

RESOLUTION NO. 196

**A RESOLUTION OF THE SOUTH BEND REDEVELOPMENT AUTHORITY
APPROVING AND RATIFYING AMENDED DECLARATION OF PROTECTIVE
COVENANTS & RESTRICTIONS OF THE BLACKTHORN CORPORATE PARK**

WHEREAS, the South Bend Redevelopment Authority (the “Authority”) exists and operates pursuant to I.C. 36-7-14.5 as a separate body corporate and politic and an instrumentality of the City of South Bend, Indiana (the “City”); and

WHEREAS, on March 19, 1993, the Authority and the South Bend Redevelopment Commission (the “Commission”) jointly established the Declaration of Protective Covenants & Restrictions of the Blackthorn Corporate Park (as amended from time to time, the “Declaration”), which binds the real property commonly known as the Blackthorn Corporate Park (“Blackthorn”) located in the City; and

WHEREAS, in accordance with Section 12.1 of the Covenants, the Owners’ Association at Blackthorn, Inc. (the “Association”), at its meeting on October 27, 2015, and the Commission, at its meeting on November 12, 2015, approved an amended and restated Declaration (the “2015 Declaration”), to supersede and replace the then-current Declaration; and

WHEREAS, following approval by the Association and the Commission, the 2015 Declaration was recorded on November 13, 2015, as Document No. 1530509 in the Office of the Recorder of St. Joseph County, Indiana; and

WHEREAS, prior to the approval of the 2015 Declaration by the Association and the Commission, the Authority had conveyed to the Commission all of its interest in the real property comprising Blackthorn; and

WHEREAS, the Authority, as a joint declarant of the original Declaration, desires to approve and ratify the adoption of the 2015 Declaration by the Association and the Commission, including the withdrawal of the Authority from the meaning of the term “Declarant” and the duties and functions attendant thereto.

**NOW, THEREFORE, BE IT RESOLVED BY THE SOUTH BEND REDEVELOPMENT
AUTHORITY AS FOLLOWS:**

1. The Authority hereby approves and ratifies the 2015 Declaration and all of the actions taken by the Association and the Commission in connection therewith.

2. The Authority hereby withdraws from and ceases its role in the management of Blackthorn as a joint declarant. Upon the adoption of this Resolution, no matter stated in the 2015 Declaration pertaining to or requiring the action of the “Declarant” will be deemed to require the action of the Authority. The Authority’s withdrawal from the management of Blackthorn pursuant to the terms of this Resolution will have no effect on the limitation of liability and the waiver of claims stated in Section 5.6 of the Declaration.

3. This Resolution will be recorded in the Office of the Recorder of St. Joseph County, Indiana, promptly after its adoption by the Authority.

4. This Resolution will be in full force and effect upon its adoption by the Authority.

ADOPTED at a regular meeting of the South Bend Redevelopment Authority held on November 18, 2015, at 1308 County-City Building, 227 West Jefferson Boulevard, South Bend, Indiana 46601.

SOUTH BEND REDEVELOPMENT AUTHORITY

Richard Klee, President

ATTEST:

Erin Hanig, Secretary

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

Before me, the undersigned, a Notary Public for and in said County and State this ____ day of _____, 2015, personally appeared Richard Klee and Erin Hanig, to me known to be the President and Secretary, respectively, of the South Bend Redevelopment Authority, the Grantor, and acknowledged execution of the foregoing Warranty Deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

(SEAL)

_____, Notary Public
Resident of _____ County, _____

Commission expires: _____

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. Benjamin J. Dougherty.

Prepared by Benjamin J. Dougherty, Assistant City Attorney, 1200 S. County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana 46601.

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