



# CITY OF SOUTH BEND

## REDEVELOPMENT COMMISSION

### Redevelopment Commission Agenda Item

DATE: 12/11/2023  
FROM: Joseph Molnar  
SUBJECT: 2nd Amendment 2401 W Western

\_\_\_\_\_ Pres/V-Pres

ATTEST: \_\_\_\_\_ Secretary

Date: \_\_\_\_\_

APPROVED  Not Approved

*SOUTH BEND REDEVELOPMENT COMMISSION*

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

PURPOSE OF REQUEST: Second Amendment to 2401 W Western Purchase Agreement

Specifics: In July 2021, the RDC approved a purchase agreement with Panaderia Y Supermercado for the sale of 2401 W Western with the following terms: building a grocery store of at least 10,000 square feet, building at least two additional tenant spaces, commencing construction within 12 months, completing construction within 36 months, employing at least 25 employees, and using design elements consistent with the City's 2014 West Side Main Streets Plan.

The developer has consistently worked with the City over the past two years to refine the design for the grocery store and tenant spaces as well as being upfront with difficulties on securing a construction partner. Staff is requesting an amendment to the agreement to change the commencement of construction to be within 32 months of the Closing Date and complete construction within 44 months of the Closing Date. No other changes to the agreement are requested. Staff requests approvals of the Second Amendment.

INTERNAL USE ONLY: Project Code: \_\_\_\_\_;

Total Amount new/change (inc/dec) in budget: \_\_\_\_\_; Break down:

Costs: Engineering Amt: \_\_\_\_\_; Other Prof Serv Amt \_\_\_\_\_;

Acquisition of Land/Bldg (circle one) Amt: \_\_\_\_\_; Street Const Amt \_\_\_\_\_;

Building Imp Amt \_\_\_\_\_; Sewers Amt \_\_\_\_\_; Other (specify) Amt: \_\_\_\_\_

\_\_\_\_\_ Going to BPW for Contracting? Y/N

Is this item ready to encumber now? \_\_\_ Existing PO# \_\_\_\_\_ Inc/Dec \$ \_\_\_\_\_

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## **SECOND AMENDMENT TO REAL ESTATE PURCHASE AGREEMENT**

This Second Amendment to Real Estate Purchase Agreement (“Second Amendment”) is made effective as of December 14, 2023 (the “Effective Date”), by the City of South Bend, Indiana, Department of Redevelopment, acting by and through its governing body, the South Bend Redevelopment Commission (the “Seller”) and Panaderia y Supermercado San Miguel, Inc., an Indiana corporation with its registered office at 2712 W. Western Ave., South Bend, IN 46619 (“Buyer” and collectively with the Seller, the “Parties”). Each of the Parties may be referred to in this Amendment as a “Party.”

### **Recitals**

- A. The Parties entered into a Real Estate Purchase Agreement, dated July 8, 2021, as amended by a First Amendment to Real Estate Purchase Agreement, dated July 28, 2022 (collectively, the “REPA”), in which the Seller agreed to sell and the Buyer agreed to purchase and develop certain real property located at 2401 W. Western Ave., South Bend, Indiana (the “Property”).
- B. The Parties desire to modify certain portions of the REPA.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and promises contained in this Second Amendment and the REPA and for other good and valuable consideration, the receipt of which is hereby acknowledged, the Parties agree as follows:

1. Section 11.B.i of the REPA shall be deleted in its entirety and replaced with the following:
  - (i) Commence construction of the project within 32 months of the Closing Date;
2. Section 11.B.ii of the REPA shall be deleted in its entirety and replaced with the following:
  - (ii) Complete construction of the project within 44 months of the Closing Date;
3. Unless expressly modified by this Second Amendment, the terms and provisions of the REPA remain in full force and effect.
4. Capitalized terms used in this Second Amendment will have the meanings set forth in the REPA unless otherwise stated herein.

IN WITNESS WHEREOF, the undersigned have executed this Second Amendment as of the date set forth after their signatures.

BUYER:

Panaderia Y Supermercado San Miguel, Inc.,  
an Indiana corporation

By: ERIKA RODRIGUEZ

Printed: ERIKA RODRIGUEZ

Its: TREASURER

Dated: 12/14/2023

SELLER:

South Bend Redevelopment Commission

By: \_\_\_\_\_  
Marcia I. Jones, President

ATTEST:

\_\_\_\_\_  
Vivian Sallie, Secretary

Date: December 14, 2023