

DOUGLAS ROAD ECONOMIC DEVELOPMENT AREA DEVELOPMENT PLAN

Declaratory Resolution No. 2199 and Plan presented to the Redevelopment Commission on December 2, 2005

Declaratory Resolution No. 164-05 and Plan presented to the Area Plan Commission on December 20, 2005

Resolution No. 3556-06 and Plan presented to the South Bend Common Council on January 23, 2006

Confirming Resolution No. 2206 and Plan presented to the Redevelopment Commission on February 17, 2006

DOUGLAS ROAD ECONOMIC DEVELOPMENT AREA DEVELOPMENT PLAN

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INTRODUCTION

The Douglas Road Economic Development Area (“Area”) provides the City of South Bend with a unique opportunity to improve its economic position in a Midwestern, regional and local context. By creating a new area for commercial development, the city will generate new jobs, increase its tax base, diversify business opportunities and compete in a larger marketplace, while generating millions of dollars of new investment for North Central Indiana.

The Area, which is zoned primarily for commercial purposes, is a prime site for new development due to its ready access to a large, regional, commercial retail corridor in the Grape Road/Main Street Commercial District in Mishawaka. As available development area on Grape and Main has been consumed over the last twenty years, commercial retail and commercial office uses have begun to spread along the east-west arterials like Edison Road, Day Road and Douglas Road. The proposed Area is located at the easternmost point of the city limits of the City of South Bend and is a logical extension of the commercial development that is already developing along Douglas Road between State Road 23 and Grape Road.

While the above mentioned factors combine to provide a strong impetus for development of this Area, lack of suitable roadway access and the absence of utility infrastructure have hindered normal development of an otherwise prime development site.

It is the expectation of the Redevelopment Commission that the development of this Area will produce a significant increase in the city’s overall economic vitality. To achieve this, however, the Redevelopment Commission and the City of South Bend must be able to provide the necessary public improvements to make the site suitable for new development. This requires public funds for capital improvements. The best method for funding these improvements without adding to the tax burden is through tax incremental financing. This tool is currently available only in redevelopment and economic development areas and will be of the utmost importance in this project. By using the tax increment generated by new development, the city will be in a position to provide the necessary capital improvements to spur future growth and development of this Area and the South Bend community as a whole.

DESCRIPTION OF PROJECT

Boundaries of the Douglas Road Economic Development Area

The boundaries of the Douglas Road Economic Development Area are attached as **Exhibit “A”**.

Goals and Objectives

Goals and objectives for the economic development of the Douglas Road Economic Development Area are:

1. To stimulate the development of currently vacant land through the creation of developable sites.
2. To stimulate new, private development and investment in the Area.
3. To increase and diversify the city's tax base.
4. To create a significant number of new job opportunities for the citizens of South Bend.
5. To improve the public infrastructure, specifically Douglas Road, to an upgraded status from SR 23 to the Mishawaka City limits.
6. To provide coordinated planning for a future growth area for the City.

Obstacles to Achieving the Economic Development Plan

Although the Douglas Road Economic Development Area has the potential to be a prime site for new commercial growth and development, the economic development plan for the Area cannot be achieved by regulatory processes or by the ordinary operation of private enterprise because of:

1. Lack of necessary public improvements in the Area, such as the inadequate condition of Douglas Road for commercial purposes, the lack of public utilities and other infrastructure related to the orderly growth and development of new commercial, office and dense residential development concerns.
2. Lack of public utilities and upgraded infrastructure improvements has created a condition that lowers the value of the land below that of nearby land, specifically land to the east and to the west that is properly serviced with commercial grade utilities and infrastructure.
3. Lack of public funding to provide the necessary public utilities and infrastructure to allow for natural private sector growth to occur.

Proposed Economic Development Activities

Realization of the stated goals and objectives will be accomplished by a combination of public and private actions. These actions could include, but are not limited to, the following: property acquisition, relocation, clearance and dedication of public right-of-way, provisions for public facilities and improvements, and any other activity pertaining to planning and implementing an economic development plan.

Expected Public Benefit from the Economic Development of the Area

The implementation of the Douglas Road Economic Development Area Development Plan will result in several public benefits to the citizens of South Bend, including:

1. Significant new job creation resulting from the new development as well as expansion of retail, commercial and office uses within the Area.
2. Increased and diversification of the city's tax base.
3. New private investment and development, as well as the coordination of development in future growth areas adjacent to the development area.
4. Improved roadway access in the northeast portion of the city along Douglas Road.
5. New construction and development opportunities, which will result in additional jobs and investment, especially in the construction trades as well as architectural, engineering and other related fields.
6. Coordinated planning for a future growth area for the city.

LAND USE

Development Controls

In an effort to reduce real or perceived development constraints within the Area, the Redevelopment Commission will use the standards and guidelines contained within the Zoning Ordinance in Chapter 21 of the Municipal Code of the City of South Bend. In the event that need arises to develop an overlay or master design zone for the Area, a set of development guidelines and standards will be presented to the Redevelopment Commission for its adoption.

Public Improvements

In order to stimulate and facilitate new development and expansion in the Area, the City of South Bend will construct the following improvements in the Area, depending on the availability of funds:

1. Widening construction and other improvements to existing roadways like Douglas Road or to new roadways.
2. Extension or construction of utilities such as water mains, storm and sanitary sewers and other improvements needed to serve the Area.
3. Other infrastructure improvements such as internal streets, lighting, landscaping, sidewalks, curbs, etc., as needed to serve the Area.
4. Other public improvements, as necessary for the Area.

These public improvements will be phased as funds become available.

PROJECT PROPOSALS

Property Acquisition

The Land Acquisition Plan Map ("Map 3") and Property Acquisition List ("Exhibit B") indicate no properties to be acquired for economic development purposes at this time. The initial development and designation requires no property acquisition.

In the event of the acquisition of property, the Redevelopment Commission will sell or lease the property to a purchaser or lessee at its fair market value, excepting those cases when the property is sold or leased to another public body pursuant to Indiana Code 36-7-14-22(a) or 36-1-11-8, for uses in accordance with the Plan.

Property Rehabilitation

All properties in the Douglas Road Economic Development Area shall comply with the standards set forth in all applicable statutes, codes and ordinances, as amended from time to time, relating to the use, maintenance, and occupancy of existing property, including but not limited to, the Building, Plumbing, Heating, and Electrical Codes.

Developers Obligations

In the event land is acquired by the South Bend Redevelopment Commission, the land will be disposed of subject to an Agreement between the Commission and any potential developer. Any potential developer will be required by the Contractual Agreement to observe the Land Use and building requirements of this Development Plan. They will further be required to submit a development schedule satisfactory to the South Bend Redevelopment Commission. No developer will be permitted to defer the start of construction for a period longer than that required for the preparation of necessary development plans.

In addition, the following provisions will be included in any agreement:

1. That any developer will submit to the Commission a plan and schedule for the proposed development.
2. That the purchase of the land is for the purpose of development and not for speculation.
3. That the land will be built upon and improved in conformity with the objectives and provisions of the Development Plan.
4. That the building of improvements will be commenced and completed within a reasonable period of time.

STATUTORY AUTHORITY

The controls, regulations and land use restrictions contained in this Plan are for the specific purpose of implementing the Douglas Road Economic Development Area Development Plan pursuant to Indiana Code 36-7-14-1-et.seq.

PROCEDURE FOR AMENDMENT OF THE APPROVED DEVELOPMENT PLAN

The Development Plan for the Douglas Road Economic Development Area may be amended by resolution of the South Bend Redevelopment Commission. Any change affecting any property or contractual right can be effectuated only in accordance with applicable state and local law.

EXHIBIT A

Area Boundary Legal Description

Legal description for the Douglas Road Economic Development Area

That part of the Southeast Quarter of Section 29 and the Northeast Quarter of Section 32, both being in Township 38 North, Range 3 East, Clay Township, City of South Bend, St. Joseph County, Indiana, which is described as: Beginning at the Southwest corner of the Plat of "Eclipse Douglas Road Minor Subdivision" as Recorded by Document No. 0525591 in the Records of the St. Joseph County, Indiana Recorder's Office; thence along the boundary of said Plat for the next three (3) courses, N. 00°-22'-23" E., 386.03 feet and S. 90°-00'-00" E., 995.85 feet and S. 00°-24'-09" W., 385.95 feet to the Centerline of Douglas Road and the North line of the Plat of "LaFree's Douglas Road Minor Subdivision" as Recorded by Document No. 0438848 in the Records of said Recorder's Office; thence S. 90°-00'-00" E. along said Centerline and North line, 131.95 feet to the Northeast corner of said Plat; thence S. 00°-16'-07" W. along the East line of said Plat, 782.00 feet to a point on the North line of the Plat of "Hartman's Douglas Road Minor Subdivision" as recorded in the Records of said Recorder's Office; thence along the Boundary of said Plat for the next twelve (12) courses, N. 89°-52'-15" E., 200.51 feet and S. 00°-19'-34" W., 567.55 feet and S. 89°-55'-55" W., 454.13 feet and N. 00°-18'-07" E., 300.32 feet and N. 83°-31'-41" W., 364.78 feet and N. 00°-08'-39" E., 226.95 feet and N. 89°-57'-12" W., 509.91 feet and N. 00°-31'-07" W., 287.09 feet and N. 89°-44'-18" E., 134.10 feet and N. 01°-07'-30" E., 243.39 feet and N. 89°-52'-54" E., 187.70 feet and N. 00°-14'-52" E., 199.71 feet to the South Right-of-way line of Douglas Road; thence S. 89°-57'-53" W. (Record, West) along said South line, 324.33 feet more or less to a point on the West line of the East half of the Northeast Quarter of said Section 32; thence N. 00°-31'-07" E. along said West line, 20.00 feet more or less to the Point of Beginning.

Containing 33.99 Acres more or less.

Subject to all legal highways, easements and restrictions of record.

EXHIBIT B

Property Acquisition List

Resolution #	Date	Property Address	Tax ID	Owner's Name

EXHIBIT C

Commitment Regarding Use and Development of Real Estate

RECORDED ON
MAY 2 2005 02:16:33PM
JOHN J. REITHLAKE
ST. JOSEPH COUNTY
RECORDER
\$15.00

COMMITMENT REGARDING USE AND DEVELOPMENT
OF REAL ESTATE

Richard & Anne Lafree of 804 Lincolnway East, Mishawaka, Indiana 46544, and Jerry & Marguery Macri of 15575 Victorian Court, Granger, Indiana 46330, hereinafter referred to as "Owners", concerning certain real estate located in the 3500 Block of the South side of Douglas Road, South Bend, Indiana 46635 with the total being 6.97 acres, commonly known as the 3500 Block of the South side of Douglas Road, South Bend, Indiana 46635 and the legal description being as follows.

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 3 EAST, CLAY TOWNSHIP, CITY OF SOUTH BEND, ST. JOSEPH COUNTY, INDIANA WHICH IS DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF THE PLAT OF "LAFREE'S DOUGLAS ROAD MINOR SUBDIVISION" AS RECORDED BY DOCUMENT NO. 0438848 IN THE RECORDS OF THE RECORDER'S OFFICE OF ST. JOSEPH COUNTY, INDIANA, THENCE S. 00°-00'-00" W., ALONG THE WEST LINE OF SAID PLAT, 752.75 FEET MORE OR LESS; THENCE S. 90°-00'-00" W., 199.43 FEET MORE OR LESS, THENCE N. 00°-00'-00" E., 318.40 FEET MORE OR LESS; THENCE S. 90°-00'-00" W., 353.87 FEET MORE OR LESS; THENCE N. 00°-00'-00" E., 434.36 FEET MORE OR LESS TO THE CENTERLINE OF DOUGLAS ROAD; THENCE N. 90°-00'-00" E. ALONG SAID CENTERLINE, 533.32 FEET MORE OR LESS TO THE POINT OF BEGINNING.

CONTAINING 6.97 ACRES MORE OR LESS.

SUBJECT TO ALL LEGAL HIGHWAYS, EASEMENTS AND RESTRICTIONS OF RECORD

And having filed a petition to Rezone said property on June 8, 2005 with the City of South Bend Common Council and the Area Plan Commission of St. Joseph County to Rezone said property from "SF1" Single Family and Two Family District and "OB" Office Buffer District to "CB" Community Business District, does hereby make, pursuant to I.C. 36-7-4-613, the following commitments concerning the use and development of said real estate as expressed conditions of the proposed rezoning of said property from "SF1" Single Family and Two Family District and "OB" Office Buffer District to "CB" Community Business District by the City of South Bend Common Council:

1. The Owners agree not to use the above-described property for any of the following Primary Uses: (a). Gasoline Service Station with or without repair, (b). Fast Food/Drive-Through, Bar, Cabaret-Adult, Cabaret-21 and Over, Tavern, (c). Bus Station, (d). Neighborhood Recycling Collection, (e). Skating Rink (ice or roller) - indoor; Social Hall; Theater-indoor, (f). Retail: Improvement Store; Lumber Yard; Special Exception Uses. (a). Miscellaneous: Casinos with or without Hotel facilities where gambling games are conducted, Off-Track Pari-mutual Wagering facilities, Public Dance Hall, Billard Hall, Pawn Shop, Gun Shop and Gunsmith Shops, (b). Personal services: Tattoo, Body Piercing, Scarifying and Branding Establishments, (c). Recreation: Arcades, Amusement Arcades, Fairgrounds; Skate Board Park, Theater-outdoor.
2. The Owners agree to use the north 450 feet of the property described above for allowed retail uses (excepting uses listed in item # 1 above). Any building located in excess (i.e. further south) of the above stated north-south dimension shall be limited to Professional office uses including but not limited to Medical office uses.

3 Owners also agree to have no ingress or egress from the "CB" Community Business Zoned portion of the property to Elkins Street or McErlain Avenue.

4 The Owners agree that this Commitment shall be recorded in the Office of the St. Joseph County Recorder, and a file-marked copy of the recorded Commitment shall be furnished to the City of South Bend Common Council, the Area Plan Commission of St. Joseph County, and all property owners of record located within three hundred (300') feet of the petitioned property, the Petitioners further agree that these commitments shall take effect upon the adoption of an amendment to the City of South Bend Zoning Ordinance by the City of South Bend Common Council in accordance with the Petitioner's Petition to rezone.

5 The Owners further agree that these commitments be modified or terminated only by a decision of the Area Plan Commission of St. Joseph County made at a public hearing after notice has been provided by their rules as provided at I.C. 36-7-4-615.

6 The Owners agree that this commitment shall be enforceable by an action in either law or equity by the City of South Bend, the City of South Bend Common Council, City of South Bend Zoning Administrator, the Area Plan Commission of St. Joseph County, or by one (1) or more property owners located within three hundred (300') feet of the petitioned property and/or the successors and assigns of said property owners, said property owners being a class of especially affected persons entitled to enforce these commitments as contemplated by I.C. 36-7-4-615.

7 The Owners hereby agree that the use and development of said property shall be strictly in accordance with the terms and provisions of these commitments and:

8 The Owners further agree that these commitments shall be binding upon the owners, their successors in interest, assigns, heirs, beneficiaries and personal representatives of their estates provided they be then in title in the real estate above described.

Executed 10th day of September, 2005

Approved

AREA PLAN COMMISSION OF
ST JOSEPH COUNTY

By [Signature]

ATTEST

[Signature: Jerry Macri]
[Signature: Marguery Macri]

[Signature: Richard & Anne Lairee]
[Signature: Jerry & Marguery Macri]

Prepared by Richard & Anne Lairee and Jerry & Marguery Macri- Owners

STATE OF INDIANA)
) SS:
COUNTY OF ST. JOSEPH)

Before me, a Notary Public in and for said County and State, personally appeared John W. Byorni and Karl King and acknowledged the execution of the foregoing Commitment Regarding Use and Development of Real Estate owned by Richard Lafree, Anne Lafree, Jerry Macri and Marguery Macri.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this
21st day of October, 2005.

My Commission expires:

OFFICIAL SEAL
Notary Public for the State of Indiana
County of St. Joseph
My Commission Expires 10/31/2007

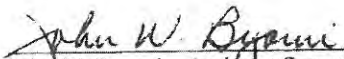
Cheryl K. Phipps
- Notary Public
Resident of St. Joseph County, Indiana

APPROVED

AREA PLAN COMMISSION OF
ST. JOSEPH COUNTY

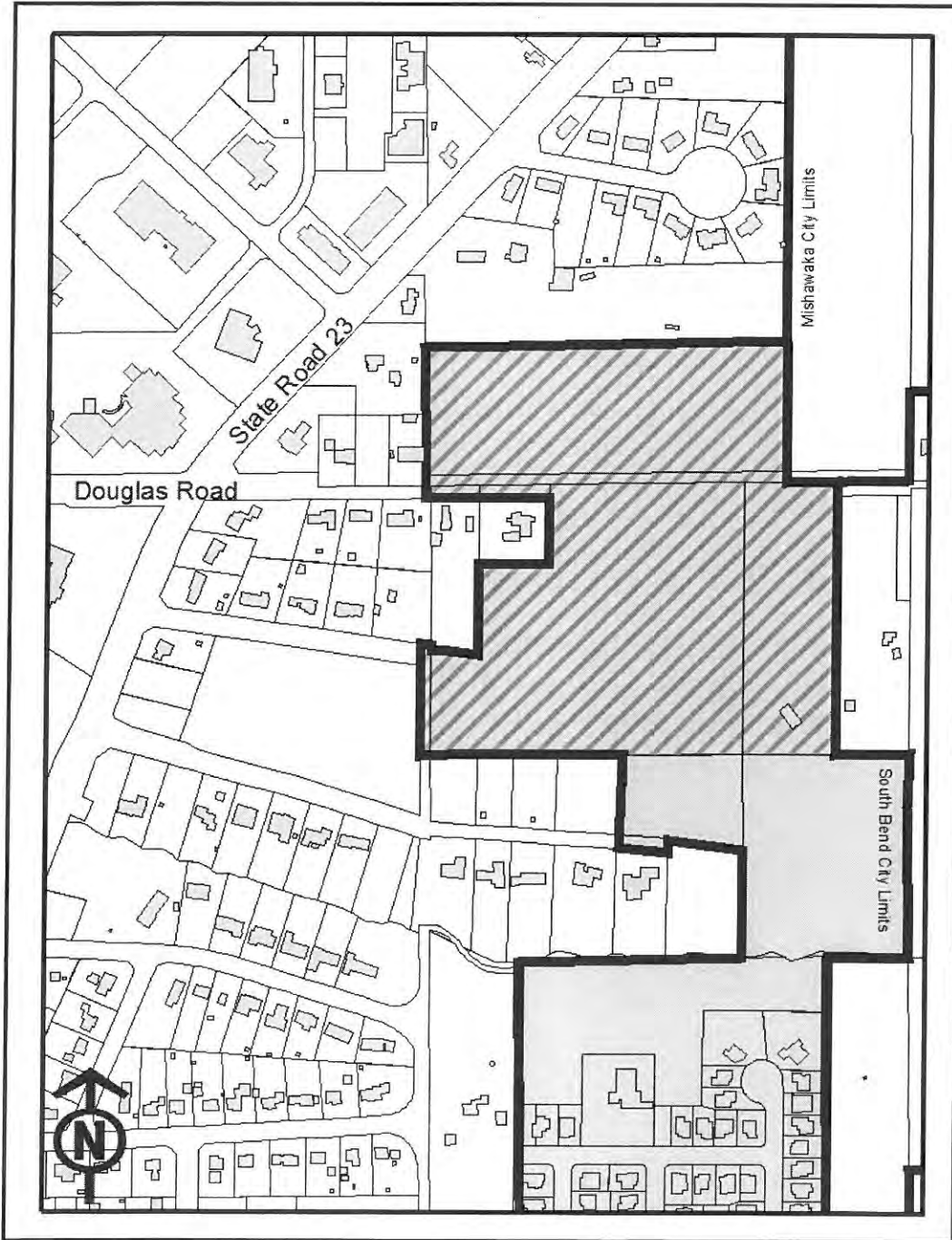
By: 
Karl King, President

ATTEST:


John W. Byorni - Assistant Secretary

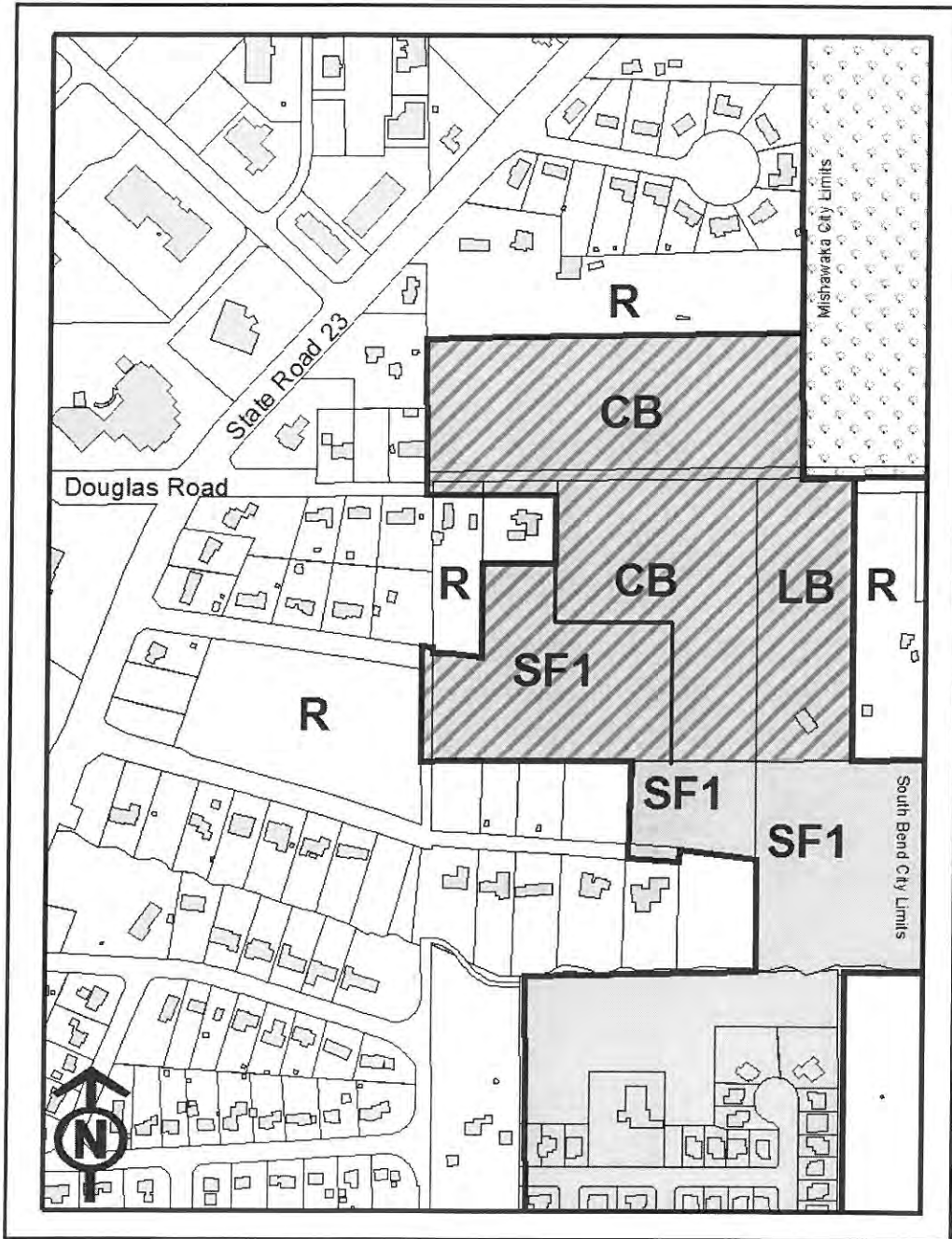
MAP 1

Development Area Boundary Map



MAP 2

Development Area Zoning Map



MAP 3

Development Area Expansion Area Map

