



CITY OF SOUTH BEND REDEVELOPMENT COMMISSION


Redevelopment Commission Agenda Item

DATE: 07/22/2024

FROM: Joseph Molnar

SUBJECT: 1st Amendments Lease Agreement & Donation
YMCA

 Pres/V-Pres

ATTEST:  Secretary

Date: 7-25-2024

APPROVED Not Approved

SOUTH BEND REDEVELOPMENT COMMISSION

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

PURPOSE OF REQUEST: Separate approval of Separate Amendments to the Donation Agreement and Lease Agreement with the YMCA

On April 25th 2024, the RDC approved two separate agreements with the YMCA of Greater Michiana for the lease of the 3, 4, 5 floors of the Leighton Healthplex Building and the donation of the former YMCA on Northside Blvd. to the RDC. The Donation Agreement was for eight separate parcels which made up the former Northside Blvd. YMCA. In exchange for the donation of those eight parcels, the YMCA would lease their space rent-free and would pay 1/3 of the total utility costs for the Leighton Building during the term of the lease, which extends through December 31, 2032. The YMCA officially opened the full-service fitness center on June 10th, 2024.

During Due Diligence, it was discovered that one of the eight donation parcels had concerns regarding the Title Work and would not be easily transferred to the RDC. To ensure that the RDC took ownership of the former YMCA Northside property in a timely manner, the proposed amendments remove the subject parcel and reduce the rental term length in a corresponding manner. The parcel in question constitutes a little less than 1/8th of the total former YMCA Northside property. The Lease Agreement Amendment changes the rental period to extend through December 31, 2031, which is a little less than 1/8th of the original term. No other changes are made to either original agreement besides extending the time for closing on the Northside property.

Staff requests approval of both amendments.

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.southbend.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 REAL ESTATE DONATION AGREEMENT

This First Amendment to Real Estate Donation Agreement (“First Amendment”) is made effective as of July 25, 2024 (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 “Commission”) and YMCA of Greater Michiana, a Michigan nonprofit corporation (the “YMCA”), with offices at 905 North Front St., Niles, MI 49120 (each, a “Party” and together, the “Parties”).

Recitals

A. The Parties entered into a certain Real Estate Donation Agreement, dated April 25, 2024 (the “REDA”), in which the YMCA agreed to donate, and the Commission agreed to accept, the real property located at 1201 Northside Blvd., South Bend, Indiana (the “Property”).

B. The Parties now desire to modify certain terms of the REDA.

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

1. The phrase “December 31, 2032” shall be deleted from Section 2 and replaced with the phrase “December 31, 2031.”

2. Section 7.A. shall be deleted in its entirety and replaced with the following:

Timing of Closing. Unless this Agreement is earlier terminated, the transfer of title contemplated by this Agreement (the “Closing”) shall be held at the office of the Title Company on a mutually agreeable date not later than September 30, 2024.

3. EXHIBIT A “Description of Property” and EXHIBIT C “Form of Special Warranty Deed” shall be deleted in their entirety and replaced with the respective EXHIBIT A and EXHIBIT C attached to this First Amendment.


4. Unless expressly modified by this First Amendment, the terms and provisions of the REDA remain in full force and effect.

5. Capitalized terms used in this First Amendment will have the meanings set forth in the REDA unless otherwise stated herein.

Signature Page Follows

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

**SOUTH BEND REDEVELOPMENT
COMMISSION**

By: 
Troy Warner, President

ATTEST:


Vivian Sallie, Secretary

Date: July 25, 2024

YMCA of Greater Michiana

By: 
Mark Weber, Chief Executive Officer

EXHIBIT A

Description of Property

Commonly Known: Louise St.

Parcel ID: 018-6014-031805

State ID: 71-09-18-103-012.000-026

Legal Description: PARCEL OF LAND BET RUSKIN & NO SIDE BLVD W OF LOUISE ST CONT 91 AC MORE OR LESS SEC 18-37-3E

Commonly Known: 1201 NORTHSIDE BLVD

Parcel ID: 018-6014-0318

State ID: 71-09-18-103-011.000-026

Legal Description: 1 Ac W Side Louise St Bet Ruskin St & No Side Blvd Sec 18-37-3e

Commonly Known: Louise St.

Parcel ID: 018-6014-031807

State ID: 71-09-18-103-010.000-026

Legal Description: PARCEL OF LAND BET RUSKIN & NO SID BLVD 18-37-3E

Commonly Known: 1005 LOUISE ST

Parcel ID: 018-6014-031804

State ID: 71-09-18-103-009.000-026

Legal Description: .43 AC SW COR SEC 18-37-3E

Commonly Known: 18 LOUISE ST

Parcel ID: 018-6014-031801

State ID: 71-09-18-103-008.000-026

Legal Description: .63 AC SW COR SEC 18-37-3E

Commonly Known: 18 Louise St.

Parcel ID: 018-6014-031803

State ID: 71-09-18-103-007.000-026

Legal Description: 1.91 AC BET CENTER LINE OF RUSKIN & NO SIDE BLVD W OF LOUISE ST SEC 18-37-3E EX PT SOLD

Commonly Known: 947 LOUISE ST

Parcel ID: 018-6014-031808

State ID: 71-09-18-103-003.000-026

Legal Description: Beg 407.74'S Of Sw Cor Of Louise St & Mish Ave Sec 18-37-3e
Cont 1.37 Ac

EXHIBIT C

Form of Special Warranty Deed

AUDITOR'S RECORD
TRANSFER NO. _____
TAXING UNIT _____
DATE _____
KEY NO. See Attachment

SPECIAL WARRANTY DEED

THIS INDENTURE WITNESSETH, that YMCA of Greater Michiana (the "Grantor")

CONVEYS AND SPECIALLY WARRANTS to the South Bend Redevelopment Commission, governing body of the City of South Bend Department of Redevelopment, 1400S County-City Building, 227 W. Jefferson Boulevard, South Bend, Indiana 46601 (the "Grantee"),

for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following real estate in St. Joseph County, Indiana (the "Property"):

See Attached Exhibit 1

Grantor warrants title to the Property only insofar as it might be affected by any act of the Grantor during its ownership thereof and not otherwise. Further, Grantor hereby conveys the Property to the Grantee free and clear of all liens, leases, or licenses; subject to real property taxes and assessments; subject to all right of ways, easements, covenants, conditions, restrictions, and other matters of record; subject to rights of way for roads; subject to the Permitted Encumbrances set forth in Exhibit 2 attached hereto; and subject to all applicable building codes and zoning ordinances.

The undersigned person executing this deed on behalf of the Grantor represents and certifies that they are a duly authorized representative of the Grantor and has been fully empowered and authorized to execute and deliver this deed, and that all necessary action to complete this conveyance has been taken and done.

Signature Page Follows

GRANTOR:

YMCA of Greater Michiana

By: _____
Mark Weber, Chief Executive Officer

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

Before me, the undersigned, a Notary Public, in and for said County and State, personally appeared Mark Weber, known to me to be the Chief Executive Officer of YMCA Greater Michiana and acknowledged the execution of the foregoing Special Warranty Deed as their true act and deed.

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.

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EXHIBIT 2

Permitted Encumbrances