | (5,154) | (42) | (553) | (1,064) | (1,575) | (2,087) | (2,598) | (3,109) | (3,620) | (4,131) | (4,642) |
| Circuit Breaker Credit | (144) | (17,712) | - | - | - | - | - | - | - | (1,642) | (6,998) | (12,355) |
| Taxes Due | \$ 334 | \$ 41,130 | \$ 478 | \$ 6,314 | \$ 12,151 | \$ 17,987 | \$ 23,824 | \$ 29,660 | \$ 35,497 | \$ 39,692 | \$ 40,171 | \$ 40,651 |
| | 3% | 3% | 3% | 3% | 3% | 3% | 3% | 3% | 3% | 3% | 3% | 3% |
| Circuit Breaker Cap | 295 | 36,295 | 36,295 | 36,295 | 36,295 | 36,295 | 36,295 | 36,295 | 36,295 | 36,295 | 36,295 | 36,295 |
| Debt Service (0.3997% of Net AV) | 39 | 4,836 | 39 | 519 | 999 | 1,478 | 1,958 | 2,437 | 2,917 | 3,397 | 3,876 | 4,356 |
| Max Tax Under the Cap | 334 | 41,130 | 36,334 | 36,814 | 37,293 | 37,773 | 38,253 | 38,732 | 39,212 | 39,692 | 40,171 | 40,651 |

| Year | Abatement | Current Taxes Due | New Projected Tax | Combined Current & New Taxes | Taxes Abated | Net Taxes Paid |
|---------------|-----------|-------------------|-------------------|------------------------------|------------------|----------------|
| 1 | 100% | \$ 334 | \$ 40,796 | \$ 41,130 | \$ (40,653) | \$ 478 |
| 2 | 90% | 334 | 40,796 | 41,130 | (34,816) | 6,314 |
| 3 | 80% | 334 | 40,796 | 41,130 | (28,980) | 12,151 |
| 4 | 70% | 334 | 40,796 | 41,130 | (23,143) | 17,987 |
| 5 | 60% | 334 | 40,796 | 41,130 | (17,307) | 23,824 |
| 6 | 50% | 334 | 40,796 | 41,130 | (11,470) | 29,660 |
| 7 | 40% | 334 | 40,796 | 41,130 | (5,634) | 35,497 |
| 8 | 30% | 334 | 40,796 | 41,130 | (1,439) | 39,692 |
| 9 | 20% | 334 | 40,796 | 41,130 | (959) | 40,171 |
| 10 | 10% | 334 | 40,796 | 41,130 | (480) | 40,651 |
| Total: | | 3,341 | 407,964 | 411,305 | (164,880) | 246,425 |

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



City of South Bend Petition for Incentives

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

Instructions: Complete pages 1-3 AND the proper Form SB-1 for the type of abatement (real property or personal property) for which you are applying.



Filed in Clerk's Office
 JUN 20 2023
 DAWN M. JONES
 CITY CLERK, SOUTH BEND, IN

| | | | | | |
|---|--|--|---|------------------------|--|
| General Information | | Project Name | 5-Corners | Project Number | |
| Legal name as registered with Secretary of State | | Five Corners LLC | | | |
| Business structure | | Limited Liability Company | | | |
| Company website | | www.liveinsouthbend.com | | | |
| Proposed Project Information | | | | | |
| Proposed project address | | 1144 Corby Blvd | Parent company name | Five Corners LLC | |
| City, State, Zip | South Bend, IN 46617 | | Legal owner | Five Corners LLC | |
| Site acreage or acreage required | 2.8 | | Is the real estate owned or leased? | Leased | |
| Square feet of facility | 172,955 | | If leased, by whom? | HP Irish Corners LLC | |
| Primary Contact Information | | | | | |
| Primary company contact name | | Anne Hayes | Title | Member | |
| Address of company contact | | 814 Marietta Street | Phone | 574-210-5167 | |
| City, State, Zip | South Bend, IN 46601 | | Email | ahayes@telecompark.com | |
| Senior Official Information | | | | | |
| Company senior official name | | N/A | Title | | |
| Address of company contact (if different from above) | | | Phone | | |
| City, State, Zip | | | Email | | |
| Consultant Information/Agent | | | | | |
| Hired business consultant/agent name | | N/A | 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 | <p>We are proposing the development of a mixed-use project at the intersection of State Route 23 and Corby Boulevard 1144 Corby Blvd. The project will be known as 5-Corners and feature 108 residential apartment units (+/- 152,026 SF), four for-sale condo units (+/- 9,200 SF), and +/- 5,000 square feet of retail. The project is being developed by HP Irish Corners LLC (a Holladay Properties entity) on a ground lease structure with Five Corners, LLC. This will continue to develop the neighborhood south of Notre Dame's campus and help foster a walkable, urban community with various housing and commercial options. Total project investment is anticipated to be approximately \$31.5 million.</p> | | | | |
| Certified Technology Park appropriate | N/A | | | | |
| Is the project in a Tax Incremental Financing (TIF) area? If so, which? | River East | | | | |
| Have Building Permits been issued? (Y/N) (Note-Not eligible for abatement if Yes) | N | Number of residential units created by project | | 108 | |
| If this is a petition for personal property tax abatement, has the equipment been installed? | N/A | | | | |

| | | | |
|--|------------------------------------|--|---|
| Investment Details | | | |
| Public infrastructure needs (Off-site of project in dollars) | Has any 504 funding been received? | What is the value of any equipment being purchased in Indiana for the project? | What is the value of any equipment being purchased from out of state for the project? |
| None | No | N/A | N/A |

| New Project Investments | | | | | | | | |
|--------------------------------|----------------|-------------------------|-------------------------|----------------------|----------------------|----------------------|----------------------|----------------------|
| Calendar Year | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 |
| Land Acquisition | | | | | | | | |
| Building Lease Payments | | \$ 157,000.00 | \$ 157,000.00 | \$ 157,000.00 | \$ 157,000.00 | \$ 157,000.00 | \$ 157,000.00 | \$ 157,000.00 |
| Building Purchase Costs | | | | | | | | |
| New Building Construction | | \$ 11,000,000.00 | \$ 16,000,000.00 | | | | | |
| Existing Building Improvements | | | | | | | | |
| New Machinery & Equipment | | | | | | | | |
| Special Tooling/Retrofitting | | | | | | | | |
| New Furniture/Fixtures | | | \$ 500,000.00 | | | | | |
| New Computer/IT Hardware | | | \$ 250,000.00 | | | | | |
| New Software | | | \$ 50,000.00 | | | | | |
| On-site Rail Infrastructure | | | | | | | | |
| On-site Fiber Infrastructure | | | | | | | | |
| TOTAL | \$ 0.00 | \$ 11,157,000.00 | \$ 16,957,000.00 | \$ 157,000.00 | \$ 157,000.00 | \$ 157,000.00 | \$ 157,000.00 | \$ 157,000.00 |

Filed in Clerk's Office
 JUN 30 2023
 DAWN A. JONES
 CITY CLERK - SOUTH BEND, IN

| Full-Time Permanent Indiana-Resident Positions by Calendar Year | | | | | | |
|---|---------------|--|---|--|---|--|
| Calendar Year | Jobs retained | Hourly average wage, w/o benefits or bonuses | Cumulative # of net NEW full time permanent jobs created at project | Hourly average wage, w/o benefits or bonuses, of cumulative net new jobs | Total training expenditure - not cumulative | Total # to be trained - not cumulative |
| 2023 | 0 | \$ 0.00 | | | | |
| 2024 | | | 5 | \$ 34.86 | \$ 15,000 | 3 |
| 2025 | | | 9 | \$ 31.70 | | |
| 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 | \$ 15.00 | \$ 13.00 |
| Technical | \$ 27.00 | |
| Managerial | \$ 33.00 | |
| Administrative | \$ 18.00 | |

Who will be the individual responsible for coordinating with WorkOne on recruiting? Jackie Green - SVP Property Management- Holladay Properties

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 | | | | | | | This will be a new operation and Holladay Properties has reached out to the Office of Diversity, Compliance and Inclusion in an effort to identify a more diverse employee and subcontractor candidates pool. |
| Hispanic | | | | | | | |
| Asian | | | | | | | |
| Indian | | | | | | | |
| Female | | | | | | | |
| Other | | | | | | | |

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

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

Public Benefit Item:

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

| | | Qualify (Yes or No) | Earned Points | Available Points | |
|------------------------------|--|--|---------------|------------------|----|
| 1 | Construction Related (Contractors): | | | | |
| | A. | Employ Local Companies (75%) | 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 | N | | 22 |
| | E. | Require Health Benefits | Y | 22 | 22 |
| | F. | Require Retirement Benefits | N | | 18 |
| | G. | Maintain Affirmative Action Plan | Y | 20 | 20 |
| | Sub-total Construction Related: | | 101 | 141 | |
| 2 | Wage & Benefit Related (Owner): | | | | |
| | A. | Pay Target Wage Levels | Y | 33 | 33 |
| | B. | Provide Health Benefits | Y | 34 | 34 |
| | C. | Provide Retirement Benefits | Y | 29 | 29 |
| | D. | Provide Training | Y | 28 | 28 |
| | E. | Provide Child Care | N | | 15 |
| | F. | Provide Transportation Assistance | N | | 14 |
| | G. | Provide Employer Assisted Housing program | N | | 9 |
| | Sub-total Wage & Benefit Related: | | 124 | 162 | |
| 3 | Workforce Related: | | | | |
| | A. | Create New Jobs | Y | 42 | 42 |
| | B. | Retain Existing Jobs | N/A | | 41 |
| | C. | Maintain Affirmative Action Plan | N | | 35 |
| | D. | Provide Targeted Hiring Preference | N | | 34 |
| | Sub-total Workforce Related: | | 42 | 152 | |
| 4 | Support a Municipal Facility: | | | | |
| | A. | Support a SB Municipal Facility (donations to the zoo, conservatory, museum, etc.) | Y | 84 | 84 |
| | Name of Facility | | Zoo & VPA | | |
| | Sub-total Municipal Facility: | | 84 | 84 | |
| Sub-total from Above: | | | 351 | 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: Anne Hayes **Date:** 06/30/2023

Filed in Clerk's Office
 JUN 7 C 2023
 DAWN M. JONES
 CITY CLERK SOUTH BEND, IN

| For Staff Use Only Below This Line | | | | | |
|--|--|--|--------------------|--------|-----|
| Land: 160,500 | | | | | |
| What is the current assessed value? | Real Property: | BAs: 216,200 | Personal Property: | | |
| What is the projected assessed value? | Real Property: | Bdg: 19,600,000 | Personal Property: | | |
| What is the tax key number for this project? | 71-09-06-301-014.000-026 | | | | |
| What is the six digit NAICS code? | N/A | | | | |
| Please attach a Google map and street view of the location. | | | | | |
| Please list the amount of real and personal property taxes paid for the last five years when applicable. | | | | | |
| | Real Property Taxes: | Personal Property Taxes: | | | |
| Year One | Tax Yr 2022 | 9822.16 | | | |
| Year Two | 2021 | 6645.06 | | | |
| Year Three | 2020 | 5211.42 | | | |
| Year Four | 2019 | 3362.5 | | | |
| Year Five | 2018 | 3477.37 | | | |
| Please fill out the following Public Benefit Summary Information and add to total from above. | | | | | |
| | | (Y or N) | Points | Points | |
| Public Benefit Item: | | | | | |
| Project Related: | | | | | |
| 5 | A. | Redevelop a Site that has Special Needs | Y | 49 | 49 |
| | B. | Develop Based on Local University Research | N | - | 35 |
| | C. | Achieve a Physical Element of a Plan | Y | 36 | 36 |
| | Sub-total Project Related: | | | 85 | 120 |
| 6 | Super Size Projects (point values are cumulative): | | | | |
| | A. | 100% to 199% | Y | 25 | 25 |
| | B. | 200% to 299% | Y | 68 | 68 |
| | C. | 300% to 399% | Y | 65 | 65 |
| | D. | 400% and Over | Y | 52 | 52 |
| Sub-total Super Size Projects: | | | 210 | 210 | |
| 7 | Pay for Municipal Infrastructure: | | | | |
| | A. | Pay for Oversizing or Upgrading | N | - | 14 |
| | B. | Pay for 26-50% of Extension Cost | N | - | 26 |
| | C. | Pay for 51-75% of Extension Cost | N | - | 39 |
| | D. | Pay for 76-100% of Extension Cost | N | - | 52 |
| Sub-total Infrastructure Related: | | | - | 131 | |
| Total from Applicant Section: | | | 351 | 539 | |
| Total from Staff Section: | | | 295 | 461 | |
| Total Public Benefit Points: | | | 646 | 1000 | |



STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R7 / 1-21)

Prescribed by the Department of Local Government Finance

Filed in Clerk's Office
JUN 20 2023
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

| |
|---|
| 20 <u>23</u> PAY 20 <u>24</u> |
| 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 6-1-1-12.1-4.1)
 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: **Five Corners LLC**

Address of taxpayer:
Number and Street: **814 Marietta Street** City: **South Bend** State: **IN** ZIP: **46601**

Name of contact person:
First Name: **Anne** Last Name: **Hayes** Telephone number: **(574) 210-5167** E-mail address: **ahayes@telcompark.com**

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body: **Common Council of the City of South Bend** Resolution number: _____

Location of property:
Number and Street: **1144 Corby Boulevard** City: **South Bend** State: **IN** ZIP: **46617** County: **St. Joseph** DLGF taxing district number: **026 (South Bend-Portage)**

Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary):
Redevelopment of vacant land into two buildings featuring 108 rental apartment units and retail space

Estimated start date (month, day, year): **9/13/2023**
Estimated completion date (month, day, year): **8/31/2025**

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

| | | | | | |
|----------------|-------------|-----------------|-------------|-------------------|-------------------|
| Current Number | Salaries | Number Retained | Salaries | Number Additional | Salaries |
| 0 | \$ 0 | 0 | \$ 0 | 9 | \$ 570,600 |

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

| | REAL ESTATE IMPROVEMENTS | |
|---|--------------------------|----------------|
| | COST | ASSESSED VALUE |
| Current values | \$ 0 | \$ 216,200 |
| Plus estimated values of proposed project | \$ 24,500,000 | \$ 19,600,000 |
| Less values of any property being replaced | \$ 0 | \$ 216,200 |
| Net estimated values upon completion of project | \$ 24,500,000 | \$ 19,600,000 |

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (pounds): **0** Estimated hazardous waste converted (pounds): **0**

Other benefits: **The project is being developed to meet the National Green Building Standard for sustainability and energy efficiency.**

SECTION 6 TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative: **Anne Hayes** Date signed (month, day, year): **6/30/2023**

Printed name of authorized representative: **Anne Hayes** Title: **Member**

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:

| | | | | |
|---------------------------------|---------------------------------|---------------------------------|---------------------------------|---|
| <input type="checkbox"/> Year 1 | <input type="checkbox"/> Year 2 | <input type="checkbox"/> Year 3 | <input type="checkbox"/> Year 4 | <input type="checkbox"/> Year 5 (* see below) |
| <input type="checkbox"/> Year 6 | <input type="checkbox"/> Year 7 | <input type="checkbox"/> Year 8 | <input type="checkbox"/> Year 9 | <input type="checkbox"/> Year 10 |
- F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1-1-12.1-17?
 - Yes No
 - If yes, attach a copy of the abatement schedule to this form.
 - If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

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

| | | |
|---|-----------------------------|--------------------------------|
| Approved (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 6-1-1-12.1-13, 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.)

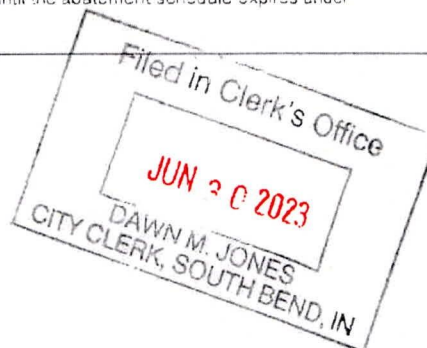
**IC 6-1-1-12.1-17
Abatement schedules**

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:

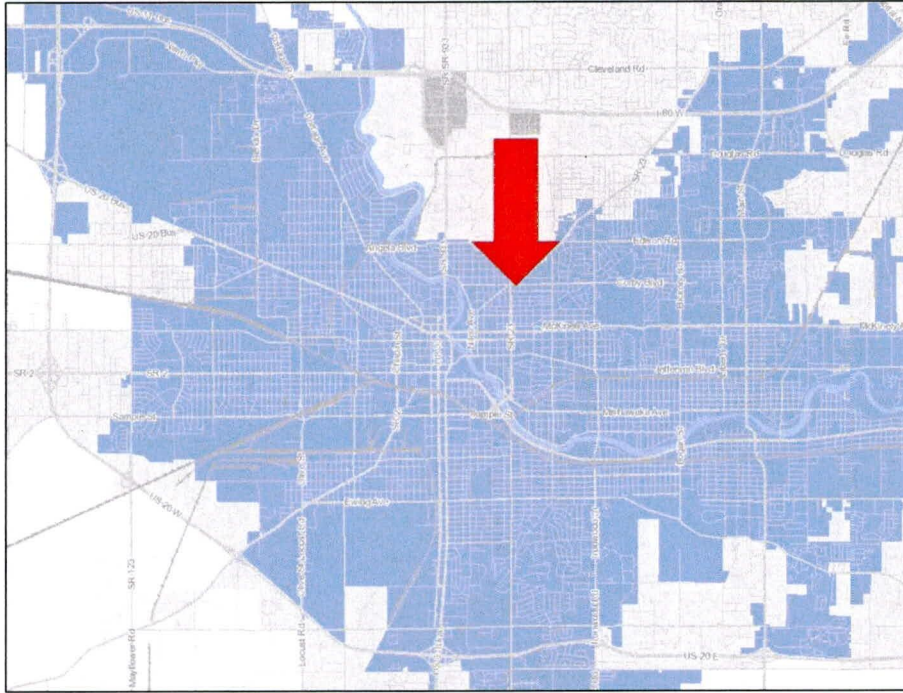
- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(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 and Street Views



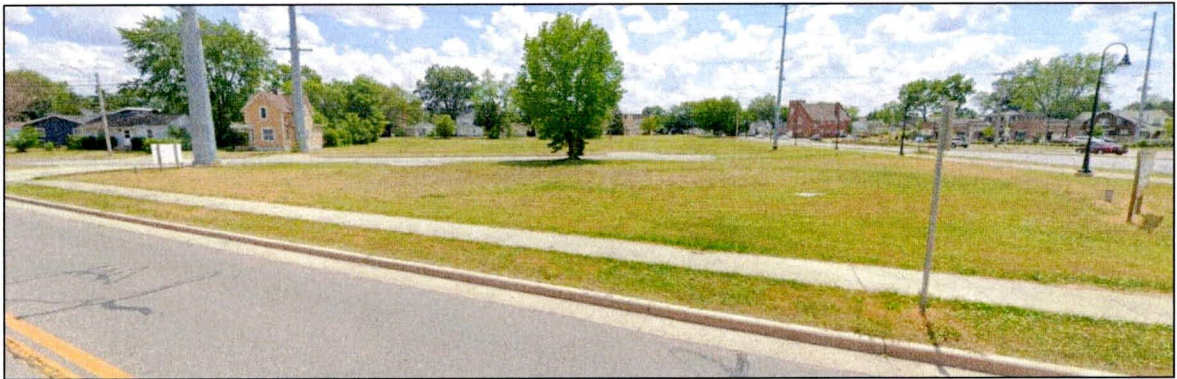
View Looking Northeast from Corner of Eddy Street and Campeau Street



View Looking East from Eddy Street



View Looking South from Corby Boulevard



View Looking West from Corby Boulevard Near N. Arthur Street



View Looking West-Northwest from Campeau Street



Project Renderings

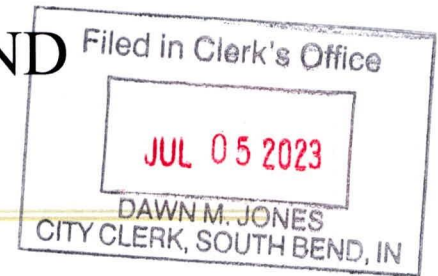


Filed in Clerk's Office
JUL 05 2023
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN



CITY OF SOUTH BEND

COMMUNITY INVESTMENT



July 5, 2023

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

RE: **Confirming Resolution:** Retail Development Real Property Tax Abatement Petition for
Peak Investment and Asset Management LLC

Dear Council Member Tomas Morgan:

Please find the enclosed information pertaining to a retail development real property tax abatement petition submitted by Peak Investment and Asset Management LLC, an Indiana Limited Liability Company. On June 26, the Common Council approved Declaratory Resolution No. 5030-23 for this abatement. The Council will now consider the Confirming Resolution. This petition package includes:

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

The report contains the Department's findings relative to the above-mentioned petition. The petitioner plans to construct a retail center consisting of two brand new buildings (10,300 square feet total) at the corner of Portage and Elwood Avenues in South Bend. The site is currently a vacant gas station. The total private investment for the project is \$1.44 million.

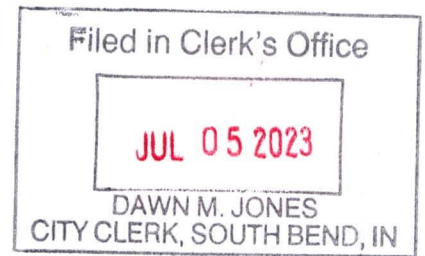
The project meets the requirements established by Sections 2-79 et seq. and would qualify for a five-year (5) retail development real property tax abatement. A representative from Peak Investment and Asset Management LLC will be available to meet with the Committee on Monday, July 10, 2023.

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

Sincerely,

Erik Glavich
Director, Growth and Opportunity

BILL NO. 23-43
RESOLUTION NO. 5040-23



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

1405 Portage Avenue, South Bend, IN 46616

**AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A
FIVE-YEAR (5) REAL PROPERTY TAX ABATEMENT FOR**

Peak Investment and Asset Management LLC

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

WHEREAS, a Declaratory Resolution designated the area described as:

Key Number: 71-03-35-360-020.000-026
Commonly Known As: 1405 Portage Avenue
Legal Description: Lot C Victory Add & Vac Alley N & Adj & Ex Se
Tri Cor to City 20/21 Con w/ 018-2182-6830 Per
Assessors Req IC 6-1.1-5-16

be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq.; and

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code 6-1.1-12.1-2.5; and

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

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

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

SECTION I. The Common Council hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such

designation is for retail development real property tax abatement only and shall expire on December 31, 2026.

SECTION II. The Common Council hereby determines that the property owner is qualified for and is granted real property tax deduction for up to a period of five (5) years as shown by the schedule outlined below as well as the attachment pursuant to Indiana Code 6-1.1-12.1-17 and further determines that the petition, the Memorandum of Agreement between the Petitioner and the City of South Bend, and the Statement of Benefits comply with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12 et seq.

Year 1 - 100%
Year 2 - 90%
Year 3 - 80%
Year 4 - 70%
Year 5 - 60%

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

Sharon McBride, Council President
South Bend Common Council

Attest:

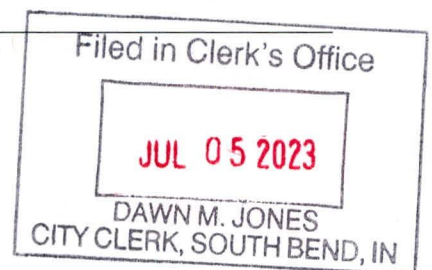
Dawn M. Jones, City Clerk
Office of the City Clerk

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

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

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

James Mueller, Mayor
City of South Bend



TAX ABATEMENT REPORT

TO: South Bend Common Council

FROM: Erik Glavich, Director, Growth and Opportunity

SUBJECT: Retail Development Real Property Tax Abatement Petition for **Peak Investment and Asset Management LLC**

DATE: June 21, 2023

On June 13, 2023, a petition for tax abatement from Peak Investment and Asset Management, LLC was filed with the Office of the City Clerk. The petition seeks consideration for a retail development real property tax abatement for property located at 1405 Portage Avenue in South Bend.

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

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

Project Summary

- Peak Investment and Asset Management LLC purchased the former Speedway gas station located at 1405 Portage Avenue in 2022 and plans to develop a neighborhood shopping center (10,300 square feet). The center will consist of two brand new buildings separated by a parking lot, which will be accessed from Elwood Avenue. One of the buildings will include three (3) storefronts directly on Portage Avenue.
- The expected private investment in the project is \$1.44 million.
- This neighborhood shopping center is anticipated to provide retail space opportunity for small business owners, which in turn should create 15-20 new jobs.
- The project is intended to bring livelihood to the community with a stated goal of dedicating the shopping center to District 1 of the City of South Bend.

Employment Impact

- Peak Investment and Asset Management LLC is projecting that the shopping center will lead to the creation of at least 15 new positions with an average starting wage of \$16 per hour in the first year of operations. Jobs would be created by tenants.

Tax Estimates

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

- Estimated taxes due annually for the current property: \$2,771
- Estimated annual taxes after the project's completion: \$39,437
- Total estimated taxes during the five-year (5) abatement period: \$197,183
 - Estimated taxes being abated during the abatement period: \$124,908
 - Estimated total taxes to be paid during the abatement period: \$72,275

Abatement Qualification

1. A review of the tax abatements previously granted finds that the petitioner has not been granted or is associated with a previous abatement.
2. The property is properly zoned for the proposed project.
3. Taxes on the property have been paid in full.
4. A review of the South Bend Redevelopment designation areas finds that the property is in the River West Development Area.
5. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner meets the qualifications for a five-year (5) retail development real property tax abatement under Division 4 (Retail Development Real Property Tax Abatement), Section 2-79 (Retail developments in Central Business District, East Bank Development Area and Tax Abatement Impact Areas).

Peak Investment and Asset Management LLC

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

Type of Property: Retail Establishment
Estimated Project Cost: \$ 1,400,000 New Construction

Property Address: 1405 Portage Avenue
Tax Key Number: 71-03-35-360-020.000-026

| | Current | Without Abatement | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 |
|-------------------------------------|-----------------|----------------------|------------------|------------------|------------------|------------------|------------------|
| <i>Assessed Value (AV)</i> | | | | | | | |
| Land | \$ 40,000 | \$ 40,000 | \$ 40,000 | \$ 40,000 | \$ 40,000 | \$ 40,000 | \$ 40,000 |
| Structure (AV = 80% Project Cost) | 41,500 | 1,120,000 | 1,120,000 | 1,120,000 | 1,120,000 | 1,120,000 | 1,120,000 |
| Gross Assessed Value | 81,500 | 1,160,000 | 1,160,000 | 1,160,000 | 1,160,000 | 1,160,000 | 1,160,000 |
| <i>Abatement</i> | | | | | | | |
| | | | 100% | 90% | 80% | 70% | 60% |
| Abatement Deduction | | - | (1,078,500) | (970,650) | (862,800) | (754,950) | (647,100) |
| Net Assessed Value | 81,500 | 1,160,000 | 81,500 | 189,350 | 297,200 | 405,050 | 512,900 |
| <i>Property Taxes</i> | | | | | | | |
| Assume constant tax rate of 5.2897% | | | | | | | |
| Gross Tax (Tax Rate x Net AV) | 4,311 | 61,361 | 4,311 | 10,016 | 15,721 | 21,426 | 27,131 |
| Local Tax Credit (8.7112% of GT-DS) | (347) | (4,941) | (347) | (807) | (1,266) | (1,725) | (2,185) |
| Circuit Breaker Credit | (1,193) | (16,983) | - | - | - | - | - |
| Taxes Due | \$ 2,771 | \$ 39,437 | \$ 3,964 | \$ 9,209 | \$ 14,455 | \$ 19,701 | \$ 24,946 |
| | 3% | 3% | 3% | 3% | 3% | 3% | 3% |
| Circuit Breaker Cap | 2,445 | 34,800 | 34,800 | 34,800 | 34,800 | 34,800 | 34,800 |
| Debt Service (0.3997% of Net AV) | 326 | 4,637 | 326 | 757 | 1,188 | 1,619 | 2,050 |
| Max Tax Under the Cap | 2,771 | 39,437 | 35,126 | 35,557 | 35,988 | 36,419 | 36,850 |

| Year | Abatement | Current Taxes Due | New Projected Tax | Combined Current & New Taxes | Taxes Abated | Net Taxes Paid |
|---------------|-----------|-------------------|-------------------|------------------------------|------------------|----------------|
| 1 | 100% | \$ 2,771 | \$ 36,666 | \$ 39,437 | \$ (35,473) | \$ 3,964 |
| 2 | 90% | 2,771 | 36,666 | 39,437 | (30,227) | 9,209 |
| 3 | 80% | 2,771 | 36,666 | 39,437 | (24,982) | 14,455 |
| 4 | 70% | 2,771 | 36,666 | 39,437 | (19,736) | 19,701 |
| 5 | 60% | 2,771 | 36,666 | 39,437 | (14,490) | 24,946 |
| Total: | | 13,854 | 183,329 | 197,183 | (124,908) | 72,275 |

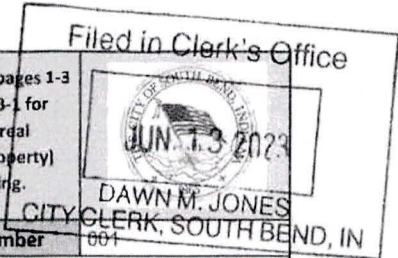
* This schedule is for estimation purposes only and assumes constant tax rates equal to those for 2022 Payable 2023.
The true tax values will ultimately be determined by the actual assessed valuation and the then current tax rates.



City of South Bend Petition for Incentives

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

Instructions: Complete pages 1-3 AND the proper Form SB-1 for the type of abatement (real property or personal property) for which you are applying.



| | | | | | |
|---|--------------------------|--|--|--|-----|
| General Information | | Project Name | NSC | Project Number | 001 |
| Legal name as registered with Secretary of State | | Peak Investment and Asset Management LLC | | | |
| Business structure | | Domestic Limited Liability Company | | | |
| Company website | | N/A | | | |
| Proposed Project Information | | | | | |
| Proposed project address | | 1405 Portage Ave | Parent company name | Peak Investment and Asset Management LLC | |
| City, State, Zip | South Bend, IN 46616 | | Legal owner | Peak Investment and Asset Management LLC | |
| Site acreage or acreage required | 0.4 | Is the real estate owned or leased? | Owned | | |
| Square feet of facility | 10,300 | If leased, by whom? | | | |
| Primary Contact Information | | | | | |
| Primary company contact name | | Praveen K Gulati | Title | Owner/Manager | |
| Address of company contact | | 5199 Gardenia Ct | Phone | (765) 412-0756 | |
| City, State, Zip | West Lafayette, IN 47906 | | Email | praveeng217@gmail.com | |
| Senior Official Information | | | | | |
| Company senior official name | | Same as above | Title | | |
| Address of company contact (if different from above) | | | Phone | | |
| City, State, Zip | | | Email | | |
| Consultant Information/Agent | | | | | |
| Hired business consultant/agent name | | N/A | 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 | | It is with great enthusiasm that we present this proposal for our neighborhood shopping center (NSC). This project will bring livelihood to the community in this area by providing opportunities for small business ownerships and creating 15-20 jobs for area residents. The main goal of our organization is to dedicate this shopping center to District 1 of the City of South Bend. | | | |
| 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 | N/A | |
| If this is a petition for personal property tax abatement, has the equipment been installed? | | N/A | | | |

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

| New Project Investments | | | | | | | | |
|--------------------------------|---------------------|---------------------|------------------------|----------------|----------------|----------------|----------------|----------------|
| Calendar Year | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 |
| Land Acquisition | \$ 27,000.00 | \$ 10,000.00 | | | | | | |
| Building Lease Payments | | | | | | | | |
| Building Purchase Costs | | | | | | | | |
| New Building Construction | | | \$ 1,400,000.00 | | | | | |
| 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 | | | | | | | | |
| TOTAL | \$ 27,000.00 | \$ 10,000.00 | \$ 1,400,000.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 |

| Full-Time Permanent Indiana-Resident Positions by Calendar Year | | | | | | |
|---|---------------|--|---|--|---|--|
| Calendar Year | Jobs retained | Hourly average wage, w/o benefits or bonuses | Cumulative # of net NEW full time permanent jobs created at project | Hourly average wage, w/o benefits or bonuses, of cumulative net new jobs | Total training expenditure - not cumulative | Total # to be trained - not cumulative |
| 2023 | | | | | | |
| 2024 | | | | | | |
| 2025 | | | 15 | \$ 16.00 | | |
| 2026 | | | 15 | \$ 16.00 | | |
| 2027 | | | 15 | \$ 16.00 | | |
| 2028 | | | 15 | \$ 20.00 | | |
| 2029 | | | 15 | \$ 20.00 | | |
| 2030 | | | 15 | \$ 20.00 | | |
| 2031 | | | 15 | \$ 22.00 | | |
| 2032 | | | 15 | \$ 22.00 | | |
| 2033 | | | 15 | \$ 22.00 | | |
| 2034 | | | 15 | \$ 22.00 | | |

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

| | Full time | Part time |
|----------------|-----------|-----------|
| Laborers | \$ 13.00 | |
| Technical | | |
| Managerial | \$ 15.00 | |
| Administrative | \$ 15.00 | |

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

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

Please list the number of full time and part time minority and/or female employees for the following years:

Please describe your commitment to diversity and inclusion by detailing your outreach and recruitment efforts for the last three years as well as current policies.

| Year | 2023 | | 2022 | | 2021 | |
|----------|-----------|-----------|-----------|-----------|-----------|-----------|
| | Full Time | Part Time | Full Time | Part Time | Full Time | Part Time |
| Black | | | | | | |
| Hispanic | | | | | | |
| Asian | | | | | | |
| Indian | | | | | | |
| Female | | | | | | |
| Other | | | | | | |

Peak Investment and Asset Management does not have direct employees and employs third parties to manage our properties. This will be case for this project. We are strongly committed to developing a project that will be a point of pride for the neighborhood and will support job growth and the economic livelihood of the area.

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

Public Benefit Item:

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

| | | Qualify (Yes or No) | Earned Points | Available Points | |
|------------------------------|--|--|---------------|------------------|-----|
| 1 | Construction Related (Contractors): | | | | |
| | A. | Employ Local Companies (75%) | 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 | N | 0 | 22 |
| | E. | Require Health Benefits | N | 0 | 22 |
| | F. | Require Retirement Benefits | N | 0 | 18 |
| | G. | Maintain Affirmative Action Plan | N | 0 | 20 |
| | | Sub-total Construction Related: | | 59 | 141 |
| 2 | Wage & Benefit Related (Owner): | | | | |
| | A. | Pay Target Wage Levels | Y | 33 | 33 |
| | B. | Provide Health Benefits | N | 0 | 34 |
| | C. | Provide Retirement Benefits | N | 0 | 29 |
| | D. | Provide Training | Y | 28 | 28 |
| | E. | Provide Child Care | N | 0 | 15 |
| | F. | Provide Transportation Assistance | N | 0 | 14 |
| | G. | Provide Employer Assisted Housing program | N | 0 | 9 |
| | Sub-total Wage & Benefit Related: | | 61 | 162 | |
| 3 | Workforce Related: | | | | |
| | A. | Create New Jobs | Y | 42 | 42 |
| | B. | Retain Existing Jobs | N | 0 | 41 |
| | C. | Maintain Affirmative Action Plan | Y | 35 | 35 |
| | D. | Provide Targeted Hiring Preference | Y | 34 | 34 |
| | Sub-total Workforce Related: | | 111 | 152 | |
| 4 | Support a Municipal Facility: | | | | |
| | A. | Support a SB Municipal Facility (donations to the zoo, conservatory, museum, etc.) | Y | 84 | 84 |
| | Name of Facility | | | | |
| | Sub-total Municipal Facility: | | | 84 | |
| Sub-total from Above: | | | 231 | 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:  **Date:** 06/01/2023

For Staff Use Only Below This Line

Land: \$40,000

| | | | |
|--|---------------------------------|-------------------------|--------------------|
| What is the current assessed value? | Real Property: | <i>Bdy: \$41,500</i> | Personal Property: |
| What is the projected assessed value? | Real Property: | <i>Bdy: \$1,120,000</i> | Personal Property: |
| What is the tax key number for this project? | <i>71-03-35-360-020.000-026</i> | | |

What is the six digit NAICS code? *N/A*

Please attach a Google map and street view of the location.

| Please list the amount of real and personal property taxes paid for the last five years when applicable. | | Real Property Taxes: | Personal Property Taxes: |
|--|----------------------|----------------------|--------------------------|
| Year One | <i>Tax Year 2022</i> | <i>2770.76</i> | |
| Year Two | <i>2021</i> | <i>2645.44</i> | |
| Year Three | <i>2020</i> | <i>2644.98</i> | |
| Year Four | <i>2019</i> | <i>1233.00</i> | |
| Year Five | <i>2018</i> | <i>1392.30</i> | |

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

| | | (Y or N) | Points | Points |
|--|---|----------|----------------|--------|
| Public Benefit Item: | | | | |
| Project Related: | | | | |
| 5 | A. Redevelop a Site that has Special Needs | <i>Y</i> | <i>49</i> | 49 |
| | B. Develop Based on Local University Research | <i>N</i> | <i>-</i> | 35 |
| | C. Achieve a Physical Element of a Plan | <i>Y</i> | <i>36</i> | 36 |
| | Sub-total Project Related: | | <i>85</i> | 120 |
| | Super Size Projects (point values are cumulative): | | | |
| 6 | A. 100% to 199% | <i>1</i> | <i>1</i> | 25 |
| | B. 200% to 299% | <i>1</i> | <i>1</i> | 68 |
| | C. 300% to 399% | <i>1</i> | <i>1</i> | 65 |
| | D. 400% and Over | <i>1</i> | <i>1</i> | 52 |
| | Sub-total Super Size Projects: | | <i>-</i> | 210 |
| 7 | Pay for Municipal Infrastructure: | | | |
| | A. Pay for Oversizing or Upgrading | <i>1</i> | <i>1</i> | 14 |
| | B. Pay for 26-50% of Extension Cost | <i>1</i> | <i>1</i> | 26 |
| | C. Pay for 51-75% of Extension Cost | <i>1</i> | <i>1</i> | 39 |
| | D. Pay for 76-100% of Extension Cost | <i>1</i> | <i>1</i> | 52 |
| Sub-total Infrastructure Related: | | <i>-</i> | 131 | |
| Total from Applicant Section: | | | <i>231 315</i> | 539 |
| Total from Staff Section: | | | <i>85</i> | 461 |
| Total Public Benefit Points: | | | <i>400</i> | |

Filed in Clerk's Office

JUN 13 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN



**STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R7 / 1-21)
Prescribed by the Department of Local Government Finance

Filed in Clerk's Office
JUN 13 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: **PEAK INVESTMENT & ASSET MANAGEMENT LLC**

Address of taxpayer:
Number and Street: **5199 Gardenia Ct** City: **West Lafayette** State: **IN** ZIP: **47906**

Name of contact person:
First Name: **Praveen** Last Name: **Gulati** Telephone number: **(765) 412-0756** E-mail address: **praveeng217@gmail.com**

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body: **Common Council of the City of South Bend** Resolution number:

Location of property:
Number and Street: **1405 Portage Ave** City: **South Bend** State: **IN** ZIP: **46616** County: **St. Joseph** DLGF taxing district number: **026 (South Bend-Portage)**

Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary):
New Neighborhood Shopping Center totaling 10,300 sq ft

Estimated start date (month, day, year): **3/1/2024**
Estimated completion date (month, day, year): **11/1/2024**

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

| | | | | | |
|----------------|----------|-----------------|----------|-------------------|------------|
| Current Number | Salaries | Number Retained | Salaries | Number Additional | Salaries |
| 0 | \$ 0 | 0 | \$ 0 | 15 | \$ 480,000 |

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

| | REAL ESTATE IMPROVEMENTS | |
|---|--------------------------|----------------|
| | COST | ASSESSED VALUE |
| Current values | \$ 37,000 | \$ 41,500 |
| Plus estimated values of proposed project | \$ 1,400,000 | \$ 1,120,000 |
| Less values of any property being replaced | \$ 37,000 | \$ 41,500 |
| Net estimated values upon completion of project | \$ 1,400,000 | \$ 1,120,000 |

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (pounds): **0** Estimated hazardous waste converted (pounds): **0**

Other benefits:

SECTION 6 TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative: Date signed (month, day, year): **06/01/2023**

Printed name of authorized representative: **PRAVEEN K. GULATI** Title: **Principal**

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 12/31/2026. 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.)

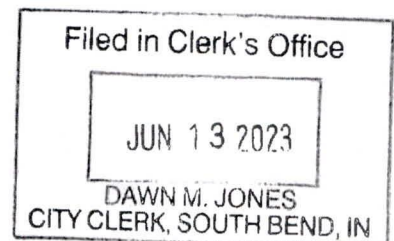
**IC 6-1.1-12.1-17
Abatement schedules**

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:

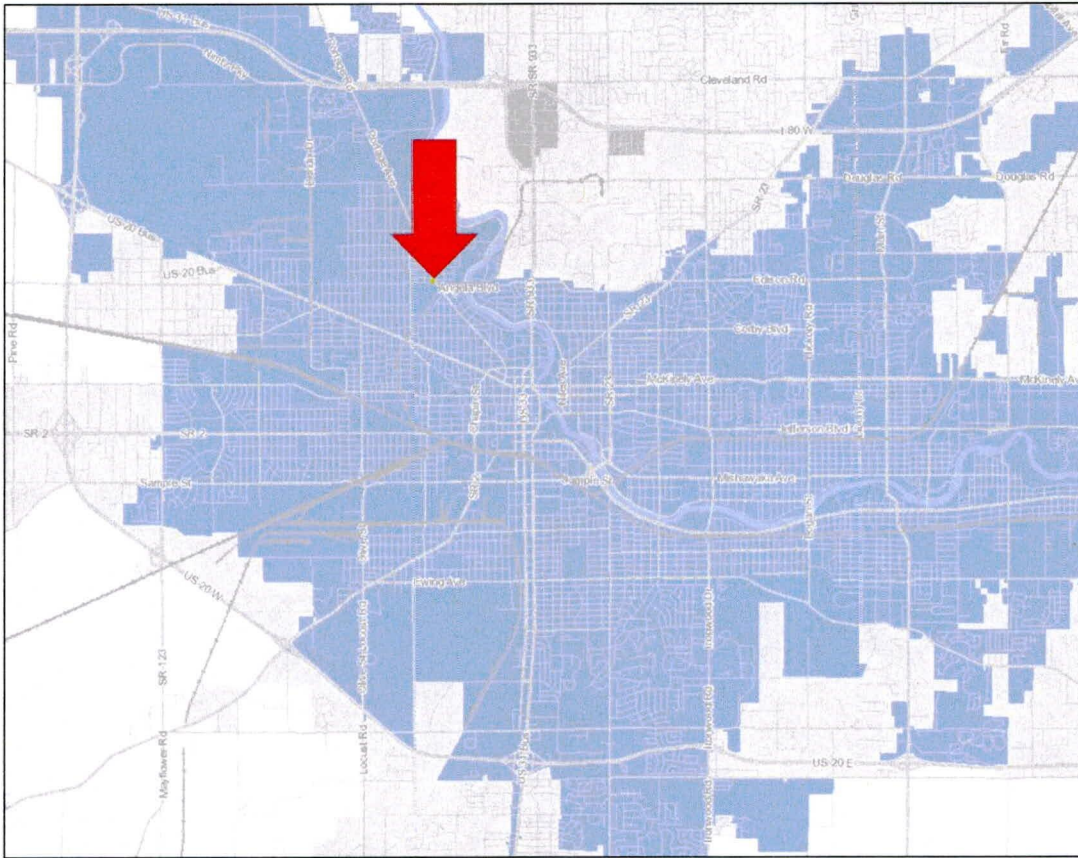
- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(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.



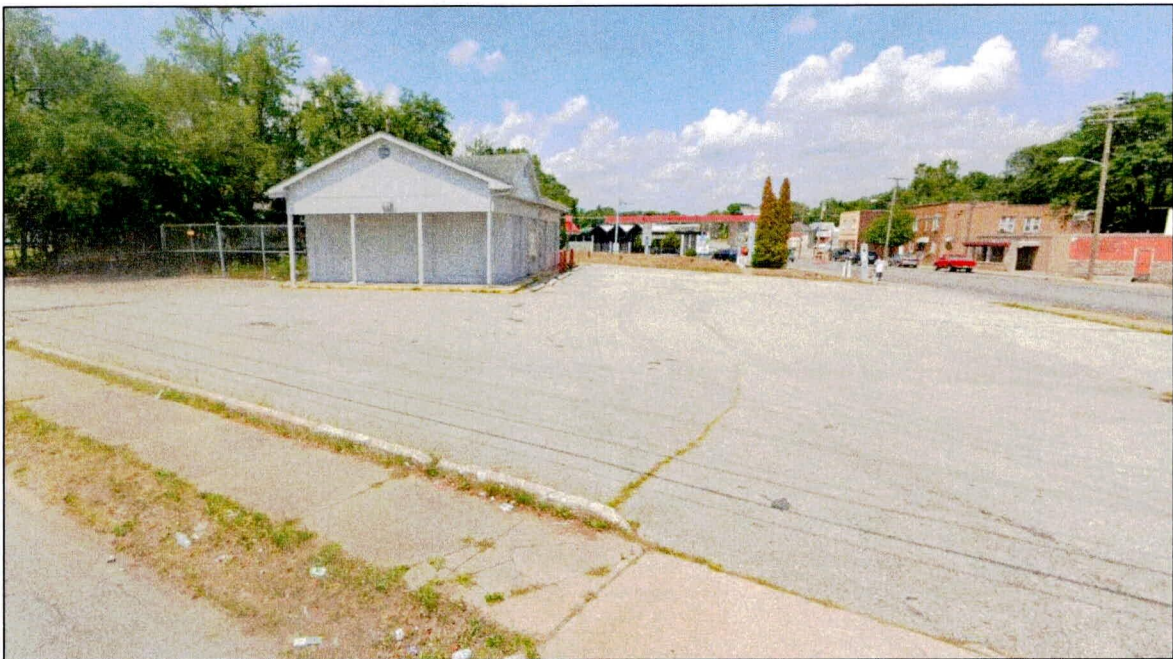
Aerial Views



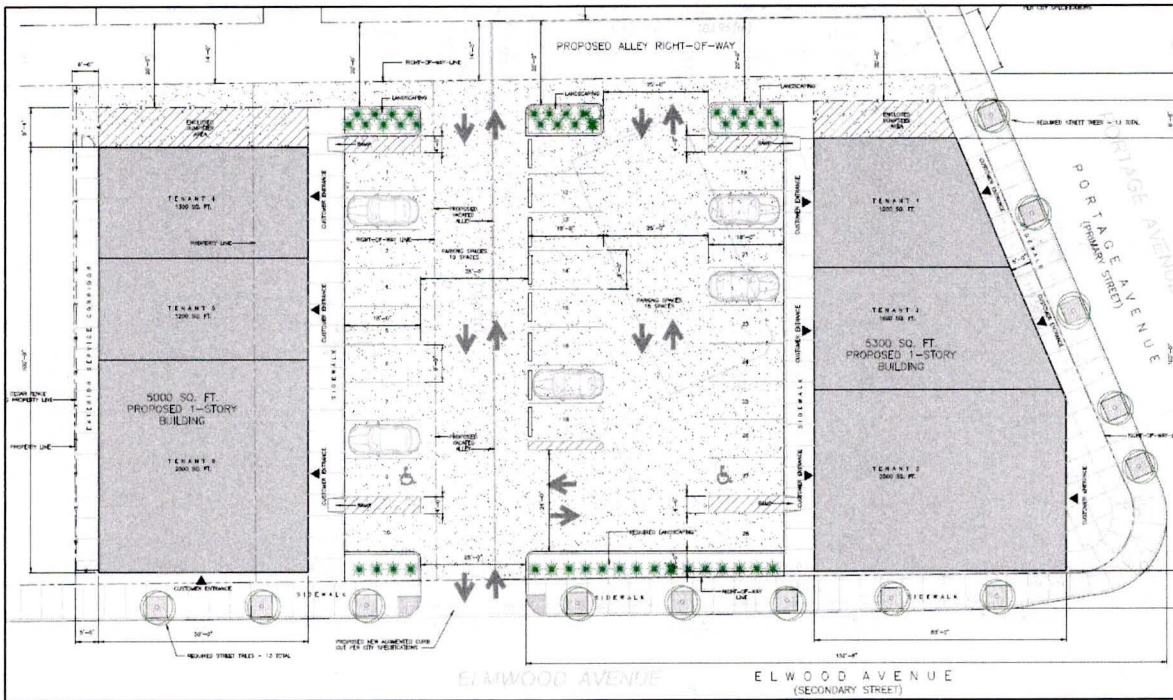
View Looking West from Portage Ave.



View Looking Northwest from Elwood Ave.



Project Site Plan



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



CITY OF SOUTH BEND

COMMUNITY INVESTMENT



July 5, 2023

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

RE: **Confirming Resolution:** Multi-Family Development Real Property Tax Abatement
Petition for **Advantix Development Corporation**

Dear Council Member Tomas Morgan:

Please find the enclosed information pertaining to a multi-family development real property tax abatement petition submitted by Advantix Development Corporation, an Indiana Domestic Nonprofit Corporation. The Council passed Declaratory Resolution No. 5037-23 on June 26.

This proposed abatement is part of a support package partnering with Advantix, which is applying for rental housing tax credits through the Indiana Housing & Community Development Authority (IHCDA). The abatement will go into effect only if this project is chosen by IHCDA in this year's competitive Tax Credit application round.

This petition package includes:

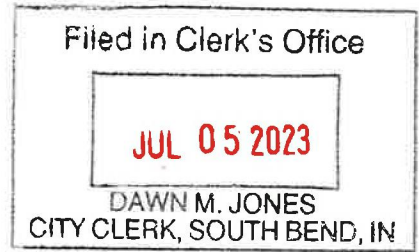
- Department of Community Investment's summary report
- Petition for abatement
- Statement of Benefits form (SB-1 / Real Property)
- Supporting information

The report contains the Department's findings relative to the above-mentioned petition. The petitioner plans to construct 50 residential units across 35 vacant lots spread throughout the City. The project will include a mix of single-family homes, duplexes, and townhomes. A representative from Advantix Development Corporation will be available to meet with the Committee on Monday, July 10, 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. 23-44
RESOLUTION NO. 5041-23

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

Multiple Properties

**AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A
TEN-YEAR (10) REAL PROPERTY TAX ABATEMENT FOR**

Advantix Development Corporation

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

WHEREAS, a Declaratory Resolution designated the areas described as:

Key Number: 71-08-02-187-013.000-026
Commonly Known As: 911 Sherman Avenue
Legal Description: Lot 23 Muessels 1st

Key Number: 71-08-02-187-014.000-026
Commonly Known As: 909 Sherman Avenue
Legal Description: Lot 22 Muessels 1st

Key Number: 71-08-02-304-006.000-026
Commonly Known As: 813 N Cleveland Avenue
Legal Description: 16 2/3 Ft S Side Lot 86 & 16 2/3 Ft N Side Lot 87 A
G Cushings 4th

Key Number: 71-08-02-304-007.000-026
Commonly Known As: 809 N Cleveland Avenue
Legal Description: 33 1/3 Ft S Side Lot 87 A G Cushings 4th Add

Key Number: 71-08-02-307-025.000-026
Commonly Known As: 737 N Cleveland Avenue
Legal Description: Lot 95 A G Cushings 4th

Key Number: 71-08-02-307-026.000-026
Commonly Known As: 735 N Cleveland Avenue

Legal Description: Lot 96 40'N Side A G Cushings 4th Add

Key Number: 71-08-02-311-007.000-026
Commonly Known As: 662 Lawndale Avenue
Legal Description: Lot 6 Pleasant Home Add

Key Number: 71-08-02-311-009.000-026
Commonly Known As: 654 Lawndale Avenue
Legal Description: Lot 8 Pleasant Home Add

Key Number: 71-08-02-326-011.000-026
Commonly Known As: 1217 Van Buren Street
Legal Description: 33 Ft E Side 66 Ft W End Of Lots 81 & 82 & 33 Ft E Side 66 Ft W End 15 Ft S Side Of Lot 83 A G Cushings 4th

Key Number: 71-08-02-326-012.000-026
Commonly Known As: 1215 Van Buren Street
Legal Description: 33 Ft W Side 68 Ft E End Lots 81-82 & 33 Ft W Side 68 Ft E Side Of 15 Ft S Side Lot 83 A G Cushings 4th

Key Number: 71-08-02-330-001.000-026
Commonly Known As: 1218 Van Buren Street
Legal Description: 36 Ft X 100 Ft Nw Cor Lot 80 A G Cushings 4th

Key Number: 71-08-02-330-002.000-026
Commonly Known As: 752 Cleveland Avenue
Legal Description: 12 Ft S Side 100 Ft W End Lot 80 & 28 Ft N Side 100 Ft W End Lot 79 A G Cushing 4th

Key Number: 71-08-02-330-003.000-026
Commonly Known As: 1216 Van Buren Street
Legal Description: Lot 80 34'E End & 34'E End 28'N Side Lot 79 A G Cushings 4th Add

Key Number: 71-08-02-330-005.000-026
Commonly Known As: 746 N Cleveland Avenue
Legal Description: 35 Ft S Side Lot 78 A G Cushings 4th

Key Number: 71-08-02-330-006.000-026
Commonly Known As: 744 N Cleveland Avenue
Legal Description: Lot 77 A G Cushings 4th

Key Number: 71-08-02-333-013.000-026
Commonly Known As: 716 Sherman Avenue
Legal Description: N 35' Ex 10'X40' Se Side Lot 9 All Of Lots 10 & 11

& 43'S Side Lot 12 Cushing 1st Add

Key Number: 71-08-02-333-014.000-026
Commonly Known As: 702 Sherman Avenue
Legal Description: Lot 9 88 Ft W End 15 Ft S Side & 88 Ft W End Of Lot 8 Cushings 1st

Key Number: 71-08-02-335-001.000-026
Commonly Known As: 632 Sherman Avenue
Legal Description: Lot 7 78 Ft W End 33 1-3 Ft N Side Cushings 1st

Key Number: 71-08-02-335-002.000-026
Commonly Known As: 1014 Lindsey Street
Legal Description: Lot 7 50 Ft E End 33 1-3 Ft N Side Cushings 1st

Key Number: 71-08-02-335-003.000-026
Commonly Known As: 630 Sherman Avenue
Legal Description: 16 2-3 Ft S Side Lot 7 & 16 2-3 Ft N Side Lot 6 Cushings 1st

Key Number: 71-08-02-335-004.000-026
Commonly Known As: 622 Sherman Avenue
Legal Description: 33 1-3 Ft S Side Lot 6 Cushings 1st

Key Number: 71-08-02-356-041.000-026
Commonly Known As: 1411 Linden Avenue
Legal Description: Lot 92 Swygarts 1st Add

Key Number: 71-08-02-407-007.000-026
Commonly Known As: 744 Harrison Avenue
Legal Description: Lot 98 Cushing & Lindsey

Key Number: 71-08-02-407-008.000-026
Commonly Known As: 740 Harrison Avenue
Legal Description: 33 Ft N Side Lot 99 Cushing & Lindsey

Key Number: 71-08-02-407-009.000-026
Commonly Known As: 736 Harrison Avenue
Legal Description: 17 Ft S Side Lot 99 & 16 Ft N Side Lot 100 Cushing & Lindsey

Key Number: 71-08-03-203-028.000-026
Commonly Known As: 1202 Huey Street
Legal Description: Lot 212 Mayrs Mich Ave Add

Key Number: 71-08-03-227-014.000-026

Commonly Known As: 1322 N Brookfield Street
Legal Description: Lot 148 C R Smiths 2nd Sub

Key Number: 71-08-03-258-007.000-026
Commonly Known As: 1030 Obrien Street
Legal Description: Lot 76 Mayrs Mich Ave Add

Key Number: 71-08-03-384-004.000-026
Commonly Known As: 2518 Linden Avenue
Legal Description: Lot 13 Kaleys 1st

Key Number: 71-08-03-384-007.000-026
Commonly Known As: 2506 Linden Avenue
Legal Description: Lot 10 Kaleys 1st

Key Number: 71-08-03-434-013.000-026
Commonly Known As: 630 Johnson Street
Legal Description: Lot 13 Kauffman Place

Key Number: 71-08-03-434-031.000-026
Commonly Known As: 641 N Brookfield Street
Legal Description: Lot 24 Kauffman Place

Key Number: 71-08-10-135-006.000-026
Commonly Known As: 2606 W Colfax Avenue
Legal Description: Lot 696 Summit Place 3rd Add

Key Number: 71-08-10-180-027.000-026
Commonly Known As: 218 S Meade Street
Legal Description: Lot 622 Summit Place 3rd

Key Number: 71-08-02-459-001.000-026
Commonly Known As: 622 W Marion Street
Legal Description: Lot 5 & 6 Smith & Jackson Sub

Key Number: 71-08-02-459-003.000-026
Commonly Known As: 620 W Marion Street
Legal Description: Lot 7 Smith & Jackson Sub

Key Number: 71-08-02-459-004.000-026
Commonly Known As: 618 W Marion Street
Legal Description: Lot 8 Smith & Jackson Sub

Key Number: 71-08-02-459-002.000-026
Legal Description: 21.5 Ft W End Lot 11 Smith & Jacksons Sub.

Key Number: 71-08-02-459-005.000-026
Commonly Known As: 425 Leland Avenue
Legal Description: Lot 11 Ex 21.5 Ft W Side Smith & Jacksons Sub.

Key Number: 71-08-02-459-006.000-026
Commonly Known As: 421 Leland Avenue
Legal Description: Lot 10 Smith & Jacksons Sub

Key Number: 71-08-02-459-007.000-026
Commonly Known As: 419 Leland Avenue
Legal Description: Lot 9 Smith & Jacksons Sub

Key Number: 71-08-02-459-008.000-026
Legal Description: Lots 1 2 3 & 4 Smith & Jacksons Sub

Key Number: 71-08-02-185-017.000-026
Commonly Known As: 901 Blaine Avenue
Legal Description: Lot 115 Muessels 2nd

Key Number: 71-08-02-185-016.000-026
Commonly Known As: 905 Blaine Avenue
Legal Description: Lot 116 Muessels 2nd

be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq.; and

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code 6-1.1-12.1-2.5; and

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

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

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

SECTION I. The Common Council hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such designation is for multi-family residential development real property tax abatement only and shall expire on December 31, 2026.

SECTION II. The Common Council hereby determines that the property owner is qualified for and is granted real property tax deduction for up to a period of ten (10) years as shown by the schedule outlined below as well as the attachment pursuant to Indiana Code 6-1.1-12.1-17 and further determines that the petition, the Memorandum of Agreement between the Petitioner and

the City of South Bend, and the Statement of Benefits comply with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12 et seq.

- Year 1 - 100%
- Year 2 - 100%
- Year 3 - 100%
- Year 4 - 95%
- Year 5 - 95%
- Year 6 - 90%
- Year 7 - 90%
- Year 8 - 85%
- Year 9 - 80%
- Year 10 - 75%

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

Sharon McBride, Council President
South Bend Common Council

Attest:

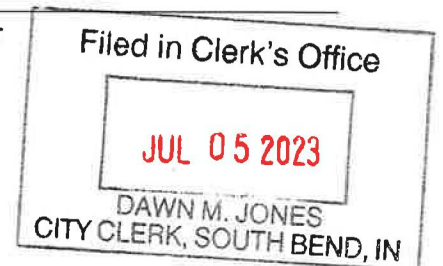
Dawn M. Jones, City Clerk
Office of the City Clerk

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

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

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

James Mueller, Mayor
City of South Bend



TAX ABATEMENT REPORT

TO: South Bend Common Council

FROM: Erik Glavich, Director, Growth and Opportunity

SUBJECT: Multi-Family Development Real Property Tax Abatement for **Advantix Development Corporation**

DATE: June 21, 2023

On June 21, 2023, a petition for tax abatement was filed by Advantix Development Corporation for a low-income housing project that will result in brand-new infill housing throughout South Bend.

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

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

Project Summary

- Formed in 2007, Advantix Development Corporation serves as the not-for-profit development instrument of the Evansville Housing Authority. Its mission is to own, operate, acquire, and develop housing for low to moderate-income families. Since 2007, Advantix has served as developer and general contractor for both 4% and 9% Low Income Housing Tax Credit development projects. Advantix works with local jurisdictions to develop several types of affordable housing in Indiana and surrounding areas.
- Advantix is proposing to build 50 affordable housing units consisting of a mix of single-family homes, duplexes, and townhomes. The project will use the City's pre-approved housing plans.
- This is a scattered site project—which will provide much needed infill housing—on 35 different City-owned parcels, all of which are currently vacant
- Advantix is competing for Low Income Housing Tax Credits (LIHTC) with the Indiana Housing & Community Development Authority (IHCDA). Project completion is contingent upon receiving a satisfactory LIHTC award.
- If the project proceeds, Advantix has committed over \$14 million to this project.

Employment Impact

- Upon completion of the project, Advantix will create two (2) full-time positions with an estimated annual payroll of \$80,000.

Tax Estimates

Due to being a LIHTC project that will increase the availability of affordable rental units within South Bend, a ten-year (10) multi-family real property tax abatement is being sought.

- Current taxes are zero—properties are owned by the City of South Bend.
- Estimated annual taxes after the project's completion: \$59,878
- Total estimated taxes during the ten-year (10) abatement period: \$598,782
 - Estimated taxes being abated during the abatement period: \$401,037
 - Estimated total taxes to be paid during the abatement period: \$197,745

Abatement Qualification

1. A review of the tax abatements previously granted finds that the petitioner has not been granted or is associated with prior South Bend 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 in the River West Development Area.
5. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner qualifies for a ten-year (10) multi-family residential development real property tax abatement under Division 9 (Miscellaneous Real Property Tax Abatement), Section 2-84 (Council's Authority to Enlarge Real Property Tax Abatement General Standards).

Advantix

*South Bend Portage Township
Residential Real Property Tax Abatement Schedule **

Type of Dwelling: Multi-Family Residence - 50 units -
 Estimated Project Cost: \$14,000,000 New Construction

Property Address: Multiple Properties
 Tax Key Number: Multiple Properties

| True Tax Value Method: | Income Capitalization | | Income Capitalization | | Income Capitalization | | Income Capitalization | | Income Capitalization | | Income Capitalization | |
|---|-----------------------|------------------|-----------------------|------------------|-----------------------|------------------|-----------------------|------------------|-----------------------|------------------|-----------------------|------------------|
| | Current | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 | Year 6 | Year 7 | Year 8 | Year 9 | Year 10 | |
| <i>Assessed (AV) and True Tax Value (TTV)</i> | | | | | | | | | | | | |
| Land (AV) | \$ 200,000 | \$ 200,000 | \$ 200,000 | \$ 200,000 | \$ 200,000 | \$ 200,000 | \$ 200,000 | \$ 200,000 | \$ 200,000 | \$ 200,000 | \$ 200,000 | \$ 200,000 |
| Structure (Structure TTV) | - | 2,295,238 | 2,295,238 | 2,295,238 | 2,295,238 | 2,295,238 | 2,295,238 | 2,295,238 | 2,295,238 | 2,295,238 | 2,295,238 | 2,295,238 |
| Gross TTV | 200,000 | 2,495,238 | 2,495,238 | 2,495,238 | 2,495,238 | 2,495,238 | 2,495,238 | 2,495,238 | 2,495,238 | 2,495,238 | 2,495,238 | 2,495,238 |
| <i>Abatement</i> | | 100% | 100% | 100% | 95% | 95% | 90% | 90% | 85% | 80% | 75% | |
| Abatement Deduction | | (2,295,238) | (2,295,238) | (2,295,238) | (2,180,476) | (2,180,476) | (2,065,714) | (2,065,714) | (1,950,952) | (1,836,190) | (1,721,429) | |
| Net TTV | 200,000 | 200,000 | 200,000 | 200,000 | 314,762 | 314,762 | 429,524 | 429,524 | 544,286 | 659,048 | 773,810 | |
| <i>Property Taxes</i> | | | | | | | | | | | | |
| Assume constant tax rate of 5.2897% | | | | | | | | | | | | |
| Gross Tax (Tax Rate x Net TTV) | 10,579 | 10,579 | 10,579 | 10,579 | 16,650 | 16,650 | 22,721 | 22,721 | 28,791 | 34,862 | 40,932 | |
| Local Tax Credit (8.7112% of GT-DS) | (852) | (852) | (852) | (852) | (1,341) | (1,341) | (1,830) | (1,830) | (2,319) | (2,807) | (3,296) | |
| Circuit Breaker Credit | (2,928) | - | - | - | - | - | - | - | - | - | - | |
| Taxes Due | \$ 6,799 | \$ 9,727 | \$ 9,727 | \$ 9,727 | \$ 15,309 | \$ 15,309 | \$ 20,891 | \$ 20,891 | \$ 26,473 | \$ 32,054 | \$ 37,636 | |
| | 3% | 2% | 2% | 2% | 2% | 2% | 2% | 2% | 2% | 2% | 2% | |
| Circuit Breaker Cap | 6,000 | 49,905 | 49,905 | 49,905 | 49,905 | 49,905 | 49,905 | 49,905 | 49,905 | 49,905 | 49,905 | |
| Debt Service (0.3997% of Net TTV) | 799 | 799 | 799 | 799 | 1,258 | 1,258 | 1,717 | 1,717 | 2,176 | 2,634 | 3,093 | |
| Max Tax Under the Cap | 6,799 | 50,704 | 50,704 | 50,704 | 51,163 | 51,163 | 51,622 | 51,622 | 52,080 | 52,539 | 52,998 | |

| Year | Abatement | Total Tax Liability | Taxes Abated | Net Taxes Paid |
|---------------|-----------|---------------------|------------------|----------------|
| 1 | 100% | \$ 59,878 | \$ (50,151) | \$ 9,727 |
| 2 | 100% | 59,878 | (50,151) | 9,727 |
| 3 | 100% | 59,878 | (50,151) | 9,727 |
| 4 | 95% | 59,878 | (44,569) | 15,309 |
| 5 | 95% | 59,878 | (44,569) | 15,309 |
| 6 | 90% | 59,878 | (38,987) | 20,891 |
| 7 | 90% | 59,878 | (38,987) | 20,891 |
| 8 | 85% | 59,878 | (33,406) | 26,473 |
| 9 | 80% | 59,878 | (27,824) | 32,054 |
| 10 | 75% | 59,878 | (22,242) | 37,636 |
| Total: | | 598,782 | (401,037) | 197,745 |

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



City of South Bend Petition for Incentives

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

Instructions: Complete pages 1-3
AND the proper Form SB-1 for
the type of abatement (real
property or personal property)
for which you are applying.



| General Information | | Project Name | North Pointe Apartments | Project Number |
|---|----------------------|--|---|---------------------------------------|
| Legal name as registered with Secretary of State | | Advantix Development Corporation | | |
| Business structure | | 501c3 not for profit | | |
| Company website | | www.advantixcorp.com | | |
| Proposed Project Information | | | | |
| Proposed project address | | 900 S. Franklin St. (main location) | Parent company name | Advantix Development Corporation |
| City, State, Zip | South Bend, IN 46601 | Legal owner | N/A | |
| Site acreage or acreage required | N/A | Is the real estate owned or leased? | Owned | |
| Square feet of facility | 64,162 | IF leased, by whom? | | |
| Primary Contact Information | | | | |
| Primary company contact name | | Brandon Shields | Title | Broker & Business Development Manager |
| Address of company contact | | 500 SE 10th St. | Phone | 8127223371 |
| City, State, Zip | Evansville, IN 47713 | Email | brandon.shields@advantixcorp.com | |
| Senior Official Information | | | | |
| Company senior official name | | Tim Martin | Title | COO |
| Address of company contact (if different from above) | | Same as above | Phone | 8124288500 |
| City, State, Zip | | Email | tim.martin@advantixcorp.com | |
| 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 | | <p>This is a 50 unit, scattered site 9% LIHTC project. The property will consist 50 units scattered throughout the city. Tax sale and BEP units will be primarily used. The project will feature a modern design using the city's preapproved building plans. All of our projects are built LEED Silver standards, ensuring long term energy efficient homes.</p> <p>This project is vital as it adds valuable affordable housing to the city. Affordable housing is essential to the long term viability of any city.</p> | | |
| Certified Technology Park appropriate | | <div style="border: 1px solid black; padding: 5px; display: inline-block;"> <p style="text-align: center; margin: 0;">Filed in Clerk's Office</p> <p style="text-align: center; margin: 0; color: red; font-weight: bold;">JUN 21 2023</p> <p style="text-align: center; margin: 0;">DAWN M. JONES</p> <p style="text-align: center; margin: 0;">CITY CLERK, SOUTH BEND, IN</p> </div> | | |
| 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 | 50 |
| If this is a petition for personal property tax abatement, has the equipment been installed? | | | | |

| Investment Details | | | |
|--|------------------------------------|--|---|
| Public Infrastructure needs (Off-site of project in dollars) | Has any 504 funding been received? | What is the value of any equipment being purchased in Indiana for the project? | What is the value of any equipment being purchased from out of state for the project? |
| | | | |

| New Project Investments | | | | | | | | |
|--------------------------------|----------------|----------------|-------------------------|----------------|----------------|----------------|----------------|----------------|
| Calendar Year | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 |
| Land Acquisition | | | \$ 0.00 | | | | | |
| Building Lease Payments | | | \$ 0.00 | | | | | |
| Building Purchase Costs | | | \$ 0.00 | | | | | |
| New Building Construction | | | \$ 14,000,000.00 | | | | | |
| Existing Building Improvements | | | \$ 0.00 | | | | | |
| New Machinery & Equipment | | | \$ 0.00 | | | | | |
| Special Tooling/Retooling | | | \$ 0.00 | | | | | |
| New Furniture/Fixtures | | | \$ 0.00 | | | | | |
| New Computer/IT Hardware | | | \$ 0.00 | | | | | |
| New Software | | | \$ 0.00 | | | | | |
| On-site Rail Infrastructure | | | \$ 0.00 | | | | | |
| On-site Fiber Infrastructure | | | \$ 0.00 | | | | | |
| TOTAL | \$ 0.00 | \$ 0.00 | \$ 14,000,000.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 |

| Full-Time Permanent Indiana Resident Positions by Calendar Year | | | | | | |
|---|---------------|--|---|--|---|--|
| Calendar Year | Jobs retained | Hourly average wage, w/o benefits or bonuses | Cumulative # of net NEW full time permanent jobs created at project | Hourly average wage, w/o benefits or bonuses, of cumulative net new jobs | Total training expenditure - not cumulative | Total # to be trained - not cumulative |
| 2023 | | | | | | |
| 2024 | | | 2 | \$ 20.00 | | |
| 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 | \$ 20.00 | |
| Technical | | |
| Managerial | \$ 20.00 | |
| Administrative | | |

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

Does your company have an EEO hiring policy? Yes No Are you an EEO employer? Yes No

| Please list the number of full time and part time minority and/or female employees for the following years: | | | | | | |
|---|-----------|-----------|-----------|-----------|-----------|-----------|
| Year | 2023 | | 2022 | | 2021 | |
| | Full Time | Part Time | Full Time | Part Time | Full Time | Part Time |
| Black | | | | | | |
| Hispanic | | | | | | |
| Asian | | | | | | |
| Indian | | | | | | |
| Female | | | | | | |
| Other | | | | | | |

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

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

Filed in Clerk's Office

JUN 21 2023

Public Benefit Item:

DAWN M. JONES

CITY CLERK, SOUTH BEND, IN

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

Qualify
(Yes or No)

Earned Points

Available Points

| | | Qualify (Yes or No) | Earned Points | Available Points | |
|------------------------------|--|--|---------------|------------------|-----|
| 1 | Construction Related (Contractors): | | | | |
| | A. | Employ Local Companies (75%) | Yes | 20 | 20 |
| | B. | Purchase Materials from Local Companies (75%) | Yes | 20 | 20 |
| | C. | Require Employees vs. Independent Contractors | No | 0 | 19 |
| | D. | Require Prevailing Wage | Yes | 22 | 22 |
| | E. | Require Health Benefits | Yes | 22 | 22 |
| | F. | Require Retirement Benefits | Yes | 18 | 18 |
| | G. | Maintain Affirmative Action Plan | Yes | 20 | 20 |
| | | Sub-total Construction Related: | | 122 | 141 |
| 2 | Wage & Benefit Related (Owner): | | | | |
| | A. | Pay Target Wage Levels | Yes | 33 | 33 |
| | B. | Provide Health Benefits | Yes | 34 | 34 |
| | C. | Provide Retirement Benefits | Yes | 29 | 29 |
| | D. | Provide Training | Yes | 28 | 28 |
| | E. | Provide Child Care | No | 0 | 15 |
| | F. | Provide Transportation Assistance | Yes | 14 | 14 |
| | G. | Provide Employer Assisted Housing program | No | 0 | 9 |
| | Sub-total Wage & Benefit Related: | | 138 | 162 | |
| 3 | Workforce Related: | | | | |
| | A. | Create New Jobs | Yes | 42 | 42 |
| | B. | Retain Existing Jobs | Yes | 41 | 41 |
| | C. | Maintain Affirmative Action Plan | Yes | 35 | 35 |
| | D. | Provide Targeted Hiring Preference | Yes | 34 | 34 |
| | Sub-total Workforce Related: | | 152 | 152 | |
| 4 | Support a Municipal Facility: | | | | |
| | A. | Support a SB Municipal Facility (donations to the zoo, conservatory, museum, etc.) | Yes | 84 | 84 |
| | | Name of Facility | TBD | | |
| | Sub-total Municipal Facility: | | 84 | 84 | |
| Sub-total from Above: | | | 496 | 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: Brandon Shields **Date:** 06/19/2023

For Staff Use Only Below This Line

Land: \$200,000

| | | | | |
|--|-----------------|--------------------------|--------------------|--|
| What is the current assessed value? | Real Property: | <i>Bldg: 0</i> | Personal Property: | |
| What is the projected assessed value? | Real Property: | <i>Bldg: \$2,295,239</i> | Personal Property: | |
| What is the tax key number for this project? | <i>Multiple</i> | | | |
| What is the six digit NAICS code? | <i>N/A</i> | | | |

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 | <i>City-owned</i> | |
| Year Two | | |
| Year Three | | |
| Year Four | | |
| Year Five | | |

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

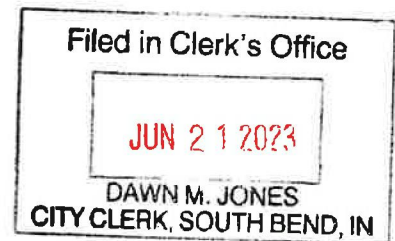
| Public Benefit Item: | | (Y or N) | Points | Points | |
|--|---|----------|--------------------------|------------|-----|
| Project Related: | | | | | |
| 5 | A. Redevelop a Site that has Special Needs | <i>Y</i> | <i>49</i> | 49 | |
| | B. Develop Based on Local University Research | <i>N</i> | <i>-</i> | 35 | |
| | C. Achieve a Physical Element of a Plan | <i>Y</i> | <i>36</i> | 36 | |
| | Sub-total Project Related: | | | <i>85</i> | 120 |
| | Super Size Projects (point values are cumulative): | | | | |
| 6 | A. 100% to 199% | <i>Y</i> | <i>25</i> | 25 | |
| | B. 200% to 299% | <i>Y</i> | <i>43</i> | 68 | |
| | C. 300% to 399% | <i>Y</i> | <i>65</i> | 65 | |
| | D. 400% and Over | <i>Y</i> | <i>52</i> | 52 | |
| | Sub-total Super Size Projects: | | | <i>210</i> | 210 |
| Pay for Municipal Infrastructure: | | | | | |
| 7 | A. Pay for Oversizing or Upgrading | <i>1</i> | <i>1</i> | 14 | |
| | B. Pay for 26-50% of Extension Cost | <i>1</i> | <i>1</i> | 26 | |
| | C. Pay for 51-75% of Extension Cost | <i>1</i> | <i>1</i> | 39 | |
| | D. Pay for 76-100% of Extension Cost | <i>1</i> | <i>1</i> | 52 | |
| | Sub-total Infrastructure Related: | | | <i>-</i> | 131 |
| Total from Applicant Section: | | | | | |
| Total from Staff Section: | | | | | |
| Total Public Benefit Points: | | | <i>295</i> <i>791</i> | | |

498
 Filed in Clerk's Office
 461
 1000
JUN 21 2023
 DAWN M. JONES
 CITY CLERK, SOUTH BEND, IN

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.

Diversity & Inclusion is a commitment we have with an understanding that diversity doesn't mean one person of color, or one person of a different race, or even one gender. Our success cannot be attained without having a team that represents our entire community and those we serve. This starts with acknowledging that there are groups that are underrepresented and that within these groups are a wealth of untapped talent, leadership, and innovation. To achieve this, we enable equality of opportunity through fairness and transparency.

Some of the ways we are committed to these initiatives are in our recruitment, hiring, training, and promotions. Our recruitment efforts include posting our positions on many job boards to include diverse job boards, geo fencing through a media company to target many underrepresented groups, job fairs at local colleges, and working alongside our WorkOne partners to provide on-the-job training opportunities to assist those that may not have all the necessary skills we are seeking. Our training efforts include Diversity, Equity, & Inclusion interactive training modules along with microaggression interactive training. We have created career path training and mentoring to promote interested individuals as we believe everyone's differences and points of views allows for inclusivity and support for the entire workforce.



Advantix Development Corporation – Petition for Abatement

Key Number: 71-08-02-187-013.000-026
Commonly Known As: 911 Sherman Avenue
Legal Description: Lot 23 Muessels 1st

Key Number: 71-08-02-187-014.000-026
Commonly Known As: 909 Sherman Avenue
Legal Description: Lot 22 Muessels 1st

Key Number: 71-08-02-304-006.000-026
Commonly Known As: 813 N Cleveland Avenue
Legal Description: 16 2/3 Ft S Side Lot 86 & 16 2/3 Ft N Side Lot 87 A
G Cushings 4th

Key Number: 71-08-02-304-007.000-026
Commonly Known As: 809 N Cleveland Avenue
Legal Description: 33 1/3 Ft S Side Lot 87 A G Cushings 4th Add

Key Number: 71-08-02-307-025.000-026
Commonly Known As: 737 N Cleveland Avenue
Legal Description: Lot 95 A G Cushings 4th

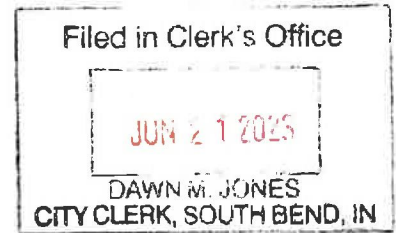
Key Number: 71-08-02-307-026.000-026
Commonly Known As: 735 N Cleveland Avenue
Legal Description: Lot 96 40'N Side A G Cushings 4th Add

Key Number: 71-08-02-311-007.000-026
Commonly Known As: 662 Lawndale Avenue
Legal Description: Lot 6 Pleasant Home Add

Key Number: 71-08-02-311-009.000-026
Commonly Known As: 654 Lawndale Avenue
Legal Description: Lot 8 Pleasant Home Add

Key Number: 71-08-02-326-011.000-026
Commonly Known As: 1217 Van Buren Street
Legal Description: 33 Ft E Side 66 Ft W End Of Lots 81 & 82 & 33 Ft
E Side 66 Ft W End 15 Ft S Side Of Lot 83 A G
Cushings 4th

Key Number: 71-08-02-326-012.000-026
Commonly Known As: 1215 Van Buren Street
Legal Description: 33 Ft W Side 68 Ft E End Lots 81-82 & 33 Ft W Side
68 Ft E Side Of 15 Ft S Side Lot 83 A G Cushings 4th



Key Number: 71-08-02-330-001.000-026
Commonly Known As: 1218 Van Buren Street
Legal Description: 36 Ft X 100 Ft Nw Cor Lot 80 A G Cushings 4th

Key Number: 71-08-02-330-002.000-026
Commonly Known As: 752 Cleveland Avenue
Legal Description: 12 Ft S Side 100 Ft W End Lot 80 & 28 Ft N Side 100 Ft W End Lot 79 A G Cushing 4th

Key Number: 71-08-02-330-003.000-026
Commonly Known As: 1216 Van Buren Street
Legal Description: Lot 80 34'E End & 34'E End 28'N Side Lot 79 A G Cushings 4th Add

Key Number: 71-08-02-330-005.000-026
Commonly Known As: 746 N Cleveland Avenue
Legal Description: 35 Ft S Side Lot 78 A G Cushings 4th

Key Number: 71-08-02-330-006.000-026
Commonly Known As: 744 N Cleveland Avenue
Legal Description: Lot 77 A G Cushings 4th

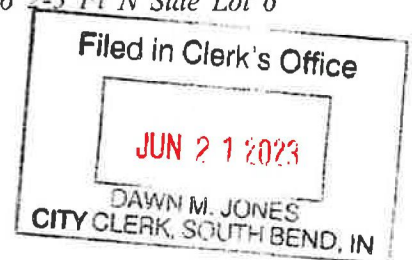
Key Number: 71-08-02-333-013.000-026
Commonly Known As: 716 Sherman Avenue
Legal Description: N 35' Ex 10'X40' Se Side Lot 9 All Of Lots 10 & 11 & 43'S Side Lot 12 Cushing 1st Add

Key Number: 71-08-02-333-014.000-026
Commonly Known As: 702 Sherman Avenue
Legal Description: Lot 9 88 Ft W End 15 Ft S Side & 88 Ft W End Of Lot 8 Cushings 1st

Key Number: 71-08-02-335-001.000-026
Commonly Known As: 632 Sherman Avenue
Legal Description: Lot 7 78 Ft W End 33 1-3 Ft N Side Cushings 1st

Key Number: 71-08-02-335-002.000-026
Commonly Known As: 1014 Lindsey Street
Legal Description: Lot 7 50 Ft E End 33 1-3 Ft N Side Cushings 1st

Key Number: 71-08-02-335-003.000-026
Commonly Known As: 630 Sherman Avenue
Legal Description: 16 2-3 Ft S Side Lot 7 & 16 2-3 Ft N Side Lot 6 Cushings 1st



Key Number: 71-08-02-335-004.000-026
Commonly Known As: 622 Sherman Avenue
Legal Description: 33 1-3 Ft S Side Lot 6 Cushings 1st

Key Number: 71-08-02-356-041.000-026
Commonly Known As: 1411 Linden Avenue
Legal Description: Lot 92 Swygarts 1st Add

Key Number: 71-08-02-407-007.000-026
Commonly Known As: 744 Harrison Avenue
Legal Description: Lot 98 Cushing & Lindsey

Key Number: 71-08-02-407-008.000-026
Commonly Known As: 740 Harrison Avenue
Legal Description: 33 Ft N Side Lot 99 Cushing & Lindsey

Key Number: 71-08-02-407-009.000-026
Commonly Known As: 736 Harrison Avenue
Legal Description: 17 Ft S Side Lot 99 & 16 Ft N Side Lot 100 Cushing & Lindsey

Key Number: 71-08-03-203-028.000-026
Commonly Known As: 1202 Huey Street
Legal Description: Lot 212 Mayrs Mich Ave Add

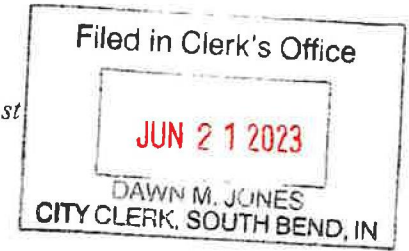
Key Number: 71-08-03-227-014.000-026
Commonly Known As: 1322 N Brookfield Street
Legal Description: Lot 148 C R Smiths 2nd Sub

Key Number: 71-08-03-258-007.000-026
Commonly Known As: 1030 O'Brien Street
Legal Description: Lot 76 Mayrs Mich Ave Add

Key Number: 71-08-03-384-004.000-026
Commonly Known As: 2518 Linden Avenue
Legal Description: Lot 13 Kaleys 1st

Key Number: 71-08-03-384-007.000-026
Commonly Known As: 2506 Linden Avenue
Legal Description: Lot 10 Kaleys 1st

Key Number: 71-08-03-434-013.000-026
Commonly Known As: 630 Johnson Street
Legal Description: Lot 13 Kauffman Place

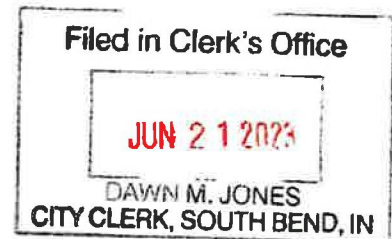


Key Number: 71-08-03-434-031.000-026
Commonly Known As: 641 N Brookfield Street
Legal Description: Lot 24 Kauffman Place

Key Number: 71-08-10-135-006.000-026
Commonly Known As: 2606 W Colfax Avenue
Legal Description: Lot 696 Summit Place 3rd Add

Key Number: 71-08-10-180-027.000-026
Commonly Known As: 218 S Meade Street
Legal Description: Lot 622 Summit Place 3rd

Key Number: 71-08-14-227-001.000-026
Commonly Known As: 900 S Franklin Street
Legal Description: Lot 1 Sample & Lafayette Minor Sub 21/22 NP
#1072 6/22/2020





**STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R7 / 1-21)

Prescribed by the Department of Local Government Finance

| |
|--|
| 20 <u>23</u> PAY 20 <u>24</u> |
| 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 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: **Advantix Development Corporation**

Address of taxpayer:
 Number and Street: **500 SE 10th Street** City: **Evansville** State: **IN** ZIP: **47713**

Name of contact person:
 First Name: **Tim** Last Name: **Martin** Telephone number: **(812) 428-8500** E-mail address: **tim.martin@advantixcorp.com**

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body: **Common Council of the City of South Bend** Resolution number:

Location of property:
 Number and Street: **See attached list** City: State: ZIP: County: **St. Joseph** DLGF taxing district number: **026 (South Bend-Portage)**

Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary):
Construction of 50 new housing units throughout the city using 9% LIHTC funding.

Estimated start date (month, day, year):
 Estimated completion date (month, day, year):

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

| | | | | | |
|----------------|-------------|-----------------|-------------|-------------------|------------------|
| Current Number | Salaries | Number Retained | Salaries | Number Additional | Salaries |
| 0 | \$ 0 | 0 | \$ 0 | 2 | \$ 41,600 |

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

| | REAL ESTATE IMPROVEMENTS | |
|---|--------------------------|----------------|
| | COST | ASSESSED VALUE |
| Current values | \$ 200,000 | \$ 0 |
| Plus estimated values of proposed project | \$ 14,000,000 | \$ 2,295,238 |
| Less values of any property being replaced | \$ 0 | \$ 0 |
| Net estimated values upon completion of project | \$ 14,200,000 | \$ 2,295,238 |

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (pounds) **0** Estimated hazardous waste converted (pounds) **0**

Other benefits

SECTION 6 TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative: *Timothy L. Martin* Date signed (month, day, year): **6/20/2023**

Printed name of authorized representative: **Tim Martin** Title: **COO**

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 12/31/2026. 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: Common Council of the City of South Bend, Indiana | |
| 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.

**Advantix Development Corporation
Form SB-1 / Real Property**

**Parcels subject to abatement confirmed by South Bend
Common Council on July 10, 2023**

Key Number: 71-08-02-187-013.000-026
Commonly Known As: 911 Sherman Avenue
Legal Description: Lot 23 Muessels 1st

Key Number: 71-08-02-187-014.000-026
Commonly Known As: 909 Sherman Avenue
Legal Description: Lot 22 Muessels 1st

Key Number: 71-08-02-304-006.000-026
Commonly Known As: 813 N Cleveland Avenue
Legal Description: 16 2/3 Ft S Side Lot 86 & 16 2/3 Ft N Side Lot 87 A
G Cushings 4th

Key Number: 71-08-02-304-007.000-026
Commonly Known As: 809 N Cleveland Avenue
Legal Description: 33 1/3 Ft S Side Lot 87 A G Cushings 4th Add

Key Number: 71-08-02-307-025.000-026
Commonly Known As: 737 N Cleveland Avenue
Legal Description: Lot 95 A G Cushings 4th

Key Number: 71-08-02-307-026.000-026
Commonly Known As: 735 N Cleveland Avenue
Legal Description: Lot 96 40'N Side A G Cushings 4th Add

Key Number: 71-08-02-311-007.000-026
Commonly Known As: 662 Lawndale Avenue
Legal Description: Lot 6 Pleasant Home Add

Key Number: 71-08-02-311-009.000-026
Commonly Known As: 654 Lawndale Avenue
Legal Description: Lot 8 Pleasant Home Add

Key Number: 71-08-02-326-011.000-026
Commonly Known As: 1217 Van Buren Street
Legal Description: 33 Ft E Side 66 Ft W End Of Lots 81 & 82 & 33 Ft
E Side 66 Ft W End 15 Ft S Side Of Lot 83 A G
Cushings 4th

Key Number: 71-08-02-326-012.000-026
Commonly Known As: 1215 Van Buren Street
Legal Description: 33 Ft W Side 68 Ft E End Lots 81-82 & 33 Ft W Side
68 Ft E Side Of 15 Ft S Side Lot 83 A G Cushings 4th

Key Number: 71-08-02-330-001.000-026
Commonly Known As: 1218 Van Buren Street
Legal Description: 36 Ft X 100 Ft Nw Cor Lot 80 A G Cushings 4th

Key Number: 71-08-02-330-002.000-026
Commonly Known As: 752 Cleveland Avenue
Legal Description: 12 Ft S Side 100 Ft W End Lot 80 & 28 Ft N Side 100
Ft W End Lot 79 A G Cushing 4th

Key Number: 71-08-02-330-003.000-026
Commonly Known As: 1216 Van Buren Street
Legal Description: Lot 80 34'E End & 34'E End 28'N Side Lot 79 A G
Cushings 4th Add

Key Number: 71-08-02-330-005.000-026
Commonly Known As: 746 N Cleveland Avenue
Legal Description: 35 Ft S Side Lot 78 A G Cushings 4th

Key Number: 71-08-02-330-006.000-026
Commonly Known As: 744 N Cleveland Avenue
Legal Description: Lot 77 A G Cushings 4th

Key Number: 71-08-02-333-013.000-026
Commonly Known As: 716 Sherman Avenue
Legal Description: N 35' Ex 10'X40' Se Side Lot 9 All Of Lots 10 & 11
& 43'S Side Lot 12 Cushing 1st Add

Key Number: 71-08-02-333-014.000-026
Commonly Known As: 702 Sherman Avenue
Legal Description: Lot 9 88 Ft W End 15 Ft S Side & 88 Ft W End Of
Lot 8 Cushings 1st

Key Number: 71-08-02-335-001.000-026
Commonly Known As: 632 Sherman Avenue
Legal Description: Lot 7 78 Ft W End 33 1-3 Ft N Side Cushings 1st

Key Number: 71-08-02-335-002.000-026
Commonly Known As: 1014 Lindsey Street
Legal Description: Lot 7 50 Ft E End 33 1-3 Ft N Side Cushings 1st

Key Number: 71-08-02-335-003.000-026
Commonly Known As: 630 Sherman Avenue
Legal Description: 16 2-3 Ft S Side Lot 7 & 16 2-3 Ft N Side Lot 6
Cushings 1st

Key Number: 71-08-02-335-004.000-026
Commonly Known As: 622 Sherman Avenue
Legal Description: 33 1-3 Ft S Side Lot 6 Cushings 1st

Key Number: 71-08-02-356-041.000-026
Commonly Known As: 1411 Linden Avenue
Legal Description: Lot 92 Swygarts 1st Add

Key Number: 71-08-02-407-007.000-026
Commonly Known As: 744 Harrison Avenue
Legal Description: Lot 98 Cushing & Lindsey

Key Number: 71-08-02-407-008.000-026
Commonly Known As: 740 Harrison Avenue
Legal Description: 33 Ft N Side Lot 99 Cushing & Lindsey

Key Number: 71-08-02-407-009.000-026
Commonly Known As: 736 Harrison Avenue
Legal Description: 17 Ft S Side Lot 99 & 16 Ft N Side Lot 100 Cushing
& Lindsey

Key Number: 71-08-03-203-028.000-026
Commonly Known As: 1202 Huey Street
Legal Description: Lot 212 Mayrs Mich Ave Add

Key Number: 71-08-03-227-014.000-026
Commonly Known As: 1322 N Brookfield Street
Legal Description: Lot 148 C R Smiths 2nd Sub

Key Number: 71-08-03-258-007.000-026
Commonly Known As: 1030 Obrien Street
Legal Description: Lot 76 Mayrs Mich Ave Add

Key Number: 71-08-03-384-004.000-026
Commonly Known As: 2518 Linden Avenue
Legal Description: Lot 13 Kaleys 1st

Key Number: 71-08-03-384-007.000-026
Commonly Known As: 2506 Linden Avenue
Legal Description: Lot 10 Kaleys 1st

Key Number: 71-08-03-434-013.000-026
Commonly Known As: 630 Johnson Street
Legal Description: Lot 13 Kauffman Place

Key Number: 71-08-03-434-031.000-026
Commonly Known As: 641 N Brookfield Street
Legal Description: Lot 24 Kauffman Place

Key Number: 71-08-10-135-006.000-026
Commonly Known As: 2606 W Colfax Avenue
Legal Description: Lot 696 Summit Place 3rd Add

Key Number: 71-08-10-180-027.000-026
Commonly Known As: 218 S Meade Street
Legal Description: Lot 622 Summit Place 3rd

Key Number: 71-08-02-459-001.000-026
Commonly Known As: 622 W Marion Street
Legal Description: Lot 5 & 6 Smith & Jackson Sub

Key Number: 71-08-02-459-003.000-026
Commonly Known As: 620 W Marion Street
Legal Description: Lot 7 Smith & Jackson Sub

Key Number: 71-08-02-459-004.000-026
Commonly Known As: 618 W Marion Street
Legal Description: Lot 8 Smith & Jackson Sub

Key Number: 71-08-02-459-002.000-026
Legal Description: 21.5 Ft W End Lot 11 Smith & Jacksons Sub.

Key Number: 71-08-02-459-005.000-026
Commonly Known As: 425 Leland Avenue
Legal Description: Lot 11 Ex 21.5 Ft W Side Smith & Jacksons Sub.

Key Number: 71-08-02-459-006.000-026
Commonly Known As: 421 Leland Avenue
Legal Description: Lot 10 Smith & Jacksons Sub

Key Number: 71-08-02-459-007.000-026
Commonly Known As: 419 Leland Avenue
Legal Description: Lot 9 Smith & Jacksons Sub

Key Number: 71-08-02-459-008.000-026
Legal Description: Lots 1 2 3 & 4 Smith & Jacksons Sub

Key Number: 71-08-02-185-017.000-026
Commonly Known As: 901 Blaine Avenue
Legal Description: Lot 115 Muessels 2nd

Key Number: 71-08-02-185-016.000-026
Commonly Known As: 905 Blaine Avenue
Legal Description: Lot 116 Muessels 2nd

Aerial and Street Views

Scattered Sites on the West and Northwest Side of the City









View Looking North-Northwest from S. Lafayette Blvd.



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



CITY OF SOUTH BEND

COMMUNITY INVESTMENT

Filed in Clerk's Office

JUL 05 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

July 5, 2023

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

RE: **Declaratory Resolution**: Personal Property Tax Abatement Petition for **Crossroads Solar Enterprises LLC**

Dear Council Member Tomas Morgan:

Please find the enclosed information pertaining to a personal property tax abatement petition submitted by Crossroads Solar Enterprises LLC, an Indiana Limited Liability Company. The abatement would apply to new equipment to be installed at 1901 N. Bendix Drive in South Bend. This petition package includes:

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

The report contains the Department's findings relative to the above-mentioned petition. The petitioner plans to purchase and install a new construction line at a cost of \$1,000,000. The investment is projected to quadruple the production of solar panels and will enable Crossroads to hire 15 new full-time employees.

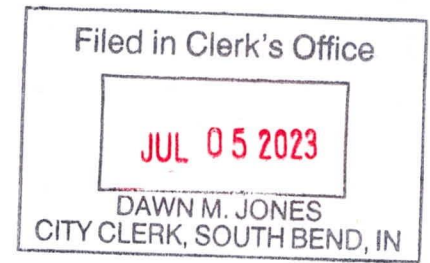
The project meets the requirements established by Sections 2-79 et seq. and would qualify for a five-year (5) personal property tax abatement. A representative from Crossroads Solar Enterprises LLC will be available to meet with the Committee on Monday, July 10, 2023.

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

Sincerely,

Erik Glavich
Director, Growth and Opportunity

BILL NO. 23-45
RESOLUTION NO. 5042-23



**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**

1901 N. Bendix Drive, South Bend, IN 46628

**AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A
FIVE-YEAR (5) PERSONAL PROPERTY TAX ABATEMENT FOR**

Crossroads Solar Enterprises LLC

WHEREAS, a petition for personal property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area commonly known as 1901 N. Bendix Drive, South Bend, Indiana 46628, and which is more particularly described as:

Business Personal Property

and which has Key Numbers to be assigned, be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq. and South Bend Municipal Code Sections 2-76 et seq.; and

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

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

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

SECTION I. The Common Council hereby determines and finds pursuant to Indiana Code 6-1.1-12.1-4.5 et seq. that:

A. The estimate of the cost of the new industrial and manufacturing equipment is reasonable for equipment of that type;

B. The estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed installation of new industrial and manufacturing equipment;

C. The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed installation of new industrial and manufacturing equipment;

D. Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed new industrial and manufacturing equipment; and

E. The totality of benefits is sufficient to justify the deduction requested.

SECTION II. The Common Council hereby determines and finds that the proposed new industrial and manufacturing equipment can be reasonably expected to yield the benefits identified in the Statement of Benefits as set forth in Sections 1 through 3 of the Petition for Personal Property Tax Abatement Consideration and that Statement of Benefits form completed by the petitioner, said form being prescribed by the State Board of Accounts, are sufficient to justify the deduction granted under Indiana Code 6-1.1-12.1-4.5.

SECTION III. The Common Council hereby accepts the report and recommendation of the Department of Community Investment and the Community Investment Committee's favorable recommendation that the area herein described be designated as an Economic Revitalization Area for purposes of personal property tax abatement and hereby makes such a designation.

SECTION IV. The Common Council determines that such designation is for personal property tax abatement only and shall expire on December 31, 2026.

SECTION V. The Common Council hereby determines that the property owner is qualified for and is granted 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 - 95%
Year 3 - 90%
Year 4 - 85%
Year 5 - 80%

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

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.

Sharon McBride, Council President
South Bend Common Council

Attest:

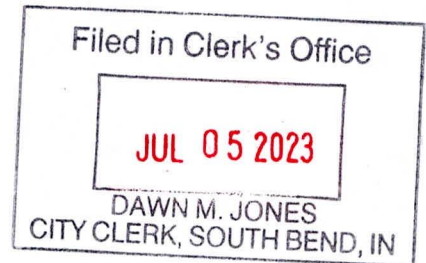
Dawn M. Jones, City Clerk
Office of the City Clerk

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: Personal Property Tax Abatement Petition for **Crossroads Solar Enterprises LLC**

DATE: July 5, 2023

On July 5, 2023, a petition for tax abatement from Crossroads Solar Enterprises LLC was filed with the Office of the City Clerk. The petition seeks consideration for a personal property tax abatement for property located at 1901 N. Bendix Drive in South Bend.

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

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

Project Summary

- Crossroads Solar Enterprises LLC is purchasing equipment for \$1 million to create a second production line. This investment will greatly enhance production and will enable Crossroads Solar to hire 15 new full-time employees by the end of 2023.
- Crossroads Solar's goal is to produce top quality solar panels with people who have made mistakes, creating second chances, and fostering a greener earth one panel at a time. The company's employees are released felons who have served their time and earned the opportunity to reenter the workforce with dignity.
- Crossroads Solar recently moved production to 1901 N. Bendix Drive after outgrowing their former space located on E. Sample Street.

Employment Impact

- Crossroads Solar will retain the 14 employees currently working at the facility.
- By the end of 2023, the petitioner expects to hire at least 15 new full-time employees with an estimated total annual payroll of approximately \$750,000.

Tax Estimates

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

- Estimated personal property taxes on the new equipment during the five-year (5) abatement period: \$80,573
 - Estimated taxes being abated during the abatement period: \$68,651
 - Estimated taxes to be paid during the abatement period: \$11,922

Abatement Qualification

1. A review of the tax abatements previously granted finds that the petitioner has not been granted or is associated with a previous abatement.
2. The property is properly zoned for the proposed project.
3. Taxes on the property have been paid in full.
4. A review of the South Bend Redevelopment designation areas finds that the property is in the River West Development Area.
5. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner meets the qualifications for a 5-year personal property tax abatement under Division 10 (Personal Property Tax Abatement), Section 2-84.2 (Tangible Personal Property Tax Abatement).

Crossroads Solar Enterprises LLC

*South Bend Portage Township
Personal Property Tax Abatement Schedule **

Estimated Equipment Cost: \$ 1,000,000
 Asset Pool: Pool #3 (9-12 years)
 Property Address: 1901 N. Bendix Drive
 Tax Key Number: TBD

| | <u>Year 1</u> | <u>Year 2</u> | <u>Year 3</u> | <u>Year 4</u> | <u>Year 5</u> |
|-------------------------------------|---------------|---------------|---------------|---------------|---------------|
| <i>Assessed Value (AV)</i> | | | | | |
| True Tax Value (TTV) | 40% | 60% | 55% | 45% | 37% |
| New Base (Equipment Cost x TTV) | 400,000 | 600,000 | 550,000 | 450,000 | 370,000 |
| <i>Abatement</i> | | | | | |
| Abatement Deduction | 100% | 95% | 90% | 85% | 80% |
| | (400,000) | (570,000) | (495,000) | (382,500) | (296,000) |
| Net Assessed Value | - | 30,000 | 55,000 | 67,500 | 74,000 |
| <i>Property Taxes</i> | | | | | |
| Assume constant tax rate of 5.2897% | | | | | |
| Gross Tax (Tax Rate x Net AV) | - | 1,587 | 2,909 | 3,571 | 3,914 |
| Debt Service (0.3997% of Net AV) | - | 120 | 220 | 270 | 296 |
| Local Tax Credit (8.7112% of GT-DS) | - | (128) | (234) | (288) | (315) |
| Circuit Breaker Credit | - | - | - | - | - |
| Taxes Due | \$ - | \$ 1,579 | \$ 2,895 | \$ 3,553 | \$ 3,895 |
| <i>Circuit Breaker Cap</i> | | | | | |
| | 3% | 3% | 3% | 3% | 3% |
| | 12,000 | 18,000 | 16,500 | 13,500 | 11,100 |

| Year | Abatement | New Projected Tax | Taxes Abated | Net Taxes Paid |
|--------------------------|-----------|-------------------|-----------------|----------------|
| 1 | 100% | \$ 13,599 | \$ (13,599) | \$ - |
| 2 | 95% | 20,398 | (18,819) | 1,579 |
| 3 | 90% | 18,698 | (15,803) | 2,895 |
| 4 | 85% | 15,299 | (11,746) | 3,553 |
| 5 | 80% | 12,579 | (8,684) | 3,895 |
| Years 1-5 Total: | | 80,573 | (68,651) | 11,922 |
| <i>Years 6-10 Total:</i> | | <i>35,017</i> | <i>-</i> | <i>35,017</i> |

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



Department of Community Investment
 City of South Bend

Filed in Clerk's Office

JUL 05 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

City of South Bend Petition for Incentives

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

Instructions: Complete pages 1-B AND the proper Form SB-1 for the type of abatement (real property or personal property) for which you are applying.

| General Information | | Project Name | Project Number | |
|---|----------------------|---|---|----------------------------------|
| Legal name as registered with Secretary of State | | Crossroads Solar Enterprises LLC | | |
| Business structure | | LLC | | |
| Company website | | crossroads-solar.com | | |
| Proposed Project Information | | | | |
| Proposed project address | | 1901 N. Bendix Dr | Parent company name | Crossroads Solar Enterprises LLC |
| City, State, Zip | South Bend, IN 46628 | Legal owner | Crossroads Solar Enterprises LLC | |
| Site acreage or acreage required | | Is the real estate owned or leased? | Owned | |
| Square feet of facility | | If leased, by whom? | N/A | |
| Primary Contact Information | | | | |
| Primary company contact name | | Patrick Regan | Title | President |
| Address of company contact | | 1901 N. Bendix Dr | Phone | 607-759-1058 |
| City, State, Zip | South Bend, IN 46628 | Email | patrickregan@crossroads-solar.com | |
| Senior Official Information | | | | |
| Company senior official name | | See above | Title | |
| Address of company contact (if different from above) | | | Phone | |
| City, State, Zip | | Email | | |
| Consultant Information/Agent | | | | |
| Hired business consultant/agent name | | N/A | 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 | | <p>We are currently expanding our productive capacity and workforce and have purchased a new (and much larger) assembly line. This expansion will require doubling our workforce. We have plans for 2025 to add another assembly line to further expand opportunities.</p> <p>Crossroads Solar produces solar panels for the solar industry, we do so with men and women reintegrating from incarceration back into society. We provide jobs and opportunities for these men and women where otherwise they may struggle.</p> | | |
| 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 | N/A |
| If this is a petition for personal property tax abatement, has the equipment been installed? | | No | | |

| Investment Details | | | |
|--|------------------------------------|--|---|
| Public infrastructure needs (Off-site of project in dollars) | Has any 504 funding been received? | What is the value of any equipment being purchased in Indiana for the project? | What is the value of any equipment being purchased from out of state for the project? |
| N/A | N/A | 0 | \$1,000,000 |

| New Project Investments | | | | | | | | |
|--------------------------------|----------------|------------------------|-----------------|------------------------|----------------|----------------|----------------|----------------|
| Calendar Year | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 |
| Land Acquisition | | | | | | | | |
| Building Lease Payments | | \$ 80,000.00 | \$ 85.00 | | | | | |
| Building Purchase Costs | | | | | | | | |
| New Building Construction | | | | | | | | |
| Existing Building Improvements | | | | | | | | |
| New Machinery & Equipment | | \$ 1,000,000.00 | | \$ 1,000,000.00 | | | | |
| Special Tooling/Retrofitting | | | | | | | | |
| New Furniture/Fixtures | | | | | | | | |
| New Computer/IT Hardware | | | | | | | | |
| New Software | | | | | | | | |
| On-site Rail Infrastructure | | | | | | | | |
| On-site Fiber Infrastructure | | | | | | | | |
| TOTAL | \$ 0.00 | \$ 1,080,000.00 | \$ 85.00 | \$ 1,000,000.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 | \$ 0.00 |

| Full-Time Permanent Indiana-Resident Positions by Calendar Year | | | | | | |
|---|---------------|--|---|--|---|--|
| Calendar Year | Jobs retained | Hourly average wage, w/o benefits or bonuses | Cumulative # of net NEW full time permanent jobs created at project | Hourly average wage, w/o benefits or bonuses, of cumulative net new jobs | Total training expenditure - not cumulative | Total # to be trained - not cumulative |
| 2023 | 14 | \$ 20.80 | 15 | \$ 25.00 | | 15 |
| 2024 | | | | | | |
| 2025 | | | 15 | \$ 26.00 | | 15 |
| 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 | \$ 18.00 | |
| Technical | \$ 25.00 | |
| Managerial | \$ 25.00 | |
| Administrative | \$ 40.00 | |

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 | 2 | | 4 | | 4 | |
| Hispanic | 1 | | 2 | | | |
| Asian | | | | | | |
| Indian | | | | | | |
| Female | 3 | | 4 | | 1 | |
| Other | | | | | | |

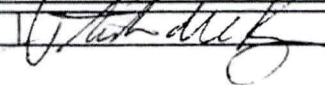
We only hire men and women coming out of prison. Our population to some degree dictates our commitment to diversity but our judicial system largely shapes our eligible pool of applicants. We work a lot with SB reentry and a lot with the SB parole system. The diversity of our labor force fluctuates in part because our willingness to hire from the reentry program. When our workers "go home" from the Center we often lose diversity for a short time period.

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

Public Benefit Item:

| Information is required on both the construction companies and the companies which will provide materials purchased for this project. Please complete the table below with the appropriate information. If you qualify for the points, please enter the full amount of available points. | | Qualify (Yes or No) | Earned Points | Available Points | |
|--|--|--|---------------|------------------|-----|
| 1 | Construction Related (Contractors): | | | | |
| | A. | Employ Local Companies (75%) | | 20 | |
| | B. | Purchase Materials from Local Companies (75%) | | 20 | |
| | C. | Require Employees vs. Independent Contractors | | 19 | |
| | D. | Require Prevailing Wage | | 22 | |
| | E. | Require Health Benefits | | 22 | |
| | F. | Require Retirement Benefits | | 18 | |
| | G. | Maintain Affirmative Action Plan | | 20 | |
| | | Sub-total Construction Related: | | 0 | 141 |
| 2 | Wage & Benefit Related (Owner): | | | | |
| | A. | Pay Target Wage Levels | Y | 33 | 33 |
| | B. | Provide Health Benefits | Y | 34 | 34 |
| | C. | Provide Retirement Benefits | Y | 29 | 29 |
| | D. | Provide Training | Y | 28 | 28 |
| | E. | Provide Child Care | | | 15 |
| | F. | Provide Transportation Assistance | | | 14 |
| | G. | Provide Employer Assisted Housing program | | | 9 |
| | Sub-total Wage & Benefit Related: | | 124 | 162 | |
| 3 | Workforce Related: | | | | |
| | A. | Create New Jobs | Y | 42 | 42 |
| | B. | Retain Existing Jobs | Y | 41 | 41 |
| | C. | Maintain Affirmative Action Plan | Y | 35 | 35 |
| | D. | Provide Targeted Hiring Preference | Y | 34 | 34 |
| | Sub-total Workforce Related: | | 152 | 152 | |
| 4 | Support a Municipal Facility: | | | | |
| | A. | Support a SB Municipal Facility (donations to the zoo, conservatory, museum, etc.) | N | 0 | 84 |
| | Name of Facility | | | | |
| | Sub-total Municipal Facility: | | 0 | 84 | |
| Sub-total from Above: | | | 276 | 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:  **Date:** 7/1/2023

| For Staff Use Only Below This Line | | | | |
|--|---|--|--------------------------|---------------|
| N/A - Personal Property: New Assembly Line | | | | |
| What is the current assessed value? | Real Property: | | Personal Property: | |
| What is the projected assessed value? | Real Property: | | Personal Property: | |
| What is the tax key number for this project? | | | | |
| What is the six digit NAICS code? | | | | |
| Please attach a Google map and street view of the location. | | | | |
| Please list the amount of real and personal property taxes paid for the last five years when applicable. | | Real Property Taxes: | Personal Property Taxes: | |
| Year One | | | \$6,123.10 | |
| Year Two | | | \$4,364.98 | |
| Year Three | | | | |
| Year Four | | | | |
| Year Five | | | | |
| Please fill out the following Public Benefit Summary Information and add to total from above. | | | | |
| | | <u>Y or N</u> | <u>Points</u> | <u>Points</u> |
| Public Benefit Item: | | | | |
| Project Related: | | | | |
| 5 | A. | Redevelop a Site that has Special Needs | | 49 |
| | B. | Develop Based on Local University Research | | 35 |
| | C. | Achieve a Physical Element of a Plan | | 36 |
| | | | | |
| | Sub-total Project Related: | | | |
| 6 | Super Size Projects (point values are cumulative): | | | |
| | A. | 100% to 199% | | 25 |
| | B. | 200% to 299% | | 68 |
| | C. | 300% to 399% | | 65 |
| | D. | 400% and Over | | 52 |
| | Sub-total Super Size Projects: | | | |
| 7 | Pay for Municipal Infrastructure: | | | |
| | A. | Pay for Oversizing or Upgrading | | 14 |
| | B. | Pay for 26-50% of Extension Cost | | 26 |
| | C. | Pay for 51-75% of Extension Cost | | 39 |
| | D. | Pay for 76-100% of Extension Cost | | 52 |
| | Sub-total Infrastructure Related: | | | |
| Total from Applicant Section: | | | 276 | 539 |
| Total from Staff Section: | | | 0 | 461 |
| Total Public Benefit Points: | | | 276 | 1000 |

Filed in Clerk's Office

JUL 05 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN



STATEMENT OF BENEFITS
PERSONAL PROPERTY

State Form 51754 (RS / 1-21)

Prescribed by the Department of Local Government Finance

Filed in Clerk's Office

JUL 05 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

FORM SB-1 / PP

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 5-1-1-12.1-5.1

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 a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment 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 installation of qualifying abatable equipment for which the person desires to claim a deduction.
3. To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between January 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional unless a filing extension has been obtained. A person who obtains a filing extension must file the form between January 1 and the extended due date of that year.
4. Property owners whose Statement of Benefits was approved, must submit Form CF-1/PP annually to show compliance with the Statement of Benefits. (IC 6-1-1-12.1-5.6)
5. For a Form SB-1/PP 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/PP 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: Crossroads Solar Enterprises LLC, Patrick Regan, 1901 N. Bendix Dr, South Bend, IN 46628. SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT: Common Council of the City of South Bend, 1901 N. Bendix Dr, St. Joseph County, DLGF taxing district number 026. SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT: Current 14 employees, \$582,400 salaries; 15 additional employees, \$750,000 salaries. SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT: Manufacturing equipment \$1,000,000. SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER: 0 pounds solid waste converted. SECTION 6 TAXPAYER CERTIFICATION: Patrick M. Regan, President, signed 7/1/2023.

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

- 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. Installation of new manufacturing equipment; Yes No Enhanced Abatement per IC 6-1.1-12.1-18
 - 2. Installation of new research and development equipment; Yes No *Check box if an enhanced abatement was approved for one or more of these types.*
 - 3. Installation of new logistical distribution equipment. Yes No
 - 4. Installation of new information technology equipment. Yes No
- C. The amount of deduction applicable to new manufacturing equipment is limited to \$ _____ cost with an assessed value of \$ _____. *(One or both lines may be filled out to establish a limit, if desired.)*
- D. The amount of deduction applicable to new research and development equipment is limited to \$ _____ cost with an assessed value of \$ _____. *(One or both lines may be filled out to establish a limit, if desired.)*
- E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ _____ cost with an assessed value of \$ _____. *(One or both lines may be filled out to establish a limit, if desired.)*
- F. The amount of deduction applicable to new information technology equipment is limited to \$ _____ cost with an assessed value of \$ _____. *(One or both lines may be filled out to establish a limit, if desired.)*
- G. Other limitations or conditions (specify) _____
- H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction is allowed for:
- Year 1 Year 2 Year 3 Year 4 Year 5 Enhanced Abatement per IC 6-1.1-12.1-18
 - Year 6 Year 7 Year 8 Year 9 Year 10 *Number of years approved: _____*
- (Enter one to twenty (1-20) years; may not exceed twenty (20) years.)*
- I. 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.

Also we have 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 by: (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.

IC 6-1.1-12.1-17

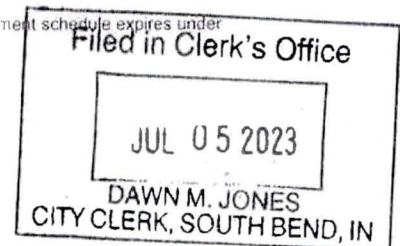
Abatement schedules

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.

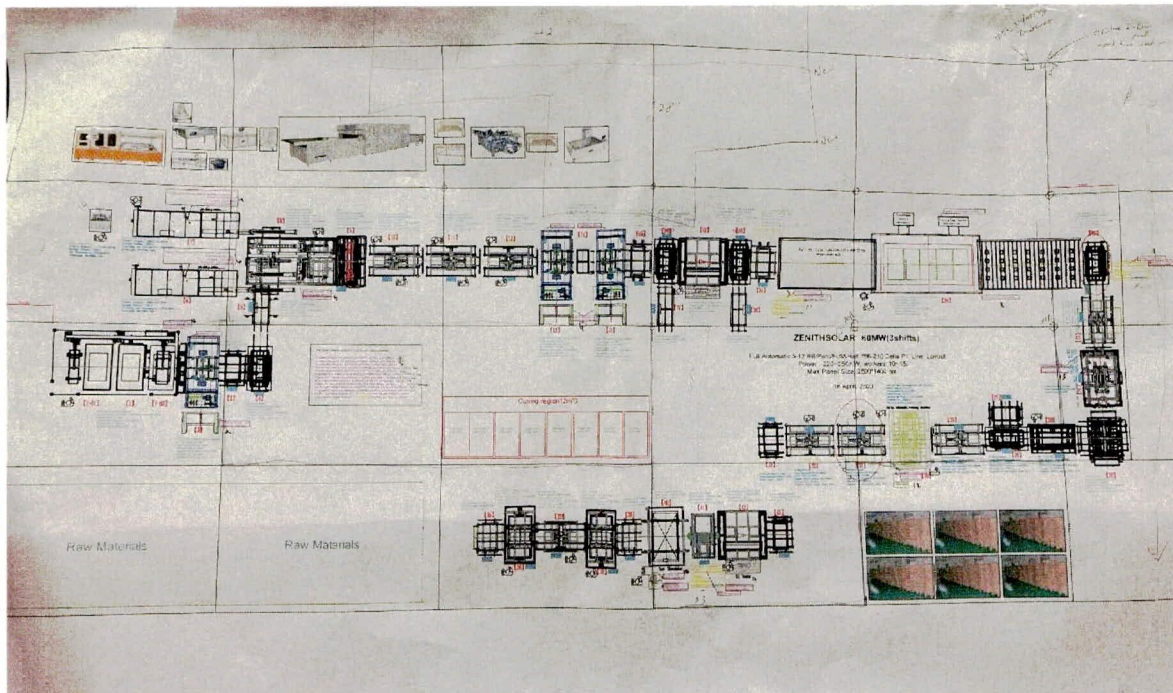
(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.



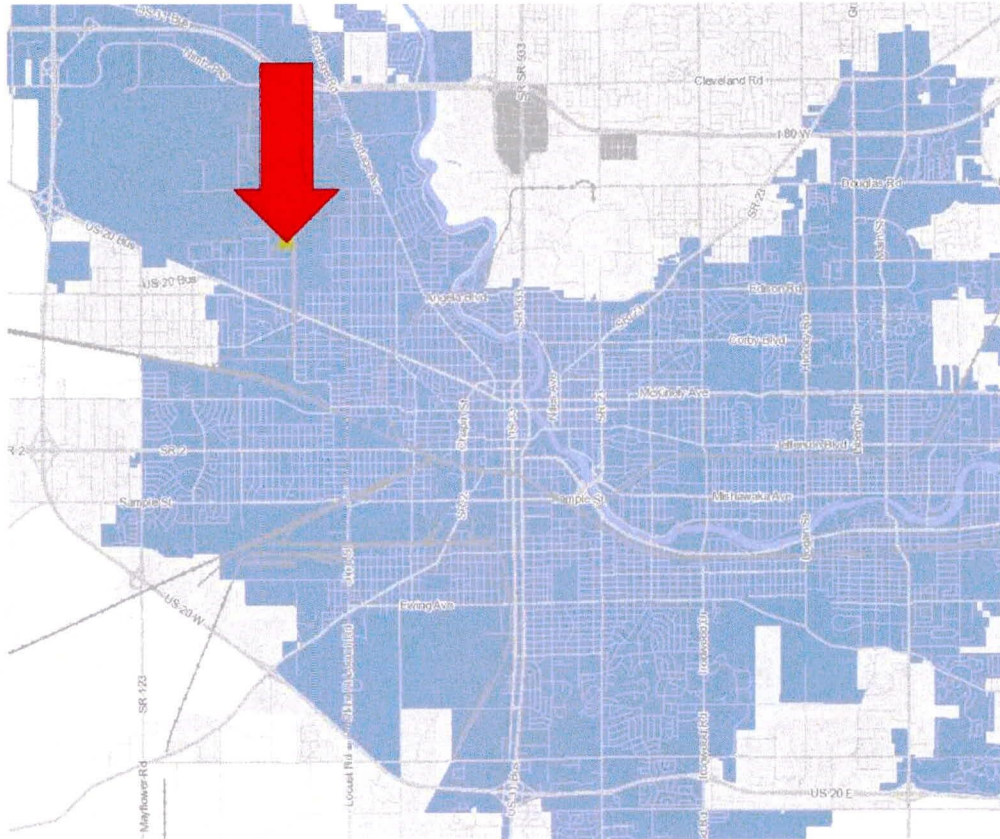
Current solar panel construction line located at 1901 N Bendix Dr.



Diagram for second solar panel assembly line



Aerial and Street Views



View Looking West from N Bendix Dr



Filed in Clerk's Office

JUL 05 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

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



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

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

May 23, 2023



Mr. Praveen Gulati

Peak Investment & Asset Management, LLC
5199 Gardenia Ct.
West Lafayette, IN 47906
Praveeng217@gmail.com

RE: Alley/Street Vacation – 1405 Portage Ave.
Northwest Corner of Portage Ave. And Elmwood Runs North-South Between Lot 8 And Lot C Towards
An East-West 14' Alley Right-Of-Way (Preliminary Review)

Dear Mr. Gulati:

At its May 23, 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. If you still wish to pursue this alley vacation, please bring this BPW Recommendation Packet to the City Clerk's Office, located on the 4th floor of the County-City Building. Alley/Street vacations require a presentation to the Common Council, approval of an ordinance, and certification of the ordinance from the Mayor. The property then must be recorded with the Recorder's Office to ensure that your 50% ownership of the property is appropriately transferred to your name. If you have any questions about how the alley vacation will affect your property taxes, please contact the Auditor's Office.

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,

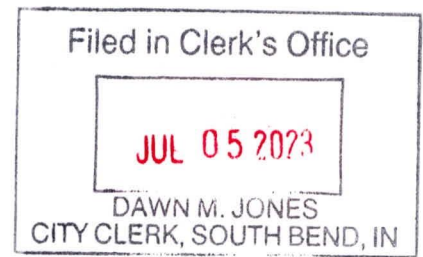
/s/ Theresa Heffner

Theresa Heffner, Clerk

Enclosures
TH/lh

BILL NO. 46-23

ORDINANCE NO.



**AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED
PROPERTY: ALLEY BETWEEN 1301 ELWOOD AVENUE AND 1405
PORTAGE AVENUE**

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:

ALL OF THE 14-FOOT WIDE ALLEY LYING BETWEEN LOT 8 AND LOT "C" IN VICTORY ADDITION TO THE CITY OF SOUTH BEND, INDIANA, AS SHOWN ON THE PLAT THEREOF, RECORDED IN PLAT BOOK 10, PAGE 85 AS FOUND IN THE OFFICE OF THE RECORDER OF ST. JOSEPH COUNTY, INDIANA.

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 properties may be injuriously or beneficially affected by such vacating:

LOT 8 VICTORY ADD (PARCEL ID: 018-2182-6829)

LOT C VICTORY ADD & VAC ALLEY N & ADJ & EX SE TRI COR TO
CITY 20/21 CON W/ 018-2182-6830 PER ASSESSORS REQ IC 6-1.1-5-16
(PARCEL ID: 018-2182-6831)

SECTION IV. The purpose of the vacation of the real property is to combine right-of-way with adjacent properties for new proposed development.

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

Sharon McBride, Council President
South Bend Common Council

Attest:

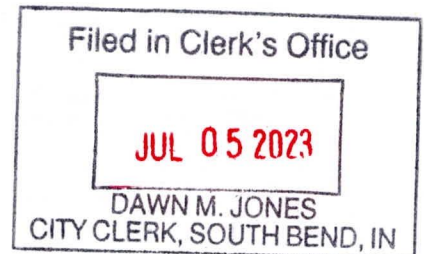
Dawn M. Jones, City Clerk
Office of the City Clerk

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

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

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

James Mueller, Mayor
City of South Bend





**INTEROFFICE MEMORANDUM
BOARD OF PUBLIC WORKS**



DATE: April 6, 2023

TO: Kyle Ludlow, Public Works
Kara Boyles, Engineering
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: Peak Investment and Asset Management, LLC, Praveen Gulati

LOCATION: 1405 Portage Avenue

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/ENGINEERING: Favorable

COMMUNITY INVESTMENT: Favorable recommendation.

FIRE: Favorable

POLICE: Favorable recommendation



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

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

Date: 4/6/2023 Phone #: 765 4120756
 Name: PEAK INVESTMENT AND ASSET MANAGEMENT, LLC Email: praveeng217@gmail.com
 Property Address: 1405 PORTAGE AVENUE, SOUTH BEND, IN 46628

Applicant property information: Residential Commercial Industrial

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

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

Reason for street/alley vacation and proposed use:
TO BUILD A NEIGHBORHOOD SHOPPING CENTER

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

OFFICE USE ONLY:

Board Recommendation: Yes No

CITY OF SOUTH BEND, INDIANA
 BOARD OF PUBLIC WORKS

Elizabeth A. Maradik
 Elizabeth A. Maradik, President

Gary A. Gilot
 Gary A. Gilot, Member

Murray L. Miller
 Murray L. Miller, Member

Joseph R. Molnar
 Joseph R. Molnar, Vice President

Jordan V. Gathers
 Jordan V. Gathers, Member

Theresa M. Heffner
 Attest: Theresa M. Heffner, Clerk

Date: May 23, 2023

Puzzello Architecture Practice
3801 N Meridian Street #902
Indianapolis, Indiana 46208

April 3, 2023

Praveen Gulati
Peak Investment and Asset Management, LLC


RE: RE: Portage Avenue – Alley Vacation Petition

Dear Praveen:

In reference to the proposed development at the Northwest corner of Portage and Elmwood, the alley vacation petition that is associated with the proposed development is described as followed:

The 14' X 118' gravel alley right-of-way that runs north-south, between Lot '8' and Lot 'C' towards an east-west 14' alley right-of-way, is proposed to be vacated. An extension of the east-west alley right-of-way at the north side of Lot '7' and Lot '8' is proposed to be extended all the way to Portage Avenue, discharging at Portage Avenue. This would require deeding 14' of property at the north side of Lot 'C' to public right-of-way.

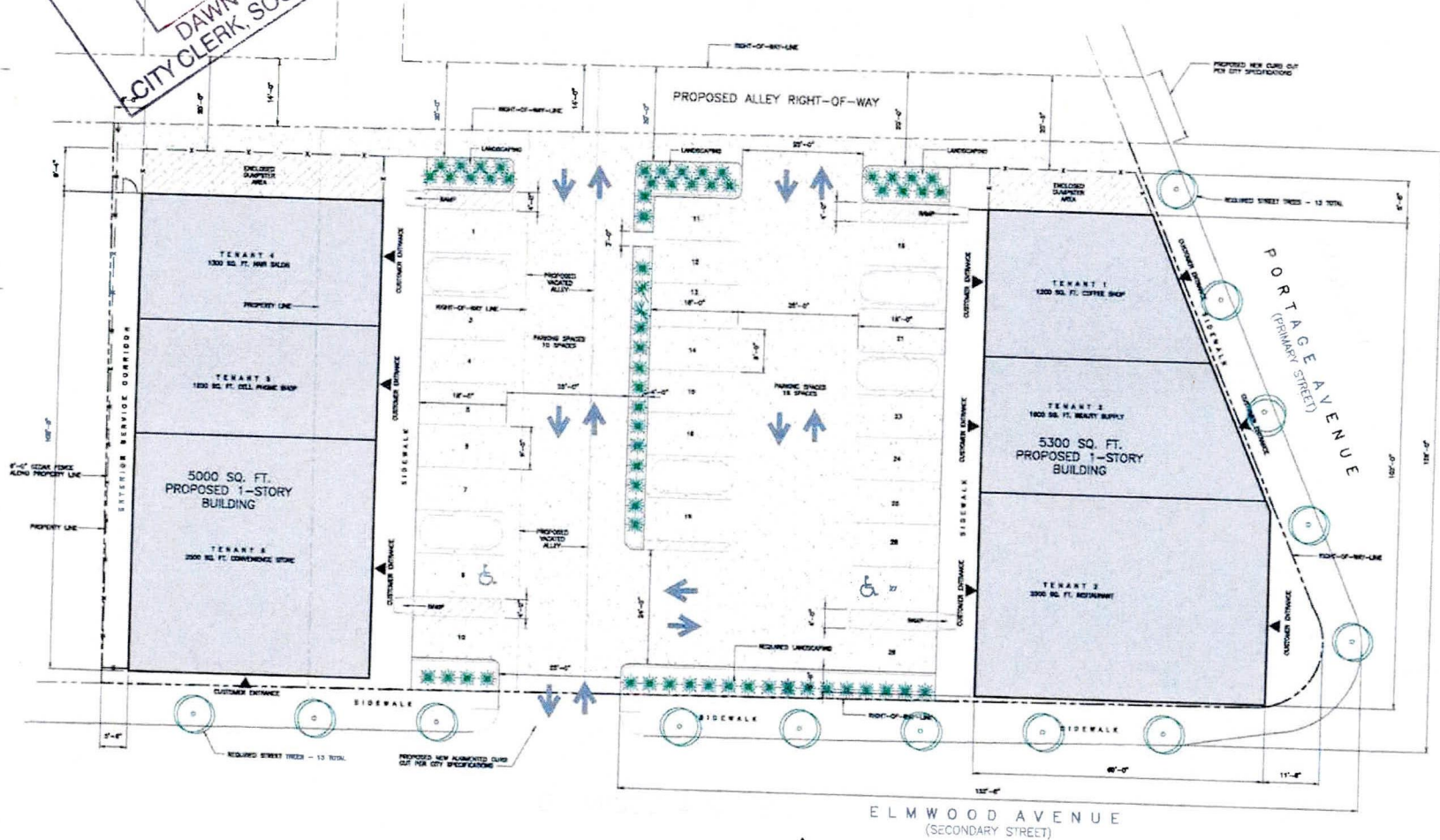
Let me know if you have any further questions.



Paul D. Puzzello RA
Architect



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



1 PROPOSED SITE DEVELOPMENT PLAN
 SCALE: 1"=10'-0"

PUZZELLO ARCHITECTURE PRACTICE
 1000 N. W. ...
 SOUTH BEND, INDIANA

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

| |
|----------------------------|
| CERTIFICATION |
| PROJECT NUMBER 2309 |
| DESIGNED BY M. PUZZELLO |
| CHECKED BY M. PUZZELLO |
| REVISIONS |

SHEET NAME:
 PROPOSED SITE DEVELOPMENT PLAN
 DRAWING ISSUE DATE:
 3 APRIL 2023

SHEET NUMBER
S1

SD Filed AA

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



018-2182-6828
018-2182-6829

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

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

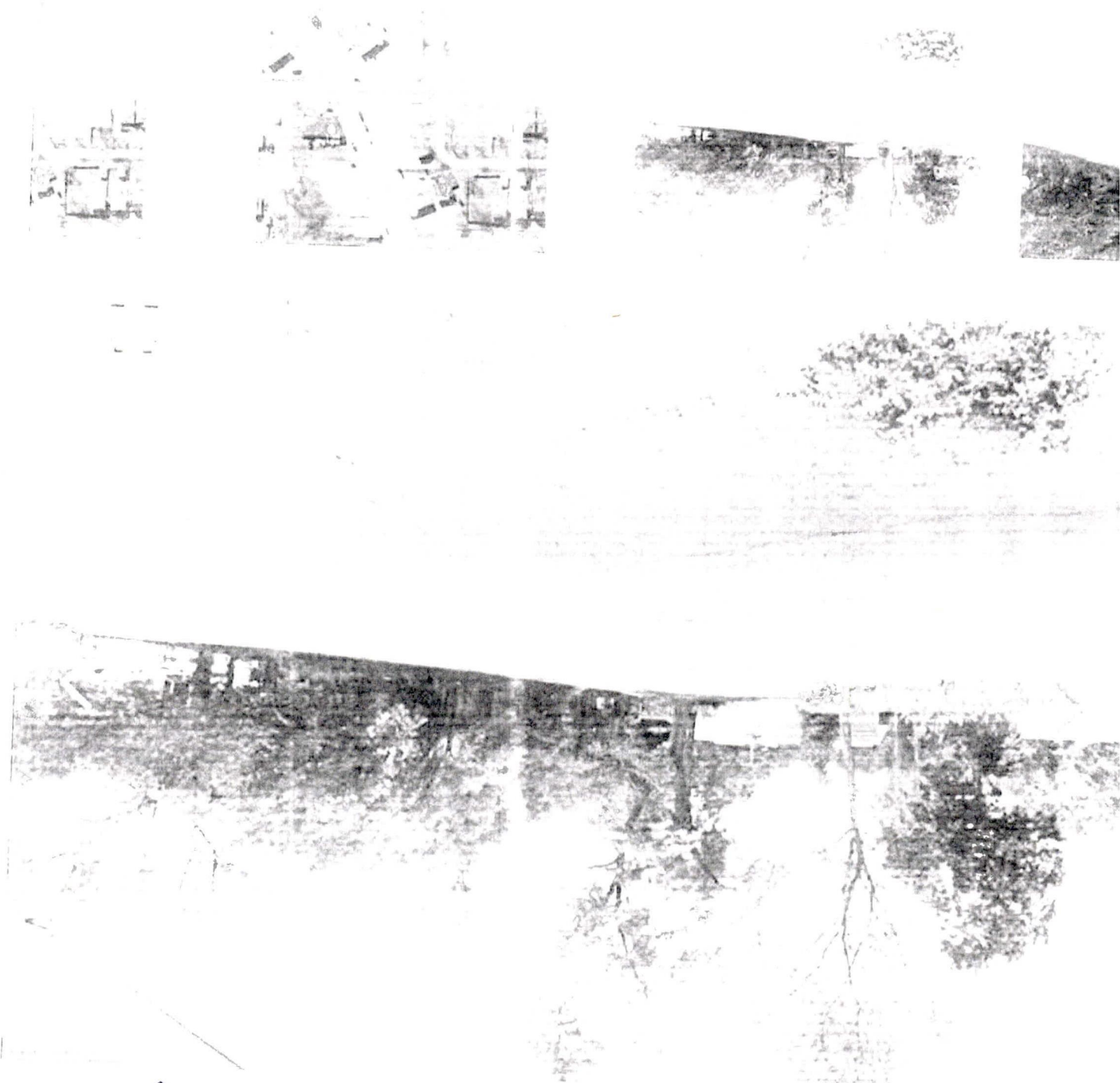




Exhibit A

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
JUL 05 2023
DAWN M. JONES
CITY CLERK SOUTH BEND, IN



1325
018-2182-6824
1321

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394102
018-1094-3940
1355

1407
018-2166-6060
1434

NI PORTAGE AVE

018-2166-6073
1239

1430
018-216

WELWOOD AVE

018-2166-6084
018-2166-6085
1402 1400

WIKING ST

018-2166-6075

018-2166-6062
1258

018-2166-6076
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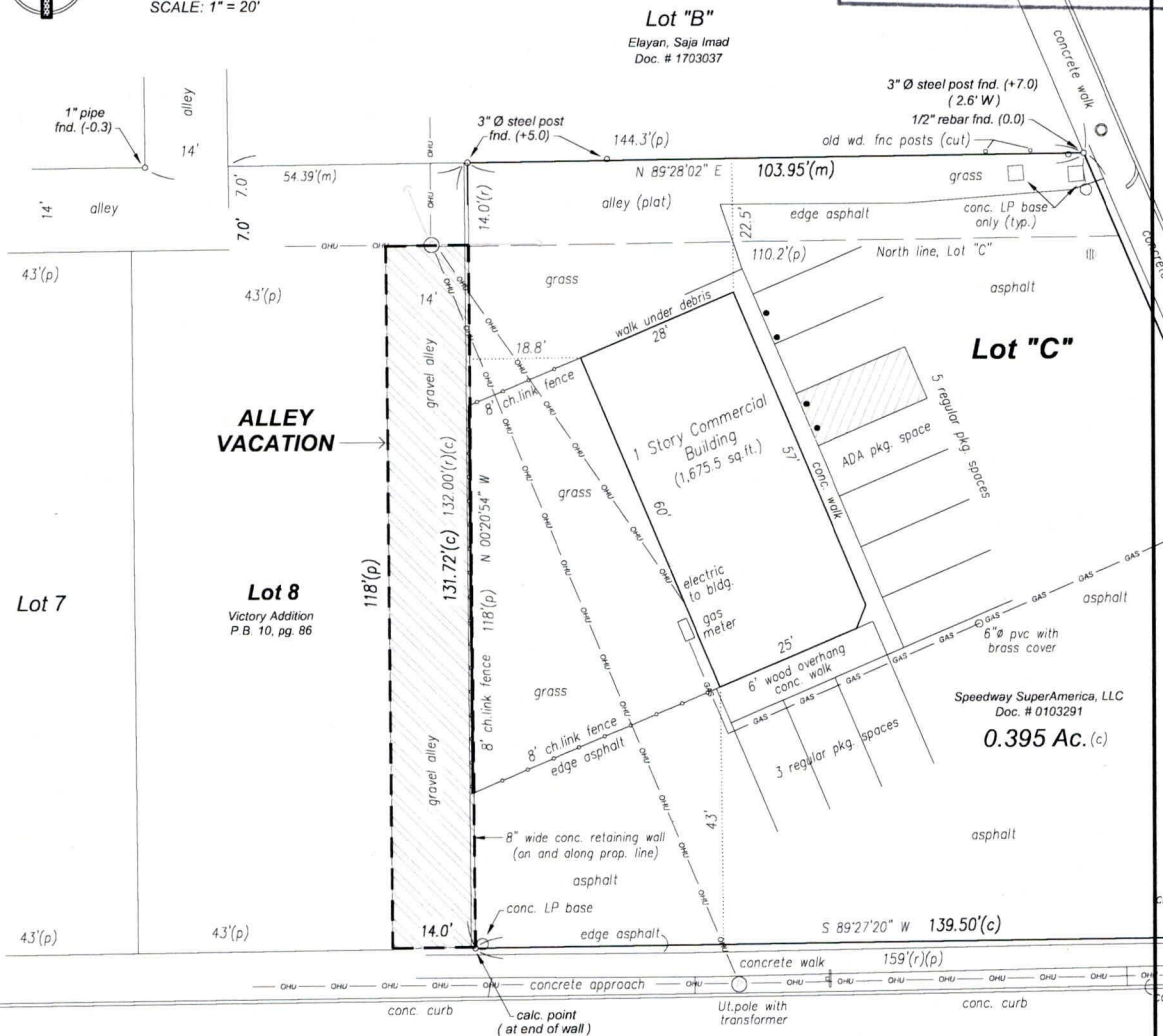
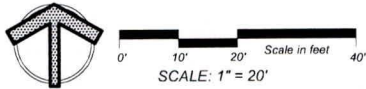
018-2166-6065

Filed in Clerk's Office
 JUL 05 2023
 CITY CLERK, SOUTH BEND, IN

| Name | Mailing Address | Proper Address |
|--|--|---|
| Elwood Shopping Center LLC c/o Spigel Properties, LLC | 70 NE Loop 410 Ste. 185 San Antonio, TX 78216 | 1302 Elwood Ave. South Bend, IN 46628 |
| Lakshmi Properties LLC | 14875 Cranford Ct. Granger, IN 46530 | 1355 Portage Ave. South Bend, IN 46628 1347 Portage Ave. South Bend, IN 46628 |
| Shark Investments LLC | PO Box 11664 South Bend, IN 46634 | 1310 King St. South Bend, IN 46628 |
| Elayan Saja Imad | 51041 Hollyhock Rd. South Bend, IN 46637 | 1409 Portage Ave. South Bend, IN 46628 |
| Peak Investment & Asset Management LLC | 5199 Gardenia Ct. West Lafayette, IN 47906 | 1301 Elwood Ave. South Bend, IN 46628 1305 Elwood Ave. South Bend, IN 46628 1405 Portage Ave. South Bend, IN 46628 |
| FSPI EMPL Profit Sharing Plan 401K | 5200 Dallas Hwy. Ste 200-280 Powder Springs, GA 30127 | 1315 Elwood Ave. South Bend, IN 46628 |
| Amy Castillo | 1309 Elwood Ave. South Bend, IN 46628 | 1309 Elwood Ave. South Bend, IN 46628 |
| The Spousal Trust FAAS Clair A Trustee c/o Claire A Faas | 10106 Chester Dr. Carmel, IN 46032 | 1318 King St. South Bend, IN 46628 |
| E and L Associates | PO BOX 16252 Saint Louis, MO 63105 | 1314 King St. South Bend, IN 46628 |
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JUN 27 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN



ELMWOOD AVENUE

ALLEY VACATION DESCRIPTION

All of the 14-foot wide alley lying between Lot 8 and Lot "C" in Victory Addition to the City of South Bend, Indiana, as shown on the plat thereof, recorded in Plat Book 10, page 85 as found in the Office of the Recorder of St. Joseph County, Indiana.

I, Timothy C. Gouloff, hereby certify that I am a professional land surveyor, licensed under the laws of the State of Indiana, and that the information shown hereon is true and accurate to the best of my information, knowledge and belief. Field work was performed for this survey on June 12, 2023.

Certified this 27th Day of June, 2023.

- LEGEND**
- (m) MEASURED
 - (r) RECORDED
 - (c) CALCULATED
 - (p) PLATTED

Timothy C. Gouloff, RLS 29500017



"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law." Timothy C. Gouloff

For the exclusive use of: PRAVEEN GULATI

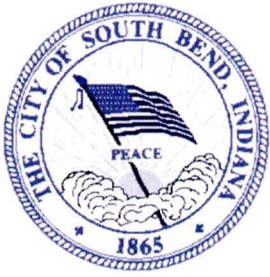
Date: June 27, 2023

Job No.: 20220190 VAC

ALLEY VACATION DESCRIPTION

All of the 14-foot wide alley lying between Lot 8 and Lot "C" in in Victory Addition to the City of South Bend, Indiana, as shown on the plat thereof, recorded in Plat Book 10, page 85 as found in the Office of the Recorder of St. Joseph County, Indiana.

Filed in Clerk's Office
JUN 27 2023
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN



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>

July 5, 2023 Filed in Clerk's Office

JUL 05 2023
DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

Sharon L. McBride
President

Sheila Niezgodski
Vice-President

Canneth Lee
Chairperson, Committee
of the Whole

Canneth Lee
First District

Henry Davis, Jr.
Second District

Sharon L. McBride
Third District

Troy Warner
Fourth District

Eli Wax
Fifth District

Sheila Niezgodski
Sixth District

Karen L. White
At Large

Rachel Tomas Morgan
At Large

Lori K. Hamann
At Large

Chairperson Eli Wax
Health and Public Safety Committee
South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

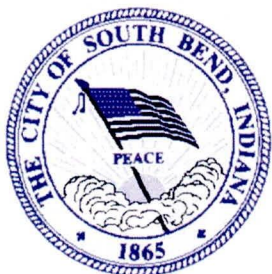
RE: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ADDING THE STATUS OF "HOMELESS" TO THE PROTECTED CLASSES OF PERSONS UNDER THE SOUTH BEND HUMAN RIGHTS ORDINANCE, CHAPTER 2, ARTICLE 9, OF THE SOUTH BEND MUNICIPAL CODE AND ESTABLISHING THE DEFINITION FOR "HOMELESS"

Dear Chairperson Wax:

Discrimination continues to exist in various forms in our community. Some forms of discrimination are intentional and easily recognized. Other forms of discrimination may be unintentional and become recognized only with the benefit of hindsight and after being identified as such. The purpose of the South Bend Human Rights Ordinance is to eliminate all forms of discrimination.

The Human Rights Ordinance was amended to prohibit discrimination based on sexual orientation and gender identity on March 27, 2012. With the benefit of hindsight and the hope of foresight, it is now time to add the class of "homeless" as a protected class of persons under the Human Rights Ordinance to protect those who are often forgotten, ignored and vulnerable in our community. This addition to the Human Rights Ordinance will protect another class of persons from discrimination and remind all of the inherent dignity of all persons.

The proposed amendment adds the homeless to each section of the ordinance that identifies protected classes. The proposed ordinance also adds a definition of "homeless" and "homelessness" by reference to 24 C.F.R. §§ 91.5, 582.5, and 583.5.



City of South Bend Common Council

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South Bend, Indiana 46601

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

Finally, the proposed amendment replaces “handicap” in section 2-132 with “disability.” This appears to be an oversight from a prior version.

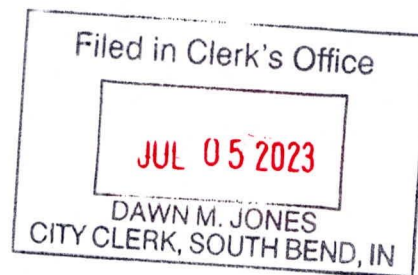
I am filing this proposed ordinance for first reading on July 10, 2023, and request that it be included on the Health and Public Safety Committee agenda to be followed by second and third readings and public hearing on July 24, 2023.

Thank you for your consideration.

Sincerely yours,

Lori K. Hamann., At-Large Member

South Bend Common Council



JUL 05 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

BILL NO. 47-23

ORDINANCE NO.

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ADDING THE STATUS OF "HOMELESS" TO THE PROTECTED CLASSES OF PERSONS UNDER THE SOUTH BEND HUMAN RIGHTS ORDINANCE, CHAPTER 2, ARTICLE 9, OF THE SOUTH BEND MUNICIPAL CODE AND ESTABLISHING THE DEFINITION FOR "HOMELESS"

STATEMENT OF PURPOSE AND INTENT

Discrimination continues to exist in various forms in our community. Some forms of discrimination are intentional and easily recognized. Other forms of discrimination may be unintentional and become recognized only with the benefit of hindsight and after being identified as such. The purpose of the South Bend Human Rights Ordinance is to eliminate all forms of discrimination.

The Human Rights Ordinance was amended to prohibit discrimination based on sexual orientation and gender identity on March 27, 2012. With the benefit of hindsight and the hope of foresight, it is now time to add the class of "homeless" as a protected class of persons under the Human Rights Ordinance to protect those who are often forgotten, ignored and vulnerable in our community. This addition to the Human Rights Ordinance will protect another class of persons from discrimination and remind all of the inherent dignity of all persons.

These proposed amendments are believed to be reasonable and necessary and in the best interests of the City of South Bend, Indiana.

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

SECTION I. Chapter 2, Article 9 of the South Bend Municipal Code (Human Rights Ordinance) shall be and hereby is amended at are added to of the South Bend Municipal Code and the Article is hereby amended to read in its entirety as follows:

ARTICLE 9. HUMAN RIGHTS ORDINANCE

Sec. 2-126. Short title.

This article shall be known as the South Bend Human Rights Ordinance.

Sec. 2-127. Purpose.

- (a) It is the public policy of the City of South Bend to provide all of its citizens equal opportunity for education, employment, access to public conveniences and

accommodations, and acquisition through purchase or rental of real property including, but not limited to, housing, and to eliminate segregation or separation based on race, religion, color, sex, disability, national origin, ancestry, sexual orientation or gender identity, **homelessness**, and familial status in housing, since such segregation is an impediment to equal opportunity. Equal education and employment opportunities and equal access to and use of public accommodations and equal opportunity for acquisition of real property including but not limited to housing are hereby declared to be civil rights.

- (b) The practice of denying these rights to properly qualified persons by reason of race, religion, color, sex, disability, national origin, ancestry, sexual orientation or gender identity, **homelessness**, or familial status in the case of housing of such person is contrary to the principles of freedom and equal opportunity, and is contradictory to the objectives of the public policy of this City and shall be considered discriminatory practices. The promotion of equal opportunity without regard to race, religion, color, sex, disability, national origin, ancestry, sexual orientation or gender identity, **homelessness**, or familial status in the case of housing, through reasonable methods is the purpose of this Article.
- (c) It is also the public policy of this City to protect employers, labor organizations, employment agencies, property owners, real estate brokers, builders, and lending institutions from unfounded charges of discrimination.

Sec. 2-127.1. Prohibited Conduct.

- (a) No person shall discriminate against any other person in education, employment, access to public conveniences and accommodations based on race, color, sex, disability, national origin, ancestry, sexual orientation or gender identity **or homelessness**. Nor shall any person deny any other person equal opportunity for education, employment, access to public conveniences and accommodations based on race, religion, color, sex, disability, national origin, ancestry, sexual orientation or gender identity **or homelessness**. Such discrimination or denial of equal opportunity shall be an unlawful practice.
- (b) No person shall refuse to sell or to rent after the making of a bona fide offer; refuse to negotiate for the sale or rental or otherwise make unavailable or deny a dwelling; or otherwise discriminate against any person in the terms, conditions, privileges of sale or rental of a dwelling, or in providing services or facilities in connection with the sale or rental of a dwelling because of a person's race, color, religion, sex, familial status, disability, national origin, sexual orientation or gender identity **or homelessness**. Conduct in violation of this section shall be an unlawful practice.
- (c) No person may coerce, intimidate, threaten or interfere with any other person:
 - (1) In the exercise or enjoyment of any right granted or protected by this chapter; or
 - (2) Because the person has exercised or enjoyed, or has aided or encouraged another person in the exercise or enjoyment of, any right granted or protected by this chapter.
- (d) No person shall commit any other discriminatory practices as defined in any other section of this Article.
- (e) Protections in this Article against discriminatory practices with regard to sexual orientation or gender identity shall not apply to decisions of an employer which is a religious society or

order, association, organization, institution or related entity when such protections affect the definition, advancement of the mission(s), practice(s) or belief(s) of such religious society or order, association, organization, institution or related entity charged with the implementation of such decision or decisions, and no requirement of this article shall compel any person to act in a manner contrary to that which has been granted specific protection by the United States Supreme Court in *Boy Scouts of America and Monmouth Council, et al. v. Dale*, 530 U.S. 640 (2000).

- (f) The protections in this Article against discriminatory practices regarding sexual orientation or gender identity in employment shall not be construed to require that health care plans, insurance, pension, or similar additional benefits provided by employers and benefiting the spouses of employees be extended to non-married domestic partners of any employee.
- (g) This Article shall be construed broadly to effectuate its purpose.

Sec. 2-128. Definitions.

- (a) The term "Commission" shall mean the South Bend Human Rights Commission.
- (b) The term "Director" shall mean the Director of the South Bend Human Rights Commission.
- (c) The term "Commission Attorney" shall mean the City Attorney or such assistants of the City Attorney as may be assigned to the Commission, or such other attorney as may be engaged by the Commission with the consent of the City Attorney.
- (d) The term "employee" shall mean any person employed by another for wages or salary; provided, that it should not include any person employed by his or her parents, spouse or child.
- (e) The term "employer" shall include the City of South Bend, or any department thereof, and any person having six (6) or more employees within the State of Indiana and doing business within the City, except that the term does not include:
 - (1) Any bona fide private membership club (other than a labor organization) which is exempt from taxation under Section 501(c) of the Internal Revenue Code of 1954;
 - (2) Any school, educational or charitable institution owned or conducted by or affiliated with a church or religious institution to the extent that the school, educational or charitable institution hires employees of a particular religion;
 - (3) Any office, officer, board, commission, department, division, bureau, committee, fund, agency, and, without limitation by reason of any enumeration herein, any other instrumentality of the State of Indiana, any hospital, any penal institution and any other institutional enterprise and activity of the State of Indiana, wherever located; the universities supported in whole or in part by State funds; and the Judicial Department of the State of Indiana.
- (f) The term "employment agency" shall mean any person undertaking, with or without compensation, to procure, recruit, refer or place employees.
- (g) The term "labor organization" shall mean any organization which exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers

concerning grievances, terms or conditions of employment or of mutual aid or protection in connection with employment.

- (h) The term "educational institution" shall mean all public and private schools and training centers except those affiliated with religious institutions, only insofar as they may give preference to members of their religious group in selecting their students, except that they shall not discriminate on the basis of race, color or national origin sexual orientation or gender identity **or homelessness**.
- (i) The term "discriminatory practice" shall mean the exclusion of a person by another person from equal opportunity or a system which excludes persons from equal opportunity in employment, education, public conveniences and accommodations because of race, religion, color, sex, disability, national origin, ancestry, sexual orientation or gender identity **or homelessness**. A discriminatory practice also means the refusal to sell or rent after the making of a bona fide offer; the refusal to negotiate for the sale or rental or otherwise making unavailable or denying, or otherwise discriminating against any person in the terms, conditions, privileges of sale or rental of a dwelling, or in providing services or facilities in connection with the sale or rental of a dwelling because of a person's race, color, religion, sex, familial status, disability, national origin, sexual orientation or gender **identity or homelessness**.

A "discriminatory practice" shall also include the following:

1. Advertising for the sale or rental of a dwelling in a manner that indicates any preference, limitation, or discrimination because of race, color, religion, sex, disability, familial status, national-origin, sexual orientation or gender identity, **or homelessness**;
2. Falsely representing that a dwelling is not available for inspection, sale, or rental based on race, color, religion, sex, disability, familial status, national origin, sexual orientation or gender identity, **or homelessness**;
3. Coercion, intimidation, threats, or interference with any person in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other person in the exercise of enjoyment of any right granted or protected by sections 2-128.1, 2-128.2, 2-128.3, 2-128.4 or 2-128.5 of this chapter;
4. Blockbusting based on representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, disability, familial status, national origin, sexual orientation or gender identity, **or homelessness**;
5. Discrimination because of race, color, religion, sex, disability, national origin, sexual orientation or gender identity, **homelessness**, or familial status by persons or entities whose business includes engaging in residential real estate transactions in the making of a loan or the granting of financial assistance for residential real estate, in the selling, brokering or appraisal of residential real estate, or by the denial of access to or participation in a multiple-listing service or other real estate broker organization or services.

Every discriminatory practice relating to the acquisition or sale of real property, education, public accommodations or employment shall be considered unlawful unless it is specifically exempted by this Article.

-
- (j) "Public accommodation" shall mean any establishment, organization or authority which caters or offers its services or facilities or goods to the general public, including, but not limited to, motels, hotels, theaters, stores, public restaurants, public library services, and public recreational services and facilities.
- (k) "Charging party" shall mean any individual charging on his own behalf to have been personally aggrieved by a discriminatory practice or the Director of the Commission with the approval of the full Commission charging that a discriminatory practice was committed against a person other than himself or a class of people in order to vindicate the public policy of the City of South Bend as defined in sections 2-127, 2-128.1, 2-128.2, 2-128.3, 2-128.4 and 2-128.5 of this article.
- (l) "Charge" shall mean any written grievances filed by a charging party with the Commission. The original shall be signed and verified before a notary public or other person duly authorized by law to administer oaths and take acknowledgments; notarial service shall be furnished by the Commission without charge. To be acceptable by the Commission a charge shall be sufficiently complete so as to reflect properly the full name and address of the charging party; the name and address of the respondent against whom the charge is made; the alleged discriminatory practice and a statement of the particulars thereof; if of a continuing nature, the dates between which said continuing acts of discrimination are alleged to have occurred; and a statement as to any other action, civil or criminal, instituted in any other form based upon the same grievance as is alleged in the charge, together with a statement as to the status or disposition of such other action. No charge based upon discrimination in housing and housing related transactions as prohibited by this act shall be valid unless filed within one (1) year from the date of the alleged act. No charge based upon any discrimination other than housing and housing related transactions shall be valid unless filed within ninety (90) days from the date of the alleged act, or from the date of the termination of a published and meaningful grievance procedure provided by a respondent employer, or labor union.
- (m) "Respondent" shall mean any person against whom a charge is filed.
- (n) "Consent agreement" shall mean a formal agreement entered into in lieu of adjudication.
- (o) "Affirmative action" shall mean those acts which the Commission deems necessary to assure compliance with the South Bend Human Rights Ordinance.
- (p) The term "sex" as it applies to segregation or separation in this article shall apply to all types of employment, education, public accommodation, and housing.
- (q) "Disabled" or "disability" means, with respect to a person:
- (1) A physical or mental impairment that substantially limits one (1) or more of the person's major life activities;
 - (2) A record of having an impairment described in subdivision (1); or
 - (3) Being regarded as having an impairment described in subdivision (1).

The term does not include current illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. § 802)).

-
- (r) "Person" means one (1) or more individuals, partnerships, associations, organizations, corporations, labor organizations, cooperatives, legal representatives, trustees, trustees in bankruptcy, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, receivers, fiduciaries and other organized groups of persons.
- (s) "Familial status" means that the person who is the subject of discrimination is:
- (1) Pregnant;
 - (2) Domiciled with an individual younger than eighteen (18) years of age in regard to whom the person:
 - (A) Is the parent or legal custodian; or
 - (B) Has the written permission of the parent or legal custodian for domicile with that person; or
 - (3) In the process of obtaining legal custody of an individual younger than eighteen (18) years of age.
- (t) "To rent" includes to lease, to sublease, to let, or to otherwise grant for a consideration the right to occupy premises not owned by the occupant.
- (u) "Dwelling" means:
- (1) Any building, structure, or part of a building or structure that is occupied as, or designed or intended for occupancy as, a residency by one (1) or more families; or
 - (2) Any vacant land that is offered for sale or lease for the construction or location of a building, structure, or part of a building or structure described by subdivision (1).
- (v) "Secretary" means the Secretary of Housing and Urban Development.
- (w) "Gender identity" means an individual having or being perceived as having a gender-related self-identity, self-image, appearance, expression or behavior different from those characteristics traditionally associated with the individual's assigned sex at birth.
- (x) "Sexual orientation" means an individual's actual or perceived identity or practice as a lesbian woman, gay man, bisexual person or heterosexual person.
- (y) "Homeless" and "Homelessness" has the definition set forth at 24 C.F.R. §§ 91.5, 582.5, and 583.5 and as may be amended from time to time.

Sec. 2-128.1. Prohibited Notices, Statements, Advertisements, or Representations in Housing.

- (a) A person may not make, print, or publish or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, disability, familial status, national origin, sexual orientation or gender identity, **homelessness**, or an intention to make such a preference, limitation, or discrimination.
- (b) A person may not represent to any person because of race, color, religion, sex, disability, familial status, national origin, sexual orientation or gender identity, **or homelessness** that a dwelling is not available for inspection, for sale, or rental when the dwelling is so available.

-
- (c) A person may not, for profit, induce or attempt to induce a person to sell or rent a dwelling by representations regarding the entry or prospective entry into a neighborhood of a person or persons of a particular race, color, sex, disability, religion, familial status national origin, sexual orientation or gender identity **or homelessness**.

Sec. 2-128.2. Disability Discrimination in Housing.

- (a) A person may not discriminate in the sale or rental or otherwise make unavailable or deny a dwelling to any buyer or renter, nor may a person discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with the dwelling because of a disability of:
- (1) The buyer or renter or person;
 - (2) A person residing in or intending to reside in the dwelling after the dwelling is sold, rented, or made available; or
 - (3) Any person associated with the buyer or renter or person.
- (b) For purposes of this section only, discrimination includes the following:
- (1) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises.
 - (2) A refusal to make reasonable accommodations in rules, policies, practices or services, when the accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling.
 - (3) In connection with the design and construction of covered multi-family dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in a manner that:
 - (A) The public use and common use parts of the dwellings are readily accessible to and usable by disabled persons;
 - (B) All the doors are designed to allow passage into and within all premises within the dwellings and are sufficiently wide to allow passage by disabled persons in wheelchairs; and
 - (C) All premises within the dwellings contain the following features of adaptive design:
 1. An accessible route into and through the dwelling;
 2. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 3. Reinforcements in bathroom walls to allow later installation of grab bars; and
 4. Usable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.
- (c) As used in subsection (b), "covered multi-family dwellings" means:

-
- (1) Buildings consisting of four (4) or more units if the buildings have one (1) or more elevators; and
 - (2) Ground floor units in other buildings consisting of four (4) or more units.
- (d) Compliance with the rules of the fire prevention and building safety commission that incorporate by reference the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically disabled people (ANSIA117.1) satisfies the requirements of subsection (b)(3)(C).
 - (e) This section does not require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

Sec. 2-128.3. Loans or financial assistance.

- (a) As used in this section, "residential real estate related transaction" means the following:
 - (1) Making or purchasing loans or providing other financial assistance:
 - (A) To purchase, construct, improve, repair, or maintain a dwelling; or
 - (B) Secured by residential real estate.
 - (2) Selling, brokering, or appraising residential real property.
- (b) A person whose business includes engaging in residential real estate related transactions may not discriminate against a person in making a real estate related transaction available, or in the terms or conditions of a real estate related transaction because of race, color, religion, sex, disability, familial status, **homelessness**, or national origin.

Sec. 2-128.4. Brokers' organizations, services, or facilities.

A person may not deny any person access to, or membership or participation in, a multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or discriminate against a person in the terms or conditions of access, membership, or participation in such an organization, service, or facility because of race, color, religion, sex, disability, familial status, **homelessness**, or national origin.

Sec. 2-128.5. Elderly housing exception to discrimination based on familial status.

- (a) The denial of housing rights and opportunities based on familial status as prohibited by this article shall not apply to housing intended for and solely occupied by persons over sixty-two (62) years of age or older or which is designed and operated to assist elderly persons under a federal or state program.

If there are persons living in such housing under age sixty-two (62), this exception applies provided that:

- (1) All occupants after September 13, 1988 are at least sixty-two (62) years old;
- (2) Any unoccupied units are reserved for occupancy by persons at least sixty-two (62) years old; and

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- (3) Any persons under age sixty-two (62) occupying said housing after September 13, 1988 are employees of the housing and their family members residing in the same unit, and such employees perform substantial duties directly related to the management or maintenance of the housing.
 - (b) The determination of whether any housing unit falls within the exception created by this section shall be made by the Commission and shall be consistent with any determinations already made by the Secretary of Housing and Urban Development.

Sec. 2-128.6. Single-family and small unit exception.

- (a) Except for the prohibition against the making, printing or publishing of a sale or rental notice containing discriminatory preference or limitation as set forth in section 2-128.1(a) of this article, no other prohibition concerning housing or housing related practices shall apply to:
 - (1) Any single-family house sold or rented by an owner: Provided, that such private individual owner does not own more than three (3) such single-family houses at any one time: Provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any twenty-four-month period: Provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family houses at any one time: Provided further, that after December 31, 1969, the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented (A) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person and (B) without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 2-128.1(a) of this article; but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title; or
 - (2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.
- (b) The determination of whether any housing unit falls within the exception created by this section shall be made by the Commission and shall be consistent with any determinations already made by the Secretary of Housing and Urban Development.

Sec. 2-129. Human Rights Commission created, composition; tenure of members, filling vacancies; removal, compensation.

- (a) There is hereby created a South Bend Human Rights Commission composed of nine (9) members who are residents of the City of South Bend and are representative of the racial, ethnic, religious, economic and educational groups in the community.
- (b) Successors to all members of the Commission shall be appointed for terms of four (4) years, except when appointed to fill a vacancy, in which case such appointment shall be for the unexpired term.
- (c) Members of the Commission may be removed by the appointing authority for just cause. All members of the Commission shall serve without compensation.

Sec. 2-130. Appointment of members, quorum; election of officers; meetings; concurrence of majority required for action.

- (a) Six (6) members shall be appointed by the Mayor and three (3) members shall be appointed by the President of the Common Council. Each appointment shall be for a term of four (4) years. In the event of death or resignation of any member, his successor shall be appointed to serve for the unexpired period of the term for which such member had been appointed. Members of the Commission may be removed by the appointing authority for just cause. All members of the Commission shall serve without compensation and any five (5) members shall constitute a quorum.
- (b) The Commission shall elect from its membership once each year a chair, vice-chair and secretary.
- (c) The Commission shall hold one (1) regular meeting each month and such special meetings as the chair may deem necessary.
- (d) It shall take the concurrence of a majority of the Commission membership to take legal or official action, except that a determination of probable cause may be based upon a concurrence of a majority of Commissioners voting upon the case excluding members abstaining.

Sec. 2-131. Powers and Duties of Commission.

The Commission is empowered to and shall do the following:

- (a) Establish and maintain a permanent office in the City of South Bend.
- (b) Recommend to the Mayor for appointment an executive director, or such personnel as it may deem necessary, and to prescribe their duties.
- (c) Adopt, promulgate, amend and rescind such rules and regulations, procedural and substantive, as may be consistent with the provisions of this article and state laws. Such rules and regulations shall be adopted in accordance with the provisions of this article as it may hereafter be amended.
- (d) Formulate policies to effectuate the purposes of this article and make recommendations to the City to effectuate such policies. The several departments, commissions, boards,

authorities, divisions, bureaus and officers of the City may furnish the Commission, upon its request, all records, papers, and information in their possession relating to any matter before the Commission.

- (e) Receive and investigate charges of discriminatory practices. The Commission shall not hold hearings in the absence of a charge as herein defined. All investigations of charges shall be conducted by staff members of the Commission.
- (f) Issue such publications and such results of investigations and research as in its judgment will tend to minimize or eliminate discrimination because of race, color, religion, sex, disability, national origin, ancestry, sexual orientation or gender identity, **homelessness** or familial status in the case of housing.
- (g) Prepare and issue a report annually to the Common Council and Mayor, describing in detail the investigation and conciliation proceedings it has conducted and their outcome, the progress made and any other work performed and achievements towards the elimination of discrimination.
- (h) Prevent any person from discharging, expelling or otherwise discriminating against any other person because he filed a charge or has testified in any hearing before this Commission, or has in any way assisted the Commission in any matter under investigation.
- (i) Appoint hearing officers, hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any such person under oath, and require the production for examination of any books and papers relating to any matter under investigation or in question before the Commission. The Commission shall have the exclusive power to subpoena, but it shall consult with the Department of Law concerning the issuance of a subpoena. The Department of Law may veto the issuance of a subpoena if and only if such an issuance would be an abuse of the Commission's subpoena power. Abuse of the Commission's subpoena power shall include but not be limited to use of such subpoena power for harassment purposes, issuance of a subpoena for information clearly irrelevant to the investigation being conducted, and issuance of a subpoena for information over an excessively broad span of time. Contumacy or refusal to obey a subpoena issued pursuant to this section shall constitute a contempt. All hearings shall be held within the City of South Bend at a location determined by the Commission. A citation of contempt may be issued upon application by the Commission to the circuit or superior court, or judge thereof, in the County in which the hearing is held or in which the witness resides or transacts business.
- (1) The Commission shall state its finding of fact after a hearing, and, if the Commission finds a person has engaged in an unlawful discriminatory practice, it may cause to be served on such person an order requiring such person to cease and desist from the unlawful discriminatory practice and requiring such person to take further affirmative action as will effectuate the purposes of this article, including but not limited to the power to restore charging party's losses incurred as a result of discriminatory treatment, as the Commission may deem necessary to assure justice. The Commission may require the posting of notice setting forth the public policy of Indiana concerning civil rights and the respondent's compliance

with said policy in places of public accommodations; and it may require proof of compliance to be filed by the respondent at periodic intervals.

- (A) Except in housing cases which are separately treated in sub-part (C) of this section, the Commission may impose a penalty upon any respondent of one thousand five hundred dollars (\$1,500.00) for the first and second violation of this article within a five-year period and may further impose a penalty of two thousand five hundred dollars (\$2,500.00) for three (3) or more violations of this article within a five-year period.
 - (B) When applied to discrimination in employment, the Commission shall also have power, to the extent consistent with state law, to restore charging party's losses by awarding damages including wages, salary, commissions, fringe benefits in an amount not to exceed that lost over a two-year period. For discrimination in employment and housing, the Commission shall also have the power, to the extent consistent with state law, to award damages which will compensate charging party for future pecuniary loss, emotional pain, suffering, inconvenience, anguish, loss of enjoyment of life and other non-pecuniary losses, costs and attorney fees.
 - (C) To vindicate the public interest in cases of housing discrimination, the Commission may assess a civil penalty of two thousand five hundred dollars (\$2,500.00) for each commission of a discriminatory housing practice.
 - (D) The Commission may sue to recover a civil penalty due under this section.
- (2) Judicial review of any decision of the Commission as referred to in this article may be obtained under IC 4-21.5-1 in the same manner as if the decision was that of a State agency. However, only in those cases involving discriminatory housing practices as prohibited by this Chapter, a complainant, a respondent, or an aggrieved person on whose behalf the complaint was filed may elect to have decided in a civil action those claims asserted in a finding of probable cause. Such election must be made not later than twenty (20) days after the date of receipt by the electing person of service under this chapter, and such person shall give written notice to the Commission and all other complainants and respondents to whom the finding of probable cause relates. Such civil action shall be filed in the circuit or superior court of St. Joseph County or any other court of proper jurisdiction, and if the court finds that a discriminatory housing practice has occurred or is about to occur, the court may grant any relief appropriate in a civil action under this Article or IC 22-9.5-8.1-2 or as authorized by the Civil Rights Act of 1991, or the federal Fair Housing Act.
- (3) In those cases involving discriminatory housing practices as prohibited by this Act where final adjudicative Commission action is in favor of the charging party, the charging party shall be permitted to have damages determined in the circuit or superior court of St. Joseph County or any other court of proper jurisdiction having the power to award punitive damages as allowed by the Fair Housing Act. Charging parties shall make such a request to the Commission in writing within five (5) days from the notice of final Commission action, which notice shall advise charging party of this right to damage determination, and the Commission

shall represent charging party at the Commission's expense in such court action for damages. The Commission shall seek such a judicial determination of damages within one (1) year of the alleged discriminatory housing practice. If it is impracticable for the Commission to seek such a determination within one (1) year of the alleged discriminatory act, it shall notify charging party and respondent in writing of its reasons for not doing so, and shall undertake such judicial determination as soon as practicable.

- (j) Reduce the terms of conciliation agreed to by the parties to a writing to be called a "consent agreement" which the parties and a majority of the Commissioners shall sign and when so signed the consent agreement shall have the same effect as a final decision of the Commission. If the Commission determines that a party to a consent agreement is not complying with the agreement, the Commission may obtain enforcement of the consent agreement in a circuit or superior court upon showing that the party is subject to the Commission's jurisdiction.
- (k) Institute actions in the St. Joseph Superior or Circuit Court for appropriate or equitable relief.
- (l) Transfer cases to the Indiana Civil Rights Commission or to an appropriate federal agency and to receive cases transferred from the Indiana Civil Rights Commission or from an appropriate federal agency. The South Bend Human Rights Commission shall proceed to act on any case transferred to it from the Indiana Civil Rights Commission as if the case had been originally filed with the South Bend Human Rights Commission as of the date the charge was filed with the Indiana Civil Rights Commission.

Sec. 2-132. Discrimination in performance of City contracts.

Every contract to which the City is a party, including franchises granted to the public utilities, shall contain a provision requiring the contractor and his subcontractor not to discriminate against any employee or applicant for employment who is to be employed in the performance of such contracts with respect to his hire, tenure, terms, conditions or privileges of employment, because of his race, religion, color, sex, ~~handicap~~ **disability, homelessness,** or national origin or ancestry. Breach of this covenant may be considered a material breach of the contract.

Sec. 2-132.1. Private enforcement.

This section may be enforced by an aggrieved charging party through the commencement of an action in the St. Joseph County circuit or superior court or any other court of proper jurisdiction not less than one (1) year after the occurrence or termination of the alleged discriminatory practice.

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

