



SOUTH BEND COMMON COUNCIL

MEETING AGENDA

Monday, March 14, 2016

7:00 P.M.

1. **INVOCATION- RABBI KAREN COMPANEZ, TEMPLE BETH-EL**
2. **PLEDGE TO THE FLAG**
3. **ROLL CALL**
4. **REPORT FROM THE SUB-COMMITTEE ON MINUTES**
5. **SPECIAL BUSINESS**

BILL NO.

[16-24](#)

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY COMMEMORATING AND REMEMBERING THE LIFE OF SCHUYLER COLFAX, CONSTITUTIONAL REFORMER AND 17TH VICE-PRESIDENT OF THE UNITED STATES

6. **REPORTS FROM CITY OFFICES**
7. **COMMITTEE OF THE WHOLE**

TIME: _____

BILL NO.

[05-16](#)

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING FEES FOR NUISANCE ABATEMENT SUCH AS TRASH, DEBRIS AND HAZARDOUS MATERIAL REMOVAL, AND FOR REMOVAL OF WEEDS AND RANK VEGETATION PURSUANT TO THE INDIANA UNSAFE BUILDING LAW

[06-16](#)

PUBLIC HEARING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING FEES FOR SECURING AND DEMOLISHING STRUCTURES PURSUANT TO THE INDIANA UNSAFE BUILDING LAW

8. BILLS ON THIRD READING

TIME: _____

BILL NO.

[05-16](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING FEES FOR NUISANCE ABATEMENT SUCH AS TRASH, DEBRIS AND HAZARDOUS MATERIAL REMOVAL, AND FOR REMOVAL OF WEEDS AND RANK VEGETATION PURSUANT TO THE INDIANA UNSAFE BUILDING LAW

[06-16](#) THIRD READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROVING FEES FOR SECURING AND DEMOLISHING STRUCTURES PURSUANT TO THE INDIANA UNSAFE BUILDING LAW

9. RESOLUTIONS

BILL NO.

[16-13](#) A RESOLUTION RECONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION 4330-14 DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 237 NORTH MICHIGAN STREET, SOUTH BEND, IN 46601 AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A TEN (10) YEAR REAL PROPERTY TAX ABATEMENT FOR THE LASALLE APARTMENTS LLC

[16-14](#) A RESOLUTION MODIFYING AND CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS: 211 WEST WASHINGTON STREET AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A TEN (10) YEAR REAL PROPERTY TAX ABATEMENT FOR: HOTEL LOCATED AT THE TOWER AT WASHINGTON SQUARE LLC

[16-15](#) A RESOLUTION MODIFYING AND CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS: 211 WEST WASHINGTON STREET AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A TEN (10) YEAR REAL PROPERTY TAX ABATEMENT FOR: RETAIL PROPERTY LOCATED AT THE TOWER AT WASHINGTON SQUARE LLC

- [16-16](#) A RESOLUTION MODIFYING AND CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS: 211 WEST WASHINGTON STREET AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A TEN (10) YEAR REAL PROPERTY TAX ABATEMENT FOR: PARKING GARAGE LOCATED AT THE TOWER AT WASHINGTON SQUARE LLC
- [16-17](#) A RESOLUTION MODIFYING AND CONFIRMING THE ADOPTION OF A DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS: 211 WEST WASHINGTON STREET AS AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A TEN (10) YEAR REAL PROPERTY TAX ABATEMENT FOR: APARTMENTS LOCATED AT THE TOWER AT WASHINGTON SQUARE LLC
- [16-18](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 215 SYCAMORE STREET, SOUTH BEND, IN 46617 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF AN (8) EIGHT-YEAR REAL PROPERTY TAX ABATEMENT FOR EAST BANK SOUTH BEND DEVELOPMENT, LLC
- [16-19](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 1265 FRANKLIN, CATALYST TWO BUILDING, IGNITION PARK, SOUTH BEND, IN 46601 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (5) FIVE-YEAR PERSONAL PROPERTY TAX ABATEMENT FOR: SPECTRON MRC, LLC
- [16-20](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS BLACKTHORN CORPORATE OFFICE PARK LOT 6, SOUTH BEND, IN 46628 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (5) FIVE-YEAR REAL PROPERTY TAX ABATEMENT FOR COHN & COHN INVESTMENTS, LLC
- [16-21](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

1619/1623 FRANKLIN STREET, SOUTH BEND, IN 46613 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (5) FIVE-YEAR REAL PROPERTY TAX ABATEMENT FOR SOUTH BEND FORM TOOL CO., INC.

[16-22](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS 1619/1623 FRANKLIN STREET, SOUTH BEND, IN 46613 AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A (5) FIVE-YEAR PERSONAL PROPERTY TAX ABATEMENT FOR SOUTH BEND FORM TOOL CO., INC.

[16-23](#) A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY SUPPORTING THE INSTALLATION OF A FENCE ON THE EAST SIDE OF PERLEY PRIMARY FINE ARTS ACADEMY AND ON THE WEST SIDE OF COQUILLARD PARK

10. **BILLS ON FIRST READING**

[07-16](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 1 OF THE *SOUTH BEND MUNICIPAL CODE* BY THE INCLUSION OF NEW SECTION 1-5.1 ENTITLED CITY FLAG

[11-16](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE SOUTH BEND COMMON COUNCIL AMENDING CHAPTER 14 OF THE *SOUTH BEND MUNICIPAL CODE* BY ESTABLISHING NEW ARTICLE 13 ENTITLED SMOKE FREE AIR REGULATIONS FOR WORKPLACES AND PUBLIC PLACES

[12-16](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AMENDING CHAPTER 6 OF THE *SOUTH BEND MUNICIPAL CODE* BY THE INCLUSION OF NEW ARTICLE 10 ENTITLED LANDLORD REGISTRATION PROGRAM

[13-16](#) FIRST READING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 424, 426 & 430 CUSHING STREET AND 726 & 736 LINCOLN WAY WEST, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

[14-16](#) FIRST READING ON AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY: THE ALLEY TO BE

VACATED IS THE FIRST NORTH/SOUTH ALLEY WEST OF CUSHING STREET FROM LINCOLN WAY WEST TO THE FIRST EAST/WEST ALLEY FOR A DISTANCE OF 193 FEET AND A WIDTH OF 14 FEET. SAID ALLEY BEING A PART HEINTZMAN'S ADDITION AND KUNSTMAN'S ADDITION, CITY OF SOUTH BEND, PORTAGE TOWNSHIP, ST. JOSEPH COUNTY, INDIANA

[15-16](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2016 OF (\$926,497) FROM CONSOLIDATED BUILDING FUND (#600), \$480,000 FROM EMS CAPITAL FUND (#287), \$25,000 FROM EMS OPERATING FUND (#288), \$2,500 FROM 2015 SEWER BOND ISSUANCE FUND (#666), \$188,621 FROM CENTURY CENTER CAPITAL FUND (#671), \$63,000 FROM WATERWORKS O&M FUND (#620), AND \$361,294 FROM SEWAGE O&M FUND (#641)

[16-16](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2016

[17-16](#) FIRST READING ON AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2016 OF \$25,000 FROM GENERAL FUND (#101), \$587,022 FROM DCI STATE GRANTS FUND (#210), \$926,497 FROM UNSAFE BUILDING FUND (#219), \$17,500 FROM CENTRAL SERVICES FUND (#222), \$22,000 FROM COVELESKI NON REVERTING CAPITAL FUND (#401) AND \$29,300 FROM COUNTY OPTION INCOME TAX FUND (#404).

11. UNFINISHED BUSINESS

PENDING INACTIVE/DORMANT HISTORIC PRESERVATION COMMISSION (HPC) PROPOSED BILLS

BILL NO.

- | | |
|-------|---|
| 60-94 | AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ESTABLISHING AN HISTORIC LANDMARK FOR THE BUILDING LOCATED AT 219/221 N. MICHIGAN STREET |
| 61-94 | AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ESTABLISHING AN HISTORIC LANDMARK FOR THE BUILDING LOCATED AT 3418 MISHAWAKA AVE. |

91-94 AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ESTABLISHING AN HISTORIC LANDMARK FOR THE PROPERTY LOCATED AT 310 WEST MONROE STREET IN THE CITY OF SOUTH BEND, INDIANA

104-94 AN ORDINANCE AMENDING THE ZONING ORDINANCE AND ESTABLISHING AN HISTORIC LANDMARK FOR THE BUILDING LOCATED AT 534 LAPORTE AVE.

12. NEW BUSINESS

13. PRIVILEGE OF THE FLOOR

14. ADJOURNMENT

TIME: _____

Notice for Hearing and Sight Impaired Persons

Auxiliary Aid Or Other Services Are Available Upon Request At No Charge.

Please Give Reasonable Advance Request When Possible.

In the interest of providing greater public access and to promote greater transparency, the South Bend Common Council agenda has been translated into Spanish. All agendas are available online from the Council's website, and also in paper format in the Office of the City Clerk, 4th Floor County-City Building. Reasonable efforts have been taken to provide an accurate translation of the text of the agenda, however, the official text is the English version. Any discrepancies which may be created in the translation, are not binding. Such translations do not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the Common Council or the City of South Bend, Indiana.



OFFICE OF THE CITY CLERK

KAREEMAH FOWLER, CITY CLERK

MEMORANDUM

TO: MEMBERS OF THE COMMON COUNCIL
FROM: KAREEMAH FOWLER, CITY CLERK
DATE: MARCH 10, 2016
SUBJECT: COMMITTEE MEETING NOTICE

The following Common Council Committee Meetings have been scheduled for **MONDAY**
MARCH 14, 2016:

Council Informal Meeting Room
4th Floor County-City Building
227 W. Jefferson Blvd.
South Bend, IN 46601

- 3:15 P.M.** **COMMUNITY INVESTMENT** GAVIN FERLIC, CHAIRPERSON
1. [Bill No. 16-18](#)- Designating Real Property Tax Abatement, East Bank Development
 2. [Bill No. 16-19](#)- Designating Personal Property Tax Abatement, Spectron mrc, LLC.
 3. [Bill No. 16-20](#)- Designating Real Property Tax Abatement, Cohn & Cohn, LLC.
 4. [Bill No. 16-21](#)- Designating Real Property Tax Abatement, South Bend Tool Co., Inc.
 5. [Bill No. 16-22](#)- Designating Personal Property Tax Abatement, South Bend Tool Co.
 6. [Bill No. 16-13](#)- Re-Confirming Real Property Tax Abatement, The LaSalle Apts. LLC. (Extension Request)
 7. [Bill Nos. 16-14 to 16-17](#)- Four (4) Confirming & Modifying Real Property Tax Abatement, 211 W. Washington (The Tower at Washington Square)
- 4:15 P.M.** **HEALTH & PUBLIC SAFETY** JOHN VOORDE, CHAIRPERSON
1. [Bill No. 05-16](#)- Approving fees for nuisance abatement
 2. [Bill No. 06-16](#)- Approving fees for securing and demolishing structures
 3. Chief Steve Cox, South Bend Fire Department
- 4:55 P.M.** **COMMUNITY RELATIONS** REGINA WILLIAMS-PRESTON, CHAIRPERSON
1. [Bill No. 16-23](#)- Coquillard Park Fence Installation
- 5:00 P.M.** **PERSONNEL & FINANCE** KAREN L. WHITE, CHAIRPERSON
1. City Controller John Murphy, Office of Finance and Administration
- 5:25 P.M.** **INFORMATION & TECHNOLOGY** TIM SCOTT, CHAIRPERSON
1. Kick-Off Meeting

455 County-City Building • 227 W. Jefferson Boulevard • South Bend, Indiana 46601
Phone 574-235-9221 • Fax 574-235-9173 • TDD 574-235-5567 • www.SouthBendIN.gov

JENNIFER M. COFFMAN
CHIEF DEPUTY
CHIEF OF STAFF

ALKEYNA M. ALDRIDGE
DEPUTY CLERK
DIRECTOR OF POLICY

EMILY SEXTON
ORDINANCE VIOLATION CLERK

Council President Tim Scott has called an **Informal Meeting of the Council which will commence immediately after the adjournment of the Information & Technology Committee meeting.

INFORMAL MEETING OF THE COMMON COUNCIL

TIM SCOTT, COUNCIL PRESIDENT

1. Discussion of Council Agenda
2. Update and Announcements
3. Adjournment

cc: Mayor Pete Buttigieg
Committee Meeting List
News Media

NOTICE FOR HEARING AND SIGHT IMPAIRED PERSONS

Auxiliary Aid or Other Services may be Available upon Request at No Charge.

Please give Reasonable Advance Request when Possible



2016 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-6-16)

COMMUNITY INVESTMENT COMMITTEE

Oversees the various activities of the Department of Community Investment. This Committee reviews all real & personal tax abatement requests.

Gavin Ferlic, Chairperson

Regina Williams-Preston, Vice-Chairperson

Oliver Davis, Member

Randy Kelly, Member

COMMUNITY RELATIONS COMMITTEE

Oversees the various activities of the Office of Community Affairs and is charged with facilitating partnerships & ongoing communications with other public and private entities operating within the City.

Regina Williams-Preston, Chairperson

Randy Kelly, Vice-Chairperson

Gavin Ferlic, Member

Karen White, Member

COUNCIL RULES COMMITTEE

Oversees the regulations governing the overall operation of the Common Council, as well as all matters of public trust. Its duties are set forth in detail in Section 2-10.1 of the *South Bend Municipal Code*.

Tim Scott, Member

Jo Broden, Member

Dr. David Varner, Member

Karen White

HEALTH AND PUBLIC SAFETY COMMITTEE

Oversees the various activities performed by the Fire and Police Departments, EMS, Department of Code Enforcement, ordinance violations, and related health and public safety matters.

John Voorde, Chairperson

Karen L. White, Vice-Chairperson

Oliver Davis, Member

Jo Broden, Member

INFORMATION AND TECHNOLOGY COMMITTEE

Oversees the various activities of the City's Division of Information Technologies in the Department of Administration & Finance so that the City of South Bend remains competitive and on the cutting edge of developments in this area. Reviewing and proposing upgrades to computer systems and web sites, developing availability & access to GIS data and related technologies are just some of its many activities.

Tim Scott, Chairperson

Gavin Ferlic, Vice-Chairperson

Dave Varner, Member

Karen White, Member

PARC COMMITTEE (Parks, Recreation, Cultural Arts & Entertainment)

Oversees the various activities of the Century Center, College Football Hall of Fame, Coveleski Regional Stadium, Morris Performing Arts Center, Studebaker National Museum, South Bend Regional Museum of Art, Potawatomi Zoo, and the many recreational and leisure activities offered by the Department of Parks and Recreation.

Randy Kelly, Chairperson

Dr. Dave Varner, Vice-Chairperson

Oliver Davis, Member

John Voorde, Member



2016 COMMON COUNCIL STANDING COMMITTEES (Rev. 01-6-16)

PERSONNEL AND FINANCE COMMITTEE

Oversees the activities performed by the Department of Administration and Finance, and reviews all proposed salaries, budgets, appropriations & other fiscal matters, as well as personnel policies, health benefits & related matters.

Karen L. White, Chairperson
Gavin Ferlic, Vice-Chairperson

Regina Williams-Preston, Member
John Voorde, Member

PUBLIC WORKS AND PROPERTY VACATION COMMITTEE

Oversees the various activities performed by the Building Department, the Department of Public Works & related public works & property vacation issues.

Jo Broden, Chairperson
John Voorde, Vice-Chairperson

Randy Kelly, Member
Gavin Ferlic, Member

RESIDENTIAL NEIGHBORHOODS COMMITTEE

Oversees the various activities & issues related to neighborhood development & enhancement.

Karen White, Chairperson
Jo Broden, Vice-Chairperson

Regina Williams-Preston, Member
John Voorde, Member

UTILITIES COMMITTEE

Oversees the activities of all enterprise entities including but not limited to the Bureau of Waterworks, Bureau of Sewers and all related matters.

Dr. David Varner, Chairperson
Oliver Davis, Vice-Chairperson

Randy Kelly, Member
Regina Williams-Preston, Member

ZONING AND ANNEXATION COMMITTEE

Oversees the activities related to the Board of Zoning Appeals, recommendations from the Area Plan Commission and the Historic Preservation Commission, as well as all related matters addressing annexation and zoning.

Oliver Davis, Chairperson
John Voorde, Vice-Chairperson

Gavin Ferlic, Member
Jo Broden, Member

SUB-COMMITTEE ON MINUTES

Reviews the minutes prepared by the Office of the City Clerk of the regular, special and informal meetings of the Common Council and makes a recommendation on their approval/modification to the Council

Tim Scott
Dr. David Varner



A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, PUBLICLY COMMEMORATING AND REMEMBERING THE LIFE OF SCHUYLER COLFAX, CONSTITUTIONAL REFORMER AND 17TH VICE-PRESIDENT OF THE UNITED STATES



Whereas, the South Bend Common Council notes that City Cemetery founded in 1832 in the City of South Bend is the home to approximately 14,800 final resting places on its 21.36 acres, including South Bend resident Schuyler Colfax, who was the 17th Vice-President of the United States and a Constitutional reformer; and

Whereas, the Common Council notes that in 2009, the Historic Preservation Commission of South Bend and St. Joseph County partnered with the Schuyler Colfax Chapter of the Daughters of the American Revolution (DAR) to collaborate together and promote the preservation of City Cemetery, with its Mission Statement “to preserve, protect, share carefully and treat reverently this hallowed and historic site”. Since that date the South Bend Parks Foundation in collaboration with the Common Council and City Administration have worked together to support the City Cemetery Restoration Project and the City Cemetery Master Plan of 2015; and

Whereas, on January 14, 2013, the Common Council unanimously adopted Resolution No. 4226-13, which declared March 23rd of each year as “Schuyler Colfax Day in South Bend, Indiana” to recognize the public service career of Schuyler Colfax who served as Speaker of the House of Representatives from 1863-1869; served our country as the 17th Vice-President of the United States from 1869-1873 under President Ulysses S. Grant and recalled his dedication to civil rights and the passage of the 13th Amendment in 1865 to abolish slavery, the passage of the 14th Amendment in 1868 addressing due process, and equal protection, and the 15th Amendment in 1869 addressing the right to vote regardless of one’s race, color or previous condition of servitude; and

Whereas, in May of 2015, a Schuyler Colfax re-enactor at City Cemetery, dressed in period clothing shared some of the rich history of his life by telling stories about serving as President Ulysses S. Grant’s Vice-President during his first term; who is remembered as being a very dedicated public servant who was “good-natured, kindly, cordial and always diplomatic”; who stood by President Abraham Lincoln on January 1, 1863 when he signed the *Emancipation Proclamation*; who became known by the nickname “Smiler” Colfax; who came into this world four (4) months after his father had passed away from tuberculosis and was forced to drop out of school at the age of ten to work, to teach himself, and to dedicate his life to serving others.

Now, Therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The Common Council hereby calls upon the citizens of South Bend to pause & reflect upon the contributions made not only to our city, but to our country by Schuler Colfax, who moved to South Bend in 1836 and called it his home until his death in 1873. The Council recognizes that 193 years ago on March 23, 1823, Schuler Colfax was born, and through his vision and dedication America is a much better place, who is remembered for his tireless work and leadership in championing the passage of the 13th, 14th & 15th Amendments.

Section II. This Resolution shall be in full force and effect from and after its adoption by the Council and approval by the Mayor.

Tim Scott, 1st District

Oliver J. Davis, 6th District

Regina Williams Preston, 2nd District

Gavin Ferlic, At Large Member

Randy Kelly, 3rd District

Karen L. White, At Large Member

Jo Broden, 4th District

John Voorde, At Large Member

Dr. David A. Varner, 5th District

Kathleen Cekanski-Farrand, Council Attorney

Met:

Kareemah Fowler, City Clerk

Signed this _____ day of March, 2016

Pete Buttigieg, Mayor of South Bend

1300 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



PHONE 574/ 235-9486
FAX 574/ 235-7703

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF CODE ENFORCEMENT
RANDY WILKERSON
DIRECTOR

February 18, 2016

Honorable Tim Scott, President
South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

RE: Bills Nos. 05-16 and 06-16 – Increase of Fees for Code Services Related to Demolition and Nuisance Abatement

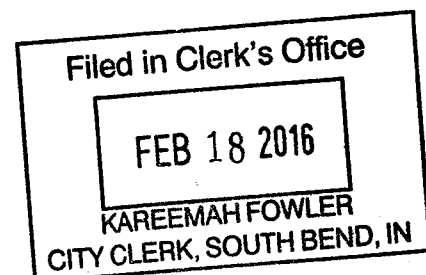
Dear Council President Scott,

In light of questions from Council members received February 4, 2016, I request that Bills Nos. 05-16 and 06-16 related to fees for certain Code Enforcement services be continued to the Council's meeting on March 14, 2016. Although our Department has compiled a good portion of the Council's requested information, it will take more time to complete this search.

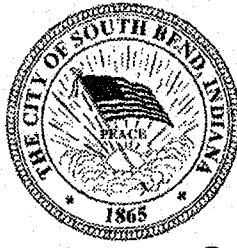
Sincerely,

Randy Wilkerson

Director, Department of Code Enforcement



1300 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



PHONE 574/ 235-9486
FAX 574/ 235-7703

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF CODE ENFORCEMENT
RANDY WILKERSON
DIRECTOR

February 5, 2016

Honorable Tim Scott, President
South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

RE: Bills Nos. 05-16 and 06-16 – Increase of Fees for Code Services Related to Demolition and Nuisance Abatement

Dear Council President Scott,

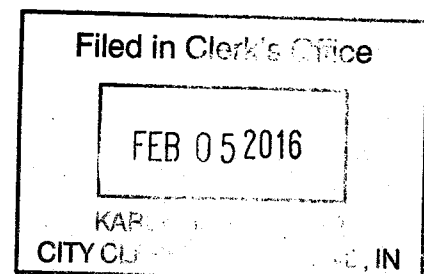
In light of questions from Council members received February 4, 2016, I request that Bills Nos. 05-16 and 06-16 related to fees for certain Code Enforcement services be continued to the Council's meeting on February 22, 2016. This should allow our Department time to respond to the Council's questions.

Sincerely,



Randy Wilkerson

Director, Department of Code Enforcement



1300 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



PHONE 574/ 235-9486
FAX 574/ 235-7703

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF CODE ENFORCEMENT
RANDY WILKERSON
DIRECTOR

January 5, 2016

Tim Scott, Council President
Common Council of the City of South Bend
227 West Jefferson Blvd. • Suite 400 S
South Bend, Indiana 46601

The Department of Code Enforcement respectfully requests that the Council consider this ordinance to raise the cost of abatements that are completed by the Department. The current increases reflect an 11.5 percent increase from the last increase in 2008. I have also revised some of the charges to be accurate with our current processes. It is important to point out this is not a request for a budget increase; this is a cost of service fee for the Department to complete the abatements on property owners that do not comply with the Indiana Unsafe Building Law and the City of South Bend's Ordinance's. I will be available as the presenter on behalf of the Department.

The costs of abating a nuisance such as trash, debris, fire hazardous materials and public health hazards and/or removing weeds and rank vegetation from real property include the costs of providing notice, the use of labor and equipment, and administrative costs. A schedule of fees for these services was last implemented in 2008, but the costs have increased since that time and now require adjustment.

We presented this to the City of South Bend Board of Public Works on November 24, 2015 at a public hearing and received information on the current costs of abating a nuisance such as trash, debris, fire hazardous materials and public health hazards and/or removing weeds and rank vegetation, and by Resolution No. 67-2015, it recommended for Common Council approval a schedule of fees for costs involved in the abatement of a nuisance, which is attached hereto and incorporated herein.

The Indiana Unsafe Building Law, Ind. Code 36-7-9-1, which is incorporated into the South Bend Municipal Code (the Code) in full and by reference at Chapter 6, Article 8, Section 6-37, authorizes the City of South Bend through its Department of Code Enforcement to remove trash, debris, fire hazardous material, or a public health hazard in an about an unsafe premises. The Indiana Code at IC 36-7-10.1-1 et seq. also authorizes municipalities to require property owners to remove weeds and other rank vegetation.

OK
[Signature]

The Department of Code Enforcement may at the owner's expense enter an owner's property to abate a nuisance such as trash, debris, fire hazardous material and public health hazards, and/or may also remove weeds and rank vegetation if the City has complied with statutory procedures and given the owner proper notice, but the owner has failed to comply with the notice.

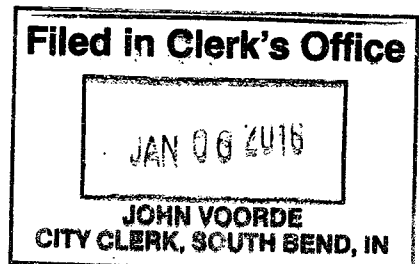
On behalf of the Department of Code Enforcement, it is my belief that this ordinance is in the best interest of the citizens of the City of South Bend.

Respectfully,



Randy Wilkerson

Director of Code Enforcement



ORDINANCE NO. 10417-16**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, APPROVING FEES FOR NUISANCE ABATEMENT SUCH AS TRASH,
DEBRIS AND HAZARDOUS MATERIAL REMOVAL, AND FOR REMOVAL OF
WEEDS AND RANK VEGETATION PURSUANT TO THE INDIANA UNSAFE
BUILDING LAW**

STATEMENT OF PURPOSE AND INTENT

The Indiana Unsafe Building Law, Ind. Code 36-7-9-1, which is incorporated into the *South Bend Municipal Code* (the Code) in full and by reference at Chapter 6, Article 8, Section 6-37, authorizes the City of South Bend through its Department of Code Enforcement to remove trash, debris, fire hazardous material, or a public health hazard in an about an unsafe premises. The Indiana Code at IC 36-7-10.1-1 et seq. also authorizes municipalities to require property owners to remove weeds and other rank vegetation. The Department of Code Enforcement may at the owner's expense enter an owner's property to abate a nuisance such as trash, debris, fire hazardous material and public health hazards, and/or may also remove weeds and rank vegetation if the City has complied with statutory procedures and given the owner proper notice, but the owner has failed to comply with the notice.

The costs of abating a nuisance such as trash, debris, fire hazardous materials and public health hazards and/or removing weeds and rank vegetation from real property include the costs of providing notice, the use of labor and equipment, and administrative costs. A schedule of fees for these services was last implemented in 2008, but the costs have increased since that time and now require adjustment.

At its meeting held on November 24, 2015, the South Bend Board of Public Works conducted a public hearing and received information on the current costs of abating a nuisance such as trash, debris, fire hazardous materials and public health hazards and/or removing weeds and rank vegetation, and by Resolution No. 67-2015, it recommended for Common Council approval a schedule of fees for costs involved in the abatement of a nuisance, which is attached hereto and incorporated herein.

The Council finds that the Schedule of Fees recommended for approval by the Board of Public Works in its Resolution No. 67-2015 attached hereto reflect the current and actual costs for performing the specific services and should be approved.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The Schedule of Fees for the Department of Code Enforcement's services in abating public nuisances such as trash, debris, fire hazardous material, or a public health hazard,

and for removing weeds and rank vegetation from real property, all as set out specifically in Section II of the Board of Public Works Resolution No. 67-2015 attached hereto and incorporated herein, is approved and confirmed.

Section II. A copy of the Schedule of Fees approved by this Resolution shall be on file for public inspection in the office of the City Clerk, the office of the Clerk of the Board of Public Works, and shall be posted on the City of South Bend's website.

Section III. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

Member of the Common Council

Attest:

City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2014, at _____ o'clock _____ .m.

City Clerk

Approved and signed by me on the _____ day of _____, 2_____, at _____ o'clock, _____ .m.

Mayor, City of South Bend, Indiana

1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED

Filed in Clerk's Office

JAN 06 2015

JOHN VOORDE
CITY CLERK, SOUTH BEND

ATTACHMENT

Board of Public Works Resolution No. 68- 2015 enacted on November 24, 2015

(Remainder of Page left intentionally blank)

RESOLUTION NO. 67-2015

A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA, ADJUSTING THE FEES RELATED TO ABATING NUISANCES AND REMOVING VEGETATION PURSUANT TO INDIANA CODE 36-7-9 AND 36-7-10.1 AND SOUTH BEND MUNICIPAL CODE CHAPTER 16, ARTICLE 8

WHEREAS, the Board of Public Works ("Board") has authority to determine the costs for performance of work required by orders issued under the Unsafe Building Law, 36-7-9-1, et al., including orders to remove trash, debris, fire hazardous material, or a public health hazard in and about an unsafe premises; and

WHEREAS, the Board also has authority to abate nuisances described in South Bend Municipal Code Chapter 16, Article 8, Section 16-53; and

WHEREAS, the Indiana Code provision for removal of weeds and rank vegetation, Indiana Code 36-7-10.1-1, et seq., allows municipalities to require property owners to remove weeds and other rank vegetation, and sets forth procedures for giving notice to property owners and removing weeds and rank vegetation at the owner's expense; and

WHEREAS, the Department of Code Enforcement or an entity acting on its behalf may, after giving notice to the owner, enter property and remove weeds and rank vegetation at the owner's expense, pursuant to South Bend Municipal Code Chapter 16, Article 8, Section 16-59; and

WHEREAS, the Board has the expertise to determine the costs of abating nuisances such as trash, debris, fire hazardous material and public health hazards, and or removing weeds and rank vegetation, including the cost of providing notice, use of equipment and labor, and administrative costs; and

WHEREAS, the Board determines that the fees imposed for nuisance abatement and removal of weeds and rank vegetation should be adjusted from the 2008 schedule to reflect the current cost the City of South Bend incurs providing such services.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA, AS FOLLOWS:

Section I. That the Board of Public Works hereby sets forth fees for services in abating public nuisances such as trash, debris, fire hazardous material, or a public health hazard, and of removing weeds and rank vegetation from real property.

Section II. The owner, occupant or person in control of the property upon which the public nuisance or rank vegetation exists in violation of South Bend Municipal Code Chapter 16, Article 8, as it may be amended from time to time, shall be charged fees for the cost of equipment, services and labor incurred by the City in abatement of the nuisance or removal of vegetation. The following fees shall be charged:

Fees and Costs

Dump fee	\$150.00
Handling and disposal	\$ 84.00
Administrative fee	\$ 40.00
Technology and software	\$ 10.00
Supplies	\$ 8.00

Hourly Labor and Equipment Use

Inspection	\$ 29.00
Labor (General)	\$ 23.00
Labor (Operator – skilled)	\$ 34.00
Supervisory staff	\$ 40.00
Dump truck	\$ 51.00
Small loader	\$ 51.00
Lightening loader	\$ 84.00
Large loader	\$119.00
Pick up and mower	\$ 44.00
Tractor mower	\$ 38.00

Grass Cutting Fees

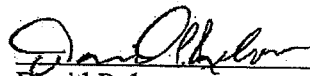
Inspection (2)	\$58.00
Administrative fee	\$40.00
Supervisory Staff	\$40.00
Pickup truck and mower	\$22.00
Labor general	\$11.50
Technology and software	\$10.00
Supplies	\$ 8.00
TOTAL	\$189.50

Adopted on the 24th day of November, 2015, by the Board of Public Works of the City of South Bend, Indiana.


BOARD OF PUBLIC WORKS OF THE
CITY OF SOUTH BEND, INDIANA



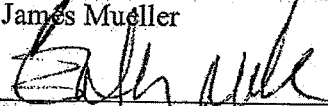
Gary Gilot



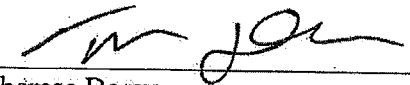
David Relos



James Mueller



Elizabeth Maradik



Therese Dorau

ATTEST:



Linda Martin, Clerk

1300 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



Bill No. 06-16

PHONE 574/ 235-9486
FAX 574/ 235-7703

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF CODE ENFORCEMENT
RANDY WILKERSON
DIRECTOR

February 18, 2016

Honorable Tim Scott, President
South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

RE: Bills Nos. 05-16 and 06-16 – Increase of Fees for Code Services Related to Demolition and Nuisance Abatement

Dear Council President Scott,

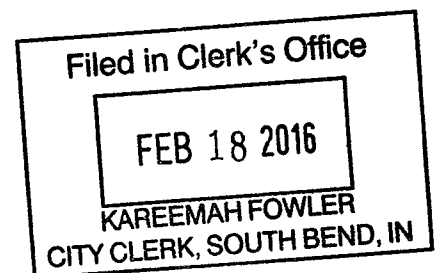
In light of questions from Council members received February 4, 2016, I request that Bills Nos. 05-16 and 06-16 related to fees for certain Code Enforcement services be continued to the Council's meeting on March 14, 2016. Although our Department has compiled a good portion of the Council's requested information, it will take more time to complete this search.

Sincerely,

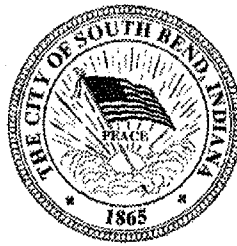
A handwritten signature in black ink, appearing to read "Randy Wilkerson", is written over a faint, larger version of the same signature.

Randy Wilkerson

Director, Department of Code Enforcement



1300 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



PHONE 574/ 235-9486
FAX 574/ 235-7703

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF CODE ENFORCEMENT
RANDY WILKERSON
DIRECTOR

February 5, 2016

Honorable Tim Scott, President
South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

RE: Bills Nos. 05-16 and 06-16 – Increase of Fees for Code Services Related to Demolition and Nuisance Abatement

Dear Council President Scott,

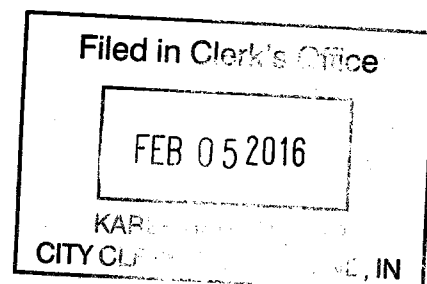
In light of questions from Council members received February 4, 2016, I request that Bills Nos. 05-16 and 06-16 related to fees for certain Code Enforcement services be continued to the Council's meeting on February 22, 2016. This should allow our Department time to respond to the Council's questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Randy Wilkerson", with a long horizontal flourish extending to the right.

Randy Wilkerson

Director, Department of Code Enforcement



1300 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



PHONE 574/ 235-9486
FAX 574/ 235-7703

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF CODE ENFORCEMENT
RANDY WILKERSON
DIRECTOR

January 5, 2016

Tim Scott, Council President
Common Council of the City of South Bend
227 West Jefferson Blvd. • Suite 400 S
South Bend, Indiana 46601

The Department of Code Enforcement respectfully requests that the Council consider this ordinance to raise the fees associated to demolitions that are completed by the Department. The current increases reflect an 11.5 percent increase from the last increase in 2008. I have also revised some of the charges to be accurate with our current processes including the cost associated with testing for asbestos. This was not charged in the past. It is important to point out this is not a request for a budget increase; this is a cost of service fee for the Department for property owners that do not comply with the Indiana Unsafe Building Law. I will be available as the presenter on behalf of the Department.

The costs of securing property and/or removing structures upon unsafe premises include the costs of providing notice, the use of labor and equipment, and administrative costs. A schedule of fees for these services was last implemented in 2008, but the costs have increased since that time and now require adjustment.

We presented this to the South Bend Board of Public Works on November 24, 2015 at a public hearing and received information on the current costs of securing property or removing structures at an unsafe premises, and by Resolution No. 68-2015, it recommended for Common Council approval a schedule of fees for costs involved in the demolition of real property and in the securing of real property, which is attached hereto and incorporated herein.

The Indiana Unsafe Building Law, Ind. Code 36-7-9-1, which is incorporated into the South Bend Municipal Code (the Code) in full and by reference at Chapter 6, Article 8, Section 6-37, authorizes the City of South Bend through its Department of Code Enforcement to enter into and secure an owner's property or remove structures at an unsafe premises at the owner's expense if the City has complied with statutory procedures and given the owner proper notice, but the owner has failed to comply with the notice.

OK
[Signature]

The Council finds that the Schedule of Fees recommended for approval by the Board of Public Works in its Resolution No. 68-2015 attached hereto reflect the current and actual costs for performing the specific services and should be approved.

On behalf of the Department of Code Enforcement, it is my belief that this ordinance is in the best interest of the citizens of the City of South Bend.

Respectfully,

A handwritten signature in cursive script, appearing to read "Randy Wilkerson", followed by a horizontal line.

Randy Wilkerson

Director of Code Enforcement

ORDINANCE NO. _____

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, APPROVING FEES FOR SECURING AND DEMOLISHING STRUCTURES
PURSUANT TO THE INDIANA UNSAFE BUILDING LAW**

STATEMENT OF PURPOSE AND INTENT

The Indiana Unsafe Building Law, Ind. Code 36-7-9-1, which is incorporated into the *South Bend Municipal Code* (the Code) in full and by reference at Chapter 6, Article 8, Section 6-37, authorizes the City of South Bend through its Department of Code Enforcement to enter into and secure an owner's property or remove structures at an unsafe premises at the owner's expense if the City has complied with statutory procedures and given the owner proper notice, but the owner has failed to comply with the notice.

The costs of securing property and/or removing structures upon unsafe premises include the costs of providing notice, the use of labor and equipment, and administrative costs. A schedule of fees for these services was last implemented in 2008, but the costs have increased since that time and now require adjustment.

At its meeting held on November 24, 2015, the South Bend Board of Public Works conducted a public hearing and received information on the current costs of securing property or removing structures at an unsafe premises, and by Resolution No. 68-2015, it recommended for Common Council approval a schedule of fees for costs involved in the demolition of real property and in the securing of real property, which is attached hereto and incorporated herein.

The Council finds that the Schedule of Fees recommended for approval by the Board of Public Works in its Resolution No. 68-2015 attached hereto reflect the current and actual costs for performing the specific services and should be approved.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The Schedule of Fees for the Department of Code Enforcement's processing of orders for demolition of structures and for securing structures as set out specifically in Sections II and III of the Board of Public Works Resolution No. 68-2015 attached hereto and incorporated herein is approved and confirmed.

Section II. A copy of the Schedule of Fees approved by this Resolution shall be on file for public inspection in the office of the City Clerk, the office of the Clerk of the Board of Public Works, and shall be posted on the City of South Bend's website.

Section III. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

Member of the Common Council

Attest:

City Clerk

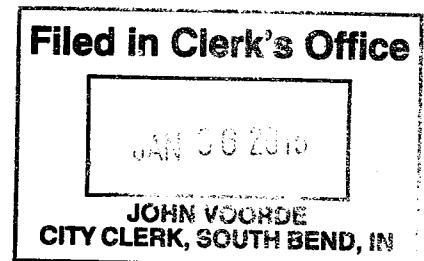
Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2014, at _____ o'clock ____ .m.

City Clerk

Approved and signed by me on the _____ day of _____, 2_____, at _____ o'clock, ____ .m.

Mayor, City of South Bend, Indiana

1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED



ATTACHMENT

Board of Public Works Resolution No. 68-2015 enacted on November 24, 2015

(Remainder of Page left intentionally blank)

RESOLUTION NO. 68-2015

A RESOLUTION OF THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA, ADJUSTING THE FEES FOR SERVICES RELATED TO SECURING AND DEMOLISHING STRUCTURES PURSUANT TO THE INDIANA UNSAFE BUILDING LAW, INDIANA CODE 36-7-9 AND SOUTH BEND MUNICIPAL CODE CHAPTER 6, ARTICLE 8, SECTIONS 37 AND 37.1

WHEREAS, the Board of Public Works is the Board with control over the Department of Code Enforcement for purposes of setting performance bonds and processing expenses provided under the Unsafe Building Law, and has the responsibility for fixing the average processing expenses and a schedule of performance bonds as provided in the Unsafe Building Law, Indiana Code 36-7-9-1 et seq., and South Bend Municipal Code Chapter 6, Article 8; and

WHEREAS, the Department of Code Enforcement or an entity acting on its behalf may, after giving notice to the owner, enter onto and secure property at the owner's expense, pursuant to South Bend Municipal Code Chapter 6, Article 8 and the Unsafe Building Law; and

WHEREAS, the Department of Code Enforcement or an entity acting on its behalf may, pursuant to the procedures set forth in the Unsafe Building Law and after giving notice to the owner, remove structures from unsafe premises at the owner's expense; and

WHEREAS, the Board of Public Works has the expertise to determine the costs of securing and removing structures upon unsafe premises, including the cost of providing notice, use of equipment and labor, and administrative costs; and

WHEREAS, the Board of Public Works determines that the fees imposed for securing and removing structures should be adjusted from the 2008 schedule to reflect the current cost the City of South Bend incurs providing such services.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF SOUTH BEND, INDIANA, AS FOLLOWS:

Section I. The Board of Public Works hereby sets forth administrative and service fees related to securing and removing structures upon unsafe premises pursuant to the Unsafe Building Law and South Bend Municipal Code Chapter 6, Article 8.

Section II. The following fees reflect the average expenses which are incurred by the Department of Code Enforcement in processing orders for demolition of structures, and shall be charged in addition to the costs of the demolition contractor for each demolition order issued:

Inspections – average of 8	\$203.00
Legal notices, recording fees	\$113.00
Title search	\$ 27.00
Forms, letters, postage	\$100.00
Supplies	\$ 8.00
Legal services and hearing officer	\$200.00
Clerical staff	\$ 76.00
Management staff	\$200.00
Technology and software	\$ 10.00

TOTAL DEMOLITION COST **\$937.00**

Asbestos Testing for Demolition, if Applicable

First Inspection –prelim testing requires 2 inspectors
at 1.5 hours/inspector \$ 87.00

Second Inspection—testing and completion of
papers requires 2 inspectors at 1.5/inspector \$ 87.00

Tools, supplies, and safety costs \$ 22.00

Test 10 samples at \$8.00/sample (average) \$ 80.00

TOTAL ASBESTOS COST **\$276.00**

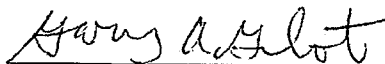
Section III. The following fees reflect the average expenses which are incurred by the Department of Code Enforcement in processing orders to secure structures, and which shall be charged in addition to the costs of the contractor for each order to secure issued:

Inspections – average of 3	\$ 87.00
Forms, letters, postage	\$ 7.00
Clerical staff	\$ 23.00
Management staff	\$ 35.00
Technology and software	\$ 10.00

TOTAL COST TO SECURE **\$162.00**

Adopted on the 24 day of November, 2015, by the Board of Public Works of the City of South Bend, Indiana.

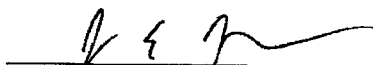
BOARD OF PUBLIC WORKS OF THE
CITY OF SOUTH BEND, INDIANA



Gary Gilot

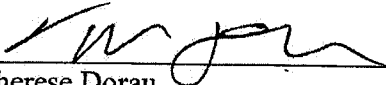


David Relos

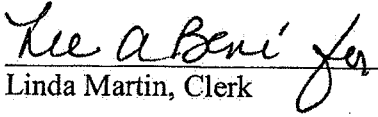


James Mueller

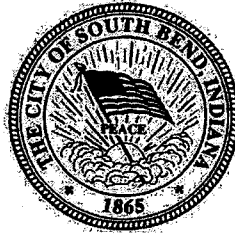

Elizabeth Maradik


Therese Dorau

ATTEST:


Linda Martin, Clerk

227 W. JEFFERSON BOULEVARD
SUITE 1400 S.
SOUTH BEND, IN 46601-1830



PHONE: 574/235-9371
FAX: 574/235-9021

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
COMMUNITY INVESTMENT
SCOTT FORD, EXECUTIVE DIRECTOR

March 3, 2016

Council Member Gavin Ferlic, Chairperson
Community Investment Committee
South Bend Common Council
4th Floor, County City Building
South Bend, IN 46601

RE: Real Property Tax Abatement Extension for: **The LaSalle Apartments, LLC**

Dear Council Member Ferlic:

On March 10, 2014, Great Lakes Capital Development was granted declaratory resolution number 4327-14 for a 10 year real property tax abatement for work to be completed at The LaSalle Hotel. Confirming resolution number 4330-14 was passed on March 24, 2014. The project never materialized and RealAmerica Development, LLC, operating as The LaSalle Apartments, LLC, purchased the property and began revitalization work to the building. On January 21, 2015, Real America Development, LLC was granted the transfer of the original abatement. Per Section V of the original resolution #4327-14: **"The designation as an Economic Revitalization Area shall be limited to two (2) calendar years from the date of the adoption of this Resolution by the Common Council."**

Due to the transfer of the original abatement, the work will not be completed during the two year window, as noted above. The project is currently scheduled to be completed in September 2016. We kindly request a one (1) year extension be granted, enabling the work to be completed and for the abatement to remain active.

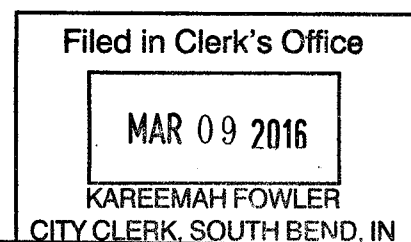
A representative from Real America Development LLC will be available to meet with the Committee on March 14, 2016.

Should you or any of the other Council members have any questions concerning the report, or need additional information, please feel free to call me at 235-5823.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Kobb".

Aaron Kobb
Director Economic Resources



RESOLUTION NO. _____

A RESOLUTION RECONFIRMING THE ADOPTION OF A
DECLARATORY RESOLUTION 4330-14 DESIGNATING CERTAIN
AREAS WITHIN THE CITY OF SOUTH BEND, INDIANA,
COMMONLY KNOWN AS

237 North Michigan Street, South Bend, IN 46601

AS AN ECONOMIC REVITALIZATION AREA FOR
PURPOSES OF A TEN (10) YEAR REAL
PROPERTY TAX ABATEMENT FOR

The LaSalle Apartments LLC

WHEREAS, the Common Council of the City of South Bend, Indiana, has adopted a Declaratory Resolution designating certain areas within the City as Economic Revitalization Areas for the purpose of tax abatement consideration; and

WHEREAS, a Declaratory Resolution designated the area located at 237 North Michigan Street, South Bend, IN 46601 and which is more particularly described as follows:

Lot 1 O P So Bend
Lot 2 & N 33.45'
Lot 3 O P

and which has Key Numbers 71-08-12-107-005.000-026 and 71-08-12-107-006.000-026 presently at this point in time, be designated as an Economic Revitalization Area; and

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing for the purposes of hearing all remonstrances and objections from interested persons; and

WHEREAS, the Council has determined that the qualifications for an economic revitalization area have been met.

WHEREAS, the Council issued a Confirming Resolution confirming the adoption of a Declaratory Resolution as Resolution No. 4330-14 on March 24, 2014; and

WHEREAS, the petitioner has exceeded the two year designation period granted

in the Confirming Resolution, which expired on March 10, 2016; and continues to move forward with the project with the full expectation of completion in 2016.

WHEREAS, the Petitioner has requested an additional period of time to complete construction of the planned project. Due to the transfer of the abatement from the previous developer, RealAmerica Development, LLC did not have a full two years to complete the planned project.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Petitioner acknowledges that they have exceeded the two year designation period granted in the Confirming Resolution due to the following:

- A. This abatement approval was transferred to RealAmerica Development, LLC, operating as The LaSalle Apartments, LLC, after the previous developer was unable to move forward on the project. RealAmerica Development, LLC was granted the transfer on January 21, 2015 and began construction on the building. The project is currently scheduled to be completed in September 2016.

The Common Council hereby finds that the extension of the designation is appropriate in light of the aforementioned reason noted above.

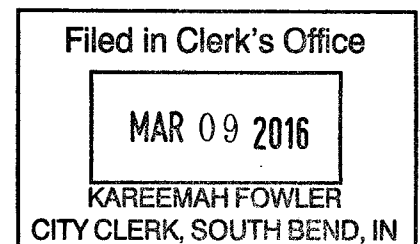
SECTION II. The Common Council hereby reconfirms its Declaratory Resolution and its Confirming Resolution designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such designation is for Real property tax abatement only and is limited to three (3) calendar years from the date of adoption of the Declaratory Resolution by the Common Council.

SECTION III. The Common Council hereby determines that the property owner is qualified for and is granted Real property tax deduction for a period of ten (10) years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17 and further determines that the petition, the Memorandum of Agreement between the Petitioner and the City of South Bend, and the Statement of Benefits comply with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12 et seq

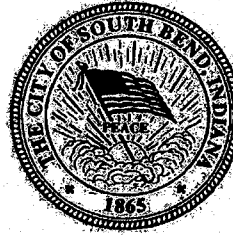
SECTION IV. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approved by the Mayor.

Member of the Common Council

PRESENTED
NOT APPROVED
ADOPTED



227 W. JEFFERSON BOULEVARD
SUITE 1400 S.
SOUTH BEND, IN 46601-1830



PHONE: 574/235-9371
FAX: 574/235-9021

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
COMMUNITY INVESTMENT
SCOTT FORD, EXECUTIVE DIRECTOR

March 9, 2016

Council Member Gavin Ferlic, Chairperson
Community Investment Committee
South Bend Common Council
4th Floor, County City Building
South Bend, IN 46601

RE: Tax Abatement Petitions for:
The Tower at Washington Square, LLC

Dear Council Member Ferlic:

****The provided information in this cover letter and accompanying documentation are from the original packet provided to Council and is being included to Council for informational purposes due to the time delay in bringing back the Confirming Resolutions before Council for approval.**


Please find the attached information pertaining to the vacant building and real property tax abatement petitions for The Tower at Washington Square, LLC.

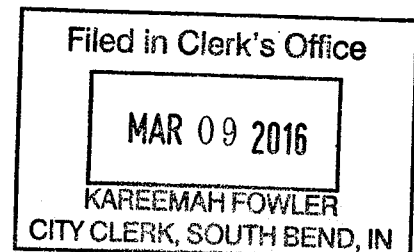
- Department of Community Investment's summary report
- Copy of the petitions
- Statement of Benefits forms
- Supporting information.

The report contains the Department's findings relative to the above petitions. As detailed in the accompanying Tax Abatement Report the petitioner is requesting exceptions to the local ordinance as allowed by State law. A representative from The Tower at Washington Square, LLC will be available to meet with the Committee on Monday, March 14, 2016.

Should you or any of the other Council members have any questions concerning the report, or need additional information, please feel free to call me at 235-5823.

Sincerely,


Aaron Kobb
Director Economic Resources



RESOLUTION NO. _____

A RESOLUTION MODIFYING AND CONFIRMING THE
ADOPTION OF A DECLARATORY RESOLUTION
DESIGNATING CERTAIN AREAS WITHIN THE CITY OF
SOUTH BEND, INDIANA, COMMONLY KNOWN AS:

211 West Washington Street

AS AN ECONOMIC REVITALIZATION AREA FOR
PURPOSES OF A TEN (10) YEAR REAL
PROPERTY TAX ABATEMENT FOR:

APARTMENTS LOCATED AT

THE TOWER AT WASHINGTON SQUARE LLC

WHEREAS, the Common Council of the City of South Bend, Indiana, adopted Declaratory Resolution No. 4506-15 (the "Declaratory Resolution") designating certain areas within the City as Economic Revitalization Areas for the purpose of tax abatement consideration; and which was adopted by the Council on October 27, 2015 and approved by the Mayor that same date

WHEREAS, the Declaratory Resolution designated a portion of the property commonly known as 211 West Washington Street, South Bend, Indiana, and which is more particularly described as follows:

Lots 239 & 240 &
Vac Alley W & Adj
O P

and which is to be rehabilitated for use as apartments as an Economic Revitalization Area; and

WHEREAS, said property has been subdivided into four (4) separate tax parcels and the legal description and Key Number for the parcel relating to the apartments is as follows:

[LEGAL DESCRIPTION]

Key Number _____

(said parcel being referred to hereinafter as the "Property"); and

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code 6-1.1-12.1-2.5; and

WHEREAS, a copy of the notice of adoption of a Declaratory Resolution and a statement containing substantially the same information as a statement of benefits filed with the Council has been filed with each taxing unit that has authority to levy property taxes in the geographic area pursuant to Indiana Code 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing on March 14, 2016 for the purposes of hearing all remonstrances and objections from interested persons; and

WHEREAS, the Council determined that the qualifications for an economic revitalization area have been met.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council hereby modifies and confirms its Declaratory Resolution to designate the Property as an Economic Revitalization Area for the purposes of tax abatement. Such designation is for real property tax abatement only and is limited to three (3) calendar years from the date of adoption of the Declaratory Resolution by the Common Council rather than the two (2) calendar year designation due to the size, scope and complexity of the rehabilitation of the property.

SECTION II. The Common Council hereby determines that the property owner is qualified for and is granted real property tax deduction for up to a period of ten (10) years as provided in the alternate abatement scheduled below pursuant to Indiana Code 6-1.1-12.1-17 and further determines that the petition, the Memorandum of Agreement between the Petitioner and the City of South Bend, and the Statement of Benefits comply with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12 et seq.

<u>Year</u>	<u>Real Property Abatement</u>
1	100%
2	100%
3	90%
4	85%
5	85%
6	85%
7	85%
8	60%
9	60%
10	60%

SECTION III. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approved by the Mayor.

Member of the Common Council

PRESENTED
NOT APPROVED
ADOPTED

Filed in Clerk's Office
MAR 09 2016
KAREEMAH FOWLER
CITY CLERK SOUTH BEND IN

TAX ABATEMENT REPORT

TO: SOUTH BEND COMMON COUNCIL

FROM: AARON KOBBS

SUBJECT: REAL PROPERTY TAX ABATEMENT PETITIONS FOR:
The Tower at Washington Square, LLC

DATE: March 9, 2016

Attached please find the petitions of The Tower at Washington Square LLC (the "Petitioner"), seeking real property tax abatement for the real property within the City of South Bend, Indiana, commonly known as 211 West Washington Street (the "Property"). In order to permit Petitioner to increase the scope of the rehabilitation of the Property, Petitioner requests that the Common Council rescind Resolution 4353-14 adopted on April 28, 2014 by the Common Council and Resolution No. 4361-14, adopted on May 12, 2014 by the Common Council which previously designated the Property as an Economic Revitalization Area for the purposes of tax abatement and only for a period of two (2) calendar years. As part of the increase in scope of rehabilitation, the Property shall be subdivided into four (4) separate tax parcels based upon the designated use of each tax parcel. The designated uses of the parcels shall be (i) a hotel; (ii) retail; (iii) parking garage; and (iv) residential apartments. Upon the subdivision of the Property, the Petitioner expects that each parcel will be owned by a separate entity, each affiliated with the Petitioner. The Petitioner requests a vacant building deduction for the parcel designated for a hotel. At this time, the Petitioner also requests a deduction for real estate improvements for the retail, parking garage, and residential uses. The requested tax deduction for the hotel, retail, parking garage and residential are set forth in the tax abatement schedule in each petition.

The Petitioner requests that the Common Council now consider the (4) four petitions filed herewith and adoption of the related confirming resolutions.

The Common Council should note the following exceptions to the local ordinance being requested for these petitions:

- Tower – Hotel
 - Standard designation for an Economic Revitalization Area is two years. Petitioner is requesting this be three years.
 - Project would qualify for a two year vacant building abatement. Petitioner is requesting a ten year abatement.
 - Petitioner is requesting a revised abatement schedule as detailed in the accompanying Confirming Resolution.

- Tower – Retail
 - Standard designation for an Economic Revitalization Area is two years. Petitioner is requesting this be three years.
 - Project would qualify for a six year real property tax abatement. Petitioner is requesting a ten year real property abatement.
 - Petitioner is requesting a revised abatement schedule as detailed in the accompanying Confirming Resolution.
- Tower – Parking Garage
 - Standard designation for an Economic Revitalization Area is two years. Petitioner is requesting this be three years.
 - Project would qualify for a three year real property tax abatement. Petitioner is requesting a ten year real property tax abatement.
 - Petitioner is requesting a revised abatement schedule as detailed in the accompanying Confirming Resolution.
- Tower-Apartments
 - Standard designation for an Economic Revitalization Area is two years. Petitioner is requesting this be three years.
 - Project would qualify for a nine year real property tax abatement. Petitioner is requesting a ten year abatement.
 - Petitioner is requesting a revised abatement schedule as detailed in the accompanying Confirming Resolution

The Common Council should also note the following business case considerations for allowing an exception to the local ordinance:

- The building is the most prominent building in downtown and requires substantial investment to cure mechanical and structural deficiencies.
- The proposed use fits in with the overall plan for the downtown.
- The proposed deal structure requires no public cash investment.

PROJECT SUMMARY FOR THE FOUR REQUESTED ABATEMENTS

- Total project taxes during ten year abatement period – \$5,825,917
- Estimated taxes being abated during ten year abatement period – \$3,778,026
- Total taxes to be paid during ten year abatement period – \$2,047,891

EMPLOYMENT IMPACT

Per the petitions, it is estimated that the total project will:

- Create 89 permanent, full-time jobs in the ten year abatement period, representing a new annual payroll of \$2,899,894

ABATEMENT QUALIFICATION

1. A review of the tax abatements previously granted, finds that the petitioner has been granted or associated with a previous abatement.
2. The Building Commissioner has reviewed the petition and finds the property to be properly zoned for the proposed project.
3. A review of the South Bend Redevelopment designation areas finds that the property is located in the River West Development Area.
4. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner does not meet the qualifications for a ten year real property tax abatement under section IC. 6-1.1-12.1-4.8 and requests exceptions to the local ordinance.

City of South Bend		Petition for Incentives	
<p><i>Petition must be filed on or before 5:00 p.m. on the day preceding the date of the City Council meeting. The City Council will consider the petition at the meeting held on the date specified above. The City Council may require the petitioner to provide additional information before a decision is made.</i></p>			
General Information		Project Name	Tower - Hotel
		Project Number	
Petitioner Name (Individual or Business Name) Address City, State, Zip Company Website		The Tower at Washington Square LLC Limited liability company	
Proposed Project Information			
Project Address City, State, Zip Acreage Estimated Value		211 West Washington Street South Bend, IN 46601 0.36 acres 132,500 (Hotel)	
		Project Name Ownership Estimated Value	The Tower at Washington Square LLC Owned n/a
Primary Contact Information			
Primary Contact Name Address City, State, Zip		Liberty Angellades 5-44 47th Avenue, 3rd Floor Long Island City, NY 11101	
		Title Phone Email	Manager 718-786-5555 thetoweratwashingtonsquarellc@gmail.com
Senior Official Information			
Company Name Address City, State, Zip		Liberty Angellades same as above	
		Title Phone Email	
Consultant Information/Agent			
Consultant Name Address City, State, Zip		Mark Neal 112 W. Jefferson Blvd, Suite 300 South Bend, IN 46601	
		Consultant Clear (Y/N) Local Government Approval (Y/N)	Y n/a
		Email	mneal@bradleyco.com
Project Overview			
Brief description of your company, project and why the property is necessary for economic growth		<p>Private developer purchased building for purpose of redevelopment. The building's age and significant deferred maintenance issues have made the building obsolescent without a complete modernization of building including mechanicals, HVAC, windows, other internal systems, parking garage and exterior as well as new finishes of all interior spaces.</p> <p>The building is the most prominent building in downtown South Bend and its location on Main Street make it an important community asset central to the City's continued revitalization. The redevelopment of the building to an updated mixed use project will be a catalyst for additional downtown development. The building will provide a new hotel, residential apartments, retail space and a refurbished parking garage (including parking for public use).</p>	
Conflicts with other projects		No	
Community Benefit/Development		No	
Early in process (planning and/or construction)		Y	
Other petition on property in the area		Name of petitioner and project see separate petition	
		n/a	

Investment Details			
Publicly traded securities (e.g., stocks, bonds, etc.)	Other investments (e.g., real estate, art, etc.)	Whether the project is a public-private partnership	Whether the project is a public-private partnership
n/a	No	not yet determined	not yet determined

New Project Investments

Calendar Year	2015	2016	2017	2018	2019	2020	2021	2022
Building/renovations								
Building/renovations								
Building/renovations								
New building/renovations								
Building/renovations	\$ 600,000	\$ 10,788,774						
Mobile/other equipment								
Special facilities/equipment								
New furniture/facilities		\$ 3,958,800						
New computer/facilities								
Other services								
Other facilities/equipment								
TOTAL								

Full-Time Permanent Indiana-Resident Positions by Calendar Year

Calendar Year	Number of Positions	Number of Positions (New/Total)	Number of Positions (New/Total)	Number of Positions (New/Total)	Number of Positions (New/Total)
2015	n/a				
2016					
2017		62		16.87	62
2018		62			62
2019		62			
2020		62			
2021		62			
2022		62			
2023		62			
2024		62			
2025		62			
2026		62			

Provide hourly wage information for new employees in the following positions.

Position	Hourly Rate	Hourly Rate
Librarian	12.00 - 15.00	12.00 - 15.00
General		
Managerial	28.85 - 48.08	
Administrative		

Who will be responsible for the recruitment of new employees?

n/a

Do you have any other recruitment efforts?

yes

Do you have any other recruitment efforts?

yes

Please list the number of full time and part time minority and/or female employees for each of the last three years:

Year	2023		2022		2021	
	Fulltime	Parttime	Fulltime	Parttime	Fulltime	Parttime
2023	n/a		n/a		n/a	
2022						
2021						
2020						
2019						
2018						

Do you have any other recruitment efforts? If yes, please describe your recruitment efforts in the last three years with program details.

Complete below for Real or Personal Property Tax Abatement only.
Please sign for all requested incentives.

SEP 22 2015
CITY OF SOUTH BEND, INDIANA

Public Benefit Item		Quality (Yes or No)	Earned Points	Available Points	
1	Construction Related (Contractors)				
	A	Employ Local Companies (75%)	Y	20	20
	B	Purchase Materials from Local Companies (75%)	Y	20	20
	C	Require Employee Safety/Insurance/Construction	Y	19	19
	D	Pay Prevailing Wage (DWH #350)			22
	E	Require Health Benefits			22
	F	Require Pension Benefits			18
	G	Maintain Affirmative Action Plan	Y	20	20
		Sub-total Construction Related:		79	141
2	Wage & Benefit Related (Owner)				
	A	Pay Target Wage Levels	Y	33	33
	B	Provide Health Benefits	Y	34	34
	C	Provide Pension Benefits	Y	29	29
	D	Provide Training	Y	28	28
	E	Provide Child Care			15
	F	Provide Transportation Assistance			14
	G	Provide Employer Assisted Housing program			9
	Sub-total Wage & Benefit Related:		124	162	
3	Workforce Related				
	A	Create New Jobs	Y	42	42
	B	Retain Existing Jobs			41
	C	Maintain Affirmative Action Plan	Y	35	35
	D	Provide Targeted Hiring Preference			30
	Sub-total Workforce Related:		77	152	
4	Support a Municipal Facility				
	A	Support a SB Municipal Facility (Donations to the US Conservatory, Museum, etc)			84
	Sub-total Municipal Facility:			84	
Sub-total from Above:			280	539	

The undersigned owner(s) of real property, located within the City of South Bend, hereby petition the Common Council of the City of South Bend for a real and/or personal property tax abatement consideration and pursuant to I.C. 6-1.1-12.1-1 et seq. and South Bend Municipal Code Sec. 2-76 et seq. For this petition state the above:

Submitted By: *Cheryl G. [Signature]* Date: 09/16/15

Filed in Clerk's Office
CITY OF SOUTH BEND, INDIANA
Clerk's Office
2015

What is the current total of all projects?	Rate Property	2,506,121	Person Property	n/a
What is the total of all projects?	Rate Property		Person Property	
What is the current total of all projects?	018-1008-0321			
What is the current total of all projects?	531190			
Public Benefit Summary Information				
Public Benefit Summary Information	Rate Property Index		Person Property Index	
Variable	63,657			
Variable	70,041			
Variable	108,676			
Variable	69,701			
Variable	69,242			

Staff Use Only
Please fill out the Public Benefit Summary Information and add to the total from above.

		(70a)	Points	Points
Public Benefit				
Project Related				
A	Redevelop Site that has Special Needs		49	49
B	Develop Based on Local University Research			35
C	Achieved Physical Element of a Plan	36		36
Sub-total Project Related		85		120
Super Size Projects (point values are cumulative)				
A	100% to 199%			25
B	200% to 299%			68
C	300% to 399%			65
D	400% and over			52
Sub-total Super Size Projects		0		210
Payoff Municipal Infrastructure				
A	Pay for Over 50% of Extension Cost			14
B	Pay for 26-50% of Extension Cost			26
C	Pay for 14-26% of Extension Cost			39
D	Pay for 7-14% of Extension Cost			52
Sub-total Infrastructure Related		0		131
Total from Applicant Station		280		539
Total from Staff Station		85		461
Total Public Benefit Points		365		1000

Supplement to Petition for Incentives
Frequently Asked Questions

We are frequently asked to explain the following questions, in an effort to clarify we are providing answers below.

1) How do I pay my petition filing fee?

Your petition filing fee can be paid either in person or via mail to:

City Clerk's Office
Attn: Deputy City Clerk
227 West Jefferson Blvd. • Suite 400 S
South Bend, Indiana 46601

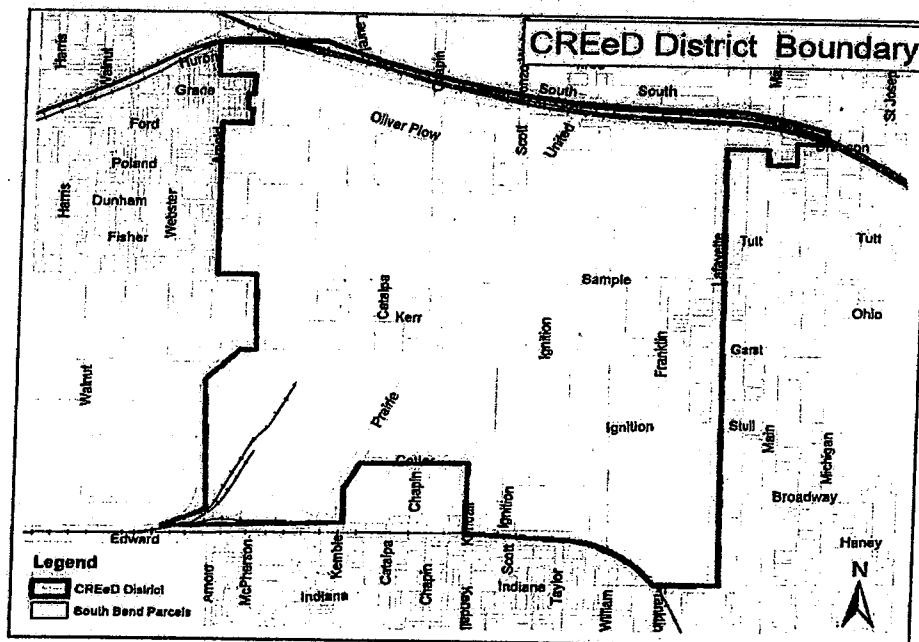
Or online via paypal at:
<http://southbendin.gov/government/content/tax-abatement>

2) Certified Technology Park appropriate? (Page one, under project overview)

In the South Bend area there are only two Certified Technology Parks, Innovation Park and Ignition Park. If your property is not located in either then the answer would be no.

3) Community Revitalization Enhancement District? (Page one, under project overview)

The map below outlines the CREd area, please check to see if you fall within the boundaries.



4) Has any 504 funding been received? (Page one, under investment details)

504 Funding is a loan that come from the Small Business Administration. This funding must be applied for to be received.

5) Total training expenditure – not cumulative (Page two, under full time Indiana resident positions)

The amount of money to be spent per year on training over the course of the project.

6) Total number to be trained – not cumulative (Page two, under full time Indiana resident positions)

The amount of people that you will train per year over the length of the project.

If you have any additional questions that are not addressed by this document, please contact Sarah Heintzelman in the Department of Community Investment at 574.235.5842 or email at sheintze@southbendin.gov



**STATEMENT OF BENEFITS
VACANT BUILDING DEDUCTION**

State Form 55192 (R/2-14)
Prescribed by the Department of Local Government Finance

FILED IN CLERK'S OFFICE
SEP 22 2015
CITY CLERK, SOUTH BEND, IN

20 PAY 20
FORM SB-1/VBD

PRIVACY NOTICE
The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1-12.1-5-1 (c) and (d).

This statement is being completed for real property that qualifies as an "eligible vacant building" as defined by IC 6-1-12.1-1(17).

INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the occupation of the eligible vacant building for which the person wishes to claim a deduction.
2. To obtain a vacant building deduction, a Form 322/VBD must be filed with the county auditor before May 10 in the year in which the property owner or his tenant occupies the vacant building or not later than thirty (30) days after the assessment notice is mailed to the property owner. If it is mailed prior April 10, if the property owner misses the May 10 deadline in the initial year of occupation, he can apply between March 1 and May 10 of a subsequent year.
3. A property owner who files the Form 322/VBD must provide the county auditor and the designating body with a Form CF-1/VBD to show compliance with the approved Form SB-1/VBD. The Form CF-1/VBD must also be updated each year in which the deduction is applicable.

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer:
The Tower at Washington Square LLC

Address of taxpayer (number and street, city, state, and ZIP code):
6-44 47th Avenue, 3rd floor, Long Island City, NY 11101

Name of contact person: Liberty Angelides	Telephone number: (718) 786-5555	E-mail address: thetoweratwashingtonsquarellc@gmail
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SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body:
South Bend Common Council

Resolution number:

Location of property:
211 W. Washington St

County:
St. Joseph

DLGF taxing district number:

Description of eligible vacant building that the property owner or tenant will occupy (use additional sheets if necessary):
Hotel is part of a mixed use building. Hotel was closed in June 2014 shortly after purchase as building had fallen into severe disrepair and occupancy was less than 10%. Owner intends to refurbish building beginning in late 2016 with re-occupancy to occur in early 2017

Estimated occupancy date (month, day, year):
01/01/17

Estimated date placed-in-use (month, day, year):
01/01/17

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS A RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
				62	16.87

SECTION ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values		2,506,121
Plus estimated values of proposed project	15,245,274.00	
Less values of any property being replaced		
Net estimated values upon completion of project		

SECTION 5 EFFORTS TO SELL OR LEASE VACANT BUILDING

Describe efforts by the owner or previous owner to sell, lease, or rent the building during period of vacancy:
Owner was unable to lease or rent the hotel beginning in June 2014 as the building's mechanical systems, HVAC and other internal systems had long term deferred maintenance issues unattended which made it not viable. Deferred maintenance issues subsequently led to burst water pipes causing significant interior damage. Owner had to ultimately close the building and vacate all tenants to begin a long term revitalization project.

Show amount for which the building was offered for sale, lease, or rent during period of vacancy.

List any other benefits resulting from the occupancy of the eligible vacant building:
The building is the most prominent building in downtown South Bend and its location on Main Street make it an important community asset central to the City's continued revitalization. The redevelopment of the building to an updated mixed use project will be a catalyst for additional downtown development. The building will eventually provide a new hotel, residential apartments, retail space and a refurbished parking garage (including parking for public use).

SECTION 6 TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative: <i>Liberty Angelides</i>	Title: Manager	Date signed (month, day, year): 09/18/15
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FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

A. The designated area has been limited to a period of time not to exceed _____ calendar years* (*see below*). The date this designation expires is _____.

B. The amount of the deduction applicable is limited to \$ _____.

C. Other limitations or conditions (*specify*) _____

D. Number of years allowed: Year 1 Year 2 Year 3 Year 4 Year 5 (** see below*)
 Year 6 Year 7 Year 8 Year 9 Year 10

E. For a statement of benefits approved after June 30, 2013, did the designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
 Yes No

If yes, attach a copy of the abatement schedule to this form.

If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (<i>signature and title of authorized member of designating body</i>)	Telephone number ()	Date signed (<i>month, day, year</i>)
Printed name of authorized member of designating body	Name of designating body	
Attested by (<i>signature and title of attester</i>)	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

IC 6-1.1-12.1-1(17) "Eligible vacant building" means a building that:

- (A) is zoned for commercial or industrial purposes; and
- (B) is unoccupied for at least one (1) year before the owner of the building or a tenant of the owner occupies the building, as evidenced by a valid certificate of occupancy, paid utility receipts, executed lease agreements, or any other evidence of occupation that the department of local government finance requires.

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
- (2) The number of new full-time equivalent jobs created.
- (3) The average wage of the new employees compared to the state minimum wage.
- (4) The infrastructure requirements for the taxpayer's investment.

(b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.

(c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

City of South Bend Petition for Incentives

(Additional information is available to the City Clerk's Office or online at the City's website at <http://southbend.in.gov/government/content/content.cfm?id=100&parentid=99>)



General Information		Project Name	Tower - Retail	Project Number	
City/County/State		The Tower at Washington Square LLC			
Business Name		Limited liability company			
Company Website					

Proposed Project Information					
Address (Street)	211 West Washington Street	City/County/State			
City/County/State	South Bend, IN 46601	Property Owner	The Tower at Washington Square LLC		
Site Area (Acres)	0.36 acres	Property Use	Owned		
Estimated Value	20,000 (Retail)	Estimated Value	n/a		

Primary Contact Information					
Name		Liberty Angellades		Job Title	Manager
Address (Company)		5-44 47th Avenue, 3rd Floor		Phone	718-788-5555
City/County/State		Long Island City, NY 11101		Email	thetoweratwashingtonsquarellc@gmail.com

Senior Official Information					
Company Name		Liberty Angellades		Job Title	
Address (Company)		same as above		Phone	
City/County/State				Email	

Consultant Information/Agent					
Name		Mark Neal		Consultant Role (Y/N)	Y
Address		112 W. Jefferson Blvd, Suite 300		Local economic development partners approval (Y/N)	n/a
City/County/State		South Bend, IN 46601		Email	mneal@bradleyco.com

Project Overview					
Brief description of your company, project, and why the property is necessary for economic growth.	<p>Private developer purchased building for purpose of redevelopment. The building's age and significant deferred maintenance issues have made the building obsolescent without a complete modernization of building including mechanicals, HVAC, windows, other internal systems, parking garage and exterior as well as new finishes of all interior spaces.</p> <p>The building is the most prominent building in downtown South Bend and its location on Main Street make it an important community asset central to the City's continued revitalization. The redevelopment of the building to an updated mixed use project will be a catalyst for additional downtown development. The building will provide a new hotel, residential apartments, retail space and a refurbished parking garage (including parking for public use).</p>				

Can the building be used for other purposes?	No				
Community involvement initiated?	No				
Can the building be used for other purposes?	Y	Number of different kinds of uses for the project?	see separate petition		
Are there any special requirements for the equipment to be installed?	n/a				

Investment Details			
Has the building been used for other purposes?	No	What is the value of the current project? (If not known, estimate)	What is the value of the equipment being purchased from any other project for the project?
		not yet determined	not yet determined

New Project Investments								
Calendar Year	2015	2016	2017	2018	2019	2020	2021	2022
Information								
Building								
Equipment								
New Building Construction								
Building Renovation/Improvement		\$ 292,971						
New Machinery/Equipment								
Software/IT/Technology								
Travel/Transportation								
Other								
TOTAL								

Full-Time Permanent Indiana-Resident Positions by Calendar Year						
Calendar Year	Positions Available	Positions Filled	Positions Filled - New Hire	Positions Filled - Rehire	Positions Filled - Transfer	Positions Filled - Other
2015	n/a					
2016						
2017			20		12.00	
2018			20			
2019			20			
2020			20			
2021			20			
2022			20			
2023			20			
2024			20			
2025			20			
2026			20			

Provide hourly wage information for new employees in the following positions.

Position	Hourly Wage	Annual Salary
Laborer		12.00 - 15.00
Operator		
Maintenance	15.00 - 20.00	
Administrative		

Are you providing the information for positions or contractors that are not currently in your organization?
 Yes No n/a

Do you have any other positions?
 Yes No

Please list the number of full time and part time minority and/or female employees for each of the last three years:

Year	2023		2022		2021	
	Fulltime	Parttime	Fulltime	Parttime	Fulltime	Parttime
2023						
2022						
2021						
Other						

Are you providing the information for positions or contractors that are not currently in your organization?
 Yes No

What other benefits are in your lot?	Real Property	378,282	Personal Property	n/a
What other benefits are in your lot?	Real Property		Personal Property	
What other benefits are in your lot?	to be assigned			
What other benefits are in your lot?	531190			
Public Benefit Categories (to be assigned by the applicant)				
Public Benefit Categories (to be assigned by the applicant)	Real Property		Personal Property	
Public Benefit Categories (to be assigned by the applicant)	Real Property	9,613	Personal Property	
Public Benefit Categories (to be assigned by the applicant)	Real Property	10,577	Personal Property	
Public Benefit Categories (to be assigned by the applicant)	Real Property	16,662	Personal Property	
Public Benefit Categories (to be assigned by the applicant)	Real Property	10,525	Personal Property	
Public Benefit Categories (to be assigned by the applicant)	Real Property	10,456	Personal Property	

Staff Use Only
Please fill out the Public Benefit Summary Information and add to the total from above.

			Points	Points
Public Benefit Items				
Project Related				
5	A	Redevelop a Site that has Special Needs	49	49
	B	Develop Based on Local University Research		35
	C	Achieve a Physical Element of a Plan	36	36
	Sub-total Project Related		85	120
6	Super Size Projects (Point values are cumulative)			
	A	100% to 199%	25	25
	B	200% to 299%	68	68
	C	300% to 399%	65	65
	D	400% and Over		52
Sub-total Super Size Projects		158	210	
7	Pay for Municipal Infrastructure			
	A	Pay for Overhead or Overheading		14
	B	Pay for 75-99% of generator cost		26
	C	Pay for 50-74% of generator cost		39
	D	Pay for 25-49% of generator cost		52
Sub-total Infrastructure Related		0	131	
Points from Applicant Section			217	539
Points from Staff Section			243	461
Total Public Benefit Points			460	1000

Supplement to Petition for Incentives Frequently Asked Questions

We are frequently asked to explain the following questions, in an effort to clarify we are providing answers below.

1) How do I pay my petition filing fee?

Your petition filing fee can be paid either in person or via mail to:

City Clerk's Office
Attn: Deputy City Clerk
227 West Jefferson Blvd. • Suite 400 S
South Bend, Indiana 46601

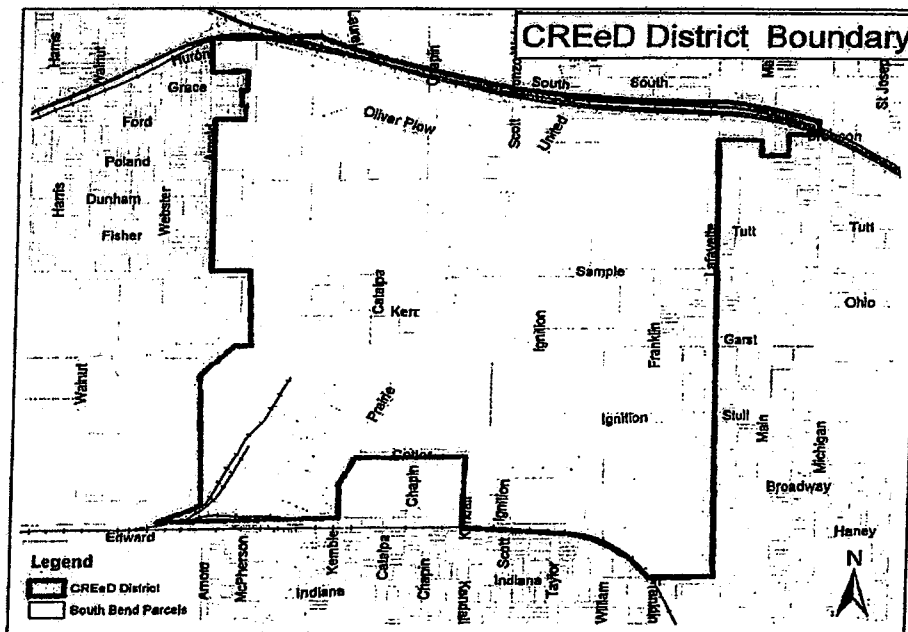
Or online via paypal at:
[http://southbend.in.gov/government/
content/tax-abatement](http://southbend.in.gov/government/content/tax-abatement)

2) Certified Technology Park appropriate? (Page one, under project overview)

In the South Bend area there are only two Certified Technology Parks, Innovation Park and Ignition Park. If your property is not located in either then the answer would be no.

3) Community Revitalization Enhancement District? (Page one, under project overview)

The map below outlines the CREED area, please check to see if you fall within the boundaries.



4) Has any 504 funding been received? (Page one, under investment details)

504 Funding is a loan that come from the Small Business Administration. This funding must be applied for to be received.

5) Total training expenditure – not cumulative (Page two, under full time Indiana resident positions)

The amount of money to be spent per year on training over the course of the project.

6) Total number to be trained – not cumulative (Page two, under full time Indiana resident positions)

The amount of people that you will train per year over the length of the project.

If you have any additional questions that are not addressed by this document, please contact Sarah Heintzelman in the Department of Community Investment at 574.235.5842 or email at sheintze@southbend.in.gov



**STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**
State Form 51707 (04/12/15)
Prescribed by the Department of Local Government Finance

SEP 22 2015
CITY CLERK

20__ PAY 20__
FORM SB-1 / Real Property
PRIVACY NOTICE
The cost and any specific individual's salary information is confidential; the balance of the form is public record per IC 6-1.1-12.1-5 (c) and (d).

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
- Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. Projects planned or committed to after July 1, 1997, and areas designated after July 1, 1997, require a STATEMENT OF BENEFITS (IC 6-1.1-12.1-4).
- Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation. BEFORE a deduction may be approved.
- To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or (later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. If the property owner misses the May 10 deadline in the initial year of completion, he can apply between March 1 and May 10 of a subsequent year.
- Property owners whose Statement of Benefits was approved after June 30, 1991 must attach a Form CR-1/Real Property annually to the application to show compliance with the Statement of Benefits (IC 6-1.1-12.1-5 (1b) and IC 6-1.1-12.1-6.30).
- The schedules established under IC 6-1.1-12.1-5 (d) for rehabilitated property apply to any economic revitalization areas designated after June 30, 2000, unless an alternative deduction schedule is approved by the designating body (IC 6-1.1-12.1-17). The schedules effective prior to July 1, 2000, shall continue to apply to economic revitalization areas designated before July 1, 2000.

SECTION 1 TAXPAYER INFORMATION					
Name of taxpayer The Young Washington Square LLC					
Address of taxpayer (number and street, city, state, and ZIP code) 8-44 87th Avenue, 3rd Floor, Long Island City, NY 11101					
Name of contact person Liberty Angelides			Telephone number 718-788-3555		E-mail address palevtr@washingsquarellc@gmail.com
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body South Bend Common Council				Resolution number	
Location of property 211 W. Washington St			County St. Joseph		DLGF taxing district number
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) The building's age and significant deferred maintenance issues have made the building obsolescent without a complete modernization of building includ					Estimated start date (month, day, year) 09/28/15
					Estimated completion date (month, day, year) 01/01/17
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number 0	Salaries	Number retained 0	Salaries	Number additional 20	Salaries 12,600
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
			REAL ESTATE IMPROVEMENTS		
			COST		ASSESSED VALUE
Current values					378,282
Plus estimated values of proposed project			29291		
Less values of any property being replaced					
Net estimated values upon completion of project					
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER					
Estimated solid waste converted (pounds)			Estimated hazardous waste converted (pounds)		
Other benefits					
SECTION 6 TAXPAYER CERTIFICATION					
I hereby certify that the representations in this statement are true.					
Signature of authorized representative <i>Liberty Angelides</i>			Title Manager		Date signed (month, day, year) 9/18/15

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

- A. The designated area has been limited to a period of time not to exceed _____ calendar years* (see below). The date this designation expires is _____.
- B. The type of deduction that is allowed in the designated area is limited to:
 - 1. Redevelopment or rehabilitation of real estate improvements Yes No
 - 2. Residentially distressed areas Yes No
- C. The amount of the deduction applicable is limited to \$ _____.
- D. Other limitations or conditions (specify) _____
- E. The deduction is allowed for _____ years* (see below).
- F. Did the designating body adopt an alternative deduction schedule per IC 6-1.1-12.1-177 Yes No
If yes, attach a copy of the alternative deduction schedule to this form.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body)	Telephone number ()	Date signed (month, day, year)
Attested by (signature and title of attester)	Designated body	

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4.

- A. For residentially distressed areas, the deduction period may not exceed five (5) years.
- B. For redevelopment and rehabilitation or real estate improvements:
 - 1. If the Economic Revitalization Area was designated prior to July 1, 2000, the deduction period is limited to three (3), six (6), or ten (10) years.
 - 2. If the Economic Revitalization Area was designated after June 30, 2000, and is not in a residentially distressed area, the deduction period may not exceed ten (10) years.

Bill No. 16-16- Parking Garage Petition

City of South Bend		Petition for Incentives	
Petition must include a \$250 filing fee payable to the City Clerk's Office according to the City's website at http://southbend.in.gov/government/contacts/for-requests-to-for-approving-com-a-com-plate			
General Information		Project Name	Project Number
City/State/Zip: South Bend, IN 46601		Project Name: The Tower at Washington Square LLC	Project Number:
Business Structure: Limited liability company			
Proposed Project Information			
Property Address: 211 West Washington Street		Parcel ID: 	
City/State/Zip: South Bend, IN 46601		Property Owner: The Tower at Washington Square LLC	
Site Area (Acres): 0.36 acres		Ownership: Owned	
Square Feet of Parking: 102,300 (Parking Garage)		Other: n/a	
Primary Contact Information			
Primary Contact Name: Liberty Angellades		Title: Manager	
Address: 5-44 47th Avenue, 3rd Floor		Phone: 718-786-5555	
City/State/Zip: Long Island City, NY 11101		Email: thetoweratwashingtonsquarellc@gmail.com	
Senior Official Information			
Company Name: Liberty Angellades		Title: 	
Address of company (not different from above): same as above		Phone: 	
City/State/Zip: 		Email: 	
Consultant Information/Agent			
Hired business consultant/agent name: Mark Neal		Consultant (Y/N): Y	
Address: 112 W. Jefferson Blvd, Suite 300		Local economic development partners approval (Y/N): n/a	
City/State/Zip: South Bend, IN 46601		Email: mneal@bradleyco.com	
Project Overview			
Brief description of your company, project, and why the property is necessary for economic growth.	<p>Private developer purchased building for purpose of redevelopment. The building's age and significant deferred maintenance issues have made the building obsolescent without a complete modernization of building including mechanicals, HVAC, windows, other internal systems, parking garage and exterior as well as new finishes of all interior spaces.</p> <p>The building is the most prominent building in downtown South Bend and its location on Main Street make it an important community asset central to the City's continued revitalization. The redevelopment of the building to an updated mixed use project will be a catalyst for additional downtown development. The building will provide a new hotel, residential apartments, retail space and a refurbished parking garage (including parking for public use).</p>		
Community technology PPA approval?	No		
Community health and safety enhancement?	No		
Early on, did you or your agent conduct a feasibility study?	Y		Number of potential partners by project: see separate petition
If health and safety or health and safety enhancement is the primary reason for the project, are the equipment's installed?	n/a		
Investment Details			
Did you invest in the project?	How many years of investment?	What is the expected investment return on the project?	What is the value of any equipment purchased from outside of the project?
n/a	No	not yet determined	not yet determined

SEP 22 2015
CITY CLERK

Complete below for Real or Personal Property Tax Abatement only.
Please sign for all requested incentives.

Public Benefit Item					
Information is required on both the construction companies and the companies which will provide material purchased for the project. Please complete the table below with the appropriate information. If you qualify for the points, please enter the full amount of available points.		Quality (Yes or No)	Earned Points	Available Points	
1	Construction Related (Contractors)				
	A	Employ Local Companies (75%)		20	
	B	Purchase Materials from Local Companies (75%)	y	20	20
	C	Recruit/ Employ Local/ Independent Contractors	y	19	19
	D	Require Prevailing Wage (Davis Bacon)			22
	E	Require Health Benefits			22
	F	Require Pension Benefits			18
	G	Maintain Affirmative Action Plan	y	20	20
		Sub-Total Construction Related:		59	141
	2	Wage & Benefit Related (Owner)			
A		Pay Target Wage Levels	y	33	33
B		Provide Health Benefits	y	34	34
C		Provide Pension Benefits	y	20	29
D		Provide Training	y	28	28
E		Provide Child Care			15
F		Provide Transportation Assistance			14
G		Provide Employer Assisted Housing program			9
	Sub-Total Wage & Benefit Related:		124	162	
3	Workforce Related:				
	A	Create New Jobs	y	42	42
	B	Retain Existing Jobs			41
	C	Maintain Affirmative Action Plan	y	36	35
	D	Provide Targeted Hiring Preferences			34
	Sub-Total Workforce Related:		77	152	
4	Support a Municipal Facility:				
	A	Support a SB Municipal Facility (donations to the zoo, conservatory, museum, etc)			84
		Sub-Total Municipal Facility:			84
Sub-Total from Above:			280	539	

The undersigned owner(s) of real property located within the City of South Bend, hereby petition the Common Council of the City of South Bend for a real and/or personal property tax abatement consideration and pursuant to I.C. 6-1.1-12-1-1, et seq. and South Bend Municipal Code Sec. 2-76 et seq. for this petition state the above.

Submitted By: *[Signature]* Date: 9/18/15



**STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**

State Form 51787 (04/2-15)
Prescribed by the Department of Local Government Finance

SEP 22 2015
CITY OF WASHINGTON SQUARE LLC

20 PAY 20
FORM SB-1 / Real Property
PRIVACY NOTICE
The cost and any special individual's salary information considered in the balance of the filing is public record per IC 6-1-1-12-1-5 (c) and (d).

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- Redevelopment or rehabilitation of real estate improvements (IC 6-1-1-12.1-4)
- Residentially distressed area (IC 6-1-1-12.1-4.1)

INSTRUCTIONS:

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. Projects planned or committed to after July 1, 1997, and areas designated after July 1, 1997, require a STATEMENT OF BENEFITS (IC 6-1-1-12.1)
- Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation BEFORE a deduction may be approved.
- To obtain a deduction, a Form 322RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or no later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 30. If the property owner misses the May 10 deadline in the initial year of occupation, he can apply between March 1 and May 10 of a subsequent year.
- Property owners whose Statement of Benefits was approved after June 30, 1991, must attach a Form CF-1/Real Property annually to the application to show compliance with the Statement of Benefits (IC 6-1-1-12.1-4.1) and IC 6-1-1-12.1-6.3(f).
- The schedule established under IC 6-1-1-12.1-4(f) for rehabilitated property apply to any economic revitalization areas designated after June 30, 2000, unless an alternative deduction schedule is adopted by the designating body (IC 6-1-1-12.1-17). The schedule effective prior to July 1, 2000, shall continue to apply to economic revitalization areas designated before July 1, 2000.

SECTION 1 TAXPAYER INFORMATION					
Name of taxpayer The Tower at Washington Square LLC					
Address of taxpayer (number and street, city, state, and ZIP code) 6-44 47th Avenue, 8th Floor, Long Island City, NY 11101					
Name of contact person Liberty Anglinides	Telephone number 718-786-8355				
E-mail address thetoweratwashingtonsquarellc@gmail.com					
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body South Bend Common Council	Resolution number				
Location of property 211 W. Washington St.	County St. Joseph				
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary)					
The building's age and significant deferred maintenance issues have made the building obsolescent without a complete modernization of building, inclu					
Estimated start date (month, day, year) 09/29/16					
Estimated completion date (month, day, year) 01/01/17					
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number 0	Salaries	Number retained 0	Salaries	Number additional 1	Salaries 12.00
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
REAL ESTATE IMPROVEMENTS					
			COST		
			ASSESSED VALUE		
Current values			1,934,914		
Plus estimated values of proposed project			228,000		
Less values of any property being replaced					
Net estimated values upon completion of project					
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER					
Estimated solid waste converted (pounds)			Estimated hazardous waste converted (pounds)		
Other benefits					
SECTION 6 TAXPAYER CERTIFICATION					
I hereby certify that the representations in this statement are true.					
Signature of authorized representative <i>Liberty Anglinides</i>			Title Manager		Date signed (month, day, year) 9/18/16

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

- A. The designated area has been limited to a period of time not to exceed _____ calendar years* (see below). The date this designation expires is _____.
- B. The type of deduction that is allowed in the designated area is limited to:
 - 1. Redevelopment or rehabilitation of real estate improvements Yes No
 - 2. Residentially distressed areas Yes No
- C. The amount of the deduction applicable is limited to \$ _____.
- D. Other limitations or conditions (specify) _____
- E. The deduction is allowed for _____ years* (see below).
- F. Did the designating body adopt an alternative deduction schedule per IC 6-1.1-12.1-17? Yes No
If yes, attach a copy of the alternative deduction schedule to this form.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body)	Telephone number ()	Date signed (month, day, year)
Attested by (signature and title of attester)	Designated body	

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4.

- A. For residentially distressed areas, the deduction period may not exceed five (5) years.
- B. For redevelopment and rehabilitation or real estate improvements:
 - 1. If the Economic Revitalization Area was designated prior to July 1, 2000, the deduction period is limited to three (3), six (6), or ten (10) years.
 - 2. If the Economic Revitalization Area was designated after June 30, 2000, and is not in a residentially distressed area, the deduction period may not exceed ten (10) years.

Bill No. 16-17- Apartment Petition

City of South Bend		Petition for Incentives	
Attention: Incentive Applications should be submitted to the City Clerk's Office or online at http://www.cityofsouthbend.org or http://www.cityofsouthbend.org/government/content/development/developmental-incentives before processing can be complete.			
General Information		Project Name	Project Number
City/State/Zip: South Bend, IN 46601 Business Name: Limited liability company Company Address:		Tower - Apartments	
Proposed Project Information			
Proposed Project Address: 211 West Washington Street City/State/Zip: South Bend, IN 46601		Estimated Project Value: The Tower at Washington Square LLC Estimated Project Start Date: Owned	Estimated Project Completion Date: n/a
Size of Project (Acres): 0.36 acres Square Footage: 121,300 (Apartment)		Estimated Project Start Date:	Estimated Project Completion Date:
Primary Contact Information			
Primary Contact Name: Liberty Angeliades Address of primary contact: 5-44 47th Avenue, 3rd Floor City/State/Zip: Long Island City, NY 11101		Title: Manager Phone: 718-786-5555 Email: thetoweratwashingtonsquarellc@gmail.com	
Senior Official Information			
Company Name: Liberty Angeliades Address of company (if different from above): same as above City/State/Zip:		Title:	Phone:
Consultant Information/Agent			
Director/Agent Name: Mark Neal Address: 112 W. Jefferson Blvd, Suite 300 City/State/Zip: South Bend, IN 46601		Consultant (Y/N): Y Not Economically Developmental (Y/N): n/a Email: mneal@braclayco.com	
Project Overview			
Brief description of your company, project and how the property is necessary for economic growth.		<p>Private developer purchased building for purpose of redevelopment. The building's age and significant deferred maintenance issues have made the building obsolescent without a complete modernization of building including mechanicals, HVAC, windows, other internal systems, parking garage and exterior as well as new finishes of all interior spaces.</p> <p>The building is the most prominent building in downtown South Bend and its location on Main Street make it an important community asset central to the City's continued revitalization. The redevelopment of the building to an updated mixed use project will be a catalyst for additional downtown development. The building will provide a new hotel, residential apartments, retail space and a refurbished parking garage (including parking for public use).</p>	
Estimated Project Value: No		Estimated Project Start Date:	
Estimated Project Completion Date: No		Number of units/commercial spaces: 88	
Estimated Project Start Date: Y		Estimated Project Completion Date: n/a	

Filed in _____ Office

OCT 20 2015

JOHN _____
CITY CLERK, SOUTH BEND, IN

Investment Details			
Estimated Project Value: n/a	Estimated Project Start Date: No	Estimated Project Completion Date: not yet determined	Number of units/commercial spaces: not yet determined

New Project Investments

Calendar Year	2015	2016	2017	2018	2019	2020	2021	2022
Construction								
Equipment								
Information Systems								
Manufacturing								
Plant and Equipment	\$ 500,000	\$ 12,097,000						
Research and Development								
Special Projects/Programs								
Transportation								
Other								
TOTAL								

Full-Time Permanent Indiana-Resident Positions by Calendar Year

Calendar Year	Number of Positions	Hourly Wage Range	Total Annual Compensation	Total Annual Compensation	Total Annual Compensation	Total Annual Compensation
2015	n/a					
2016						
2017						
2018			6	16.04		6
2019			6			
2020			6			
2021			6			
2022			6			
2023			6			
2024			6			
2025			6			
2026			6			

Provide hourly wage information for new employees in the following positions.

Position	Hourly Wage Range	Hourly Wage Range
Operator	\$12.00 - \$15.00	12.00 - 20.00
Technician	\$20.00 - \$26.00	
Production	\$18.00 - 22.00	
Administrative		

Work on-site full-time
 Work on-site part-time
 n/a

Yes
 No

Please list the number of full time and part time minority and/or female employees for each of the last three years:

Year	2023		2022		2021	
	Full Time	Part Time	Full Time	Part Time	Full Time	Part Time
Female						
Minority						
Other						

Yes
 No

Complete below for Real or Personal Property Tax Abatement only.
Please sign for all requested incentives.

Public Benefit Item:					
Information is required on both the construction companies and the companies which will provide materials purchased for this project. Please complete the table below with the appropriate information. If you qualify for the points, please enter the full amount of available points.			Qualify (Yes or No)	Earned Points	Available Points
1	Construction Related (Contractors):				
	A	Employ Local Companies (75%)	y	20	20
	B	Purchase Materials from Local Companies (75%)	y	20	20
	C	Require Employees vs. Independent Contractors	y	19	19
	D	Require Prevailing Wage (Daily Bacon)			22
	E	Require Health Benefits			22
	F	Require Pension Benefits			18
	G	Maintain Affirmative Action Plan	y	20	20
		Sub-total Construction Related:			79
2	Wage & Benefit Related (Owner):				
	A	Pay Target Wage Levels	y	33	33
	B	Provide Health Benefits	y	34	34
	C	Provide Pension Benefits	y	29	29
	D	Provide Training	y	28	28
	E	Provide Child Care			15
	F	Provide Transportation Assistance			14
	G	Provide Employer Assisted Housing program			9
	Sub-total Wage & Benefit Related:			124	162
3	Workforce Related:				
	A	Create New Jobs	y	42	42
	B	Retain Existing Jobs			41
	C	Maintain Affirmative Action Plan	y	35	35
	D	Provide Targeted Hiring Preference			34
	Sub-total Workforce Related:			77	152
4	Support a Municipal Facility:				
	A	Support a SB Municipal Facility (donations to the zoo, conservatory, museum, etc.)			84
		Name of Facility			
	Sub-total Municipal Facility:				84
Sub-total from Above:			280		539

The undersigned owner(s) of real property, located within the City of South Bend, hereby petition the Common Council of the City of South Bend for a real and/or personal property tax abatement consideration and pursuant to I.C. 6-1.1-12.1-1, et seq., and South Bend Municipal Code Sec. 2-76 et seq., for this petition state the above.

Submitted By: Shirley G. Grogan Date: 09/18/16

Supplement to Petition for Incentives
Frequently Asked Questions

We are frequently asked to explain the following questions, in an effort to clarify we are providing answers below.

1) How do I pay my petition filing fee?

Your petition filing fee can be paid either in person or via mail to:

City Clerk's Office
Attn: Deputy City Clerk
227 West Jefferson Blvd. • Suite 400 S
South Bend, Indiana 46601

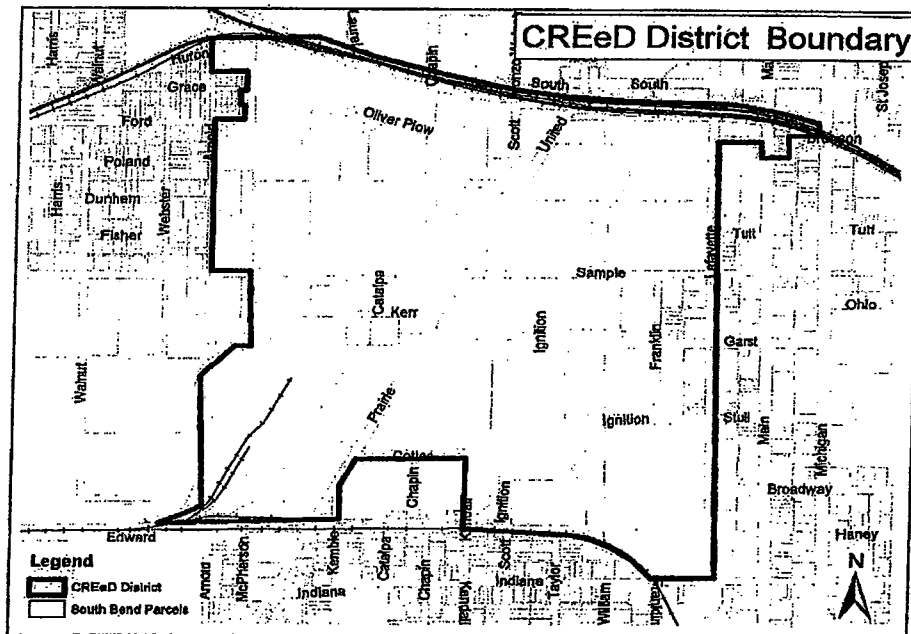
Or online via paypal at:
<http://southbend.in.gov/government/content/tax-abatement>

2) Certified Technology Park appropriate? (Page one, under project overview)

In the South Bend area there are only two Certified Technology Parks, Innovation Park and Ignition Park. If your property is not located in either then the answer would be no.

3) Community Revitalization Enhancement District? (Page one, under project overview)

The map below outlines the CREd area, please check to see if you fall within the boundaries.



4) Has any 504 funding been received? (Page one, under investment details)

504 Funding is a loan that come from the Small Business Administration. This funding must be applied for to be received.

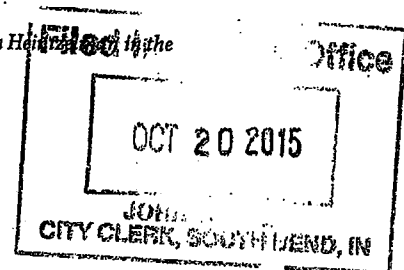
5) Total training expenditure – not cumulative (Page two, under full time Indiana resident positions)

The amount of money to be spent per year on training over the course of the project.

6) Total number to be trained – not cumulative (Page two, under full time Indiana resident positions)

The amount of people that you will train per year over the length of the project.

If you have any additional questions that are not addressed by this document, please contact Sarah Heintze at the Department of Community Investment at 574.235.5842 or email at sheintze@southbend.in.gov





**STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**

State Form 51787 (R4/12-15)
Prescribed by the Department of Local Government Finance

20 <u> </u> PAY 20 <u> </u>
FORM SB-1 / Real Property
PRIVACY NOTICE
The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5-3(c) and (d).

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
- Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. Projects planned or committed to after July 1, 1997, and areas designated after July 1, 1997, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
- Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation. BEFORE a deduction may be approved.
- To obtain a deduction, a Form 522/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. If the property owner misses the May 10 deadline in the initial year of occupation, he can apply between March 1 and May 10 of a subsequent year.
- Property owners whose Statement of Benefits was approved after June 30, 1991, must attach a Form GP-1/Real Property annually to the application to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.1(b) and IC 6-1.1-12.1-5.3(f))
- The schedules established under IC 6-1.1-12.1-4(d) for rehabilitated property apply to any economic revitalization areas designated after June 30, 2000, unless an alternate deduction schedule is adopted by the designating body (IC 6-1.1-12.1-17). The schedules effective prior to July 1, 2000, shall continue to apply to economic revitalization areas designated before July 1, 2000.

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer:
The Tower at Washington Square LLC

Address of taxpayer (number and street, city, state, and ZIP code):
8-44 47th Avenue, 8th Floor, Long Island City, NY 11101

Name of contact person: Liberty Argentesos
Telephone number: (718) 786-8455
E-mail address: libtoweratwashingtonsquarellc@gmail.com

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body: South Bend Common Council
Resorption number:

Location of property: 211 W. Washington St.
County: St. Joseph
DLGF taxing district number:

Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary):
The building's age and significant deferred maintenance issues have made the building obsolescent without a complete modernization of building stock.

Estimated start date (month, day, year): 09/29/16
Estimated completion date (month, day, year): 01/01/18

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number rehired	Salaries	Number additional	Salaries
0		0		6	16.04

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values		2,294,283
Plus estimated values of proposed project	12697000	
Less values of any property being replaced		
Net estimated values upon completion of project		

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (pounds): _____
Estimated hazardous waste converted (pounds): _____

Other benefits:

Filed for office

OCT 20 2015

JOHN P. ...
CITY CLERK, SOUTH BEND, IN

SECTION 6 TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative: *Liberty Argentesos*
Title: Manager
Date signed (month, day, year): 9/18/16

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

- A. The designated area has been limited to a period of time not to exceed _____ calendar years* (see below). The date this designation expires is _____.
- B. The type of deduction that is allowed in the designated area is limited to:
 - 1. Redevelopment or rehabilitation of real estate improvements Yes No
 - 2. Residentially distressed areas Yes No
- C. The amount of the deduction applicable is limited to \$ _____.
- D. Other limitations or conditions (specify) _____
- E. The deduction is allowed for _____ years* (see below).
- F. Did the designating body adopt an alternative deduction schedule per IC 6-1.1-12.1-17? Yes No
If yes, attach a copy of the alternative deduction schedule to this form.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body)	Telephone number ()	Date signed (month, day, year)
Attested by (signature and title of attester)	Designated body	

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4.

- A. For residentially distressed areas, the deduction period may not exceed five (5) years.
- B. For redevelopment and rehabilitation or real estate improvements:
 - 1. If the Economic Revitalization Area was designated prior to July 1, 2000, the deduction period is limited to three (3), six (6), or ten (10) years.
 - 2. If the Economic Revitalization Area was designated after June 30, 2000, and is not in a residentially distressed area, the deduction period may not exceed ten (10) years.

227 W. JEFFERSON BOULEVARD
SUITE 1400 S.
SOUTH BEND, IN 46601-1830



PHONE: 574/235-9371
FAX: 574/235-9021

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
COMMUNITY INVESTMENT
SCOTT FORD, EXECUTIVE DIRECTOR

March 7, 2016

Council Member Gavin Ferlic, Chairperson
Community Investment Committee
South Bend Common Council
4th Floor, County City Building
South Bend, IN 46601

RE: Real Property Tax Abatement Petition for: **East Bank South Bend Development, LLC**

Dear Council Member Ferlic:

Please find the attached information pertaining to a real property tax abatement petition for East Bank South Bend Development, LLC:

- Department of Community Investment's summary report
- Copy of the petition
- Statement of Benefits form
- Supporting information.

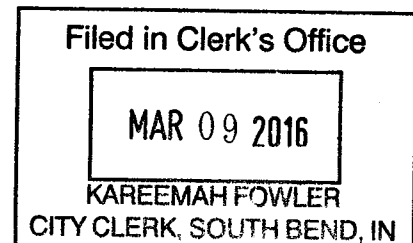
The report contains the Department's findings relative to the above petition. East Bank South Bend Development, LLC will be investing approximately \$2,500,000 in the construction of a new six story mixed use building. The project meets the qualifications for an (8) eight year real property tax abatement. A representative from East Bank South Bend Development, LLC will be available to meet with the Committee on Monday, March 14, 2016.

Should you or any of the other Council members have any questions concerning the report, or need additional information, please feel free to call me at 235-5823.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Kobb", is written over a horizontal line.

Aaron Kobb
Director Economic Resources



RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN
THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

215 Sycamore Street, South Bend, IN 46617

AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF AN
(8) EIGHT-YEAR REAL PROPERTY TAX ABATEMENT FOR

East Bank South Bend Development, LLC

WHEREAS, a petition for real property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area commonly known as 215 Sycamore Street, South Bend, IN 46617 and which is more particularly described as:

LOT 9 EAST BANK TOWNHOMES MINOR SUB NP#132 01-06-11

and which has Key Numbers 018-5003-005808 be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq., and;

WHEREAS, petitioner has agreed to and has accepted responsibility to report any changes in the final legal description and to report the final, appropriate Key Number to the Department of Community Investment and to the Office of the City Clerk; and

WHEREAS, the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under Indiana Code 6-1.1-12.1, et seq., and South Bend Municipal Code Sections 2-76, et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council hereby determines and finds that the Petition for Real Property Tax Abatement and the Statement of Benefits form completed by the Petitioner meet the

requirements of Indiana Code § 6-1.1-12.1 et seq., for tax abatement.

SECTION II. The Common Council hereby determines and finds the following:

A. That the description of the proposed redevelopment or rehabilitation meets the applicable standards for such development;

B. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature;

C. That the estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed described redevelopment or rehabilitation;

D. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed redevelopment or rehabilitation;

E. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation; and

F. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of Indiana Code § 6-1.1-12.1-3.

SECTION III. The Common Council hereby determines and finds that the proposed described redevelopment or rehabilitation can be reasonably expected to yield benefits identified in the Statement of Benefits, Sections 1 through 3 of the Petition for Real Property Tax Abatement Consideration and the Memorandum of Agreement between the Petitioner and the City of South Bend, and that the Statement of Benefits form completed by the petitioner, said form being prescribed by the State Board of Accounts, are sufficient to justify the deduction granted under Indiana Code § 6-1.1-12.1-3.

SECTION IV. The Common Council hereby accepts the report and recommendation of the Community Investment Committee that the area herein described be designated as an Economic Revitalization Area and hereby adopts a Resolution designating this area as an Economic Revitalization Area for purposes of real property tax abatement.

SECTION V. The designation as an Economic Revitalization Area shall be limited to two (2) calendar years from the date of the adoption of this Resolution by the Common Council.

SECTION VI. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of (8) eight years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.

SECTION VII. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana

Code § 5-3-1 and Indiana Code § 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

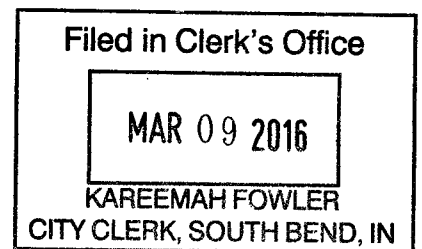
SECTION VIII. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council

PRESENTED

NOT APPROVED

ADOPTED



TAX ABATEMENT REPORT

TO: SOUTH BEND COMMON COUNCIL

FROM: AARON KOB

SUBJECT: REAL PROPERTY TAX ABATEMENT PETITION FOR:
East Bank South Bend Development, LLC

DATE: March 8, 2016

On Wednesday, March 9, 2016, a petition from East Bank South Bend Development, LLC was received and subsequently filed with the City Clerk for real property tax abatement consideration for property to be located at 215 Sycamore Street, South Bend, IN 46617. Pursuant to Chapter 2, Article 6, Section 2-84.2 of the Municipal Code of the City of South Bend, this petition was referred to the Department of Community Investment for purposes of investigation and preparation of a report determining whether the area qualifies as an Economic Revitalization Area pursuant to I.C.6-1.1-12.1 and whether all zoning requirements have been met.

The Department of Community Investment has reviewed the petition (a copy of which is attached), investigated the area, and makes the following report.

PROJECT SUMMARY

- Estimated \$2,500,000 construction of a six story mixed use building with ground floor commercial and residential on floors 2-5 along with a common area on the sixth floor. The ground floor commercial space will be approximately 3200 square feet. Each floor of the residential units will consist of a one, two, and three bedroom apartment for a total of 12 residential units.
- Estimated total taxes on new and existing building construction during the eight year abatement period – \$580,917
- Estimated taxes being abated on new building construction during the eight year abatement period – \$234,495
- Estimated taxes to be paid on new and existing building construction during the eight year abatement period – \$346,422

EMPLOYMENT IMPACT

Per the petition, it is estimated that the total project will:

- Create 2 permanent, full-time jobs within the eight year abatement period, representing a new estimate annual payroll of \$91,520
- 14 total jobs will be retained with a total annual payroll of \$640,640

ABATEMENT QUALIFICATION

1. A review of the tax abatements previously granted, finds that the petitioner has been granted or associated with previous abatements.
2. The Building Commissioner has reviewed the petition and finds the property to be properly zoned for the proposed project.
3. A review of the South Bend Redevelopment designation areas finds that the property is located in the River West Development Area.
4. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner meets the qualifications for an (8) eight-year real property tax abatement under section 2-84.2, Real Property Tax Abatement.

East Bank South Bend Development, LLC

South Bend Portage Township
Real Property Tax Abatement Schedule*

Assessed Value:	Current AV & Tax	Without Abatement	100% Year 1	88% Year 2	75% Year 3	63% Year 4	50% Year 5	38% Year 6	25% Year 7	13% Year 8
Current Assessed Value	6,100	6,100	6,100	6,100	6,100	6,100	6,100	6,100	6,100	6,100
Base Assessed Value	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000
Less Abatement Deduction	0	(2,000,000)	(1,500,000)	(1,760,000)	(1,260,000)	(1,000,000)	(1,000,000)	(760,000)	(500,000)	(260,000)
Net Assessed Value	6,100	2,006,100	6,100	246,100	506,100	746,100	1,006,100	1,246,100	1,506,100	1,746,100
Property Taxes:										
Assume constant tax rate of	5.4968%	5.4968%	5.4968%	5.4968%	5.4968%	5.4968%	5.4968%	5.4968%	5.4968%	5.4968%
Gross Tax (tax rate x net assessed value)	335	110,272	335	13,528	27,819	41,012	55,303	68,496	82,787	95,980
Less Circuit Breaker Credit	(115)	(37,657)	0	0	0	0	0	(591)	(13,271)	(24,976)
Net Tax	221	72,615	335	13,528	27,819	41,012	55,303	67,905	69,516	71,003
Circuit Breaker Cap										
Circuit Breaker	183	60,183	60,183	60,183	60,183	60,183	60,183	60,183	60,183	60,183
Debt Service	38	12,432	38	1,525	3,136	4,624	6,235	7,722	9,333	10,820
Circuit Breaker Cap	221	72,615	60,221	61,708	63,319	64,807	66,418	67,905	69,516	71,003

Year	Existing Taxes	New Project Taxes	Combined Existing & New Taxes	Tax Abated	Net Tax Paid
1	221	72,394	72,615	72,279	335
2	221	72,394	72,615	59,087	13,528
3	221	72,394	72,615	44,795	27,819
4	221	72,394	72,615	31,603	41,012
5	221	72,394	72,615	17,311	55,303
6	221	72,394	72,615	4,710	67,905
7	221	72,394	72,615	3,098	69,516
8	221	72,394	72,615	1,611	71,003
Totals	1,766	579,151	580,917	234,495	346,422

*This schedule is for estimation purposes only and assumes constant tax rates. The true tax values will ultimately be determined by the actual assessed valuation and the then current tax rates.

City of South Bend Petition for Incentives

Petition must include a \$250 filing fee payable to the City Clerk's Office or online via the City's website at <http://southbend.in.gov/government/content/or-ebate.htm> before processing can be complete



General Information		Project Name	East Bank Flats	Project Number	
Legal name of state with authority of State	East Bank South Bend Development, LLC				
Business structure	Single member LLC				
Company website	MatthewsLLC.com				
Proposed Project Information					
Proposed project address	215 Sycamore St	Parent company name			
City/State/Zip	South Bend, IN 46617	Legal owner	East Bank South Bend Development, LLC		
Site acreage on which is requested	.1	Is there a (state owned or private)	Owned		
Square feet of facility	16,000	Released by whom			
Primary Contact Information					
Primary company contact name	David Matthews	Title	Member		
Address of company contact	121 S. Niles Ave	Phone	674-607-4271		
City/State/Zip	South Bend, IN 46617	Email	David@MatthewsLLC.com		
Senior Official Information					
Company senior official name	David Matthews	Title	Member		
Address of company contact (if different from above)		Phone			
City/State/Zip		Email			
Consultant Information/Agent					
Hired business consultant/agent name		Consultant release (Y/N)			
Address		Local economic development partners approval (Y/N)			
City/State/Zip		Email			
Project Overview					
Brief description of your company project and why the property is necessary for economic growth	Construction of a 6 story mixed use building with ground floor commercial and residential on floors 2, 3, 4 and 5, and a common area on floor 6. Commercial ground floor space is approximately 3,200 square feet. The objective is to test the market for new residential apartments in South Bend's Central Business District. Each of the floors 2 - 5 will consist of a one bedroom apartment, a two bedroom apartment and a three bedroom apartment. The total # of residential units is 12. The building is to be built adjacent to the the East Bank Townhomes, facing Sycamore St.				
Certified technology park appropriate					
Community revitalization/enhancement district					
Can this petition for personal property tax abatement be used?	Y	Number of residential units created by project	12		
If this is a petition for personal property tax abatement has the equipment been installed?					

Filed in Clerk's Office

MAR 09 2016

**KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN**

Investment Details			
Public investment received (if any) (in dollars)	Has any soft funding been received?	What is the value of any equipment being purchased in Indiana for the project?	What is the value of any equipment being purchased from out of state for the project?
0	No		

New Project Investments

Calendar Year	2015	2016	2017	2018	2019	2020	2021	2022
Land Acquisition	\$ 8,400	\$ 0						
Building Lease Payments	\$ 0	\$ 0						
Building Purchase Cost	\$ 0	\$ 0						
New Building Construction	\$ 20,000	\$ 2,600,000						
Existing Building Improvements	\$ 0	\$ 0						
New Machinery & Equipment	\$ 0	\$ 0						
Special Tooling/Retooling	\$ 0	\$ 0						
New Furniture/Fixture	\$ 0	\$ 10,000						
New Computer/IT Hardware	\$ 0	\$ 0						
New Software	\$ 0	\$ 7,000						
On-site IT Infrastructure	\$ 0	\$ 0						
Off-site IT Infrastructure	\$ 0	\$ 15,000						
TOTAL								

Full-Time Permanent Indiana-Resident Positions by Calendar Year

Calendar Year	Jobs Offered	Total Hourly Wages w/o Bonus	Cumulative Total NEW Full-time permanent jobs (and a project)	Hourly wage range w/o benefits/bonus, of cumulative total jobs	Total Training expenditure - not cumulative	Total Jobs trained - not cumulative
2015	14	22				
2016			2	22		
2017						
2018						
2019						
2020						
2021						
2022						
2023						
2024						
2025						
2026						

Provide hourly wage information for new employees in the following positions.

	Full-time	Part-time
Laborer	15	12.50
Technical	16	15
Managerial	20	15
Administrative	15	15

Who will be the individual responsible for coordinating with WorkOne on your offer? **David Matthews**

Do you or your company have a recruitment policy? Yes No Applicable to 50 employees? Yes No

Please list the number of full time and part time minority and/or female employees for each of the last three years:

Category	2014		2015		2016	
	Full-time	Part-time	Full-time	Part-time	Full-time	Part-time
African	0	1	1	0	1	0
Hispanic	0	0	0	0	0	0
Asian	0	0	0	0	0	0
Indian	1	0	1	0	1	0
Female	3	0	8	0	5	0
Other						

Please describe your commitment to diversity and inclusion by detailing your outreach and recruitment efforts for the last three years as well as current policies.

Open door, facebook posts, open door and conversations with WorkOne, Ivy Tech, WEI and Spark programs at St. Marys.

Complete below for Real or Personal Property Tax Abatement only.
Please sign for all requested incentives.

Public Benefit Item:					
Information is required on both the construction companies and the companies which will provide materials purchased for this project. Please complete the table below with the appropriate information. If you qualify for the points, please enter the full amount of available points.			Qualify (Yes or No)	Earned Points	Available Points
1	Construction Related (Contractors):				
	A.	Employ Local Companies (75%)	Yes	20	20
	B.	Purchase Materials from Local Companies (75%)	Yes	20	20
	C.	Require Employees vs. Independent Contractors	Yes	19	19
	D.	Require Prevailing Wage (Davis Bacon)	No	0	22
	E.	Require Health Benefits	No	0	22
	F.	Require Pension Benefits	No	0	18
	G.	Maintain Affirmative Action Plan	Yes	20	20
			Sub-total Construction Related:		79
2	Wage & Benefit Related (Owner):				
	A.	Pay Target Wage Levels	Yes	33	33
	B.	Provide Health Benefits	Yes	34	34
	C.	Provide Pension Benefits	No	0	29
	D.	Provide Training	Yes	28	28
	E.	Provide Child Care	Yes	15	15
	F.	Provide Transportation Assistance	Yes	14	14
	G.	Provide Employer Assisted Housing program	Yes	9	9
		Sub-total Wage & Benefit Related		133	162
3	Workforce Related:				
	A.	Create New Jobs	Yes	42	42
	B.	Retain Existing Jobs	Yes	41	41
	C.	Maintain Affirmative Action Plan	Yes	35	35
	D.	Provide Targeted Hiring Preference	No	0	34
		Sub-total Workforce Related:		118	152
4	Support a Municipal Facility:				
	A.	Support a SB Municipal Facility (donations to the zoo, conservatory, museum, etc.)		84	84
		Name of Facility:			
		Sub-total Municipal Facility:		84	84
Sub-total from Above:			414	539	

The undersigned owner(s) of real property, located within the City of South Bend, hereby petition the Common Council of the City of South Bend for a real and/or personal property tax abatement consideration and pursuant to I.C. 6-1.1-12.1-1, et seq., and South Bend Municipal Code Sec. 2-76 et seq., for this petition state the above.

Submitted By:

Date:

3/6/2016

What is the current assessed value?	Real Property:	6,100	Personal Property:	0
What is the projected assessed value?	Real Property:	0	Personal Property:	0
What is the tax key number for this project?	018-5003-005808			
What is the six digit NAICS code?				
Please attach the Google Map and Street View of the location.				
Please list the amount of real and personal property taxes paid for the last five years with an applicable:	Real Property Taxes:	Personal Property Taxes:		
Year One	0	0		
Year Two	0	0		
Year Three	0	0		
Year Four	0	0		
Year Five	0	0		

Staff Use Only

Please fill out the Public Benefit Summary Information and add to the total from above.

Public Benefit Item		(Yes/No)	Points	Points
Project Related:				
5	A. Redevelop a Site that has Special Needs			49
	B. Develop based on Local University Research			35
	C. Achieve a Physical Element of a Plan		36	36
	Sub-total Project Related:		36	120
Super-Size Projects (point values are cumulative):				
6	A. 100% to 199%		25	25
	B. 200% to 299%		68	68
	C. 300% to 399%			65
	D. 400% and Over			52
	Sub-total Super-Size Projects:		93	210
Pay for Municipal Infrastructure:				
7	A. Pay for Oversizing of Upgrading			14
	B. Pay for 25-50% of Extension Cost			26
	C. Pay for 51-75% of Extension Cost			39
	D. Pay for 76-100% of Extension Cost			52
	Sub-total Infrastructure Related:		0	131
Total from Applicant Section:			414	539
Total from Staff Section:			129	461
Total Public Benefit Points:			543	1000

Supplement to Petition for Incentives Frequently Asked Questions

We are frequently asked to explain the following questions, in an effort to clarify we are providing answers below.

1) How do I pay my petition filing fee?

Your petition filing fee can be paid either in person or via mail to:

**City Clerk's Office
Attn: Deputy City Clerk
227 West Jefferson Blvd. • Suite 400 S
South Bend, Indiana 46601**

Or online via paypal at:

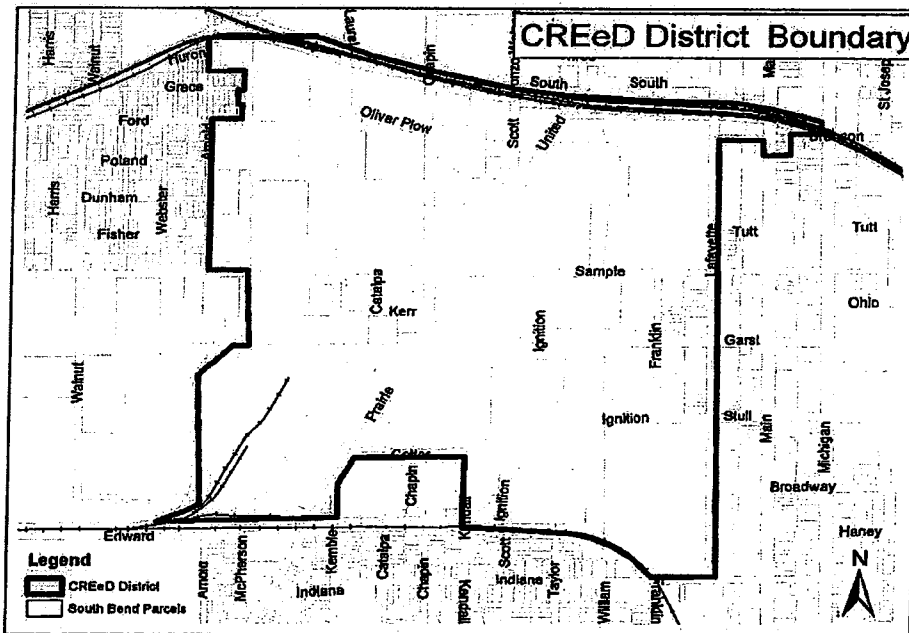
<http://southbendin.gov/government/content/tax-abatement>

2) Certified Technology Park appropriate? (Page one, under project overview)

In the South Bend area there are only two Certified Technology Parks, Innovation Park and Ignition Park. If your property is not located in either then the answer would be no.

3) Community Revitalization Enhancement District? (Page one, under project overview)

The map below outlines the CREED area, please check to see if you fall within the boundaries.



4) Has any 504 funding been received? (Page one, under investment details)

504 Funding is a loan that come from the Small Business Administration. This funding must be applied for to be received.

5) Total training expenditure – not cumulative (Page two, under full time Indiana resident positions)

The amount of money to be spent per year on training over the course of the project.

6) Total number to be trained – not cumulative (Page two, under full time Indiana resident positions)

The amount of people that you will train per year over the length of the project.

If you have any additional questions that are not addressed by this document, please contact Sarah Heintzelman in the Department of Community Investment at 574.235.5842 or email at sheintze@southbendin.gov



**STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R4 / 2-13)
Prescribed by the Department of Local Government Finance

20 <u> </u> PAY 20 <u> </u>
FORM SB-1 / Real Property
PRIVACY NOTICE
The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1(c) and (d).

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
 Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
- Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, BEFORE a deduction may be approved.
- To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. If the property owner misses the May 10 deadline in the initial year of occupation, he can apply between March 1 and May 10 of a subsequent year.
- Property owners whose Statement of Benefits was approved after June 30, 1991, must attach a Form CF-1/Real Property annually to the application to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.1(b) and IC 6-1.1-12.1-5.3(j)).
- The schedules established under IC 6-1.1-12.1-4(d) for rehabilitated property apply to any economic revitalization areas designated after June 30, 2000, unless an alternative deduction schedule is adopted by the designating body (IC 6-1.1-12.1-17). The schedules effective prior to July 1, 2000, shall continue to apply to economic revitalization areas designated before July 1, 2000.

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer East Bank South Bend Development, LLC		
Address of taxpayer (number and street, city, state, and ZIP code) 121 S. Niles Ave, South Bend, IN 46617		
Name of contact person David Matthews	Telephone number 674 607 4271	E-mail address David@MatthewsLLC.com

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body South Bend Common Council	Resolution number
Location of property 215 Sycamore St, South Bend, IN 46617 St. Joseph County	County
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) Construction of a 6 story mixed use building with ground floor commercial and residential on floors 2, 3, 4 and 5, and a common area on floor 6.	DLGF taxing district number
	Estimated start date (month, day, year) May 1, 2016
	Estimated completion date (month, day, year) September 1, 2016

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
14	768,000	14	14	2	90,000

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values	8,500	6,100
Plus estimated values of proposed project	2,500,000	2,125,000
Less values of any property being replaced	0	0
Net estimated values upon completion of project	2,508,500	2,131,100

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (pounds) _____	Estimated hazardous waste converted (pounds) _____
--	--

Other benefits _____

SECTION 6 TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative 	Title Member	Date signed (month, day, year) 3/6/2016
--	-----------------	--

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

A. The designated area has been limited to a period of time not to exceed _____ calendar years* (see below). The date this designation expires is _____.

B. The type of deduction that is allowed in the designated area is limited to:

- 1. Redevelopment or rehabilitation of real estate improvements Yes No
- 2. Residentially distressed areas Yes No

C. The amount of the deduction applicable is limited to \$ _____.

D. Other limitations or conditions (specify) _____

E. The deduction is allowed for _____ years* (see below).

F. Did the designating body adopt an alternative deduction schedule per IC 6-1.1-12.1-17? Yes No
If yes, attach a copy of the alternative deduction schedule to this form.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body)	Telephone number ()	Date signed (month, day, year)
Attested by (signature and title of attester)	Designated body	

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4.

A. For residentially distressed areas, the deduction period may not exceed five (5) years.

B. For redevelopment and rehabilitation or real estate improvements:

- 1. If the Economic Revitalization Area was designated prior to July 1, 2000, the deduction period is limited to three (3), six (6), or ten (10) years.
- 2. If the Economic Revitalization Area was designated after June 30, 2000, and is not in a residentially distressed area, the deduction period may not exceed ten (10) years.

227 W. JEFFERSON BOULEVARD
SUITE 1400 S.
SOUTH BEND, IN 46601-1830



PHONE: 574/235-9371
FAX: 574/235-9021

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
COMMUNITY INVESTMENT
SCOTT FORD, EXECUTIVE DIRECTOR

March 8, 2016

Council Member Gavin Ferlic, Chairperson
Community Investment Committee
South Bend Common Council
4th Floor, County City Building
South Bend, IN 46601

RE: Personal Property Tax Abatement Petition for: **Spectron mrc, LLC.**

Dear Council Member Ferlic:

Please find the attached information pertaining to a personal property tax abatement petition for Spectron mrc, LLC:

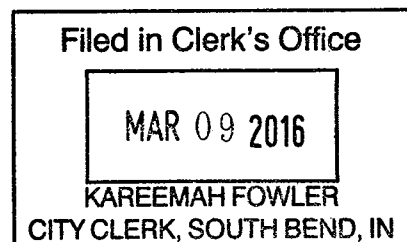
- Department of Community Investment's summary report
- Copy of the petition
- Statement of Benefits form
- Supporting information.

The report contains the Department's findings relative to the above petition. Spectron mrc, LLC will be investing approximately \$2,780,000 in the purchase of new pharmaceutical equipment. Spectron mrc, LLC will be leasing space in the newly constructed Ignition Park Catalyst Two building. The project meets the qualifications for a (5) five year personal property tax abatement. A representative from Spectron mrc, LLC will be available to meet with the Committee on Monday, March 14, 2016.

Should you or any of the other Council members have any questions concerning the report, or need additional information, please feel free to call me at 235-5823.

Sincerely,

Aaron Kobb
Director of Economic Resources



RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN
THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

1265 Franklin, Catalyst Two Building, Ignition Park, South Bend, IN 46601

AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A
(5) FIVE-YEAR PERSONAL PROPERTY TAX ABATEMENT FOR:

Spectron mrc, LLC

WHEREAS, a petition for personal property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area commonly known as 1265 Franklin, Catalyst Two Building, Ignition Park, South Bend, IN 46601 and which is more particularly described as follows:

Business Personal Property

and which has a Key Number to be assigned be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq., and;

WHEREAS, the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under Indiana Code 6-1.1-12.1, et seq., and South Bend Municipal Code Sections 2-76, et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council hereby determines and finds pursuant to Indiana Code 6-1.1-12.1-4.5 et seq., that:

- a. The estimate of the cost of the new manufacturing equipment is reasonable for

- equipment of that type;
- b. That the estimate of the number of individuals that will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed installation of new manufacturing equipment;
- c. That the estimate of the annual salaries of those individuals that will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed installation of new manufacturing equipment;
- d. Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed new manufacturing equipment; and
- e. The totality of benefits is sufficient to justify the deduction requested.

SECTION II. The Common Council hereby determines and finds that the proposed new equipment can be reasonably expected to yield the benefits identified in the Statement of Benefits as set forth in Sections 1 through 3 of the Petition for Personal Property Tax Abatement Consideration and that Statement of Benefits form completed by the petitioner, said form being prescribed by the State Board of Accounts, are sufficient to justify the deduction granted under Indiana Code 6-1.1-12.1-4.5.

SECTION III. The Common Council hereby accepts the report and recommendation of the Department of Community Investment, and the Community Investment Committee's favorable recommendation, that the area herein described be designated as an Economic Revitalization Area for purposes of personal property tax abatement and hereby makes such a designation.

SECTION IV. The Common Council determines that such designation is for personal property tax abatement only and shall be limited to two (2) calendar years from the date of the adoption of this Resolution by the Common Council.

SECTION V. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of (5) five years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.

SECTION VI. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Personal Property Tax Abatement to be published pursuant to Indiana Code 5-3-1, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

SECTION VII. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

PRESENTED
 NOT APPROVED
 ADOPTED

Member of the Common Council

Filed in Clerk's Office
 MAR 09 2016
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN

TAX ABATEMENT REPORT

TO: SOUTH BEND COMMON COUNCIL

FROM: AARON KOB

SUBJECT: PERSONAL PROPERTY TAX ABATEMENT PETITION FOR:
Spectron mrc, LLC

DATE: March 8, 2016

On Monday, March 7, 2016, a petition from Spectron mrc, LLC was received and subsequently filed with the City Clerk for personal property tax abatement consideration for property to be located at 1265 Franklin, Catalyst Two Building, Ignition Park, South Bend, IN 46601. Pursuant to Chapter 2, Article 6, Section 2-84.2 of the Municipal Code of the City of South Bend, this petition was referred to the Department of Community Investment for purposes of investigation and preparation of a report determining whether the area qualifies as an Economic Revitalization Area pursuant to I.C.6-1.1-12.1 and whether all zoning requirements have been met.

The Department of Community Investment has reviewed the petition (a copy of which is attached), investigated the area, and makes the following report.

PROJECT SUMMARY

- Purchase of approximately \$2,780,000 of new pharmaceutical equipment.
- Estimated total taxes on new equipment over the five abatement period – \$238,487
- Estimated taxes abated on new equipment over the five abatement period – \$109,315
- Estimated taxes to be paid on new equipment over five year abatement period – \$129,172

EMPLOYMENT IMPACT

Per the petition, it is estimated that the total project will:

- Create 39 permanent, full-time jobs within the five year abatement period, representing a new estimated annual payroll of \$2,022,592
- 8 total jobs will be retained with a total annual payroll of \$582,400

ABATEMENT QUALIFICATION

1. A review of the tax abatements previously granted, finds that the petitioner has not been granted or associated with any previous abatements.
2. The Building Commissioner has reviewed the petition and finds the property to be properly zoned for the proposed project.
3. A review of the South Bend Redevelopment designation areas finds that the property is located in the River West Development Area.
4. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner meets the qualifications for a (5) five-year personal property tax abatement under section 2-84.2, Tangible Personal Property Tax Abatement.

RESOLUTION NO. _____

A RESOLUTION CONFIRMING THE ADOPTION OF A
DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS
WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY
KNOWN AS

**1265 Franklin, Catalyst Two Building, Ignition Park, South Bend, IN
46601**

AS AN ECONOMIC REVITALIZATION AREA FOR
PURPOSES OF A FIVE (5) YEAR PERSONAL
PROPERTY TAX ABATEMENT FOR

Spectron mrc, LLC

WHEREAS, the Common Council of the City of South Bend, Indiana, has adopted a Declaratory Resolution designating certain areas within the City as Economic Revitalization Areas for the purpose of tax abatement consideration; and

WHEREAS, a Declaratory Resolution designated the area commonly known as 1265 Franklin, Catalyst Two Building, Ignition Park, South Bend, IN 46601 and which is more particularly described as follows:

Business Personal Property

and which has Key Numbers to be assigned be designated as an Economic Revitalization Area; and

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing for the purposes of hearing all remonstrances and objections from interested persons; and

WHEREAS, the Council has determined that the qualifications for an economic revitalization area have been met.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council hereby confirms its Declaratory Resolution designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such designation is for personal property tax abatement only and is limited to two (2) calendar years from the date of adoption of the Declaratory Resolution by the Common Council.

SECTION II. The Common Council hereby determines that the property owner is qualified for and is granted personal property tax deduction for a period of five (5) years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17 and further determines that the petition, the Memorandum of Agreement between the Petitioner and the City of South Bend, and the Statement of Benefits comply with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12 et seq.

SECTION III. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approved by the Mayor.

Member of the Common Council

RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN
THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

1265 Franklin, Catalyst Two Building, Ignition Park, South Bend, IN 46601

AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A
(5) FIVE-YEAR PERSONAL PROPERTY TAX ABATEMENT FOR:

Spectron mrc, LLC

WHEREAS, a petition for personal property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area commonly known as 1265 Franklin, Catalyst Two Building, Ignition Park, South Bend, IN 46601 and which is more particularly described as follows:

Business Personal Property

and which has a Key Number to be assigned be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq., and;

WHEREAS, the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under Indiana Code 6-1.1-12.1, et seq., and South Bend Municipal Code Sections 2-76, et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council hereby determines and finds pursuant to Indiana Code 6-1.1-12.1-4.5 et seq., that:

- a. The estimate of the cost of the new manufacturing equipment is reasonable for

- equipment of that type;
- b. That the estimate of the number of individuals that will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed installation of new manufacturing equipment;
 - c. That the estimate of the annual salaries of those individuals that will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed installation of new manufacturing equipment;
 - d. Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed new manufacturing equipment; and
 - e. The totality of benefits is sufficient to justify the deduction requested.

SECTION II. The Common Council hereby determines and finds that the proposed new equipment can be reasonably expected to yield the benefits identified in the Statement of Benefits as set forth in Sections 1 through 3 of the Petition for Personal Property Tax Abatement Consideration and that Statement of Benefits form completed by the petitioner, said form being prescribed by the State Board of Accounts, are sufficient to justify the deduction granted under Indiana Code 6-1.1-12.1-4.5.

SECTION III. The Common Council hereby accepts the report and recommendation of the Department of Community Investment, and the Community Investment Committee's favorable recommendation, that the area herein described be designated as an Economic Revitalization Area for purposes of personal property tax abatement and hereby makes such a designation.

SECTION IV. The Common Council determines that such designation is for personal property tax abatement only and shall be limited to two (2) calendar years from the date of the adoption of this Resolution by the Common Council.

SECTION V. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of (5) five years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.

SECTION VI. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Personal Property Tax Abatement to be published pursuant to Indiana Code 5-3-1, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

SECTION VII. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council

Spectron mrc, LLC

South Bend Portage Township
Personal Property Tax Abatement Schedule*

Tax Key Number	TBD				
Current Assessed Value:	0				
Estimated Project Cost:	2,780,000				
	40%	55%	45%	37%	
	100%	60%	40%	20%	
	Year 1	Year 2	Year 3	Year 4	Year 5
Assessed Value:	Current	Pay 2017	Pay 2018	Pay 2019	Pay 2020
Current Assessed Value	AV & Tax	0	0	0	0
Base Assessed Value	100%	1,112,000	1,668,000	1,529,000	1,251,000
Less Abatement Deduction		(1,112,000)	(1,334,400)	(917,400)	(500,400)
Net Assessed Value		0	333,600	611,600	750,600
					822,880

Property Taxes:

Assume constant tax rate of

Gross Tax (tax rate x net assessed value)	5.4968%	5.4968%	5.4968%	5.4968%	5.4968%
Less Circuit Breaker Credit	0	18,337	33,619	41,259	45,232
Net Tax	0	0	0	0	(9,275)
		18,337	33,619	41,259	35,957

Circuit Breaker Cap

Circuit Breaker Cap	3.0000%	33,360	50,040	45,870	37,530	30,858
Debt Service	0.6197%	0	2,067	3,790	4,651	5,099
Circuit Breaker Cap	0	33,360	52,107	49,660	42,181	35,957

Year	Existing Taxes	New Project Taxes	Combined Existing & New Taxes	Tax Abated	Net Tax Paid
Year 1	0	40,251	40,251	40,251	0
Year 2	0	60,376	60,376	42,039	18,337
Year 3	0	55,345	55,345	21,727	33,619
Year 4	0	45,282	45,282	4,023	41,259
Year 5	0	37,232	37,232	1,275	35,957
Totals	0	238,487	238,487	109,315	129,172

*This schedule is for estimation purposes only and assumes constant tax rates. The true tax values will ultimately be determined by the actual assessed valuation and the then current tax rates.

City of South Bend

Petition for Incentives

Petition must include a \$250 filing fee, payable to the City Clerk's Office or on-line via the City's website at <http://southbend.in.gov/government/content/fee-abatement> before processing can be complete.



General Information Project Name _____ Project Number _____

Property name(s) registered with Secretary of State	Spectron mrc, LLC; Spectron Equipment, LLC; Spectron Land, LLC		
Business structure	Delaware LLCs		
Company website	www.spectronmrc.com		

Proposed Project Information

Proposed project address	Catalyst Two; Ignition Park	Parent company name	Spectron mrc, LLC
City, State, ZIP	South Bend, Indiana	Local owner	Gregory S. Hiatt
Site address or project completed	Building already completed	Is the real estate owned or leased?	leased
Square feet of facility	11,400	If leased by whom	Great Lakes Capital

Primary Contact Information

Primary company contact name	Gregory S. Hiatt	Title	President/CEO/Managing Director
Address of company contact	17490 Dugdale Drive	Phone	574-271-2800
City, State, ZIP	South Bend, Indiana 46635	Email	g.hiatt@spectronmrc.com or TARQY@sbcglobal.net

Senior Official Information

Company senior official name	Gregory S. Hiatt	Title	President/CEO/Managing Director
Address of company contact (if different from above)		Phone	
City, State, ZIP	same	Email	same

Consultant Information/Agent

Hired business consultant/agent name	none	consultant release (Y/N)	NA
Address		Local economic development partners approval (Y/N)	
City, State, ZIP		Email	

Project Overview

<p>Brief description of your company, project, and why the property is necessary for economic growth.</p>	<p>Spectron mrc, LLC is a PET (positron emission tomography) radiopharmacy and radiopharmaceutical manufacturer. The company operates a cyclotron that creates positron emitting radioactive isotopes for the use in manufacturing pharmaceuticals used in nuclear medicine departments within hospitals and clinics. Additionally, Spectron mrc, fills prescriptions written by local physicians and distributes the prescriptions to the hospitals and clinics involved.</p> <p>In addition to the hospitals and clinics using PET radiopharmaceuticals, they also need and use, on a daily basis, a different radionuclide for nuclear cardiology, nuclear bone imaging, lung, liver and kidney diagnostic studies. The radionuclide needed is Technetium-99m and has had periods of product interruption over the last several years with the product shortage situation predicted to get more severe in the years going forward.</p> <p>The new business is to operate a higher energy cyclotron and produce the technetium-99m. The business plan is to distribute compounded radiopharmaceuticals using the technetium-99m produced in our cyclotron. The hospitals and clinics being serviced by our radiopharmacy (which is a 2 to 3 hour delivery radius) won't be subject to the world wide shortages. This business advantage these health care providers will have will improve local patient care and enhance the reputation of the local health care facilities given that these health care providers will not have a product supply shortage other non-associated health care providers will have. The hospitals are very supportive of this project and several have already signed long term supply/purchase agreements with Spectron mrc.</p>
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In the years ahead, Spectron mrc will be able to produce and supply other research, diagnostic and therapeutic

Certified technology Park appropriate	YES		
Community/Local/State Enhancement Benefit	YES		
Does the building shell exist?	The building shell is complete	Number of residential units created by project	10-5
Full application to personal property tax abatement has the equipment been installed	The equipment has not been purchased nor installed		

Filed in Clerk's Office
MAR 09 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

Investment Details

Public infrastructure needs (On-site or project in dollars)	Has any 501(c)(3) funding been received?	What is the value of any equipment being purchased in Indiana for the project?	What is the value of any equipment being purchased from out of state for the project?
I think all roadways, utilities and	No	\$1,400,000.00	\$2,700,000.00

New Project Investments

Calendar Year	2015	2016	2017	2018	2019	2020	2021	2022
Land Acquisition	\$ 0	\$ 0						
Building Improvements	\$ 0	\$ 100,000	\$ 240,000	\$ 240,000	\$ 240,000	\$ 240,000	\$ 240,000	\$ 240,000
Building Purchase Costs	\$ 0	\$ 0						
New Building Construction	\$ 0	\$ 0						
Existing Building Improvements	\$ 0	\$ 1,200,000			\$ 15,000		\$ 5,000	
New Machinery/Equipment		\$ 2,700,000				\$ 30,000		
Specialty Tooling/Retrofitting		\$ 80,000				\$ 10,000		
New Furniture/Fixtures		\$ 10,000			\$ 5,000			\$ 3,000
New Computer/IT Hardware		\$ 12,000		\$ 5,000	\$ 5,000		\$ 3,000	
New Software		\$ 15,000	\$ 2,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000	\$ 3,000
On-site Rail Infrastructure								
On-site Road Infrastructure								
TOTAL								

Full-Time Permanent Indiana-Resident Positions by Calendar Year

Calendar Year	Jobs retained	Total hourly wage w/o fringe or bonuses	Cumulative of new NE full-time permanent jobs created in jobs	Hourly average wage w/o benefits or bonuses of cumulative new hires	Total training expenditure to cumulative	Total jobs retained - no change
2015	5-Professional FTEs/3-deliv	\$50.00/\$10.0				
2016			5-Professional FTEs + 5-Delivery FTEs	\$34.20/\$10.00	5x\$35k / 5x\$	10 FTEs (15
2017			5-Prof FTEs + 5-Del. FTEs	\$34.20/\$10.00	5x\$35k / 5x\$	10 FTEs (15
2018			5-Prof FTEs + 6-Del. FTEs	\$47.20 / \$11.00	5x\$37k / 6x\$	11 FTEs (18
2019			2-Prof FTEs + 3-Del. FTEs	\$47.20 / \$11.00		
2020			1-Prof FTE + 2-Del. FTEs	\$79.00/\$11.00		
2021						
2022						
2023						
2024						
2025						
2026						

Provide hourly wage information for new employees in the following positions.

	Full-time	Part-time
Laborers		\$9.00/hr - \$13.00/hr
Technical	\$20.00/hr - \$55.00/hr	\$25.00/hr - \$35.00/hr
Managerial	\$25.00/hr - \$100.00/hr	\$70.00/hr - \$20.00/hr
Administrative	\$25.00/hr - \$75.00/hr	

Who will be the individual responsible for coordinating with WorkOne on recruitment? **Gregory S. Hiatt**

Does your company have an EEO hiring policy? **yes** Are you a federal employer? **yes**

Please list the number of full time and part time minority and/or female employees for each of the last three years:

Year	2013		2014		2015	
	Full-time	Part-time	Full-time	Part-time	Full-time	Part-time
Black						
Hispanic						
Asian						
Indian						
Female	1		1		1	
Other						

Please describe your commitment to diversity and inclusion by detailing any your outreach and recruitment efforts for the last three years as well as current efforts.

Spectron mrc has had very little growth and has retained all of the current full time technical/professional staff for eight to 14 years. The delivery personnel has had some turnover and adds have been run in the newspaper.

The company is committed equal opportunity employment but hasn't seen an opportunity to hire minority groups.

**Complete below for Real or Personal Property Tax Abatement only.
Please sign for all requested incentives.**

Public Benefit Item					
Information is required on both the construction companies and the companies which will provide materials purchased for this project. Please complete the table below with the appropriate information. If you qualify for the points, please enter the full amount of available points.		Qualify (Yes or No)	Earned Points	Available Points	
1	Construction Related (Contractors):				
	A	Employ Local Companies (75%)		20	
	B	Purchase Materials from Local Companies (75%)		20	
	C	Require Employees vs. Independent Contractors		19	
	D	Require Prevailing Wage (Davis Bacon)		22	
	E	Require Health Benefits		22	
	F	Require Pension Benefits		18	
	G	Maintain Affirmative Action Plan		20	
		Sub-total Construction Related:		0	141
2	Wage & Benefit Related (Owner):				
	A	Pay Target Wage Levels	yes	33	33
	B	Provide Health Benefits	yes	34	34
	C	Provide Pension Benefits	no		29
	D	Provide Training	yes	28	28
	E	Provide Child Care	no		15
	F	Provide Transportation Assistance	yes	14	14
	G	Provide Employer Assisted Housing program	no		9
	Sub-total Wage & Benefit Related:		109	162	
3	Workforce Related:				
	A	Create New Jobs	yes	42	42
	B	Retain Existing Jobs	yes	41	41
	C	Maintain Affirmative Action Plan	yes	35	35
	D	Provide Targeted Hiring Preferences	yes	34	34
	Sub-total Workforce Related:		152	152	
4	Support a Municipal Facility:				
	A	Support a \$5 Municipal Facility (donations to the zoo, conservatory, museum, etc.)	yes	84	84
		Name of Facility:			
	Sub-total Municipal Facility:		84	84	
Sub-total from Above:			345	539	

The undersigned owner(s) of real property, located within the City of South Bend, hereby petition the Common Council of the City of South Bend for a real and/or personal property tax abatement consideration and pursuant to I.C. 6-1.1-12.1-1, et seq. and South Bend Municipal Code Sec. 2-76, et seq., for this petition state the above.

Submitted By: **Gregory S. Hiatt**

Developing Plans & Solutions
10000 N. Meridian, Suite 1000, South Bend, IN 46706
Tel: 317.332.4271 Fax: 317.332.4272

Date: **March 02, 2016**

What is the current assessed value?	Real Property:		Personal Property:	
What is the projected assessed value?	Real Property:		Personal Property:	
What is the final key number for this project?				
What is the multiple NAICS code?				
Please attach a Google map and street view of the location				
Please list the amount of real and personal property taxes paid for the last five years when applicable	Real Property Taxes:		Personal Property Taxes:	
Year One				
Year Two				
Year Three				
Year Four				
Year Five				

Staff Use Only
Please fill out the Public Benefit Summary Information and add to the total from above.

Public Benefit Item:		(Y or N)	Points	Points
Project Related				
5	A. Redevelop a Site that has Special Needs			49
	B. Develop Based on Local University Research			35
	C. Achieve a Physical Element of a Plan			36
	Sub-total Project Related:		0	120
Super-Size Projects (point values are cumulative)				
6	A. 100% to 199%			25
	B. 200% to 299%			68
	C. 300% to 399%			65
	D. 400% and over			52
	Sub-total Super-Size Projects:		0	210
Pay for Municipal Infrastructure				
7	A. Pay for Oversizing or Upgrading			14
	B. Pay for 25-50% of Extension Cost			26
	C. Pay for 51-75% of Extension Cost			39
	D. Pay for 76-100% of Extension Cost			52
	Sub-total Infrastructure Related:		0	131
Total from Applicant Section:			345	539
Total from Staff Section:			0	461
Total Public Benefit Points:			345	1000



**STATEMENT OF BENEFITS
PERSONAL PROPERTY**

State Form 51764 (R2 / 12-11)

Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

PRIVACY NOTICE

The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1 (c) and (d).

INSTRUCTIONS:

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** a person installs the new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
- Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to installation of the new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment, **BEFORE** a deduction may be approved
- To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and the extended due date of that year.
- Property owners whose Statement of Benefits was approved after June 30, 1991, must submit Form CF-1 / PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
- The schedules established under IC 6-1.1-12.1-4.5(d) and (e) apply to equipment installed after March 1, 2001, unless an alternative deduction schedule is adopted by the designating body (IC 6-1.1-12.1-17).

SECTION 1		TAXPAYER INFORMATION									
Name of taxpayer SPECTRON mrc, LLC; SPECTRON LAND, LLC; SPECTRON EQUIPMENT, LLC											
Address of taxpayer (number and street, city, state, and ZIP code) 17490 Dugdale Drive, South Bend, Indiana 46835											
Name of contact person Gregory S. Hiatt						Telephone number 574-271-2800					
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT									
Name of designating body City of South Bend						Resolution number (s)					
Location of property Catalyst Two, Ignition Park; South Bend, Indiana				County South Bend		DLGF taxing district number					
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (use additional sheets if necessary) MANUFACTURING: 15 MeV Cyclotron to produce radionuclides, Targets for Cyclotron, Solid target transport system					ESTIMATED						
							START DATE	COMPLETION DATE			
					Manufacturing Equipment		May 16, 2016	June 13, 2016			
					R & D Equipment		May 30, 2016	June 13, 2016			
					Logist Dist Equipment		June 13, 2016	July 11, 2016			
		IT Equipment		May 30, 2016	June 13, 2016						
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT									
Current number 9 employees (5 Prof FTEs, 3 Del)		Salaries \$ 750,000.00		Number retained 9 employees		Salaries \$ 750,000.00					
				Number additional 50 New Employees in 4 to 5 yr		Salaries \$ 1,212,000.00 New wages					
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT									
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.		MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT			
		COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE		
		Current values		\$2,300,000.00	\$1,100,000.00	\$150,000.00	\$70,000.00	\$60,000.00	\$25,000.00	\$45,000.00	\$10,000.00
		Plus estimated values of proposed project		\$2,780,000.00		\$ 50,000.00		\$60,000.00		\$27,000.00	
Less values of any property being replaced			\$180,000.00		\$15,000.00		\$6,000.00		\$7,000.00		
Net estimated values upon completion of project		\$3,700,000.00		\$105,000.00		\$79,000.00		\$30,000.00			
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER									
Estimated solid waste converted (pounds) _____				Estimated hazardous waste converted (pounds) _____							
Other benefits: Local supply of radiopharmaceuticals required by local hospitals and clinics that are expected to be in short supply world wide in the next few years. Enhances the communities											
SECTION 6		TAXPAYER CERTIFICATION									
I hereby certify that the representations in this statement are true.											
Signature of authorized representative Gregory S. Hiatt				Title President		Date signed (month, day, year) 2/29/2016					
<small>Digitally signed by Gregory S. Hiatt DN: cn=Gregory S. Hiatt, o=Spectron mrc, LLC, c=PERSONAL, email=Hiatt@spectron.mrc, c=US Date: 2016.02.29 22:38:52 -0500</small>											

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed _____ calendar years * (see below). The date this designation expires is _____.

- B. The type of deduction that is allowed in the designated area is limited to:
- | | | |
|--|------------------------------|-----------------------------|
| 1. Installation of new manufacturing equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Installation of new research and development equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Installation of new logistical distribution equipment. | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Installation of new information technology equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

C. The amount of deduction applicable to new manufacturing equipment is limited to \$ _____ cost with an assessed value of \$ _____.

D. The amount of deduction applicable to new research and development equipment is limited to \$ _____ cost with an assessed value of \$ _____.

E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ _____ cost with an assessed value of \$ _____.

F. The amount of deduction applicable to new information technology equipment is limited to \$ _____ cost with an assessed value of \$ _____.

G. Other limitations or conditions (specify) _____

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction on or after July 1, 2000, is allowed for:

- | | | |
|-------------------------------------|--------------------------------------|--|
| <input type="checkbox"/> 1 year | <input type="checkbox"/> 6 years | ** For ERA's established prior to July 1, 2000, <u>only</u> a 5 or 10 year schedule may be deducted. |
| <input type="checkbox"/> 2 years | <input type="checkbox"/> 7 years | |
| <input type="checkbox"/> 3 years | <input type="checkbox"/> 8 years | |
| <input type="checkbox"/> 4 years | <input type="checkbox"/> 9 years | |
| <input type="checkbox"/> 5 years ** | <input type="checkbox"/> 10 years ** | |

I. Did the designating body adopt an alternative deduction schedule per IC 6-1.1-12.1-17? Yes No
If yes, attach a copy of the alternative deduction schedule to this form.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved: (signature and title of authorized member)	Telephone number ()	Date signed (month, day, year)
Attested by:	Designated body	

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4.5

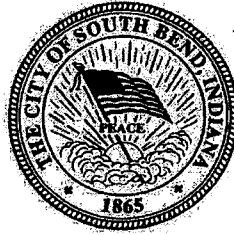
SPECTRON mrc, LLC
March 1, 2016

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment.

MANUFACTURING: 15 MeV Cyclotron to produce radionuclides, Targets for Cyclotron, Solid target transport system, solid target dissolution and separation system, synthesis boxes, hot cells with robotic manipulators, mini cells, gas chromatography, HPLC, TLC, multi channel analyzer, single channel analyzer autoclave, incubator, automated limulus reagent testing system, ph test meter. Lead "L" shields, syringe shields, dose calibrators, GM meters, area monitors, stack and air monitors, filtering system. **IT EQUIPMENT:** Server upgrade for accounting , desk top data entry computers for accounting/book keeping/payroll/ order entry /billing, server for pharmacy system with seven single station systems for unit dose dispensing, several independent computers for the operation of the technical manufacturing and research equipment. **R and D:** Electronic balances, microscope both conventional and electronic, rockers, vortex stirrers, micro pipettes, centrifuges both small test tube and large, glass ware. **Logistical Distribution Equipment:** Vans and/or cars for medical delivery, special radioactive material reusable and disposable delivery containers, tungsten and lead syringe carriers to be used with delivery containers, tungsten and lead vial shields to be used with delivery containers. Charging stations for electric delivery vehicles

227 W. JEFFERSON BOULEVARD
SUITE 1400 S.
SOUTH BEND, IN 46601-1830



PHONE: 574/235-9371
FAX: 574/235-9021

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
COMMUNITY INVESTMENT
SCOTT FORD, EXECUTIVE DIRECTOR

March 8, 2016

Council Member Gavin Ferlic, Chairperson
Community Investment Committee
South Bend Common Council
4th Floor, County City Building
South Bend, IN 46601

RE: Real Property Tax Abatement Petition for: **Cohn & Cohn Investments, LLC**

Dear Council Member Ferlic:

Please find the attached information pertaining to a real property tax abatement petition for Cohn & Cohn Investments, LLC:

- Department of Community Investment's summary report
- Copy of the petition
- Statement of Benefits form
- Supporting information.

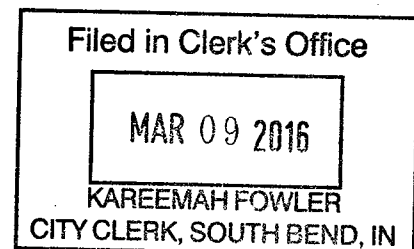
The report contains the Department's findings relative to the above petition. Cohn & Cohn Investments, LLC will be investing approximately \$1,600,000 on the construction of a new commercial distribution and office facility in the Blackthorn Corporate Park. The facility is intended to initially be more than 13,000 square feet to serve and support the expanding operations of UniFirst, which will lease the facility. The project meets the qualifications for a (5) five year real property tax abatement. A representative from Cohn & Cohn Investments, LLC will be available to meet with the Committee on Monday, March 14, 2016.

Should you or any of the other Council members have any questions concerning the report, or need additional information, please feel free to call me at 235-5823.

Sincerely,

A handwritten signature in black ink, appearing to read "A Kobb".

Aaron Kobb
Director Economic Resources



RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN
THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

Blackthorn Corporate Office Park Lot 6, South Bend, IN 46628

AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A
(5) FIVE-YEAR REAL PROPERTY TAX ABATEMENT FOR

Cohn & Cohn Investments, LLC

WHEREAS, a petition for real property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area commonly known as Blackthorn Corporate Office Park Lot 6, South Bend, IN 46628 and which is more particularly described as:

BLACKTHORN CORPORATE OFFICE PARK MINOR SUB #7 LOT 6

and which has Key Numbers 025-1018-062208 be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq., and;

WHEREAS, petitioner has agreed to and has accepted responsibility to report any changes in the final legal description and to report the final, appropriate Key Number to the Department of Community Investment and to the Office of the City Clerk; and

WHEREAS, the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under Indiana Code 6-1.1-12.1, et seq., and South Bend Municipal Code Sections 2-76, et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council hereby determines and finds that the Petition for Real Property Tax Abatement and the Statement of Benefits form completed by the Petitioner meet the

requirements of Indiana Code § 6-1.1-12.1 et seq., for tax abatement.

SECTION II. The Common Council hereby determines and finds the following:

- A. That the description of the proposed redevelopment or rehabilitation meets the applicable standards for such development;
- B. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature;
- C. That the estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed described redevelopment or rehabilitation;
- D. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed redevelopment or rehabilitation;
- E. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation; and
- F. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of Indiana Code § 6-1.1-12.1-3.

SECTION III. The Common Council hereby determines and finds that the proposed described redevelopment or rehabilitation can be reasonably expected to yield benefits identified in the Statement of Benefits, Sections 1 through 3 of the Petition for Real Property Tax Abatement Consideration and the Memorandum of Agreement between the Petitioner and the City of South Bend, and that the Statement of Benefits form completed by the petitioner, said form being prescribed by the State Board of Accounts, are sufficient to justify the deduction granted under Indiana Code § 6-1.1-12.1-3.

SECTION IV. The Common Council hereby accepts the report and recommendation of the Community Investment Committee that the area herein described be designated as an Economic Revitalization Area and hereby adopts a Resolution designating this area as an Economic Revitalization Area for purposes of real property tax abatement.

SECTION V. The designation as an Economic Revitalization Area shall be limited to two (2) calendar years from the date of the adoption of this Resolution by the Common Council.

SECTION VI. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of (5) five years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.

SECTION VII. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana

Code § 5-3-1 and Indiana Code § 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

SECTION VIII. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council

PRESENTED
NOT APPROVED
ADOPTED

Filed in Clerk's Office
MAR 09 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

TAX ABATEMENT REPORT

TO: SOUTH BEND COMMON COUNCIL
FROM: AARON KOBBS
SUBJECT: REAL PROPERTY TAX ABATEMENT PETITION FOR:
Cohn & Cohn Investments, LLC
DATE: March 8, 2016

On Wednesday, March 9, 2016, a petition from Cohn & Cohn Investments, LLC was received and subsequently filed with the City Clerk for real property tax abatement consideration for property to be located at Blackthorn Corporate Office Park Lot 6, South Bend, IN 46628. Pursuant to Chapter 2, Article 6, Section 2-84.2 of the Municipal Code of the City of South Bend, this petition was referred to the Department of Community Investment for purposes of investigation and preparation of a report determining whether the area qualifies as an Economic Revitalization Area pursuant to I.C.6-1.1-12.1 and whether all zoning requirements have been met.

The Department of Community Investment has reviewed the petition (a copy of which is attached), investigated the area, and makes the following report.

PROJECT SUMMARY

- Approximately \$1,600,000 construction of a new commercial distribution and office facility in the Blackthorn Corporate Park. The facility will serve and support the expanding operations of UniFirst, one of the nation's largest workwear and textile service companies.
- Estimated total taxes on new building construction during five year abatement period – \$231,660
- Estimated taxes being abated on new building construction during five year abatement period – \$103,007
- Estimated taxes to be paid on new building construction during five year abatement period – \$128,653

EMPLOYMENT IMPACT

Per the petition, it is estimated that the total project will:

- Create 5 permanent, full-time jobs within the five year abatement period, representing a new annual payroll of approximately \$202,800
- 23 total jobs will be retained with a total annual payroll of approximately \$932,880

ABATEMENT QUALIFICATION

1. A review of the tax abatements previously granted, finds that the petitioner has not been granted or associated with previous abatements.
2. The Building Commissioner has reviewed the petition and finds the property to be properly zoned for the proposed project.
3. A review of the South Bend Redevelopment designation areas finds that the property is located in the River West Development Area.
4. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner meets the qualifications for a (5) five-year real property tax abatement under section 2-84.2, Real Property Tax Abatement.

Cohn & Cohn Investments, LLC

South Bend German Township
Real Property Tax Abatement Schedule*

Tax Key Number	025-1018-062208									
Current Assessed Value:	0									
Estimated Project Cost:	1,600,000									
Assessed Value:	100%	Without Abatement	100% Year 1	80% Year 2	60% Year 3	40% Year 4	20% Year 5			
Current Assessed Value	0	0	0	0	0	0	0			
Base Assessed Value	1,280,000	1,280,000	1,280,000	1,280,000	1,280,000	1,280,000	1,280,000			
Less Abatement Deduction	0	0	(1,280,000)	(1,024,000)	(768,000)	(512,000)	(256,000)			
Net Assessed Value	0	1,280,000	256,000	768,000	1,024,000	1,280,000	1,280,000			
Property Taxes:										
Assume constant tax rate of	5.4628%									
Gross Tax (tax rate x net assessed value)	0	69,923	0	13,985	27,969	41,954	55,939			
Less Circuit Breaker Credit	0	(23,591)	0	0	0	0	(11,193)			
Net Tax	0	46,332	0	13,985	27,969	41,954	44,746			
Circuit Breaker Cap										
Circuit Breaker	0	38,400	38,400	38,400	38,400	38,400	38,400			
Debt Service	0	7,932	0	1,586	3,173	4,759	6,346			
Circuit Breaker Cap	0	46,332	38,400	39,986	41,573	43,159	44,746			
Totals	0	231,660	231,660	103,007	128,654	128,654	128,654			

Year	Existing Taxes	New Project Taxes	Combined Existing & New Taxes	Tax Abated	Net Tax Paid
1	0	46,332	46,332	46,332	0
2	0	46,332	46,332	32,347	13,985
3	0	46,332	46,332	18,363	27,969
4	0	46,332	46,332	4,378	41,954
5	0	46,332	46,332	1,586	44,746
Totals	0	231,660	231,660	103,007	128,654

*This schedule is for estimation purposes only and assumes constant tax rates. The true tax values will ultimately be determined by the actual assessed valuation and the then current tax rates.

City of South Bend Petition for Incentives



Petition must include a \$250 filing fee payable to the City Clerk's Office or online via the City's website at <http://southbend.in.gov/government/content/tax-abatement-before-processing-can-be-complete>

General Information		Project Name	Project Number
Legal name as registered with Secretary of State	Cohn & Cohn Investments, LLC (a South Carolina limited liability company (registered in South Carolina))		
Business structure	Limited Liability Company		
Company website	www.cohnconstruction.com		

Proposed Project Information			
Proposed project address	Blackthorn/Nimitz Development	Parent company name	
City, State, Zip	South Bend, IN 46628	Legal owner	
Site acreage or acreage required	5.6	Is the real estate owned or leased?	Rental
Square feet of facility	Approximately 13,000-20,000 sq. feet	If leased by whom	UniFirst Corporation (Tenant)

Primary Contact Information			
Primary company contact name	Richard Cohn, Cohn Construction	Title	President
Address of company contact	912 Lady Street, Suite 200	Phone	803-699-1325x102
City, State, Zip	Columbia, SC 29201	Email	richardcohn@cohnconstructionllc.com

Senior Official Information			
Company senior official name	Michael Croatti (UniFirst)	Title	Senior Vice President
Address of company contact (if different from above)	68 Jonspin Rd	Phone	978-658-8888 x4225
City, State, Zip	Wilmington, MA 01887	Email	mcroatti@unifirst.com

Consultant Information/Agent			
Hired business consultant/agent name	Richard Deahl, Barnes & Thornburg LLP	Consultant release (Y/N)	Y
Address	100 N. Michigan Street, Suite 700	Local economic development partners approval (Y/N)	
City, State, Zip	South Bend, Indiana 46601	Email	rdeahl@btlaw.com

Project Overview	
<p>Brief description of your company, project, and why the property is necessary for economic growth</p>	<p>Cohn & Cohn Investments, LLC ("Petitioner") proposes to invest at least \$1,600,000 in the construction of a new commercial distribution and office facility in the Blackthorn Corporate Park in South Bend. The facility is intended to initially be more than 13,000 square feet to serve and support the expanding operations of UniFirst (which will lease the facility) in South Bend.</p> <p>UniFirst is one of North America's largest workwear and textile service companies, providing managed uniform, protective clothing, and custom corporate image apparel programs to businesses in diverse industries. In addition to outfitting more than 1.5 million workers in clean uniforms each workday, UniFirst also has a hand in keeping their businesses clean, safe, and healthy through UniFirst's Facility Service Programs. These programs allow UniFirst to be a single-source solution for a variety of needs.</p> <p>The project is intended to facilitate UniFirst's move from a leased facility to this project, which UniFirst will lease with an option to purchase. UniFirst's long term plan is to be in South Bend for the next several decades, if not longer. UniFirst's current growth objectives for the South Bend market include a long term objective to build a processing facility. Once our annual revenues surpass \$10 million, we will have the ability to expand the operation, adding numerous jobs to the local economy. This current property will allow UniFirst to continue to expand our operation, benefiting the South Bend economy.</p>

Certified Technology Park appropriate	No
Community Revitalization Enhancement District	No
Certify that the Building Permit has not been issued (Y/N)	No permit
If this is a petition for personal property tax abatement, has the equipment been installed	No request for personal property abatement is being made.

Filed in Clerk's Office
MAR 09 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

Investment Details			
Public Infrastructure needs (Off-site of project in dollars)	Has any 504 funding been received?	What is the value of any equipment being purchased in Indiana for the project?	What is the value of any equipment being purchased from out of state for the project?
N/A	No	N/A	N/A

New Project Investments

Calendar Year	2015	2016	2017	2018	2019	2020	2021	2022
Land Acquisition		\$ 53,000						
Building Lease Payments		\$ 144,000	\$ 144,000	\$ 144,000	\$ 144,000	\$ 144,000	\$ 144,000	
Building Purchase Costs								
New Building Construction		\$ 1,600,000						
Existing Building Improvements		\$ 0	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	
New Machinery & Equipment		\$ 220,000	\$ 70,000	\$ 70,000	\$ 70,000	\$ 70,000	\$ 70,000	
Special Tooling/Retooling								
New Furniture/Fixtures		\$ 25,000						
New Computer/IT Hardware		\$ 40,000	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	\$ 2,500	
New Software								
On-site Rail Infrastructure								
On-site Fiber Infrastructure								
TOTAL								

Full-Time Permanent Indiana-Resident Positions by Calendar Year

Calendar Year	Jobs retained	Total hourly wage w/o fringe or bonuses	Cumulative # of net NEW full-time permanent jobs created at project	Hourly average wage w/o benefits or bonuses of cumulative net new jobs	Total training expenditure - not cumulative	Total # to be trained - not cumulative
2015	23	19.50				
2016			3	19.50		3
2017			2	19.50		2
2018						
2019						
2020						
2021						
2022						
2023						
2024						
2025						
2026						

Provide hourly wage information for new employees in the following positions.

	Full Time	Part Time
Laborers	\$10.00 - \$16.00/Hour	\$9.00 - \$12.00/Hour
Technical		
Managerial	\$25.00 - \$35.00/Hour	
Administrative	\$12.50- \$18.00/ Hour	

Who will be the individual responsible for coordinating with WorkOne on recruiting? **Steve Dobrzykowski**

Does your company have an EEO/AAE policy? **Yes** Are you an EEO employer? **Yes**

Please list the number of full time and part time minority and/or female employees for each of the last three years:							Please describe your commitment to diversity and inclusion by detailing your outreach and recruitment efforts for the last three years as well as current policies.
Year	2013		2014		2015		
	Full Time	Part Time	Full Time	Part Time	Full Time	Part Time	
Black			1		1		UniFirst is proud to be an Equal Employment/Affirmative Action Employer. Candidates are considered for employment with UniFirst Corporation without regard to their race, color, religion, national origin, age, sex, gender, pregnancy, disability, sexual orientation, gender identity, genetic information, military status, veteran status (specifically status as a disabled
Hispanic	6	2	7	2	9		
Asian							
Indian							
Female	6		8		8		
Other							

*All employment information and projections are those of UniFirst (which will occupy/operate the Property).

Complete below for Real or Personal Property Tax Abatement only.
Please sign for all requested incentives.

Public Benefit Item:

Information is required on both the construction companies and the companies which will provide materials purchased for this project. Please complete the table below with the appropriate information. If you qualify for the points, please enter the full amount of available points.

Qualify (Yes or No)

Earned Points

Available Points

		Qualify (Yes or No)	Earned Points	Available Points	
1	Construction Related (Contractors):				
	A.	Employ Local Companies (75%)	Yes	20	20
	B.	Purchase Materials from Local Companies (75%)	Yes	20	20
	C.	Require Employees vs. Independent Contractors	No		19
	D.	Require Prevailing Wage (Davis Bacon)	No		22
	E.	Require Health Benefits	Yes	22	22
	F.	Require Pension Benefits	No		18
	G.	Maintain Affirmative Action Plan	No		20
		Sub-total Construction Related:		62	141
2	Wage & Benefit Related (Owner):				
	A.	Pay Target Wage Levels	Yes	33	33
	B.	Provide Health Benefits	Yes	34	34
	C.	Provide Pension Benefits	No		29
	D.	Provide Training	Yes	28	28
	E.	Provide Child Care	No	0	15
	F.	Provide Transportation Assistance	No	0	14
	G.	Provide Employer Assisted Housing program	No	0	9
	Sub-total Wage & Benefit Related:		95	162	
3	Workforce Related:				
	A.	Create New Jobs	Yes	42	42
	B.	Retain Existing Jobs	Yes	41	41
	C.	Maintain Affirmative Action Plan	Yes	35	35
	D.	Provide Targeted Hiring Preference	Yes	34	34
	Sub-total Workforce Related:		152	152	
4	Support a Municipal Facility:				
	A.	Support a SB Municipal Facility (donations to the zoo, conservatory, museum, etc.)			84
	Name of Facility				
	Sub-total Municipal Facility:				84
Sub-total from Above:			309	539	

The undersigned owner(s) of real property, located within the City of South Bend, hereby petition the Common Council of the City of South Bend for a real and/or personal property tax abatement consideration and pursuant to I.C., 6-1.1-12.1-1, et seq., and South Bend Municipal Code Sec. 2-76 et seq., for this petition state the above.

Submitted By:



Date:

2/18/16

What is the current assessed value?	Real Property:	0	Personal Property:	
What is the projected assessed value?	Real Property:		Personal Property:	
What is the tax key number for this project?	025-1018-062208			
What is the six digit NAICS code?				
Please attach a Google map and street view of the location.				
Please list the amount of real and personal property taxes paid for the last five years when applicable	Real Property Taxes:	Personal Property Taxes:		
	Year One			
	Year Two			
	Year Three			
	Year Four			
	Year Five			

Staff Use Only
Please fill out the Public Benefit Summary Information and add to the total from above.

Public Benefit Item:			(Y or N)	Points	Points
Project Related:					
5	A.	Redevelop a Site that has Special Needs			49
	B.	Develop Based on Local University Research			35
	C.	Achieve a Physical Element of a Plan		36	36
	Sub-total Project Related:		0		120
6	Super Size Projects (point values are cumulative):				
	A.	100% to 199%		25	25
	B.	200% to 299%			68
	C.	300% to 399%			65
	D.	400% and Over			52
	Sub-total Super Size Projects:		0		210
7	Pay for Municipal Infrastructure:				
	A.	Pay for Oversizing or Upgrading			14
	B.	Pay for 25-50% of Extension Cost			26
	C.	Pay for 51-75% of Extension Cost			39
	D.	Pay for 76-100% of Extension Cost			52
	Sub-total Infrastructure Related:		0		131
Total from Applicant Section:			309		539
Total from Staff Section:			0	61	461
Total Public Benefit Points:			309	370	1000

Supplement to Petition for Incentives

Frequently Asked Questions

We are frequently asked to explain the following questions, in an effort to clarify we are providing answers below.

1) How do I pay my petition filing fee?

Your petition filing fee can be paid either in person or via mail to:

**City Clerk's Office
Attn: Deputy City Clerk
227 West Jefferson Blvd. • Suite 400 S
South Bend, Indiana 46601**

Or online via paypal at:

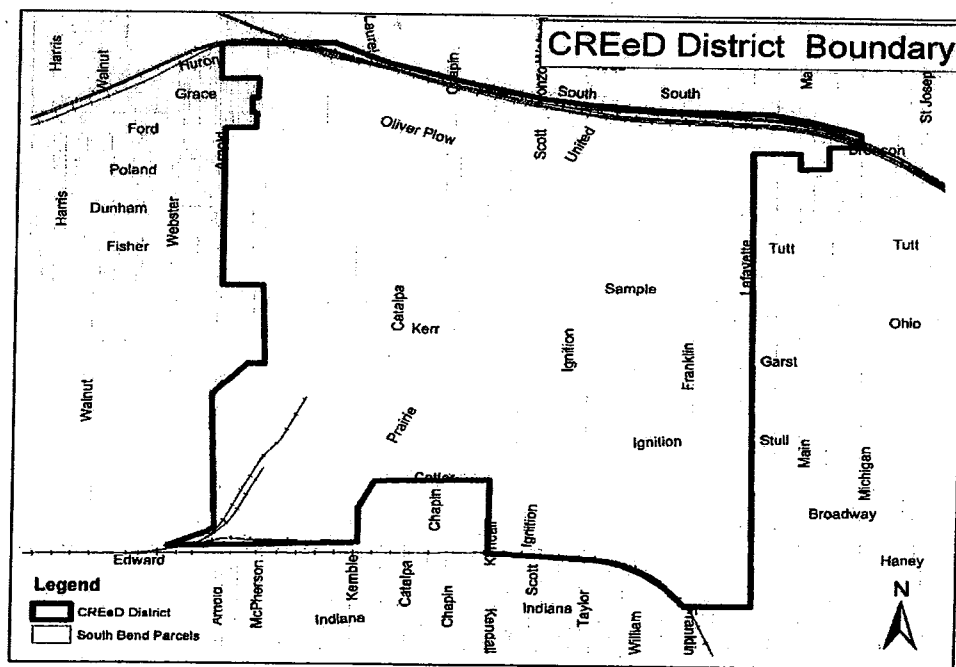
<http://southbendin.gov/government/content/tax-abatement>

2) Certified Technology Park appropriate? (Page one, under project overview)

In the South Bend area there are only two Certified Technology Parks, Innovation Park and Ignition Park. If your property is not located in either then the answer would be no.

3) Community Revitalization Enhancement District? (Page one, under project overview)

The map below outlines the CREd area, please check to see if you fall within the boundaries.



4) Has any 504 funding been received? (Page one, under investment details)

504 Funding is a loan that come from the Small Business Administration. This funding must be applied for to be received.

5) Total training expenditure – not cumulative (Page two, under full time Indiana resident positions)

The amount of money to be spent per year on training over the course of the project.

6) Total number to be trained – not cumulative (Page two, under full time Indiana resident positions)

The amount of people that you will train per year over the length of the project.

If you have any additional questions that are not addressed by this document, please contact Sarah Heintzeman in the Department of Community Investment at 574.235.5842 or email at sheintze@southbendin.gov



STATEMENT OF BENEFITS REAL ESTATE IMPROVEMENTS

State Form 51767 (R6 / 10-14)

Prescribed by the Department of Local Government Finance

20 16 PAY 20 17

FORM SB-1 / Real Property

PRIVACY NOTICE

Any information concerning the cost of the property and specific salaries paid to individual employees by the property owner is confidential per IC 6-1.1-12.1-5.1.

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
 Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction.
- The statement of benefits form must be submitted to the designating body and the area designated an economic revitalization area before the initiation of the redevelopment or rehabilitation for which the person desires to claim a deduction.
- To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. A property owner who failed to file a deduction application within the prescribed deadline may file an application between March 1 and May 10 of a subsequent year.
- A property owner who files for the deduction must provide the County Auditor and designating body with a Form CF-1/Real Property. The Form CF-1/Real Property should be attached to the Form 322/RE when the deduction is first claimed and then updated annually for each year the deduction is applicable. IC 6-1.1-12.1-5.1(b)
- For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. For a Form SB-1/Real Property that is approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. IC 6-1.1-12.1-17

SECTION 1 TAXPAYER INFORMATION					
Name of taxpayer COHN & COHN INVESTMENTS, LLC					
Address of taxpayer (number and street, city, state, and ZIP code) 912 Lady Street, Suite 200, Columbia SC 29201					
Name of contact person Richard H. Cohn, Sr.		Telephone number (803) 699-1325x102		E-mail address richardcohn@cohnconstrucionllc.com	
SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT					
Name of designating body Common Council of City of South Bend				Resolution number	
Location of property Vacant Land - Lot 6 in Blackthorn Corporate Office Park		County St. Joseph		DLGF taxing district number SB-German	
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) Investment of ~\$1,600,000 in the construction of an approximate 13,000-20,000 square foot commercial distribution and office facility in the Blackthorn Corporate Park in South Bend. The facility is intended to initially serve and support the expanding operations of UniFirst in South Bend.				Estimated start date (month, day, year) March 1, 2016	
				Estimated completion date (month, day, year) March 1, 2018	
SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number 23	Salaries \$923,880	Number retained 23	Salaries \$923,880	Number additional 5	Salaries ~\$180,000+
SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT					
			REAL ESTATE IMPROVEMENTS		
			COST	ASSESSED VALUE	
Current values			58,000.00	8,300.00	
Plus estimated values of proposed project			1,600,000.00	Reg 17	
Less values of any property being replaced			0.00	0.00	
Net estimated values upon completion of project			1,658,000.00	Reg. 17	
SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER					
Estimated solid waste converted (pounds) _____			Estimated hazardous waste converted (pounds) _____		
Other benefits 1. The employment projections above are those of UniFirst, the intended occupant of the new facility.					
SECTION 6 TAXPAYER CERTIFICATION					
I hereby certify that the representations in this statement are true.					
Signature of authorized representative 				Date signed (month, day, year) February 18, 2016	
Printed name of authorized representative Richard H. Cohn, Sr.			Title Chairman		

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

- A. The designated area has been limited to a period of time not to exceed _____ calendar years* (*see below*). The date this designation expires is _____.
- B. The type of deduction that is allowed in the designated area is limited to:
1. Redevelopment or rehabilitation of real estate improvements Yes No
 2. Residentially distressed areas Yes No
- C. The amount of the deduction applicable is limited to \$ _____.
- D. Other limitations or conditions (*specify*) _____
- E. Number of years allowed: Year 1 Year 2 Year 3 Year 4 Year 5 (* see below)
 Year 6 Year 7 Year 8 Year 9 Year 10
- F. For a statement of benefits approved after June 30, 2013, did this designating body adopt an abatement schedule per IC 6-1.1-12.1-17?
 Yes No
 If yes, attach a copy of the abatement schedule to this form.
 If no, the designating body is required to establish an abatement schedule before the deduction can be determined.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (<i>signature and title of authorized member of designating body</i>)	Telephone number ()	Date signed (<i>month, day, year</i>)
Printed name of authorized member of designating body	Name of designating body	
Attested by (<i>signature and title of attester</i>)	Printed name of attester	

* If the designating body limits the time period during which an area is an economic revitalization area, that limitation does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under IC 6-1.1-12.1-17.

- A. For residentially distressed areas where the Form SB-1/Real Property was approved prior to July 1, 2013, the deductions established in IC 6-1.1-12.1-4.1 remain in effect. The deduction period may not exceed five (5) years. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. The deduction period may not exceed ten (10) years. (See IC 6-1.1-12.1-17 below.)
- B. For the redevelopment or rehabilitation of real property where the Form SB-1/Real Property was approved prior to July 1, 2013, the abatement schedule approved by the designating body remains in effect. For a Form SB-1/Real Property that is approved after June 30, 2013, the designating body is required to establish an abatement schedule for each deduction allowed. (See IC 6-1.1-12.1-17 below.)

IC 6-1.1-12.1-17

Abatement schedules

Sec. 17. (a) A designating body may provide to a business that is established in or relocated to a revitalization area and that receives a deduction under section 4 or 4.5 of this chapter an abatement schedule based on the following factors:

- (1) The total amount of the taxpayer's investment in real and personal property.
 - (2) The number of new full-time equivalent jobs created.
 - (3) The average wage of the new employees compared to the state minimum wage.
 - (4) The infrastructure requirements for the taxpayer's investment.
- (b) This subsection applies to a statement of benefits approved after June 30, 2013. A designating body shall establish an abatement schedule for each deduction allowed under this chapter. An abatement schedule must specify the percentage amount of the deduction for each year of the deduction. An abatement schedule may not exceed ten (10) years.
- (c) An abatement schedule approved for a particular taxpayer before July 1, 2013, remains in effect until the abatement schedule expires under the terms of the resolution approving the taxpayer's statement of benefits.

227 W. JEFFERSON BOULEVARD
SUITE 1400 S.
SOUTH BEND, IN 46601-1830



PHONE: 574/235-9371
FAX: 574/235-9021

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
COMMUNITY INVESTMENT
SCOTT FORD, EXECUTIVE DIRECTOR

March 8, 2016

Council Member Gavin Ferlic, Chairperson
Community Investment Committee
South Bend Common Council
4th Floor, County City Building
South Bend, IN 46601

RE: Real Property Tax Abatement Petition for: **South Bend Form Tool Co., Inc.**

Dear Council Member Ferlic:

Please find the attached information pertaining to a real property tax abatement petition for South Bend Form Tool Co., Inc.:

- Department of Community Investment's summary report
- Copy of the petition
- Statement of Benefits form
- Supporting information.

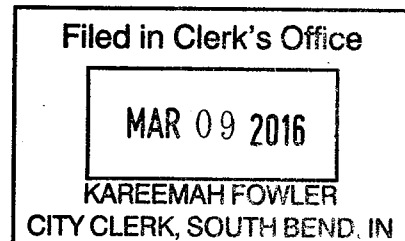
The report contains the Department's findings relative to the above petition. South Bend Form Tool Co., Inc. will be investing approximately \$220,000 in the expansion of their current floor space along with purchasing and installing approximately \$623,000 of new equipment. This expansion will grow their current customer base and allow them to pursue additional business from new customers. The project meets the qualifications for a (5) five year real property tax abatement. A representative from South Bend Form Tool Co., Inc. will be available to meet with the Committee on Monday, March 14, 2016.

Should you or any of the other Council members have any questions concerning the report, or need additional information, please feel free to call me at 235-5823.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Kobb".

Aaron Kobb
Director Economic Resources



RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN
THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

1619/1623 Franklin Street, South Bend, IN 46613

AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A
(5) FIVE-YEAR REAL PROPERTY TAX ABATEMENT FOR

South Bend Form Tool Co., Inc.

WHEREAS, a petition for real property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area commonly known as 1619/1623 Franklin Street, South Bend, IN 46613 and which is more particularly described as:

N ½ LOT 36 STULLS 5TH ADD
S ½ LOT 36 STULLS 5TH ADD

and which has Key Numbers 018-8028-1127 and 018-8028-1128 be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq., and;

WHEREAS, petitioner has agreed to and has accepted responsibility to report any changes in the final legal description and to report the final, appropriate Key Number to the Department of Community Investment and to the Office of the City Clerk; and

WHEREAS, the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under Indiana Code 6-1.1-12.1, et seq., and South Bend Municipal Code Sections 2-76, et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council hereby determines and finds that the Petition for Real Property

Tax Abatement and the Statement of Benefits form completed by the Petitioner meet the requirements of Indiana Code § 6-1.1-12.1 et seq., for tax abatement.

SECTION II. The Common Council hereby determines and finds the following:

A. That the description of the proposed redevelopment or rehabilitation meets the applicable standards for such development;

B. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature;

C. That the estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed described redevelopment or rehabilitation;

D. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed redevelopment or rehabilitation;

E. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation; and

F. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of Indiana Code § 6-1.1-12.1-3.

SECTION III. The Common Council hereby determines and finds that the proposed described redevelopment or rehabilitation can be reasonably expected to yield benefits identified in the Statement of Benefits, Sections 1 through 3 of the Petition for Real Property Tax Abatement Consideration and the Memorandum of Agreement between the Petitioner and the City of South Bend, and that the Statement of Benefits form completed by the petitioner, said form being prescribed by the State Board of Accounts, are sufficient to justify the deduction granted under Indiana Code § 6-1.1-12.1-3.

SECTION IV. The Common Council hereby accepts the report and recommendation of the Community Investment Committee that the area herein described be designated as an Economic Revitalization Area and hereby adopts a Resolution designating this area as an Economic Revitalization Area for purposes of real property tax abatement.

SECTION V. The designation as an Economic Revitalization Area shall be limited to two (2) calendar years from the date of the adoption of this Resolution by the Common Council.

SECTION VI. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of (5) five years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.

SECTION VII. The Common Council directs the City Clerk to cause notice of the adoption of

this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana Code § 5-3-1 and Indiana Code § 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

SECTION VIII. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council

PRESENTED
NOT APPROVED
ADOPTED

Filed in Clerk's Office
MAR 09 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

TAX ABATEMENT REPORT

TO: SOUTH BEND COMMON COUNCIL

FROM: AARON KOBBS

SUBJECT: REAL PROPERTY TAX ABATEMENT PETITION FOR:
South Bend Form Tool Co., Inc.

DATE: March 8, 2016

On Wednesday, March 9, 2016, a petition from South Bend Form Tool Co., Inc. was received and subsequently filed with the City Clerk for real property tax abatement consideration for property to be located at 1619 and 1623 Franklin Street, South Bend, IN 46613. Pursuant to Chapter 2, Article 6, Section 2-84.2 of the Municipal Code of the City of South Bend, this petition was referred to the Department of Community Investment for purposes of investigation and preparation of a report determining whether the area qualifies as an Economic Revitalization Area pursuant to I.C.6-1.1-12.1 and whether all zoning requirements have been met.

The Department of Community Investment has reviewed the petition (a copy of which is attached), investigated the area, and makes the following report.

PROJECT SUMMARY

- Approximately \$220,000 expansion of existing floor space along with the purchase of approximately \$623,000 of new equipment to better serve existing customers and pursue additional business.
- Total taxes on new and existing building and improvements during five year abatement period – \$37,796
- Estimated taxes being abated on new building improvements during five year abatement period – \$12,416
- Total taxes to be paid on new and existing building and improvements during five year abatement period – \$25,380

EMPLOYMENT IMPACT

Per the petition, it is estimated that the total project will:

- Create 8 permanent, full-time jobs within the five year abatement period, representing a new annual payroll of \$378,560
- 17 total jobs will be retained with a total annual payroll of \$785,000

ABATEMENT QUALIFICATION

1. A review of the tax abatements previously granted, finds that the petitioner has not been granted or associated with previous abatements.
2. The Building Commissioner has reviewed the petition and finds the property to be properly zoned for the proposed project.
3. A review of the South Bend Redevelopment designation areas finds that the property is located in the River West Development Area.
4. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner meets the qualifications for a (5) five-year real property tax abatement under section 2-84.2, Real Property Tax Abatement.

RESOLUTION NO. _____

A RESOLUTION CONFIRMING THE ADOPTION OF A
DECLARATORY RESOLUTION DESIGNATING CERTAIN AREAS
WITHIN THE CITY OF SOUTH BEND, INDIANA, COMMONLY
KNOWN AS

1619/1623 Franklin Street, South Bend, IN 46613

AS AN ECONOMIC REVITALIZATION AREA FOR
PURPOSES OF A FIVE (5) YEAR REAL
PROPERTY TAX ABATEMENT FOR

South Bend Form Tool Co., Inc.

WHEREAS, the Common Council of the City of South Bend, Indiana, has adopted a Declaratory Resolution designating certain areas within the City as Economic Revitalization Areas for the purpose of tax abatement consideration; and

WHEREAS, a Declaratory Resolution designated the area commonly known as 1619/1623 Franklin Street, South Bend, IN 46613 and which is more particularly described as follows:

N ½ LOT 36 STULLS 5TH ADD
S ½ LOT 36 STULLS 5TH ADD

and which has Key Numbers 018-8028-1127 and 018-8028-1128 be designated as an Economic Revitalization Area; and

WHEREAS, notice of the adoption of a Declaratory Resolution and the public hearing before the Council has been published pursuant to Indiana Code 6-1.1-12.1-2.5; and

WHEREAS, the Council held a public hearing for the purposes of hearing all remonstrances and objections from interested persons; and

WHEREAS, the Council has determined that the qualifications for an economic revitalization area have been met.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council hereby confirms its Declaratory Resolution

designating the area described herein as an Economic Revitalization Area for the purposes of tax abatement. Such designation is for Real Property tax abatement only and is limited to two (2) calendar years from the date of adoption of the Declaratory Resolution by the Common Council.

SECTION II. The Common Council hereby determines that the property owner is qualified for and is granted a real property tax deduction for a period of (5) five years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17 and further determines that the petition, the Memorandum of Agreement between the Petitioner and the City of South Bend, and the Statement of Benefits comply with Chapter 2, Article 6, of the Municipal Code of the City of South Bend and Indiana Code 6-1.1-12 et seq.

SECTION III. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approved by the Mayor.

Member of the Common Council

RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN
THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

1619/1623 Franklin Street, South Bend, IN 46613

AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A
(5) FIVE-YEAR REAL PROPERTY TAX ABATEMENT FOR

South Bend Form Tool Co., Inc.

WHEREAS, a petition for real property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area commonly known as 1619/1623 Franklin Street, South Bend, IN 46613 and which is more particularly described as:

N ½ LOT 36 STULLS 5TH ADD
S ½ LOT 36 STULLS 5TH ADD

and which has Key Numbers 018-8028-1127 and 018-8028-1128 be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq., and;

WHEREAS, petitioner has agreed to and has accepted responsibility to report any changes in the final legal description and to report the final, appropriate Key Number to the Department of Community Investment and to the Office of the City Clerk; and

WHEREAS, the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under Indiana Code 6-1.1-12.1, et seq., and South Bend Municipal Code Sections 2-76, et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council hereby determines and finds that the Petition for Real Property

Tax Abatement and the Statement of Benefits form completed by the Petitioner meet the requirements of Indiana Code § 6-1.1-12.1 et seq., for tax abatement.

SECTION II. The Common Council hereby determines and finds the following:

A. That the description of the proposed redevelopment or rehabilitation meets the applicable standards for such development;

B. That the estimate of the value of the redevelopment or rehabilitation is reasonable for projects of this nature;

C. That the estimate of the number of individuals who will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed described redevelopment or rehabilitation;

D. That the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed redevelopment or rehabilitation;

E. That the other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described redevelopment or rehabilitation; and

F. That the totality of benefits is sufficient to justify the requested deduction, all of which satisfy the requirements of Indiana Code § 6-1.1-12.1-3.

SECTION III. The Common Council hereby determines and finds that the proposed described redevelopment or rehabilitation can be reasonably expected to yield benefits identified in the Statement of Benefits, Sections 1 through 3 of the Petition for Real Property Tax Abatement Consideration and the Memorandum of Agreement between the Petitioner and the City of South Bend, and that the Statement of Benefits form completed by the petitioner, said form being prescribed by the State Board of Accounts, are sufficient to justify the deduction granted under Indiana Code § 6-1.1-12.1-3.

SECTION IV. The Common Council hereby accepts the report and recommendation of the Community Investment Committee that the area herein described be designated as an Economic Revitalization Area and hereby adopts a Resolution designating this area as an Economic Revitalization Area for purposes of real property tax abatement.

SECTION V. The designation as an Economic Revitalization Area shall be limited to two (2) calendar years from the date of the adoption of this Resolution by the Common Council.

SECTION VI. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of (5) five years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.

SECTION VII. The Common Council directs the City Clerk to cause notice of the adoption of

this Declaratory Resolution for Real Property Tax Abatement to be published pursuant to Indiana Code § 5-3-1 and Indiana Code § 6-1.1-12.1-2.5, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

SECTION VIII. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council

5 YEAR

4-Mar-16

South Bend Form Tool Co, Inc.

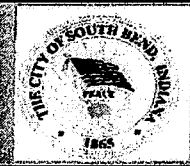
South Bend Portage Township Real Property Tax Abatement Schedule*

Tax Key Number	018-8028-1128; 018-8025-1127						
Current Assessed Value:	31,100						
Estimated Project Cost:	222,166						
<u>Assessed Value:</u>	Current	Without Abatement	100% Year 1	80% Year 2	60% Year 3	40% Year 4	20% Year 5
Current Assessed Value	31,100	31,100	31,100	31,100	31,100	31,100	31,100
Base Assessed Value	177,733	177,733	177,733	177,733	177,733	177,733	177,733
Less Abatement Deduction	0	(177,733)	(142,186)	66,647	(106,640)	(71,093)	(35,547)
Net Assessed Value	31,100	208,833	31,100	66,647	102,193	137,740	173,286
Property Taxes:							
Assume constant tax rate of	5.4968%						
Gross Tax (tax rate x net assessed value)	1,710	11,479	1,710	3,663	5,617	7,571	9,525
Less Circuit Breaker Credit	(584)	(3,920)	0	0	0	(453)	(2,186)
Net Tax	1,126	7,559	1,710	3,663	5,617	7,119	7,339
Circuit Breaker Cap							
Circuit Breaker	933	6,265	6,265	6,265	6,265	6,265	6,265
Debt Service	193	1,294	193	413	633	854	1,074
Circuit Breaker Cap	1,126	7,559	6,458	6,678	6,898	7,119	7,339

Year	Existing Taxes	New Project Taxes	Combined Existing & New Taxes	Tax Abated	Net Tax Paid
1	1,126	6,433	7,559	5,850	1,710
2	1,126	6,433	7,559	3,896	3,663
3	1,126	6,433	7,559	1,942	5,617
4	1,126	6,433	7,559	441	7,119
5	1,126	6,433	7,559	220	7,339
Totals					25,448

*This schedule is for estimation purposes only and assumes constant tax rates. The true tax values will ultimately be determined by the actual assessed valuation and the then current tax rates.

City of South Bend Petition for Incentives



Petition must include a \$20 filing fee payable to the City Clerk's Office or online via the City's website at <http://southbend.in.gov/government/content/tax-abatement> before processing can be complete.

General Information		Project Name		Project Number	
Legal name (registered with Secretary of State)		South Bend Form Tool Co. Inc.			
Business structure		Corporation			
Company website		http://www.sbform.com			
Proposed Project Information					
Proposed project address		1619 / 1623 Franklin Street	Parent company name		South Bend Form Tool Co. Inc.
City, State, Zip	South Bend, IN 46613	Legal owner		Eggers Real Estate, LLC	
Site acreage or acreage equivalent		0.23 acres (both lots together)	Is the real estate owned or leased?		Owned
Square feet of facility		2,880	Who is it built by whom?		
Primary Contact Information					
Primary company contact name		Kyle Harbison	Title		Project Manager
Address of company contact		408 W. Indiana Avenue	Phone		574-289-2441
City, State, Zip	South Bend, IN 46613	Email		kharbison@sbform.com	
Senior Official Information					
Company senior official name		Herb Eggers	Title		President & Owner
Address of company contact (if different from above)		408 W. Indiana Avenue	Phone		574-289-2441
City, State, Zip	South Bend, IN 46613	Email		heggers@sbform.com	
Consultant Information/Agent					
Hired business consultant/agent name		None	Consultant release (Y/N)		
Address			Local economic development partners approval (Y/N)		
City, State, Zip			Email		
Project Overview					
Brief description of your company, project, and why the property is necessary for economic growth		<p>Precision machine shop specializing in the aerospace and industrial markets.</p> <p>This project is an expansion of our floor space to allow for new equipment and material storage. The project is necessary due to the award of new business from a long-time existing customer. The expansion and additional equipment will allow us to bring on a second shift to cover the increased demand from our existing customer base. It will also allow us to pursue additional business from other existing and/or new customers.</p>			
Certified Technology Park appropriate		No			
Community revitalization/entertainment district		No			
Early in the building permit has not been started (Y/N)		Number of residential units created by project		0	
If this is a petition for personal property tax abatement, has site equipment been installed?		No			

Filed in Clerk's Office

MAR 09 2016

**KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN**

Investment Details			
Public infrastructure needs (On-site or project in dollars)	Has any 504 funding been received?	What is the value of any equipment being purchased in Indiana for the project?	What is the value of any equipment being purchased from out of state for the project?
\$0	No	\$84,705	\$558,977

New Project Investments

Calendar Year	2015	2016	2017	2018	2019	2020	2021	2022
Land Acquisition								
Building Lease Payments								
Building Purchase Costs								
New Building Construction		\$ 182,166						
Existing Building Improvements		\$ 20,000	\$ 20,000					
New Machinery & Equipment		\$ 180,934	\$ 377,143					
Special Tooling/Reloading		\$ 30,000	\$ 35,000					
New Furniture/Fixtures		\$ 6,305	\$ 5,000					
New Computer/IT Hardware		\$ 3,000	\$ 3,000					
New Software		\$ 2,800	\$ 500					
On-site IT Infrastructure								
On-site E&E Infrastructure								
TOTAL								

Full-Time Permanent Indiana-Resident Positions by Calendar Year

Calendar Year	Observed	Total hourly wage w/o benefits	Cumulative for NEW full-time permanent jobs created by project	Hourly average wage w/o benefits or bonus of cumulative new hires	Total cumulative expenditure - not cumulative	Total cumulative gained - not cumulative
2015	17	\$377	1	\$42	0	0
2016			5	\$20	0	0
2017			1	\$20	0	0
2018			1	\$20	0	0
2019						
2020						
2021						
2022						
2023						
2024						
2025						
2026						

Provide hourly wage information for new employees in the following positions.

	Full-time	Part-time
Laborers	\$20	
Technical	\$20	
Managerial	\$42	
Administrative		

Who will be the individual responsible for coordinating with WorkOne on recruiting? **Kyle Harbison or Eric Lupa**

Does your company have an EEO hiring policy? **Yes** / Do you have EEO employees? **Yes**

Please list the number of full time and part time minority and/or female employees for each of the last three years:

Year	2013		2014		2015	
	Full-time	Part-time	Full-time	Part-time	Full-time	Part-time
Black						
Hispanic						
Asian						
Indian						
Female	0	1	1	1	1	1
Other						

Please describe your commitment to diversity and inclusion by detailing your outreach and recruitment efforts for the last three years as well as current policies.

South Bend Form Tool hires based on capabilities and experience. We openly post positions when hiring and accept applications from all qualified persons no matter their age, race or sex.

Complete below for Real or Personal Property Tax Abatement only.
Please sign for all requested incentives.

Public Benefit Item:

Information is required on both the construction companies and the companies which will provide materials purchased for this project. Please complete the table below with the appropriate information. If you qualify for the points please enter the full amount of available points.

		Quality (Yes or No)	Earned Points	Available Points	
1	Construction Related (Contractors)				
	A.	Employ Local Companies (75%)	No	0	20
	B.	Purchase Materials from Local Companies (75%)	No	0	20
	C.	Require Employees vs. Independent Contractors	Yes	19	19
	D.	Require Prevailing Wage (Davis Bacon)	Yes	22	22
	E.	Require Health Benefits	Yes	22	22
	F.	Require Pension Benefits	No	0	18
	G.	Maintain Affirmative Action Plan	Yes	20	20
		Sub-total Construction Related:		83	141
2	Wage & Benefit Related (Owner)				
	A.	Pay Target Wage Levels	Yes	33	33
	B.	Provide Health Benefits	Yes	34	34
	C.	Provide Pension Benefits	No	0	29
	D.	Provide Training	Yes	28	28
	E.	Provide Child Care	No	0	15
	F.	Provide Transportation/Assistance	No	0	14
	G.	Provide Employer Assisted Housing program	No	0	9
	Sub-total Wage & Benefit Related:		95	162	
3	Workforce Related:				
	A.	Create New Jobs	Yes	42	42
	B.	Retain Existing Jobs	Yes	41	41
	C.	Maintain Affirmative Action Plan	Yes	35	35
	D.	Provide Targeted Hiring Preference	Yes	34	34
	Sub-total Workforce Related:		152	152	
4	Support a Municipal Facility:				
	A.	Support a SB Municipal Facility (donations to the zoo, conservatory, museum, etc)	Yes	84	84
	Name of facility:		Potawatomi Zoo		
	Sub-total Municipal Facility:		84	84	
Subtotal from Above:			414	539	

The undersigned owner(s) of real property, located within the City of South Bend, hereby petition the Common Council of the City of South Bend for a real and/or personal property tax abatement consideration and pursuant to C., 6-11.1-12.1-1, et seq., and South Bend Municipal Code Sec. 2-76 et seq., for this petition state the above.

Submitted By:

Digitally signed by Kyle Harrison
Date: 2016.03.03 11:38:11 -0500

Date:

03/03/2016

What is the current assessed value?	Real Property	\$31,000	Personal Property	
What is the projected assessed value?	Real Property		Personal Property	
What is the tanky number for this project?	018-8028-1128; 018-8028-1127			
What is the grid of NATEC code?				
Please attach a Google map and street view of the location.				
Please list the amount of real and personal property taxes paid for the last five years when applicable.				
	Real Property Taxes		Personal Property Taxes	
Year One	\$910.22			
Year Two	\$912.26			
Year Three	\$925.79			
Year Four	\$665.28			
Year Five	\$675.04			

Staff Use Only

Please fill out the Public Benefit Summary information and add to the total from above.

		Work	Points	Points
Public Benefit Items:				
Project Related:				
5	A.	Redevelop a Site that has Special Needs		49
	B.	Develop Based on Local University/Research		35
	C.	Achieve a Physical Element of a Plan		36
	Sub-total Project Related:		0	120
Super Size Projects (point values are cumulative):				
6	A.	100% to 199%		25
	B.	200% to 299%		68
	C.	300% to 399%		65
	D.	400% and Over		52
	Sub-total Super Size Projects:		0	210
Pay for Municipal Infrastructure:				
7	A.	Pay for Oversizing or Upgrading		14
	B.	Pay for 26-50% of Extension Cost		26
	C.	Pay for 51-75% of Extension Cost		39
	D.	Pay for 76-100% of Extension Cost		52
	Sub-total Infrastructure Related:		0	131
Total from Applicant Section:			414	539
Total from Staff Section:			0	461
Total Public Benefit Points:			414	1000

Supplement to Petition for Incentives

Frequently Asked Questions

We are frequently asked to explain the following questions, in an effort to clarify we are providing answers below.

1) How do I pay my petition filing fee?

Your petition filing fee can be paid either in person or via mail to:

**City Clerk's Office
Attn: Deputy City Clerk
227 West Jefferson Blvd. • Suite 400 S
South Bend, Indiana 46601**

Or online via paypal at:

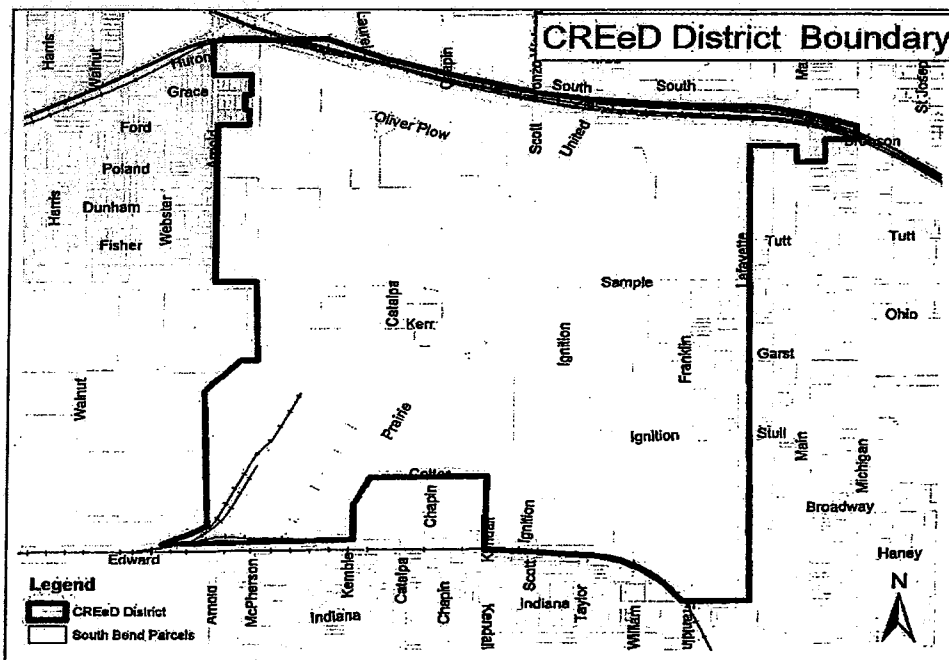
**[http://southbendin.gov/government/
content/tax-abatement](http://southbendin.gov/government/content/tax-abatement)**

2) Certified Technology Park appropriate? (Page one, under project overview)

In the South Bend area there are only two Certified Technology Parks, Innovation Park and Ignition Park. If your property is not located in either then the answer would be no.

3) Community Revitalization Enhancement District? (Page one, under project overview)

The map below outlines the CREd area, please check to see if you fall within the boundaries.



4) Has any 504 funding been received? (Page one, under investment details)

504 Funding is a loan that come from the Small Business Administration. This funding must be applied for to be received.

5) Total training expenditure – not cumulative (Page two, under full time Indiana resident positions)

The amount of money to be spent per year on training over the course of the project.

6) Total number to be trained – not cumulative (Page two, under full time Indiana resident positions)

The amount of people that you will train per year over the length of the project.

If you have any additional questions that are not addressed by this document, please contact Sarah Heintzelman in the Department of Community Investment at 574.235.5842 or email at sheintze@southbendin.gov



**STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**

State Form 51767 (R4 / 2-13)

Prescribed by the Department of Local Government Finance

20__ PAY 20__

FORM SB-1 / Real Property

PRIVACY NOTICE

The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1(c) and (d).

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
- Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
2. Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, BEFORE a deduction may be approved.
3. To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. If the property owner misses the May 10 deadline in the initial year of occupation, he can apply between March 1 and May 10 of a subsequent year.
4. Property owners whose Statement of Benefits was approved after June 30, 1991, must attach a Form CF-1/Real Property annually to the application to show compliance with the Statement of Benefits. [IC 6-1.1-12.1-5.1(b) and IC 6-1.1-12.1-5.3(j)].
5. The schedules established under IC 6-1.1-12.1-4(d) for rehabilitated property apply to any economic revitalization areas designated after June 30, 2000, unless an alternative deduction schedule is adopted by the designating body (IC 6-1.1-12.1-17). The schedules effective prior to July 1, 2000, shall continue to apply to economic revitalization areas designated before July 1, 2000.

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer South Bend Form Tool Co., Inc.		
Address of taxpayer (number and street, city, state, and ZIP code) 408 W. Indiana Ave., South Bend, IN 46613		
Name of contact person Herb Eggers	Telephone number (574) 289-2441	E-mail address heggers@sbform.com

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body City of South Bend		Resolution number
Location of property 1619 & 1623 Franklin St., South Bend, IN 46613	County St. Joseph	DLGF taxing district number
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) Construction of approximately 3,000 additional square feet of manufacturing space and improvements to existing building		Estimated start date (month, day, year) 4/1/2016
		Estimated completion date (month, day, year) 12/1/2016

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
17	\$785,000	17	\$785,000	8	\$378,560

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values	\$10,000	\$31,000
Plus estimated values of proposed project	\$222,166	\$222,166
Less values of any property being replaced	\$0	\$0
Net estimated values upon completion of project	\$232,166	\$253,166

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (pounds) _____	Estimated hazardous waste converted (pounds) _____
Other benefits	

SECTION 6 TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true.

Signature of authorized representative 	Digitally signed by Kyle Harbison Date: 2016.03.03 11:30:24 -05'00'	Title Project Manager	Date signed (month, day, year) 03/03/2016
--	--	--------------------------	--

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

- A. The designated area has been limited to a period of time not to exceed _____ calendar years* (see below). The date this designation expires is _____.
- B. The type of deduction that is allowed in the designated area is limited to:
 - 1. Redevelopment or rehabilitation of real estate improvements Yes No
 - 2. Residentially distressed areas Yes No
- C. The amount of the deduction applicable is limited to \$ _____.
- D. Other limitations or conditions (specify) _____
- E. The deduction is allowed for _____ years* (see below).
- F. Did the designating body adopt an alternative deduction schedule per IC 6-1.1-12.1-17? Yes No
If yes, attach a copy of the alternative deduction schedule to this form.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body)	Telephone number ()	Date signed (month, day, year)
Attested by (signature and title of attester)	Designated body	

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4.

- A. For residentially distressed areas, the deduction period may not exceed five (5) years.
- B. For redevelopment and rehabilitation or real estate improvements:
 - 1. If the Economic Revitalization Area was designated prior to July 1, 2000, the deduction period is limited to three (3), six (6), or ten (10) years.
 - 2. If the Economic Revitalization Area was designated after June 30, 2000, and is not in a residentially distressed area, the deduction period may not exceed ten (10) years.



STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51764 (R2 / '12-11)
Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

PRIVACY NOTICE

The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1 (c) and (d).

INSTRUCTIONS:

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
- Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to installation of the new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment, BEFORE a deduction may be approved
- To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and the extended due date of that year.
- Property owners whose Statement of Benefits was approved after June 30, 1991, must submit Form CF-1 / PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
- The schedules established under IC 6-1.1-12.1-4.5(d) and (e) apply to equipment installed after March 1, 2001, unless an alternative deduction schedule is adopted by the designating body (IC 6-1.1-12.1-17).

SECTION 1 TAXPAYER INFORMATION	
Name of taxpayer South Bend Form Tool Co., Inc.	
Address of taxpayer (number and street, city, state, and ZIP code) 408 W. Indiana Ave., South Bend, IN 46613	
Name of contact person Herb Eggers	Telephone number 574-289-2441

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT			
Name of designating body City of South Bend		Resolution number (s)	
Location of property 1619 & 1623 Franklin St., South Bend, IN 46613		County St. Joseph	
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (use additional sheets if necessary)		ESTIMATED	
		START DATE	COMPLETION DATE
CNC Lathes, Wire EDM, Automatic Band Saw, Auto CMM, Tooling, Warehouse Racking, PC's, ERP Software		Manufacturing Equipment	3/15/2016 12/15/2017
		R & D Equipment	
		Logist Dist Equipment	7/15/2016 11/15/2016
		IT Equipment	7/15/2016 10/31/2017

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT					
Current number 17	Salaries \$785,000	Number retained 17	Salaries \$785,000	Number additional 8	Salaries \$378,560

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT								
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Current values								
Plus estimated values of proposed project	\$623,077	\$623,077			\$11,305	0	\$9,300	0
Less values of any property being replaced								
Net estimated values upon completion of project	\$623,077	\$623,077			\$11,305	0	\$9,300	0

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER	
Estimated solid waste converted (pounds)	Estimated hazardous waste converted (pounds)
Other benefits:	

SECTION 6 TAXPAYER CERTIFICATION			
I hereby certify that the representations in this statement are true:			
Signature of authorized representative 	Digitally signed by Kyle Harbison Date: 2016.03.03 11:33:56 -05'00'	Title Project Manager	Date signed (month, day, year) 03/03/2016

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed _____ calendar years * (see below). The date this designation expires is _____.

B. The type of deduction that is allowed in the designated area is limited to:

- | | | |
|--|------------------------------|-----------------------------|
| 1. Installation of new manufacturing equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Installation of new research and development equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Installation of new logistical distribution equipment. | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Installation of new information technology equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

C. The amount of deduction applicable to new manufacturing equipment is limited to \$ _____ cost with an assessed value of \$ _____.

D. The amount of deduction applicable to new research and development equipment is limited to \$ _____ cost with an assessed value of \$ _____.

E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ _____ cost with an assessed value of \$ _____.

F. The amount of deduction applicable to new information technology equipment is limited to \$ _____ cost with an assessed value of \$ _____.

G. Other limitations or conditions (specify) _____

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction on or after July 1, 2000, is allowed for:

- | | |
|-------------------------------------|--------------------------------------|
| <input type="checkbox"/> 1 year | <input type="checkbox"/> 6 years |
| <input type="checkbox"/> 2 years | <input type="checkbox"/> 7 years |
| <input type="checkbox"/> 3 years | <input type="checkbox"/> 8 years |
| <input type="checkbox"/> 4 years | <input type="checkbox"/> 9 years |
| <input type="checkbox"/> 5 years ** | <input type="checkbox"/> 10 years ** |

** For ERA's established prior to July 1, 2000, only a 5 or 10 year schedule may be deducted.

I. Did the designating body adopt an alternative deduction schedule per IC 6-1.1-12.1-17? Yes No
If yes, attach a copy of the alternative deduction schedule to this form.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved: (signature and title of authorized member)	Telephone number ()	Date signed (month, day, year)
Attested by:	Designated body	

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4.5

227 W. JEFFERSON BOULEVARD
SUITE 1400 S.
SOUTH BEND, IN 46601-1830



PHONE: 574/235-9371
FAX: 574/235-9021

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
COMMUNITY INVESTMENT
SCOTT FORD, EXECUTIVE DIRECTOR

March 8, 2016

Council Member Gavin Ferlic, Chairperson
Community Investment Committee
South Bend Common Council
4th Floor, County City Building
South Bend, IN 46601

RE: Personal Property Tax Abatement Petition for: **South Bend Form Tool Co., Inc.**

Dear Council Member Ferlic:

Please find the attached information pertaining to a personal property tax abatement petition for South Bend Form Tool Co., Inc.:

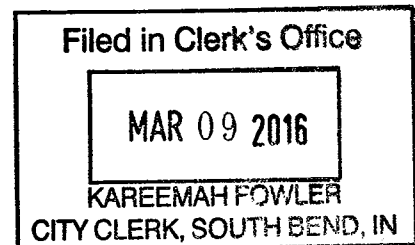
- Department of Community Investment's summary report
- Copy of the petition
- Statement of Benefits form
- Supporting information.

The report contains the Department's findings relative to the above petition. South Bend Form Tool Co., Inc. will be investing approximately \$220,000 in the expansion of their current floor space along with purchasing and installing approximately \$623,000 of new equipment. This expansion will grow their current customer base and allow them to pursue additional business from new customers. The project meets the qualifications for a (5) five year personal property tax abatement. A representative from South Bend Form Tool Co., Inc. will be available to meet with the Committee on Monday, March 14, 2016.

Should you or any of the other Council members have any questions concerning the report, or need additional information, please feel free to call me at 235-5823.

Sincerely,

Aaron Kobb
Director of Economic Resources



RESOLUTION NO. _____

A RESOLUTION OF THE COMMON COUNCIL OF THE
CITY OF SOUTH BEND DESIGNATING CERTAIN AREAS WITHIN
THE CITY OF SOUTH BEND, INDIANA, COMMONLY KNOWN AS

1619/1623 Franklin Street, South Bend, IN 46613

AN ECONOMIC REVITALIZATION AREA FOR PURPOSES OF A
(5) FIVE-YEAR PERSONAL PROPERTY TAX ABATEMENT FOR:

South Bend Form Tool Co., Inc.

WHEREAS, a petition for personal property tax abatement consideration has been filed with the City Clerk for consideration by the Common Council of the City of South Bend, Indiana, requesting that the area commonly known as 1619/1623 Franklin Street, South Bend, IN 46613 and which is more particularly described as follows:

Business Personal Property

and which has a Key Number to be assigned be designated as an Economic Revitalization Area under the provisions of Indiana Code 6-1.1-12.1 et seq., and South Bend Municipal Code Sections 2-76 et seq., and;

WHEREAS, the Department of Community Investment has concluded an investigation and prepared a report with information sufficient for the Common Council to determine that the area qualifies as an Economic Revitalization Area under Indiana Code 6-1.1-12.1, et seq., and South Bend Municipal Code Sections 2-76, et seq., and has further prepared maps and plats showing the boundaries and such other information regarding the area in question as required by law; and

WHEREAS, the Community Investment Committee of the Common Council has reviewed said report and recommended to the Common Council that the area qualifies as an Economic Revitalization Area.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of South Bend, Indiana, as follows:

SECTION I. The Common Council hereby determines and finds pursuant to Indiana Code 6-1.1-12.1-4.5 et seq., that:

- a. The estimate of the cost of the new manufacturing equipment is reasonable for

- equipment of that type;
- b. That the estimate of the number of individuals that will be employed or whose employment will be retained by the Petitioner can reasonably be expected to result from the proposed installation of new manufacturing equipment;
 - c. That the estimate of the annual salaries of those individuals that will be employed or whose employment will be retained by the Petitioner can be reasonably expected to result from the proposed installation of new manufacturing equipment;
 - d. Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed new manufacturing equipment; and
 - e. The totality of benefits is sufficient to justify the deduction requested.

SECTION II. The Common Council hereby determines and finds that the proposed new equipment can be reasonably expected to yield the benefits identified in the Statement of Benefits as set forth in Sections 1 through 3 of the Petition for Personal Property Tax Abatement Consideration and that Statement of Benefits form completed by the petitioner, said form being prescribed by the State Board of Accounts, are sufficient to justify the deduction granted under Indiana Code 6-1.1-12.1-4.5.

SECTION III. The Common Council hereby accepts the report and recommendation of the Department of Community Investment, and the Community Investment Committee's favorable recommendation, that the area herein described be designated as an Economic Revitalization Area for purposes of personal property tax abatement and hereby makes such a designation.

SECTION IV. The Common Council determines that such designation is for personal property tax abatement only and shall be limited to two (2) calendar years from the date of the adoption of this Resolution by the Common Council.

SECTION V. The Common Council hereby determines that the property owner is qualified for and is granted property tax deduction for a period of (5) five years as shown by the attachment pursuant to Indiana Code 6-1.1-12.1-17.

SECTION VI. The Common Council directs the City Clerk to cause notice of the adoption of this Declaratory Resolution for Personal Property Tax Abatement to be published pursuant to Indiana Code 5-3-1, said publication providing notice of the public hearing before the Common Council on the proposed confirming of said declaration.

SECTION VII. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.

Member of the Common Council

Filed in Clerk's Office

MAR 09 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

PRESENTED

NOT APPROVED

ADOPTED

TAX ABATEMENT REPORT

TO: SOUTH BEND COMMON COUNCIL

FROM: AARON KOB

SUBJECT: PERSONAL PROPERTY TAX ABATEMENT PETITION FOR:
South Bend Form Tool Co., Inc.

DATE: March 8, 2016

On Wednesday, March 9, 2016, a petition from South Bend Form Tool Co., Inc. was received and subsequently filed with the City Clerk for personal property tax abatement consideration for property to be located at 1619 and 1623 Franklin Street, South Bend, IN 46613. Pursuant to Chapter 2, Article 6, Section 2-84.2 of the Municipal Code of the City of South Bend, this petition was referred to the Department of Community Investment for purposes of investigation and preparation of a report determining whether the area qualifies as an Economic Revitalization Area pursuant to I.C.6-1.1-12.1 and whether all zoning requirements have been met.

The Department of Community Investment has reviewed the petition (a copy of which is attached), investigated the area, and makes the following report.

PROJECT SUMMARY

- Approximate \$220,000 expansion of existing floor space along with the purchase of approximately \$623,000 of new equipment to better serve existing customers and pursue additional business.
- Total taxes on new equipment over the five year abatement period – \$53,452
- Estimated taxes abated on new equipment over the five year abatement period – \$24,501
- Total taxes to be paid on new equipment over the five year abatement period – \$28,951

EMPLOYMENT IMPACT

Per the petition, it is estimated that the total project will:

- Create 8 permanent, full-time jobs within the five year abatement period, representing a new annual payroll of \$378,560
- 17 total jobs will be retained with a total annual payroll of \$785,000

ABATEMENT QUALIFICATION

1. A review of the tax abatements previously granted, finds that the petitioner has not been granted or associated with any previous abatements.
2. The Building Commissioner has reviewed the petition and finds the property to be properly zoned for the proposed project.
3. A review of the South Bend Redevelopment designation areas finds that the property is located in the River West Development Area.
4. A review of the Tax Abatement Ordinance No. 9394-03 finds that the petitioner meets the qualifications for a (5) five-year personal property tax abatement under section 2-84.2, Tangible Personal Property Tax Abatement.

South Bend Form Tool Co, Inc.

South Bend Portage Township
Personal Property Tax Abatement Schedule*

Tax Key Number	TBD				
Current Assessed Value:	0				
Estimated Project Cost:	623,077				
	40%	60%	55%	45%	37%
	100%	80%	60%	40%	20%
	Year 1	Year 2	Year 3	Year 4	Year 5
Assessed Value:	Pay 2017	Pay 2018	Pay 2019	Pay 2020	Pay 2021
Current Assessed Value	0	0	0	0	0
Base Assessed Value	249,231	373,846	342,692	280,385	230,538
Less Abatement Deduction	(249,231)	(299,077)	(205,615)	(112,154)	(46,108)
Net Assessed Value	0	74,769	137,077	168,231	184,431

Property Taxes:					
Assume constant tax rate of	5.4968%	5.4968%	5.4968%	5.4968%	5.4968%
Gross Tax (tax rate x net assessed value)	0	4,110	7,535	9,247	10,138
Less Circuit Breaker Credit	0	0	0	0	(2,079)
Net Tax	0	4,110	7,535	9,247	8,059

Circuit Breaker Cap					
Circuit Breaker	0	11,215	10,281	8,412	6,916
Debt Service	0	463	849	1,043	1,143
Circuit Braker Cap	0	11,679	11,130	9,454	8,059

Year	Existing Taxes	New Project Taxes	Combined Existing & New Taxes	Tax Abated	Net Tax Paid
Pay 2017	0	9,021	9,021	9,021	0
Pay 2018	0	13,532	13,532	9,422	4,110
Pay 2019	0	12,404	12,404	4,870	7,535
Pay 2020	0	10,149	10,149	902	9,247
Pay 2021	0	8,345	8,345	286	8,059
Totals	0	53,452	53,452	24,501	28,951

*This schedule is for estimation purposes only and assumes constant tax rates. The true tax values will ultimately be determined by the actual assessed valuation and the then current tax rates.

City of South Bend Petition for Incentives



Petition must include a \$250 filing fee payable to the City Clerk's Office or online via the City's website at <http://southbend.in.gov/government/content/tax-abatement> before processing can be complete.

General Information		Project Name		Project Number	
Legal name of registrant with Secretary of State		South Bend Form Tool Co. Inc.			
Business structure		Corporation			
Company website		http://www.sbform.com			

Proposed Project Information					
Proposed project address		1619 / 1623 Franklin Street	Parent company name		South Bend Form Tool Co. Inc.
City, State, Zip		South Bend, IN 46613	Legal owner		Eggers Real Estate, LLC
Site acreage or acreage required		0.23 acres (both lots together)	Is the real estate owned or leased		Owned
Square feet of facility		2,880	Released by whom		

Primary Contact Information					
Primary company contact name		Kyle Harblson	Title		Project Manager
Address of company contact		408 W. Indiana Avenue	Phone		574-289-2441
City, State, Zip		South Bend, IN 46613	Email		kharblson@sbform.com

Senior Official Information					
Company senior official name		Herb Eggers	Title		President & Owner
Address of company contact (if different from above)		408 W. Indiana Avenue	Phone		574-289-2441
City, State, Zip		South Bend, IN 46613	Email		heggers@sbform.com

Consultant Information/Agent					
Hired business consultant/agent name		None	Consultant release (Y/N)		
Address			Local economic development partners approval (Y/N)		
City, State, Zip			Email		

Project Overview					
Brief description of your company, project and why the property is necessary for economic growth		<p>Precision machine shop specializing in the aerospace and industrial markets.</p> <p>This project is an expansion of our floor space to allow for new equipment and material storage. The project is necessary due to the award of new business from a long-time existing customer. The expansion and additional equipment will allow us to bring on a second shift to cover the increased demand from our existing customer base. It will also allow us to pursue additional business from other existing and/or new customers.</p>			

Filed in Clerk's Office

MAR 09 2016

**KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN**

Certified Technology Park appropriate	No				
Community Review for Entertainment District	No				
Can you obtain building permit based on this petition?	No	Number of resident units created by project	0		
Is this a petition to purchase property (tax abatement) has the equipment been installed	No				

Investment Details			
Public infrastructure needs (if site of project in dollars)	Has any 50% funding been received?	What is the value of any equipment being purchased in Indiana for the project?	What is the value of any equipment being purchased from out of state for the project?
\$0	No	\$84,705	\$558,977

New Project Investments

Calendar Year	2015	2016	2017	2018	2019	2020	2021	2022
Land/Acquisition								
Building Lease Payments								
Building Purchase Costs								
New Building Construction		\$ 182,166						
Existing Building Improvements		\$ 20,000	\$ 20,000					
New Machinery & Equipment		\$ 180,934	\$ 377,143					
Special Tooling/Retooling		\$ 30,000	\$ 35,000					
New Furniture/Fixtures		\$ 6,305	\$ 5,000					
New Computer/IT Hardware		\$ 3,000	\$ 3,000					
New Software		\$ 2,800	\$ 500					
On-site Ball Infrastructure								
On-site Fiber Infrastructure								
TOTAL								

Full-Time Permanent Indiana-Resident Positions by Calendar Year

Calendar Year	Jobs created	Total hourly wage w/o benefits	Cumulative total NEW full-time permanent jobs created at project	Hourly average wage w/o benefits or bonuses of cumulative new jobs	Total training expenditure - not cumulative	Total jobs retained - not cumulative
2015	17	\$377	1	\$42	0	0
2016			5	\$20	0	0
2017			1	\$20	0	0
2018			1	\$20	0	0
2019						
2020						
2021						
2022						
2023						
2024						
2025						
2026						

Provide hourly wage information for new employees in the following positions.

	Full-time	Part-time
Laborers	\$20	
Technical	\$20	
Managerial	\$42	
Administrative		

Who will be the individual responsible for coordinating with WorkOne on recruiting? **Kyle Harblson or Eric Lupa**

Does your company have an EEO hiring policy? **Yes** Are you an EEO Employer? **Yes**

Please list the number of full time and part time minority and/or female employees for each of the last three years:

YES	2013		2014		2015	
	Full-time	Part-time	Full-time	Part-time	Full-time	Part-time
Black						
Hispanic						
Asian						
Indian						
Female	0	1	1	1	1	1
Other						

Please describe your commitment to diversity and inclusion by detailing your outreach and recruitment efforts for the last three years as well as current policies.

South Bend Form Tool hires based on capabilities and experience. We openly post positions when hiring and accept applications from all qualified persons no matter their age, race or sex.

Complete below for Real or Personal Property Tax Abatement only.
Please sign for all requested incentives.

Public Benefit Item:					
Information is required on both the construction companies and the companies which will provide materials purchased for this project. Please complete the table below with the appropriate information. If you qualify for the points, please enter the full amount of available points.		Quality (Yes or No)	Earned Points	Available Points	
1	Construction Related (Contractors):				
	A.	Employ Local Companies (75%)	No	0	20
	B.	Purchase Material from Local Companies (75%)	No	0	20
	C.	Require Employees vs. Independent Contractors	Yes	19	19
	D.	Require Prevailing Wage (Davis Bacon)	Yes	22	22
	E.	Require Health Benefits	Yes	22	22
	F.	Require Pension Benefits	No	0	18
	G.	Maintain Affirmative Action Plan	Yes	20	20
		Sub-total Construction Related:		83	141
2	Wage & Benefit Related (Owner):				
	A.	Pay Target Wage Levels	Yes	33	33
	B.	Provide Health Benefits	Yes	34	34
	C.	Provide Pension Benefits	No	0	29
	D.	Provide Training	Yes	28	28
	E.	Provide Child Care	No	0	15
	F.	Provide Transportation Assistance	No	0	14
	G.	Provide Employer Assisted Housing program	No	0	9
	Sub-total Wage & Benefit Related:		95	162	
3	Workforce Related:				
	A.	Create New Jobs	Yes	42	42
	B.	Retain Existing Jobs	Yes	41	41
	C.	Maintain Affirmative Action Plan	Yes	35	35
	D.	Provide Targeted Hiring Preference	Yes	34	34
	Sub-total Workforce Related:		152	152	
4	Support Municipal Facility:				
	A.	Support a Municipal Facility (donations to the zoo, conservatory, museum, etc.)	Yes	84	84
		Name of Facility	Potawatomi Zoo		
	Sub-total Municipal Facility:		84	84	
Sub-total from Above:			414	539	

The undersigned owner(s) of real property, located within the City of South Bend, hereby petition the Common Council of the City of South Bend for a real and/or personal property tax abatement consideration and pursuant to J.C. 6-1-1-12-1-1, et seq., and South Bend Municipal Code Sec. 2-76 et seq., for this petition state the above:

Submitted By:

by: _____

Digitally signed by Kyle Harrison
Date: 2016.03.03 11:29:11 -0500

Date:

03/03/2016

What is the current assessed value?	Real Property:	\$31,000	Personal Property:	
What is the projected assessed value?	Real Property:		Personal Property:	
What is the tax key number for this project?	018-8028-1128; 018-8028-1127			
What is the six digit NAICS code?				
Please attach a Google map and Street View of the location.				
Please list the amount of real and personal property taxes paid for the last five years when applicable.	Real Property Taxes	Personal Property Taxes		
	Year One	\$910.22		
	Year Two	\$912.26		
	Year Three	\$925.79		
	Year Four	\$665.28		
	Year Five	\$675.04		

Staff Use Only
Please fill out the Public Benefit Summary Information and add to the total from above.

Public Benefit Item:		(Y or N)	Points	Points
Project Related:				
A.	Redevelop a Site that has Special Needs			49
B.	Develop Based on Local University Research			35
C.	Achieve a Physical Element of a Plan			36
Sub-total Project Related:		0		120
Super-Size Projects (point values are cumulative):				
A.	100% to 199%			25
B.	200% to 299%			68
C.	300% to 399%			65
D.	400% and Over			52
Sub-total Super-Size Projects:		0		210
Pay for Municipal Infrastructure:				
A.	Pay for Oversizing or Upgrading			14
B.	Pay for 26-30% of Extension Cost			26
C.	Pay for 31-75% of Extension Cost			39
D.	Pay for 76-100% of Extension Cost			52
Sub-total Infrastructure Related:		0		131
Total from Applicant Section:		414		539
Total from Staff Section:		0		461
Total Public Benefit Points:		414		1000

Supplement to Petition for Incentives Frequently Asked Questions

We are frequently asked to explain the following questions, in an effort to clarify we are providing answers below.

1) How do I pay my petition filing fee?

Your petition filing fee can be paid either in person or via mail to:

*City Clerk's Office
Attn: Deputy City Clerk
227 West Jefferson Blvd. • Suite 400 S
South Bend, Indiana 46601*

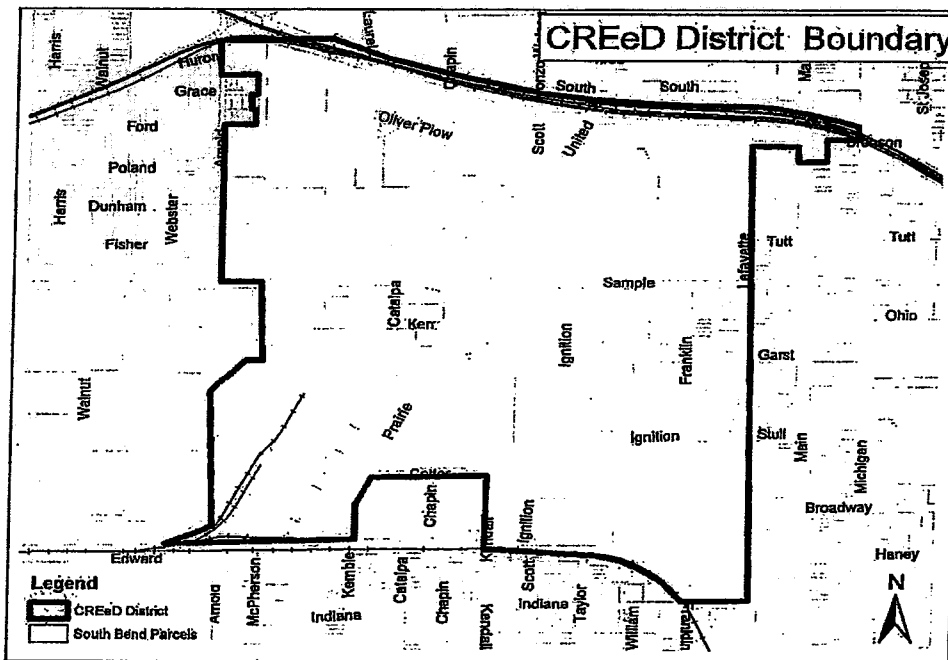
*Or online via paypal at:
[http://southbend.in.gov/government/
content/tax-abatement](http://southbend.in.gov/government/content/tax-abatement)*

2) Certified Technology Park appropriate? (Page one, under project overview)

In the South Bend area there are only two Certified Technology Parks, Innovation Park and Ignition Park. If your property is not located in either then the answer would be no.

3) Community Revitalization Enhancement District? (Page one, under project overview)

The map below outlines the CREED area, please check to see if you fall within the boundaries.



4) Has any 504 funding been received? (Page one, under investment details)

504 Funding is a loan that come from the Small Business Administration. This funding must be applied for to be received.

5) Total training expenditure – not cumulative (Page two, under full time Indiana resident positions)

The amount of money to be spent per year on training over the course of the project.

6) Total number to be trained – not cumulative (Page two, under full time Indiana resident positions)

The amount of people that you will train per year over the length of the project.

If you have any additional questions that are not addressed by this document, please contact Sarah Heintzelman in the Department of Community Investment at 574.235.5842 or email at sheintze@southbend.in.gov



**STATEMENT OF BENEFITS
REAL ESTATE IMPROVEMENTS**

State Form 51787 (R4 / 2-13)

Prescribed by the Department of Local Government Finance

20 PAY 20

FORM SB-1 / Real Property

PRIVACY NOTICE

The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1(c) and (d).

This statement is being completed for real property that qualifies under the following Indiana Code (check one box):

- Redevelopment or rehabilitation of real estate improvements (IC 6-1.1-12.1-4)
- Residentially distressed area (IC 6-1.1-12.1-4.1)

INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise, this statement must be submitted to the designating body BEFORE the redevelopment or rehabilitation of real property for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
2. Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to initiation of the redevelopment or rehabilitation, BEFORE a deduction may be approved.
3. To obtain a deduction, a Form 322/RE must be filed with the County Auditor before May 10 in the year in which the addition to assessed valuation is made or not later than thirty (30) days after the assessment notice is mailed to the property owner if it was mailed after April 10. If the property owner misses the May 10 deadline in the initial year of occupation, he can apply between March 1 and May 10 of a subsequent year.
4. Property owners whose Statement of Benefits was approved after June 30, 1991, must attach a Form CF-1/Real Property annually to the application to show compliance with the Statement of Benefits. [IC 6-1.1-12.1-5.1(b) and IC 6-1.1-12.1-5.3(j)].
5. The schedules established under IC 6-1.1-12.1-4(d) for rehabilitated property apply to any economic revitalization areas designated after June 30, 2000, unless an alternative deduction schedule is adopted by the designating body (IC 6-1.1-12.1-17). The schedules effective prior to July 1, 2000, shall continue to apply to economic revitalization areas designated before July 1, 2000.

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer South Bend Form Tool Co., Inc.		
Address of taxpayer (number and street, city, state, and ZIP code) 408 W. Indiana Ave., South Bend, IN 46613		
Name of contact person Herb Eggers	Telephone number (574) 289-2441	E-mail address heggers@sbform.com

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body City of South Bend	Resolution number
Location of property 1619 & 1623 Franklin St., South Bend, IN 46613	County St. Joseph
Description of real property improvements, redevelopment, or rehabilitation (use additional sheets if necessary) Construction of approximately 3,000 additional square feet of manufacturing space and improvements to existing building	DLGF taxing district number
	Estimated start date (month, day, year) 4/1/2016
	Estimated completion date (month, day, year) 12/1/2016

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
17	\$785,000	17	\$785,000	8	\$378,560

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

	REAL ESTATE IMPROVEMENTS	
	COST	ASSESSED VALUE
Current values	\$10,000	\$31,000
Plus estimated values of proposed project	\$222,166	\$222,166
Less values of any property being replaced	\$0	\$0
Net estimated values upon completion of project	\$232,166	\$253,166

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (pounds) _____	Estimated hazardous waste converted (pounds) _____
--	--

Other benefits

SECTION 6 TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true:

Signature of authorized representative <i>Kyle Harbison</i>	Digitally signed by Kyle Harbison Date: 2016.03.03 11:30:24 -05'00'	Title Project Manager	Date signed (month, day, year) 03/03/2016
--	--	--------------------------	--

FOR USE OF THE DESIGNATING BODY

We find that the applicant meets the general standards in the resolution adopted or to be adopted by this body. Said resolution, passed or to be passed under IC 6-1.1-12.1, provides for the following limitations:

- A. The designated area has been limited to a period of time not to exceed _____ calendar years* (see below). The date this designation expires is _____.
- B. The type of deduction that is allowed in the designated area is limited to:
 - 1. Redevelopment or rehabilitation of real estate improvements Yes No
 - 2. Residentially distressed areas Yes No.
- C. The amount of the deduction applicable is limited to \$ _____.
- D. Other limitations or conditions (specify) _____
- E. The deduction is allowed for _____ years* (see below).
- F. Did the designating body adopt an alternative deduction schedule, per IC 6-1.1-12.1-17? Yes No
If yes, attach a copy of the alternative deduction schedule to this form.

We have also reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member of designating body)	Telephone number ()	Date signed (month, day, year)
Attested by (signature and title of attester)	Designated body	

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4.

- A. For residentially distressed areas, the deduction period may not exceed five (5) years.
- B. For redevelopment and rehabilitation or real estate improvements:
 - 1. If the Economic Revitalization Area was designated prior to July 1, 2000, the deduction period is limited to three (3), six (6), or ten (10) years.
 - 2. If the Economic Revitalization Area was designated after June 30, 2000, and is not in a residentially distressed area, the deduction period may not exceed ten (10) years.



**STATEMENT OF BENEFITS
PERSONAL PROPERTY**

State Form 51764 (R2 / 12-11)
Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

PRIVACY NOTICE
The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1 (c) and (d).

INSTRUCTIONS:

- This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body BEFORE a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
- Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to installation of the new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment, BEFORE a deduction may be approved.
- To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and the extended due date of that year.
- Property owners whose Statement of Benefits was approved after June 30, 1991, must submit Form SB-1 / PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
- The schedules established under IC 6-1.1-12.1-4.5(d) and (e) apply to equipment installed after March 1, 2001, unless an alternative deduction schedule is adopted by the designating body (IC 6-1.1-12.1-17).

SECTION 1 TAXPAYER INFORMATION

Name of taxpayer
South Bend Form Tool Co., Inc.

Address of taxpayer (number and street, city, state, and ZIP code)
408 W. Indiana Ave., South Bend, IN 46613

Name of contact person
Herb Eggers

Telephone number
674-289-2441

SECTION 2 LOCATION AND DESCRIPTION OF PROPOSED PROJECT

Name of designating body
City of South Bend

Resolution number (s)

Location of property
1619 & 1623 Franklin St., South Bend, IN 46613

County
St. Joseph

DLGF taxing district number

Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (use additional sheets if necessary)

	ESTIMATED	
	START DATE	COMPLETION DATE
Manufacturing Equipment	3/15/2016	12/15/2017
R & D Equipment		
Logist Dist Equipment	7/15/2016	11/15/2016
IT Equipment	7/15/2016	10/31/2017

CNC Lathes, Wire EDM, Automatic Band Saw, Auto CMM, Tooling, Warehouse Racking, PC's, ERP Software

SECTION 3 ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT

Current number	Salaries	Number retained	Salaries	Number additional	Salaries
17	\$765,000	17	\$765,000	8	\$378,560

SECTION 4 ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT

NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.

	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Current values								
Plus estimated values of proposed project	\$623,077	\$623,077			\$11,305	0	\$9,300	0
Less values of any property being replaced								
Net estimated values upon completion of project	\$623,077	\$623,077			\$11,305	0	\$9,300	0

SECTION 5 WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER

Estimated solid waste converted (pounds) _____

Estimated hazardous waste converted (pounds) _____

Other benefits:

SECTION 6 TAXPAYER CERTIFICATION

I hereby certify that the representations in this statement are true:

Signature of authorized representative: *[Signature]*

Digitally signed by Kyle Harblon
Date: 2016.03.03 11:33:56 -0500

Title: Project Manager

Date signed (month, day, year): 03/03/2016

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed _____ calendar years * (see below). The date this designation expires is _____.

B. The type of deduction that is allowed in the designated area is limited to:

- | | | |
|--|------------------------------|-----------------------------|
| 1. Installation of new manufacturing equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Installation of new research and development equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Installation of new logistical distribution equipment. | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Installation of new information technology equipment; | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

C. The amount of deduction applicable to new manufacturing equipment is limited to \$ _____ cost with an assessed value of \$ _____.

D. The amount of deduction applicable to new research and development equipment is limited to \$ _____ cost with an assessed value of \$ _____.

E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ _____ cost with an assessed value of \$ _____.

F. The amount of deduction applicable to new information technology equipment is limited to \$ _____ cost with an assessed value of \$ _____.

G. Other limitations or conditions (specify) _____

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction on or after July 1, 2000, is allowed for:

- | | |
|-------------------------------------|--------------------------------------|
| <input type="checkbox"/> 1 year | <input type="checkbox"/> 6 years |
| <input type="checkbox"/> 2 years | <input type="checkbox"/> 7 years |
| <input type="checkbox"/> 3 years | <input type="checkbox"/> 8 years |
| <input type="checkbox"/> 4 years | <input type="checkbox"/> 9 years |
| <input type="checkbox"/> 5 years ** | <input type="checkbox"/> 10 years ** |

** For ERA's established prior to July 1, 2000, only a 5 or 10 year schedule may be deducted.

I. Did the designating body adopt an alternative deduction schedule per IC 6-1.1-12.1-17? Yes No
If yes, attach a copy of the alternative deduction schedule to this form.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved: (signature and title of authorized member)	Telephone number ()	Date signed (month, day, year)
Attested by:	Designated body	

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4.5



The South Bend Common Council

4th Floor County-City Building
227 West Jefferson Boulevard
South Bend, Indiana 46601-1830
274.235.9321

Fax: 574.235.9173

TDD: 574.235.5567

March 9, 2016

The South Bend Common Council
4th Floor County-City Building
South Bend, Indiana 46601

Re: Community Project

Dear Council Members:

We are pleased to introduce the attached Resolution which supports the proposed installation of a fence near Coquillard Park.

It showcases another community project to be built and constructed by volunteers. The project would use absolutely no tax dollars. We believe that the volunteers and businesses donating their resources should be commended for stepping up in making South Bend better because of their efforts.

We request that this Resolution be sent to the Parks Committee and have public hearing on March 14th.

Most sincerely,

A handwritten signature in black ink, appearing to read "Gavin Ferlic".

Council Member Gavin Ferlic, Council Member at Large

A handwritten signature in black ink, appearing to read "Karen L. White".

Council Member Karen L. White, Council Member at Large

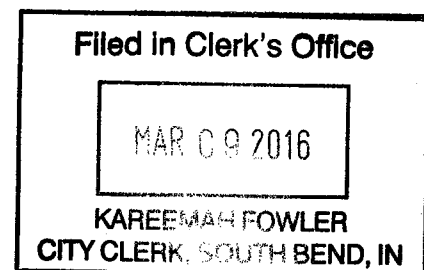
A handwritten signature in black ink, appearing to read "Jo M. Broden".

Council Member Jo Broden, 4th District Council Member

A handwritten signature in black ink, appearing to read "Oliver J. Davis".

Council Member Oliver J. Davis, 6th District Council Member

Attachment



RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, PUBLICLY SUPPORTING THE INSTALLATION OF A FENCE ON THE EAST
SIDE OF PERLEY PRIMARY FINE ARTS ACADEMY AND ON THE WEST SIDE OF
COQUILLARD PARK**

Whereas, the South Bend Common Council recognizes that Coquillard Park is named after Alexis Coquillard, who is credited with the founding of South Bend and who believed in developing land for park purposes; and

Whereas, the Common Council notes that a proposed four-foot high picket style fence is proposed to be constructed on the east side of Perley Primary Fine Arts Academy and on the west side of Coquillard Park; and

Whereas, the proposed installation of the fence will be a community project which will involve no tax dollars, but instead will be funded by donations, constructed by volunteers, and will utilize paint donated by one of the Sherwin-Williams stores in our city.

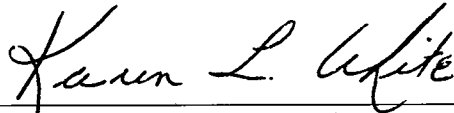
Now, Therefore, be it resolved, by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The Common Council publicly supports this community project and believes it adds to the civic pride and beautification of the City of South Bend.


Section II. This Resolution shall be in full force and effect from and after its adoption by the Common Council and approval by the Mayor.



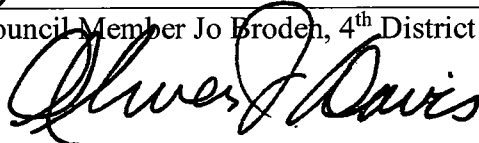
Council Member Gavin Ferlic, Council Member at Large



Council Member Karen L. White, Council Member at Large



Council Member Jo Brodeh, 4th District Council Member



Council Member Oliver J. Davis, 6th District Council Member

PRESENTED

NOT APPROVED

APPROVED

Filed in Clerk's Office

MAR 09 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



The South Bend Common Council
227 West Jefferson Boulevard, Room 441
Downtown South Bend, Indiana 46601
574.235.9321 574.235.5567 TDD

March 9, 2016

The South Bend Common Council
4th Floor County-City Building
South Bend, Indiana 46601

Re: City Flag Ordinance

Dear Council Members:

We are pleased to introduce a proposed ordinance which would amend the *City Code*. It proposes to add a new provision addressing the new official City Flag for the City of South Bend.

The excitement which the City Flag Design Contest has had as part of the SB150 Celebration far exceeded everyone's imagination.

We request that this Bill be sent to Council's Community Relations Committee. We are honored to sponsor this proposed ordinance and seek your unanimous support.

Thank you.

Most sincerely,

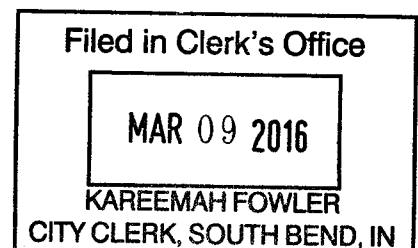
A handwritten signature in black ink, appearing to be "Tim Scott", written over a horizontal line.

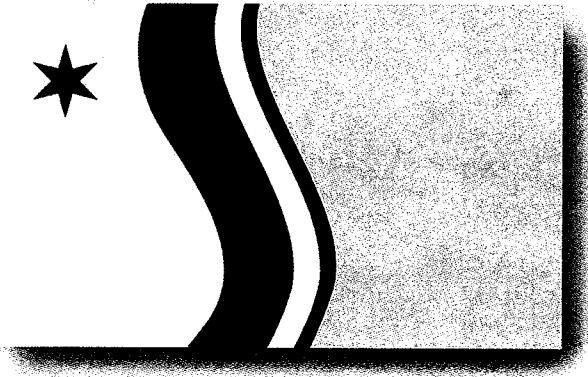
Tim Scott, Council President
1st District Council Member

A handwritten signature in black ink, appearing to be "Gavin Ferlic", written in a cursive style.

Gavin Ferlic, Council Member at Large
South Bend Common Council

Attachment





The new flag has a red six-pointed star on a white field, a yellow field opposite it, and two blue S-shaped lines with a white stripe in between. The six points of the star represent the City's (6) Council Districts, while the first blue and white lines evoke the river at the heart of South Bend, our physical and virtual connectivity, and our industrial roots.

(b) The following protocol standards are established:

1. The City Flag shall be displayed on city property with honor and shall be flown with dignity and respect.
2. The City Flag may be displayed in municipal offices and on city property, carried in parades and displayed at other occasions and locations.
3. The Mayor or his designee is authorized to order the raising or lowering to a half-mast position of City Flags at properties and facilities owned or operated by the City of South Bend, or on the grounds of the County-City Building.
4. When a City Flag is no longer a fitting emblem for display and becomes unserviceable or when it becomes faded or torn, it should be retired from further service with respect.
5. In the interest of fostering deep civic pride, the colors, design and theme of the City Flag of South Bend may be creatively and enthusiastically promoted as an open-source design to be embraced throughout our City.

Section II. If any part, subsection, section, paragraph, sub-paragraph, sentence, clause, phrase or word of this ordinance is for any reason declared to be unconstitutional or otherwise invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Bill No. _____

Ordinance No. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, AMENDING, CHAPTER 1 OF THE *SOUTH BEND MUNICIPAL CODE* BY THE
INCLUSION OF NEW SECTION 1-5.1 ENTITLED CITY FLAG

STATEMENT OF PURPOSE AND INTENT

The current South Bend City Flag dates back to the City of South Bend's Centennial Celebrations in 1965. The flag depicts a reproduction of the City Seal on a yellow background.

On November 9, 2015, the South Bend Common Council adopted Resolution No. 4509-15. That Resolution encouraged public participation in the City of South Bend Flag Design Contest and set forth governing rules and regulations regarding the process for formal approval of a new City Flag.

The City Flag Contest was the culminating event of South Bend 150 celebrations marking the city's sesquicentennial. The new design is a unifying and recognizable symbol of the city that captures the spirit of South Bend's past, present and future.

Over 200 flag designs were submitted for consideration. The competition was narrowed down to three (3) designs which were displayed as part of the First Friday festivities in December 2015 and on the South Bend 150 website, sb150.com.

Section IV of Council Resolution 4509-15 provided in part that the final flag design would require the passage of a city ordinance which would incorporate appropriate regulations addressing "...its display and use at public functions, as well as retiring and disposal of a City Flag when it is no longer a fitting emblem for display, and other appropriate regulations". That Resolution also called for the adoption of a separate "formal Resolution setting forth the date and proper procedures to retire the current City Flag to a place of honor".

This ordinance upon passage would formally adopt a new City Flag for the City of South Bend, Indiana, and would codify the City Flag provisions into the *South Bend Municipal Code*.

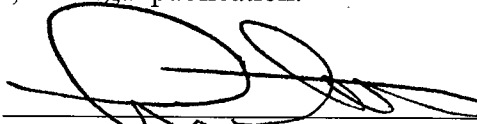
Now, Therefore, Be It Ordained by the Common Council of the City of South Bend, Indiana, as follows:

Section I. Chapter 1 of the *South Bend Municipal Code* is amended by the inclusion of new Section 1-5.1 which shall read in its entirety as follows:

Sec. 1-5.1 City Flag.

(a) The official City Flag for the City of South Bend, Indiana, is depicted as follows:

Section III. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and legal publication.



Tim Scott, 1st District Council Member
South Bend Common Council President



Gavin Ferlic, Council Member at Large
South Bend Common Council

Attest:

Office of the City Clerk

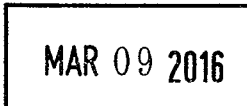
Presented by me to Pete Buttigieg, the Mayor of the City of South Bend, Indiana, on the ____ day of _____, 2016, at _____ o'clock __. m.

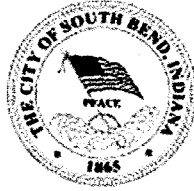
Office of the City Clerk

Approved and signed by me on the ____ day of _____, 2016, at ____ o'clock __.m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

- 1st READING
- PUBLIC HEARING
- 3rd READING
- NOT APPROVED
- REFERRED
- PASSED

Filed in Clerk's Office

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



The South Bend Common Council

4th Floor County-City Building
227 West Jefferson Boulevard
South Bend, Indiana 46601-1830

Fax: 574.235.9173

274.235.9321

TDD: 574.235.5567

March 9, 2016

The South Bend Common Council
4th Floor County-City Building
South Bend, Indiana 46601

Re: Proposed Smoke Free Air Standards for Workplaces/Public Places

Dear Council Members:

We are introducing the attached proposed ordinance which would establish smoke free air standards for workplaces and public places in the City of South Bend. The Indiana General Assembly granted local governments the authority to enact such local regulations in Public Law 141-2012, which has been in effect since July 1, 2012.

We request that this proposed ordinance be referred to the Council's Health and Public Safety Committee, so that meaningful discussions may take place on regulations aimed at protecting the public health and safety in workplaces and public places throughout our community. Thank you.

Most sincerely,

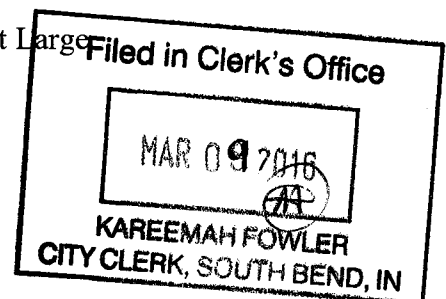
Gavin Ferlic
Council Member at Large

Jo Broden
4th District Council Member

Randy Kelly
3rd District Council Member

John Voorde
Council Member at Large

Attachment



BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE SOUTH BEND COMMON COUNCIL AMENDING CHAPTER 14 OF THE *SOUTH BEND MUNICIPAL CODE* BY ESTABLISHING NEW ARTICLE 13 ENTITLED SMOKE FREE AIR REGULATIONS FOR WORKPLACES AND PUBLIC PLACES

STATEMENT OF PURPOSE AND INTENT

The 2006 U.S. Surgeon General's Report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke*, has concluded that (1) secondhand smoke exposure causes disease and premature death in children and adults who do not smoke; (2) children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory problems, ear infections, and asthma attacks, and that smoking by parents causes respiratory symptoms and slows lung growth in their children; (3) exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer; (4) there is no risk-free level of exposure to secondhand smoke; (5) establishing smoke free workplaces is the only effective way to ensure that secondhand smoke exposure does not occur in the workplace, because ventilation and other air cleaning technologies cannot completely control for exposure of nonsmokers to secondhand smoke; and (6) evidence from peer-reviewed studies shows that smoke free policies and laws do not have an adverse economic impact on the hospitality industry. (U.S. Department of Health and Human Services. *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006.)

According to the 2010 U.S. Surgeon General's Report, *How Tobacco Smoke Causes Disease*, even occasional exposure to secondhand smoke is harmful and low levels of exposure to secondhand tobacco smoke lead to a rapid and sharp increase in dysfunction and inflammation of the lining of the blood vessels, which are implicated in heart attacks and stroke. (U.S. Department of Health and Human Services, *How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease: A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2010.)

Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of approximately 53,000 Americans annually. (National Cancer Institute (NCI), "Health effects of exposure to environmental tobacco smoke: the report of the California Environmental Protection Agency. Smoking and Tobacco Control Monograph 10," Bethesda, MD: National Institutes of Health, National Cancer Institute (NCI), August 1999.)

The Public Health Service's National Toxicology Program (NTP) has listed secondhand smoke as a known carcinogen. (Environmental Health Information Service (EHIS), "Environmental tobacco smoke: first listed in the Ninth Report on Carcinogens," U.S. Department of Health and Human Services (DHHS), Public Health Service, NTP, 2000; reaffirmed by the NTP in subsequent reports on carcinogens, 2003, 2005.)

There is indisputable evidence that implementing 100% smoke-free environments is the only effective way to protect the population from the harmful effects of exposure to secondhand smoke. (World Health Organization (WHO), "Protection from exposure to secondhand smoke: policy recommendations," World Health Organization (WHO), 2007.)

In reviewing 11 studies concluding that communities see an immediate reduction in heart attack admissions after the implementation of comprehensive smoke free laws, the Institute of Medicine of the National Academies concluded that data consistently demonstrate that secondhand smoke exposure increases the risk of coronary heart disease and heart attacks and that smoke free laws reduce heart attacks. (Institute of Medicine (IOM) of the National Academies, Board on Population Health and Public Health Practice, Committee on Secondhand Smoke Exposure and Acute Coronary Events, "Secondhand smoke exposure and cardiovascular effects: making sense of the evidence," Washington, DC: National Academies Press, October 2009.)

A significant amount of secondhand smoke exposure occurs in the workplace. Employees who work in smoke-filled businesses suffer a 25-50% higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function. (Pitsavos, C.; Panagiotakos, D.B.; Chrysohoou, C.; Skoumas, J.; Tzioumis, K.; Stefanadis, C.; Toutouzas, P., "Association between exposure to environmental tobacco smoke and the development of acute coronary syndromes: the CARDIO2000 case-control study," Tobacco Control 11(3): 220-225, September 2002.)

Studies measuring cotinine (metabolized nicotine) and NNAL (metabolized nitrosamine NNK, a tobacco-specific carcinogen linked to lung cancer) in hospitality workers find dramatic reductions in the levels of these biomarkers after a smoke free law takes effect. Average cotinine levels of New York City restaurant and bar workers decreased by 85% after the city's smoke free law went into effect. ([In.a.], "The State of Smoke-Free New York City: A One Year Review," New York City Department of Finance, New York City Department of Health & Mental Hygiene, New York City Department of Small Business Services, New York City Economic Development Corporation, March 2004).

After the implementation of Ontario, Canada's Smoke free Indoor Air Law, levels of NNAL were reduced by 52% in nonsmoking casino employees and cotinine levels fell by 98%. (Geoffrey T. Fong, et. al., "The Impact of the Smoke-Free Ontario Act on Air Quality and Biomarkers of Exposure in Casinos: A Quasi-Experimental Study," Ontario Tobacco Control Conference, Niagara Falls, Ontario, December 2, 2006.)

Following a Health Hazard Evaluation of Las Vegas casino employees' secondhand smoke exposure in the workplace, which included indoor air quality tests and biomarker assessments, the National Institute of Occupational Safety & Health (NIOSH) concluded that the casino employees are exposed to dangerous levels of secondhand smoke at work and that their bodies absorb high levels of tobacco-specific chemicals NNK and cotinine during work shifts. NIOSH also concluded that the "best means of eliminating workplace exposure to [secondhand smoke] is to ban all smoking in the casinos." (Health hazard evaluation report: environmental and biological assessment of environmental tobacco smoke exposure among casino dealers, Las Vegas, NV. By Achutan C, West C, Mueller C, Boudreau Y, Mead K. Cincinnati, OH: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health, NIOSH HETA No. 2005-0076 and 2005-0201-3080, May 2009.)

Secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease. (California Environmental Protection Agency (Cal EPA), "Health effects of exposure to environmental tobacco smoke", Tobacco Control 6(4): 346-353, Winter, 1997.) The Americans With Disabilities Act, which requires that disabled persons have access to public places and workplaces, deems impaired respiratory function to be a disability. (Daynard, R.A., "Environmental tobacco smoke and the Americans with Disabilities Act," Nonsmokers' Voice 15(1): 8-9.)

The U.S. Centers for Disease Control and Prevention has determined that the risk of acute myocardial infarction and coronary heart disease associated with exposure to tobacco smoke is non-linear at low doses, increasing rapidly with relatively small doses such as those received from secondhand smoke or actively smoking one or two cigarettes a day, and has warned that all patients at increased risk of coronary heart disease or with known coronary artery disease should avoid all indoor environments that permit smoking. (Pechacek, Terry F.; Babb, Stephen, "Commentary: How acute and reversible are the cardiovascular risks of secondhand smoke?" British Medical Journal 328: 980-983, April 24, 2004.)

Given the fact that there is no safe level of exposure to secondhand smoke, the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) bases its ventilation standards on totally smokefree environments. ASHRAE has determined that there is currently no air filtration or other ventilation technology that can completely eliminate all the carcinogenic components in secondhand smoke and the health risks caused by secondhand smoke exposure, and recommends that indoor environments be smokefree in their entirety. (Samet, J.; Bohanon, Jr., H.R.; Coultas, D.B.; Houston, T.P.; Persily, A.K.; Schoen, L.J.; Spengler, J.; Callaway, C.A., "ASHRAE position document on environmental tobacco smoke," American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), 2005.)

During periods of active smoking, peak and average outdoor tobacco smoke (OTS) levels measured in outdoor cafes and restaurant and bar patios near smoker's rival indoor tobacco smoke concentrations. (Klepeis, N.; Ott, W.R.; Switzer, P., "Real-time measurement of outdoor tobacco smoke particles," Journal of the Air & Waste Management Association 57: 522-534, 2007.)

Nonsmokers who spend six-hour periods in outdoor smoking sections of bars and restaurants experience a significant increase in levels of cotinine when compared to the cotinine levels in a smoke free outdoor area. (Hall, J.C.; Bernert, J.T.; Hall, D.B.; St Helen, G.; Kudon, L.H.; Naeher, L.P., "Assessment of exposure to secondhand smoke at outdoor bars and family restaurants in Athens, Georgia, using salivary cotinine," Journal of Occupational and Environmental Hygiene 6(11): 698-704, November 2009.)

Residual tobacco contamination, or "thirdhand smoke," from cigarettes, cigars, and other tobacco products is left behind after smoking occurs and builds up on surfaces and furnishings. This residue can linger in spaces long after smoking has ceased and continue to expose people to tobacco toxins. Sticky, highly toxic particulate matter, including nicotine, can cling to walls and ceilings. Gases can be absorbed into carpets, draperies, and other upholsteries, and then be reemitted (off-gassed) back into the air and recombine to form harmful compounds. (Singer, B.C.; Hodgson, A.T.; Nazaroff, W.W., "Effect of sorption on exposures to organic gases from environmental tobacco smoke (ETS)," Proceedings: Indoor Air 2002, 2002.)

Tobacco residue is noticeably present in dust throughout places where smoking has occurred. (Matt, G.E.; Quintana, P.J.E.; Hovell, M.F.; Bernert, J.T.; Song, S.; Novianti, N.; Juarez, T.; Floro, J.; Gehrman, C.; Garcia, M.; Larson, S., "Households contaminated by environmental tobacco smoke: sources of infant exposures," *Tobacco Control* 13(1): 29-37, March 2004.)

Given the rapid sorption and persistence of high levels of residual nicotine from tobacco smoke on indoor surfaces, including clothing and human skin, this recently identified process represents an unappreciated health hazard through dermal exposure, dust inhalation, and ingestion. (Sleiman, M.; Gundel, L.A.; Pankow, J.F.; Jacob III, P.; Singer, B.C.; Destailats, H., "Formation of carcinogens indoors by surface-mediated reactions of nicotine with nitrous acid, leading to potential thirdhand smoke hazards," *Proceedings of the National Academy of Sciences of the United States of America (PNAS)* 107(15): 6576-6581, February 8, 2010.)

Unregulated high-tech smoking devices, commonly referred to as electronic cigarettes, or "e-cigarettes," closely resemble and purposefully mimic the act of smoking by having users inhale vaporized liquid nicotine created by heat through an electronic ignition system. After testing a number of e-cigarettes from two leading manufacturers, the Food and Drug Administration (FDA) determined that various samples tested contained not only nicotine but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze. The FDA's testing also suggested that "quality control processes used to manufacture these products are inconsistent or non-existent." ([n.a.], "Summary of results: laboratory analysis of electronic cigarettes conducted by FDA," Food and Drug Administration (FDA), July 22, 2009; <http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm173146.htm> Accessed on: October 22, 2009.)

E-cigarettes produce a vapor of undetermined and potentially harmful substances, which may appear similar to the smoke emitted by traditional tobacco products. Their use in workplaces and public places where smoking of traditional tobacco products is prohibited creates concern and confusion and leads to difficulties in enforcing the smoking prohibitions. During the Summer of 2015, the US Food and Drug Administration held three (3) public workshops to obtain more detailed information on electronic cigarettes and the public health. Currently only e-cigarettes that are marketed for therapeutic purposes are currently regulated by the FDA Center for Drug Evaluation and Research (CDER). The FDA has issued a proposed rule that would extend its authority to cover e-cigarettes, which is to be acted upon in 2016.

The Society of Actuaries has determined that secondhand smoke costs the U.S. economy roughly \$10 billion a year: \$5 billion in estimated medical costs associated with secondhand smoke exposure and \$4.6 billion in lost productivity. (Behan, D.F.; Eriksen, M.P.; Lin, Y., "Economic Effects of Environmental Tobacco Smoke," *Society of Actuaries*, March 31, 2005.)

Numerous economic analyses examining restaurant and hotel receipts and controlling for economic variables have shown either no difference or a positive economic impact after enactment of laws requiring workplaces to be smoke free. Creation of smoke free workplaces is sound economic policy and provides the maximum level of employee health and safety. (Glantz, S.A. & Smith, L., "The effect of ordinances requiring smokefree restaurants on restaurant sales in the United States." *American Journal of Public Health*, 87:1687-1693, 1997; Colman, R.; Urbonas, C.M., "The economic impact of smoke-free workplaces: an assessment for Nova Scotia, prepared for Tobacco Control Unit, Nova Scotia Department of Health," *GPI Atlantic*, September 2001.)

Smoking is a potential cause of fires; cigarette and cigar burns and ash stains on merchandise and fixtures causes economic damage to businesses. ("The high price of cigarette smoking," Business & Health 15(8), Supplement A: 6-9, August 1997.)

The smoking of tobacco, hookah, marijuana, and the use of electronic cigarettes are forms of air pollution, a positive danger to health, and a material public nuisance.

Accordingly, the Common Council of the City of South Bend, Indiana, finds and declares that the purposes of this ordinance are: (1) to protect the public health and welfare by prohibiting smoking in public places and places of employment; and (2) to guarantee the right of nonsmokers to breathe smoke free air, and to recognize that the need to breathe smoke free air shall have priority over the desire to smoke. This ordinance is believed to be in the best interests of the public health and welfare of the of the City of South Bend, Indiana.

Now, Therefore, be it Ordained by the Common Council of the City of South Bend, Indiana, as follows:

Section I. Chapter 14 of the *South Bend Municipal Code* shall be amended to include new Article 13 which shall read in its entirety as follows:

ARTICLE 13. SMOKE FREE AIR REGULATIONS FOR WORKPLACES AND PUBLIC PLACES.¹

Sec. 14-123. Definitions.

The following words and phrases, whenever used in this Article, shall be construed as defined in this Section:

(a) "Ashtray" means any receptacle that is used for disposing of smoking materials, including, but not limited to ash and filters.²

(b) "Bar" means an establishment used primarily for the sale of alcoholic beverages for consumption by patrons on the premises and which holds a retailer's permit under the laws of the State of Indiana. The terms includes, but is not limited to, taverns, nightclubs, and cocktail lounges.

(c) "Business" means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including, but not limited to, retail establishments where

¹ *Indiana Code* § 7.1-5-12-13 entitled "Local Ordinances" authorizes a city to pass ordinances which may be more restrictive than state statutes addressing the "prohibition of smoking".

² *Indiana Code* § 7.1-5-12-0.5 addresses "Ashtray defined."

goods or services are provided to the public, and other entities where accounting, counseling, legal, medical, dental, engineering, architectural, or other professional services are delivered.

(d) “Electronic Smoking Device” means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen or under any other product name or descriptor.

(e) “Employee” means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services.

(f) “Employer” means a person, business, association, municipal corporation, trust, or nonprofit entity that employs the services of one or more individual employees.

(g) “Enclosed Area” means all space between a floor and a ceiling that is bounded on at least two sides by walls, doorways, or windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent and whether or not containing openings of any kind.

(j) “Health Care Facility” means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals, addiction treatment hospitals and facilities, weight control clinics, nursing homes, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists within these professions. The term “Health Care Facility” shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within healthcare facilities.

(k) “Hookah” means a water pipe and any associated products and devices which are used to produce fumes, smoke, and/or vapor from the burning of material including, but not limited to, tobacco, shisha, or other plant matter.

(l) “Place of Employment” means an area under the control of a public or private employer including, but not limited to, work areas, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles.³

(m) “Playground” means any park or recreational area designed in part to be used by children that has play or sports equipment installed or that has been designated or landscaped for play or sports activities, or any similar facility located on public or private school grounds or on South Bend grounds.

³ *Indiana Code* § 7.1-5-12-1 addresses “Place of employment defined” and specifically excludes private vehicles.

(n) "Private Club" means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 *U.S.C.* Section 501.

(o) "Public Place" means an area to which the public is invited or in which the public is permitted, including but not limited to, banks, bars, educational facilities, gaming facilities, health care facilities, hotels and motels, laundromats, public transportation vehicles and facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a childcare, adult day care, or health care facility.⁴

(p) "Restaurant" means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar area within the restaurant.

(r) "Service Line" means an indoor or outdoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money, including but not limited to, ATM lines, concert lines, food vendor lines, movie ticket lines, and sporting event lines.

(s) "Shopping Mall" means a public walkway or hall area that serves to connect retail or professional establishments.

(t) "Smoking" means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookah and marijuana, in any manner or in any form. "Smoking" also includes the use of an e-cigarette which creates a vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.⁵

(u) "Sports Arena" means a place where people assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events, including sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, and bowling alleys.

⁴ *Indiana Code* § 7.1-5-12-2 addresses "Public place defined".

⁵ *Indiana Code* § 7.1-5-12-3 addresses "Smoking defined".

Sec. 14-124. Prohibition of Smoking.⁶

Except as provided in Section 14-127, smoking shall be prohibited in all enclosed public places within the City of South Bend including but not limited to, the following places:

- (a) Aquariums, galleries, libraries, and museums;
- (b) Areas available to the general public in businesses and non-profit entities patronized by the public, including but not limited to, banks, laundromats, professional offices, and retail service establishments;
- (c) Bars;
- (d) Bingo facilities;
- (e) Child care and adult day care facilities;
- (f) Convention facilities;
- (g) Educational facilities, both public and private;
- (h) Elevators;
- (i) Gaming facilities;
- (j) Health care facilities;
- (k) Hotels and motels;
- (l) Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities;
- (m) Polling places;

⁶ *Indiana Code* § 7.1-5-12-4 addresses “Smoking prohibited in public places, places of employment, and state vehicles”.

- (n) Private clubs;
- (o) Public transportation vehicles, including buses and taxicabs, under the authority of the City of South Bend, and ticket, boarding, and waiting areas of public transportation facilities, including bus, train, and airport facilities;
- (p) Restaurants;
- (q) Restrooms, lobbies, reception areas, hallways, and other common-use areas;
- (r) Retail stores;
- (s) Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee or council of the City of South Bend, Indiana or a political subdivision of the State, to the extent the place is subject to the jurisdiction of the City of South Bend, Indiana;
- (t) Service lines;
- (u) Shopping malls;
- (v) Sports arenas, including enclosed places and outdoor arenas;
- (w) Theaters and other facilities primarily used for exhibiting motion pictures, stage dramas, lectures, musical recitals, or other similar performances;
- (x) Tobacco Specialty Bars; and
- (y) Tobacco Retail Stores.

Sec. 14-125. Prohibition of Smoking in Enclosed Places of Employment.

- (a) Smoking shall be prohibited in all enclosed areas of places of employment without exception. This

includes, without limitation, common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.

(b) The prohibition on smoking shall be communicated to all existing employees by the effective date of this Article and to all prospective employees upon their application for employment.

Sec. 14-126. Reasonable Distance.⁷

Smoking shall be prohibited outdoors within a reasonable distance from an enclosed area where smoking is prohibited by this Article, but in no event closer than fifteen feet (15'), so as to insure that tobacco smoke does not enter into establishments designated as smoke free under this Article through entrances, windows, ventilation intakes or other means.

Sec. 14-127. Exemptions.

Notwithstanding the smoking prohibitions in Section 14-124, smoking is permitted in the following locations:

(a) Private residences, unless used as a licensed childcare, adult day care or health care facility.

(b) None of the areas set forth in this Section shall be exempt from the provisions of this Article if smoke from any area enters, either directly or indirectly, through entrances, windows, ventilation systems, or other means, where smoking is otherwise prohibited by this Article.

Sec. 14-128. Prohibition of Smoking in Outdoor Public Places.

Smoking shall be prohibited in the following outdoor places:

(a) Outdoor seating areas of restaurants, bars, private clubs, and businesses except those restricted to individuals over the age of 18 years of age;

(b) In all outdoor arenas, stadiums, and amphitheatres. Smoking shall also be prohibited in and

⁷ *Indiana Code* § 7.1-5-12-4 sets forth a eight foot (8') distance requirement from a public entrance to a public place or place of employment.

within fifteen feet (15') of bleachers and grandstands for use by spectators at sporting and other public events;

(c) Within fifteen feet (15') of all outdoor playgrounds;

(d) Within fifteen feet (15') of all outdoor public transportation stations, platforms, and shelters under the authority of the City of South Bend, Indiana; and

(e) In outdoor common areas of apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multi-unit residential facilities, except in designated smoking areas, not to exceed twenty-five percent (25%) of the total outdoor common area, which must be located at least fifteen feet (15') outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited.

Sec. 14-129. Removal of Smoking Paraphernalia and Signage Requirements.

(a) All ashtrays shall be removed from any area where smoking is prohibited by this Article by the owner, operator, manager, or other person having control of the area.

(b) An owner, operator, manager, or official in charge of a public place or place of employment, except vehicles, shall post conspicuous signs at each outdoor entrance that read "The City of South Bend Prohibits Smoking Within 15 Feet of this Entrance".

Sec. 14-130. Declaration of Establishment as Nonsmoking.

Notwithstanding any other provision of this Article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that the entire establishment, facility, or outdoor areas are a smoke free place.

Sec. 14-131. Non-Retaliation and Non-Waiver of Rights.⁸

(a) No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, customer, or resident of a multiple-unit residential facility because that employee, applicant, customer, or resident exercises any rights afforded by this Article or reports or attempts to prosecute a violation of this Article. Notwithstanding Section 14-133, violation of this subsection shall be punishable by a fine not to exceed one thousand dollars (\$1,000) for each violation.

(b) An employee who works in an outdoor area restricted to individuals over the age of 18 years of age where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

⁸ *Indiana Code* § 7.1-5-12-11 addresses retaliation.

Sec. 14-132. Enforcement.

(a) The South Bend Department of Code Enforcement and South Bend Police Department shall enforce this Article. Additionally, the St. Joseph County Health Department, the South Bend Fire Department or their designees may, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Article.

(b) Notice of the provisions of this Article shall be given to all applicants for a business license in the City of South Bend.

(c) Any citizen who desires to register a complaint under this Article may initiate enforcement with the Department of Code Enforcement.

(d) An owner, manager, operator, or employee of an establishment regulated by this Article, shall inform person(s) in violation of the appropriate provisions thereof and shall ask those persons to refrain from smoking. If the person does not stop smoking, the owner, manager, operator, or employee shall refuse service and shall immediately ask the person to leave the premises. If the person in violation refuses to leave the premises, the owner, manager, operator or employee shall contact a law enforcement agency.

(e) In addition to the remedies provided by the provisions of this Section, the Department of Law or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this Article may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

Sec. 14-133. Penalties for Violations.

Any owner, manager, operator, or other person in control of an establishment, facility, or outdoor area found to be in violation of this Article shall, when found to be in violation be fined as follows:

- (a) The issuance of a verbal and written warning for the first (1st) violation.
- (b) A fine of two hundred dollars (\$200.00) for the second (2nd) violation within the same calendar year.
- (c) A fine of four hundred dollars (\$400.00) for the third (3rd) violation within the same calendar year.
- (d) A fine of eight hundred dollars (\$800.00) for the fourth (4th) violation within the same calendar year.
- (e) A fine of one thousand five hundred dollars (\$1,500.00) for each additional violation

occurring thereafter within the same calendar year.

(f) Repeated violation of this Article is declared to be a public nuisance, which may be abated by the Department of Law seeking a restraining order, preliminary and permanent injunction, or other means provided for by law, and may bring action to recover the costs of the nuisance abatement.

(g) The Department of Law is authorized to bring civil action against any alleged violator of this Article for all unpaid fines, and any and all expenses incurred by the City to enforce the provisions of this Article to seek compliance from the alleged violator.

(h) Each day on which a violation of this Article occurs shall be considered a separate and distinct violation. Each violation of this Article shall constitute a separate offense.

Section II. Repeal: Article 10 of Chapter 14 entitled "Smoking Regulations" of the *South Bend Municipal Code* is repealed. Any other ordinance which is inconsistent or in conflict with any part of this ordinance is expressly repealed to the extent of such inconsistency or conflict and the remainder of such ordinance or *Code* provision shall be unaffected and remain in effect.

Section III. Severability: If any provision, clause, sentence, or paragraph of this Article or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

Section IV. This ordinance shall be in full force and effect on August 1, 2016, and from after the passage by the Common Council, approval by the Mayor and legal publication.

Council Member at Large Gavin Ferlic

Jo M. Broden

Jo Broden, 4th District Council Member

Randy Kelly

Randy Kelly, 3rd District Council Member

John Voorde

Council Member at Large John Voorde

Filed in Clerk's Office
MAR 09 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

Attest:

I, Kareemah Flower, City Clerk, hereby verify that the foregoing ordinance was passed/defeated by the South Bend Common Council on the _____ day of _____, 2016, by a vote of _____ in favor and _____ against.

Kareemah Fowler, City Clerk
South Bend, Indiana

Presented by me to the Mayor of the City of South Bend, Indiana, _____ day of _____, 2016, at _____ o'clock __.m.

Office of the City Clerk

Approved and signed by me on the, _____ day of _____, 2016, at _____ o'clock __.m.

Pete Buttigieg, Mayor
South Bend, Indiana

1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED

Filed in Clerk's Office
MAR 09 2016
KAREEMAH FOWLER
CITY CLERK - SOUTH BEND, IN



The South Bend Common Council
227 West Jefferson Boulevard, Room 441
Downtown South Bend, Indiana 46601
574.235.9321 TDD 574.235.5567

March 9, 2016

The South Bend Common Council
4th Floor County-City Building
South Bend, Indiana 46601

Re: Proposed Landlord Registration Program

Dear Council Members:

Following a series of discussions with representatives of the City Administration representing the Code Enforcement Department, the Law Department, the Police Department, and the Human Rights Office, as well as with input from individuals involved in the real estate used for renting, and neighborhood groups and organizations, we are pleased to introduce for your consideration and approval a proposed ordinance which would create a Landlord Registration Program in the City of South Bend.

We have reviewed landlord registration best practices implemented throughout the country. We have also studied landlord registration programs which have been in effect in several Indiana communities. Two ordinances in particular were carefully studied - Indianapolis and Evansville – in light of the fact that they were passed after the new Indiana state laws were enacted in 2014. We also reviewed Elkhart’s ordinance which was updated in 2007; Goshen’s ordinance which was last updated in 2006; along with rental registration regulations in effect Bloomington, Gary, Hammond, Elkhart, and Valparaiso.

A common theme in all of these regulations focused on landlords as “responsible stewards of their property, working with the municipality to ensure safe, clean neighborhoods”.

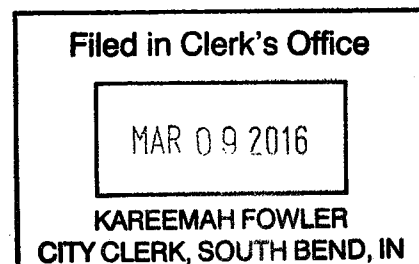
It is acknowledged that the Indiana General Assembly has restricted the ability of a municipality to regulate in this area. The proposed regulations are believed to be consistent with the governing state law regulations which are believed to be in the best interests of the City of South Bend. We look forward to receiving your input and seek your support. Thank you.

Most sincerely,

Tim Scott, 1st District Council Member
South Bend Common Council

Karen L. White, Council Member at Large
South Bend Common Council

Attachment



BILL No. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA,
AMENDING CHAPTER 6 OF THE *SOUTH BEND MUNICIPAL CODE* BY THE INCLUSION OF NEW
ARTICLE 10 ENTITLED LANDLORD REGISTRATION PROGRAM

STATEMENT OF PURPOSE AND INTENT

The South Bend Common Council, in collaboration with the City Administration, believe that the following landlord registration program is in the best interests of the City of South Bend. The regulations have been carefully drafted to comply with the new governing Indiana state law. In 2014, the Indiana Association of Realtors (IAR) worked with the Indiana General Assembly to pass HEA 1403 which “caps the amount a local unit can charge for landlord registry fees at \$5.00...” Some of the benefits of having such a local program which would incorporate best practices focus on:

- Acknowledging data from the U.S. Census Bureau last revised on December 2, 2015 which reported that 43.3 % of housing units in the City of South Bend are rental units
- Developing positive and improved communications and exchange of information among landlords, tenants and the community
- Maintaining a registration program which assembles accurate information and which is informative for landlords, tenants and the general public
- Enhancing housing quality and neighborhood stability through an improved informational system on rental properties

In the preparation of the proposed regulations, several ordinances and best practices were carefully reviewed with a particular emphasis on two (2) city ordinances which were passed after the new state law took effect. These included the Indianapolis landlord registration regulations, which took effect on January 1, 2015, as well as the rental registration program in Evansville which was approved on September 8, 2014, when their Council passed Ordinance No. G-2014-29.

Annual registration of property owners with the Department of Code Enforcement along with a fee of \$ 5.00 per property owner will be required. Failure to register would result in a \$500 fine.

The City of South Bend’s government website maintains a “Ten Tips Every Landlord Should Know” program in the interest of furthering collaboration between landlords and tenants. The City believes that the proposed registration program will enhance such opportunities throughout South Bend. The City’s website will be updated to include information on the Landlord Registration Program as part of its proactive outreach to the community.

Now, Therefore, Be It Ordained by the Common Council of the City of South Bend, Indiana, as follows:

Section I. Chapter 6 of the *South Bend Municipal Code* is amended by the inclusion of new Article 10 which shall read in its entirety as follows:

Article 10. Landlord Registration Program.

Sec. 6-40 Establishment of Landlord Registration Program.

- (a) Effective June 30, 2014, political subdivisions in the State of Indiana were authorized to establish and enforce registration programs for rental units within their jurisdiction, subject to certain conditions and limitations.
- (b) The South Bend Landlord Registration Program is established pursuant to the authority granted by the state.¹

Sec. 6-41 Definitions.

- (a) For purposes of this Article, the following definitions shall apply:
 - (1) *City* means the City of South Bend, Indiana.
 - (2) *Commercial domicile* has the meaning set forth in *Indiana Code* § 6-3-1-22.²
 - (3) *Department* means the Department of Code Enforcement established and addressed in Section 2-13 of the *South Bend Municipal Code*.
 - (4) *Landlord* has the meaning set forth in *Indiana Code* § 32-31-3-3.
 - (5) *Owner* has the meaning set forth in *Indiana Code* § 32-31-3-4.
 - (6) *Person* has the meaning set forth in *Indiana Code* § 32-31-3-5.
 - (7) *Rental unit* has the meaning set forth in *Indiana Code* § 32-31-3-8, except that an owner-occupied structure that:
 - i. Has no portion of the area thereof promised for the use of a residential unit; or
 - ii. Has a single sleeping unit being rented to a tenant shall not be considered a “Rental Unit”.
 - (8) *Rental unit community* has the meaning set forth in *Indiana Code* § 36-1-20-1.5.
 - (9) *Tenant* has the meaning set forth in *Indiana Code* § 32-31-3-10.
- (b) All definitions referred to in this section which incorporate the state law definitions shall reflect the most recent version of the state law definitions.

¹ Indiana House Enrolled Act 1403 (2014) added *Indiana Code* §36-1-20-1.5 defining “rental unit community”; amended Section 1 of *Indiana Code* §36-1-20-2, amended *Indiana Code* §36-1-20-3; added new sections *Indiana Code* §36-1-20-1.5, *Indiana Code* §36-1-20-4.1, *Indiana Code* §36-1-20-5, and *Indiana Code* §36-1-20-6.

² This definition is from Indiana’s tax regulations which requires the identification of the “principal place from which the trade or business of the taxpayer is directed or managed”.

Sec. 6-42 Registration Required and Elements of the Landlord Registration Program.³

- (a) Beginning September 15, 2016, all owners or landlords of rental units within the city must begin to register with the Department of Code Enforcement via a method or form prescribed by the department. However, to assist in the first-time implementation of the regulations under this Article, for calendar year 2016 only, registration shall be extended to December 30, 2016. The registration form shall include the following:
- (1) The name, telephone number, and the commercial domicile address of the owner's physical business location. Additional listing of a secondary address which is not required to be physical, may also be given when used for availability to the public;
 - (2) The name and address of:
 - a. The person(s) residing in Indiana authorized to manage the rental unit; and
 - b. The person listed as the "responsible party" with the Internal Revenue Service;⁴ and
 - c. The person who is authorized to act as agent for the owner for purposes of service of process and receiving and receipting for notices and demands on record with the Indiana Secretary of State's Business Services Division; and
 - d. The property manager, if any, licensed by the Indiana Real Estate Commission.⁵
 - (3) Real property tax identification key number of each rental unit and/or rental unit community which the owner or landlord is submitting for registration purposes under this Article;
 - (4) An affirmation of whether or not the rental units, the real property of which the rental units are a part, and any other rental unit property owned or registered by the owner in the city, are subject to any un-remediated citation or violation of the state and local codes and ordinances;
 - (5) An affirmation of whether or not there is more than one (1) delinquent payment of real property taxes, assessments, or penalties (other than those that are the subject of an ongoing appeal or bankruptcy proceeding) with respect to the property or any other rental unit property owned or registered by the owner in the city;

³ All landlords and owners are also required to comply to the applicable provisions of the City of South Bend's Human Rights Ordinance which are codified in *South Bend Municipal Code* § 2-126 through § 2-132.1., as well as applicable provisions of federal and state laws which include but are not limited to the Fair Housing Act which is Title VIII of the Civil Rights Act of 1968 codified at 42 *United States Code* § 3601 *et seq.*; the Architectural Barriers Act of 1968 codified at 42 *United States Code* § 4151, *et seq.*; Title II of the Americans With Disabilities Act of 1990 (ADA), codified at 42 *United States Code* § 12131, *et seq.*; and the Indiana Civil Rights Act codified at *Indiana Code* § 22-9-5.

⁴ The Internal Revenue Service requires the disclosure of the "name and taxpayer identification number of the true responsible party for the entity requesting an Employer Identification Number (EIN)".

⁵ *Indiana Code* § 25-34.1 sets for the Real Estate Brokers and Salespersons state law. Property management is covered under the broker and salesman's licenses by including renting, leasing, and managing covered activities. Limited exemptions are provided for such as "owners who only regulate activities are in relation to a maximum of 12 apartment units located on a single or contiguous parcels of land may rent them without a license".

- (6) A statement of the number of rental units on each separate parcel of real property covered by the registration.

In the event of affirmation that the owner or landlord acknowledges that he or she does have real property with un-remediated citations as addressed in sub-paragraph (4) and/or more than one (1) delinquent payment of items addressed in sub-paragraph (5), the applicant shall be required to work with the issuing Department or Agency to amicably resolve such matters.

- (b) Beginning September 15, 2016, an owner or landlord of a rental unit must pay to the Department of Code Enforcement an initial registration fee of five dollars (\$5.00), with all such fees deposited into the Landlord Registration Fund. However, to assist in the first-time implementation of the regulations under this Article, for calendar year 2016 only, registration shall be extended to December 30, 2016. Only one (1) registration fee is required for all rental units in a rental unit community. If a rental unit is not part of a rental unit community, a separate registration fee must be paid for each separate parcel of real property on which a rental unit is located, unless they are all registered at the same time.
- (c) In the event of a change of ownership, the new owner or landlord must, not later than thirty (30) days after the change of ownership, pay the registration fee of five dollars (\$5.00) and provide updated registration information to the Department of Code Enforcement. The effective date of new ownership will be the date the property was transferred or the date the deed was recorded, whichever occurs earlier.
- (d) Registrations must be renewed annually with the Department of Code Enforcement. The renewal fee shall be five dollars (\$5.00), with all such fees deposited into the Landlord Registration Fund.
- (e) The owner or landlord must notify in writing the Department of Code Enforcement within thirty (30) days of any changes to the registration information.

Sec. 6-43 Landlord Registration Fund.

A special fund designated as the "Landlord Registration Fund", Fund No. 221, is created. It shall be a continuing, non-reverting fund, with all balances remaining therein at the end of the year, with such balances not reverting to the City's General Fund. All fees assessed and collected under this Article shall be deposited into this fund, with such monies being dedicated solely to reimbursing the costs actually incurred which are related to the South Bend Landlord Registration Program. This fund will be subject to annual appropriation by the South Bend Common Council.

Sec. 6-44 Enforcement and Penalties

- (a) This Article shall be enforced by the Department of Code Enforcement or an authorized designee.
- (b) Failure to register as required by Section 6-42 of the *South Bend Municipal Code* is subject to a civil penalty of five hundred dollars (\$500.00) for each rental unit or rental unit community in violation.
- (c) Submitting an incomplete registration form is subject to a civil penalty of one hundred dollars (\$100.00).

- (d) Providing any false, material misrepresentation or false statement on each filing of a registration form required in Section 6-42 is subject to a civil penalty of two thousand five hundred dollars (\$2,500.00).
- (e) Failure to update the registration within thirty (30) days of a change in ownership and/or registration information, as required by Section 6-42 of the *South Bend Municipal Code*, is subject to a civil penalty of five hundred dollars (\$500.00).
- (f) Failure to renew the registration as required by Section 6-42 of the *South Bend Municipal Code* is subject to a civil penalty of five hundred dollars (\$500.00).
- (g) Civil penalties paid in response to violating this Article shall be deposited into Fund No. 221. Such civil penalty monies shall be kept segregated from fees deposited into this fund for accounting purposes, and shall be subject to appropriation by the South Bend Common Council for the replacement of curbs and/or sidewalks which may be located contiguous to a property registered under this program. Location determination shall be based on a public safety priority need basis, as determined by the City's Department of Public Works Director.
- (h) The penalties allowed under subsections (a) through (e) of this section may not be imposed until after:
 - (1) A notice of violation has been issued to the owner or the owner's designee by personal service or by first class United States Mail, postage prepaid;
 - (2) Passage of thirty (30) days from receipt of the notice, which must be stated in the notice, for the violation to be cured; and
 - (3) Failure of the violation to be cured within the time stated in the notice.

Sec. 6-45 Performance Measures and Reporting.

As part of the annual report, the Department of Code Enforcement shall measure the success of the Landlord Registration Program using the following performance measures, which may be supplemented with additional performance measures:

- (a) Number of landlords registered under the Program;
- (b) Number of parcels identified by their individual real property tax identification key number under the Program;
- (c) Number of fines and civil penalties issued, the number and amount of fines and civil penalties collected, the number and amount of fines and civil penalties unpaid and the status of their collection with such data being organized by the category of the civil penalty identified in the notice of violation; and
- (d) Status of balances of the Landlord Registration Fund, Fund No. 221 identifying fees and civil penalty dollars transactions separately.

Section II. If any part, subsection, section, paragraph, sub-paragraph, sentence, clause, phrase or word of this ordinance is for any reason declared to be unconstitutional or otherwise invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section III. This ordinance shall be in full force and effect on September 15, 2016, from and after its passage by the Common Council, approval by the Mayor, and legal publication.

Tim Scott, 1st District Council Member
South Bend Common Council

Karen L. White, Council Member at Large
South Bend Common Council

Attest:

Office of the City Clerk

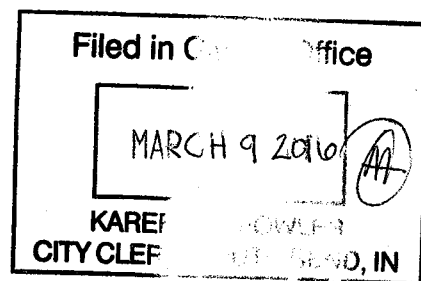
Presented by me to Pete Buttigieg, the Mayor of the City of South Bend, Indiana, on the ____ day of _____, 2016, at _____ o'clock __. m.

Office of the City Clerk

Approved and signed by me on the ____ day of _____, 2016, at ____ o'clock __.m.

Pete Buttigieg, Mayor
City of South Bend, Indiana

- 1st READING
- PUBLIC HEARING
- 3rd READING
- NOT APPROVED
- REFERRED
- PASSED



LAWRENCE P. MAGLIOZZI
EXECUTIVE DIRECTOR

Angela M. Smith
Deputy Director



AREA PLAN COMMISSION OF ST. JOSEPH COUNTY, IN

227 W. JEFFERSON BLVD., ROOM 1140 COUNTY-CITY BUILDING, SOUTH BEND, INDIANA 46601 (574) 235-9571

March 8, 2016

South Bend Common Council
4th Floor, County-City Building
South Bend, IN 46601

RE: APC#2774-16- Rezoning for 736 Lincolnway West

Dear Council Members:

Enclosed is an Ordinance for the proposed Zone Map Amendment at the above referenced location. Please include the attached Ordinance on the Council agenda for first reading at your March 14, 2016 Council meeting, and set it for public hearing at your April 25, 2016 Council meeting. The petition is tentatively scheduled for public hearing at the April 19, 2016 Area Plan Commission meeting. The recommendation of the Area Plan Commission will be forwarded to your office by noon on the day following the public hearing.

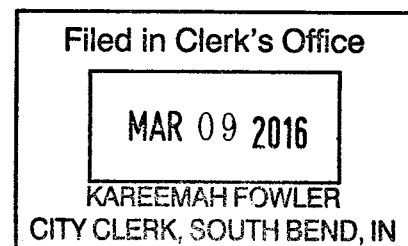
If you have any questions, please feel free to contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Chappuies'.

Matthew P. Chappuies
Planner

CC: Kathy Cekanski-Farrand



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING ORDINANCE FOR PROPERTY LOCATED AT 424, 426 & 430 CUSHING STREET AND 726 & 736 LINCOLNWAY WEST, COUNCILMANIC DISTRICT NO. 1 IN THE CITY OF SOUTH BEND, INDIANA

STATEMENT OF PURPOSE AND INTENT

Petitioners desire to rezone the property for a retail store.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of South Bend, Indiana as follows:

SECTION 1. Ordinance No. 9495-04, is amended, which ordinance is commonly known as the Zoning Ordinance of the City of South Bend, Indiana, be and the same hereby is amended in order that the zoning classification of the following described real estate in the City of South Bend, St. Joseph County, State of Indiana:

Lots numbered 1 through 4 as shown on the recorded plat of Heintzmans Addition to the City of South Bend, Indiana and Lot numbered 6 as shown on the recorded plat of Kunstman's First Addition to the City of South Bend, Indiana

be and the same is hereby established as MU Mixed Use District.

SECTION II. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and legal publication.

Member of the Common Council

Attest:

City Clerk

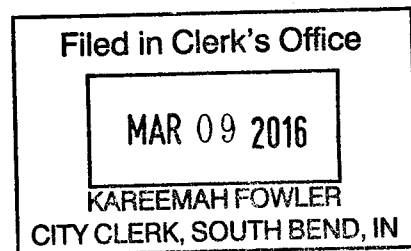
Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2_____, at _____ o'clock _____. m.

City Clerk

Approved and signed by me on the _____ day of _____, 2_____, at _____ o'clock _____. m.

Mayor, City of South Bend, Indiana

1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED



PETITION FOR ZONE MAP AMENDMENT
City of South Bend, Indiana

I (we) the undersigned make application to the City of South Bend Common Council to amend the zoning ordinance as herein requested.

1) The property sought to be rezoned is located at:

424 Cushing Street; 426 Cushing Street; 430 Cushing Street; 726 Lincoln Way West; 736 Lincoln Way West; and 18 VAC L6 50X189 LWW (shown on the St. Joseph County GIS Map as a portion of 726 Lincoln Way West); (the property is generally located at the southeast corner of Lincoln Way West and Cushing Street, and also includes an alley adjacent to the foregoing parcels which is to be vacated)
South Bend, Indiana 46616

2) The property Tax Key Number(s) is/are: 018-1028-1262; 018-1028-1261; 018-1028-1260; 018-1028-1259; 018-1028-1258; 018-1029-1282

3) Legal Descriptions: See attached Exhibit A

4) Total Site Area: 0.90 acres ±; 39,366 sf ±

5) Name and address of property owner(s) of the petition site:

Wadad El-Ammori, 51343 Lilac Road, South Bend, IN 46628

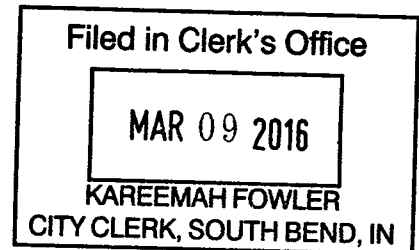
George Kalafat, 20633 Roycroft Drive, South Bend, IN 46614

Lincoln Park Development LLC, 724 W. Washington Street, South Bend, IN 46601

Name and address of additional property owners, if applicable: None

6) Name and address of contingent purchaser(s), if applicable:

FD South Bend Indiana Lincoln Way and Cushing Street, LLC
19 South LaSalle Street, Suite 1007
Chicago, IL 60603
312.332.0690



Name and address of additional property owners, if applicable: None

7) It is desired and requested that this property be rezoned:

From: CB Community Business District SF2 Single Family Two Family District

To: MU Mixed Use District

8) This rezoning is requested to allow the following use(s): *Family Dollar retail store*

IF VARIANCE(S) ARE BEING REQUESTED (if not, please skip to next section):

1) Variances from Section 21-03.02 allowing (i) less than 50% of the front facade of the building to be located between the minimum and maximum setback area, (ii) a portion of the parking area to be in front of the maximum setback; and (iii) a retail use in excess of 8,000 square feet of gross floor area (see attached narrative for additional details)

2) A statement on how each of the following standards for the granting of variances is met:

(a) The approval will not be injurious to the public health, safety, morals and general welfare of the community: See attached narrative

- (b) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and: *See attached narrative*
- (c) The strict application of the terms of this Ordinance would result in practical difficulties in the use of the property: *See attached narrative*

IF A SPECIAL EXCEPTION USE IS BEING REQUESTED, (if not, please skip to next section):

- 1) A detailed description and purpose of the Special Exception Use(s) being requested: *N/A*
- 2) A statement on how each of the following standards for the granting of a Special Exception Use is met:
 - (a) The proposed *use* will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare: *N/A*
 - (b) The proposed *use* will not injure or adversely affect the *use* of the adjacent area or property values therein: *N/A*
 - (c) The proposed *use* will be consistent with the character of the *district* in which it is located and the land uses authorized therein; and: *N/A*
 - (d) The proposed use is compatible with the recommendations of the City of South Bend Comprehensive Plan. *N/A*

* In the case of a Special Exception Use, the petitioner shall be held to the representations made on the Preliminary Site Plan included with this petition.

CONTACT PERSON:

*Dubin Singer PC, Attn: David Yontz
 123 N. Wacker Drive, Suite 1600
 Chicago, IL 60606
 312-801-8752
 dyontz@dubinsinger.com*

BY SIGNING THIS PETITION, THE PETITIONERS/PROPERTY OWNERS OF THE ABOVE-DESCRIBED REAL ESTATE AUTHORIZE THAT THE CONTACT PERSON LISTED ABOVE MAY REPRESENT THIS PETITION BEFORE THE AREA PLAN COMMISSION AND COUNTY COUNCIL AND TO ANSWER ANY AND ALL QUESTIONS THEREON.

Signature(s) of all property owner(s), or signature of Attorney for all property owner(s):

Wadad El-Ammari (see attached Limited Power of Attorney)
George Kalafat (see attached Limited Power of Attorney)
Lincoln Park Development LLC (see below)
FD South Bend Indiana Lincoln Way and Cushing Street, LLC (see below)

LINCOLN PARK DEVELOPMENT LLC,
 an Indiana limited liability company

By: Anne Mannix
 Anne Mannix, Sole Member

FD South Bend Indiana Lincoln Way and Cushing Street, LLC,
 an Indiana limited liability company

By: David Yontz
 David Yontz
 Dubin Singer PC, its attorneys

LIMITED POWER OF ATTORNEY

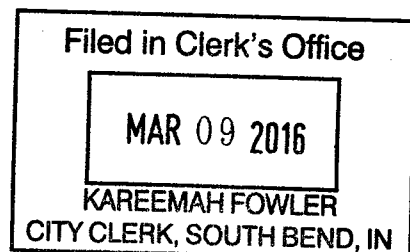
Area Plan Commission of St. Joseph County, IN
1140 County-City Bldg., 227 W. Jefferson Blvd.
South Bend, IN 46601

RE: 424 Cushing Street, South Bend, IN 46616; PIN# 71-08-02-458-004.000-026 (the
"Property")

To Whom It May Concern:

I am the current owner of the Property. The Property is the subject of that certain Purchase and Sale Agreement dated as of October 15, 2015 (the "Contract"). I hereby acknowledge that FD South Bend Indiana Lincoln Way and Cushing Street, LLC, its affiliates, agents, and attorneys (collectively, the "Purchaser"), will be pursuing certain petitions, applications and the like with respect to the Property, including, without limitation, a re-zoning petition, one or more zoning variances, and an application to vacate an alley adjacent to the Property (collectively, the "Necessary Approvals"). I hereby consent to the Purchaser making all necessary and appropriate submissions to the applicable governmental authorities in connection with the Necessary Approvals, and agree that my signature below may be used in substitution for any signatures required of the owner of the Property for such submissions. I hereby agree that Purchaser may represent petitions, applications and the like before the Area Plan Commission, City Council and other applicable governmental authorities, and may answer any and all questions thereon.


GEORGE KALAFAT



LIMITED POWER OF ATTORNEY

Area Plan Commission of St. Joseph County, IN
1140 County-City Bldg., 227 W. Jefferson Blvd.
South Bend, IN 46601

RE: 736 Lincolnway West, South Bend, IN 46616; 726 Lincolnway West, South Bend, IN 46616; 430 Cushing Street, South Bend, IN 46616; and 18 VAC L6 50X189 LWW, South Bend, IN 46601; PIN#: 71-08-02-458-001.000-026, 71-08-08-458-010.000-026, 71-08-02-458-002.000-026, and 71-08-02-458-011.000-026 (collectively, the "Property")

To Whom It May Concern:

I am the current owner of the Property. The Property is the subject of that certain Purchase and Sale Agreement dated as of October 15, 2015 (as amended, the "Contract"). I hereby acknowledge that FD South Bend Indiana Lincoln Way and Cushing Street, LLC, its successors, assigns, affiliates, agents, and attorneys (collectively, the "Purchaser"), will be pursuing certain petitions, applications and the like with respect to the Property, including, without limitation, a re-zoning petition, one or more zoning variances, and an application to vacate an alley adjacent to the Property (collectively, the "Necessary Approvals"). I hereby consent to the Purchaser making all necessary and appropriate submissions to the applicable governmental authorities in connection with the Necessary Approvals, and agree that my signature below may be used in substitution for any signatures required of the owner of the Property for such submissions. I hereby agree that Purchaser may represent petitions, applications and the like before the Area Plan Commission, City Council and other applicable governmental authorities, and may answer any and all questions thereon.


WADAD EL-AMMORI

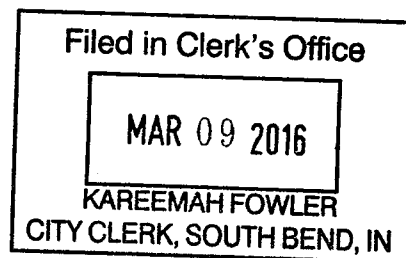


EXHIBIT A TO PETITION – LEGAL DESCRIPTION

PARCEL I:

LOTS NUMBERED 1 AND 2 AS SHOWN ON THE RECORDED PLAT OF MATTHIAS HEINZMAN'S ADDITION TO THE CITY OF SOUTH BEND, EXCEPTING THEREFROM A STRIP OF LAND 45 FEET IN WIDTH, TAKEN OFF AND FROM THE ENTIRE EAST END THEREOF, IN ST. JOSEPH COUNTY, INDIANA.

PARCEL II:

THE NORTH 1/2 OF LOT NUMBERED 3 AND A LOT OR PARCEL OF LAND 45 FEET IN WIDTH, EAST AND WEST, TAKEN OFF OF AND FROM THE ENTIRE WIDTH OF THE EAST END OF LOTS NUMBERED 1 AND 2, ALL AS SHOWN ON THE RECORDED PLAT OF HEINZMAN'S ADDITION TO THE CITY OF SOUTH BEND, INDIANA.

PARCEL III:

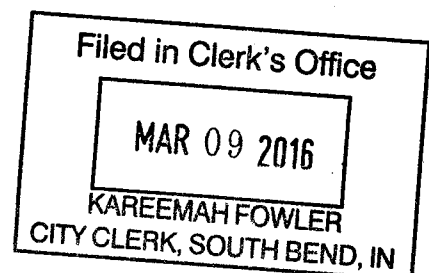
LOT NUMBERED 6 AS SHOWN ON THE RECORDED PLAT OF KUNSTMAN'S FIRST ADDITION TO THE CITY OF SOUTH BEND, IN ST. JOSEPH COUNTY, INDIANA.

PARCEL IV:

LOT NUMBERED FOUR (4) AS SHOWN ON THE RECORDED PLAT OF HEINZMAN'S ADDITION TO THE CITY OF SOUTH BEND.

PARCEL V:

THE SOUTH 1/2 OF LOT 3, HEINZMAN'S ADDITION ACCORDING TO THE RECORDED PLAT THEREOF, ST. JOSEPH COUNTY, INDIANA RECORDS.



REZONING AND VARIANCE APPLICATION NARRATIVE

Introduction

FD South Bend Indiana Lincoln Way and Cushing Street, LLC, an Indiana limited liability company (“Applicant”) is a preferred developer for Family Dollar, Inc. (“Family Dollar”), a subsidiary of Dollar Tree, Inc., a publically traded company (NASDAQ: DLTR). Family Dollar sells merchandise for the family and home in a small-box, neighborhood format. While the name “Family Dollar” might suggest it is a “dollar store,” it is in fact a general retail store.

Applicant and Family Dollar identified an opportunity to bring Family Dollar’s product to the location in South Bend as described more fully below. Family Dollar’s business model necessitates that it lease stores between 8,000 and 10,000 square feet. After much time and consideration, Applicant and Family Dollar selected the Property (as defined herein) as an ideal location on which it could construct an approximately 8,225 square foot one-story building from which Family Dollar, a single user retail tenant, would operate (the “Project”).

The Property

Applicant is currently working under purchase and sale agreements to acquire that certain property located at the southeast corner of Lincoln Way West and Cushing Street in South Bend (the “Property”). The Property consists of the following six (6) individual parcels, as well as an adjacent alley that is to be vacated.

Address	County Parcel ID Number	Current Zoning
736 Lincoln Way West	018-1028-1258	CB
726 Lincoln Way West	018-1028-1259	CB
430 Cushing Street	018-1028-1260	CB
426 Cushing Street	018-1028-1261	SF2
424 Cushing Street	018-1028-1262	CB
18 VAC L6 50X189 LWW	018-1029-1282	CB

A site plan depicting the proposed development of the Property is attached hereto as **Exhibit A** (the “Site Plan”). For reference, a marked up GIS map obtained from the St. Joseph County website is attached hereto as **Exhibit B**, on which the Property is outlined. The Property is currently zoned as set forth above.

Applicant’s Rezoning Application

As set forth above, Applicant intends to develop the Property for use as a “Family Dollar” retail store. In connection with such proposed development, Applicant respectfully submits this application to rezone the Property from the zoning classifications set forth above, to the “MU” Mixed Use District classification. Applicant understands that certain factors are taken into account when considering a rezoning application. Accordingly, Applicant respectfully submits as follows:

- 1. The proposed rezoning is consistent with the Comprehensive Plan.**

Upon information and believe, the City of South Bend (the “City”) has recently adopted a Comprehensive Plan entitled “West Side Main Streets; The Revitalization Plan for Lincoln Way, Western Avenue, and West Side Neighborhoods” (the “Comprehensive Plan”). The Comprehensive Plan denotes the area in which the Property is located as within the “Colfax District”, and further within the “MLK Node.” The Comprehensive Plan envisions this area to be developed with a “streetscape” theme so as to create pedestrian-friendly destinations. Consistent with the foregoing, Applicant has spent a considerable amount of time developing the Site Plan such that the location of the proposed building is at the northeast corner of the Property, with the main entrance to such building being approximately parallel to Lincoln Way West. A sidewalk will connect said main entrance with the main sidewalk along Lincoln Way West, and the use of landscaping and ornamental trees with enhance aesthetics. Additionally, much of the parking, as well as the loading and dumpster areas, have been laid out behind the proposed building in the back of the Property. Accordingly, Applicant respectfully submits that the Project is consistent with the Comprehensive Plan.

2. The proposed rezoning is consistent with the current conditions and character

As revealed by the zoning map for the City, many of the parcels in the vicinity of the Property along Lincoln Way West are currently zoned with the “MU” Mixed Use classification. This includes the parcels at the northwest and southwest corners of Lincoln Way West and Cushing Street, and nearly all of the property east of Scott Street along Lincoln Way West. The parcels immediately to the east of the Property are currently zoned with the “CB” Community Business classification. The parcels directly across Lincoln Way West from the Property are currently zoned “LB” Local Business. Based on the foregoing, the proposed rezoning to the “MU” Mixed Use District is consistent with the majority of parcels along Lincoln Way West in the vicinity of the Property. Additionally, the proposed development of the Property for use as a “Family Dollar” retail store is consistent with the character of the surrounding areas, which is generally commercial in nature.

3. The proposed development of the Property is the most desirable use

As set forth above, the Comprehensive Plan envisions “streetscape” development with pedestrian-friendly uses. Further, the South Bend Zoning Ordinance (the “Zoning Code”) provides that the provisions applicable to properties in the “MU” Mixed Use District are intended to encourage storefront retail and a pedestrian oriented design. Applicant respectfully submits that the Project is consistent with the foregoing considerations, and is therefore the most desirable use of the Property.

4. The proposed development of the Property will not diminish surrounding property values

As set forth above, the addition of a “Family Dollar” retail store will be consistent with surrounding property uses along Lincoln Way West, which are generally commercial in nature. Applicant intends to construct a brand new “Family Dollar” store on a lot that is primarily

vacant. Accordingly, Applicant respectfully submits that the proposed development of the Property will likely enhance the value of surrounding property.

5. The proposed development is consistent with responsible development and growth

The proposed rezoning and subsequent development of the Property will enable Family Dollar to provide nearby residents with convenient access to a wide variety of goods. Family Dollar aspires to be the best small-format convenience and value retailer which serves the needs of families in the neighborhoods in which it is located. As set forth above, the proposed development is consistent with the Comprehensive Plan. Applicant therefore respectfully submits that the proposed development of the Property and the rezoning requested herein is consistent with responsible development and growth.

Applicant's Variance Application

In connection with the Project, Applicant respectfully requests the following variances from the provisions of Section 21-03.02 of the Zoning Code:

A. Section 21-03.02(b)(2)(A)(i): The Zoning Code provides: "For sites containing one building – in elevation view from the street frontage, at least fifty percent (50%) of the length of the façade of the building facing a street shall be located at or between the minimum setback and the maximum setback." With respect to front yards and building setbacks, the Zoning Code provides a minimum of five (5) feet and a maximum of twenty (20) feet. As shown on the Site Plan, the side of the building facing Cushing Street complies with the foregoing requirement. However, the portion of the building facing Lincoln Way West contains eighty six (86) feet of linear frontage (including (i) approximately twenty (20) feet as respects the corner element that is approximately parallel to Lincoln Way West and, and (ii) approximately sixty six (66) feet as respects the balance of the front of said building), of which approximately thirty four (34) feet (or approximately thirty nine and one half percent (39.5%)) is between such minimum and maximum setbacks. Therefore, Applicant seeks a variance from the Zoning Code to allow less than fifty (50%) of the building façade facing Lincoln Way West to be within the minimum and maximum setbacks.

B. Section 21-03.02(b)(2)(A)(iii): The Zoning Code provides: "parking areas and interior access drives shall not be located in the front of the maximum setback. As shown on the Site Plan, approximately five (5) feet of the parking area near Lincoln Way West is in front of the maximum setback. Therefore, Applicant seeks a variance allowing such portion of the parking area to be within such maximum setback.

C. Section 21-03.02(b)(5)(A): The Zoning Code provides that single retail uses shall not exceed eight thousand (8,000) square feet of gross floor area. The Site Plan indicates a building containing approximately eight thousand two hundred twenty five (8,225) square feet of gross floor area. Therefore, Applicant seeks a variance allowing the building to be constructed on the Property to contain in excess of eight thousand (8,000) square feet.

Applicant understands that certain standards must be met in order for the variances requested herein to be granted. Accordingly, Applicant respectfully submits as follows:

1. The granting of the variances requested herein will not be injurious to the public health, safety, morals or general welfare of the community.

In the spirit of the Zoning Code, the Project will enable a retail store to be developed along a major right-of-way in an area zoned for commercial use, thus providing citizens with convenient access to a wide variety of goods so as to meet the day-to-day convenience shopping needs of persons living in nearby residential areas, and promoting the health, safety, quality of life, comfort and general welfare of the City. In the spirit of the Comprehensive Plan, the Project will bring new jobs to the community, encourage additional growth, and provide a new source of sales tax revenue. Further, the new improvements on the Property will increase its assessed valuation, thereby increasing real estate tax revenue. Based upon Applicant's previous experience in connection with other Family Dollar developments, Applicant believes that the granting of the requested variances will not adversely affect the public health, safety, morals, or general welfare. Rather, the requested variance is in harmony with the spirit and intent of the Zoning Code and the mixed use nature of the surrounding area.

2. The use and value of the area adjacent to the property included in the variances will not be affected in a substantially adverse manner.

As stated above, many of the surrounding parcels along Lincoln Way West are being used for commercial purposes. Therefore, the Project is consistent with existing conditions. Additionally, the variances will not impair an adequate supply of light or air to the adjacent properties, substantially increase the congestion in the public streets, increase the danger of fire, or diminish or impair property values within the neighborhood. Further, the Site Plan has been prepared with considerations such as screening and buffering in mind, particularly with respect to the residential nature of nearby parcels.

3. The strict application of the terms of the Zoning Code would result in practical difficulties in the use of the Property.

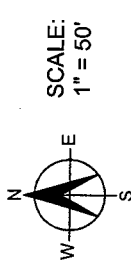
Applicant spent a substantial amount of time and consideration in selecting the Property and preparing the Site Plan for the Project to most efficiently and effectively utilize the Property. Applicant made every effort to configure the building to be constructed on the Property such that it would conform to all of the provisions of the Zoning Code. However, the Property has certain physical characteristics which make full compliance with the terms of the Zoning Code quite difficult. For example, the northwest portion of the Property includes a sharp angle at the intersection of Lincoln Way West and Cushing Street. Applicant has aligned the main entrance of the building on the Property to be approximately parallel to Lincoln Way West. However, laying out the entire front façade of the building in such a manner would be impractical. Additionally, Applicant has taken into account the need to comply with various parking, screening and landscaping requirements of the Zoning Code, as well as certain engineering and traffic concerns (such as truck access and to allow maneuvering of customers, employees and deliveries at the Property). Finally and as set forth above, Applicant intends to develop the

Property for use as a "Family Dollar" retail store. Family Dollar is a national operator with established guidelines as to the size of the building and layout of the site to be operated. Without the approval of Family Dollar, Applicant would be unable to pursue development of the Property. Based on the foregoing, Applicant respectfully submits that strict application of the terms of the Zoning Code would result in practical difficulties in the use of the Property.

Filed in Clerk's Office
MAR 09 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

EXHIBIT A TO APPLICATION NARRATIVE – SITE PLAN

(attached on one (1) page that follows)



South Bend, IN
424, 426, & 430 Cushing Street
and 726 & 736 Lincoln Way West
Store #0000. Project #000000

Zoning:
MU, Mixed Use

Property Size:
0.90 Acres ± 39,985 SF ±

Parking:
Shown - 30
Required - 29 (Ratio 3.5/1000 SF)

Prototypes:
2015-02

Setbacks:
Building Front: 5' min, 20' max
Side: 0' or 5' min, if one provided
Rear: 10'

Landscaping:
Perimeter Yard
(1 shade tree for every 40' or 1 ornamental tree for every 25')

Residential Bufferyard
(2 evergreen trees for every 25')

Interior Parking
(1 landscape island required for every 15 parking spaces. 1 Shade Tree or 1 Ornamental Tree or 1 Evergreen Tree per island)

Park Area Screen
(Compact row of shrubs at 3' on center. 36" maximum height)

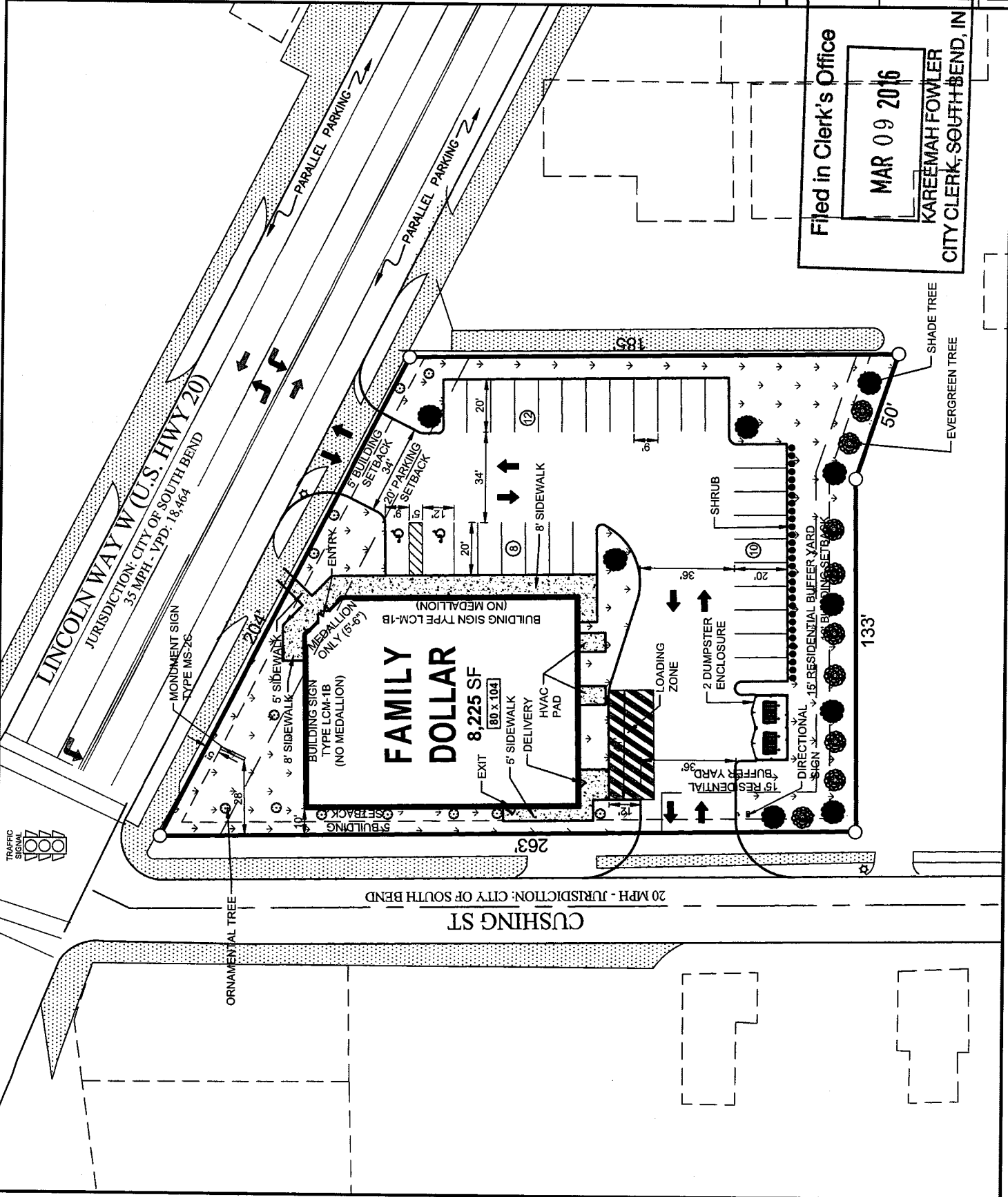
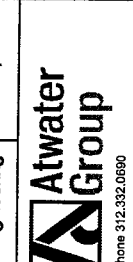
Plaza - Minimum front yard not used for building or parking
(Surfaced with concrete, brick or other hard surface paver, except for area used for trees, lawn area, or planters. Street front portion shall include ornamental or shade trees at 40' on center.)

Additional Disclosure:
If REM Class 0-2, No Ballasts will be placed in Front of the store.

Variances:
Rezone to MU
Max GFA (Exceeds 6,000 SF)
Front Parking Setback

March 7, 2016

Prepared For:



Filed in Clerk's Office
MAR 09 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

SITE PLAN FOR THIS PROPERTY IS BASED ON INFORMATION PROVIDED BY THE PURCHASER OF SAID PROPERTY OR THE DEVELOPER. PLAN ACCURACY DEPENDS ENTIRELY UPON THE INFORMATION PROVIDED AND IS MADE WITHOUT THE BENEFIT OF A BOUNDARY SURVEY WHICH MAY DEPICT EASEMENTS, SETBACKS, ETC., NOT SHOWN. FINAL BOUNDARY LINE INFORMATION AND AREA SHOWN IS SUBJECT TO CHANGE BASED ON THE FINAL BOUNDARY SURVEY.

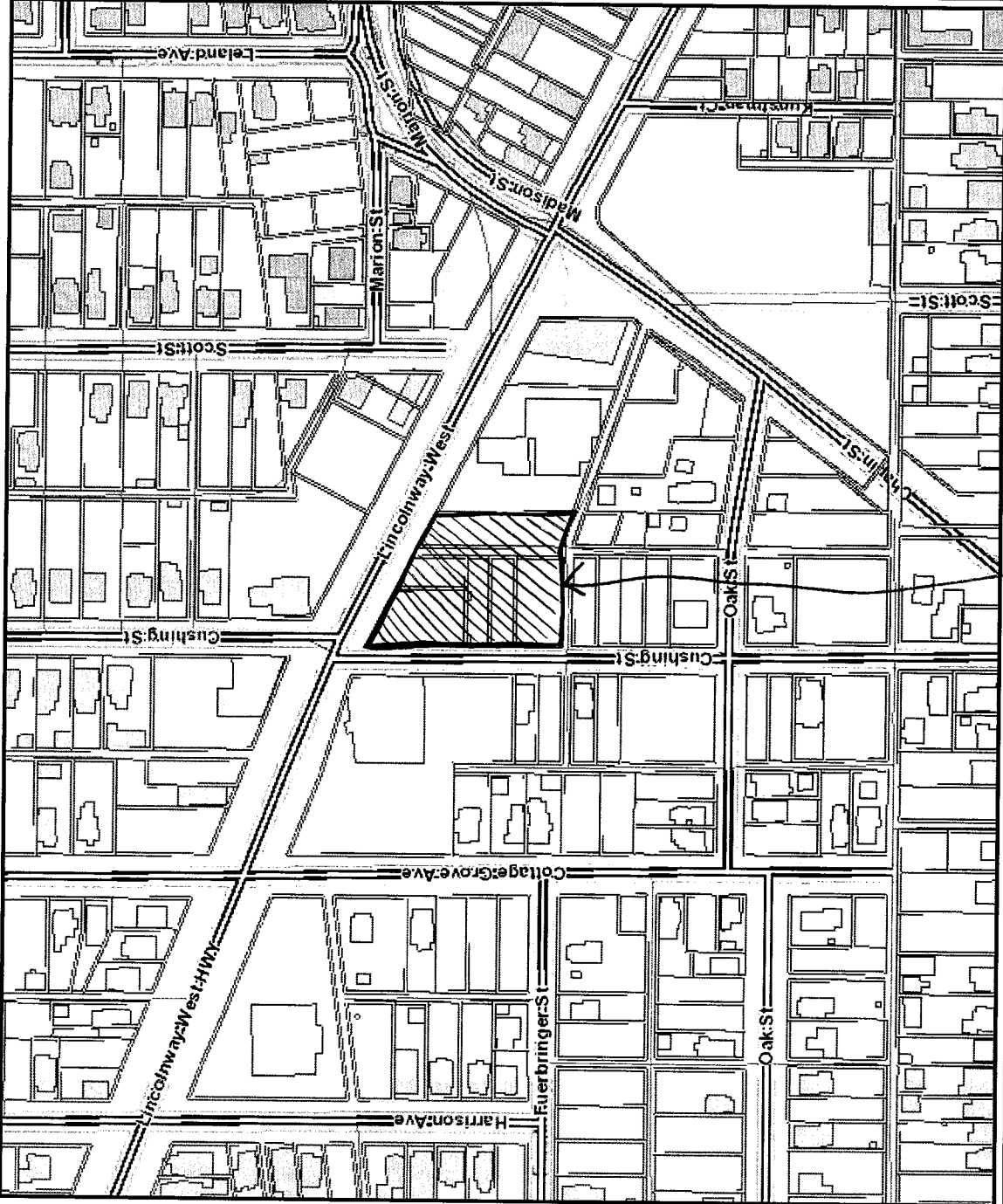
EXHIBIT B TO APPLICATION NARRATIVE – GIS PAGE

(attached on one (1) page that follows)

Michiana Regional GIS Website

Legend

- SJC Parcels
- ELK Parcels
- SJC Street
- ELK Street
- Building Footprint
- Railroad
- Abandoned Railroad
- Road Centerline
- Railroad Bridge
- Roadway Bridge
- Major Roads
- Primary Roads
- Secondary Roads
- Local Roads
- Rivers
- Local Roads
- SJC Street



Filed in Clerk's Office
 MAR 09 2016
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN

Michiana Area Council of Governments | Geographic Information System
 Elkhart and St. Joseph Counties, IN



Date Printed: 2/29/2016
 Map Generated By: Public
 Coordinate grid is based on Indiana East State Plane Coordinate System 1983 North American Datum.
 Information shown on this map is not warranted for accuracy or merchantability. Reproduction or distribution of this material is not authorized without the express written permission of MACOG.

the Property



Bill No. 15-16

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
DEPARTMENT OF ADMINISTRATION AND FINANCE

March 3, 2016

Mr. Tim Scott, President
City of South Bend Common Council
227 W. Jefferson Boulevard, 4th Floor
South Bend, Indiana 46601

RE: March 2016 Appropriation Ordinance – Enterprise Funds

Dear President Scott,

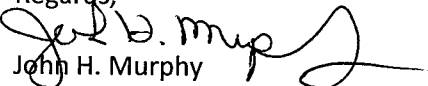
During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2016, we plan to propose adjustments during four time periods—March, June, September and December.

Based on our budget review, we are submitting the enclosed additional appropriation ordinance for your consideration. Please note that the negative amount for the Consolidated Building Fund (#600) of \$926,497 consists of costs that have been transferred to the new Unsafe Building Fund (#219). This appropriation is included on the ordinance for Civil City funds.

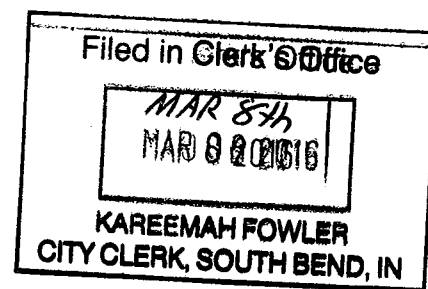
I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on March 14, 2016 with 2nd reading, public hearing and 3rd reading scheduled for March 28, 2016.

Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-7678.

Regards,


John H. Murphy
City Controller

CC: Pete Buttigieg, Mayor
James Mueller, Chief of Staff
Cristal Brisco, Corporation Counsel
Aladean DeRose, City Attorney
Jennifer Hockenull, Deputy City Controller



ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND ENTERPRISE OPERATIONS IN 2016 OF (\$926,497) FROM CONSOLIDATED BUILDING FUND (#600), \$480,000 FROM EMS CAPITAL FUND (#287), \$25,000 FROM EMS OPERATING FUND (#288), \$2,500 FROM 2015 SEWER BOND ISSUANCE FUND (#666), \$188,621 FROM CENTURY CENTER CAPITAL FUND (#671), \$63,000 FROM WATERWORKS O&M FUND (#620), AND \$361,294 FROM SEWAGE O&M FUND (#641).

STATEMENT OF PURPOSE AND INTENT

The Common Council passed the City's 2016 operating and capital budgets in 2015 (Ordinances #10389-15 passed on October 12, 2015), which included expenditures for various City enterprise operations. It is now necessary to appropriate additional funds for operational expenditures necessary for the City to effect provision of services to its citizens which were not anticipated at the time the City budget was adopted.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The following amounts are hereby appropriated in fiscal year 2016 and set apart within the following designated funds for operational expenses as follows:

<u>Fund</u>	<u>Amount</u>
Consolidated Building Fund (#600)	\$(926,497)
EMS Capital Fund (#287)	480,000
EMS Operating Fund (#288)	25,000
2015 Sewer Bond Issuance Fund (#666)	2,500
Century Center Capital Fund (#671)	188,621
Waterworks O&M Fund (#620)	63,000
Sewage O&M Fund (#641)	<u>361,294</u>
TOTAL	<u>\$193,918</u>

Section II. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval of the Mayor.

Member of the Common Council

Attest:

City Clerk

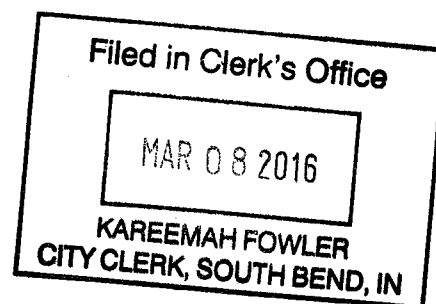
Presented by me to the Mayor of the City of South Bend, Indiana, on the _____ day of _____, 2016, at _____ o'clock ____ . m.

Deputy City Clerk

Approved and signed by me on the _____ day of _____, 2016, at _____ o'clock ____ . m.

Mayor, City of South Bend, Indiana

1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED



City of South Bend, Indiana
March 2016 Additional Appropriation Requests - Enterprise Funds
(increase or decrease in total fund expenditures)
March 3, 2016

Fund Name	Department Name	Account Name	Fiscal Officer/ Contact Name	Account Number	Project Number	Budget Increase/ (Decrease)	Justification
Consolidated Building Fund	Code Enforcement	Illegal Dumping	Seema Trimble	600-1201-415-36-14		(600,098)	Transferring budget from Code to Unsafe Building Fund due to set up of new fund in 2016
Consolidated Building Fund	Code Enforcement	Legal	Seema Trimble	600-1201-415-31-01		(48,000)	Transferring budget from Code to Unsafe Building Fund due to set up of new fund in 2016
Consolidated Building Fund	Code Enforcement	Site Mowing	Seema Trimble	600-1201-415-36-13		(163,905)	Transferring budget from Code to Unsafe Building Fund due to set up of new fund in 2016
Consolidated Building Fund	Code Enforcement	Graffiti Removal	Seema Trimble	600-1201-415-36-15		(99,694)	Transferring budget from Code to Unsafe Building Fund due to set up of new fund in 2016
Consolidated Building Fund	Code Enforcement	Misc. Charges	Seema Trimble	600-1201-415-39-89		(14,800)	Transferring budget from Code to Unsafe Building Fund due to set up of new fund in 2016
						(926,497)	
EMS Capital	EMS	Motor Equipment	Todd Skwarcan	287-0902-422-43-02		200,000	Purchase demo model ambulance - unplanned at budget time.
EMS Capital	EMS	Materials & Equipment	Todd Skwarcan	287-0902-422-43-09		280,000	Cardiac Monitors originally in the 2016 Capital plan; however, was inadvertently left out of the budget
						480,000	
EMS Operating	EMS	Professional Services	Todd Skwarcan	288-0902-422-31-06		25,000	Temp assistance to assist with accounting/budget work for EMS and Fire Department
						25,000	
2015 Sewer Bond Issuance	Admin & Finance	Professional Services	Jen Hockenhill	666-0630-793-31-10		2,500	issuance costs were budgeted in 2015; however, invoice was not received for payment until 2016
						2,500	
Century Center Capital	Century Center	Equipment Purchase	Leanna Belew	671-0406-645-43-09		11,254	Purchase equipment with remaining SMG contribution. SMG contributed \$575,000 in 2013. Balance was appropriated in 2015; however, was not spent before year-end.
Century Center Capital	Century Center	Operational Supplies	Leanna Belew	671-0406-645-22-24		1,600	Floor Burnisher
Century Center Capital	Century Center	Operational Supplies	Leanna Belew	671-0406-645-22-24		1,100	Toolcat Bucket
Century Center Capital	Century Center	Operational Supplies	Leanna Belew	671-0406-645-22-24		45,000	Tractor blade, chains and cab
Century Center Capital	Century Center	Equipment Purchase	Leanna Belew	671-0406-645-43-09		20,000	Security System DVR Replacements
Century Center Capital	Century Center	Building Improvements	Leanna Belew	671-0406-645-42-02		25,000	Lock and Key Replacement
Century Center Capital	Century Center	Building Improvements	Leanna Belew	671-0406-645-42-02		47,667	Skylight Glass Replacement
Century Center Capital	Century Center	Equipment Purchase	Leanna Belew	671-0406-645-43-09		20,000	Staging
Century Center Capital	Century Center	Operational Supplies	Leanna Belew	671-0406-645-43-09		1,500	Pipe and Drape, Backdrop
Century Center Capital	Century Center	Operational Supplies	Leanna Belew	671-0406-645-22-24		6,000	Floor Mats
Century Center Capital	Century Center	Operational Supplies	Leanna Belew	671-0406-645-22-24		2,000	Washer & Dryer for Kitchen
Century Center Capital	Century Center	Operational Supplies	Leanna Belew	671-0406-645-22-24		7,500	Bendix Handrails and 2nd entrance to Convention Hall
						188,621	
WaterWorks	O&M	Interfund Transfers	Roxanne Lawson	620-0640-658-50-02		63,000	Revision in the Cash Reserve computation is attributed to the required reserves. Cash Reserves = 2 months of operations expenditures per bond ordinance.
						63,000	
Sewage O&M	Wastewater	Interfund Transfers	Carol Kurzhel	641-0630-793-50-02		361,294	Revision in the Cash Reserve computation is attributed to the required reserves. Cash Reserves = 2 months of operations expenditures per bond ordinance.
						361,294	
						193,918	
						Grand Total	

Filed in Clerk's Office
MAR 08 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

March 7, 2016

Office of City Clerk
Kareemah Fowler, City Clerk
Room 455 – County-City Building
South Bend, IN 46601

RE : Alley Vacation Petition for certain property located at the southeast corner of Lincoln Way West and Cushing Street in South Bend, Indiana (“the Property”)

Dear Ms. Fowler:

Please allow this to serve as a letter briefly explaining why the enclosed Petition to Vacate is being submitted.

The Petition to Vacate is being sent on behalf of FD South Bend Indiana Lincoln Way and Cushing Street, LLC, an Indiana limited liability company (“FD South Bend”). FD South Bend is a preferred developer for Family Dollar, Inc. (“Family Dollar”), a subsidiary of Dollar Tree, Inc., a publically traded company (NASDAQ: DLTR). Family Dollar sells merchandise for the family and home in a small-box, neighborhood format.

FD South Bend and Family Dollar have selected certain property located at the southeast corner of Lincoln Way West and Cushing Street in South Bend (the “Property”) as a location for construction of an approximately 8,225 square foot building from which Family Dollar will operate (the “Project”). For your reference, a site plan depicting the proposed development is attached hereto (the “Site Plan”). As shown on the radius map accompanying this application, an alley measuring approximately 193 feet in length and 14 feet in width currently runs through the eastern portion of the Property. If the enclosed Petition to Vacate is approved, such alley will be incorporated into the Project as shown on the Site Plan.

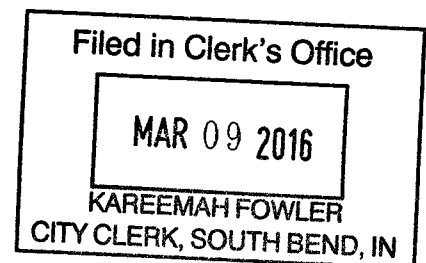
Granting the Petition to Vacate enclosed herewith will allow the Project to be developed along a major right-of-way in an area zoned for commercial use. FD South Bend respectfully submits that such development will provide citizens with convenient access to a wide variety of goods so as to meet the day-to-day convenience shopping needs of persons living in nearby residential areas, and will promote the health, safety, quality of life, comfort and general welfare of the City. The Project will bring new jobs to the community, encourage additional growth, and provide a new source of sales tax revenue. Further, the new improvements on the Property will increase its assessed valuation, thereby increasing real estate tax revenue.

Based on the foregoing, FD South Bend respectfully requests that the Petition to Vacate enclosed herewith be approved. Please do not hesitate to contact me should you have any questions or comments. Thank you in advance for your time and consideration as respects this matter.

Sincerely,



David A. Yontz
Dubin Singer, PC
Attorneys for FD South Bend



ORDINANCE NO. _____

AN ORDINANCE TO VACATE THE FOLLOWING DESCRIBED PROPERTY:

The alley to be vacated is the first North/South alley West of Cushing Street from Lincoln Way West to the first East/West alley for a distance of 193 feet and a width of 14 feet. Said alley being a part of Heintzman's Addition and Kunstman's Addition, City of South Bend, Portage Township, St. Joseph County, Indiana.

STATEMENT OF PURPOSE AND INTENT

Pursuant to Indiana Code Section 36-7-3-12, the Common Council is charged with the authority to hear all petitions to vacate public ways or public places within the City.

The following Ordinance vacates the above-described public property.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, as follows:

SECTION I. The Common Council of the City of South Bend having held a Public Hearing on the petition to vacate the following property:

The alley to be vacated is the first North/South alley West of Cushing Street from Lincoln Way West to the first East/West alley for a distance of 193 feet and a width of 14 feet. Said alley being a part of Heintzman's Addition and Kunstman's Addition, City of South Bend, Portage Township, St. Joseph County, Indiana.

hereby determines that is it desirable to vacate said property.

SECTION II. The City of South Bend hereby reserves the rights and easements of all utilities and the Municipal City of South Bend, Indiana, to construct and maintain any facilities, including, but not limited to, the following: electric, telephone, gas, water, sewer, surface water control structures and ditches, within the vacated right-of-way, unless such rights are released by the individual utilities.

SECTION III. The following property may be injuriously or beneficially affecting by such vacating:

Lot Number	County Parcel ID Number	Current Owner
1 & 2	018-1028-1259	Wadad El-Ammori
3	018-1028-1260	Wadad El-Ammori
3	018-1028-1261	Lincoln Park Development LLC
4	018-1028-1262	George Kalafat
6	018-1029-1282	Wadad El-Ammori

SECTION IV. The purpose of the vacation of the real property is to allow for the development of such property as part as part of an overall site plan, consisting of approximately 0.87 acres, for use as a Family Dollar retail variety store and related improvements.

SECTION V. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approved by the Mayor.

Member of the Common Council

Attest:

City Clerk

Presented by me to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 20__, at _____ o'clock ___ m.

City Clerk

Approved and signed by me on the _____ day of _____, 20__, at _____ o'clock _____ m.

Mayor, City of South Bend, Indiana

1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED

Filed in Clerk's Office
MAR 09 2016
KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

PETITION TO VACATE PUBLIC RIGHTS-OF-WAY
(STREETS/ALLEYS)

TO THE COMMON COUNCIL
OF THE CITY OF SOUTH BEND, INDIANA

DATE: 3/7/16

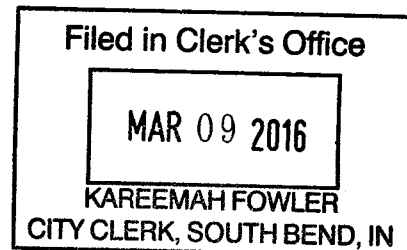
I (WE), THE UNDERSIGNED PROPERTY OWNER(S), PETITION YOU TO VACATE THE ALLEY DESCRIBED AS:

The alley to be vacated is the first North/South alley West of Cushing Street from Lincoln Way West to the first East/West alley for a distance of 193 feet and a width of 14 feet. Said alley being a part of Heintzman's Addition and Kunstman's Addition, City of South Bend, Portage Township, St. Joseph County, Indiana.

NAME	ADDRESS	LOT #
Wadad El-Ammori (see attached Limited Power of Attorney)	51343 Lilac Road South Bend, IN 46628	1, 2, 3, 6
George Kalafat (see attached Limited Power of Attorney)	20633 Roycroft Drive, South Bend, IN 46614	4
Lincoln Park Development LLC By: <u>Anne Mannix</u> Name: Anne Mannix Title: Sole Member	724 W. Washington Street South Bend, IN 46601 Attn: Anne Mannix	3

CONTACT PERSON:

Dubin Singer PC
Attn: David A. Yontz
123 N. Wacker Drive, Suite 1600
Chicago, IL 60606
Phone: (312) 801-8752
Email: dyontz@dubinsinger.com



LIMITED POWER OF ATTORNEY

Area Plan Commission of St. Joseph County, IN
1140 County-City Bldg., 227 W. Jefferson Blvd.
South Bend, IN 46601

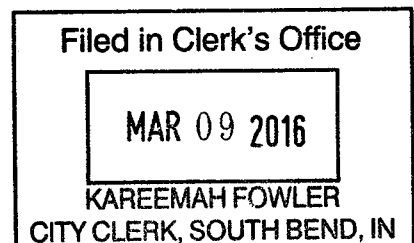
RE: 424 Cushing Street, South Bend, IN 46616; PIN# 71-08-02-458-004.000-026 (the
"Property")

To Whom It May Concern:

I am the current owner of the Property. The Property is the subject of that certain Purchase and Sale Agreement dated as of October 15, 2015 (the "Contract"). I hereby acknowledge that FD South Bend Indiana Lincoln Way and Cushing Street, LLC, its affiliates, agents, and attorneys (collectively, the "Purchaser"), will be pursuing certain petitions, applications and the like with respect to the Property, including, without limitation, a re-zoning petition, one or more zoning variances, and an application to vacate an alley adjacent to the Property (collectively, the "Necessary Approvals"). I hereby consent to the Purchaser making all necessary and appropriate submissions to the applicable governmental authorities in connection with the Necessary Approvals, and agree that my signature below may be used in substitution for any signatures required of the owner of the Property for such submissions. I hereby agree that Purchaser may represent petitions, applications and the like before the Area Plan Commission, City Council and other applicable governmental authorities, and may answer any and all questions thereon.



GEORGE KALAFAT



LIMITED POWER OF ATTORNEY

Area Plan Commission of St. Joseph County, IN
1140 County-City Bldg., 227 W. Jefferson Blvd.
South Bend, IN 46601

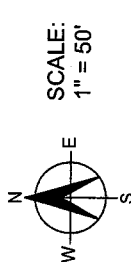
RE: 736 Lincolnway West, South Bend, IN 46616; 726 Lincolnway West, South Bend, IN 46616; 430 Cushing Street, South Bend, IN 46616; and 18 VAC L6 50X189 LWW, South Bend, IN 46601; PIN#: 71-08-02-458-001.000-026, 71-08-08-458-010.000-026, 71-08-02-458-002.000-026, and 71-08-02-458-011.000-026 (collectively, the "Property")

To Whom It May Concern:

I am the current owner of the Property. The Property is the subject of that certain Purchase and Sale Agreement dated as of October 15, 2015 (as amended, the "Contract"). I hereby acknowledge that FD South Bend Indiana Lincoln Way and Cushing Street, LLC, its successors, assigns, affiliates, agents, and attorneys (collectively, the "Purchaser"), will be pursuing certain petitions, applications and the like with respect to the Property, including, without limitation, a re-zoning petition, one or more zoning variances, and an application to vacate an alley adjacent to the Property (collectively, the "Necessary Approvals"). I hereby consent to the Purchaser making all necessary and appropriate submissions to the applicable governmental authorities in connection with the Necessary Approvals, and agree that my signature below may be used in substitution for any signatures required of the owner of the Property for such submissions. I hereby agree that Purchaser may represent petitions, applications and the like before the Area Plan Commission, City Council and other applicable governmental authorities, and may answer any and all questions thereon.



WADAD EL-AMMORI



South Bend, IN
 424, 426, & 430 Cushing Street
 and 726 & 736 Lincoln Way West
 Store #0000, Project #000000
 Site Data Summary

Zoning:
 MU, Mixed Use

Property Size:
 0.80 Acres ± 39,385 SF ±

Parking:
 Shown - 30
 Required - 29 (Ratio 3.5/1000 SF)

Prototype:
 2015-02

Setbacks:
 Building Front: 5' min, 20' max
 Side: 0' or 5' min. if one provided
 Rear: 10'

Landscaping:
Perimeter Yard
 (1 shade tree for every 40' or 1 ornamental tree for every 25')

Residential Bufferyard
 (2 evergreen trees for every 25')

Interior Parking
 (1 landscape island required for every 15 parking spaces. 1 Shade Tree or 1 Ornamental Tree or 1 Evergreen Tree per island)

Park Area Screen
 (Compact row of shrubs at 3' on center. 36" maximum height)

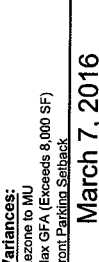
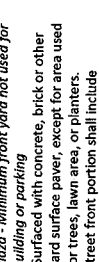
Plaza - Minimum front yard not used for building or parking
 (Surfaced with concrete, brick or other hard surface paver, except for area used for trees, lawn area, or planters. Street front portion shall include ornamental or shade trees at 40' on center.)

Additional Disclosure:
 If REM Class 0-2, No Ballards will be placed in front of the store.

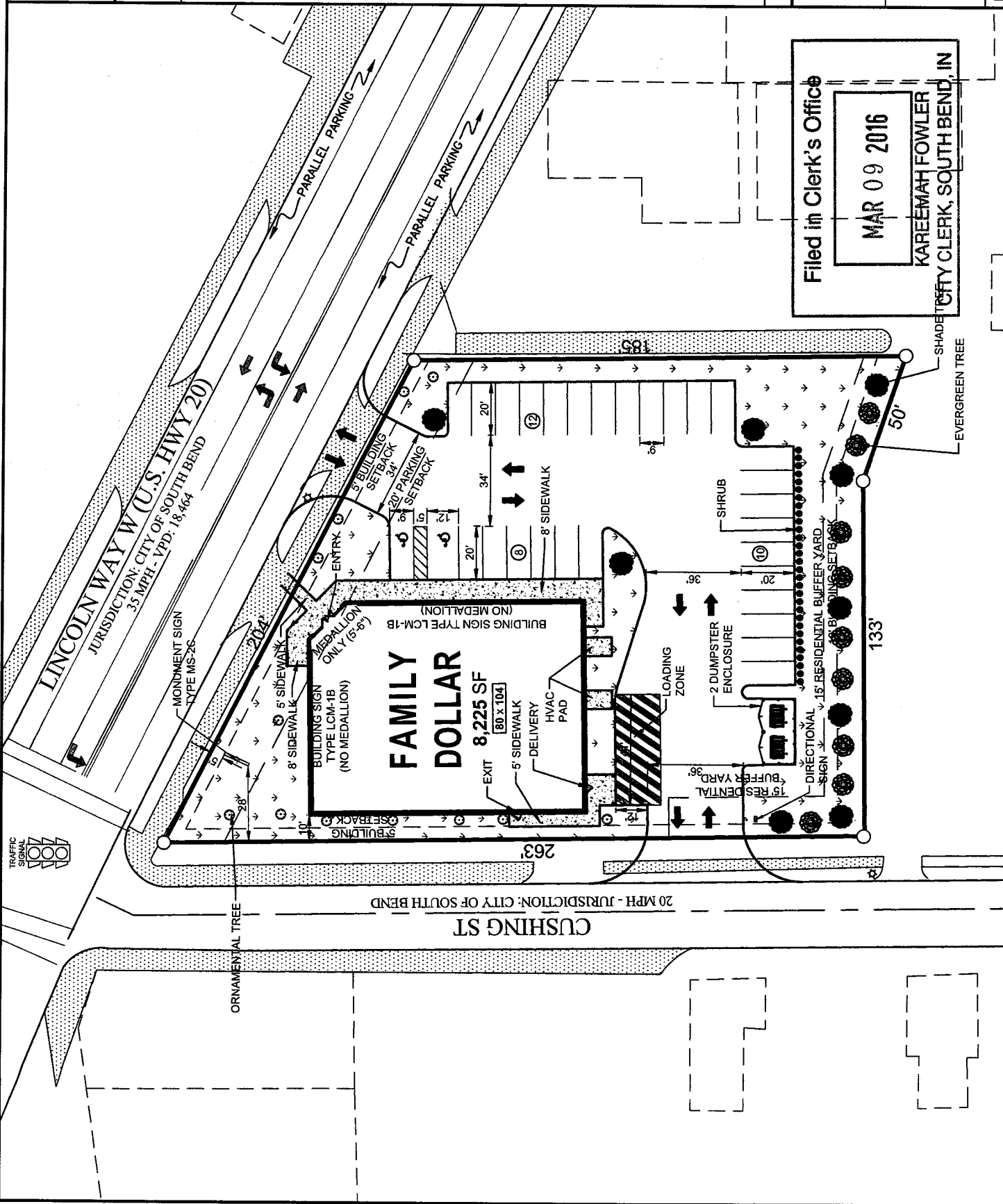
Variances:
 Rezone to MU
 Max GFA (Exceeds 8,000 SF)
 Front Parking Setback

March 7, 2016

Prepared For:

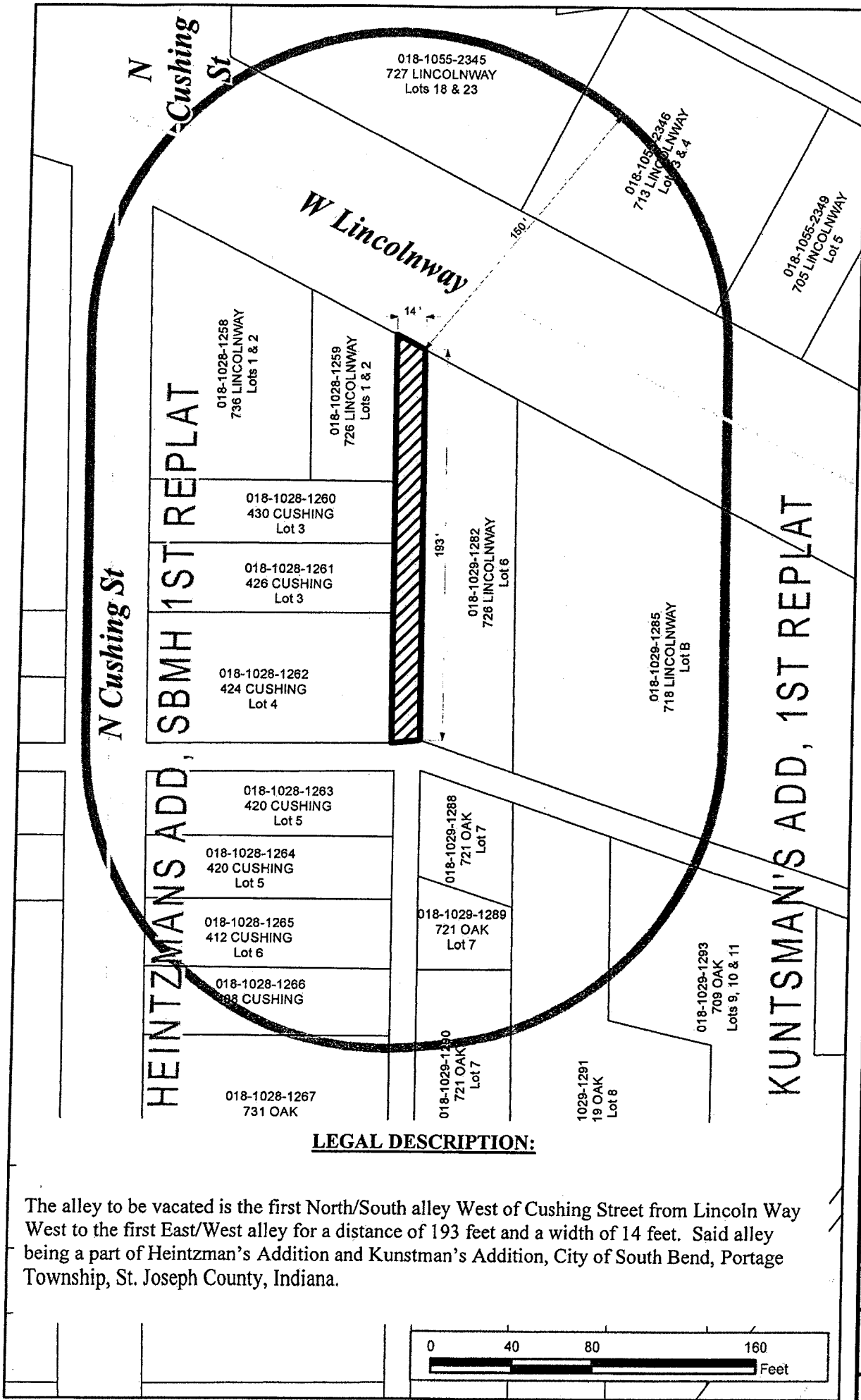


Phone 312.332.0690



Filed in Clerk's Office
 MAR 09 2016
 KAREEMAH FOWLER
 CITY CLERK, SOUTH BEND, IN

SITE PLAN FOR THIS PROPERTY IS BASED ON INFORMATION PROVIDED BY THE PURCHASER OF SAID PROPERTY OR THE DEVELOPER. PLAN ACCURACY DEPENDS ENTIRELY UPON THE INFORMATION PROVIDED AND IS MADE WITHOUT THE BENEFIT OF A BOUNDARY SURVEY WHICH MAY DEPICT EASEMENTS, SETBACKS, ETC., NOT SHOWN. FINAL BOUNDARY LINE INFORMATION AND AREA SHOWN IS SUBJECT TO CHANGE BASED ON THE FINAL BOUNDARY SURVEY.

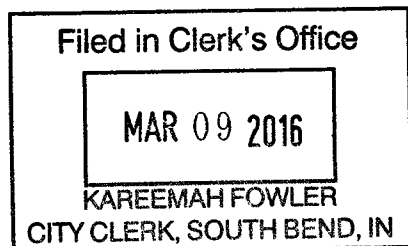


LEGAL DESCRIPTION:

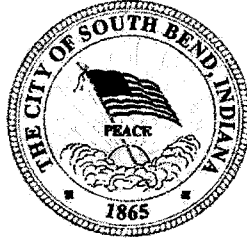
The alley to be vacated is the first North/South alley West of Cushing Street from Lincoln Way West to the first East/West alley for a distance of 193 feet and a width of 14 feet. Said alley being a part of Heintzman's Addition and Kunstman's Addition, City of South Bend, Portage Township, St. Joseph County, Indiana.

Filed in Clerk's Office MAR 09 2016 KARIEMAH FOWLER CITY CLERK, SOUTH BEND, IN	
Alley Vacation Cushing & Lincolnway	
City of South Bend Dept. of Public Works 227 W Jefferson Blvd. #1316 South Bend, IN 46601 Phone: (574) 235-9251 Fax: (574) 235-9171	
Project No.	
Page No.	
Date	

PIN	Owner Name	Owner Address
018-1055-2345	South Bend Heritage Foundation INC	803 Lincolnway West South Bend, IN 46616
018-1055-2346	South Bend Heritage Foundation INC	803 Lincolnway West South Bend, IN 46616
018-1055-2349	Lincolnway Mini Mart INC	705 Lincolnway West South Bend, IN 46616
018-1029-1285	Louie's Tux Shop	716 Lincolnway West South Bend, IN 46616
018-1029-1293	Louie's Tux Shop	716 Lincolnway West South Bend, IN 46616
018-1029-1291	Blake Bemis and Hardy Jr. and David & Fred S and Robert E and Walter A Fros Blake Louise Life Estate	719 West Oak Street South Bend, IN 46616
018-1029-1288	Anthony Sanders & Dwight Sanders	1030 West Jefferson Street Franklin, IN 46131
018-1029-1289	Patricia Smith & Konsyln Smith JT W/FROS	817 O'Brien Street South Bend, IN 46628
018-1029-1290	Blake Bemis and Hardy Jr. and David & Fred S and Robert E and Walter A Fros Blake Louise Life Estate	721 West Oak Street South Bend, IN 46616
018-1028-1266	N/A	N/A
018-1028-1265	Lincoln Park Development LLC	724 West Washington Street South Bend, IN 46601
018-1028-1264	Pierre Smith	310 South Kentucky Street South Bend, IN 46619
018-1028-1263	Pierre Smith	310 South Kentucky Street South Bend, IN 46619
018-1028-1267	Jesus Juarez & Francesca Juarez	731 West Oak Street South Bend, IN 46616



1316 COUNTY-CITY BUILDING
227 W. JEFFERSON BOULEVARD
SOUTH BEND, INDIANA 46601-1830



PHONE 574/235-9251
FAX 574/235-9171

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR
BOARD OF PUBLIC WORKS

November 10, 2015

David Yontz, Attorney
Dubin Singer, PC
123 N. Wacker Drive
Chicago, IL 60606

RE: Alley Vacation – First North/South Alley South of Lincolnway West to the First East/West Alley between Cushing St. and Scott St. (Preliminary Review)

Dear Mr. Yontz:

The Board of Public Works, at its November 10, 2015 meeting, reviewed comments by the Engineering Division, Area Plan Commission, Community Investment, Fire Department, Police Department, and the Solid Waste Division. The following comments and recommendations were:

Area Plan stated that the vacation would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous. The vacation would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient. The vacation would not hinder the public's access to a church, school or other public building or place. The vacation would not hinder the use of a public right of way by the neighborhood in which it is located or to which it is contiguous.

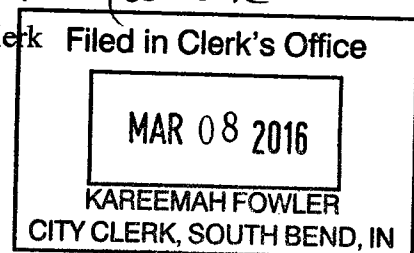
Therefore, the Board of Public Works submitted a favorable recommendation for the vacation of this alley subject to all aggrieved property owners being notified prior to the vacation.

Please contact Tony Molnar at (574) 235-9254 prior to picking up your radius map. You will need a radius map showing properties within 150' of the proposed vacation for your petition to the Common Council. Once you pick up the radius map, proceed to the City Clerk's office for your alley vacation packet.

Sincerely,

Linda M. Martin, Clerk

c: Federico Rodriguez, Fire Dept.
Tony Molnar, Engineering
Janice Talboom, City Clerk's Office





**INTER-OFFICE MEMORANDUM
BOARD OF PUBLIC WORKS**

DATE SENT: 10/19/2015

TO: Pete Kaminski, Street Department
Mike Bronstetter, Solid Waste
Corbitt Kerr, Engineering Department
Jitin Kain, Community Investment
Federico Rodriguez, Fire Department
Larry Magliozzi, Area Plan Commission (lmaglioz@co.st-joseph.in.us or 235-9813 fax)
Gene Eyster, Police Department
Phil Griffin, NIPSCO (pmgriffin@nisource.com) (FYI Only)
Linda M. Martin, Clerk *LM*

FROM:

SUBJECT: **REQUEST FOR RECOMMENDATION – ALLEY VACATION**

APPLICANT: **David Younts Attorney/Dubin Singer**

LOCATION: **First N/S Alley South of Lincolnway West to first E/W Alley between Cushing and Scott St.**

DATE DUE: **October 20, 2015**

FAX OR E-MAIL TO: **235-9171 / lmartin@southbendin.gov**

**PLEASE MAKE YOUR RECOMMENDATIONS BASED ON THE FOLLOWING
IC 36-7-3-13 CRITERIA:**

1. The vacation would/would not hinder the growth or orderly development of the unit or neighborhood in which it is located or to which it is contiguous.
2. The vacation would/would not make access to the lands of the aggrieved person by means of public way difficult or inconvenient.
3. The vacation would/would not hinder the public's access to a church, school or other public building or place.
4. The vacation would/would not hinder the use of a public right-of-way by the neighborhood in which it is located or to which it is contiguous.

COMMENTS:

By Matthew P. Chappuies, Planner
Area Plan Commission

Date

10/23/2015

Filed in Clerk's Office

MAR 08 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN

Elizabeth Horvath

From: Eugene Eyster
Sent: Tuesday, October 20, 2015 8:38 AM
To: Elizabeth Horvath
Cc: Pete Kaminski; Michael Bronstetter; Patrick C. Kerr; Jitin Kain; Federico Rodriguez; Larry Magliozzi
Subject: Re: Alley Vacation - David Younts Attorney/Dubin Singer

Ms. Horvath,
The Police Department would give this request a favorable recommendation.

Lt. Eyster

Sent from my iPad

On Oct 20, 2015, at 08:33, Elizabeth Horvath <lhovath@southbendin.gov> wrote:

Please provide your recommendations.

Lizzy Horvath

Secretary

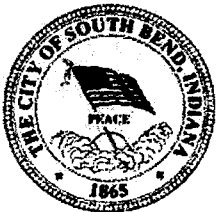
Department of Public Works

227 W. Jefferson Blvd., Suite 1316

South Bend, IN 46601

574-235-3168

lhovath@southbendin.gov



<Alley Vacation - David Younts Attorney-Dubin Singer.pdf>

Elizabeth Horvath

From: Federico Rodriguez
Sent: Tuesday, October 20, 2015 8:48 AM
To: Elizabeth Horvath
Subject: RE: Alley Vacation - David Younts Attorney/Dubin Singer

Favorable S.B.F.D.



Federico (Chico) Rodriguez
Fire Marshal
Office: (574) 235-7564
Mobile: (574) 876-6734
1222 S. Michigan Street
City of South Bend, In 46601
frodrigu@southbendin.gov

From: Elizabeth Horvath
Sent: Tuesday, October 20, 2015 8:34 AM
To: Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Patrick C. Kerr <pckerr@southbendin.gov>; Jitin Kain <jkain@southbendin.gov>; Federico Rodriguez <frodrigu@southbendin.gov>; Larry Magliozzi <LMAGLIOZ@co.st-joseph.in.us>; Eugene Eyster <eeyster@southbendin.gov>
Subject: Alley Vacation - David Younts Attorney/Dubin Singer

Please provide your recommendations.

Lizzy Horvath

Secretary

Department of Public Works

227 W. Jefferson Blvd., Suite 1316

South Bend, IN 46601

574-235-3168

lhovath@southbendin.gov



Linda Martin

From: Michael Divita
Sent: Wednesday, October 21, 2015 12:28 PM
To: Linda Martin
Cc: Jitin Kain
Subject: FW: Alley Vacation - David Younts Attorney/Dubin Singer
Attachments: Alley Vacation - David Younts Attorney-Dubin Singer.pdf

DCI recommends vacation of the alley near Lincolnway West and Cushing Street. Vacation of the alley would not appear to limit appropriate access (the alley is little used and does not have direct access to LWW), and its vacation would assist in creating a larger development site. The Lincolnway West frontage on both sides of this alley is owned by the same individual.

The relationship between the petitioner and any of the adjoining property owners is unclear. I assume the petitioner is the attorney for one of the adjacent property owners or a contingent purchaser.



Michael Divita
Planner
Department of Community Investment
City of South Bend
227 W. Jefferson Blvd., Suite 1400S
South Bend, IN 46601
(574) 235-5843
mdivita@southbendin.gov

From: Jitin Kain
Sent: Tuesday, October 20, 2015 3:48 PM
To: Michael Divita <mdivita@southbendin.gov>
Subject: FW: Alley Vacation - David Younts Attorney/Dubin Singer

Mike- please review and forward your recommendation.

Thanks,
Jitin



Jitin Kain
Director, Planning
Department of Community Investment
(574) 235-5835
jkain@southbendin.gov
City of South Bend
227 W. Jefferson Blvd., Suite 1400 S.
South Bend, IN 46601

SMART STREETS

Elizabeth Horvath

From: Michael Bronstetter
Sent: Wednesday, October 21, 2015 9:28 AM
To: Elizabeth Horvath; Pete Kaminski; Patrick C. Kerr; Jitin Kain; Federico Rodriguez; Larry Magliozzi; Eugene Eyster
Subject: RE: Alley Vacation - David Younts Attorney/Dubin Singer

Solid Waste sends a favorable request. This alley vacation will not affect trash collection.

Thanks,

Mike Bronstetter
Manager Of Solid Waste

Sent via the Samsung Galaxy Tab® S, an AT&T 4G LTE tablet

----- Original message -----

From: Elizabeth Horvath <lhorvath@southbendin.gov>
Date: 10/20/2015 8:33 AM (GMT-05:00)
To: Pete Kaminski <pkaminsk@southbendin.gov>, Michael Bronstetter <mbronste@southbendin.gov>, "Patrick C. Kerr" <pckerr@southbendin.gov>, Jitin Kain <jkain@southbendin.gov>, Federico Rodriguez <frodrigu@southbendin.gov>, Larry Magliozzi <LMAGLIOZ@co.st-joseph.in.us>, Eugene Eyster <eeyster@southbendin.gov>
Subject: Alley Vacation - David Younts Attorney/Dubin Singer

Please provide your recommendations.

Lizzy Horvath

Secretary

Department of Public Works

227 W. Jefferson Blvd., Suite 1316

South Bend, IN 46601

574-235-3168

lhorvath@southbendin.gov

Elizabeth Horvath

From: Patrick C. Kerr
Sent: Thursday, November 05, 2015 10:19 AM
To: Elizabeth Horvath
Subject: RE: Alley Vacation - David Younts Attorney/Dubin Singer

No Objections

From: Elizabeth Horvath
Sent: Tuesday, October 20, 2015 8:34 AM
To: Pete Kaminski <pkaminsk@southbendin.gov>; Michael Bronstetter <mbronste@southbendin.gov>; Patrick C. Kerr <pckerr@southbendin.gov>; Jitin Kain <jkain@southbendin.gov>; Federico Rodriguez <frodrigu@southbendin.gov>; Larry Magliozzi <LMAGLIOZ@co.st-joseph.in.us>; Eugene Eyster <eeyster@southbendin.gov>
Subject: Alley Vacation - David Younts Attorney/Dubin Singer

Please provide your recommendations.

Lizzy Horvath

Secretary

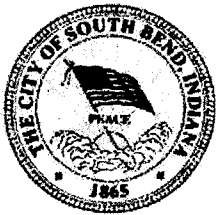
Department of Public Works

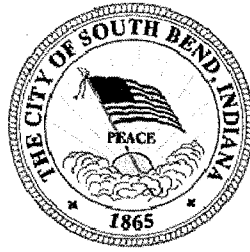
227 W. Jefferson Blvd., Suite 1316

South Bend, IN 46601

574-235-3168

lhovath@southbendin.gov





Bill No. 16-16

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

DEPARTMENT OF ADMINISTRATION AND FINANCE

March 3, 2016

Mr. Tim Scott, President
City of South Bend Common Council
227 W. Jefferson Boulevard, 4th Floor
South Bend, Indiana 46601

RE: March 2016 Transfer Ordinance

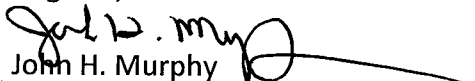
Dear President Scott,

During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2016, we plan to propose adjustments during four time periods—March, June, September and December.

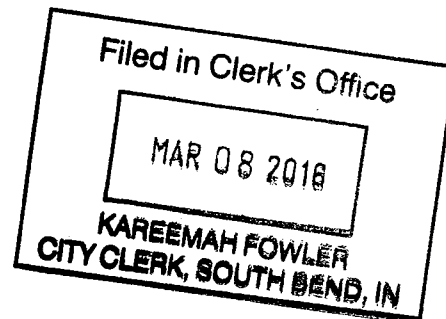
I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on March 14, 2016 with 2nd reading, public hearing and 3rd reading scheduled for March 28, 2016.

Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-7678.

Regards,


John H. Murphy
City Controller

CC: Pete Buttigieg, Mayor
James Mueller, Chief of Staff
Cristal Brisco, Corporation Counsel
Aladean DeRose, City Attorney
Jennifer Hockenhull, Deputy City Controller





ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND,
INDIANA, FOR BUDGET TRANSFERS FOR VARIOUS DEPARTMENTS WITHIN
THE CITY OF SOUTH BEND, INDIANA FOR THE YEAR 2016

STATEMENT OF PURPOSE AND INTENT

Unforeseen conditions have developed since the adoption of the existing budgets (Ordinances #10388-15 and 10389-15 passed on October 12, 2015) which necessitate the increase and reduction of appropriations within the various departments of the General Fund and other funds of the City of South Bend during 2016.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of South Bend, Indiana, as follows:

Section I. All accounts as set forth in the detailed attachment hereto which are incorporated herein shall be adjusted by increase or reduction of appropriation in the designated sums.

Section II. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

Member of the Common Council

Attest:

City Clerk

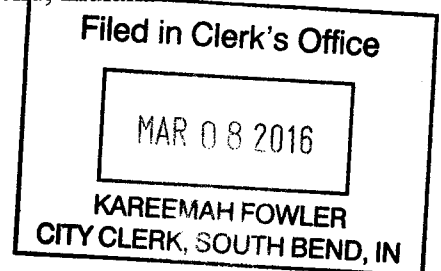
Presented by me to the Mayor of the City of South Bend, Indiana, on the _____ day of _____, 2016, at _____ o'clock __ . m.

Deputy City Clerk

Approved and signed by me on the _____ day of _____, 2016, at _____ o'clock __ . m.

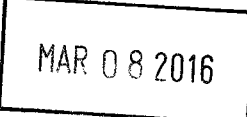
Mayor, City of South Bend, Indiana

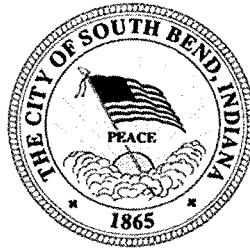
1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED



City of South Bend, Indiana
March 2016 Budget Transfers
(budget transfers between expenditure categories or departments within the same fund)
March 3, 2016

Fund Name	Department Name	Account Name	Fiscal Officer/ Contact Name	Account Number	Project Number	Budget Increase/ (Decrease)	Justification
Parks Parks	Recreation Recreation	Park Equipment Recreation Supplies	Ron O'Connor Ron O'Connor	203-1103-452-43-07 203-1103-452-22-23	K3CONS K3CONS	22,500 (22,500)	Purchase 2 concession trailers - Aerial Park/East Race, originally budgeted in supplies Reclass funds to cover concession trailers
COIT COIT COIT	Admin & Finance Admin & Finance Admin & Finance	Office Equipment Repair Office Supplies Election Costs	Jen Hockenhuill Jen Hockenhuill Jen Hockenhuill	404-0617-415-36-02 404-0617-415-21-04 404-0617-431-39-60		500 3,665 (4,065)	Installation of new desk on the 14th floor New office furniture for the County City Building Election costs less than estimated per County
Solid Waste Solid Waste Solid Waste Solid Waste	Solid Waste Solid Waste Solid Waste Solid Waste	Uniforms - Code NEAT Crew Uniforms - Trash Dept. Landfill - Code NEAT Crew Landfill - Trash Dept.	Carol Kurzhai Carol Kurzhai Carol Kurzhai Carol Kurzhai	610-6117-791-22-05 610-0610-791-22-05 610-6117-791-39-85 610-0610-791-39-85	13 (13) 1,134	Underestimated final costs before Code moved to different fund Available budget Underestimated final costs before Code moved to different fund (1,134)/ Available budget	
				Grand Total		0	

Filed in Clerk's Office

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN



Bill No. 17-16

CITY OF SOUTH BEND PETE BUTTIGIEG, MAYOR

DEPARTMENT OF ADMINISTRATION AND FINANCE

March 3, 2016

Mr. Tim Scott, President
City of South Bend Common Council
227 W. Jefferson Boulevard, 4th Floor
South Bend, Indiana 46601

RE: March 2016 Appropriation Ordinance – Civil City Funds

Dear President Scott,

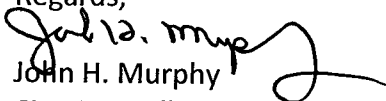
During the past several years, it has been the practice of the City of South Bend to request department heads, fiscal staff and city administration to conduct an extensive review of the status of compliance with the adopted city budget and propose necessary adjustments periodically throughout the year. For 2016, we plan to propose adjustments during four time periods—March, June, September and December.

Based on our budget review, we are submitting the enclosed additional appropriation ordinance for your consideration.

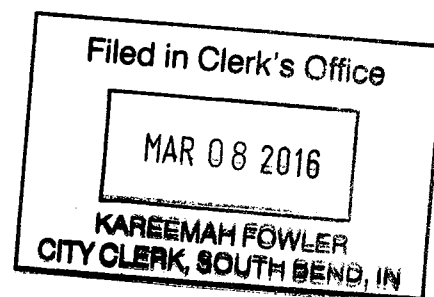
I will present this bill to the Common Council at the appropriate committee and council meetings. It is requested that this bill be filed for 1st reading on March 14, 2016 with 2nd reading, public hearing and 3rd reading scheduled for March 28, 2016.

Thank you for your attention to this request. If you should have any questions, please feel to contact me at 574-235-7678.

Regards,


John H. Murphy
City Controller

CC: Pete Buttigieg, Mayor
James Mueller, Chief of Staff
Cristal Brisco, Corporation Counsel
Aladean DeRose, City Attorney
Jennifer Hockenhull, Deputy City Controller





ORDINANCE NO. _____

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, APPROPRIATING ADDITIONAL FUNDS FOR CERTAIN DEPARTMENTAL AND CITY SERVICES OPERATIONS IN 2016 OF \$25,000 FROM GENERAL FUND (#101), \$587,022 FROM DCI STATE GRANTS FUND (#210), \$926,497 FROM UNSAFE BUILDING FUND (#219), \$17,500 FROM CENTRAL SERVICES FUND (#222), \$22,000 FROM COVELESKI NON REVERTING CAPITAL FUND (#401) AND \$29,300 FROM COUNTY OPTION INCOME TAX FUND (#404).

STATEMENT OF PURPOSE AND INTENT

The Common Council passed the City's 2016 operating and capital budgets in 2015 (Ordinances #10388-15 passed on October 12, 2015) which included expenditures for various City operations. It is now necessary to appropriate additional funds for operational and capital expenditures necessary for the City to effect provision of services to its citizens which were not anticipated at the time the City budget was adopted.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of South Bend, Indiana, as follows:

Section I. The following amounts are hereby appropriated in fiscal year 2016 and set apart within the following designated funds for expenditures as follows:

<u>Fund</u>	<u>Amount</u>
General Fund (#101)	\$ 25,000
DCI State Grant Fund (#210)	587,022
Unsafe Building Fund (#219)	926,497
Central Services Fund (#222)	17,500
Coveleski Non Reverting Capital Fund (#401)	22,000
County Option Income Tax (#404)	<u>29,300</u>
TOTAL	<u>\$1,607,319</u>

Section II. This ordinance shall be in full force and effect from and after its passage by the Common Council and approval of the Mayor.

Member of the Common Council

Attest:

City Clerk

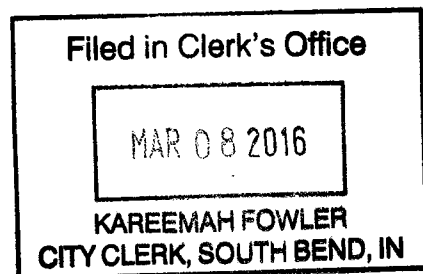
Presented by me to the Mayor of the City of South Bend, Indiana, on the
_____ day of _____, 2016 at _____ o'clock __ . m.

Deputy City Clerk

Approved and signed by me on the _____ day of _____, 2016 at
_____ o'clock __ . m.

Mayor, City of South Bend, Indiana

1st READING
PUBLIC HEARING
3rd READING
NOT APPROVED
REFERRED
PASSED



City of South Bend, Indiana
March 2016 Additional Appropriation Requests - Civil City Funds
(Increase or decrease in total fund expenditures)
March 3, 2016

Fund Name	Department Name	Account Name	Fiscal Officer/Contact Name	Account Number	Project Number	Budget Increase/Decrease	Justification
General Fund	Fire	Professional Services	Todd Skwarcan	101-0901-422-31-06		25,000	Temp assistance to assist with accounting/budget work for EMS and Fire Department
Slate Grants	DCI	Demolition & Clearance	John March	210-1060-460-39-82		587,022	To budget remainder of Blight Elimination Plan Reimbursement Grant funds. Originally received \$1,579,000; 100% grant funded
Unsafe Building Fund	Code Enforcement	Illegal Dumping	Seema Timble	219-1201-415-36-14		600,098	Transferring budget from Code to Unsafe Building Fund due to set up of new fund in 2016
Unsafe Building Fund	Code Enforcement	Legal	Seema Timble	219-1201-415-31-01		48,000	Transferring budget from Code to Unsafe Building Fund due to set up of new fund in 2016
Unsafe Building Fund	Code Enforcement	Site Mowing	Seema Timble	218-1201-415-36-13		163,905	Transferring budget from Code to Unsafe Building Fund due to set up of new fund in 2016
Unsafe Building Fund	Code Enforcement	Graffiti Removal	Seema Timble	219-1201-415-36-15		99,684	Transferring budget from Code to Unsafe Building Fund due to set up of new fund in 2016
Unsafe Building Fund	Code Enforcement	Misc. Charges	Seema Timble	219-1201-415-39-89		14,900	Transferring budget from Code to Unsafe Building Fund due to set up of new fund in 2016
						926,497	
Central Services	Central Services	Office Equipment	Mary Wisniewski	222-0613-419-36-02		13,500	Add'l 500,000 impressions for Park Department were unknown during budget process. Increase for larger, more productive copier and additional maintenance and toner costs.
Central Services	Central Services	Capital Lease Principal	Mary Wisniewski	222-0613-419-37-11		3,720	
Central Services	Central Services	Capital Lease Interest	Mary Wisniewski	222-0613-419-37-12		280	
						17,500	
Coveleski Non Reverting Capital	Parks	Repairs & Maintenance Buildings	Ron O'Connor	401-1101-452-36-01		22,000	Per 2015 agreement with Swing Batter Swing to split costs; not known at time of budget.
COIT	Community Investment	Other Professional Services	John March	404-1001-460-31-06		29,300	Job Training Costs - contract signed in 2015 was not encumbered as originally planned.
				Grand Total		1,607,319	

Filed in Clerk's Office

MAR 08 2016

KAREEMAH FOWLER
CITY CLERK, SOUTH BEND, IN