

INTER-OFFICE MEMORANDUM

DEPARTMENT OF PUBLIC WORKS DIVISION OF ENGINEERING

TO: Theresa Heffner, Clerk

Board of Public Works

FROM: Patrick Sherman

SUBJECT: Housing Authority of South Bend: Temporary Use Agreement

DATE: 08/22/2024

Greetings,

Through additional conversations concerning the use agreement with the HASB, the HASB has asked for financial consideration for the use of their property for Four Winds project staging. The City has agreed to this financial consideration with the assistance of DCI. This amendment will reflect that change with the agreement as well as a provision for us to move the staging in the event that they are able to move forward with future plans to develop the space prior to the completion of the Four Winds project.

Please let me know if you have any questions. Thank you.

Patrick Sherman

FIRST AMENDMENT TO THE CITY OF SOUTH BEND, INDIANA AUTHORIZATION FOR ENTRY UPON AND THE TEMPORARY USE OF PUBLIC PROPERTY LOCATED AT 628 WEST WESTERN AVENUE

THIS FIRST AMENDMENT is made effective the 27th. day of August, 2024, by the City of South Bend, by and through its Board of Public Works ("BPW") and the Housing Authority of South Bend, an Indiana non-profit organization ("HASB").

RECITALS

WHEREAS, in accordance with IC 36-9-6 et. al, BPW is the authorized contracting agent of the City of South Bend; and

WHEREAS, the City and HASB entered into a certain agreement dated August 13, 2024 ("Agreement") which granted access to the City for the use of certain HASB owned property located at 628 West Western Avenue, South Bend, Indiana 46601 ("Property"); and

WHEREAS, this First Amendment is entered into to modify certain terms and conditions expressed in the Agreement.

NOW THEREFORE, for and in consideration of the mutual covenants and promises contained herein, the City and HASB hereby agree as follows:

- 1. Section 8 is hereby added to the Agreement and reads as follows: In further consideration of the temporary authorization for access to the Property, the City shall make a one time payment to HASB in the amount of Twenty Thousand and 00/100 Dollars (\$20,000.00).
- 2. Section 4 of the Agreement is hereby deleted and replaced by the following: The rights granted under this Agreement shall terminate upon the earlier of (i) March 26, 2026, by which the Activity will have ceased on the Property, (ii) delivery of written notice from BPW to HASB, or (iii) delivery of written notice from HASB to BPW stating that the City has thirty (30) days to remove all staging equipment from the Property.
- 3. Capitalized terms used in this First Amendment will have the meanings set forth in the Agreement unless otherwise stated herein.
- 4. Unless expressly modified by this First Amendment, the terms and provisions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the Parties have each executed this Agreement as of the date first written above.

HOUSING AUTHORITY OF SOUTH BEND

CITY OF SOUTH BEND, INDIANA BOARD OF PUBLIC WORKS

tell Mik

Elizabeth A. Maradik, President

Dry a Dilot

Gary A. Gilot, Member

mery & miller

Murray L. Miller, Member

2 m

Joseph R. Molnar, Vice President

Briana Micou, Member

Attest: Theresa M. Heffner, Clerk

Date: August 27, 2024

BOARD OF PUBLIC WORKS AGENDA ITEM REVIEW REQUEST FORM

Date <u>08/22/2024</u>					_		
Name Patrick Sherman		Department <u>Public Works</u>					
BPW Date <u>08/26/2024</u>		Phone Extension <u>5601</u>					
Review and Approval Required Prior to Submittal to Board							
	ty Compliance lusion Officer		Officer Name				
BPW A	Attorney		Attorney Nam	ie	Micha	el Schmidt	
Dept. A	Attorney		Attorney Nar	me			
Purchas	sing		Mickey Lovy				
Check the Appropriate Item Type – Required for All Submissions							
Open Bid Ope	sional Services Ag Market Contract pening Opening sal Opening Order, No.	greemen	t Contract Amendmen Bid Award Quote Awa C/O & PC	nt/Adder l ard A No		Proposal Special Purchase, QPA Req. to Advertise Reject Bids/Quotes PCA Resolution Ease./Encroach	☐ Title Sheet
Required Information							
MBE/WB Project Na Project Na Funding S Account N Amount Terms of	E Contractor ame umber Source No.		No MBE WBE Four Winds Fi 123-046 DCI N/A \$20.000.00 Temporary Us The City, with sethe use of their	Complete ield Rene se Agreer support f	roved bed E-Verovation ment Arefrom DC	y Purchasing rify Form Attached & Expansion mendment CI, will agree to a financial can ging during the Four Winds	
For Change Orders Only Increase							
Amount of Increase \$ Decrease (\$)							
Previous Amount \$							
Current Po	ercent of Change: ount		Increase Decrease Increase		%) %)		
Time Exte	cent of Change: ension Amount: upletion Date:		Decrease		%))	