

**RESOLUTION NO. 197**

**A RESOLUTION OF THE SOUTH BEND REDEVELOPMENT AUTHORITY  
APPROVING THE TRANSFER OF THE WAYNE STREET PARKING GARAGE TO  
THE SOUTH BEND REDEVELOPMENT COMMISSION**

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, the South Bend Redevelopment Commission (the “Commission”), governing body of the South Bend Department of Redevelopment, exists and operates pursuant to I.C. 36-7-14; and

WHEREAS, the Authority, as lessor, and the Commission, as lessee, are parties to a certain Lease dated June 1, 1988, as amended by the Addendum to Lease dated July 29, 1988, and as further amended by the Addendum to Lease dated July 16, 1992 (collectively, the “Lease”), for the real property and improvements located in the City and commonly known as the Wayne Street Parking Garage (the “Facility”) in connection with the South Bend Redevelopment Authority Lease Rental Revenue Bonds (Parking Facility Project) issued by the Authority for the construction of the Facility (the “Bonds”); and

WHEREAS, Section 14 of the Lease provides that upon the expiration of the term of the Lease and upon the full discharge and performance by the Commission of its obligations under the Lease, the Authority will convey the Facility to the Commission, subject only to Permitted Encumbrances (as defined in the Lease); and

WHEREAS, the Bonds have been retired and the Commission has satisfied its obligations under the Lease; and

WHEREAS, the Authority desires to convey the Facility to the Commission in accordance with Section 14 of the Lease, subject to the terms of this Resolution.

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

1. The Authority hereby approves, and will execute simultaneously with this Resolution, the warranty deed attached hereto as **Exhibit A** (the “Warranty Deed”) conveying the Facility to the Commission in accordance with the Lease.
2. The Authority hereby authorizes and instructs David Relos or Brock Zeeb, each of the City’s Department of Community Investment, to deliver the Warranty Deed to an authorized representative of the Commission and to take on behalf of the Authority all necessary administrative actions to accomplish the purposes of this Resolution.
3. 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

4000.0000013 53543521.002

**EXHIBIT A**

**Warranty Deed**

[See attached.]

**AUDITOR'S RECORD**

TRANSFER NO. \_\_\_\_\_

TAXING UNIT \_\_\_\_\_

DATE \_\_\_\_\_

KEY NOS. \_\_\_\_\_

**WARRANTY DEED**

THIS INDENTURE WITNESSETH THAT the South Bend Redevelopment Authority, a separate body corporate and politic and an instrumentality of the City of South Bend, Indiana, 1400 S. County-City Building, 227 W. Jefferson Boulevard, South Bend, Indiana (the "Grantor")

CONVEYS AND WARRANTS TO the Department of Redevelopment of the City of South Bend, by and through its governing body, the South Bend Redevelopment Commission, 1400 S. County-City Building, 227 W. Jefferson Boulevard, South Bend, Indiana (the "Grantee") for and in consideration of one dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, the following real estate (the "Property"):

A part of the Northwest Quarter of Section 12, Township 37 North, Range 2 East of the Second Principal Meridian, Portage Township, City of South Bend, Indiana being a part of Lots 50, 51 and 52 of the Original Plat of South Bend, Indiana more particularly described as follows: Beginning at the intersection of the Westerly right of way line of St. Joseph Street (85 foot right of way) with the North right of way line of Wayne Street (82.5 foot right of way); thence South 89°38'12" West (bearing assumed) along the North right of way line of Wayne Street 148.84 feet; thence North 00°27'00' West, 186.00 feet; thence North 89°39'34" East, 165.61 feet; thence Southwesterly 186.99 feet along a segment of a curve to the right having a radius of 912.43 feet, subtended by a chord having a bearing of South 04°42'19" West and a length of 186.66 feet to the point of beginning.

Grantor hereby conveys the Property in fee simple to Grantee subject to all easements, covenants, restrictions, and other matters of record.

Each undersigned person executing this Warranty Deed on behalf of the Grantor represents and certifies that he or she has been fully empowered and authorized to execute this Warranty Deed and that all action necessary to complete this conveyance on Grantor's behalf has been duly taken.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2015.

GRANTOR:

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  
Commission expires: \_\_\_\_\_ Resident of \_\_\_\_\_ County, \_\_\_\_\_

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.