



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 20, 2023
SUBJECT: COMMITTEE MEETING NOTICE

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

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

The Council Chambers will be Open to the Public or Members of the Public May Attend this Meeting Virtually via Microsoft Teams Meeting app here: <https://tinyurl.com/07242023CC>.

3:30 P.M. PERSONNEL & FINANCE

CHAIRPERSON, NIEZGODSKI

1. [Bill No. 23-48](#) – Memorializing ongoing needs & demands of residents of South Bend's 2nd District

**3:45 P.M. PUBLIC WORKS AND
PROPERTY VACATION**

CHAIRPERSON, NIEZGODSKI

1. [Bill No. 46-23](#) – An Ordinance for an Alley Vacation for Property Located at 1405 Portage Ave. & 1301 Elwood Ave.

3:50 P.M. COMMUNITY INVESTMENT

CHAIRPERSON, TOMAS MORGAN

1. [Bill No. 23-49](#) – A Resolution Confirming Mixed Use Development Real Property Tax Abatement Petition for Five-Corners LLC
2. [Bill No. 23-50](#) – A Resolution Confirming Personal Property Tax Abatement for Crossword Solar Enterprises LLC

4:05 P.M. HEALTH & PUBLIC SAFETY **CHAIRPERSON, WAX**

1. [Bill No. 47-23](#) – An Ordinance to Amend Human Rights Homeless Classification
2. [Bill No. 43-23](#) – An Ordinance Adding Chapter 14, Article 10, Sections 14-61 Through and Including 14-63 Addressing Extermination Pest Control in Residential Rental Units
3. [Bill No. 23-51](#) – A Resolution Approving an Interlocal Agreement Between the City of South Bend and St. Joseph County for the Housing and Operations of the Special Victims Unit
4. [Bill No. 23-52](#) – A Resolution Approving an Interlocal Agreement Between the City of South Bend, the City of Mishawaka, and the Board of Commissioners of St. Joseph County, for the Mutual Investigation of Officer-Involved Shootings in St. Joseph County

4:50 P.M. ZONING & ANNEXATION **CHAIRPERSON, HAMANN**

1. [Bill No. 24-23](#) – A Zoning Ordinance for Property Located at 1127, 1131, and 1135 W. Western Ave., Councilmanic District No. 2
2. [Bill No. 27-23](#) – A Special Exception Use Zoning Ordinance for Property Located at 1319, 1323, and 1333 Lincolnway West, Councilmanic District No. 2
3. [Bill No. 44-23](#) – A Zoning Ordinance for Property Located at 1006 St Vincent St, Councilmanic District No. 4
4. [Bill No. 45-23](#) – A Zoning Ordinance for Property Located at 1018 Frances Street, Councilmanic District No. 4

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 24, 2023

7:00 PM

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

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

<https://tinyurl.com/07242023/SBCC>

1. **INVOCATION**

Minister Kenn Hardy – St. Paul Bethel

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

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

5. **SPECIAL BUSINESS**

Presentation on the St. Joseph County Public Library (SJCPL) by Stephanie Murphy, Executive Director, SJCPL

[23-46](#) A SPECIAL RESOLUTION AWARDED BY SOUTH BEND COMMON COUNCIL MEMBER HENRY DAVIS, JR. ACKNOWLEDGING MILESTONE STEAM ACADEMY, LLC, AND LAQUITA HUGHES, FOR THE ESSENTIAL WORK THEY PERFORM IN CHILDCARE SERVICES

[23-47](#) A SPECIAL RESOLUTION AWARDED BY SOUTH BEND COMMON COUNCIL MEMBER HENRY DAVIS, JR. ACKNOWLEDGING JULY 13, 2023, AS BLACK LIVES MATTER DAY

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, 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

[43-23](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ADDING CHAPTER 14, ARTICLE 10, SECTIONS 14-61 THROUGH AND INCLUDING 14-63 ADDRESSING EXTERMINATION/PEST CONTROL IN RESIDENTIAL RENTAL UNITS

[44-23](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1006 ST VINCENT STREET COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

[45-23](#) PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1018 N FRANCES STREET, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

[46-23](#) PUBLIC HEARING 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](#) PUBLIC HEARING 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 THE SOUTH BEND HUMAN RIGHTS ORDINANCE, CHAPTER 2, ARTICLE 9, OF THE SOUTH BEND MUNICIPAL CODE AND ESTABLISHING THE DEFINITION FOR “HOMELESS”

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

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11. **RESOLUTIONS**

BILL NO.

23-48 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, MEMORIALIZING ONGOING NEEDS AND DEMANDS OF RESIDENTS OF SOUTH BEND'S SECOND DISTRICT

23-49 A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 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

[23-50](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 1901 N. BENDIX DRIVE, SOUTH BEND, IN 46628 AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A FIVE-YEAR (5) PERSONAL PROPERTY TAX ABATEMENT FOR CROSSROADS SOLAR ENTERPRISES LLC

[23-51](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, APPROVING AN EXTENSION OF THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF SOUTH BEND, INDIANA AND ST. JOSEPH COUNTY, INDIANA, FOR THE HOUSING AND OPERATION OF THE SPECIAL VICTIMS' UNIT

[23-52](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SOUTH BEND, INDIANA, THE CITY OF MISHAWAKA, INDIANA, AND THE BOARD OF COMMISSIONERS OF ST. JOSEPH COUNTY, INDIANA, FOR THE MUTUAL INVESTIGATION OF OFFICER-INVOLVED SHOOTINGS IN ST. JOSEPH COUNTY

12. BILLS OF FIRST READING

BILL NO.

[48-23](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF THE SOUTH BEND, INDIANA, APPROVING A PETITION OF THE ADVISORY BOARD OF ZONING APPEALS FOR THE PROPERTY LOCATED AT 1044 LINCOLNWAY WEST, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

13. UNFINISHED BUSINESS

14. NEW BUSINESS

The next Council Committee meeting is scheduled for August 14, 2023, tentatively at 3:30 p.m. The next regular Council meeting is scheduled for August 14, 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

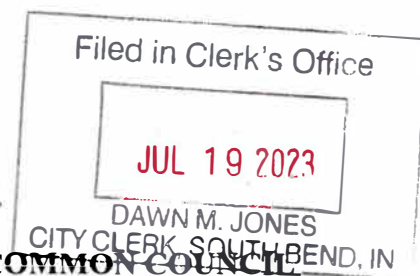
Zoning & Annexation Committee, Chairperson

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

Public Works & Property Vacation, Member
Utilities Committee, Member

BILL NO. 23-46

BILL NO. 23-46 SPECIAL RESOLUTION 5043-23



A SPECIAL REOLUTION AWARDED BY SOUTH BEND COMMON COUNCIL ACKNOWLEDGING MILESTONE STEAM ACADEMY, LLC, AND LAQUITA HUGHES, FOR THE ESSENTIAL WORK THEY PERFORM IN CHILDCARE SERVICES

Whereas, on July 13, 2023, the importance of quality childcare services was emphasized by the Federal Office of Child Care, and the Administration for Children and Families, in announcing a new proposed rule to help more families access the childcare they need and to better support childcare providers in the essential work they do for communities across the country; and

Whereas, among proposed changes are policies to lower costs for families, increase the families' care options, strengthen payment practices, and encourage easier and faster enrollment; and

Whereas, the importance of quality childcare is even more apparent to those participating in day-to-day childcare activities such as LaQuita Hughes, the founder of Milestone Steam Academy, LLC; and

Whereas, Community Action for Education, known simply as Milestone Steam Academy, provides childcare, while creating a safe place for caregivers of the community to receive wraparound services, as well as credit repair services to ensure all families have access to a high-quality education; and

Whereas, Milestone Steam Academy, LLC has offered childcare and education services to the City of South Bend's youth and underserved communities; and

Whereas, Milestone Steam Academy has taken on issues such as Homicide, loss of a parent, loss of a student/classmate, disproportionately in special education, school-to-prison pipeline, and due process for children. MSA, has been successful in ending the practice of non-participation of parents in early learning, and increasing community representation on community engagement. Their mission: Provide your child with the best early/childhood education experience possible; and

Whereas, in doing so, Milestone Steam Academy, LLC has demonstrated resilience in the face of gun violence; and

Whereas, LaQuita Hughes, the Founder of Milestone Steam Academy, LLC has advocated for students with Individual Education Plans (IEPs) for years; and

Whereas, Milestone Steam Academy, LLC is one of the few women- and Black-owned educational sites in the City of South Bend; and

Whereas, LaQuita Hughes has been recognized for her commitment to making the City of South Bend a more inclusive and equitable.

Now, Therefore, be it publicly and proudly Resolved as follows:

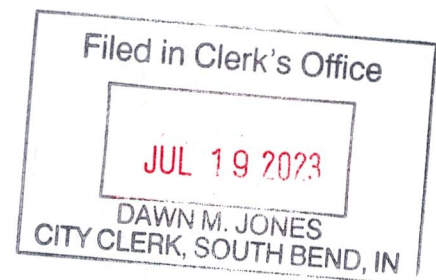
Section I. 2nd District Councilmember Henry Davis, Jr. proudly recognizes the essential educational services provided by LaQuita Hughes and Milestone Steam Academy, LLC.

Section II. Those services provide a foundation to a lifetime of opportunity for the children who participate.

Section III. The City of South Bend will be a better place to live as these children grow and participate in various activities.

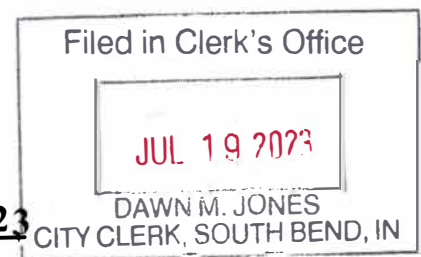
Approved this 24th day of July 2023


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



BILL NO. 23-47

BILL NO. 23-47 SPECIAL RESOLUTION 5043-23



A SPECIAL RESOLUTION AWARDED BY SOUTH BEND COMMON COUNCIL MEMBER HENRY DAVIS, JR. ACKNOWLEDGING JULY 13, 2023, AS BLACK LIVES MATTER DAY

Whereas, the abuse of Black people did not end with the abolishment of slavery with the ratification of the 13th amendment in 1865. Nor did anti-Black racism end with ratification of the 14th Amendment and 15th Amendment, or the signing of the 1964 and 1965 Civil Rights Act; and

Whereas, 160 years after the abolition of slavery, its badges and incidents remain embedded in the political, legal, health, financial, educational, cultural, environmental, social, and economic systems of the United States of America. Moreover, the legacies of slavery, segregation, and state surveillance continue to impact the lives of Black people in every measurable category of Black people's daily life. Economically, the latest rate of poverty for Black Americans is at 19.5%, second to Indigenous communities at 23%. In safety, Black Americans continue to experience the highest rates of threats and use of force in their encounters with police when compared across race or ethnicity – 3.3% in 2015, 3.8% in 2018, 4.3% in 2020. Additionally, Black Americans are among the top two racial groups who are most at risk of fatal encounters with police, standing at 7.08 fatal police shootings per million of the population from 2013 to 2023; and

Whereas, in the summer of 2013, the acquittal of George Zimmerman after his murder of Trayvon Martin, an unarmed 17-year-old boy, reignited the global movement for racial justice. "Black Lives Matter," became the rallying cry in the fight to end white supremacy, anti-Black systematic racism, and the brutality inflicted on Black people at the hands of the State and local law enforcement. Black Lives Matter has become our modern Civil Rights Movement; and

Whereas, Black Lives Matter is working for a world where Black lives are no longer systematically targeted for demise and where the lives of Black, queer, trans folks, disabled folks, undocumented folks, folks with records, women, and all Black lives along the gender spectrum, are affirmed; and

Whereas, the Black Lives Matter movement has grown into the largest social justice movement in U.S. history. Millions of activists, organizers, strategists, and community members across the globe have participated in a Black Lives Matter protest over the last decade; and

Whereas, the power of Black Lives Matter since its inception in 2013 has resulted in increased and sustained attention to the language of the movement, with terms such as "systemic racism," "anti-Black racism," and "prison abolition movement" becoming more part of our common vocabulary; and

Whereas, Black Lives Matter protests and activations have meaningfully reduced fatal police shootings – approximately 200 fewer people were killed by police from 2014 to 2019; and

Whereas, legislation centering non-carceral and non-punitive approaches to public safety and investments in Black communities have been championed, introduced, and passed by elected officials who support the Black Lives Matter vision; and

Whereas, the wins of the Black Lives Matter movement in the last ten years are markers of progress, not markers of victory; and

Whereas, every Black life stolen by state-sanctioned and vigilante violence must be remembered and honored today and every day.

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

Section I. 2nd District Common Councilmember Henry Davis, Jr. acknowledge July 13, 2023, as Black Lives Matter Day.

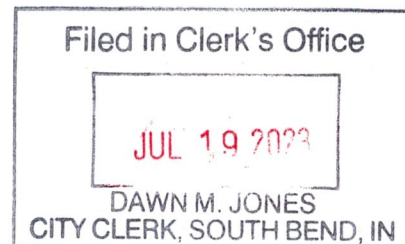
Section II. 2nd District Common Councilmember Henry Davis, Jr recognizes the Black Lives Matter movement for racial justice and equity.

Section III. 2nd District Common Councilmember Henry Davis, Jr denounces and condemns racial inequality in all its manifestations.

Approved this 24th day of July 2023



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



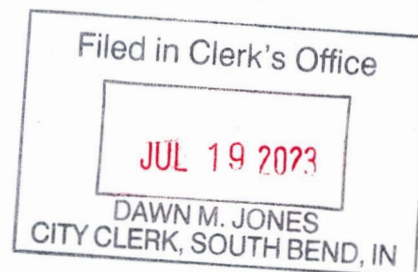


BILL NO. 23-48
City of South Bend
Common Council

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 19, 2023



Sharon L. McBride
President

Sheila Niezgodski
Vice-President

Canneth Lee
Chairperson, Committee
of the Whole

Canneth Lee
First District

Henry Davis, Jr.
Second District

Sharon L. McBride
Third District

Troy Warner
Fourth District

Eli Wax
Fifth District

Sheila Niezgodski
Sixth District

Karen L. White
At Large

Rachel Tomas Morgan
At Large

Lori K. Hamann
At Large

Chairperson Karen White
Residential Neighborhoods Committee
South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

**RE: A RESOLUTION OF THE COMMON COUNCIL OF THE CITY
OF SOUTH BEND, INDIANA, MEMORIALIZING ONGOING
NEEDS AND DEMANDS OF RESIDENTS OF SOUTH BEND'S
SECOND DISTRICT**

Dear Chairperson White:

Although elected representatives, for many reasons, may not carry over from one election cycle to the next, the needs and demands of the residents do not change without something being done. In my meetings with many 2nd district residents, a common concern is what will happen to their needs and demands after January 1, 2024.

This proposed resolution lists many of the needs and demands expressed by 2nd district residents over the years. Nothing has been done by the City to address their concerns. Instead of starting from scratch with a new district representative on January 1, 2024, this resolution provides a point of reference for future progress of the 2nd district and a foundation for future growth and development.

I ask that this proposed resolution be added to the agenda for the Residential Neighborhoods Standing Committee meeting on July 24, 2024, to be followed by a vote of the entire Council at the full Council meeting later that evening.

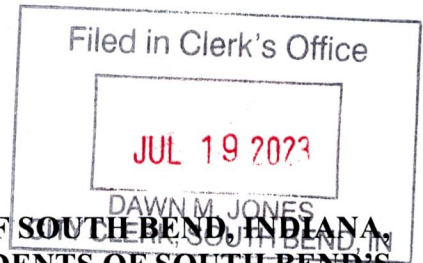
Thank you for your consideration.

Sincerely yours,

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

BILL NO. 23-48

RESOLUTION NO. 5045-23



**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA,
MEMORIALIZING ONGOING NEEDS AND DEMANDS OF RESIDENTS OF SOUTH BEND'S
SECOND DISTRICT**

Whereas, November 14, 2023, marks an election day for City of South Bend elected officials; and

Whereas, although Councilman Henry Davis, Jr. has represented the second district for the past four years and for another eight years between 2008 and 2015, he will not be the second district elected representative for the term beginning January 1, 2023; and

Whereas, second district residents continue to express concerns during neighborhood meetings about ongoing needs and demands in the second district; and

Whereas, those needs and demands include:

- Business development, especially through diversity grants
- Animal control
- Middle income housing to encourage business development
- Academic after school programs in addition to athletic after school programs
- Enhanced police patrols in neighborhoods
- Police substations in neighborhoods
- Home improvement grants including rooftop initiatives and lead abatement
- Homes on vacant lots
- Permanent Living Wage Jobs through training and the development of a school to employment pipeline
- Infrastructure improvements, including the main waterline in the 1700 block of Meade street
- Youth and Senior Programs including yard cutting and snow removal
- Home repair
- Affordable housing (60% of Area Median Income)
- Violence interventionists
- Cameras near illegal dumping sites
- More trees in parks
- Neighborhood plans based on neighborhood surveys and guidance of a CDBG consultant; and

Whereas, financial resources to address these concerns and demands through the American Rescue Plan include:

- \$10,000,000 for Housing Financing
- \$300,000 for up to 4 westside neighborhood plans
- \$150,000 for an analysis of housing demands in at least 4 census tracts
- \$500,000 for a Job Opportunity Fund to build the capacity for Black-owned businesses to participate in the Home Repair Program
- \$5,000,000 to re-launch the home repair program in districts 1 and 2 for 100 homes (up to \$50,000 per home)
- \$250,000 to solarize homes
- \$2,000,000 to provide assistance to potential new home buyers in the westside
- \$1,000,00 for Neighborhood Organization Support
- \$20,000 to retain a grant writer for CDBG applications

- \$25,000 to conduct Neighborhood surveys
- \$5,000,000 for Minority/Disadvantaged Business Assistance
- \$10,000,000 for curbs, sidewalks, and lights; and

Whereas, these needs and demands are indeed great, but result from years of the second district being unfairly treated as compared to other districts; and

Whereas, the ongoing needs and demands of second district residents must be memorialized prior to the November election in order to be addressed after the election.

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

Section I. The South Bend Common Council acknowledges the needs and demands of second district residents.

Section II. The South Bend Common Council acknowledges that these needs and demands will continue after the November 2023 election.

Section III. The South Bend Common Council resolves to address these needs and demands.

Approved this 24th day of July 2023

Sharon McBride, President
South Bend Common Council

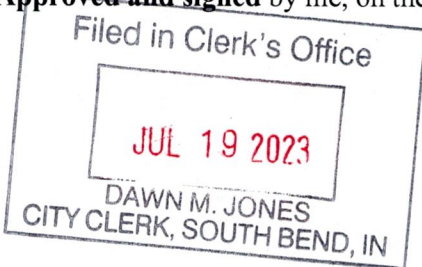
Attest:

Dawn M. Jones, City Clerk

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

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

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



James Mueller, Mayor
City of South Bend

BILL NO. 46-23

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,

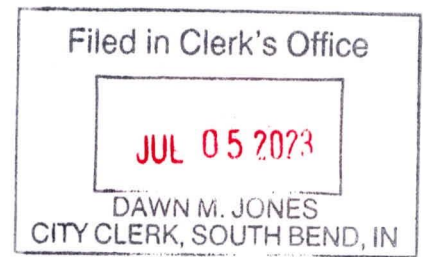
/s/ Theresa Heffner

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:

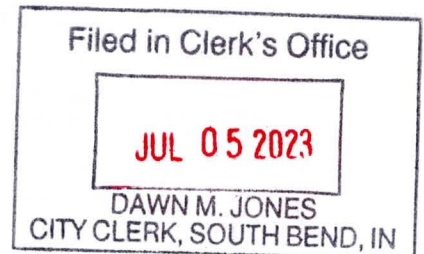
Dawn M. Jones, City Clerk
Office of the City Clerk

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



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

Reason for street/alley vacation and proposed use:
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.

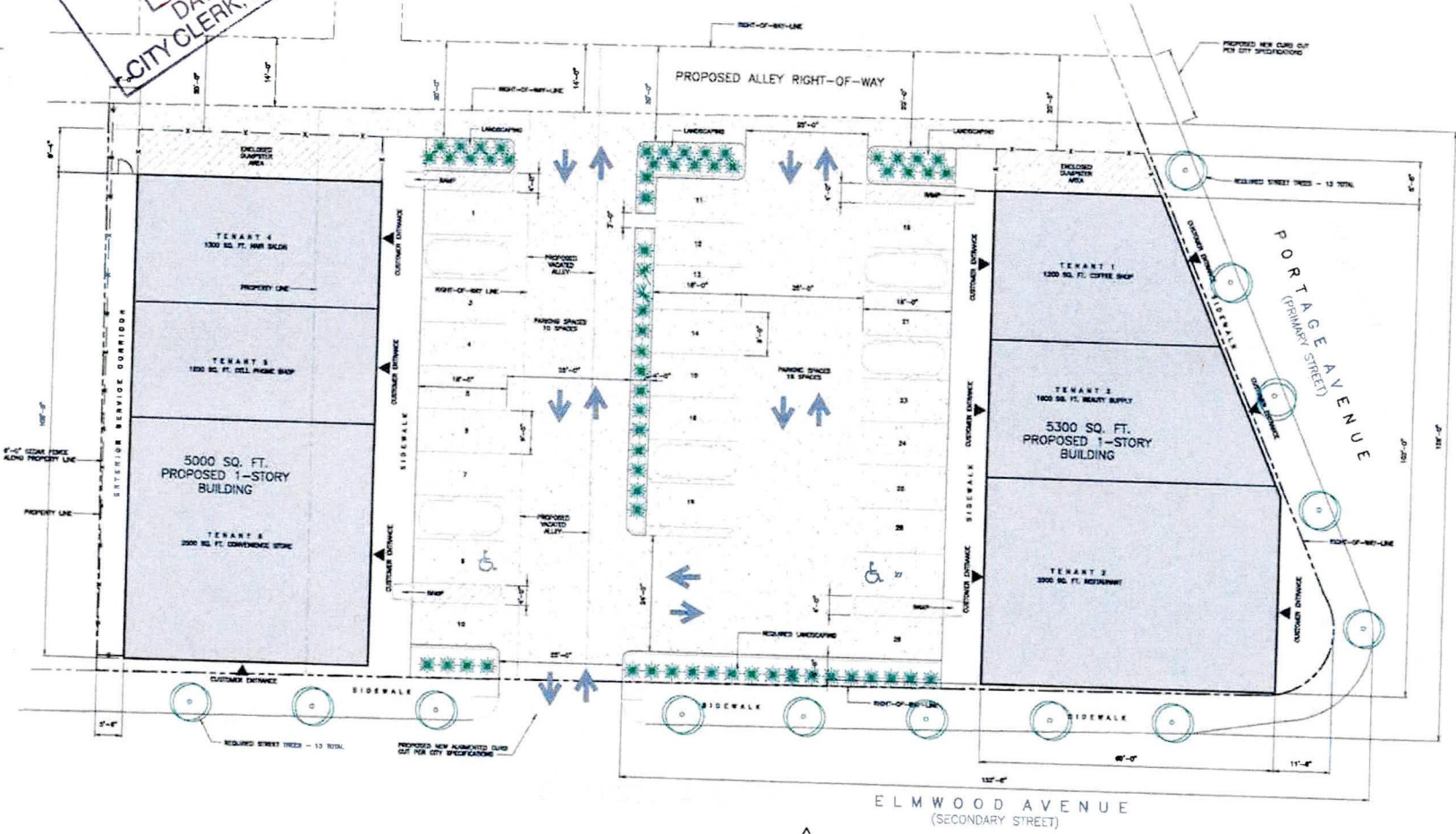
Let me know if you have any further questions.



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 <small>1000 N. STATE STREET, SUITE 100, SOUTH BEND, IN 46708 734.345.4444</small> | |
| NEIGHBORHOOD SHOPPING CENTER PEAK INVESTMENT AND ASSET MANAGEMENT, LLC PROJECT LOCATION: NEW CENTER, CLORPOTAGE AND ELMWOOD AVENUE SOUTH BEND, INDIANA | |
| CERTIFICATION | |
| PROJECT NUMBER 2309 | DRAWN BY M. PUZZELLO |
| CHECKED BY M. PUZZELLO | REVISIONS |
| SHEET NAME: PROPOSED SITE DEVELOPMENT PLAN | SHEET NUMBER S1 |
| DRAWING ISSUE DATE 3 APRIL 2023 | |

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:

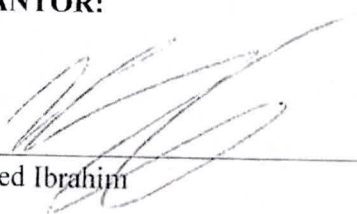
- (1) real estate taxes and public assessments due and payable after the closing on the conveyance, and all such taxes and assessments payable thereafter; and
- (2) all covenants, agreements, easements, restrictions and rights of way of record.

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

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

IN WITNESS WHEREOF, Grantor has caused this deed to be executed this 7th day of February, 2023.

GRANTOR:



Khaled Ibrahim

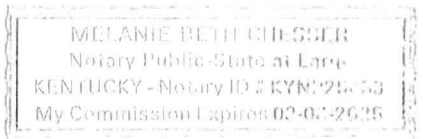
STATE OF Kentucky)
) SS:
COUNTY OF Shelby

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

WITNESS my hand and Notarial Seal this 7th day of February, 2023.



Notary Public



Tax Parcel Number(s):

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

Address of Transferred Property:

St. Joseph County, IN

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

Peak Investment and Asset Management, LLC

5199 Gardenia Court

West Lafayette, IN 47906

THIS INSTRUMENT PREPARED BY:

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

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

/s/ Patrick M. Rooney





Exhibit A

Legal Description of Real Estate

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



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



018-2182-6812
 1350
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 1328
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WELWOOD AVE

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WELWOOD AVE

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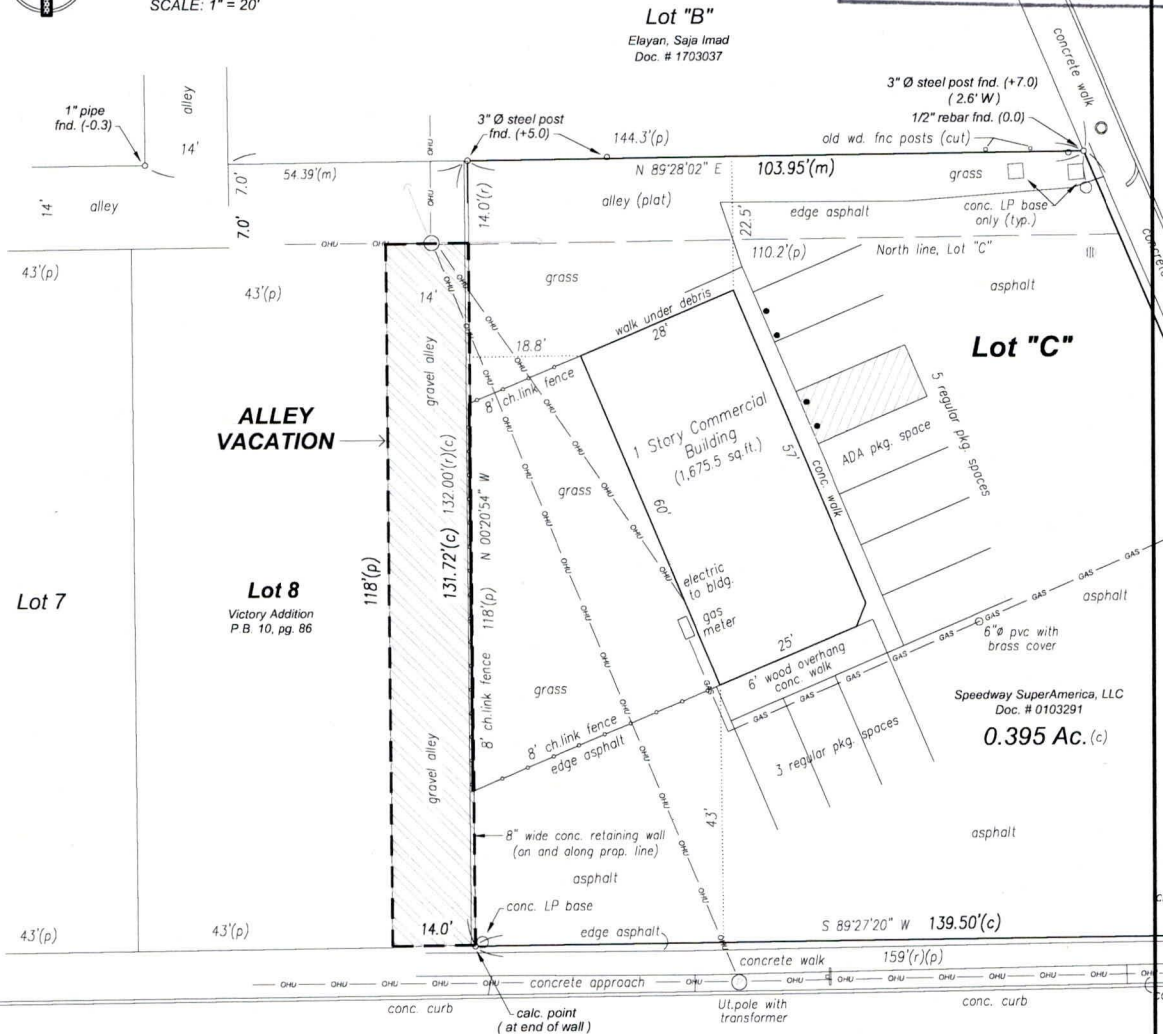
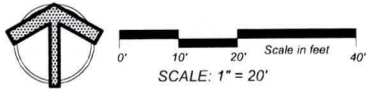
WELWOOD AVE

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

| 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

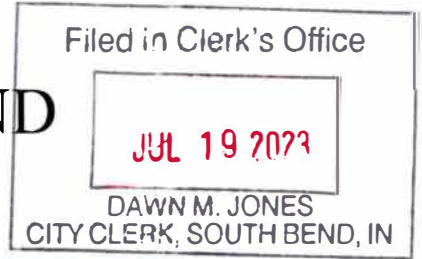
All of the 14-foot wide alley lying between Lot 8 and Lot "C" in in Victory Addition to the City of South Bend, Indiana, as shown on the plat thereof, recorded in Plat Book 10, page 85 as found in the Office of the Recorder of St. Joseph County, Indiana.

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

BILL NO. 23-49



CITY OF SOUTH BEND COMMUNITY INVESTMENT



July 19, 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:** 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. On July 10, the Common Council approved Declaratory Resolution No. 5039-23 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

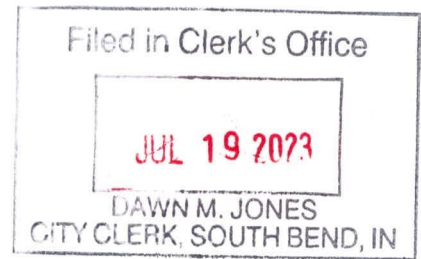
The report contains the Department's findings relative to the above-mentioned petition. The petitioner will construct 108 residential apartments, four (4) for-sale condo units, and approximately 5,000 square feet of retail space. The total private investment for the project is \$31.5 million.

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. A representative from Five Corners LLC will be available to meet with the Committee on Monday, July 24, 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. 23-49
RESOLUTION NO. 5046-23

**A RESOLUTION CONFIRMING THE ADOPTION OF A DECLARATORY
RESOLUTION 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, 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: 71-09-06-301-014.000-026
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, 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 mixed-use 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 - 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 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:

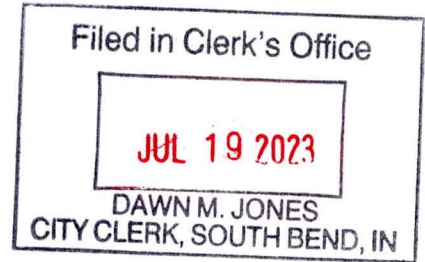
Dawn M. Jones, City Clerk
Office of the City Clerk

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: 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% (18,183,800) | 90% (16,365,420) | 80% (14,547,040) | 70% (12,728,660) | 60% (10,910,280) | 50% (9,091,900) | 40% (7,273,520) | 30% (5,455,140) | 20% (3,636,760) | 10% (1,818,380) |
| 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 |
| Other Taxes | | | | | | | | | | | | |
| Circuit Breaker Cap | 3% | 2% | 2% | 2% | 2% | 2% | 2% | 2% | 2% | 2% | 2% | 2% |
| Debt Service (0.3997% of Net AV) | 11,006 | 371,013 | 371,013 | 371,013 | 371,013 | 371,013 | 371,013 | 371,013 | 371,013 | 371,013 | 371,013 | 371,013 |
| Max Tax Under the Cap | 1,466 | 74,147 | 1,466 | 8,734 | 16,003 | 23,271 | 30,539 | 37,807 | 45,075 | 52,343 | 59,611 | 66,879 |
| | 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 | | | | | | | | | | | | |
| Abatement Deduction | | | 100% | 90% | 80% | 70% | 60% | 50% | 40% | 30% | 20% | 10% |
| | | | (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 |
| Other Taxes | | | | | | | | | | | | |
| Circuit Breaker Cap | 3% | 3% | 3% | 3% | 3% | 3% | 3% | 3% | 3% | 3% | 3% | 3% |
| | 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.



| | | | | | |
|---------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|------------------------|--|
| 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 M. JONES
 CITY CLERK, SOUTH BEND, IN

| Full-Time Permanent Indiana-Resident Positions by Calendar Year | | | | | | |
|-----------------------------------------------------------------|---------------|----------------------------------------------|---------------------------------------------------------------------|--------------------------------------------------------------------------|---------------------------------------------|----------------------------------------|
| Calendar Year | Jobs retained | Hourly average wage, w/o benefits or bonuses | Cumulative # of net NEW full time permanent jobs created at project | Hourly average wage, w/o benefits or bonuses, of cumulative net new jobs | Total training expenditure - not cumulative | Total # to be trained - not cumulative |
| 2023 | 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? Y Are you an EEO employer? Y

| 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 | | | | | | |

This will be a new operation and Holladay Properties has reached out to the Office of Diversity, Compliance and Inclusion in an effort to build a more diverse employee and subcontractor candidates pool.

Filed in Clerk's Office
 JUN 21 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 |
| | B. | Purchase Materials from Local Companies (75%) | Y | 20 |
| | C. | Require Employees vs. Independent Contractors | Y | 19 |
| | D. | Require Prevailing Wage | N | 22 |
| | E. | Require Health Benefits | Y | 22 |
| | F. | Require Retirement Benefits | N | 18 |
| | G. | Maintain Affirmative Action-Plan | Y | 20 |
| | | Sub-total Construction Related: | | 101 |
| 2 | Wage & Benefit Related (Owner): | | | |
| | A. | Pay Target Wage Levels | Y | 33 |
| | B. | Provide Health Benefits | Y | 34 |
| | C. | Provide Retirement Benefits | Y | 29 |
| | D. | Provide Training | Y | 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 |
| | 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 |
| | | 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: Annex Hayes Date: 06/30/2023

For Staff Use Only Below This Line

Land: 160,500

| | | | |
|----------------------------------------------|--------------------------|-----------------|--------------------|
| What is the current assessed value? | Real Property: | Bdg: 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 | | |

Filed in Clerk's Office
 JUN 7 C 2023
 L. PAUL W. JONES
 CITY CLERK, SOUTH BEND, IN

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: | | | | | |
| <u>Project Related:</u> | | | | | |
| 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 | <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 | | 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

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 6-1-12.1-5.1.

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 6-1.1-12.1-1)
 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 6-1-12.1-5.1(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 6-1-12.1-17)

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 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 6-1.1-12.1-13, 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.)

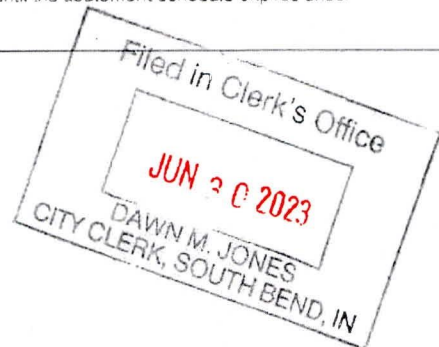
**IC 6-1.1-12.1-17
Abatement schedules**

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:

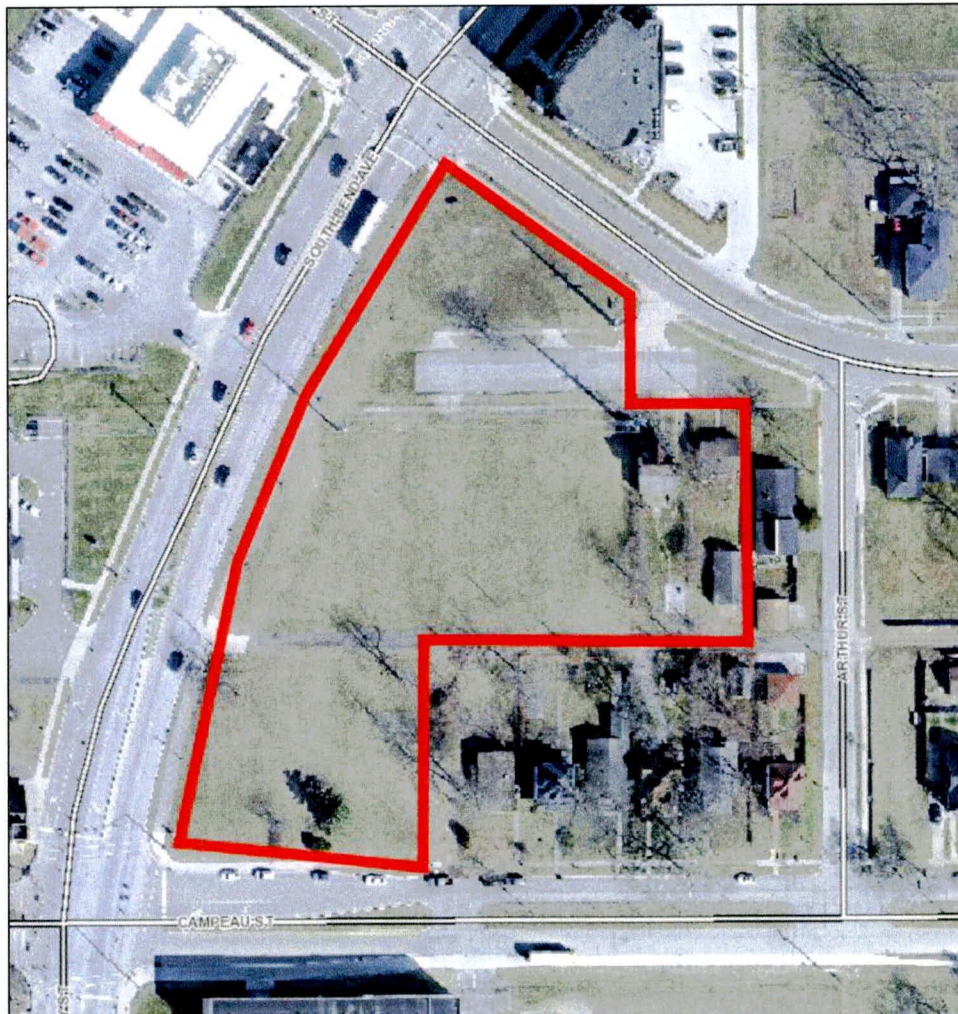
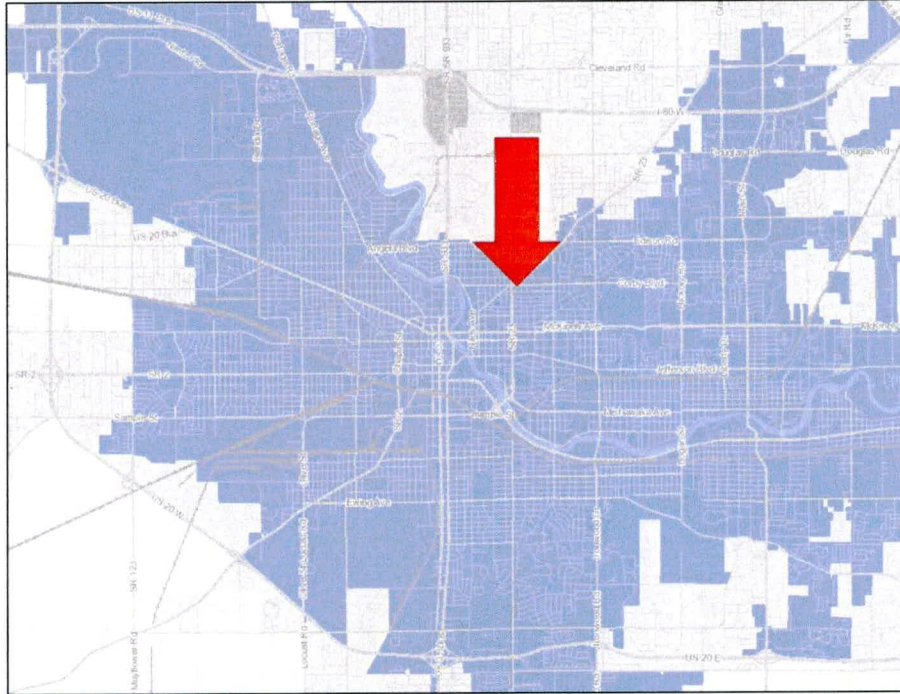
- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(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 6-1.1-12.1-13, 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



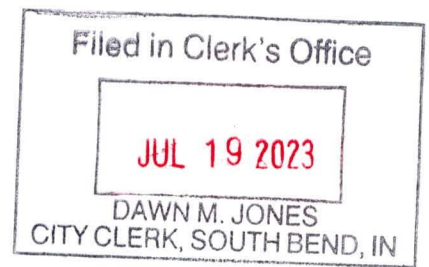
Project Renderings



Filed in Clerk's Office

JUL 19 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN



MEMORANDUM OF AGREEMENT

(MIXED-USE DEVELOPMENT REAL PROPERTY TAX ABATEMENT)

This Memorandum of Agreement (Agreement) dated as of July 13, 2023, serves as confirmation of a commitment by **Five Corners LLC** (the "Applicant"), pending a July 26, 2023, public hearing, to comply with the project description, job creation and retention (and associated wage rates and salaries) figures contained in its petition, Statement of Benefits, and attachments and this Agreement.

1. Property Associated with the Abatement and Responsibilities of the Applicant. At the time of this Agreement, the property is located at 1144 Corby Boulevard, South Bend, Indiana 46613, and has Key Number 71-09-06-301-014.000-026. Throughout the duration of the abatement, the Applicant shall promptly report any changes in the address or Key Number of the property receiving the abatement to the Department of Community Investment and to the Office of the City Clerk. Moreover, the Applicant also shall report any material changes or improvements made to the property subject to the abatement including changes as the result of subdividing, replatting, or otherwise. The Applicant agrees that failure to promptly report changes can result in a finding of noncompliance on behalf of the Applicant under the commitments of this Agreement.

2. Commitments of City and Applicant. Subject to the adoption of a Declaratory Resolution and a Confirmatory Resolution by the South Bend Common Council (the "SBCC"), the City of South Bend, Indiana, (the "City") commits to provide a **ten-year (10) mixed-use development real property tax abatement** for the Applicant, based on the Applicant's commitment set forth in its Application. The Applicant commits to the following (the "Commitments"):

(a) making total combined real property expenditures of no less than Twenty Seven Million dollars (\$27,000,000.00) for the construction of a mixed-use development at property identified in Section 1 of this Agreement consisting of two buildings featuring an approximately 108-unit apartment building and commercial space, respectively, with total combined area of approximately One Hundred Seventy Three Thousand (173,000) square feet;

(b) creating at least nine (9) permanent full-time jobs with a total estimated annual payroll of at least Five Hundred Seventy Thousand Six Hundred dollars (\$570,600.00); and

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

3. Applicant's Compliance with City and State Laws. During the term of the abatement, the Applicant shall comply with Chapter 2, Article 6, of the South Bend Municipal Code, entitled "Tax Abatement Procedures," and all governing provisions of the Indiana Code. During the term of this abatement, the City may annually request information from the Applicant concerning the nature of the Project, the approved capital expenditure of the Project, the number of full-time permanent positions newly created by the Project, and the average wage rates and salaries (excluding benefits & overtime) associated with the positions, and the Applicant shall provide the City with adequate written evidence thereof within fifteen (15) days of such request (the "Annual Survey"). The City

savings repayment should not occur. If, after giving such notice and receiving such evidence, if any, the City determines that the abatement termination and/or the tax repayment action is proper, the Applicant shall be provided with written notice and a hearing before the SBCC before any final action shall be taken terminating the abatement and/or requiring repayment of tax benefits. The Applicant shall be entitled to appeal that determination to a St. Joseph County Superior or Circuit Court.

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

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

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

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

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

12. Notices. All notices, requests, demands, and other communications required or permitted under this Agreement shall be in writing and shall be deemed to have been received when delivered by hand or by facsimile (with confirmation by registered or certified mail) or on the third business

execute this Agreement on behalf of such party and that this Agreement constitutes a valid and binding obligation of the party.

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

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

[Remainder of page intentionally blank.]

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


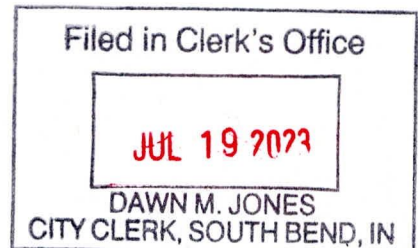
| | |
|----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>“Applicant”</p> <p>Five Corners LLC</p> <p>By: <u>Anne Hayes</u></p> | <p>“City”</p> <p>City of South Bend, Indiana</p> <p>By: _____</p> |
| <p>Anne Hayes Member, Five Corners LLC</p> | <p>Sharon McBride President, South Bend Common Council</p> |
| <p>Approved as to Legal Adequacy and Form this _____ day of _____, 2023.</p> <p>Counsel, South Bend Common Council</p> | <p>By: _____</p> <p>Rachel Tomas Morgan Chairperson, Community Investment Committee</p> <p>By: <u></u></p> |
| <p>Counsel for Applicant</p> | <p>Erik Glavich Department of Community Investment</p> |
| | <p>By: _____</p> <p>James Mueller Mayor</p> |

EXHIBIT A

Abatement Schedule

Subject to the adoption by the SBCC of a resolution confirming the adoption of Declaratory Resolution No. 5039-23, the property owner is qualified for and is granted a mixed-use development real property tax abatement for a period of ten (10) years as shown by the schedule outlined below.

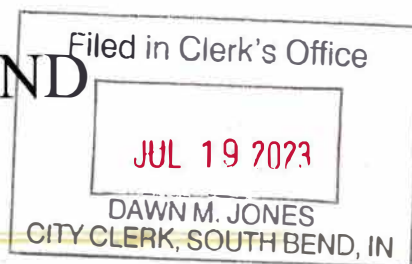
Year 1 - 100%
Year 2 - 90%
Year 3 - 80%
Year 4 - 70%
Year 5 - 60%
Year 6 - 50%
Year 7 - 40%
Year 8 - 30%
Year 9 - 20%
Year 10 - 10%



BILL NO. 23-50



CITY OF SOUTH BEND COMMUNITY INVESTMENT



July 19, 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:** 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.

On July 10, the Common Council approved Declaratory Resolution No. 5042-23 for this abatement. The Council will consider the Confirming Resolution. 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.

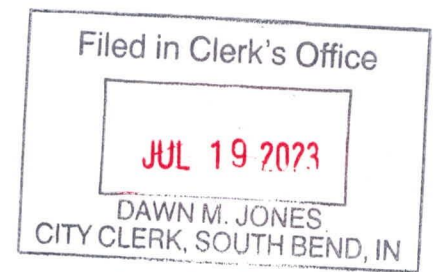
The project meets the requirements established by Sections 2-79 et seq. and would qualify for a five-year (5) personal property tax abatement. A representative from Crossroads Solar Enterprises LLC will be available to meet with the Committee on Monday, July 24, 2023.

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. 23-50
RESOLUTION NO. 5047-23



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

1901 N. Bendix Drive, South Bend, IN 46628

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

Crossroads Solar Enterprises 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 commonly known as 1901 N. Bendix Drive, South Bend, Indiana 46628, and which is more particularly described as follows:

Business Personal Property

and which has Key Numbers to be assigned, be designated as an Economic Revitalization Area; 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 personal 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 personal property tax deduction for a period of five (5) years as shown below

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 - 95%
Year 3 - 90%
Year 4 - 85%
Year 5 - 80%

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:

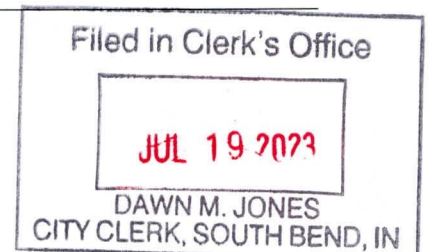
Dawn M. Jones, City Clerk
Office of the City Clerk

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: 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 | (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.



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 1-8 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/Retooling | | | | | | | | |
| 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 | 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. |
| Hispanic | 1 | | 2 | | | | |
| Asian | | | | | | | |
| Indian | | | | | | | |
| Female | 3 | | 4 | | | 1 | |
| Other | | | | | | | |

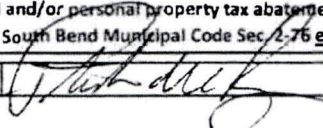
**Complete below for Real or Personal Property Tax Abatement only.
Please sign for all requested incentives.**

Public Benefit Item:

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

| | | Qualify (Yes or No) | Earned Points | Available Points | |
|------------------------------|--------------------------------------------|------------------------------------------------------------------------------------|---------------|------------------|-----|
| 1 | 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. | | | | |
| | | (Y or N) | Points | Points |
| Public Benefit Item: | | | | |
| Project Related: | | | | |
| 5 | A. | Redevelop a Site that has Special Needs | | 49 |
| | B. | Develop Based on Local University Research | | 35 |
| | C. | Achieve a Physical Element of a Plan | | 36 |
| | Sub-total Project Related: | | | 120 |
| | | | | |
| 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: | | | 210 | |
| 7 | Pay for Municipal Infrastructure: | | | |
| | A. | Pay for Oversizing or Upgrading | | 14 |
| | B. | Pay for 26-50% of Extension Cost | | 26 |
| | C. | Pay for 51-75% of Extension Cost | | 39 |
| | D. | Pay for 76-100% of Extension Cost | | 52 |
| Sub-total Infrastructure Related: | | | 131 | |
| Total from Applicant Section: | | | 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 (R5 / 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:

- 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.
- 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.
- 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.
- 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).
- 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 | | | | | | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|--------------------------------------------|-------------------|------------------------------------------------------------------------------|-------------------|----------------------------------------------------------------|----------------|--------------|----------------|--|
| Name of taxpayer Crossroads Solar Enterprises LLC | | | | Name of contact person First Name: Patrick Last Name: Regan | | | | | | |
| Address of taxpayer Number and Street: 1901 N. Bendix Dr City: South Bend State: IN ZIP: 46628 | | | | Telephone number (607) 759-1058 | | Email patrickregan@crossroads.com | | | | |
| SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT | | | | | | | | | | |
| Name of designating body Common Council of the City of South Bend | | | | | | Resolution number (s) | | | | |
| Location of property Number and Street: 1901 N. Bendix Dr City: South Bend State: IN ZIP: 46628 | | | | County St. Joseph | | DLGF taxing district number 026 (South Bend-Portage) | | | | |
| Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (Use additional sheets if necessary.) The equipment is a fully automated solar panel assembly line. It will include a laminator, sun simulator, framing, soldering unit and numerous conveyors. This equipment will increase our productive capacity by 4X. | | | | ESTIMATED | | | | | | |
| | | | | START DATE | | COMPLETION DATE | | | | |
| | | | | Manufacturing Equipment | | | | | | |
| | | | | R & D Equipment | | | | | | |
| | | | | Logist Dist Equipment | | | | | | |
| IT Equipment | | | | | | | | | | |
| SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT | | | | | | | | | | |
| Current Number | Salaries | Number Retained | Salaries | Number Additional | Salaries | | | | | |
| 14 | \$ 582,400 | 14 | \$ 582,400 | 15 | \$ 750,000 | | | | | |
| SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT | | | | | | | | | | |
| NOTE: Pursuant to IC 6-1-1-12-1-5.1 (d) (2) the COST of the property is confidential. | | MANUFACTURING EQUIPMENT | | R & D EQUIPMENT | | LOGIST DIST EQUIPMENT | | IT EQUIPMENT | | |
| | | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE | COST | ASSESSED VALUE | |
| | | Current values | \$ 0 | | | | | | | |
| | | Plus estimated values of proposed project | \$ 1,000,000 | | | | | | | |
| | | Less values of any property being replaced | \$ 0 | | | | | | | |
| Net estimated values upon completion of project | | \$ 1,000,000 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | \$ 0 | |
| 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) 7/1/2023 | | | | |
| Printed name of authorized representative Patrick M. Regan | | | | | | Title President | | | | |

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 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. 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 \$ N/A cost with an assessed value of \$ N/A. (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 \$ N/A cost with an assessed value of \$ N/A. (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 \$ N/A cost with an assessed value of \$ N/A. (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 \$ N/A cost with an assessed value of \$ N/A. (One or both lines may be filled out to establish a limit, if desired.)
- G. Other limitations or conditions (specify) N/A
- 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 Common Council of the City of South Bend, IN | |
| 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.

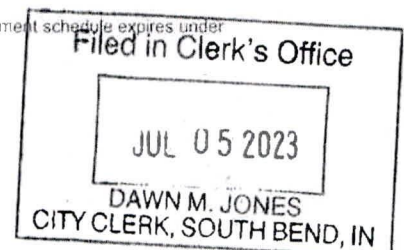
**IC 6-1.1-12.1-17
Abatement schedules**

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.

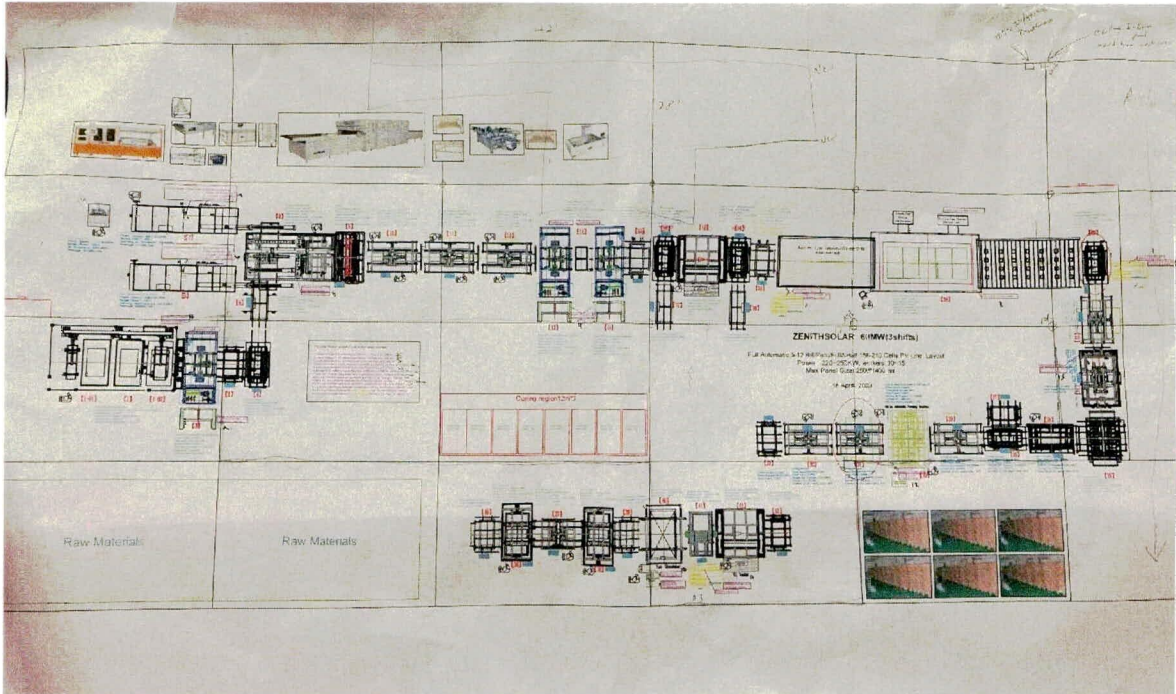
(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.



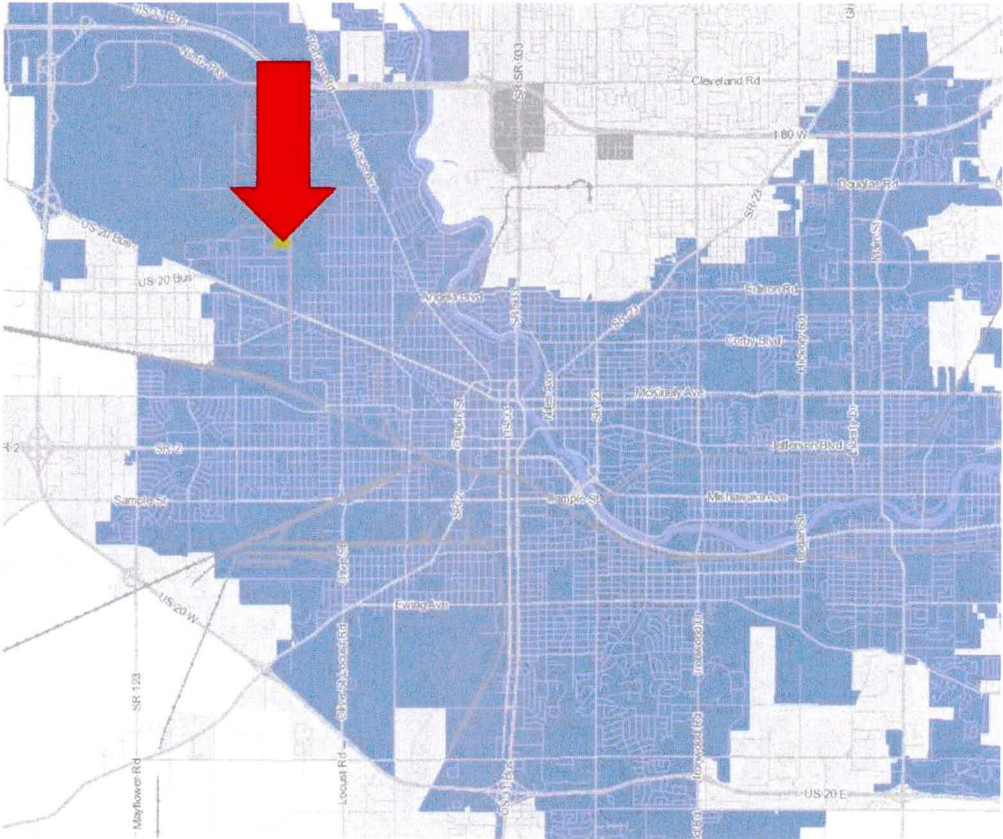
Current solar panel construction line located at 1901 N Bendix Dr.



Diagram for second solar panel assembly line



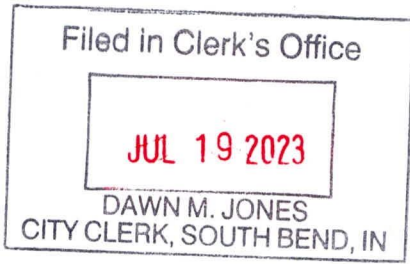
Aerial and Street Views



View Looking West from N Bendix Dr



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



MEMORANDUM OF AGREEMENT

(PERSONAL PROPERTY TAX ABATEMENT)

This Memorandum of Agreement (Agreement) dated as July 13, 2023, serves as confirmation of a commitment by **Crossroads Solar Enterprises LLC** (the "Applicant"), pending a July 24, 2023, public hearing, to comply with the project description, job creation, and retention (and associated wage rates and salaries) figures contained in its petition, Statement of Benefits, and attachments and this Agreement (Commitments).

1. Commitments of City and Applicant. Subject to the adoption of a Declaratory Resolution and a Confirmatory Resolution by the South Bend Common Council (the "SBCC"), the City of South Bend, Indiana, (the "City") commits to provide **a five-year (5) personal property tax abatement** for the Applicant, based on the Applicant's commitment set forth in its Application. The Applicant commits to the following (the "Commitments"):

(a) making a capital expenditure of no less than Nine Hundred Forty Thousand dollars (\$940,000.00) associated with the purchase of manufacturing equipment to produce solar panels at 1901 North Bendix Drive, South Bend, Indiana 46628.

(b) creating at least fifteen (15) permanent full-time jobs with a total estimated annual payroll of at least Seven Hundred Fifty Thousand dollars (\$750,000.00); and

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

2. Applicant's Compliance with City and State Laws. During the term of the abatement, the Applicant shall comply with Chapter 2, Article 6, of the South Bend Municipal Code, entitled "Tax Abatement Procedures," and all governing provisions of the Indiana Code. During the term of this abatement, the City may annually request information from the Applicant concerning the nature of the Project, the approved capital expenditure of the Project, the number of full-time permanent positions newly created by the Project, and the average wage rates and salaries (excluding benefits & overtime) associated with the positions, and the Applicant shall provide the City with adequate written evidence thereof within fifteen (15) days of such request (the "Annual Survey"). The City shall utilize this information and the information required to be filed by the Applicant in the CF-1 Compliance with the Statement of Benefits form to verify that the Applicant has at all times complied with the Commitments after the Commitment Date and during the duration of the abatement and for no other purpose. The Applicant further agrees to provide the City with such additional information as requested by the City to determine Applicant's compliance with the Commitments and with local and state requirements within twenty (20) days following any such request. Notwithstanding anything herein to the contrary, the Applicant acknowledges that the City may be required to disclose certain documents provided by the Applicant as required by a court order or applicable law.

3. Substantial Compliance and Rights of Termination. The City, by and through the SBCC, reserves the right to terminate the Economic Revitalization Area designation and associated property tax abatement deductions if it reasonably determines that the Applicant has not made reasonable efforts to substantially comply with all the Commitments, as defined in Section 1 of this Agreement, and the

Applicant's failure to substantially comply with the Commitments was not due to factors beyond its reasonable control, as described in Section 4 below.

4. Factors Beyond Control. As used in this Agreement, factors beyond the control of the Applicant shall only include factors not reasonably foreseeable at the time of designation application and submission of Statement of Benefits which are not caused by any act or omission of the Applicant, and which materially and adversely affect the ability of the Applicant to substantially comply with this Agreement. Applicant has the burden to communicate to the City any such factors in which it believes is beyond its control and impacting its ability to fulfill the terms of this Agreement or any tax abatement benefit provided to the City. The City reserves the right to investigate the factors cited by Applicant under this Section 4 to the fullest extent possible and may deny Applicant's request upon the completion of the City's investigation.

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

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

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

8. Modification/Entire Agreement. This Agreement and the schedules attached hereto as Exhibit A contain the entire understanding between the City and the Applicant with respect to the subject matter hereof, and supersede all prior and contemporaneous agreements and understandings,

inducements, and conditions, expressed or implied, oral, or written, except as herein contained. This Agreement may not be modified or amended other than by an agreement in writing signed by the City and the Applicant. The Applicant understands that any and all filings required to be made or actions required to be taken to initiate or maintain the abatement are solely the responsibility of the Applicant.

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

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

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

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

| | |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| If to Applicant: | Crossroads Solar Enterprises LLC 1901 N. Bendix Drive South Bend, Indiana 46628 Attn: Patrick Regan, President |
| | |
| If to the City: | City of South Bend, Indiana 227 W. Jefferson Boulevard, Suite 1400S South Bend, Indiana 46601 Attn: Executive Director of Community Investment |

13. Assignment and Transfer Prohibited. This Agreement shall be binding upon and inure to the benefit of the City and the Applicant and their successors and assigns, except that no party may assign or transfer its rights or obligations under this Agreement without the prior written consent of the other party hereto, in which consent shall not be unreasonably withheld.

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

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

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

[Remainder of page intentionally blank.]

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



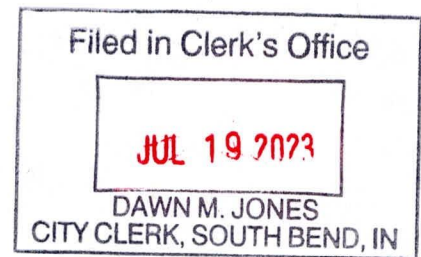
| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>“Applicant”</p> <p>Crossroads Solar Enterprises LLC</p> <p>By: </p> <p>Patrick Regan President Crossroads Solar Enterprises LLC</p> <p>Approved as to Legal Adequacy and Form this _____ day of _____, 2023.</p> <p>Counsel, South Bend Common Council</p> <hr/> <p>Counsel for Applicant</p> <hr/> | <p>“City”</p> <p>City of South Bend, Indiana</p> <p>By: _____</p> <p>Sharon McBride President, South Bend Common Council</p> <p>By: _____</p> <p>Rachel Tomas Morgan Chairperson, Community Investment Committee</p> <p></p> <p>By: _____</p> <p>Erik Glavich Department of Community Investment</p> <p>By: _____</p> <p>James Mueller Mayor</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

EXHIBIT A

Abatement Schedule

Subject to the adoption by the SBCC of a resolution confirming the adoption of Declaratory Resolution No. 5042-23, the property owner is qualified for and is granted a personal property tax abatement for a period of five (5) years as shown by the schedule outlined below.

Year 1 - 100%
Year 2 - 95%
Year 3 - 90%
Year 4 - 85%
Year 5 - 80%





BILL NO. 47-23
City of South Bend
Common Council

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

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

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.



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

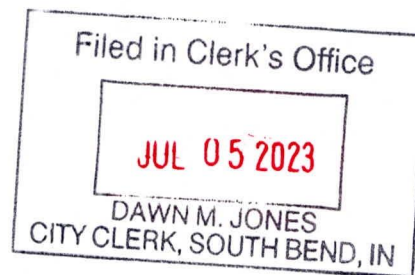
I am filing this proposed ordinance for first reading on July 10, 2023, and request that it be included on the Health and Public Safety Committee agenda to be followed by second and third readings and public hearing on July 24, 2023.

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. 10961-23

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
 - (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:

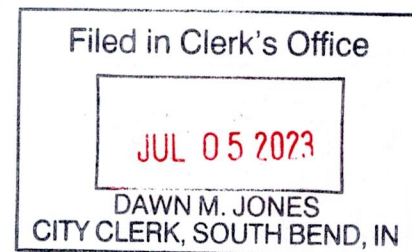
Dawn M. Jones, City Clerk
Office of the City Clerk

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



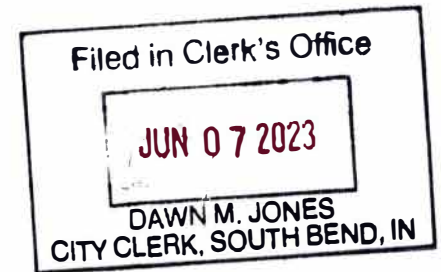


BILL NO. 43-23
City of South Bend
Common Council

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

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

March 8, 2023



Sharon L. McBride
President

Sheila Niezgodski
Vice-President

Canneth Lee
Chairperson, Committee
of the Whole

Canneth Lee
First District

Henry Davis, Jr.
Second District

Sharon L. McBride
Third District

Troy Warner
Fourth District

Eli Wax
Fifth District

Sheila Niezgodski
Sixth District

Karen L. White
At Large

Rachel Tomas Morgan
At Large

Lori K. Hamann
At Large

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

RE: AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, ADDING CHAPTER 14, ARTICLE 10, SECTIONS 14-61 THROUGH AND INCLUDING 14-63 ADDRESSING EXTERMINATION/PEST CONTROL IN RESIDENTIAL RENTAL UNITS.

Dear Chairperson Wax:

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

Bedbugs are not the only pests that jeopardize public safety. Infestations of other pests such as cockroaches, ants, bees and even squirrels and raccoons pose a danger to our residents. These dangers can be especially urgent in rental units and affect the health and safety of not only tenants, but also of the entire community. Examples are bedbugs and cockroaches. These pests are easily transferred from one structure to another, such as a home to a school and back to another home.

Often the responsibility for extermination of such pests is not clear. The purpose of this ordinance is to establish who is responsible for the extermination of infestations of such pests and establishing penalties for violations of the ordinance. This ordinance does not pertain to, regulate, or discuss which party to the lease is to ultimately pay for the pest eradication.



City of South Bend Common Council

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

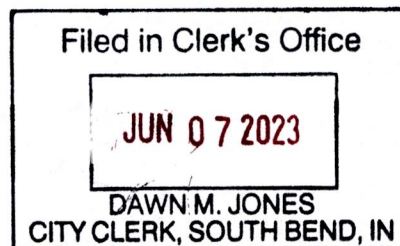
(574) 235-9321
Fax (574) 235-9173
TDD (574) 235-5567
<http://www.southbend.in.gov>

I am filing this proposed ordinance for first reading on June 12, 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 June 26, 2023.

Thank you for your consideration.

Sincerely yours,

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



Filed in Clerk's Office

JUN 07 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

BILL NO. 43-23

ORDINANCE NO. 10956-23

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, ADDING CHAPTER 14, ARTICLE 10, SECTIONS 14-61 THROUGH AND
INCLUDING 14-63 ADDRESSING EXTERMINATION/PEST CONTROL IN
RESIDENTIAL RENTAL UNITS**

STATEMENT OF PURPOSE AND INTENT

Pest infestation of residential rental units is a growing problem affecting the health and safety of not only tenants, but also of the entire community. Examples are bedbugs and cockroaches. These pests are easily transferred from one structure to another, such as a home to a school and back to another home. Often the responsibility for extermination of such pests is not clear. The purpose of this ordinance is to establish who is responsible for the extermination of infestations of such pests and establishing penalties for violations of this ordinance. This ordinance does not pertain to, regulate, or discuss which party to the lease is to ultimately pay for the pest eradication.

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

SECTION I. Chapter 14 (Specific Public Safety Regulations) Article 10, Sections 14-61 through and including Section 14-63 are added to of the South Bend Municipal Code and the Article is hereby amended to read in its entirety as follows:

Article 10. Extermination/pest control

Sec. 14-61. Defined Words and Terms.

As used in this article, the following words and terms have the following definitions:

"Accessory Structure" means a subsidiary or auxiliary building or structure located on the same zoning lot with the primary building or structure and which is customarily incidental to the primary building or structure or the primary use of the land.

"Exterior property" means the open space on the premises and on adjoining property under the control of the owners or tenants of such premises, provided said open space is made available to the occupants of

the rental unit.

“Infestation” means the presence, within or contiguous to, a structure or premises of pests.

“Owner” means any person, operator or agent thereof having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control over decisions on the use and condition of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person.

"Pest" means insects, rats, bed bugs, snakes, raccoons, squirrels, vermin, reptiles, or other similarly situated animals.

"Premises" means a lot, plot or parcel of land including the buildings or structures thereon.

“Residential rental unit” as used in this Article means one (1) or more dwelling units in a structure intended to be occupied or is occupied as a home, residence, or habitable space by anyone other than the owner and may include a tenancy agreement or lease.

“Tenant” means a person who occupies a rental unit for residential purposes with the landlord's consent and may include monetary or other legal consideration that is agreed upon by both parties.

Sec. 14-62. Responsibilities.

- (a) All residential rental units, their accessory structures and exterior property shall be kept free from infestations of pests. All residential rental units or accessory structures thereof in which infestations of pests are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.
- (b) The owner of any residential rental unit shall be responsible for extermination within the unit, its accessory structures or on the exterior property for extermination of pests prior to letting the unit.
- (c) The tenant of a single-family detached home shall be responsible for extermination of infestations of pests after occupying the premises for thirty days unless the infestation is caused by defects in the premises, in which case the owner shall be responsible for extermination of pests.

- (d) The owner of a structure containing two or more dwelling units, a multiple occupancy or a rooming house shall be responsible for extermination of infestations of pests.
- (e) Regardless of whose responsibility it is to exterminate any pests, if the presence of infestations of pests is determined to be the result of actions taken, or not taken, by any tenant, said tenant shall be liable for fines in accordance Section 14-63 of this Article.
- (f) This Section pertains only to whose responsibility it is to eradicate infestations of the pests; it does not pertain to, regulate, or discuss which party to the lease is to ultimately pay for the pest eradication.

Sec. 14-63. Penalties.

Any person violating any provisions of this Section shall be issued an ordinance violation citation. Penalties shall be two hundred fifty dollars (\$250.00) for the first violation; five hundred dollars (\$500.00) for the second violation and seven hundred fifty dollars (\$750.00) for all violations thereafter. Payment of penalties shall be made through the Ordinance Violations Bureau. Failure to make payment within thirty (30) days of the issuance of any citation shall result in a late fee of an additional fifty dollars (\$50.00) for every thirty (30) days it remains unpaid.

SECTION II. Severability.

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

SECTION III. Effective Date.

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

Sharon McBride, Council President
South Bend Common Council

Attest:

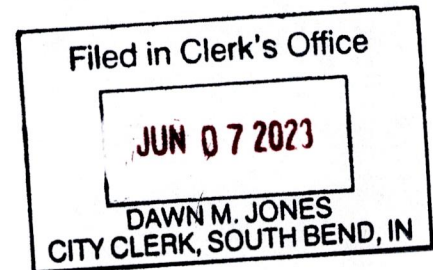
Dawn M. Jones, City Clerk
Office of the City Clerk

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

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

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

James Mueller, Mayor
City of South Bend, Indiana



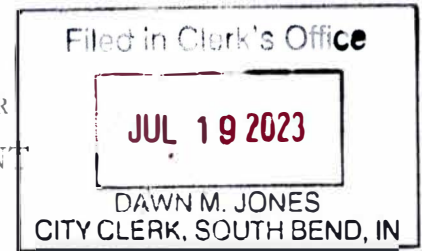
BILL NO. 23-51

701 W. SAMPLE STREET
SOUTH BEND, INDIANA 46601-2890



PHONE 574/235-9311
FAX 574/288-0268

CITY OF SOUTH BEND JAMES MUELLER, MAYOR
SOUTH BEND POLICE DEPARTMENT
SCOTT A. RUSZKOWSKI, CHIEF OF POLICE



South Bend Common Council
227 West Jefferson Blvd, Suite 441 S
South Bend, Indiana 46601

July 19th, 2023

Re: A Resolution Approving an Interlocal Agreement Between the City of South Bend, Indiana and St. Joseph County, Indiana for the Housing and Operation of the Special Victims Unit

Honorable Council Members,

The South Bend Police Department is requesting the renewal of our Interlocal Service Agreement with the Saint Joseph County Special Victims Unit (SVU) for housing and maintenance costs at the CASIE Center. This agreement was established in 2012 and has been renewed every five years. Thus far, the collaboration between SBPD, the CASIE Center, and SVU has proven to be an effective model in investigating these sensitive cases as well as providing various resources to the victims all under one roof. All parties, SBPD included, agree that continuation of this collaboration are in the public's best interest.

The attached resolution approves the Interlocal Service Agreement and the appropriation of the Forty Thousand (\$40,000.00) in 2023 to go towards housing and maintenance costs of SVU at the CASIE Center. Attached in EXHIBIT 1 is the entire 2023-2028 Interlocal Service Agreement. In EXHIBIT A you will find a summary of the agreement and the scope of services provided by all involved parties. The Interlocal Service Agreement is currently being reviewed by the City of South Bend Board of Public Works and the St. Joseph County Council. In addition to approval by the two Boards, the South Bend Police Department is requesting the Common Council's review and approval.

This Service Agreement would be retroactive to January 1st, 2023 and concludes on December 31st, 2028.

SBPD Legal Counsel, Kylie Connell, was instrumental in working on this Interlocal Service Agreement and has thoroughly reviewed it as well. Kylie Connell and Aaron Knepper will present this to the Common Council.

SERVICE

BRAVERY

PRIDE

DEDICATION

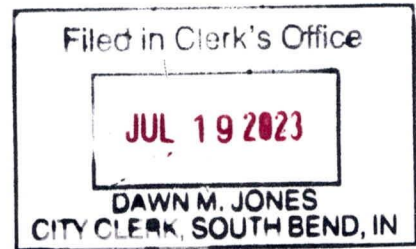
Thank you for your consideration.

Sincerely,



PFC Aaron M. Knepper #2174
Logistics Officer - Support Division
South Bend Police Department
(574)235-9018

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



BILL NO. _____
RESOLUTION NO. _____

**A RESOLUTION OF
THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA
APPROVING AN EXTENSION OF THE INTERLOCAL AGREEMENT
BETWEEN THE CITY OF SOUTH BEND, INDIANA AND ST. JOSEPH
COUNTY, INDIANA, FOR THE HOUSING AND OPERATION OF THE
SPECIAL VICTIMS UNIT**

WHEREAS, the City of South Bend, Indiana, through the South Bend Police Department ("SBPD") has a history of cooperating with the St. Joseph County Prosecutor in the investigation and prosecution of crime within the City of South Bend; and

WHEREAS, St. Joseph County, Indiana, has created the Special Victims Unit ("SVU") that conducts criminal investigations of child abuse and sex crimes deemed to have high impact upon the safety and welfare of citizens of St. Joseph County, Indiana, and which further provides services to victims of certain crimes; and

WHEREAS, the SVU presently combines the expertise of highly skilled and trained law enforcement officers from the St. Joseph County Police Department, the SBPD, and the Mishawaka Police Department, as well as the technical and support services of Indiana University South Bend and the Notre Dame Security Police Department, to among other things investigate, provide services to victims, gather and report data, and share information with the SBPD concerning crimes involving child abuse and sex crimes and other connected crimes in St. Joseph County; and

WHEREAS, the SVU is housed and operated out of the CASIE Center at 533 N Niles Ave, South Bend, IN; and

WHEREAS, Indiana Code 36-1-7, the Interlocal Cooperation Act, authorizes one or more governmental entities to exercise, jointly or by one entity on behalf of others, powers that may be exercised by such units severally; and

WHEREAS, the Indiana City of South Bend, along with the County of St. Joseph share a combined interest in extending the existing Interlocal Agreement so that by working cooperatively, they may efficiently and effectively provide for the housing and operation of the SVU at the CASIE Center in St. Joseph County.

WHEREAS, pursuant to IC 36-1-7, the City will cooperatively assist the SVU operation by providing funds to pay for the cost and expenses of housing and operation of the SVU, for an annual total of \$40,000; and

WHEREAS, The City of South Bend and St. Joseph County, Indiana, have proposed an extension of the Interlocal Agreement, a copy of which is attached hereto and incorporated herein as Exhibit 1, containing all the governing provisions for South Bend's participation in the funding of the housing and operation of the SVU; and

WHEREAS, sufficient funds exist within the City's 2023 Budget to cover the City's costs of participation in the housing and operation of the SVU during calendar year 2023.

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

Section I. The Common Council of the City of South Bend, Indiana, has considered and hereby ratifies, confirms, and approves the extension of the Interlocal Agreement attached as Exhibit 1 to this Resolution, governing the City of South Bend Police Department to provide funding for the housing and operation of the SVU at the CASIE Center in St. Joseph County, Indiana.

Section II. The Board of Public Works was authorized to execute the extension of the Interlocal Agreement attached hereto as Exhibit 1.

Section III. This Resolution shall be in full force and effect retroactively as of July 1, 2023 from and after its adoption by the Common Council and approval by the Board of Public Works.

Sharon McBride,
Common Council President

Attest:

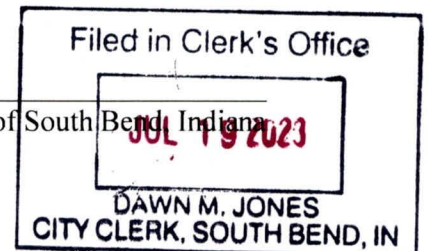
Dawn M. Jones, City Clerk

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

Dawn M. Jones, City Clerk

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

James Mueller, Mayor, City of South Bend, Indiana



Filed in Clerk's Office
JUL 19 2023
DAWN B. JONES
CITY CLERK, SOUTH BEND, IN

**AGREEMENT TO EXTEND THE TERM OF THE LOCAL GOVERNMENT
SERVICE EXCHANGE AGREEMENT BETWEEN THE CITY OF SOUTH BEND, INDIANA
AND ST. JOSEPH COUNTY FOR OPERATION OF THE SPECIAL VICTIMS UNIT**

THIS AGREEMENT is made effective the ____, day of _____ 2023, by and between the City of South Bend, Indiana ("City") acting by and through its Board of Public Works and St. Joseph County, Indiana ("County").

WHEREAS, City and County exist and operate as political subdivisions of the State of Indiana as defined by Ind. Code 36-1-2-13 and are authorized to enter into a Service Purchase and Agreement pursuant to Ind. Code 36-1-7-2(b) and 36-1-7-12; and

WHEREAS, the St. Joseph County Prosecutor's Office ("Prosecutor") exists and operates under the authority of Ind. Code 33-14-1-1 *et seq.*; and

WHEREAS, the Prosecutor has established a Special Victims Unit ("SVU") consisting of deputy prosecuting attorneys, police officers, investigators, victim advocates, and administrative support staff for the purposes of investigating and prosecuting sex crimes and child abuse; and

WHEREAS, on October 18, 2012, City and County did enter into a Local Government Service Exchange Agreement to provide for the housing and operation of the SVU, the terms of which the parties have fully complied with, and which Agreement expired on December 13, 2017; this agreement was renewed December 12, 2017 and expired on December 31, 2022

WHEREAS, City and County agree that said Local Government Service Exchange Agreement has been and is in the public's best interests and they mutually desire to continue said Agreement for an additional term of five (5) years.

NOW THEREFORE, in consideration of the mutual promises and obligations in the Local Government Service Exchange Agreement, the adequacy of which is hereby acknowledged, the Parties do agree as follows:

I. PURPOSE.

City and County agree that it is necessary and in the public's best interest to continue to provide for the housing and operation of the SVU within the City of South Bend, Indiana. City and County are each willing to provide certain funds toward the scope of services as described in *Exhibit A* attached hereto commencing in 2023 and for each year thereafter through and including December 21, 2028.

For purposes of this Agreement, the term "Project" shall mean the housing, operation, and management of the SVU through the Prosecutor. The

project shall include investigation and prosecution of sex crimes and child abuse.

II. TERMS AND CONDITIONS.

This extension incorporates by reference all the terms, obligations, duties, and rights contained in Paragraphs III and V through XII inclusive, of the Local Government Exchange Agreement of October 18, 2012, as if fully set forth herein, and the Parties agree to fulfill their obligations and perform as contained therein.

This Agreement is contingent on the continuation of the "St. Joseph County Special Victims Unit Interlocal Agreement" by both City Council and County Council. If the "St. Joseph County Special Victims Unit Interlocal Agreement" is terminated, then this agreement will automatically terminate and all Parties shall be relieved of their duties to perform as outlined in this Agreement.

III. ADMINISTRATION

Section 3.01 Joint Board. In addition to the terms in Paragraph III of the Local Government Exchange Agreement of October 18, 2012, pursuant to Section 3(a)(5)(B) of the Act, the parties agree that this Agreement shall be administered through a joint board consisting of two (2) members (the "Joint Board") who shall be the Prosecutor of St. Joseph County, Indiana and the Chief of Police of South Bend, Indiana.

Section 3.02 Meetings. The Joint Board shall meet yearly on the first Wednesday of November at the SVU at 10:00 a.m., or as otherwise mutually agreed.

IV. DUTIES.

Section 4.01. County Responsibilities. County hereby agrees to:

- A. Pursuant to this Agreement and in accordance with the laws of the State of Indiana, County shall enter into contracts for the housing and operation of the SVU.
- B. County shall enter into contracts and make purchases is deems reasonably necessary to complete the Project. County shall supervise and administer all contracts concerning the Project.
- C. County shall administer all funds concerning the Project through the St. Joseph County Auditor.
- D. County shall pay the sum of \$45,000.00 toward the Project commencing January 1, 2023 and \$45,000.00 every year thereafter over the term of this Agreement with said money to be used in

accordance with this Agreement.

Section 4.02. City Responsibilities. City shall pay the sum of \$40,000.00 toward the Project commencing January 1, 2023 and \$40,000.00 every year thereafter over the term of this Agreement to the Auditor of St. Joseph County, Indiana, with said money to be used in accordance with this Agreement.

V. DURATION.

This Agreement shall expire on December 31, 2028. Funding is subject to the annual appropriation of the fiscal bodies of City and County. Any money that is outstanding at the end of the term shall be distributed on a pro rata basis to the parties based upon the ratio set forth in Section III for the years 2024 and beyond as adopted herein. This Agreement may be extended by mutual agreement upon expiration of the contract term.

[SIGNATURE PAGE ATTACHED}

IN WITNESS WHEREOF, the Parties hereto, through their duly authorized representatives, have caused this Agreement to be effective as of July 1, 2023. The Parties have read and understand the foregoing terms of this Agreement and do, by their respective signatures, hereby agree to its terms.

ST. JOSEPH COUNTY, INDIANA

**CITY OF SOUTH BEND
Acting by and through its
BOARD OF PUBLIC WORKS**

Carl Baxmeyer, President of the
Board of Commissioners

Elizabeth Maradik, President of
the Board of Public Works

Derek Dieter, Member of the Board
of Commissioners

Joseph Molnar, Member of the Board of Public
Works

Deborah Fleming, Member of the
Board of Commissioners

Gary Gilot, Member of the Board
of Public Works

Jordan Gathers, Member of the
Board of Public Works

Murray Miller, Member of the
Board of Public Works

ATTEST:

John Murphy, St. Joseph County Auditor

Theresa Heffner, Clerk of the Board of Public
Works

Date: _____, 2023

Date: _____, 2023

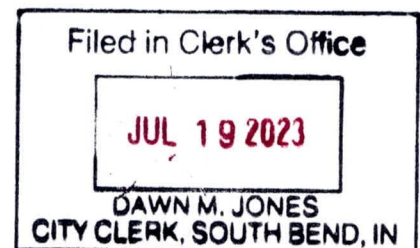


EXHIBIT A

to Local Government Service Exchange Agreement

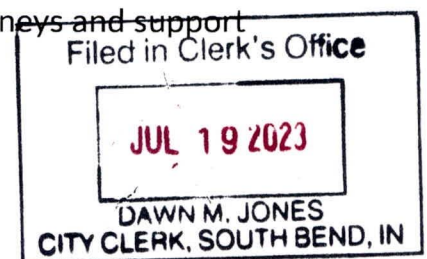
Pursuant to the St. Joseph County Special Victims Unit Interlocal Agreement, the Special Victims Unit investigates and prosecutes all criminal offenses involving child abuse criminal offenses, and sexual assault criminal offenses that occur within the Cities of South Bend and Mishawaka and unincorporated St. Joseph County. It also investigates these cases for other jurisdictions as requested.

The Special Victims Unit is a cooperative co-location of the resources of the Prosecuting Attorney of St. Joseph County, the Sheriff of St. Joseph County, the South Bend Police Department, and the Mishawaka Police Department. The objective of the unit is to provide professional, compassionate, and competent assistance to victims and their families by having investigators, prosecutors, and advocates who are trained and dedicated to working with these types of cases.

The child abuse cases investigated by the Special Victims Unit will be handled in a team concept with principal partners being law enforcement, Department of Child Service, CASIE Center, and deputy prosecuting attorneys.

To accomplish its objective of the Special Victims Unit, the South Bend Police Department, the St. Joseph County Police Department, and the Mishawaka Police Department provide sworn police officers. During this period of assignment, all sworn officers are under the direct supervision and control of the Commander of Special Victims Unit. Specialty training is provided to officers and Prosecutor staff in the unit to enhance their job skills and further develop their expertise. The costs of the officer's training is shared by the officer's department and the office of the Prosecuting Attorney.

The St. Joseph County Prosecutor provides the command structure for the unit which shall consist of the positions of Commander and Assistant Commander. The Commander and Assistant Commander will be responsible to and report to the Prosecutor, the Sheriff of St. Joseph County, Chief of Police of South Bend, and the Chief of Police of Mishawaka. The St. Joseph County Prosecutor also provides the appropriate number of deputy prosecuting attorneys and support staff within the unit.



BILL NO. 23-52

1200 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830

PHONE 574/235-9241
FAX 574/235-7670
TTY 574/235-5567

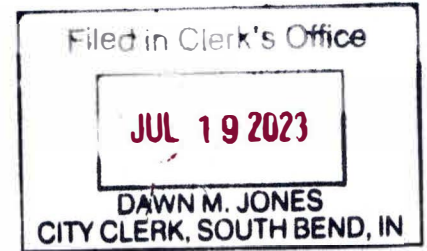


CITY OF SOUTH BEND JAMES MUELLER, MAYOR

DEPARTMENT OF LAW

SANDRA KENNEDY
CORPORATION COUNSEL

July 19, 2023



**South Bend Common Council
227 West Jefferson Blvd, Suite 441 S
South Bend, Indiana 46601**

Re: A Resolution Approving an Interlocal Agreement Between the City of South Bend, Indiana, The City of Mishawaka, Indiana and the Board of Commissioners of St. Joseph County, Indiana for the Mutual Investigation of Officer-Involved Shooting in St. Joseph County

Honorable Council Members,

The South Bend Police Department is requesting the approval of our Interlocal Agreement with Mishawaka and St. Joseph County for the cooperative investigation of officer-involved shootings or deaths as a result of alleged other actions(s) of an officer in St. Joseph County. PD has a long history of cooperating with the Mishawaka Police Department and the St. Joseph County Police Department. The dissolution of the St. Joseph County Metro Homicide Unit necessitated the establishment of the practice and procedure for a thorough, fair, and impartial investigation of incidents in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of alleged other action(s) of an officer. All parties, SBPD included, agree that continuation of this collaboration is in the public's best interest.

The attached resolution approves the Interlocal Agreement attached as Exhibit A and hereby incorporating Exhibit 1 the related Memorandum of Understanding. There is no exchange of funds related to this Interlocal Agreement. The Interlocal Agreement is currently being reviewed by the City of Mishawak and the St. Joseph Board of Commissioners. In addition to approval by the two Boards, the South Bend Police Department is requesting the Common Council's review and approval.

This Service Agreement would be retroactive to January 1st, 2023 and continues until terminated by any party.

JENNA THROW

THOMAS E. PANOWICZ

KATHRYN HOUGH

MICHAEL SCHMIDT

ADAM TAYLOR

KYLIE CONNELL

DANIELLE WEISS

I, Kylie Connell, SBPD Legal Counsel have thoroughly reviewed it as well. I will present this to the Common Council.

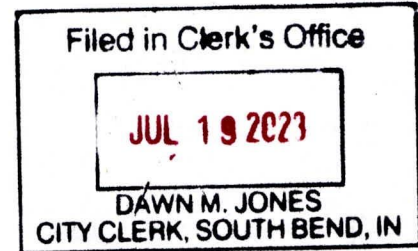
Thank you for your consideration.

Sincerely,

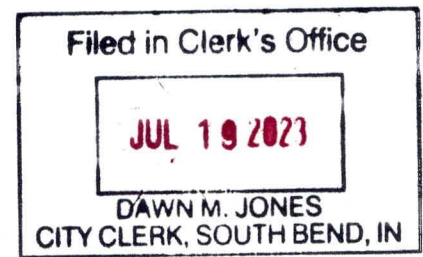
Kylie Connell

Kylie Connell
Assistant City Attorney

KCc



BILL NO. 23-52
RESOLUTION NO. 5049-23



**A RESOLUTION OF
THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA
APPROVING AN INTERLOCAL AGREEMENT BETWEEN
THE CITY OF SOUTH BEND, INDIANA, THE CITY OF MISHAWAKA,
INDIANA AND THE BOARD OF COMMISSIONERS OF ST. JOSEPH
COUNTY, INDIANA, FOR THE MUTUAL INVESTIGATION OF
OFFICER-INVOLVED SHOOTINGS IN ST. JOSEPH COUNTY**

WHEREAS, the City of South Bend, Indiana, through the South Bend Police Department ("SBPD") has a history of cooperating with the City of Mishawaka and St. Joseph County in the investigation of officer-involved shootings or deaths in St. Joseph County; and

WHEREAS, the City of South Bend, the City of Mishawaka, and St. Joseph County have established practices and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of alleged other action(s) of an officer; and

WHEREAS, Indiana Code 36-1-7, the Interlocal Cooperation Act, authorizes one or more governmental entities to exercise, jointly or by one entity on behalf of others, powers that may be exercised by such units severally; and

WHEREAS, the Indiana Cities of South Bend and Mishawaka, along with the County of St. Joseph share a combined interest in entering into an Interlocal Agreement so that by working cooperatively, they may thoroughly, fairly, and impartially investigate incidents of officer-involved shootings or deaths as a result of alleged other action(s) of an officer in St. Joseph County; and

WHEREAS, pursuant to IC 36-1-7, the City will cooperatively assist the City of Mishawaka and St. Joseph County by investigating incidents of officer-involved shootings or deaths as a result of alleged other action(s) of an officer of the Mishawaka Police Department or the St. Joseph County Police Department; and

WHEREAS, The City of South Bend, the City of Mishawaka, and St. Joseph County, Indiana, have entered into an Interlocal Agreement, a copy of which is attached hereto and incorporated herein as Exhibit A, containing all the governing provisions for South Bend's participation in the cooperative investigation service.

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

Section I. The Common Council of the City of South Bend, Indiana, has considered and hereby ratifies, confirms, and approves the Interlocal Agreement attached as Exhibit A to this Resolution, governing the City of South Bend Police Department's participation in the investigation of officer-involved shootings and deaths as a result of alleged other action(s) of an officer in St. Joseph County, Indiana.

Section II. The Common Council President, Mayor, and City Clerk are authorized to execute the Interlocal Agreement in form and substance the same as or substantially similar to that of the Agreement attached hereto as Exhibit A.

Section III. This Resolution shall be in full force and effect retroactively as of January 1, 2023 from and after its adoption by the Common Council and approval by the Mayor.

Sharon McBride,
Common Council President

Attest:

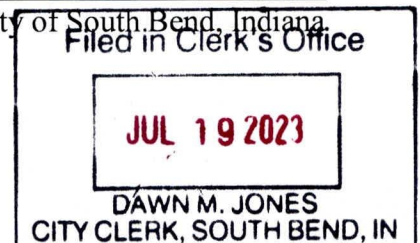
Dawn M. Jones, City Clerk

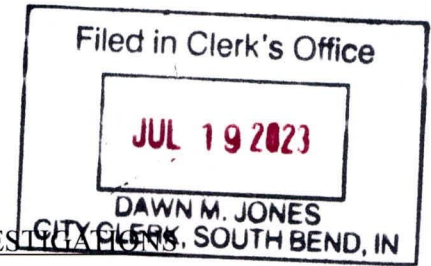
Presented by me to the Mayor of the City of South Bend, Indiana, on the _____ day of _____, 2023 at _____ o'clock __ . m.

Dawn M. Jones, City Clerk

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

James Mueller, Mayor, City of South Bend, Indiana





ST. JOSEPH COUNTY OFFICER-INVOLVED SHOOTING INVESTIGATIONS
INTERLOCAL AGREEMENT

This St. Joseph County Officer-Involved Shooting Investigations Interlocal Agreement (this "Agreement") is entered into on _____, 2023 by and between the Board of Commissioners of St. Joseph County, Indiana (the "County"), the City of South Bend, Indiana ("South Bend"), and the City of Mishawaka, Indiana ("Mishawaka") (collectively, the "parties") as it relates to the South Bend Police Department's (the "SBPD"), the Mishawaka Police Department's (the "MPD"), and the St. Joseph County Police Department's (the "SJCPD") investigation of incidents in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of alleged other action(s) of an officer.

RECITALS

A. The SBPD is a public safety and law enforcement unit supervised by the Chief of Police (the "SBPD Chief") and operating within South Bend in St. Joseph County, Indiana, in accordance with its legal authority and jurisdiction; and

B. The MPD is a public safety and law enforcement unit supervised by the Chief of Police (the "MPD Chief") and operating within Mishawaka in St. Joseph County, Indiana in accordance with its legal authority and jurisdiction; and

C. The SJCPD is a public safety and law enforcement unit supervised by the Sheriff (the "Sheriff") and operating within St. Joseph County, Indiana in accordance with its legal authority and jurisdiction; and

E. The parties desire to continue past and ongoing efforts to cooperate and coordinate their functions and expertise and agree that the terms, conditions, and operations provided for in this Agreement will be in the best interest of their respective communities; and

F. The parties are governmental entities and political subdivisions organized and existing pursuant to the laws of the State of Indiana; and

G. Indiana Code 36-1-7, the Interlocal Cooperation Act, authorizes one or more governmental entities to exercise, jointly or by one entity on behalf of others, powers that may be exercised by such units severally; and

H. The parties agree that it is desirable, advantageous, and in the public interest to enter into an Agreement for joint and cooperative action as embodied herein.

NOW, THEREFORE, for and in consideration of the mutual covenants and promises contained herein, and pursuant to the authority granted the parties under Ind. Code 36-1-7, the parties agree as follows:

Article I. Statutory Authority; MOU Incorporated

Section 1.01 Authority. The parties make this Agreement under the authority and subject to the terms and provisions of the Interlocal Cooperation Act, Ind. Code 36-1-7 (the "Act"). The parties agree that, upon its full approval by South Bend, Mishawaka, and the County (and their respective fiscal bodies,), this Agreement will satisfy each requirement of Section 4(a) of the Act, exempting it from the necessity of approval by the Indiana Attorney General.

Section 1.02 MOU Incorporated. The parties agree to the terms and understandings set forth in the Memorandum of Understanding between SBPD, MPD, and SJCPD attached hereto as Exhibit 1. The MOU includes the purpose, duration, termination, staffing/supplying, and administration of this Agreement.

Section 1.03 Budget. Each agency is responsible for their own cost of involvement. I.C. 36-1-7-7 applies to each agency. In the event that any money is received or disbursed, the St. Joseph County Treasurer is delegated the duty to account for all monies.

Article II. General Provisions

Section 11.01. No Third-Party Beneficiaries. The parties expressly disclaim the existence of any third-party beneficiaries of this Agreement. Nothing in this Agreement, express or implied, is intended or will be construed to confer upon any person or entity, other than the parties hereto and their respective successors or assigns, any remedy or claim under or by reason of this Agreement or any term, covenant, or condition hereof, as third-party beneficiaries or otherwise, and all of the terms, covenants, and conditions hereof will be for the sole and exclusive benefit of the Parties.

Section 11.02. Relationship. Nothing in this Agreement will be construed to create an agency or joint-venture relationship between South Bend, Mishawaka, and the County, and no employee of the County, will be deemed an employee of South Bend or Mishawaka.

Section 11.03. Indemnification. The Parties agrees to defend, indemnify, and hold harmless each Party (and their officers and employees) from and against any and all claims of any nature which arise from the performance by the Parties under this Agreement and from all costs and attorney fees in connection therewith, except for claims arising out of the negligence of the Parties (or their officers or employees). The obligations of the Parties under this Section 11.03 will survive the expiration or termination of this Agreement.

Section 11.04. Assignment. No party may assign this Agreement or any of its rights, interests, obligations, or duties hereunder, whether by operation of law or otherwise, without the express written consent of the other parties.

Section 11.05. No Waiver. The failure or delay of any party to enforce at any time any provision of this Agreement shall not be construed as a waiver of such provision, nor in any way to affect the validity of this Agreement or any part hereof or the right of such party thereafter to enforce each and every such provision. No waiver of any such right will have effect unless given in writing signed by the party waiving such right. No waiver of any

breach of this Agreement shall be held to constitute a waiver of any other or subsequent breach. No waiver of any right will be deemed a waiver of any other right hereunder.

Section 11.06. Severability. Should any part of this Agreement be determined by a court of competent jurisdiction to be invalid, illegal, or against public policy, said offending section shall be void and of no effect, and shall not render any other section herein, nor this Agreement as a whole, invalid. Those rights, interests, obligations, and duties hereunder, which by their nature should survive, shall remain in effect after termination, suspension, or expiration hereof.

Section 11.07. Non-Discrimination. Pursuant to Ind. Code § 22-9-1-10, neither the parties, nor any of their contractors or subcontractors shall discriminate against any employee or applicant for employment, to be employed in the performance of any work under this Agreement with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment, because of race, color, religion, sex, disability, national origin, or ancestry. Breach of this covenant may be regarded as a material breach of this Agreement.

Section 11.08. Counterparts. This Agreement may be executed in counterparts, each of which when executed shall be deemed to be an original, and such counterparts, together, shall constitute but one and the same Agreement.

Section 11.09. Governing Law and Jurisdiction. This Agreement shall be governed by the laws of the State of Indiana, and any dispute relating to the subject of or arising out of this Agreement shall be subject to the sole and exclusive jurisdiction of the Circuit and Superior Courts of St. Joseph County, Indiana.

Section 11.10. Further Assurances. The parties agree that they will each undertake in good faith, as permitted by law, any action and execute and deliver any document reasonably required to carry out the intents and purposes of this Agreement.

Section 11.11. Exhibits. All Exhibits described herein and attached hereto are incorporated into the Agreement by reference. **(Exhibit 1)**

Section 11.12. Entire Agreement. This Agreement, as it may be amended from time to time, encompasses the entire agreement of the parties concerning its subject matter, and no understanding, discussion, negotiation, or agreement will be binding on the parties unless it is set forth herein.

[Signature page follows.]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date first above written.

**ST. JOSEPH COUNTY,
INDIANA**

**CITY OF SOUTH BEND,
INDIANA**

**CITY OF MISHAWAKA,
INDIANA**

Carl Baxmeyer,
President of the Board of
Commissioners

James Mueller, Mayor

Dave Wood, Mayor

ATTEST:

ATTEST:

Deborah Fleming, D.M.D.,
Vice President of the Board
of Commissioners

Dawn Jones, South Bend
City Clerk

Deborah Block, Mishawaka
City Clerk

Derek Dieter, Member of the
Board of Commissioners

ATTEST:

John Murphy, St. Joseph
County Auditor

APPROVED pursuant to
St. Joseph County Council.
Resolution
No.: _____

APPROVED pursuant to
South Bend Common
Council Resolution
No.: _____

APPROVED pursuant to
Mishawaka Common
Council Resolution
No.: _____

Randall L. Figg, President of
St. Joseph County Common
Council

Sharon McBride, President
of the South Bend Common
Council

Gregg Hixenbaugh,
President of Mishawaka
Common Council

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE MISHAWAKA POLICE DEPARTMENT,
THE ST. JOSEPH COUNTY POLICE DEPARTMENT,
AND THE SOUTH BEND POLICE DEPARTMENT**

This **Memorandum of Understanding (MOU)** sets forth the terms and understanding between the Parties: *Mishawaka Police Department (MPD)*, the *St. Joseph County Police Department (SJCPD)*, and the *South Bend Police Department (SBPD)*, to establish practice and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of alleged other action(s) of an officer.

I. BACKGROUND

As of December 31, 2021, the St. Joseph County Metro Homicide Unit (MHU) dissolved. Previously officer-involved shootings or deaths as the result of alleged other action(s) of an officer were investigated by MHU. The dissolution of MHU necessitates the establishment of practice and procedure for a thorough, fair, and impartial investigation of incidents in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of alleged other action(s) of an officer.

II. DURATION

The Parties enter into this MOU voluntarily. This MOU may be modified in writing by mutual consent of authorized officials from MPD, SJCPD, and SBPD. This MOU shall be effective as of January 1, 2023 and upon signature by the Chief of MPD, the Sheriff of SJCPD, and the Chief of SBPD, and will continue until terminated in writing by any party with 30 days of notice. Upon 30 days' notice, any work on outstanding investigation(s) will continue until completed by the investigating agency.

III. PURPOSE AND SCOPE

The purpose of this MOU is to establish practice and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of alleged other action(s) of an officer. This does not include jail deaths or incidents. In other incidents not covered by this MOU, the Chief(s) of Police or Sheriff of the involved department may decide that the investigation will follow the process provided in this MOU. Each Department shall operate accordingly within their respective policies.

IV. PROCESS

The policy of each Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair, and impartial manner.

- 1. TYPES OF INVESTIGATIONS-** Officer-involved shootings and deaths involve several separate investigations. The investigations may include:
 - a. A criminal investigation of the suspect's actions.
 - b. A criminal investigation of the involved officer's actions.
 - c. An administrative investigation as to policy compliance by involved officers.
 - d. A civil investigation to determine potential liability.

- 2. CONTROL OF INVESTIGATIONS-** The control of the investigation, as determined by the type of investigation, is as follows:
- a. **CRIMINAL INVESTIGATIONS** - The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol and through this MOU.
 - i. Investigators from surrounding agencies will be assigned to work on the criminal investigation of officer-involved shootings and deaths. One uninvolved agency shall be the lead investigating agency and will provide a lead investigator and lead evidence technician. The lead agency shall be responsible for collection and proper chain of custody of all evidence. The assigned investigators will be referred to herein as the joint criminal investigation team. This may (*based on agency personnel issues*) include at least one investigator from the agency that employs the involved officer, however all measures should be taken to ensure this does not occur.
NOTE: if a SBPD officer is involved, then the joint criminal investigation team would consist of SJCPD and MPD; SJCPD involved then MPD and SBPD would investigate; if MPD involved, then SJCPD and SBPD would investigate.
 - ii. The criminal investigation will be handled according to the Criminal Investigation section of this MOU.
 - b. **ADMINISTRATIVE AND CIVIL INVESTIGATION-** Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.
- 3. INVESTIGATION PROCESS-** The following are the standard procedures used in the investigation of an officer-involved shooting or death:
- a. **UNINVOLVED OFFICER RESPONSIBILITIES-** Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved by the lead agency. This officer should, as appropriate:
 - i. Secure the scene and identify and eliminate hazards for all those involved.
 - ii. Check for injured persons and evacuate as needed.
 - iii. Take reasonable steps to obtain emergency medical attention for injured individuals.
 - iv. Request additional resources from their department or other agencies.
 - v. Coordinate a perimeter or pursuit of suspects.
 - vi. Brief the lead agency upon arrival.
 - b. **DEPARTMENT/SUPERVISOR RESPONSIBILITIES-** Upon arrival at the scene, the first uninvolved supervisor should ensure completion of the duties as outlined above, plus:
 - i. Attempt to obtain a brief overview of the situation from any uninvolved officers.
 1. If there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

- ii. If necessary, the involved-agency supervisor may administratively order any involved-agency officer(s) to immediately provide public safety information necessary to secure the scene, identify injured parties, and pursue suspects.
 - 1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses, and any other pertinent information.
 - 2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- iii. Provide all available information to the respective-agency Shift Supervisor and Communication Center. If feasible, sensitive information should be communicated over secure networks.
- iv. Take command of and secure the incident scene with additional members until properly relieved.
- v. As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
- vi. Each involved officer should be given an administrative order not to discuss the incident with other involved officers or department members pending further direction from their supervisor.
- vii. Witness Identification and Interviews- Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with joint criminal investigation team to utilize available law enforcement personnel for the following:
 - 1. Identification of all persons present at the scene and in the immediate area.
 - 2. Witnesses who are willing to provide a formal interview should be asked to meet or be transported to where investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by any officer (except those who are directly involved).
- c. **DEPARTMENT/SHIFT SUPERVISOR RESPONSIBILITIES-** Upon learning of an officer-involved shooting or death, the Department Shift Supervisor shall be responsible for coordinating all aspects of the incident until they are relieved by lead agency.
- d. **INQUIRIES OF INCIDENT-** All outside inquiries about the incident shall be directed to the commander or authorized designee of the assigned joint criminal investigation team.

4. **NOTIFICATIONS-** The following persons shall be notified as soon as practicable:
- Chief of Police/Sheriff • Division Chief(s) • Office of Professional Standards/Internal Affairs (IA) • Critical Incident Stress Management (CISM) Team
 - Chaplain • Coroner (if necessary) • Involved officer's agency representative (if requested) • Public Information Officer • St. Joseph County Prosecutor's Office

- City/County legal

- 5. AUDIO AND VIDEO RECORDINGS-** Any officer involved in a shooting or death shall be permitted to review available Mobile Audio/ Video (MAV), body-worn video (BWC), CAD entries or other video or audio recordings prior to providing a recorded statement or completing reports. I.C. § 36-8-2.1.5 Any MAV, body-worn video, CAD entries and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the City or County Attorney's Office, as appropriate. Any MAV, body-worn video, CAD entries and other known video or audio recordings of an incident shall be retained until otherwise authorized by the City or County Attorney's Office.
- 6. INVOLVED OFFICERS-** The following shall be considered for the involved officer:
- Any request for legal representation will be accommodated.
 - Any involved officer will be afforded the opportunity to consult individually with a representative of their choosing or an attorney prior to providing a formal interview or report.
 - Involved officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 - Discussions with licensed attorneys will be considered privileged as attorney-client communications (I.C. § 34-46-3-1).
 - Discussions with agency representatives will be privileged only as to the discussion of non-criminal information.
 - A licensed psychotherapist should be provided by the respective department to each involved officer. A licensed psychotherapist may also be provided to any other affected members, upon request.
 - Interviews with a licensed psychotherapist will be considered privileged (I.C. § 34-46-3-1).
 - An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 - A separate fitness-for-duty exam may also be required.
 - Communications with critical incident stress management services providers and peer support team members are generally confidential and may not be disclosed to a third party or in a criminal, civil, or administrative proceeding without a court order or as authorized by I.C. § 36-8-2.5-2.
 - Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.
 - Each involved officer should be given reasonable administrative leave following an officer-involved shooting or death.

7. **CRIMINAL INVESTIGATION-** The lead agency is responsible for oversight of the criminal investigation as to the circumstances of any officer-involved shooting involving injury or death, or death as a result of alleged other action(s) of an officer. Any involved department administrative or civil investigation shall not interfere with or supersede the criminal investigation.

Once public safety issues have been addressed, the joint criminal investigation team should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The involved member shall be given the opportunity to make a statement at that time or later, but in any event, within 72 hours barring extenuating circumstances. Before giving any statement, an involved member shall be given the opportunity to review their MVR (mobile video recorder) and CAD entries.

The following shall be considered for the involved officer:

- a. Supervisors and Office of Professional Standards/IA personnel should not participate directly in any voluntary interview of officers. This will not prohibit such personnel from monitoring interviews or indirectly providing topics for inquiry.
 - b. If requested, any involved officer will be afforded the opportunity to consult individually with a representative of their choosing or an attorney prior to speaking with investigators. However, to maintain the integrity of each involved officer's individual statement, involved officers shall not consult or meet with a representative or attorney collectively or in a group prior to being interviewed.
 - c. If any involved officer is physically, emotionally, or otherwise not in a position to provide a voluntary statement when interviewed by investigators, the 72-hour guide/rule applies (NOTE: *barring extenuating circumstances*).
 - d. Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including an administrative investigation. However, no administratively obtained statement will be provided to any investigator(s) unless the officer consents (Garrity Rule).
8. **REPORTS BY INVOLVED OFFICERS-** If suspect(s) remain outstanding or subject to prosecution for related offenses, each department shall retain the authority to require involved officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities.

Nothing in this section shall be construed to deprive an involved officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal departmental procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

- 9. ADMINISTRATIVE INVESTIGATION-** In addition to all other investigations associated with an officer-involved shooting, each department shall conduct an internal administrative investigation of involved officers to determine conformance with department policy. This investigation shall be conducted under the supervision of the respective Office of Professional Standards/IA. Interviews and interrogations of members shall be subject to department policies, contract(s) or working agreements, and applicable laws.
- 10. CIVIL LIABILITY RESPONSE-** A member of the involved department may be assigned to work exclusively with the legal counsel for the involved department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation. All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.
- 11. DEBRIEFING-** Following an officer-involved shooting or death, the involved department should conduct both a critical incident/stress debriefing and a tactical debriefing. Furthermore, the use of peer support program is strongly encouraged to offer mental, emotional, and physical support to service members.
- a. **CRITICAL INCIDENT/STRESS DEBRIEFING-** A critical incident/stress debriefing should occur as soon as practicable. The applicable Division Chief or Commander is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event. The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order. Attendance at the debriefing should only include those members of the department directly involved in the incident, which can include involved support personnel. Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the department, including supervisory and Office of Professional Standards personnel.
- b. **TACTICAL DEBRIEFING-** A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police/Sheriff should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to the investigators and administrative investigators.
- 12. MEDIA RELATIONS-** Media releases are generally prepared and disseminated by the lead agency, in coordination with the involved legal department. No other department members shall make any comment to the media unless they are authorized by the lead agency's Chief of Police/Sheriff, in coordination with the involved department's Chief of Police/Sheriff. Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the Chief of Police/Sheriff, or lead agency.

V. FUNDING

This MOU is not a commitment of funds.

VI. REPORTING

SPBD, MPD, and SJCPD will meet, to evaluate effectiveness and adherence to this MOU, annually on the first Monday in February or at a mutually agreeable time in February.

VII. COUNTERPARTS

This MOU may be executed in counterparts, all of which shall be deemed originals.

VIII. GOVERNING LAW


This MOU shall be governed by the laws of the State of Indiana and venue shall be in St. Joseph County, Indiana.

THE UNDERSIGNED have read and understand the forgoing terms of this MOU and do, by their respective signatures hereby agree to its terms.



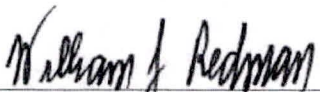
Scott Ruszkowski
Chief of Police
South Bend Police Department

Date: 04.18.2023



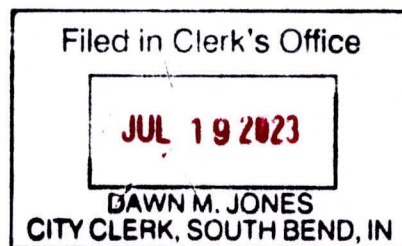
Kenneth Witkowski
Chief of Police
Mishawaka Police Department

Date: 05/19/2023



William Redman
Sherriff
St. Joseph County Police Department

Date: 4-26-23



BILL NO. 24-23

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,

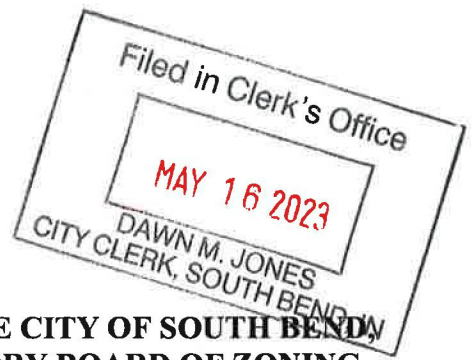
Angela M. Smith
Zoning Administrator

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

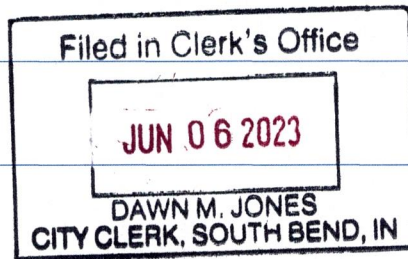
Location: 1127, 1131 and 1135 WESTERN AVE
Owner: FARGO LLC

Project Summary

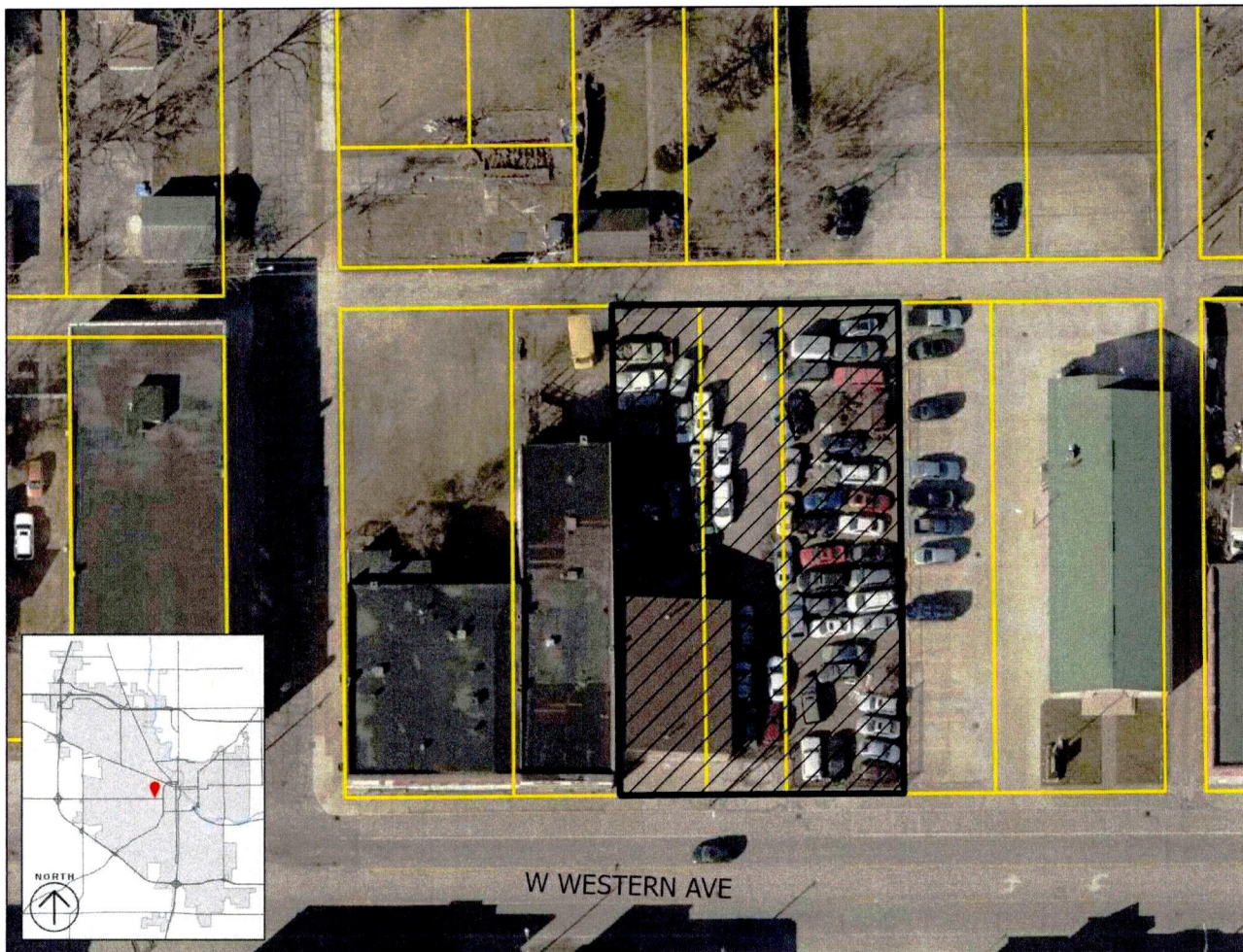
Continue fixing cars at the location.

Requested Action

Special Exception: Major Vehicle Service



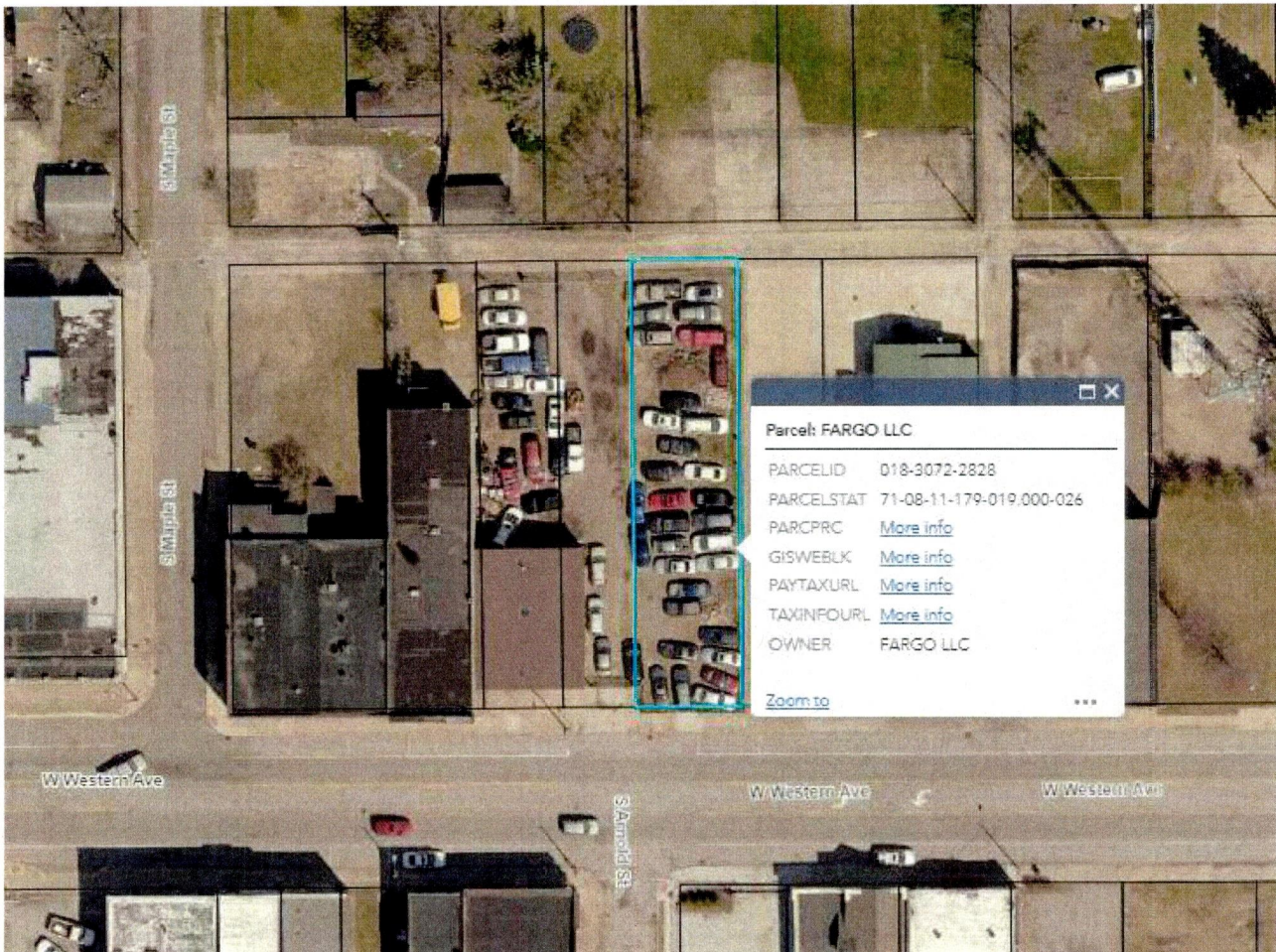
Site Location



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.

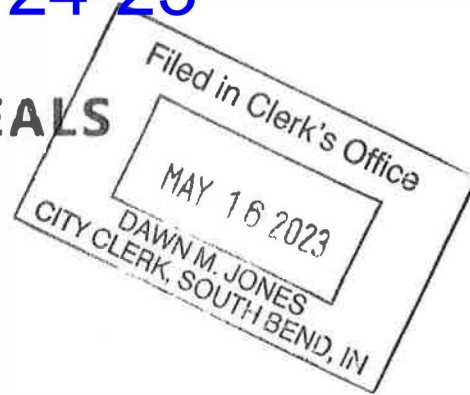
Proposed Site Plan



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

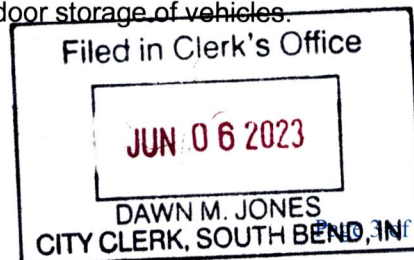
(4) The proposed use is compatible with the recommendations of the Comprehensive Plan.

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

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

Filed in Clerk's Office

JUN 21 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

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,

A handwritten signature in cursive script that reads "Angela M. Smith".

Angela M. Smith
Zoning Administrator

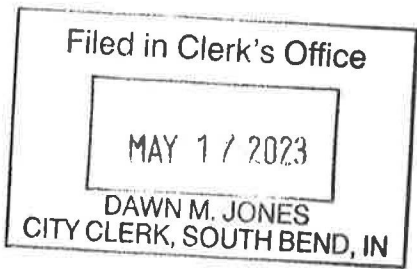
Attachment

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.

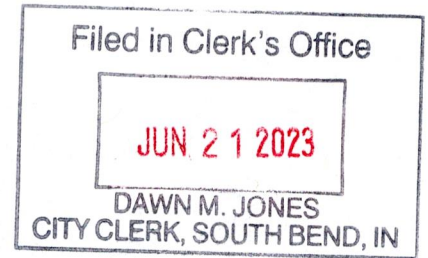
Analysis & Recommendation

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 ~~new~~ existing ~~area~~

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:

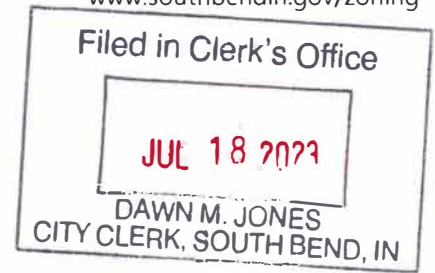
(see above) _____

BILL NO. 44-23



City of South Bend PLAN COMMISSION

County-City Building
227 W. Jefferson Blvd. 14005
South Bend, IN 46601
(574) 235-7627
www.southbendin.gov/zoning



July 18, 2023

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

Re: Bill#44-23 - A proposed ordinance of GREYSTONE DEVELOPERS LLC to zone from U1 Urban Neighborhood 1 to U2 Urban Neighborhood 2, property located at 1006 ST VINCENT ST, City of South Bend - PC# 0165-23

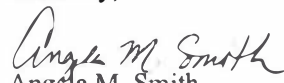
Dear Council Members:

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

Upon a motion by Jason Piontek, being seconded by Francisco Fotia and unanimously carried, a proposed ordinance of GREYSTONE DEVELOPERS LLC to zone from U1 Urban Neighborhood 1 to U2 Urban Neighborhood 2, property located at 1006 ST VINCENT ST, City of South Bend is TABLED to the August 21, 2023 Plan Commission meeting.

Please table this petition to the August 28, 2023 Council meeting to allow for it to be properly heard by the Plan Commission.

Sincerely,


Angela M. Smith
Zoning Administrator

Attachment

CC: GREYSTONE DEVELOPERS LLC
Danch, Harmer & Associates
Bob Palmer

Tim Corcoran
Planning Director

Angela Smith
Zoning Administrator

Scott Ford
Commission President



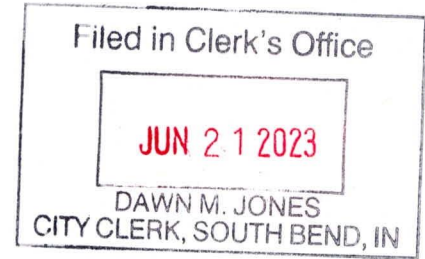
City of South Bend PLAN COMMISSION

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

June 21, 2023

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

RE: 1006 St. Vincent Street
PC#0165-23



Dear Committee Chair Hamann:

Enclosed is an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your June 26, 2023, Council meeting, and set it for public hearing at your July 24, 2023, Council meeting. The petition is tentatively scheduled for public hearing at the July 17, 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:

Petitioner desires to rezone the property from U1 Urban Neighborhood 1 to U3 Urban Neighborhood 3 to build four (4) residential condominium units on the property.

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

Sincerely,

Kari Myers
Zoning Specialist

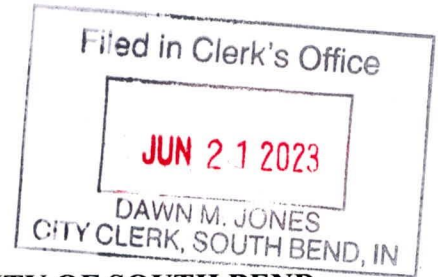
CC: Bob Palmer

Tim Corcoran
Planning Director

Angela Smith
Zoning Administrator

Scott Ford
Commission President

BILL NO. 44-23
ORDINANCE NO.



AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1006 ST VINCENT STREET COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioner desires to rezone the property from U1 Urban Neighborhood 1 to U3 Urban Neighborhood 3

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:

That part of the Northeast Quarter of Section 1, Township 37 North, Range 2 East, Portage Township, City of South Bend, St. Joseph County, Indiana which is described as: Part of Lots # 101, 102 and 103 of the Plat of "Sorin's 2nd Addition to the Town of Lowell, now City of South Bend" as recorded in the records of the St. Joseph County, Indiana Recorder's office, and more particularly described as: Beginning at the Northeast corner of said Lot # 101; thence South (all bearings assumed) along the East lines of said Lots, # 101, 102 and a portion of Lot # 103, a distance of 158 feet more or less; thence West a distance of 50 feet more or less; thence North a distance of 158 feet more or less to the North line of said Lot # 101 said North line also being the South right-of-way line of St. Vincent Street; thence East along said Lot line and South right-of-way line a distance of 50 feet to the point of beginning. Containing 0.18 acres more or less. Subject to all legal highways, easements and restrictions of record.

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

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

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

Sharon McBride, Council President
South Bend Common Council

Attest:

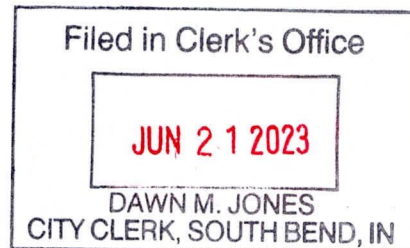
Dawn M. Jones, City Clerk
Office of the City Clerk

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

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

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

James Mueller, Mayor
City of South Bend, Indiana



City of South Bend
PLAN COMMISSION

Petition for Rezoning or Combined Public Hearing

Property Information

Tax Key Number: 018-5105-3685

Address: 1006 St. Vincent Street, South Bend, IN 46617

Owner: Greystone Developers LLC

Legal Description:

That part of the Northeast Quarter of Section 1, Township 37 North, Range 2 East, Portage Township, City of South Bend, St. Joseph County, Indiana which is described as: Part of Lots # 101, 102 and 103 of the Plat of "Sorin's 2nd Addition to the Town of Lowell, now City of South Bend" as recorded in the records of the St. Joseph County, Indiana Recorder's office, and more particularly described as: Beginning at the Northeast corner of said Lot # 101; thence South (all bearings assumed) along the East lines of said Lots, # 101, 102 and a portion of Lot # 103, a distance of 158 feet more or less; thence West a distance of 50 feet more or less; thence North a distance

Project Summary

The Petitioner desires to rezone to U3 Urban Neighborhood District to build 4 residential condominium units on the property.

Requested Action

Application includes (check all that apply)

Rezoning

Current District: U1 Urban Neighborhood 1 Additional Districts, if applicable

Proposed District U3 Urban Neighborhood 3 Additional Districts, if applicable

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

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

Subdivision – complete and attach subdivision application

Special Exception – complete and attach Criteria for Decision Making

Use requested: _____

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

Variance(s) requested:

Required Documents

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

Contact information

Property owner(s) of the petition site:

Name: Greystone Developers LLC

Address: 1130 South Bend Avenue, Suite 350
South Bend, Indiana 46617

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Danch, Harner & Associates, Inc. Attn: Michael Danch

Address: 1643 Commerce Drive
South Bend, Indiana 46628

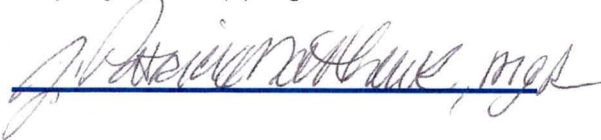
Phone Number: 574-234-4003

E-mail: mdanch@danchharner.com, jballard@danchharner.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:

 _____

PRELIMINARY SITE PLAN

PART OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 2 EAST,
CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA.
☪ ST. VINCENT STREET

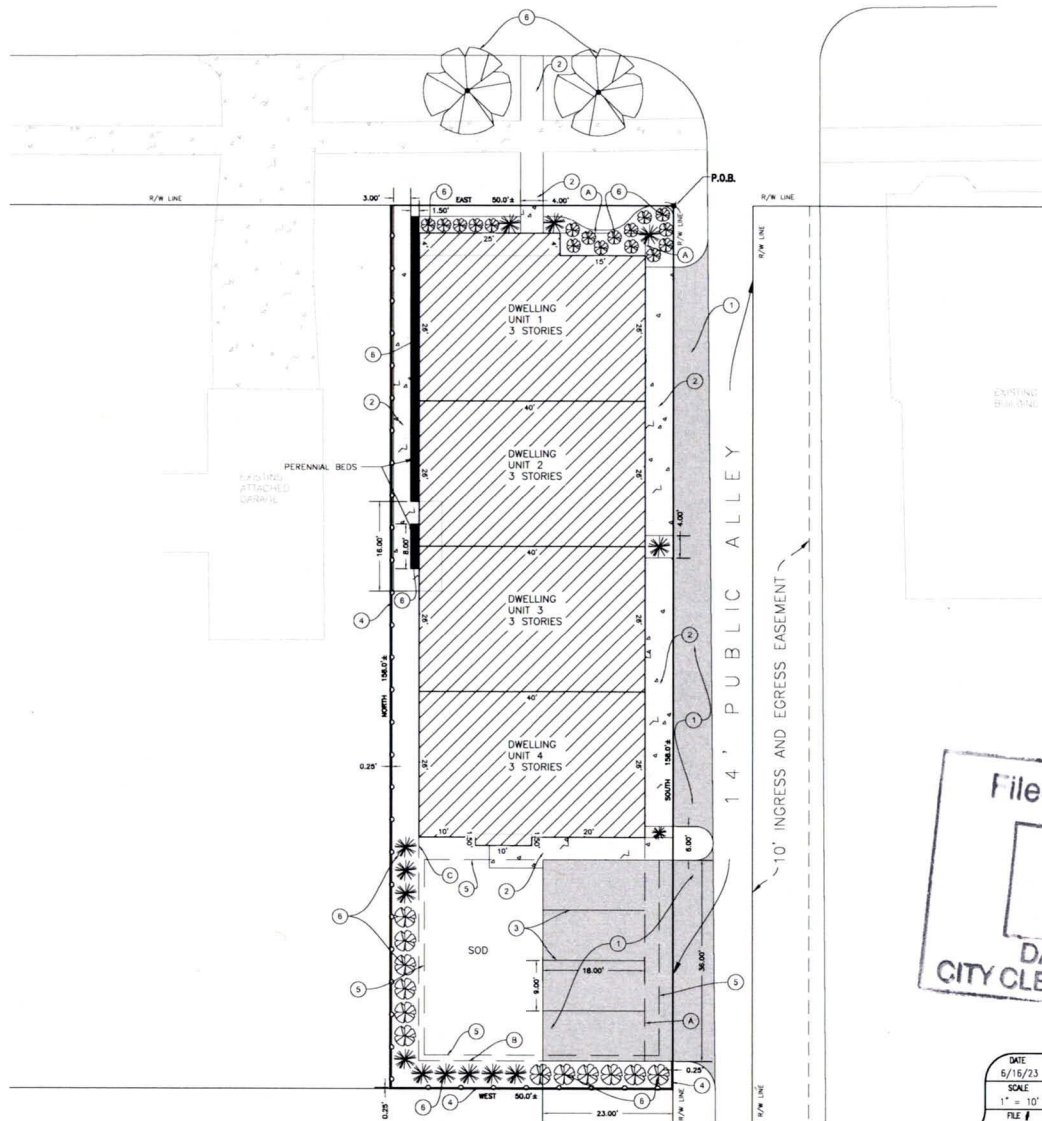


LEGAL DESCRIPTION:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 2 EAST, PORTAGE TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS: PART OF LOTS # 101, 102 AND 103 OF THE PLAT OF "SORIN'S 2ND ADDITION TO THE TOWN OF LOWELL, NOW CITY OF SOUTH BEND" AS RECORDED IN THE RECORDS OF THE ST. JOSEPH COUNTY, INDIANA RECORDER'S OFFICE, AND MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE NORTHEAST CORNER OF SAID LOT # 101; THENCE SOUTH (ALL BEARINGS ASSUMED) ALONG THE EAST LINES OF SAID LOTS, # 101, 102 AND A PORTION OF LOT # 103, A DISTANCE OF 158 FEET MORE OR LESS; THENCE WEST A DISTANCE OF 50 FEET MORE OR LESS; THENCE NORTH A DISTANCE OF 158 FEET MORE OR LESS TO THE NORTH LINE OF SAID LOT # 101 SAID NORTH LINE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF ST. VINCENT STREET; THENCE EAST ALONG SAID LOT LINE AND SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 50 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.18 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD.



KEY NOTES/LEGEND:

- 1 PROPOSED ASPHALT.
- 2 PROPOSED CONCRETE SIDEWALK.
- 3 PARKING STRIPING. 4" WIDE, COLOR: WHITE.
- 4 FENCING ALLOWED PER ZONING ORDINANCE.
- 5 PROPOSED DRAINAGE SYSTEM AREA.
- 6 PROPOSED LANDSCAPING.

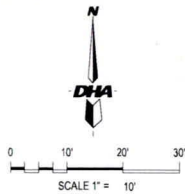
TABULATED SITE DATA:

1. SITE ACREAGE: 0.184 ACRES
2. PROPOSED LAND COVERAGE:

| | SQ.FT. | % OF SITE |
|----------------------|--------|-----------|
| A) PROPOSED BUILDING | 4,275 | 54.11 |
| B) CONCRETE PAVEMENT | 852 | 10.78 |
| C) ASPHALT PAVEMENT | 1,760 | 22.28 |
| D) OPEN SPACE | 1,013 | 12.83 |
| TOTAL | 7,900 | 100.00 |
4. ALL SURFACE DRAINAGE IS TO BE HANDLED BY ON-SITE DRAINAGE SYSTEM SIZED PER CITY OF SOUTH BEND ENGINEERING STANDARDS.
5. THE PROPERTY IS TO BE SERVED BY PUBLIC WATER & SEWER SYSTEM.
6. LANDSCAPING TO CONFORM WITH CITY OF SOUTH BEND ZONING ORDINANCE.
7. BUILDING IS (3-STORY).

PROPERTY SETBACKS:

- A) 5' FRONT YARD SETBACK
- B) 5' SIDE YARD SETBACK
- C) 5' REAR YARD SETBACK



Filed in Clerk's Office

JUN 21 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

DAWNCH, HARNER & ASSOCIATES, INC.
1843 COMMERCE DRIVE
SOUTH BEND, IN 46618
(317) 231-4001
ATTN: MICHELLE DANCICH

PRELIMINARY SITE PLAN

| DATE | DRAWN BY: | REVISIONS |
|----------|-------------|-----------|
| 6/16/23 | MCS | |
| SCALE | CHECKED BY: | |
| 1" = 10' | MJD | |
| FILE # | PROJ. MGR.: | |
| 230151.5 | SMM | |

DHA

Dawnch, Harner & Associates, Inc.
Land Surveyors & Professional Engineers
Geotechnical & Construction Professionals

1843 COMMERCE DRIVE
SOUTH BEND, IN 46618
(317) 231-4001
ATTN: MICHELLE DANCICH

SHEET 1/1

ANY INFORMATION ON THIS DRAWING IS NOT INTENDED TO BE SUITABLE FOR REUSE BY ANY PERSON, FIRM OR CORPORATION OF ANY OTHERS ON EXTENSION OF THIS PROJECT OR FOR ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION AND APPROVAL BY THE ENGINEER, ARCHITECT OR SURVEYOR FOR THE SPECIFIC PURPOSES INTENDED WILL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO THE ENGINEER, ARCHITECT OR SURVEYOR.

ALL UNDERGROUND UTILITIES MUST BE FIELD VERIFIED BY THE CONTRACTOR BEFORE ANY CONSTRUCTION HAS BEGUN.

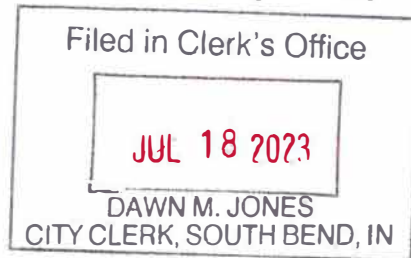
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BILL NO. 45-23



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



Tuesday, July 18, 2023

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

Re: Bill#45-23 - A proposed ordinance of UNIVERSITY OF NOTRE DAME DU LAC to zone from U1 Urban Neighborhood 1 to NC Neighborhood Center, property located at a portion of 1018 FRANCES ST, City of South Bend - PC# 0166-23

Dear Council Members:

I hereby Certify that the above referenced ordinance of UNIVERSITY OF NOTRE DAME DU LAC was legally advertised on July 7, 2023 and that the South Bend Plan Commission at its public hearing on July 17, 2023 took the following action:

Upon a motion by Sheila Niezgodski, being seconded by Jason Piontek and unanimously carried, a proposed ordinance of UNIVERSITY OF NOTRE DAME DU LAC to zone from U1 Urban Neighborhood 1 to NC Neighborhood Center, property located at a portion of 1018 FRANCES ST, City of South Bend, is sent to the Common Council with a FAVORABLE recommendation, subject to the Lot Line Adjustment to match the zoning districts.

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: UNIVERSITY OF NOTRE DAME DU LAC
Bob Palmer
Richard Bellis

Tim Corcoran
Planning Director

Angela Smith
Zoning Administrator

Scott Ford
Commission President

Property Information

Location: a portion of 1018 FRANCES ST
Owner: UNIVERSITY OF NOTRE DAME DU LAC

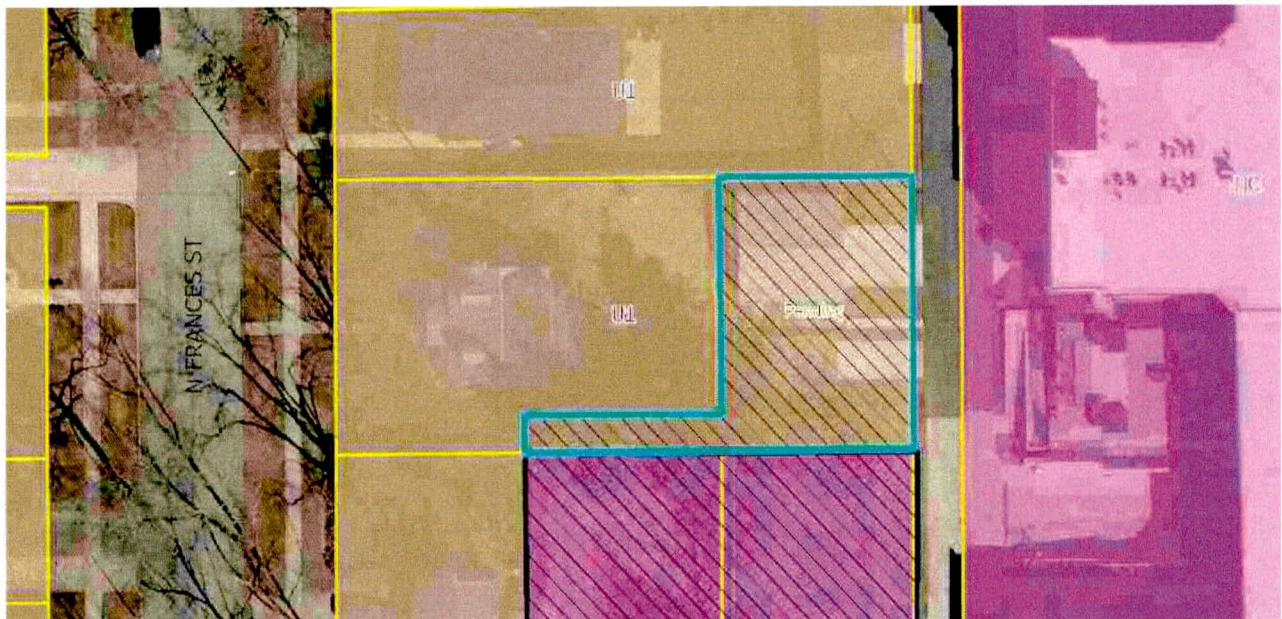
Requested Action

Rezone from U1 Urban Neighborhood 1 to NC Neighborhood Center

Project Summary

Rezone to match 1007/1011 E Howard St zoning to allow for Lot Line Adjustment so that underground storm water storage can be added. 1018 N Frances St will retain access to the alley to the east.

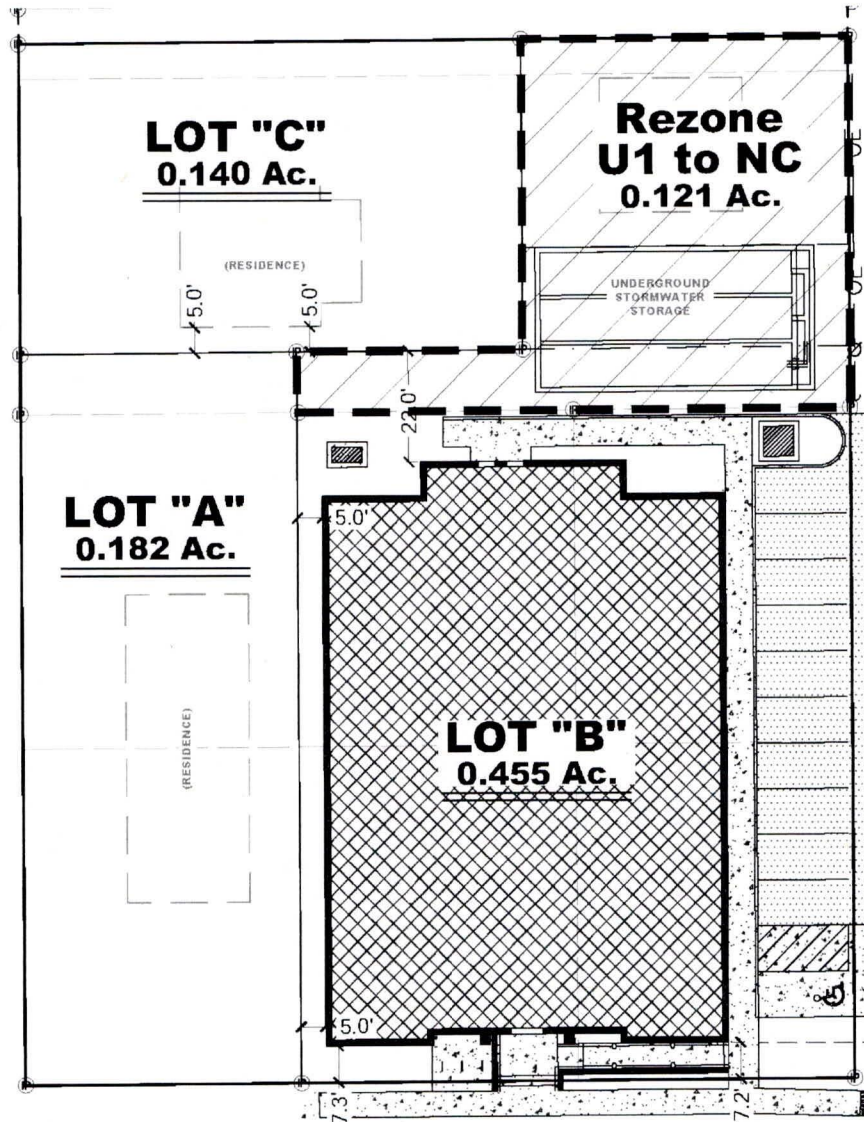
Location Map



Recommendation

Staff Recommendation: Based on the information provided prior to the public hearing, the Staff recommends the Commission send the rezoning to the Common Council with a favorable recommendation, subject to the Lot Line Adjustment to match the zoning districts.

Proposed Site Plan



Rezoning Site Plan Sketch

SCALE: 1" = 30'

A graphic scale bar with markings at 30', 15', 0, and 30'. Below the bar is the text "SCALE 1" = 30'".

Site & Context

Land Uses and Zoning:

- On site: On site currently is a single unit dwelling and garage/
- North: A single family home zoned U1 Urban Neighborhood 1.
- East: Eddy Street Commons development zoned NC Neighborhood Center.
- South: Two vacant lots zoned NC Neighborhood Center.
- West: Single-family homes zoned U1 Urban Neighborhood 1.

District Intent:

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

Site Plan Description:

The site plan shows underground stormwater storage and an existing garage to remain. A subdivision has been submitted that will divide the portion being rezoned from the remainder of the lot, which will remain U1 Urban Neighborhood 1 for future development.

Zoning and Land Use History and Trends:

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

Traffic and Transportation Considerations:

North Frances Street is a two lane road with on-street parking.

Agency Comments

Agency Comments:

There are underground utilities on the site to the south that interfere with locating the underground retention on the same site as the law clinic. A Lot Line Adjustment will be completed to adjoin a portion of the lot in question with the lot to the south for development of the previously approved law clinic.

Staff Comments:

There are underground utilities on the site to the south that interfere with locating the underground retention on the same site as the law clinic. A Lot Line Adjustment will be completed to adjoin a portion of the lot in question with the lots to the south. The rezoning of the property will allow for the required underground stormwater storage for the proposed law clinic at 1007 and 1011 E Howard Street.

Criteria for Decision Making

Rezoning

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

1. Comprehensive Plan:

Policy Plan:

The petition is consistent with Northeast Neighborhood Plan (2022) South Bend Avenue-Frances Street Area: Develop neighborhood-scale residential buildings of 2-3 stories to provide a transition to the existing single-unit dwellings to the west.

Land Use Plan:

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

Plan Implementation/Other Plans:

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

2. Current Conditions and Character:

Eddy Street has developed as a commercial hub and village corridor serving Notre Dame and the surrounding residential area. Single family homes extend to the west.

3. Most Desirable Use:

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

4. Conservation of Property Values:

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

5. Responsible Development and Growth:

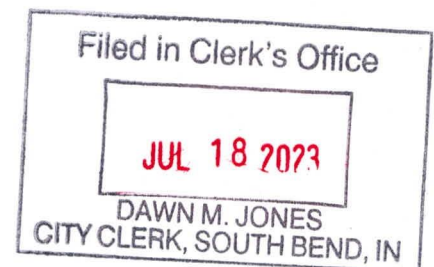
It is responsible development and growth to ensure adequate onsite drainage is available for development projects.

Analysis & Recommendation

Commitments: There are no written commitments proposed.

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

Recommendation: Based on the information provided prior to the public hearing, the Staff recommends the Commission send the rezoning to the Common Council with a favorable recommendation, subject to the Lot Line Adjustment to match the zoning districts.





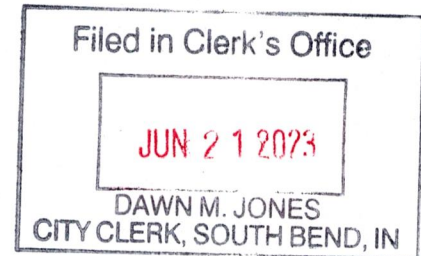
City of South Bend PLAN COMMISSION

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

June 21, 2023

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

RE: 1018 North Frances Street
PC#0166-23



Dear Committee Chair Hamann:

Enclosed is an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your June 26, 2023, Council meeting, and set it for public hearing at your July 24, 2023, Council meeting. The petition is tentatively scheduled for public hearing at the July 17, 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:

Petitioner desires to rezone the property from U1 Urban Neighborhood 1 to NC Neighborhood Center.

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

Sincerely,

Kari Myers
Zoning Specialist

CC: Bob Palmer

Tim Corcoran
Planning Director

Angela Smith
Zoning Administrator

Scott Ford
Commission President

BILL NO. 45-23

ORDINANCE NO. 10959-23

Filed in Clerk's Office

JUN 21 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED 1018 N FRANCES STREET, COUNCILMANIC DISTRICT NO. 4 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property from U1 Urban Neighborhood 1 to NC Neighborhood Center

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:

A PORTION OF LOT 104 AND THE SOUTH HALF OF THE 14 FOOT VACATED ALLEY LYING NORTH OF LOT 104 IN SORIN'S SECOND ADDITION RECORDED IN PLAT BOOK 1, PAGE 10 ON FEBRUARY 27, 1860 IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER, BEING IN THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 2 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS BY METES AND BOUNDS:

COMMENCING AT A 3/4 INCH PIPE AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF HOWARD STREET AND THE EAST RIGHT-OF-WAY OF FRANCES STREET, ALSO BEING THE SOUTHWEST CORNER OF LOT 106 IN SAID SORIN'S SECOND ADDITION; THENCE NORTH 00 DEGREES 20 MINUTES 26 SECONDS WEST (NAD83 INDIANA STATE PLANE, ZONE EAST GRID AND BASIS OF BEARINGS TO FOLLOW), 204.81 FEET ALONG THE EAST RIGHT-OF-WAY OF FRANCES STREET TO A 1 INCH PINCHED PIPE AT THE CENTERLINE OF THE 14 FOOT VACATED ALLEY LYING BETWEEN LOTS 103 AND 104 IN SAID SORIN'S SECOND ADDITION; THENCE NORTH 89 DEGREES 31 MINUTES 52 SECONDS EAST, 100.04 FEET ALONG SAID CENTERLINE OF VACATED ALLEY TO A 5/8 INCH REBAR WITH A "BERTSCH-FRANK" IDENTIFICATION CAP SET AT THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUING NORTH 89 DEGREES 31 MINUTES 52 SECONDS EAST, 65.00 FEET TO A 1 INCH PINCHED PIPE AT THE WESTERLY RIGHT-

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be and the same is hereby established as NC Neighborhood Center.

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

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

Sharon McBride, Council President
South Bend Common Council

Attest:

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

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

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

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

James Mueller, Mayor
City of South Bend, Indiana

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

City of South Bend
PLAN COMMISSION

Petition for Rezoning or Combined Public Hearing

Property Information

Tax Key Number 018-5105-3686, 018-5105-3687, 018-5105-368701
Address: 1018 N FRANCES ST and 1007/1011 E HOWARD ST
Owner: University of Notre Dame Du Lac
Legal Description:
(See attached)

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

Project Summary

Lot Line Adjustment creates additional area of 1007/1011 Howard Street to be rezoned from U1 to NC. Existing garage and planned underground storm water storage will be added to Howard Street Parcel.
1018 N Frances street will retain access to the alley to the east.

Requested Action

Application includes (check all that apply)

- Rezoning
Current District: U1 Urban Neighborhood 1 Additional Districts, if applicable
Proposed District NC Neighborhood Center Additional Districts, if applicable

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

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

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

Required Documents

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

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

Contact information

Property owner(s) of the petition site:

Name: University of Notre Dame Du Lac

Address: 724 Grace Hall
Notre Dame, IN 46556

Name: _____

Address: _____

Name: _____

Address: _____

Contact Person:

Name: Richard Bellis

Address: 415 Main Building
Notre Dame, IN 46556

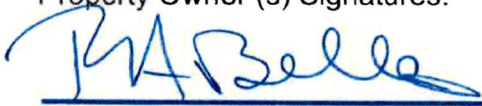
Phone Number: (574) 631-0966

E-mail: rbellis@nd.edu

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

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

Property Owner (s) Signatures:



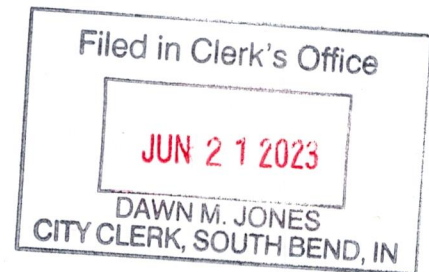
Richard Bellis for University of Notre Dame

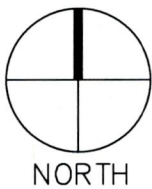
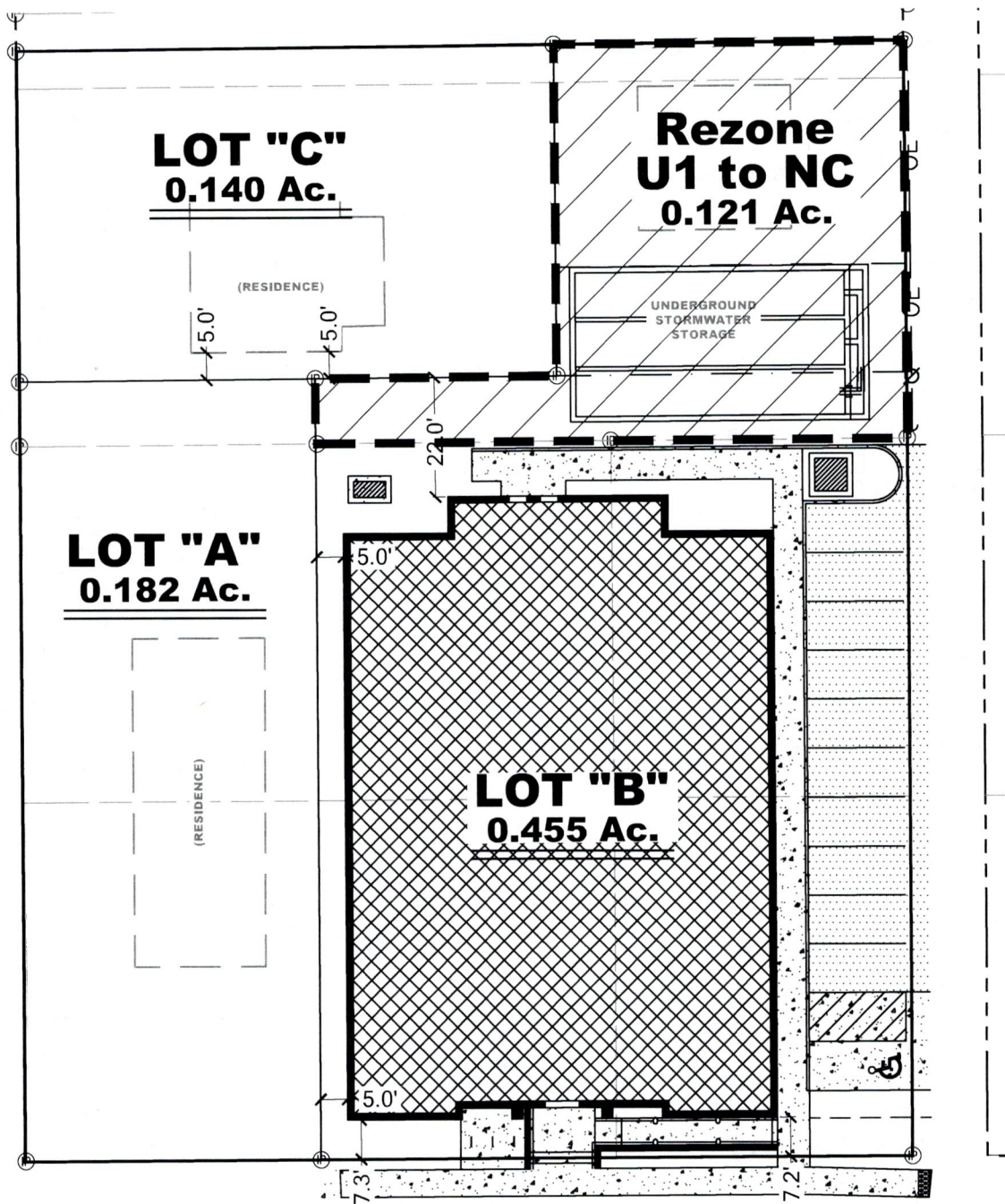


REZONING LEGAL DESCRIPTION:

A PORTION OF LOT 104 AND THE SOUTH HALF OF THE 14 FOOT VACATED ALLEY LYING NORTH OF LOT 104 IN SORIN'S SECOND ADDITION RECORDED IN PLAT BOOK 1, PAGE 10 ON FEBRUARY 27, 1860 IN THE OFFICE OF THE ST. JOSEPH COUNTY RECORDER, BEING IN THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 2 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS BY METES AND BOUNDS:

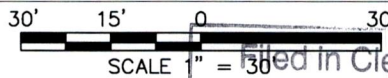
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Rezoning Site Plan Sketch

SCALE: 1" = 30'



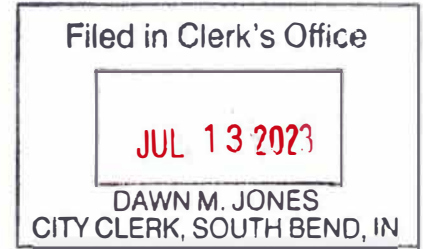
Filed in Clerk's Office

JUN 21 2023

DAWN M. JONES
CITY CLERK, SOUTH BEND, IN

BILL NO. 48-23

City of South Bend BOARD OF ZONING APPEALS



July 13, 2023

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

RE: Special Exception Use at 1044 Lincolnway West

Dear Committee Chair Hamann:

Enclosed is an Ordinance for the proposed Special Exception Use at the above referenced location. Please include the attached Ordinance on the Council agenda for **first reading** at your **July 24, 2023**, meeting and set it for public hearing at your **August 14, 2023**, Council meeting. The petition is tentatively scheduled for public hearing at the August 7, 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 to allow for the use of a group residence.

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 blue ink that reads "Kari Myers".

Kari Myers
Zoning Specialist

CC: Bob Palmer

Petition for Variance - Special Exception

Property Information

Tax Key Number: 618-1035-1508 RECEIVED JUL 10 2023
Address: 11044 LWW
Owner: Ronald Koehler
Zoning: Choose the current district U3

Project Summary:

not zoned for group residents
for every day people + prolees

Requested Action

- Special Exception - complete and attach Criteria for Decision Making
Use requested: Group residents
- 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 aerial pictures
- Filing Fee

P A I D
JUL 10 2023
Per K. Myers
\$ 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:

NO - House has been sleeping rooms and has not been any problems with the neighbors

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

NO all tenants are very well behaved. It has always been used as sleeping rooms.

(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:

residential House with use as sleeping rooms,

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

Yes

Contact Information

Property owner(s) of the petition site:

Name: Ronald E. Koehler

Address: 59050 Clover Rd
Mishawaka Ind 46544

Name: _____

Address: _____

Name: _____

Address: _____

Back at meeting

Contact Person:

Name: Ronald Koehler K. Sue Hurley

Address: 59050 Clover Rd 59050 Clover Rd
Mish Ind 46544 Mish Ind 46544

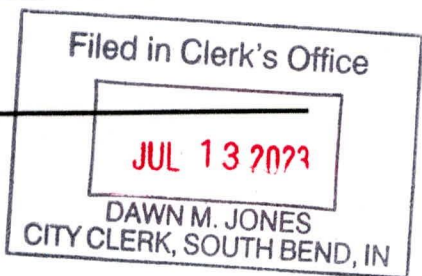
Phone Number: 574-250-3150 574-575-0044

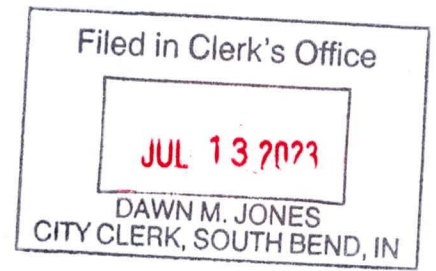
E-mail: _____

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:
Ronald E Koehler





BILL NO. 48-23

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 1044 LINCOLNWAY WEST, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Request a Special Exception to allow for the use of a group residence.

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:

1044 Lincolnway West. South Bend, IN 46619. 018-1035-1508

In order to permit a Group Residence

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

