

RESOLUTION NO. 3543

A RESOLUTION OF THE SOUTH BEND REDEVELOPMENT COMMISSION APPROVING THE TRANSFER OF THE MORRIS PERFORMING ARTS CENTER COMPLEX TO THE SOUTH BEND REDEVELOPMENT AUTHORITY

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

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

WHEREAS, the Commission owns certain real property in the River West Development Area, commonly known as the Morris Performing Arts Center Complex (the “Facility”); and

WHEREAS, the City intends to finance the improvements to the Facility in part through the issuance of bonds; and

WHEREAS, the structure of the bond transaction involves issuing the bonds from the Authority and a lease back to the Commission; and

WHEREAS, the Commission preliminarily approved the lease pursuant to Resolution No. 3538, dated November 8, 2021, and approved the execution thereof and all other actions necessary to effectuate the lease pursuant to Resolution No. 3540, dated November 22, 2021; and

WHEREAS, the Common Council of the City approved the execution and delivery of the lease and the transfer of the Facility as intended thereby pursuant to Resolution 4936-21, dated December 17, 2021 (“Council Resolution 4936-21”); and

WHEREAS, in order to effectuate the bond transaction, the Commission desires to convey the Facility to the Authority pursuant to I.C. 36-1-11-8 and subject to the terms of this Resolution.

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

1. The Commission hereby approves the conveyance of the Facility to the Authority in accordance with Indiana Code Section 36-1-11-8 and as authorized by Council Resolution 4936-21.
2. The President and Secretary of the Commission will execute and attest to the execution of, respectively, the quitclaim deed attached hereto as **Exhibit A** (the “Deed”) conveying the Facility to the Authority.

3. Upon acceptance of the transfer by the Authority, the Commission hereby authorizes and instructs Andrew Netter of the City's Department of Community Investment to deliver the Deed for recordation to the Office of the Recorder of St. Joseph County, Indiana and to take any other action or execute any document necessary to affect the Commission's conveyance to the Authority.

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

ADOPTED at a regular meeting of the South Bend Redevelopment Commission held electronically on January 13, 2022, as authorized by Executive Order 20-09 issued by the Governor of the State of Indiana, as subsequently renewed.

SOUTH BEND REDEVELOPMENT
COMMISSION

Marcia I. Jones, President

ATTEST:

Troy Warner, Secretary

EXHIBIT A

Quitclaim Deed

[See attached.]

RETURN TO:
City of South Bend
227 W Jefferson Blvd., Ste 1400S
South Bend, IN 46601

AUDITOR'S RECORD: _____
TRANSFER NO. _____
TAXING UNIT: _____
PARCEL NO. 018-1002-0043

QUITCLAIM DEED

THIS INDENTURE WITNESSETH THAT the Department of Redevelopment of the City of South Bend, by and through its governing body, the South Bend Redevelopment Commission (the "Grantor") CONVEYS AND QUITCLAIMS TO the South Bend Redevelopment Authority (the "Grantee"), for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the real estate located at 103 W. Colfax Ave., South Bend, in St. Joseph County, Indiana (the "Property"), more particularly described as follows:

Lot Numbered One (1) as shown on the recorded Plat of Morris Civic Minor Subdivision, recorded July 13, 1998 as Document Number 9836277 in the Office of the Recorder of St. Joseph County, Indiana.

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

The undersigned persons executing this Quitclaim Deed on behalf of the Grantor represent and certify that each has been fully empowered and authorized to execute this Quitclaim Deed and that all action necessary to complete this conveyance on Grantor's behalf has been duly taken.

[Signature page follows.]

Dated this ____ day of January 2022.

GRANTOR:
SOUTH BEND REDEVELOPMENT COMMISSION

By: _____
_____, President

ATTEST:

_____, Secretary

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

Before me, the undersigned, a Notary Public for and in said County and State this ____ day of January 2022, personally appeared _____ and _____, known to me to be, respectively, as the President and Secretary of the South Bend Redevelopment Commission, the Grantor named herein, and acknowledged the execution of the foregoing Quitclaim Deed, being authorized by Resolution 3543 of the South Bend Redevelopment Commission so to do.

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

_____, Notary Public
Resident of St. Joseph County, Indiana
Commission expires: _____

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Sandra L. Kennedy

Prepared by Sandra L. Kennedy, Corporation Counsel, 1200 S. County-City Building, 227 W. Jefferson Blvd., South Bend, Indiana 46601