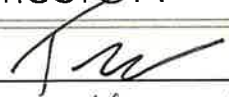





CITY OF SOUTH BEND REDEVELOPMENT COMMISSION

Redevelopment Commission Agenda Item

DATE: 08/2/2024
FROM: Joseph Molnar
SUBJECT: First Amendments to Option and
Access Agreement

 Pres/V-Pres
ATTEST:  Secretary
Date: 8-8-24

APPROVED Not Approved

SOUTH BEND REDEVELOPMENT COMMISSION

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

PURPOSE OF REQUEST: Approval of Two Amendments to Option and Access Agreements

Specifics: On May 11, 2023, the RDC approved a Purchase Agreement with Momentum Development Group for the former Salvation Army Building on at 510 S Main Street in Downtown South Bend. Momentum desired to move as quickly as possible to begin work on redeveloping the building. There were questions remaining about the use and design of any improvements to the parking lot areas of the site. To help the project proceed quickly, Momentum and City Staff felt it was appropriate to have separate agreements for the building and the remaining parking lots. On May 25, 2023, the RDC approved a Real Estate Option Agreement and a separate Access Agreement with Momentum Development Group on the remaining lots.

Momentum took ownership of the building on July 21, 2023, and has begun work renovating the building in line with their commitments in the Purchase Agreement. Momentum Development Group has requested one-year extensions for both the Option Agreement and the Access Agreement to continue the design of the lots and other exterior aspects of the project. There are no other substantive changes to either agreement.

City Staff recommends approval.

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

1400S County-City Building | 227 W. Jefferson Blvd. | South Bend, Indiana 46601 | p 574.235.9371 | f 574.235.9021 | www.southbendin.gov

CITY OF SOUTH BEND | REDEVELOPMENT COMMISSION

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 \$ _____

FIRST AMENDMENT TO TEMPORARY ACCESS AGREEMENT

This First Amendment to Temporary Access Agreement (“First Amendment”) is made and entered into as of August 8, 2024, by and between the City of South Bend, Indiana, acting by and through its Redevelopment Commission (collectively, the “City”), and Momentum Development Group with its registered office at P.O. Box 815 South Bend, IN 46624 (“Developer”)(each a “Party” and together the “Parties”).

RECITALS

- A. The Parties entered into an Access Agreement (the “Agreement”) on May 25, 2023 for certain real property located in South Bend, Indiana, and more particularly described in Exhibit A of the Agreement.
- B. The Property is comprised of several parking lots in Downtown South Bend.
- C. The Parties have agreed to amend certain terms of the Agreement.

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

- 1. The phrase “December 31, 2024” in Section 2 of the Agreement shall be deleted and replaced with the phrase “December, 31, 2025”.
- 2. Unless expressly modified by this First Amendment, the terms and provisions of the Agreement remain in full force and effect.
- 3. Capitalized terms used in this First Amendment will have the meanings set forth in the Agreement unless otherwise stated herein.

[Signature pages follow.]

IN WITNESS WHEREOF, the parties have entered into this First Amendment and executed the same on the date set forth next to their signatures.

SOUTH BEND REDEVELOPMENT
COMMISSION



Troy Warner, President

MOMENTUM DEVELOPMENT GROUP

By: 

Printed: Kristopher Priemer

Title: President

Date: 8/2/24

ATTEST:



Vivian G. Sallie, Secretary

Date: _____

FIRST AMENDMENT TO REAL ESTATE OPTION AGREEMENT

This First Amendment to Real Estate Option Agreement (this “First Amendment”) is made and entered into as of August 8, 2024, by and between the City of South Bend, Indiana, acting by and through its Redevelopment Commission (collectively, the “City”), and Momentum Development Group with its registered office at P.O. Box 815 South Bend, IN 46624 (“Developer”)(each a “Party” and together the “Parties”).

RECITALS

A. The Parties entered into a Real Estate Option Agreement (the “Agreement”) on May 25, 2023 for certain real property located in South Bend, Indiana, and more particularly described in Exhibit A of the Agreement.

B. The Property is comprised of several parking lots in Downtown South Bend.

C. The Parties have agreed to amend certain terms of the Agreement.

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

1. The Phrase “December 31, 2024” in Section 2 of the Agreement shall be replaced in its entirety and replaced with “December 31, 2025”.
2. Exhibit C “Memorandum of Option Agreement” shall be deleted in its entirety and replaced with the Exhibit C attached to this First Amendment, and the Parties shall record in the Office of the Recorder of St. Joseph County, Indiana the newly executed version.
3. Unless expressly modified by this First Amendment, the terms and provisions of the Agreement remain in full force and effect.
4. Capitalized terms used in this First Amendment will have the meanings set forth in the Agreement unless otherwise stated herein.

[Signature pages follow.]

IN WITNESS WHEREOF, the parties have entered into this First Amendment and executed the same on the date set forth next to their signatures.

SOUTH BEND REDEVELOPMENT
COMMISSION



Troy Warner, President

MOMENTUM DEVELOPMENT GROUP

By: 

Printed: Kristopher Priemer

Title: President

Date: 8/2/24

ATTEST:



Vivian G. Sallie, Secretary

Date: 8-8-24

EXHIBIT C

Memorandum of Option Agreement

MEMORANDUM OF REAL ESTATE OPTION AGREEMENT

This Memorandum of Real Estate Option Agreement (this "Memorandum") is entered into as of August 8, 2024 (the "Effective Date"), by and between the South Bend Redevelopment Commission, governing body of the City of South Bend Department of Redevelopment (the "Commission"), and Momentum Development Group, LLC, an Indiana limited liability company with offices at P.O. Box 815, South Bend, Indiana 46624 (the "Company") (each a "Party" and collectively the "Parties").

WITNESSETH

A. The Commission owns certain real property located in South Bend, Indiana, and more particularly described as follows (the "Property"):

Tax ID No. 018-3017-0615
Parcel Key No. 71-08-12-306-008.000-026
Legal Description: E 37 FT LOT 31 MARTINS ADD
Commonly known as: 114 MONROE

Tax ID No. 018-3017-0620
Parcel Key No. 71-08-12-306-002.000-026
Legal Description: N 1/2 LOT 34 & S 1/2 VAC ALLEY N & ADJ MARTINS
ADD
Commonly known as: 520 S MAIN

Tax ID No. 018-3017-0621
Parcel Key No. 71-08-12-306-003.000-026
Legal Description: S 1/2 LOT 34 MARTINS ADD
Commonly known as: 524 S MAIN

Tax ID No. 018-3017-0622
Parcel Key No. 71-08-12-306-004.000-026
Legal Description: 32 FT NO SIDE LOT 35 MARTINS ADD
Commonly known as: 528 S MAIN

Tax ID No. 018-3017-0623
Parcel Key No. 71-08-12-306-005.000-026
Legal Description: S 34 FT LOT 35 MARTINS ADD
Commonly known as: 530 S MAIN

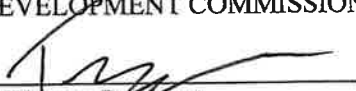
B. As of the Effective Date hereof, the Commission and the Company entered into a First Amendment to Real Estate Option Agreement (the "Option Agreement") whereby the Commission granted the Company an exclusive option (the "Option") to purchase the Property upon terms and conditions more particularly stated in the Agreement.

C. The Parties desire to place their interests in the Property as a matter of record.

NOW, THEREFORE, the Parties state as follows:

1. The initial term of the Option will commence on the Effective Date and conclude on December 31, 2025, unless earlier terminated pursuant to the terms of the Agreement.
2. This Memorandum may be executed in any number of counterparts, each of which counterpart, when so executed and delivered, shall be an original, but all such counterparts when taken together shall constitute but one and the same Memorandum.
3. The recitals set forth above are hereby incorporated herein by reference.

SOUTH BEND
REDEVELOPMENT COMMISSION



Troy Warner, President

ATTEST:



Vivian G. Sallie, Secretary

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

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Troy Warner and Vivian G. Sallie, known to me to be the President and Secretary, respectively, of the South Bend Redevelopment Commission and acknowledged the execution of the foregoing Memorandum of Real Estate Option Agreement.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the _____ day of _____, 2024.

My Commission Expires:

9-20-25



Notary Public **KARI L. MYERS**
Residing in St. Joseph County, Indiana



Momentum Development Group, LLC

Kristopher Priemer, President

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

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Kristopher Priemer, known to me to be President of Momentum Development Group and acknowledged the execution of the foregoing Memorandum of Real Estate Option Agreement.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the _____ day of _____, 2024.

My Commission Expires:

Notary Public
Residing in St. Joseph County, Indiana

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. /s/
Danielle Campbell Weiss

This instrument was prepared by Danielle Campbell Weiss, Senior Assistant City Attorney, 1200 S. County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana 46601.