



# CITY OF SOUTH BEND REDEVELOPMENT COMMISSION

## Redevelopment Commission Agenda Item

*Maureen Jones* Pres/V-Pres

ATTEST: *Vivian H. Davis* Secretary

DATE: 9/26/23

Date: 9.28.23

FROM: Erik Glavich, Director, Growth & Opportunity

Approved  Not Approved

SUBJECT: Approving Riverfront Liquor License District Guidelines

*SOUTH BEND REDEVELOPMENT COMMISSION*

Which TIF? (circle one) River West; River East; South Side; Douglas Road; West Washington

**PURPOSE OF REQUEST:** Resolution approving updated "City of South Bend Riverfront Liquor License District Requirements, Eligibility Criteria, and Procedures"

**SPECIFICS:** On September 11, 2023, the South Bend Common Council approved two ordinances (Ordinance Nos. 10965-23 and 10966-23) that expanded South Bend's Riverfront Development Project Area, known as the "Riverfront District." An establishment in the Riverfront District that meets eligibility criteria could have access to a discounted 3-way "riverfront liquor licenses," whereas an establishment outside of the District could access only a market-based liquor license. Liquor licenses are issued by the Indiana State Alcohol and Tobacco Commission (ATC), and an application for a riverfront liquor license must be accompanied with a recommendation by the City.

The Commission was granted the responsibility by the Common Council (Ordinance No. 10165-12) to develop policies and procedures guiding the issuance of riverfront liquor licenses in the Riverfront District.

The Commission will consider updated guidelines for the Riverfront District that strengthen the current guidelines and requirements to ensure that establishments possessing a riverfront liquor license substantially contribute to the cultural fabric and quality of life in the City of South Bend.

Staff recommends approval of this Resolution.

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

**RESOLUTION NO. 3580**

**A RESOLUTION OF THE SOUTH BEND REDEVELOPMENT COMMISSION  
ADOPTING THE SOUTH BEND RIVERFRONT LIQUOR LICENSE DISTRICT  
REQUIREMENTS, ELIGIBILITY CRITERIA, AND PROCEDURES**

WHEREAS, to complement economic development efforts of cities and towns, the Indiana General Assembly enacted Ind. Code § 7.1-3-20-16.1 (the “Act”), which allows the Indiana Alcohol and Tobacco Commission (“ATC”) to issue one-way, two-way, and three-way nontransferable permits without regard to the ATC quota restrictions to establishments within an authorized Municipal Riverfront Development Project (“Riverfront Permits”); and

WHEREAS, the Act requires the Municipal Riverfront Development Project areas to be located within existing economic development areas established by the Redevelopment Commission (the “Commission”) under Ind. Code § 36-7-14; and

WHEREAS, the South Bend Common Council (the “Council”) initially established a Municipal Riverfront Development Project in the City of South Bend in accordance with the Act through adoption of its Ordinance No. 10165-12, which was subsequently amended in its legal description by Ordinance No. 10178-12 and expanded by Ordinance Nos. 10281-13 and 10501-17; and

WHEREAS, the Commission was directed by the Council in its Ordinance No. 10165-12 to develop policies and procedures for individuals, corporations, and business entities to apply for a Riverfront License pursuant to the Act; and

WHEREAS, the Council recently authorized and established boundaries for two new Municipal Riverfront Development Projects through Ordinance No. 10965-23 authorizing and establishing “The Expanded West Riverfront District” and Ordinance No. 10966-23 authorizing and establishing “The Expanded East Riverfront District” (collectively, the “Riverfront District”); and

WHEREAS, the Commission now desires to update the established criteria, policies, and procedures for individuals, corporations, and business entities to apply for a Riverfront License located in the Riverfront District, pursuant to the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE SOUTH BEND REDEVELOPMENT COMMISSION AS FOLLOWS:

1. The Commission hereby approves and adopts the City of South Bend Riverfront Liquor License District Requirements, Eligibility Criteria, and Procedures attached hereto as Exhibit A, which supersede any and all previous policies and procedures for individuals, corporations, and business entities to apply for a Riverfront License pursuant to the Act and consistent with the regulations promulgated as a result of the Act.

2. This Resolution will be in full force and effect upon its adoption by the Commission.

ADOPTED at a meeting of the South Bend Redevelopment Commission held on September 28, 2023.

SOUTH BEND REDEVELOPMENT  
COMMISSION



Marcia I. Jones, President

ATTEST:

  
Vivian Sallie, Secretary

**EXHIBIT A**

**City of South Bend Riverfront Liquor License District  
Criteria, Requirements, and Procedures**

# City of South Bend Riverfront Liquor License District Requirements, Eligibility Criteria, and Procedures

*Adopted by the South Bend Redevelopment Commission  
September 28, 2023*

## District Requirements

In addition to complying with all building, health, and zoning ordinances and statutes, and all rules and regulations of the Indiana State Alcohol and Tobacco Commission (ATC) and local, state, and federal governments, all applicants must also meet, and remain in compliance with, the following local requirements annually to be eligible to apply or renew:

1. The District has been geographically defined to conform to the requirements of Ind. Code § 7.1-3-2 *et. seq.* and as shown in Attachments A, B, C, and D. An applicant's establishment must be located within these District boundaries.
2. The primary focus of the applicant's operation must be a dining or cultural experience rather than solely an alcohol consumption experience. Riverfront liquor licenses shall be granted to applicants that substantially contribute to the cultural fabric and quality of life in the City of South Bend:
  - a. Dining Experience: A friendly, personalized service that continually provides distinctively great food, a memorable atmosphere, and exceptional customer service.
  - b. Cultural Experience Venue: Designed for performance to a live audience; must include food service.
3. Establishments must serve beverages in glass containers. Reusable acrylic cups may be acceptable for patio use upon special written request and approval by the Riverfront License Review Committee.
4. Applicants receiving three-way licenses within the District will be required to comply with ATC's requirements regarding the sale of food. An establishment whose primary focus of operation is a dining experience must qualify as a restaurant under the ATC's definition as established by Ind. Code § 7.1-3-20-9<sup>1</sup> and 905 IAC 1-20-1.<sup>2</sup> In addition, patrons must be required by the establishment to consume food at either a counter or table with seating. For an initial application, the establishment must also provide sales projections through the following 12 months reflecting a minimum of 51 percent of total sales in food and non-alcoholic beverages.

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<sup>1</sup> <https://iga.in.gov/laws/2023/ic/titles/7.1#7.1-3-20-9>

<sup>2</sup> [http://iac.iga.in.gov/iac/iac\\_title?iact=905](http://iac.iga.in.gov/iac/iac_title?iact=905)

5. The applicant must demonstrate, through their business plan, how they differentiate themselves from others already in the market so not to oversaturate the market for a similar concept.
6. The establishment cannot be a private club, nightclub, or adult entertainment venue.
7. The establishment must be a non-smoking facility (exception made for upscale cigar lounge).
8. Temporary exterior signage is not permitted for the establishment; permanent, attached signage is required.
9. An establishment in the District with an existing three-way license may not sell its existing license to apply for a 221-3 Riverfront license. There will be a minimum of a one-year wait between the time a business with an existing license sells its alcoholic beverage license and when that business will be able to apply for a new license.
10. The applicant will comply with local application procedures and those required by the State of Indiana and the ATC.
11. Fees are required to be paid as follows:
  - a. Applicants must pay an initial application fee of \$1,000.00 to the program administrator, "Downtown South Bend, Inc."
  - b. Riverfront permit holders must pay an annual renewal fee of \$1,000.00 made payable to the program administrator, "Downtown South Bend, Inc."
  - c. Initial permit and annual renewal fees required by the ATC also must be paid separately and directly to the State at the time of such application (\$1,000.00 each at the time these guidelines were approved).
12. Permits are not transferable and not portable within or outside of the District. Any renewal is subject to compliance with the terms of these local rules. Any riverfront permit establishment that receives a violation from Excise Police or from any State or local law enforcement or other government agency or has been found to be noncompliant with the Riverfront District guidelines will be subject to non-renewal of its riverfront permit.
13. For all parcels on which the establishment physically resides, including, but not limited to, parking lots, outdoor dining areas, and any other feature considered part of or an element of the establishment:
  - a. Property taxes must not be delinquent. All past-due taxes, penalties, fines, fees, delinquencies, and other charges must be paid in full at the time of initial application or renewal to be approved;

- b. There must be no outstanding violations of state or local laws associated with the establishment and/or the parcel(s) on which the establishment physically resides (including, but not limited to, building code, zoning code, fire code, health department standards, etc.); and
- c. The establishment and/or the owner of the parcel(s) on which the establishment physically resides, for the establishment's parcel(s), must not owe any unpaid fines, and there must not be any current charges levied by the City of South Bend or St. Joseph County.

If at any point there becomes a violation as set forth in Subsection (b) above or unpaid fines or charges accrue as set forth in Subsection (c) above, the applicant or the riverfront permit holder will be deemed noncompliant with the requirements set forth in this document.

### **Eligibility Criteria and Factors**

The program administrator, Downtown South Bend, Inc. (DTSB), will review applications with the Riverfront License Review Committee and make recommendations to the Mayor for liquor licenses they believe will strengthen the economic vitality of the Riverfront District and the entire community. The Committee will then approve or deny the application.

The Committee—through the implementation of the Ind. Code § 7.1-3-20 *et. seq.*, the requirements set forth in this document, and the Riverfront Development District—seeks to benefit the District and achieve the following:

- Enhance South Bend's regional appeal by encouraging a diverse mix of restaurants and cultural experiences in the Riverfront District;
- Encourage the opening or upgrade of a variety of distinctive and unique year-round restaurants in South Bend to a degree that will improve the vitality of the Riverfront District;
- Assure that issuance of a riverfront license and business activity will not be detrimental to the property values and business interests of others in the District; and
- Support growth in the Riverfront District by collaborating with other businesses in marketing, promotions, and other cultural growth efforts, as well as encouraging a healthy, safe, and enjoyable atmosphere.

The recommendation of the Riverfront License Review Committee to the Mayor will be based on the strength of the Committee's determination of the following factors:

- The extent to which the establishment is to be primarily a restaurant and/or cultural experience rather than a location whose patrons mainly consume alcohol;

- The number and nature of the jobs added or retained;
- Financial and ownership strength as demonstrated by a business plan and related documentation;
- If an existing business, the history of successful operation and reason for the need for a license; and
- The owner’s participation in the cultural vibrancy of South Bend, and the ongoing continued participation while demonstrating a collaborative approach to supporting the Riverfront District.

The above will be evaluated based on the strength of the physical location of the establishment, the operation itself, the economic impact of the establishment on the surrounding neighborhood, and the reputation and experience of ownership.

### **Initial Application Procedure**

The initial application process is as follows:

1. The applicant will complete a Riverfront License application and submit it to DTSSB along with a copy of their completed ATC Initial Application or Transfer permit.
2. The Riverfront License Review Committee will schedule a public meeting with the applicant to consider the application.
3. The Riverfront License Review Committee will make a recommendation to either approve or deny the application.
4. An approved applicant will be required to enter into a written contract (the “Agreement”) with the City agreeing to comply with the requirements set forth in this document and any and all local rules and conditions that the City places on the operation.
5. The Mayor will then review the recommendations of the Riverfront License Review Committee. If the Mayor also approves, then the applicant will be provided with the approval letter from the Mayor needed for the ATC application.

### **Renewal Application Procedure**

The renewal application process is as follows:

1. The riverfront permit holder seeking renewal will submit to DTSSB their completed ATC Application for Renewal.
2. If the Riverfront License Review Committee, the Mayor, City staff, or DTSSB and its staff have questions about the riverfront permit holder’s previous or current compliance with the Agreement and with requirements set forth in this document,



the Committee will schedule a public meeting with the renewal applicant to consider the application.

All riverfront permit holders that hold a permit at the time of the adoption of the requirements set forth in this document must enter into the Agreement acknowledging these requirements upon seeking their first renewal following the adoption of these requirements. Any riverfront permit holder that has not signed the Agreement with the City as part of the renewal application procedure will be deemed noncompliant with the requirements set forth in this document.

3. After the public meeting, the Riverfront License Review Committee will make a recommendation to the Mayor to either approve or deny the renewal application. For denied applications, the City will send notice to the ATC of the riverfront permit holder's noncompliance with the Agreement with a request for non-renewal of the riverfront permit holder's permit.

### **Participants in the Application and Renewal Process**

In addition to the applicant, participants in the riverfront liquor license initial and renewal application process include, but are not exclusive to, the following:

- DTSB as the program administrator;
- The five-person Riverfront License Review Committee consisting of:
  - The Executive Director of Community Investment or designee;
  - A City Council designee;
  - A Member of the Redevelopment Commission;
  - A DTSB representative; and
  - A Mayoral designee;
- A City Legal Department representative; and
- The Mayor

### **Reporting Obligations of Riverfront Permit Holder**

1. After an Applicant's riverfront permit is approved by the ATC, and no later than 90 days prior to the State's annual renewal date of the establishment's permit, the riverfront permit holder shall submit an annual compliance report to DTSB for review by the Riverfront License Review Committee. Applicant's compliance report shall include all of the following documentation:
  - a. A revenue report indicating the total annual food, non-alcoholic beverage, and alcohol/liquor sales for the previous year;

- b. A report indicating the total number of days open during the previous year, along with a schedule of current operating hours; and
  - c. Proof of payment of the annual renewal fee of \$1,000.00 to the program administrator, "Downtown South Bend, Inc."
2. After reviewing the information submitted by riverfront permit holder, the City or DTSB may request in writing supplemental and/or clarifying information. The riverfront permit holder shall provide the requested information within fifteen (15) calendar days following such request.

The riverfront permit holder shall certify under oath the accuracy of all information submitted to the City or DTSB.

### **Noncompliance of Riverfront Permit Holder**

If the City determines, in its sole discretion, that a riverfront permit holder is not in compliance with the requirements set forth in this document in any material respect, the City will notify the riverfront permit holder in writing of such noncompliance, after which the riverfront permit holder shall have:

- a. Thirty (30) calendar days from the date of the City's notification to explain in writing the reasons for the noncompliance; and
- b. Sixty (60) calendar days from the date of the City's notification to cure the noncompliance.

If the City determines that the reasons for noncompliance are inadequate or that the noncompliance has not been cured, the City, as it deems appropriate, may take remedial action, including, but not limited to, the following steps:

1. Terminate the Agreement;
2. Send notice to the ATC of the riverfront permit holder's noncompliance with the Agreement, including a request for non-renewal of the riverfront permit holder's permit; and
3. Send a copy of the notice above, provided to the local ATC Board and Excise Office, requesting a recommendation to the state ATC office for non-renewal of the riverfront permit holder's permit.

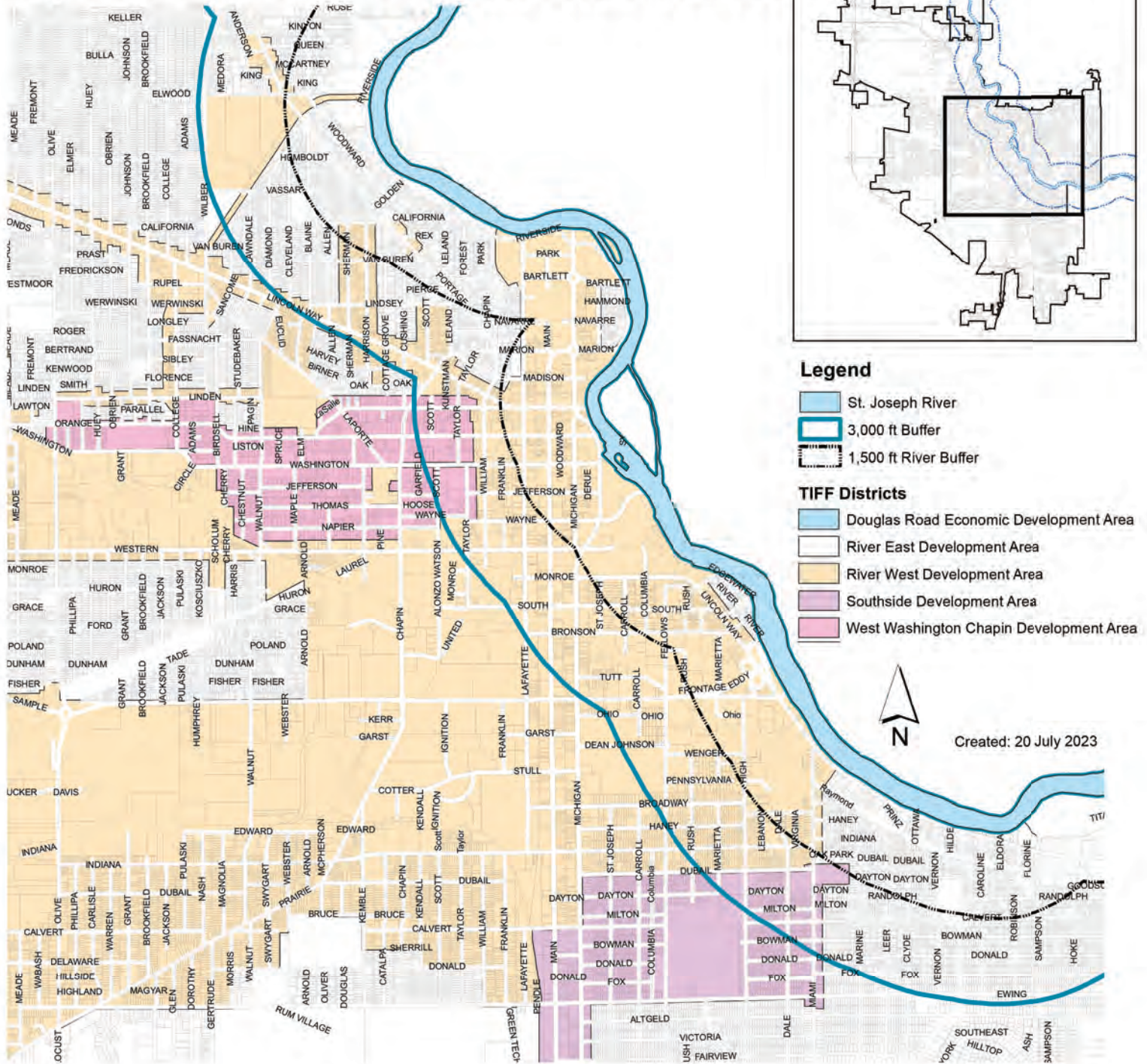
As part of its Agreement, Applicant shall agree to release the City and DTSB, their directors, officers, employees, agents, representatives, departments and divisions, from any and all claims, demands, liabilities, or causes of action of every kind and nature, whether now existing or hereafter arising, both known and unknown, which Applicant has or may have against the City or DTSB which is in any manner related to the termination of the Agreement by the City or the Applicant for any reason.

## **Attachment A**

Map of the “Expanded West Riverfront District”

*Adopted by the South Bend Common Council on September 11, 2023*

# Expanded West Riverfront District

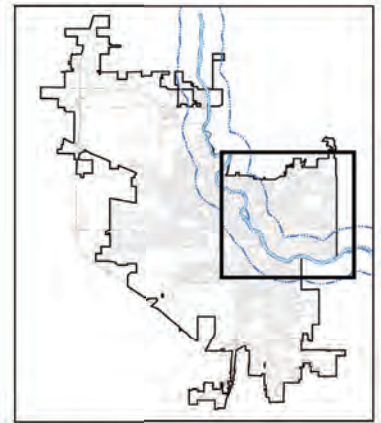
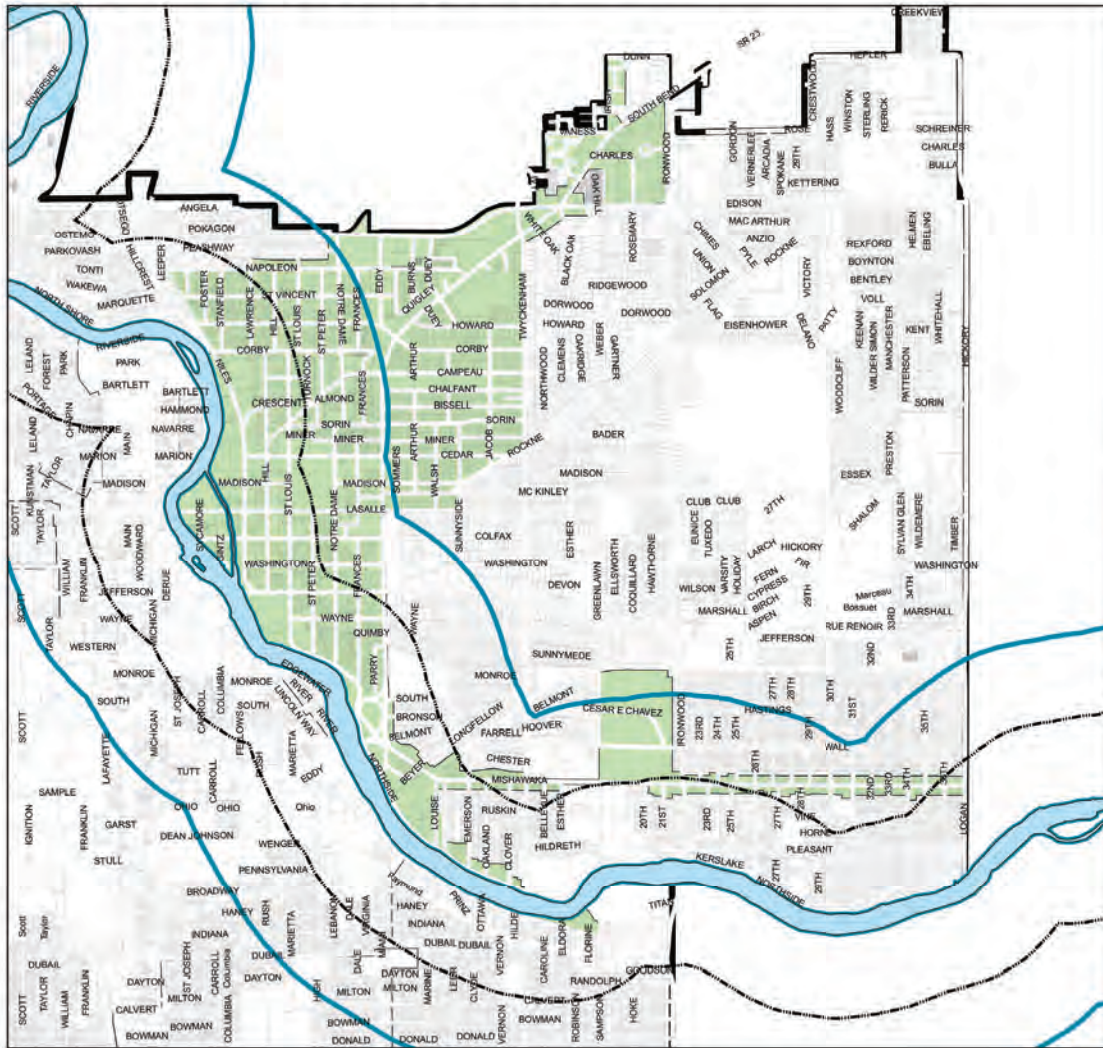


**Attachment B**

Map of the "Expanded East Riverfront District"

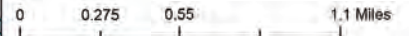
*Adopted by the South Bend Common Council on September 11, 2023*

# Expanded Riverfront District



## Legend

- St. Joseph River
- 3,000 ft Buffer
- 1,500 ft River Buffer
- TIFF Districts
- River East Development Area
- City Limits



Created: 23 August 2023



## **Attachment C**

Ordinance No. 10965-23: Authorizing and Establishing the Boundaries of the  
“Expanded West Riverfront District”

*Adopted by the South Bend Common Council on September 11, 2023*

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**ORDINANCE No. 10965-23**

*Passed by the Common Council of the City of South Bend, Indiana*

**September 11,** 20 **23**

Attest: *Dawn M. Jones* City Clerk  
*Dawn M. Jones*

Attest: *Sharon L. McBride* President of Common Council

*Presented by me to the Mayor of the City of South Bend, Indiana*

**September 12,** 20 **23**

*Dawn M. Jones* City Clerk  
*Dawn M. Jones*

Approved and signed by me *September 18,* 20 *23*

*J. Mu* Mayor

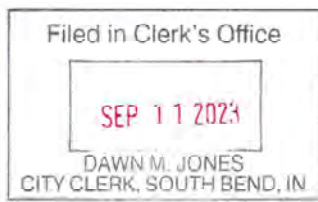
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**SUBSTITUTE BILL NO. 51-23**

**ORDINANCE NO. 10965-23**



**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AUTHORIZING AND ESTABLISHING THE BOUNDARIES OF A NEW MUNICIPAL RIVERFRONT DEVELOPMENT PROJECT "THE EXPANDED WEST RIVERFRONT DISTRICT"**

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**STATEMENT OF PURPOSE AND INTENT**

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To complement economic development efforts of cities and towns, the Indiana General Assembly enacted Ind. Code § 7.1-3-20-16.1 (the "Act"). The Act allows the Indiana Alcohol and Tobacco Commission ("ATC") to issue one-way, two-way, and three-way nontransferable permits without regard to the ATC quota restrictions to restaurants located within an authorized Municipal Riverfront Development Project, funded in part with State and City money.

The St. Joseph River is among the City of South Bend's most beautiful and treasured assets, and the optimum utilization of this valuable resource has been emphasized repeatedly and prioritized in City planning. The South Bend Common Council recognized this by its adoption on June 25, 2012, of a Downtown Riverfront Development Project (also known as the "Downtown Riverfront District") in Ordinance No. 10165-12 that was amended in its legal description by Ordinance No.10178-12 (August 27, 2012), and expanded by Ordinance Nos. 10281-13 (December 9, 2013), and 10501-17 (March 13, 2017).

The Downtown Riverfront District has resulted in the growth and success of many innovative restaurants and culture-enhancing businesses which serve alcoholic beverages, most of which are locally owned, operated, and inspired. The Downtown Riverfront District has also brought economic growth, strength, and development to the entire area within and bordering on its boundaries.

To encourage new restaurant proprietors to invest in the part of South Bend contiguous to the west side of the St. Joseph River, the South Bend Common Council determines that it is in South Bend's best interest to authorize and establish boundaries for a new Municipal Riverfront Development Project to be known as "the Expanded West Riverfront District." Those persons desiring riverfront permits in this District will work with the City Administration and will follow the City Administration's established rules and procedures and, as amended, to obtain executive approval for a Riverfront 221-3 Riverfront License. The City Department of Community Investment has developed these rules, policies, and procedures to assure that applicants and holders of these special alcoholic beverage permits maintain these enterprises for a cuisine or culture-focused experience, and not for the main purpose of liquor consumption.

This Ordinance identifies the boundaries of a new Municipal Riverfront Development Project, "The Expanded West Riverfront District," as shown in the map attached as Exhibit A, and the Council finds that these boundaries comply in all respects with the Act in that the designated area borders on at least one side of the St. Joseph River. The Council further finds that Exhibit B is a true, complete legal description of the area depicted on the Map (Exhibit A), and that the entire

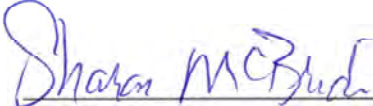
authorized real estate as legally described in Exhibit B is located within an economic development area established under Indiana law.

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

SECTION I. The area shown on the map attached as Exhibit A with its legal description in Exhibit B is hereby designated as a Municipal Riverfront Development Project for the City of South Bend pursuant to the Act and shall be known as the "Expanded West Riverfront District," which meets all qualifications for such a Project under the Act. In the event that any part of such area does not meet the criteria of the Act, that part shall be deemed excluded from the Project Area, and the remaining parts of the Area shall retain its Project designation.

SECTION II. The City Administration shall follow its established rules, policies, and procedures, as amended, for individuals, corporations, and business entities to apply for a Riverfront License pursuant to the Act and consistent with the regulations promulgated as a result of the Act.

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

  
Sharon McBride, President  
South Bend Common Council

Attest:

  
Dawn M. Jones, City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_m.

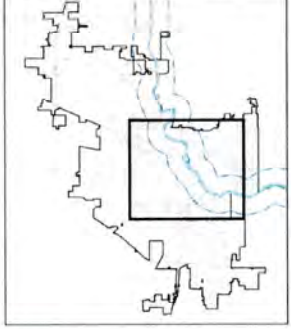
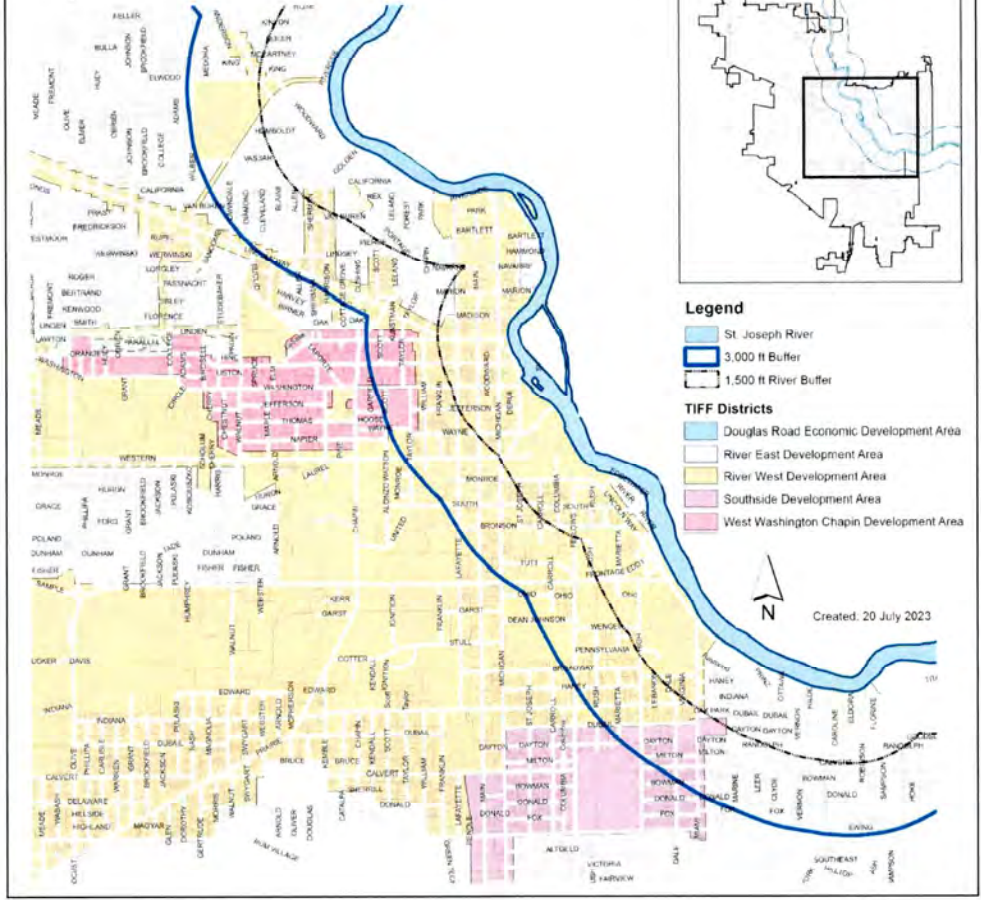
  
Dawn M. Jones, City Clerk

Approved and signed by me on the 18<sup>th</sup> day of September, 2023, at 11 o'clock, 9 .m.

  
James Mueller, Mayor  
City of South Bend, Indiana

EXHIBIT A

# Expanded West Riverfront District



- Legend**
- St Joseph River
  - 3,000 ft Buffer
  - 1,500 ft River Buffer
- TIFF Districts**
- Douglas Road Economic Development Area
  - River East Development Area
  - River West Development Area
  - Southside Development Area
  - West Washington Chapin Development Area

## EXHIBIT B

### Legal Description for the Expanded West Riverfront District

Beginning at the intersection of the Centerline of the St. Joseph River with the East line of Lot "I" of the Plat of "Leer's Survey" as recorded in the records of the St. Joseph County, Indiana Recorder's Office extended Northeasterly to said intersection; thence Southwesterly along said extended Easterly line to the Northeasterly corner of said Lot; thence continuing Southwesterly along said Easterly line to the Northerly right-of-way line of Lincolnway East (A.K.A. S.R. 933); thence crossing said Lincolnway East to a point of intersection with the Northwesterly corner of Lot "BB" in said Plat; thence Southwesterly along the Westerly line of said Lot "BB" to the Southwesterly corner of said Lot; thence continuing Southwesterly and crossing a 16 foot wide Public Alley and crossing the 100 foot wide right-of-way of the Conrail Railroad to a point on the Southerly line of said right-of-way; thence Southerly to a point of intersection with the East right-of-way line of a 14 foot wide North-South Public Alley; thence South along the East line of said Public Alley, crossing the Public rights-of-ways of Broadway Street, Haney Avenue and Indiana Avenue to a point of Intersection with the South right-of-way line of Oak Park Court; thence West along said South line and crossing Miami Street right-of-way to a point of intersection with the West line of Miami Street; thence North along said West line to the Southeast corner of Lot # 2 of the Plat of "Oak Park Addition" as recorded in the records of said County; thence West along the South line of said Lot and its Westerly extension to a point on the West line of a 14 foot North-South Public Alley; thence North along said West line to a point of intersection with the South right-of-way line of Indiana Avenue; thence West along said South line to the Northwest corner of Lot # 11 in said Plat; thence North 60 feet to the North right-of-way line of said Indiana Avenue; thence West along said North line and crossing Virginia Street to the Southeast corner of a Parcel of ground having a Tax Key Number of 018-7012-0459 in the records of the St. Joseph County, Indiana Auditor's Office; thence North along said East line to the Northeast corner of said Parcel, said corner also being on the South line of a 14 foot wide East-West Public Alley; thence West along said South line and its Westerly extension to point on the Westerly right-of-way line of Dale Avenue; thence Northerly along said Westerly line to a point of intersection with the South right-of-way line of Broadway Street; thence West along said South line to a point of intersection with the East right-of-way line of Lebanon Street; thence North 50 feet to a point on the North right-of-way line of said Broadway Street; thence West along said North line to a point of intersection with the East right-of-way line of High Street; thence North along said East a distance of 405 feet more or less; thence West 50 feet to a point of intersection with the Southeast corner of Lot # 27 in the Plat of "Southeast Neighborhood Redevelopment Phase One, Section Three" as recorded in the records of said County; thence Northwesterly along the Southerly line of said Lot to the Southwest corner of said Lot; thence in a Northerly and Northwesterly direction along the Easterly right-of-way line of Pennsylvania Court to the Southwest corner of Lot # 25 in said Plat; thence North along the West line of said Lot to the Northwest corner of said Lot; thence East along the North line of said Lot and its Easterly extension to the Southwest corner of a Parcel of ground having a Tax Key Number of 018-7020-0806 in the records of said Auditor's Office; thence North along the West line of said Parcel to the Northwest corner of said Lot; thence Westerly along the Southerly right-of-way line of Roland Court a distance of 70 feet more or less to the Northwest corner of a Parcel of ground having a Tax Key Number of 018-7020-0804 in the records of said Auditor's Office; thence North 50 feet to the Southwest corner of a parcel of ground having a Tax Key Number of 018-7020-0793 in the records of said Auditor's Office; thence North along the West line of said Parcel to the Northwest corner of said Parcel, said point being on the South right-of-way line of vacated Wenger Street; thence East along said South line to a point of intersection with the West right-of-way line of High Street; thence North along said West line to a point of intersection with the Southerly right-of-way line of the Grand Trunk Western Railroad; thence Northwesterly

along said Southerly line to a point of intersection with the South right-of-way line of Sample Street; thence in a northerly direction crossing the Sample Street right-of-way to a point of intersection of the North line of Sample Street with the West right-of-way line of Rush Street; thence North along said West line to the Northeast corner of Lot "T" in the Plat of "Monroe-Sample Replat" as recorded in the records of said County; thence West along the North line of said Lot and its Westerly extension to a point on the West right-of-way line of Fellows Street; thence North along said West line to a point of intersection with the South right-of-way line of Bronson Street; thence West along said South line a distance of 500 feet more or less; thence North 60 feet more or less to the Southeast corner of a Parcel of ground having a Tax Key Number of 018-3026-0955 in the records of said Auditor's Office; thence North along the East line of said Parcel to the Northeast corner of said Parcel; thence West along the North line of said Parcel and its Westerly extension to a point on the West right-of-way line of Carroll Street; thence North on said West line to the Southeast corner of Lot # 67 in the Plat of "Field Addition" as recorded in the records of said County; thence West along the South line of said Lot and its Westerly extension to a point on the West right-of-way line of the first 14 foot wide North-South Public Alley, West of said Lot; thence North along said West line to the South right-of-way line of South Street; thence West along said South line and crossing St. Joseph Street to a point of intersection of the South line of said South Street and the West right-of-way line of St. Joseph Street; thence North crossing South Street and continuing along said West line of St. Joseph Street to the Southeast corner of a parcel of ground having a Tax Key Number of 018-3020-0716 in the records of said Auditor's Office; thence West along the South line of said Parcel to a point on the East line of a Parcel of ground having a Tax Key Number of 018-3020-0714 in the records of said Auditor's Office; thence South along said East line to the Southeast corner of said Parcel; thence West along the South line of said Parcel to the Southwest corner of said parcel; thence North along the West line of said parcel and its Northerly extension to a point on the North right-of-way line of Monroe Street; thence West along said North line and its Westerly extension to a point of intersection with the West right-of-way line of Michigan Street; thence North along said West line and crossing Western Avenue to a point on the North right-of-way line of said Western Avenue; thence West along said North line to the Southeast corner of a Parcel of ground having a Tax Key Number of 018-3008-0272 in the records of said Auditor's Office; thence North along the East line of said Parcel to the Northeast corner of said Parcel; thence West along the North line of said Parcel and its Westerly extension to a point on the West right-of-way line of Main Street; thence North along said West line to a point on the North right-of-way line of Wayne Street; thence West along said North line to a point on the West right-of-way line of the first 14 foot wide North-South Public Alley West of Main Street; thence North along said West line to the Northeast corner of a Parcel of ground having a Tax Key Number of 018-3007-0220 in the records of said Auditor's Office; thence West along the North line of said Parcel and its Westerly extension to a point on the West right-of-way line of Lafayette Boulevard; thence North along said West line and crossing Jefferson Boulevard to the Southeast corner of a Parcel of ground having a Tax Key Number of 018-3009-0288 in the records of said Auditor's Office; thence West along the South line of said Parcel to the Southwest corner of said Parcel; thence North along the West line of said Parcel and its Northerly extension to a point on the North right-of-way line of Washington Street; thence West on said North line to a point on the West right-of-way line of the first 14 foot wide North-South Public Alley West of Lafayette Boulevard; thence North on said West line and its Northerly extension to a point on the North right-of-way line of Colfax Avenue; thence West along said North line to the Southwest corner of a Parcel of ground having a Tax Key Number of 018-1023-0980 in the records of said Auditor's Office; thence North along the West line of said Parcel and its Northerly extension to the North right-of-way line of a 14 foot wide East-West Public Alley; thence East along said North line to the Southwest corner of Lot # 4 in the Plat of "Miller's Subdivision of Bank Outlot # 10 and Part of Outlot # 11" as recorded in the records of said County; thence North along the West line of said Lot to the Northwest corner of said Lot; thence Northeasterly to a point on the Northerly right-of-way line of Lincolnway West; thence Northwesterly along said Northerly line to the Southeast corner of a Parcel of ground having a Tax Key Number of 018-1019-078801 in the records of said Auditor's Office; thence Northeasterly along the East line of said Parcel

and its Northeasterly extension to a point on the Northerly right-of-way line of a 14 foot wide Northwesterly-Southeasterly Public Alley; thence Northwesterly along said Northerly line to the Southwesterly corner of a Parcel of ground having a Tax Key Number of 018-1019-0787 in the records of said Auditor's Office; thence Northeasterly along said Westerly line to the Northwest corner of said parcel; thence Northerly crossing Madison Street to the Southeast corner of a Parcel of ground having a Tax Key Number of 018-1020-0831 in the records of said Auditor's Office; thence North along the East line of said Parcel to the Northwest corner of said parcel; thence West along the North line of said Parcel to the Northwest corner of said Parcel and the East right-of-way line of William Street; thence North along said East line to the Southwest corner of a Parcel of ground having a Tax Key Number of 018-1020-0839 in the records of said Auditor's Office said Point also being on the North right-of-way line of a 14 foot wide East-West Public Alley; thence East along said North line to the Southeast corner of Lot # 49 in the Plat of "Henrick's and Grants Addition" as recorded in the records of said County; thence North along the East line of said Lot and its Northerly extension to the Southeast corner of Lot # 52 in said Plat, said corner also being on the North right-of-way line of Marion Street; thence East along said North line to a point of intersection with the East right-of-way line of the first 14 foot wide North-South Public Alley East of said Lot; thence North along said East line to the Northwest corner of a Parcel of ground having a Tax Key Number of 018-1014-053301 in the records of said Auditor's Office; thence East along the North line of said Parcel to the Northeast corner of said Parcel, said corner also being on the West right-of-way line of Lafayette Boulevard; thence North along said West line to a point on the North right-of-way line of Navarre Street; thence West along said North line and crossing Park Avenue to the Southeast corner of a Parcel of ground having a Tax Key Number of 018-1054-2300 in the records of said Auditor's Office, said corner also being on the West right-of-way line of a 14 foot wide North-South Public Alley; thence North along said West line to the Northeast corner of said Parcel; thence West along said North line to the Easterly line of a Parcel of ground having a Tax Key Number of 018-1054-2299 in the records of said Auditor's Office; thence Northwesterly along the Easterly line of said Parcel and a Parcel of ground having a Tax Key Number of 018-1054-2298 in the records of said Auditor's Office to the Northeast corner of said Parcel; thence Southwesterly along the Northerly line of said Parcel and its Southwesterly extension to a point on the Westerly right-of-way line of Portage Avenue; thence Northwesterly along said Westerly line to a point of intersection with the North right-of-way line of Linsey Street; thence West along said North line to a point of intersection with the West right-of-way line of Leland Avenue; thence North along said West line to the Northeast corner of a Parcel of ground having a Tax Key Number of 018-1057-2419 in the records of said Auditor's Office; thence West along the North line of said Parcel to the Northwest corner of said Parcel; thence North to the Northeast corner of a Parcel of ground having a Tax Key Number of 018-1057-2421 in the records of said Auditor's Office; thence West along the North line of said Parcel and a Parcel of ground having a Tax Key Number of 018-1057-2422 in the records of Auditor's and its Westerly extension to a point on the West right-of-way line of the first 14 foot wide North-South Public Alley West of said Parcel; thence North along said West line to the Northeast corner of a Parcel of ground having a Tax Key Number of 018-1057-2430 in the records of said Auditor's Office; thence West along the North line of said Parcel and its Westerly extension to a point on the West right-of-way line of Scott Street; thence North along said West line to the Southeast corner of Lot # 25 in the Plat of "St. Joseph County Agricultural Society Addition" as recorded in the records of said County; thence West along the South line of said Lot and its Westerly extension to the West right-of-way line of the first 14 foot wide North-South Public Alley, West of said Lot; thence North along said West line to the Northeast corner of Lot # 12 in the Plat of "Studebaker Brothers Subdivision" as recorded in the records of said County; thence West along the North line of said Lot and its Westerly extension to a point on the West right-of-way line of Cushing Street; thence North along said West line to a point on the North right-of-way line of Van Buren Street; thence West along said North line to the Southeast corner of a Parcel of ground Parcel of ground having a Tax Key Number of 018-1072-3065 in the records of said Auditor's Office; said point also being on the West right-of-way line of a 14 foot wide North-South Public Alley; thence North along said West line to the Northeast corner of said

Parcel, said point also on the South line of Lot # 164 in the Plat of "Cushing & Lindsey's Subdivision" as recorded in the records of said County; thence West along the South line of said Lot and its Westerly extension to a point on the West right-of-way line of Harrison Avenue; thence North along said West line to the Southeast corner of Lot # 169 in said Plat; thence West along the South line of said Lot and its Westerly extension to the West right-of-way line of the first 14 foot wide North-South Public Alley, West of said Lot; thence North along said West line to the Southeast corner of Lot # 17 in the Plat of "Mussel 1st Addition" as recorded in the records of said County; thence West along the South line of said Lot and its Westerly extension to the West right-of-way line of Sherman Avenue; thence North along said West line to the Southeast corner of Lot # 22 in said Plat; thence West along the South line of said Lot and its Westerly extension to the West right-of-way line of the first 14 foot wide North-South Public Alley, West of said Lot; thence North along said West line to the Southeast corner of a Parcel of ground having a Tax Key Number of 018-1085-3575 in the records of said Auditor's Office; thence West along the South line of said Parcel and its Westerly extension to the West right-of-way line of Allen Street; thence North along said West line to a point on the North right-of-way line of California Avenue; thence West along said North line to the Southeast corner of Lot # 105 in the Plat of "Mussel 3rd Addition" as recorded in the records of said County, said corner also being on the West right-of-way line of a 14 foot wide North-South Public Alley; thence North along said West line to a point on the North right-of-way line of Vassar Avenue; thence West along said North line to a point of intersection with the West right-of-way line of the first 14 foot wide North-South Public Alley West of Blaine Avenue; thence North along said West line to the Southeast corner of Lot # 345 in the Plat of "Vassar Park" as recorded in the records of said County; thence West along the South line of said Lot and its Westerly extension crossing Cleveland Avenue to the Southeast corner of Lot # 334 in said Plat, said corner also being on the West right-of-way line of said Cleveland Avenue; thence North along said West line and its Northerly extension to the Southeast corner of Lot # 360 in said Plat, said corner also being on the West right-of-way line of Diamond Avenue; thence Northeasterly along said Westerly line to the Southeast corner of Lot # 361 in said Plat; thence Northwesterly along the Southerly line of said Lot to the Southwesterly corner of said Lot; thence Northerly to a point of intersection with the Northwesterly right-of-way line of the Old Conrail Railroad right-of-way; thence Northeasterly along said line to a point of intersection with the Westerly right-of-way line of Portage Avenue; thence Northwesterly along said line to the Northeasterly corner of a Parcel of ground having a Tax Key Number of 018-1094-394101 in the records of said Auditor's Office; thence along the perimeter of said Parcel for the next three (3) courses: Southwesterly a distance of 103.60 feet more or less and Northwesterly a distance of 178.65 feet more or less and Northeasterly a distance of 100 feet more or less to a point on the Westerly right-of-way line of Portage Avenue; thence Northwesterly along said Westerly line to a point of intersection with the South right-of-way line of Elwood Avenue; thence Northeasterly to the Southwest corner of Lot # 1 of the Plat of "Northwest Addition 2nd Plat" as recorded in the records of said County, said corner also being on the Easterly right-of-way line of Portage Avenue; thence Northwesterly along said Easterly line to a point of intersection with the South right-of-way line of King Street; thence East along said South line a distance of 90 feet more or less; thence North crossing said King Street to a point of intersection with the West right-of-way line of the first North-South 14 foot wide Public Alley West of Portage Avenue; thence North along said West line and its Northerly extension to the Southwest corner of Lot # 67 in said Plat; thence North along the West line of said Lot to the Northwest corner of said Lot, said corner also being on the South right-of-way line of Mc Cartney Street; thence East along said South line to the Northeast corner of said Lot; thence North crossing said Mc Cartney Street to the Southwest corner of Lot # 73 in said Plat, said corner also being on the North right-of-way line of said Mc Cartney Street; thence North along the West line of said Lot to the Northwest corner of said Lot, said corner also being on the South right-of-way line of a 14 foot wide East-West Public Alley; thence East along said South line to a point of intersection with the West right-of-way line of a 14 foot wide North-South Public Alley, said point also being the Northeast corner of Lot # 73 in said Plat; thence North crossing said 14 foot wide East-West Alley and continuing along the West right-of-way line of said North-South Alley to a point of intersection with the

South right-of-way line of Queen Street; thence East along said South line to the Northeast corner of Lot # 105 in said Plat; thence North crossing said Queen Street to the Southwest corner of Lot # 131 in said Plat, said corner also being on the North right-of-way line of said Queen Street; thence North along the West line of said Lot to the Northwest corner of said Lot, said corner also being on the South right-of-way line of a 14 foot wide East-West Public Alley; thence East along said South line to the Northeast corner of said Lot; thence North crossing said East-West Public Alley to the Southwest corner of Lot # 173 in the Plat of "Northwest Addition 3rd Plat" as recorded in the records of said County; thence North along the West line of said Lot to the Northwest corner of said Lot, said corner also being on the South right-of-way line of Kinyon Street; thence North crossing said Kinyon Street to a point on the North right-of-way of said Kinyon Street; thence East along said North line, crossing Kessler Boulevard and Sherman Avenue to a point of intersection with the East right-of-way line of Sherman Avenue; thence North along said East line to a point of intersection with the South right-of-way line of the first East and West 7 foot wide Public Alley located South of Rose Street; thence East along the South line of said Public Alley and its Easterly extension crossing Riverside Drive to a point of intersection with the Centerline of the St. Joseph River; thence meandering Southeasterly and Easterly along the Centerline of the St. Joseph River, a distance of 18,281 feet more or less to the point of beginning.

Containing 732.52 Acres more or less.



**Attachment D**

Ordinance No. 10966-23: Authorizing and Establishing the Boundaries of the  
“Expanded East Riverfront District”

*Adopted by the South Bend Common Council on September 11, 2023*

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ORDINANCE No. 10966-23

Passed by the Common Council of the City of South Bend, Indiana \_\_\_\_\_

September 11, 2023

Attest: Dawn M. Jones City Clerk  
Dawn M. Jones

Attest: Sharon L. McBride President of Common Council

Presented by me to the Mayor of the City of South Bend, Indiana \_\_\_\_\_

September 12, 2023

Dawn M. Jones City Clerk  
Dawn M. Jones

Approved and signed by me September 18, 2023

J. Mu Mayor

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**BILL NO. 52-23**

**ORDINANCE NO. 10966-23**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AUTHORIZING AND ESTABLISHING THE BOUNDARIES OF A NEW MUNICIPAL RIVERFRONT DEVELOPMENT PROJECT "THE EXPANDED EAST RIVERFRONT DISTRICT"**

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**STATEMENT OF PURPOSE AND INTENT**

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To complement economic development efforts of cities and towns, the Indiana General Assembly enacted Ind. Code § 7.1-3-20-16.1 (the "Act"). The Act allows the Indiana Alcohol and Tobacco Commission ("ATC") to issue one-way, two-way, and three-way nontransferable permits without regard to the ATC quota restrictions to restaurants located within an authorized Municipal Riverfront Development Project, funded in part with State and City money.

The St. Joseph River is among the City of South Bend's most beautiful and treasured assets, and the optimum utilization of this valuable resource has been emphasized repeatedly and prioritized in City planning. The South Bend Common Council recognized this by its adoption on June 25, 2012, of a Downtown Riverfront Development Project (also known as the "Downtown Riverfront District") in Ordinance No. 10165-12 that was amended in its legal description by Ordinance No. 10178-12 (August 27, 2012), and expanded by Ordinance Nos. 10281-13 (December 9, 2013), and 10501-17 (March 13, 2017).

The Downtown Riverfront District has resulted in the growth and success of many innovative restaurants and culture-enhancing businesses which serve alcoholic beverages, most of which are locally owned, operated, and inspired. The Downtown Riverfront District has also brought economic growth, strength, and development to the entire area within and bordering on its boundaries.

To encourage new restaurant proprietors to invest in the part of South Bend contiguous to the east side of the St. Joseph River, the South Bend Common Council determines that it is in South Bend's best interest to authorize and establish boundaries for a new Municipal Riverfront Development Project to be known as "the Expanded East Riverfront District." Those persons desiring riverfront permits in this District will work with the City Administration and will follow the City Administration's established rules and procedures and, as amended, to obtain executive approval for a Riverfront 221-3 Riverfront License. The City Department of Community Investment has developed these rules, policies, and procedures to assure that applicants and holders of these special alcoholic beverage permits maintain these enterprises for a cuisine or culture-focused experience, and not for the main purpose of liquor consumption.

This Ordinance identifies the boundaries of a new Municipal Riverfront Development Project, "The Expanded East Riverfront District," as shown in the map attached as Exhibit A, and the Council finds that these boundaries comply in all respects with the Act in that the designated area borders on at least one side of the St. Joseph River. The Council further finds that Exhibit B is a true, complete legal description of the area depicted on the Map (Exhibit A), and that the entire authorized real estate as legally described in Exhibit B is located within an economic development area established under Indiana law.

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

SECTION I. The area shown on the map attached as Exhibit A with its legal description in Exhibit B is hereby designated as a Municipal Riverfront Development Project for the City of South Bend pursuant to the Act and shall be known as the "Expanded East Riverfront District," which meets all qualifications for such a Project under the Act. In the event that any part of such area does not meet the criteria of the Act, that part shall be deemed excluded from the Project Area, and the remaining parts of the Area shall retain its Project designation.

SECTION II. The City Administration shall follow its established rules, policies, and procedures, as amended, for individuals, corporations, and business entities to apply for a Riverfront License pursuant to the Act and consistent with the regulations promulgated as a result of the Act.

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

  
Sharon McBride, President  
South Bend Common Council

Attest:

  
Dawn M. Jones, City Clerk

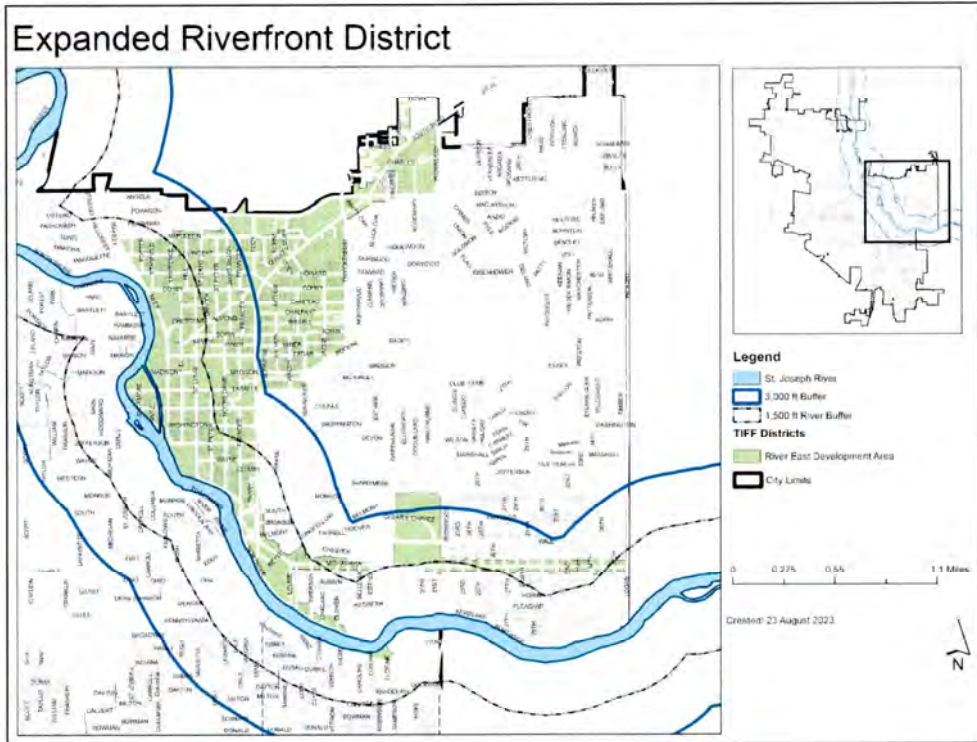
Presented by me to the Mayor of the City of South Bend, Indiana on the \_\_\_\_\_ day of \_\_\_\_\_, 2023, at \_\_\_\_\_ o'clock \_\_\_\_\_ m.

  
Dawn M. Jones, City Clerk

Approved and signed by me on the 18<sup>th</sup> day of September, 2023, at 11 o'clock, 5 m.

  
James Mueller, Mayor  
City of South Bend, Indiana

EXHIBIT A



## EXHIBIT B

### Legal Description for the Expanded East Riverfront District

Beginning at the intersection of the West right-of-way line of Laurel Road with the South right-of-way line of Auten Road; thence North 40 feet more or less to the Centerline of said Auten Road; thence East along said Centerline for a distance of 1,420 feet more or less to a point of intersection with the West right-of-way line of Linwood Drive extended North; thence Southerly along said extension and along the West line of said Linwood Drive to the Southeasterly corner of Lot # 54 of the Plat of "Laurel Woods Apartments PUD" as recorded in the records of the St. Joseph County, Indiana Recorder's office; thence along the Easterly line of said Lot # 54 in a Southwesterly and Southerly direction for a distance of 321.48 feet more or less to a point on the Northerly line of Lot # 57 in the Plat of "Laurel Woods (PUD) Section 2" as recorded in the records of said County; thence Northwesterly along said Northerly line a distance of 100 feet more or less to a point on the East line of Lot # 58 in said Plat; thence Southwesterly along said East Lot line a distance of 120.64 feet more or less to the Easterly right-of-way line of Ashwood Court; thence in a Southerly direction along said right-of-way line and its Southerly extension a distance of 220 feet more or less to a point on the South right-of-way line of Linwood Drive; thence West along said South line a distance of 40 feet more or less to the East line of Lot # 27 in said Plat; thence South along said East line a distance of 115 feet more or less to the southeast corner of said Lot, said point also being on the South line of said Plat; thence West along the South line of said Plat and the South line of the Plat of "Laurel Woods (PUD) Section 1" as recorded in the records of said County a distance of 1,018.80 feet more or less to the East right-of-way line of Laurel Road; thence South along said East line, a distance of 4,392 feet more or less to a point of intersection with the South right-of-way line Darden Road; thence East along said South line a distance of 1,421 feet more or less to a point on the East line of a Parcel of ground identified by Tax Key Number 024-1005-0575 in the records of the St. Joseph County, Indiana Auditor's office; thence South along the East line of said Parcel a distance of 2,275 feet more or less to a point of intersection with the North right-of-way line of Cleveland Road; then West on said North line a distance of 2,087 feet more or less to the Centerline of the St. Joseph River; thence North and Northwesterly along said Centerline a distance of 2,601 feet more or less to a point of intersection with the South right-of-way line of Darden Road extended West; thence in an Easterly direction along said extended South line and the South line of Darden Road a distance of 848 feet more or less to a point; thence Northeasterly a distance of 161 feet more or less to a point of intersection of the West right-of-way line of Laurel Road with the North right-of-way line of Darden Road; thence along the West right-of-way line of Laurel Road a distance of 5,107 feet more or less to the point of beginning.

Containing 157.19 Acres more or less.

Also beginning at the point of intersection of the Centerline of the St. Joseph River with the North line of the Southeast Quarter of Section 35, Township 38 North, Range 2 East; thence East along said North line (also being the City Corporate Limit line) a distance of 280 feet more or less to the East line of said Southeast Quarter; thence South along said East line (and said Corp. Limit line) a distance of 135 feet more or less to a point of intersection with the Westerly right-of-way line of the old Penn Central Railroad; thence in a Southwesterly direction along said West line (and said Corp. Limit line) a distance of 2,475 feet more or less; thence East along said Corp. Limit line a distance of 1,590 feet more or less to the Southeast corner of a Parcel of ground having a Tax key Number of 017-1022-0445.01 in the records of the St. Joseph County, Indiana Auditor's office; thence in a Northerly direction along the East line of said parcel (and said Corp. Limit line) a distance 460 feet more or less to the Northeast corner of said Parcel; thence East along said Corp. Limit line a distance of 560 feet more or less to the West right-of-way line of S.R. 933; thence Southwesterly along said West line (and said Corp. Limit line) a distance of 465 feet more or less to a point 160 feet more or less North of the North right-of-way line of Angela Boulevard; thence East on said Corp. Limit line a distance of 1,555 feet more less

to a point which is directly North of the Northwest corner of Lot # 136 of the Plat of "University Heights" as recorded in the records of the St. Joseph County, Indiana Recorder's office; thence South along said Corp. Limit line a distance of 160 feet more or less to said Northwest Lot corner; thence East along the North line of said Lot and Plat, a distance of 685 feet more or less to the Northeast corner of said Lot; thence South along the East line of said Plat (and said Corp. Limit line) a distance of 375 feet more or less; thence East continuing along the North line of said Plat (and Corp. Limit line a distance of 720 feet more or less to the Northeast corner of a Parcel of ground having a Tax Key Number of 018-5124-4425 in the records of said Auditor's office; thence South along the East line of said Parcel to the Southeast corner of said Parcel and a point on the North right-of-way line of Angela Blvd.; thence South crossing said right-of-way to a point on the South right-of-way line of Angela Blvd.; thence East along said South line to the Northeast corner of Lot # 96 in said Plat of University Heights"; thence South along the East line of said Lot to the Southeast corner of said Lot which corner is also the Northwest corner of Lot # 93 in said Plat; thence East along the North line of said Lot and its Easterly extension to a point on the East right-of-way line of Notre Dame Avenue; thence South along said East line to a point of intersection with the North right-of-way line of Napoleon Street; thence East along said North line to a point which is directly North of the Northwest corner of Lot # 47 of the Plat of "Sorin's 2<sup>nd</sup> Addition" as recorded in the records of said County; thence South crossing said Napoleon Street 82.5 feet more or less to said Northwest corner of Lot # 47; thence South along the West line of said Lot to the Southwest corner of said Lot; thence East along the South line of said Lot to the Southeast corner of said Lot, said corner also being on the West right-of-way line of Frances Street; thence South along said West line to a point of intersection with the North right-of-way line of St. Vincent Street; thence East crossing said Frances Street to a point of intersection with the East right-of-way line of Frances Street with the North right-of-way line of said St. Vincent Street; thence South crossing said St. Vincent Street to a point on the South right-of-way line of said St. Vincent Street; thence East along said South line a distance of 115 feet more or less to the Northwest corner of a Parcel of ground having a Tax Key Number of 018-5105-3685 in the records of said Auditor's office; thence South along the West line of said Parcel to the Southwest corner of said Parcel; thence East along the South line of said Parcel and its Easterly extension to a point on the East right-of-way line of a 14 foot wide North and South Public Alley; thence South along said East line to a point of intersection with the North right-of-way line of Howard Street; thence South crossing said Howard Street to a point on the South right-of-way line of said Howard Street, said point also being the Northeast corner of the Plat of "Eddy Commons Phase III 2<sup>nd</sup> Major Subdivision" as recorded in the record of said County; thence South along the East line of said Plat to the Southeast corner of said Plat, said point also being on the North right-of-way line of Corby Boulevard; thence East and Southeasterly along said right-of-way line to a point of intersection with the Northwest corner of Lot # 1 of the Plat of "Five Corners Minor Subdivision" as recorded in the records of said County; thence following along the West line of said Lot to the Southwest corner of said Lot; thence East along the South line of said Lot a distance of 120 feet more or less to a point of intersection with the West right-of-way line of Eddy Street; thence South along said West line and crossing Campeau Street to a point of intersection with said West line and the South right-of-way line of Campeau Street; thence East crossing Eddy Street to the point of intersection of the South right-of-way line of Campeau Street with the East right-of-way line of Eddy Street; thence South along said East line to the point of intersection with the North right-of-way line of Chalfant Street; thence East along said North line a distance of 45 feet more or less; thence South crossing Chalfant Street to the Northeast corner of Lot # 185 of the Plat of Park Place 2<sup>nd</sup> Plat" as recorded in the records of said County; thence South along the East line of said Lot and its Southerly extension to the Northwest corner of Lot # 115 in said Plat; thence East along the North line of said Lot, a distance of 45 feet to the Northeast corner of said Lot; thence South along said East line and its Southerly extension to a point on the South right-of-way line of Bissell Street said point also being the Northeast corner of Lot # 112 in said Plat; thence South along the East of said Lot and the East line of Lot # 43 in said Plat to the Southeast corner of said Lot; thence South crossing Sorin Street to the Northwest corner of Lot # 4 in the Plat of "Park Place" as recorded in the records of said County; thence South along the West line of said lot and the West line of Lot # 18 in said Plat to the Southwest corner of said Lot and the North right-of-way line of Miner Street; thence West along said North line to a point of intersection with the East right-of-way line of said Eddy Street; thence South crossing said Miner Street and continuing along the East line of said Eddy Street

and crossing Cedar Street to a point on the South line of said Cedar Street; thence East along said South line to the West line of a 14 foot wide North and South Public Alley; thence South along said West line and its Southerly extension to a point on the South right-of-way line of Madison Street; thence East along said South line to the Northeast corner of Lot # 5 in the Plat of "Happ & Taggart's Subdivision of Lots 37 & 38 of Sommer's Addition" as recorded in the records of said County; thence South along the East line of said Lot and its Southerly extension to a point on the South right-of-way line of Mc Kinley Highway; thence East along said South line a distance of 143.10 feet more or less to the Northeast corner of Lot # 1 in the Plat of "Bullard's 1<sup>st</sup> Addition"; thence South along the East line of said Lot and its southerly extension to the Centerline of a Vacated East and West 14 foot wide Public Alley; thence West along said Centerline a distance of 50 feet more or less to the Northwest corner of a Parcel of ground having a Tax Key Number of 018-5039-1374 in the records of said Auditor's office; thence South along the West line of said Parcel and its Southerly extension to a point on the South right-of-way line of LaSalle Avenue; thence East along said South line to the West line of the Plat of "Swanson's Sunnyside Heights" as recorded in the records of said County; thence South along the West line of said Plat to the South right-of-way line of an East and West Public Alley; thence East along the South line of said Alley to the Northeast corner of Lot # 5 in said Plat; thence South along the East line of said Lot and its Southerly extension to a point on the South right-of-way line of Colfax Avenue; thence East along said South line to the Northeast corner of a Parcel of ground having a Tax Key Number of 018-5039-1382.01 in the records of said Auditor's office; thence South along the East line of said Parcel to the Northwest corner of a Parcel of ground having a Tax Key Number of 018-5039-1383.02 in the records of said Auditor's office; thence East along the North line of said Parcel to the Northeast corner of said Parcel and the West right-of-way line of Sunnyside Avenue; thence South along said West line a distance of 160 feet more or less; thence East crossing said Sunnyside Avenue to a point of intersection of the East right-of-way line of Sunnyside Avenue with the South right-of-way line of Washington Street; thence East along said South line a distance of 150 feet more or less to the Northeast corner of Lot # 1 of the Plat of Kuhn's & Henderson's 1<sup>st</sup> Subdivision" as recorded in the records of said County; thence South along the east line of said Lot a distance of 131 feet more or less; thence East along the North line of a Parcel of ground having a Tax Key Number of 018-5139-5093 in the records of said Auditor's office a distance of 100 feet more or less to the East line of Lot # 2 in said Plat; thence South along the East line of said Plat and its Southerly extension to a point on the South right-of-way line of Jefferson Boulevard; thence Southeasterly along said South line and crossing Jacob Street to a point of intersection of the South line of said Jefferson Boulevard with the East right-of-way line of said Jacob Street; thence South along said East line to the Northwest corner of Lot # 71 in the Plat of "Whitcomb & Keller's Sunnymede" Subdivision as recorded in the records of said County; thence East along the north line of said Lot and a portion of Lot # 64 in said Plat to the Northwest corner of a Parcel of ground having a Tax Key Number of 018-6105-3753 in the records of said Auditor's office; thence South along the West line of said Parcel to the Northeast corner of a Parcel of ground having a Tax Key Number of 018-6105-3748 in the records of said Auditor's office; thence West along the North line of said Parcel a distance of 46 feet more or less; thence Southerly along the West line of said Parcel, a distance of 226.53 feet more or less to the Southwest corner of said Parcel; thence South crossing Wayne Street right-of-way to the Northwest corner of Lot # 168 in said Plat; thence East along the South right-of-way line of Wayne Street, a distance of 134 feet more or less to the Northwest corner of a Parcel of ground having a Tax Key Number of 018-6109-3897 in the records of said Auditor's office; thence South along the West line of said Parcel a distance of 182 feet more or less to the Southwest corner of said Parcel; thence East along the South line of said Parcel, a distance of 45 feet more or less to the Northeast corner of a Parcel of ground having a Tax Key Number of 018-6109-3922 in the records of said Auditor's office; thence South along the East line of said Parcel a distance of 169 feet more or less to the Southeast corner of said Parcel; thence South crossing the Sunnymede Avenue right-of-way to the Northwest corner of a Parcel of ground having a Tax Key Number of 018-6112-4018.01 in the records of said Auditor's office; thence East along the South right-of-way line of said Sunnymede Avenue a distance of 47 feet more or less to the Northeast corner of said Parcel; thence South along the East line of said Parcel a distance of 188 feet more or less to the Southeast corner of said Parcel; thence East along the North line of two Parcels of ground having a Tax Key Numbers of 018-6124-4485 and 018-6124-4486 in the records of said Auditor's office to the Northeast corner of said Parcel with Tax Key Number 018-



6124-4486; thence South along the East line of said Parcel to the Southeast corner of said Parcel, said corner also being on the North right-of-way line of Monroe Street; thence Southeasterly crossing said Monroe Street right-of-way to the Northeast corner of a Parcel of ground having a Tax Key Number of 018-6124-4495 in the records of said Auditor's office, said corner also being on the South right-of-way line of Monroe Street; thence South along the East line of said Parcel and the East line of a Parcel of ground having a Tax Key Number of 018-6124-4503 in the records of said Auditor's office to the Southeast corner of said Parcel, said corner also being on the North right-of-way line of South Street; thence East along said North line and its Easterly extension a distance of 180 feet more or less to the Centerline of Twyckenham Drive; thence South along said Centerline a distance of 260 feet more or less to a point of intersection with the Southerly right-of-way line of the Grand Trunk Western Railroad; thence Northeasterly along said Southerly line a distance of 46 feet more or less to the Northwest corner of Lot # 790 in the Plat of "Whitcomb & Keller's 4<sup>th</sup> Sunnymede Addition" as recorded in the records of said County, said corner also being on the East right-of-way line of Twyckenham Drive; thence South along said East line to a point of intersection with the North right-of-way line of Southwood Avenue; thence East along said North line and crossing the right-of-way of Belmont Avenue to a point at the Southwesterly corner of Lot # 829B in said Plat; thence continuing along the North right-of-way line of said Southwood Avenue to the Southwest corner of Lot # 829C in said Plat; thence North along the West line of said Lot a distance of 69.9 feet more or less to the Northwest corner of said Lot; thence Northeasterly along the North line of said Lot # 829C and Lots # 830 through Lot # 838 in said Plat to the Northwest corner of Lot # 839 in said Plat; thence North along the West line of said Lot and the West line of Lot # 818 in said Plat to the Northwest corner of a Parcel of ground having a Tax Key Number of 018-6130-4584 in the records of said Auditor's office; thence East along the North line of said Parcel and its Easterly extension to a point of intersection with the East right-of-way line of Greenlawn Avenue; thence North along said East line to a point of intersection with the South right-of-way line of the Grand Trunk Western Railroad; thence East along said South line to the Northwest corner of a Parcel of ground having a Tax Key Number of 018-6126-4514.02 in the records of said Auditor's office; thence South along the West line of said Parcel a distance of 127 feet more or less to the Southwest corner of said Parcel; thence East along the South line of said Parcel a distance 86 feet more or less to the Southeast corner of said Parcel; thence South along the West line of a Parcel of ground having a Tax Key Number of 018-6077-2673 in the records of said Auditor's office a distance of 11 feet more or less to the Southwest corner of said Parcel; thence East along the South line of said Parcel, a distance of 14 feet more or less to the East right-of-way line of a 14 foot wide North and South Public Alley; thence South along said East line to the Southwest corner of a Parcel of ground having a Tax Key Number of 018-6077-2678 in the records of said Auditor's office; thence East along the South line of said Parcel a distance of 133.90 feet more or less to the Southwest corner of said Parcel, said corner also being on the West right-of-way line of Ironwood Drive; thence South along said West line, a distance of 87 feet more or less to the Southwest corner of Lot # 127 in the Plat of "Hastings, Woodward & Gray Addition" as recorded in the records of said County; thence East crossing the Ironwood Drive right-of-way to the Northwest corner of Lot # 113 in said Plat; thence East along the North line of said Lot and Lot # 92 in said Plat to the Northeast corner of said Lot 92; thence East crossing the 23<sup>rd</sup> Street right-of-way to the Northwest corner of Lot # 79 in said Plat; thence East along the North line of said Lot a distance of 128 feet more or less to the Northeast corner of said Lot; thence South a distance of 40 feet more or less along the East line of said Lot and the West line of a 14 foot wide, North and South Public Alley to the Southwest corner of said Lot; Thence East crossing said Public Alley to the Northwest corner of Lot # 57 in said Plat; thence East along the North line of said Plat and its Easterly extension crossing the right-of-way of 24<sup>th</sup> Street to the Northwest corner of Lot # 46 in said Plat; thence East along the North line of said Lot and its Easterly extension crossing a 14 foot wide North and South Public Alley to the Northwest corner of Lot # 23 in said Plat; thence South along the East line of said Alley and the West line of said Lot a distance of 40 feet to the Southwest corner of said Lot; thence East along the South line of said Lot, a distance of 128 feet more or less to the Southeast corner of said Lot and the West right-of-way line of 25<sup>th</sup> Street; thence South along said West line a distance of 40 feet more or less to the Southeast corner of Lot # 22 in said Plat; thence East crossing the right-of-way of 25<sup>th</sup> Street to the Northwest corner of Lot # 14 in said Plat; thence East along the North line of said Lot and its Easterly extension crossing a 14 foot wide North and South Public Alley to the

Northwest corner of Lot # 351 in the Plat of "Berner Grove 3<sup>rd</sup> Addition" as recorded in the records of said County; thence South along said East line and the West line of said Lot a distance of 40 feet more or less to the Southwest corner of said Lot; thence East along the South line of said Lot a distance of 129.32 feet more or less to the Southeast corner of said Lot and the West right-of-way line of 26<sup>th</sup> Street; thence South along said West line a distance of 40 feet more or less; thence East crossing the right-of-way of 26<sup>th</sup> Street to the Northwest corner of Lot # 380 in said Plat; thence along the North line of said Lot a distance of 128 feet more or less to the Northeast corner of said Lot; thence South along the East line of said Lot and the West right-of-way line of a 14 foot wide North and South Public Alley a distance of 40 feet more or less to the Southeast corner of said Lot; thence East crossing said Public Alley to the Northwest corner of Lot # 410 in said Plat; thence East along the North line of said Lot a distance of 128 feet more or less to the Northeast corner of said Lot; thence South along the East line of said Lot and the West right-of-way line of 27<sup>th</sup> Street to the Southeast corner of said Lot; thence South crossing the right-of-way of Hastings Street to the Northeast corner of Lot # 409 in said Plat; thence East crossing the right-of-way of 27<sup>th</sup> Street to the Northwest corner of Lot # 444 in said Plat; thence along the North line of said Lot and the North line of Lot # 471 in said Plat to the Northeast corner of said Lot # 471; thence South along the East line of said Lot and the West right-of-way line of 28<sup>th</sup> Street a distance of 43.30 feet more or less to the Southeast corner of said Lot; thence East crossing the right-of-way of 28<sup>th</sup> Street to the Northwest corner of Lot # 507 in said Plat; thence East along the North line of said Lot a distance of 128 feet to the Northeast corner of said Lot; thence South along the East line of said Lot and the West right-of-way line of a 14 foot wide Public North and South Alley a distance of 42 feet more or less to the Southeast corner of said Lot; thence East crossing the 14 foot wide Public Alley to the Northwest corner of Lot # 531 in said Plat; thence East along the North line of said Lot a distance of 128 feet more or less to the Northeast corner of said Lot and the West right-of-way line of 29<sup>th</sup> Street; thence South along said West line a distance of 84 feet more or less to the Southeast corner of Lot # 530 in said Plat; thence East crossing the right-of-way of 29<sup>th</sup> Street to the Northwest corner of Lot # 572 in said Plat, said corner also being on the East right-of-way of said 29<sup>th</sup> Street; thence South along said East line a distance of 84 feet more or less to the Southwest corner of Lot # 573 in said Plat; thence East along the South line of said Lot a distance of 121.79 feet more or less to the Northeast corner of said Lot; thence Easterly crossing a 14 foot wide North and South Public Alley to the Northwest corner of a Parcel of ground having a Tax Key Number of 018-6085-3028 in the records of said Auditor's office; thence East along the North line of said Parcel a distance of 185.85 feet more or less to the Northeast corner of said Parcel, said corner also being on the West right-of-way line of 30<sup>th</sup> Street; thence South along said West line a distance of 142 feet more or less to the Southeast corner of Lot # 21 of the Plat of "Colonial Gardens" as recorded in the records of said County; thence East crossing the right-of-way of 30<sup>th</sup> Street to the Northwest corner of Lot # 73 in said Plat; thence East along the North line of said Lot a distance of 160 feet more or less to the Northeast corner of said Lot and the West right-of-way line of a 14 foot wide North and South Public Alley; thence South along said West line a distance of 80 feet more or less to the Southeast corner of Lot # 74 in said Plat; thence East crossing the Public Alley to the Northwest corner of a Parcel of ground having a Tax Key Number of 018-6085-3048 in the records of said Auditor's office; thence East along the North line of said Parcel a distance of 40 feet more or less to the Northeast corner of said Parcel; thence South along the East line of said Parcel to the North line of Lot # 109 in said Plat; thence East along the North line of said Lot and its Easterly extension crossing the right-of-way of 31<sup>st</sup> Street to the Southwest corner of Lot # 167 in said Plat; thence North along the east right-of-way line of 31<sup>st</sup> Street a distance of 42 feet more or less to the Northwest corner of said Lot; thence East along the North line of said Lot and its Easterly extension crossing a 14 foot wide North and South Public Alley to the Southwest corner of Lot # 201 in said Plat; thence North along the West line of said Lot and the East right-of-way line of said Alley a distance of 42 feet more or less to the Northwest corner of said Lot; thence East along the North line of said Lot and crossing the right-of-way of 32<sup>nd</sup> Street to the Southwest corner of Lot # 255 in said Plat; thence North along the East right-of-way line of 32<sup>nd</sup> Street a distance of 84 feet more or less to the Northwest corner of Lot # 254 in said Plat; thence East along the North line of said Lot and its Easterly extension crossing a 14 foot wide North and South Public Alley to the Southwest corner of Lot # 294 in said Plat; thence North along the West line of said Lot and East right-of-way line of said Public Alley a distance of 42 feet more or less to the Northwest corner of said Lot; thence East along the North line of said Lot and its

easterly extension crossing the right-of-way of 33<sup>rd</sup> Street to the Northwest corner of Lot # 343 in said Plat; thence North along the east right-of-way line of 33<sup>rd</sup> Street a distance of 98 feet more or less to the Northwest corner of Lot # 341 in said Plat; thence East along the North line of said Lot and its easterly extension crossing a 14 foot wide North and South Public Alley to the Southwest corner of Lot # 401 in said Plat; thence North along the East right-of-way line of said Public Alley a distance of 84 feet more or less to the Northwest corner of Lot # 402 in said Plat; thence East along the North line of said Lot and crossing the right-of-way of 34<sup>th</sup> Street to a point on the East line of said 34<sup>th</sup> Street; thence North along said East line to the Northwest corner of Lot # 224 in the Plat of "Riverdale 2nd Addition" as recorded in the records of said County; thence East along the North line of said Lot and crossing a 14 foot wide North and South Public Alley to the Southwest corner of Lot # 192 in said Plat; thence North along the West line of said Lot and East right-of-way line of said Public Alley a distance of 30 feet more or less to the Northwest corner of a Parcel of ground having a Tax Key Number of 018-6101-3595 in the records of said Auditor's office; thence East along the North line of said Parcel and its Easterly extension crossing 35<sup>th</sup> Street to a point on the East right-of-way line of said 35<sup>th</sup> Street; thence North along said East line a distance of 29.70 feet more or less to the Northwest corner of Lot # 160 in said Plat, said corner also being on the South right-of-way line of Hastings Street; thence East along said South line and crossing 36<sup>th</sup> Street and continuing along said South line and its Easterly extension to a point of intersection with the Centerline of Logan Street; thence South along said Centerline a distance of 3,180 feet more or less to a point of intersection with the Centerline of the St. Joseph River; thence meandering along said Centerline in a Westerly, Northwesterly and Northerly direction a distance of 30,800 feet more or less to the point of beginning.

Containing 1,804 acres more or less.