



South Bend

Redevelopment Commission

227 West Jefferson Boulevard, Room 1308, South Bend, Indiana

Agenda

Regular Meeting, September 22, 2022 – 9:30 a.m.

<http://tiny.cc/RDC> or BPW Conference Room 13th Floor

1. Roll Call

2. Approval of Minutes

- A. Minutes of the Regular Meeting of Thursday, September 8, 2022

3. Approval of Claims

- A. Claims Allowance Request 9.6.22
- B. Claims Allowance Request 9.13.22

4. Old Business

5. New Business

- A. River West Development Area
 - 1. Resolution No.3558 (Disposition Offering Price 117/119 Lafayette)
 - 2. Approval of Bid Specifications (117/119 Lafayette)
 - 3. Request to Advertise (117/119 Lafayette)
 - 4. Temporary Access Agreement (VPA)
 - 5. First Amendment to Development Agreement (Sibley)
 - 6. Budget Request (Coal Line Multiuse Trail)
- B. Other
 - 1. TIF Neutralization (2022 Baker Tilly)

6. Progress Reports

- A. Tax Abatement
- B. Common Council
- C. Other

7. Next Commission Meeting:

Thursday, October 13, 2022, 9:30 am



South Bend
Redevelopment Commission
 227 West Jefferson Boulevard, Room 1308, South Bend, IN

**SOUTH BEND REDEVELOPMENT COMMISSION
 RE-SCHEDULED REGULAR MEETING**

September 8, 2022 – 9:30 am
<https://tinyurl.com/RDC9822> or BPW Conference Room 13th Floor

Presiding: Marcia Jones, President

The meeting was called to order at 9:30 a.m.

1. ROLL CALL

Members Present:	Marcia Jones, President – V Donald Inks, Vice-President - IP Troy Warner, Secretary – V Eli Wax, Commissioner - IP Vivian Sallie, Commissioner – IP Leslie Wesley, Commissioner - V	IP = In Person V = Virtual
Members Absent:		
Legal Counsel:	Sandra Kennedy, Esq. Danielle Campbell-Weiss, Esq.	
Redevelopment Staff:	Mary Brazinsky, Board Secretary Joseph Molnar, RDC Staff	
Others Present:	Caleb Bauer Laura Althoff Erik Glavich Michael Davita Tim Corcoran Amy Paul Rachel Boyles Leslie Biek Zach Hurst Kara Boyles Charlotte Brach Aaron Perri Alyson Herzig Rachel Tomas Morgan	DCI - IP DCI – V DCI – V DCI – V DCI – V DCI – V DCI – V DCI - V Engineering – V Engineering - IP Engineering - V Engineering - V VPA - V Resident/Chamber – V Council/114 Chapin St - IP

Others Present:	Erica Futa Dan Gauthier Jordan Smith Rich Harte David Francisco Matt Barrett LaRissa Biggs Conrad Damian Thomas O’Grady Kevin Futa	Resident – V Resident – V Resident – V Resident – V 710 N Hill St - IP 110 S Niles - IP Nexus Center - V 718 E Broadway - IP 320 E Colfax #602 – IP 545 Crescent Ave - IP
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2. Approval of Minutes

- **Approval of Minutes of the Regular Meeting of Thursday, August 25, 2022**

Upon a motion by Commissioner Sallie, seconded by Vice-President Inks, the motion carried unanimously, the Commission approved the minutes of the regular meeting of Thursday, August 25, 2022.

3. Approval of Claims

- **Claims Submitted for August 23, and August 31, 2022.**

Secretary Warner asked about the August 31, 2022, claim; there’s a payment for Reith Riley pavement is that payment for the zoo?

Ms. Althoff responded that the zoo parking expansion includes stormwater, sewer, sidewalk, and seal coating. This was round one of the contractor pavement and was contracted to Millstone Contractors.

Secretary Warner asked if the Reith Riley payment was part of the rebuilding our streets that was funded approximately six weeks ago.

Ms. Althoff replied yes.

Upon a motion by Secretary Warner, seconded by President Jones, the motion carried unanimously, the Commission approved the claims for August 23 and August 31, 2022, submitted on Thursday, September 8, 2022.

4. Old Business

5. New Business

A. River West Development Area

1. Budget Request (Muessel Grove Restroom)

Mr. Hurst, Engineering presented a Budget Request (Muessel Grove Restroom). This budget request for \$240,500 is to contribute towards the construction of a new restroom facility at Muessel Grove Park. A bid from Gibson Lewis, a local contractor came in a little under \$400k. This budget request would augment existing funding from VPA and would give a small construction contingency to be able to move forward with the project. Commission approval is requested.

Commissioner Wax asked what the timeline would be.

Mr. Hurst responded due to the market being tight, the city gave the contractor next calendar year to solicit enough interest to complete the project.

Upon a motion by Commissioner Sallie, seconded by Commissioner Wax, the motion carried unanimously, the Commission approved Budget Request (Muessel Grove Restroom) submitted on Thursday, September 8, 2022.

2. Budget Request (Linden Avenue Streetscape & Design)

Ms. Biek, Engineering presented a Budget Request (Linden Avenue Streetscape & Design). This budget request is for the design and inspection of the Linden streetscape project from College to Birdsell. The project is in coordination with the Dream Center. The schedule is to have engineering design the project; this would be ready to bid and start construction next fall and be completed with the Dream Center Spring 2024. Commission approval is requested.

Secretary Warner asked if there is a total cost or is this the design cost; if so where will the remainder be funded from?

Ms. Biek answered once BS Engineering is onboard, we will have a more detailed estimate. The project would be funded through TIF.

Mr. Corcoran, Department of Community Investment noted that through design, the city plans to test a couple different ideas. Each one will have a potential cost to them. We will need to work through different scenarios including utility relocation, because of that we are unsure of the cost. The overall idea is to promote Kennedy Park. Through the neighborhood planning process, the neighbors have noted how important this section of Linden Avenue is as a historic, commercial district therefore, we would like to tie both sides of the street together. The Dream Center project will help to support new development on the north side of the street.

Secretary Warner noted that the Dream Center project is very exciting and that this is a part of the effort to revitalize the Linden and Kennedy Park neighborhood. The neighbors and council are excited.

Upon a motion by Secretary Warner, seconded by Commissioner Sallie, the motion carried unanimously, the Commission approved Budget Request (Linden Avenue Streetscape & Design) submitted on Thursday, September 8, 2022.

B. South Side Development Area

1. First Amendment to Development Agreement (Nexus Center)

Mr. Bauer, Department of Community Investment presented the First Amendment to the Development Agreement (Nexus Center). The proposed amendment would increase the public commitment and commensurate increase in the private investment commitments for the Nexus Center. The Nexus Center would serve as a community center space, mental health counseling with clinical space. This community-oriented space is an adaptive reuse of a former industrial building that had office space. The original agreement approved by the Redevelopment Commission in August 2021 would be adjusted by an increase in private commitment from \$1M to \$1.6M to help fund a roof replacement which will preserve the facility and allow for a complete build out of the space. Commission approval is requested.

Ms. Buggs, Nexus Center noted Mr. Buggs was out training surgeons on robotic technology which helps to fund some of the investment. A thank you to Community Investment and their team working with them to be able to utilize TIF funds to make ADA upgrades to the entrances of the building. They are working with Kil architecture and have been able to put things out to bid. Some of the work that has been done includes painting, flooring, and new lighting. They have been able to hold meetings with groups such as 100 black men and had mental health roundtable sessions with the Delta Sigma Theta sorority. They have worked with residential neighborhoods committee of council and Alpha Kappa Alpha sorority. They've hosted other groups as well putting on a vaccination clinic and other community meetings. The Buggs want to continue to build upon the theme of creating a community and wellness center. With the mental health crisis affecting the country and our community they would like to continue to improve the health and status of the community at large. By replacing the roof, we would like to expand and utilize the entire building keeping it dry to make sure the investment is secure.

Commissioner Wax asked what part of the private investment has been utilized and what makes up the remainder?

Ms. Buggs answered currently they are at approximately \$800k but she does not have the final numbers, which have gone into upgrades including the HVAC system. They also have had help from local unions which is a continued process. They have support from community foundations and grants. With all the continued support, they anticipate being able to meet the full commitment.

Commissioner Wax asked if the full amount needed would be the total to get the Nexus Center operational?

Ms. Buggs replied yes.

Commissioner Sallie stated that she understands that the Nexus Center is operational to a certain level as Dr. Buggs mentioned several groups have utilized the center. Even though it is not completed, you are allowing groups to come in.

Ms. Buggs answered yes, they've been able to utilize some areas as conference room space. Each group pays a fee to use the space, which in turn helps generate revenue towards completion.

Commissioner Wesley said a thank you to Dr. Buggs and believes the Nexus Center will be a great asset to the community.

Commissioner Wax asked to be reminded of the impetus increased amount.

Mr. Bauer stated that the Buggs were willing to commit to a larger private investment as they became aware of the condition of the facilities roof. The city, in an effort to protect its own investments in the property, was willing to increase their public investment. This would benefit both the city and the Nexus Center. At current there have been leaks and patches done so fully replacing the roof maintains the integrity of the building.

Commissioner Wax if that is the full extent of the city's investment.

Mr. Bauer stated yes that is the extent of the city's capital investment for this project.

The commission opened this item up for public questions/comments.

Mr. Barrett, resident, asked if the city has a policy to the percentage of city funding.

Mr. Bauer answered that there is no written policy. The city looks at providing funds to support mission-based organizations and provide strategic goals we have to participate in a project. All the above is how we bring a proposal to the Redevelopment Commission.

Ms. Broden, resident, spoke in support of the project and the increase in investment. She has been in the building and states it has great bones. In her opinion it has great potential and she believes in helping to support the roof. The conceptualization and the delivery of services will go a long way to support the city of South Bend regarding wellness, public health, violence prevention and economic development. The importance of the talent and skill sets that the Buggs bring to the table and the goals in the not for profit with the partnerships are valued as a citizen.

Secretary Warner commented that he had some concern as to ration of investment to funding but there is a plan for a clinic there that the Buggs are working on. With the continued investment and opportunity to have a clinic come to fruition and life is what tips the balance and stability of the building. He would like to encourage getting the clinic to happen on that end of town and he supports the project.

Upon a motion by Commissioner Sallie, seconded by Vice-President Inks, the motion carried unanimously, the Commission approved First Amendment to Development Agreement (Nexus Center) submitted on Thursday, September 8, 2022.

6. Progress Reports

1. Tax Abatement

1. Mr. Bauer noted that one tax abatement will be coming before council which is a personal property tax abatement for Steel Warehouse. Due to schedule conflicts, the business asked that the confirming resolution be brought forth in non-consecutive council meetings.

2. Common Council

3. Other

1. Mr. Molnar Presented Resolution No. 3557 AEP Ratification. This is a ratification of Resolution No. 3557 for a settlement agreement between the Redevelopment Commission and AEP. The property is located near Ignition Park. The two lots are at the corners of Garst, Franklin and Lafayette. The commission sold the lots to AEP in July 2020 for a \$50k purchase price. In the agreement AEP was to make improvements to the lot and did not. AEP has indicated they will not be making improvements. To avoid litigation over the property, AEP has released the property back to the Redevelopment Commission for \$50k to be redeveloped. We've settled on an agreement. Mr. Molnar noted that AEP removed some debris from the property. Staff notes that there is some interest in the site.

Vice-President Inks asked what was AEP going to do with the site?

Mr. Molnar stated that it was to be utilized as a substation development to help expand electric capabilities through federal grants, which did not happen. They were also going to use it for a possible educational training program with Notre Dame but ultimately there was no job creation.

Vice-President Inks stated that he would be supportive of this. We have a relationship with AEP that needs to be maintained moving forward on other development projects. This seems to be an equitable solution.

President Jones agreed.

Secretary Warner stated that he understands this is a larger effort to go back and re-evaluate all our agreements to find who is in compliance and who isn't. We have been talking about this for months. When we sell a property and make an agreement and developers do not commit, we need to act. He is appreciative of staff going through the agreements and starting to clean them up.

The commission opened this item up for public questions/comments.

Mr. Barrett, resident, asked if all property taxes were current.

Mr. Molnar said yes. That is one of the things staff reviews when buying and selling properties to make sure we are not held liable for taxes.

Upon a motion by Vice-President Inks, seconded by Commissioner Wax, the motion carried unanimously, the Commission approved Resolution No. 3557 ratification of AEP property submitted on Thursday, September 8, 2022.

2. Mr. Bauer Presented an update on Matthews, LLC projects. Mr. Bauer had hoped that Matthews, LLC would be able to present an update about 300 E LaSalle. Mr. Bauer met with Mr. Matthews, and it was conveyed to him and asked to convey to the Redevelopment Commission that he declined their invitation to come to the meeting but instead invited commissioner's to speak privately with him and invited them to his building.

The latest report from the city on the project is that plans for the grocery store have been submitted to plan review from building, zoning, and engineering. Permitting is still under review and has not been issued to date. Mr. Matthews provided no name of a potential tenant for the grocery store, which is obviously a focal point of the development agreement. The developer has declined to share the tenant's name with Mr. Bauer but did indicate there would be a form of an announcement at some time in the future. Just a note that the deadline for all the pieces of this development agreement to be satisfied is on December 31, 2022.

Commissioner Sallie asked what the next steps will be from the city.

Mr. Bauer stated that is something we are exploring as far as the legal authority of the Commission. Mr. Bauer would like the commission's feedback as to if they would be willing to accept a written update, we could potentially inquire about that. How would the commissioner's like to move forward?

Secretary Warner commented that it is quite disappointing that Mr. Matthews has no problem coming to meetings to try to get \$10M for the building and notes that the developer has made a commitment and those commitments have not been met. The fact that he is hiding and won't

South Bend Redevelopment Commission Regular Meeting – September 8, 2022

come to a public meeting is very disappointing and concerning. These are public dollars and require some level of transparency. These are community tax dollars that are supporting a project and the city needs to be treated as a business partner for the projects. This is why things are presented in writing. Come December 31, 2022, I hope that the mayor and the city strongly consider doing a claw back for our portion of that \$10M on unkept promises.

Mr. Bauer noted that each developer is required to send updates to staff on projects. We now understand that updates were sent to a staff member that is no longer with the city, therefore, those updates went to a dead email account. The developer noted he will send those updates to staff and staff will distribute them to the Commissioner's. Moving forward, we will develop an email that will allow a change to the receiver of those emails, so this is not an issue in the future.

Vice-President Inks asked if we have an event of default or is that December 31, 2022?

Mr. Bauer understands December 31, 2022, is what has been determined. We are skeptical of the project being completed by that date.

Commissioner Wax asked if there is any default now? Or are you saying that the city's position would be simpler and more straightforward to the time of breach of commitments.

Mr. Bauer stated yes, because we are looking at a potential size of a claw back on December 31, 2022, before the city were to take legal action against the developer related to this development.

Secretary Warner clarified one thing, and asked for correction if wrong, that the actual deadline was April, 2021 but the RDA recently gave the developer an extension to the end of this year but technically he defaulted in April, 2021 and after quite a time period after a postal facto to extension so he has already defaulted.

Commissioner Wax noted that's his understanding, however, it is the city's position preferring not to initiate any legal action until December 31, 2022. Commissioner Wax echo's Secretary Warner's comments that the city should be ready, but it is his hope and preferred outcome that the terms of the agreement would be met, and no adverse action would need to take place. In light of what seems to be less than fully cooperative in nature, he thinks the city should be prepared for action on December 31, 2022, determining what the next steps should be or how to best effectuate them.

Mr. Bauer noted that is our current operating status for preparation of that date.

Secretary Warner states he would love to see a grocery store there but given Mr. Matthews history on other unfinished projects, well, he would love to be proved wrong and to have the grocery store there; a real grocery store not a lemonade stand. We will see what happens.

The commission opened this item up for public questions/comments.

Rachel Tomas Morgan, 114 Chapin Street shared her deep disappointment that Mr. Matthew's was not in attendance. He has been asked multiple times to meet with neighbors, the neighborhood association, and to this body to provide updates. The fact that he has yet declined another invitation to come before you is deeply disturbing, and she would recommend to the commission to take whatever action possible, exploring that with legal to compel him to come before you and to provide an update in the next month, and certainly with significant time before the end of the year deadline. She notes that the developer has continued to buy properties across the city and having held this amount of public money, we need to keep him accountable.

David Francisco. 710 N Hill Street. Mr. Francisco states that he owns the building at 712 E Jefferson where he operates his law practice. He is a concerned citizen in the East Bank neighborhood where he lives, raising his family and working. He has spoken to the Board of Zoning appeals earlier this year on at least two separate occasions related to the use of the old Madison Center as the legal homeless shelter where he was attempting to get a variance of expose facto variance to operate it as a hotel for athletes. It was quickly exposed that was not the intention. Mr. Francisco's read of the board and room can tell everyone is frustrated about Mr. Matthews not meeting commitments in the neighborhood, which is a great neighborhood. The neighborhood is thriving, but it's also littered with incomplete Matthews, LLC. projects that have been started and not finished; just letting them fester. The other buildings he owns, the Commerce Center, you drive by, and it looks dilapidated. The Emporium restaurant looks dilapidated. Obviously, we have been dealing with the Madison Center and now we have this building that was new from two years ago looks like the top three or four floors are still unoccupied and he is unsure if there is a certificate of occupancy. There's supposed to be a grocery store there but to echo Troy Warner, I would love to see a grocery store there. Prove me wrong. He is unsure why the developer was given an extension to meet his obligations. He would implore the Commission, that this is unprecedented action and implore the commission to take that unprecedented action and claw back the funds of \$10M in taxpayer money that is going to support someone who is continuing to laugh in all our faces.

Dan Gauthier, 221 E Colfax, which is part of the east bank townhomes. Mr. Matthews seemingly abandoned the structure at 215 Sycamore Street directly behind his home. While he can appreciate the difficulties Mr. Matthews encountered with suppliers during construction, this project has now been untouched for five years. Furthermore, Mr. Matthews addressed their homeowner's association in 2021 and indicated optimistically that the project would probably not be pursued for at least 10 more years and that other development projects would take precedence. One rationale that he had offered is that his construction cost would now require rental pricing that far exceeded what the current market would bear. Meanwhile, the east bank flats project continues to be listed on Matthew's website as if you could live there. Apartments.com also suggests contacting them for a quote and to schedule a site visit. The Redevelopment Commission's Charter is to study areas of the city, identify problem areas and develop a strategic plan for eliminating blight and bringing about new development within these areas. The property at 215 Sycamore is a project that has resulted in exactly the opposite. It was a development that created blight where none existed. I provided a colleague who is in attendance in person some pictures of that, but it is pretty evident that it is blightful. As a homeowner and a taxpayer, I'd ask the commission to address this issue. I think there should be a commitment and a deadline to either finish the project or return the site back to the condition that existed prior to construction.

Richard Harte, 804 N. Hill Street. He is a citizen of the east bank neighborhood and speaks to you today as a concerned citizen, a homeowner, and a taxpayer. He would like to echo all the previous comments and encourage the commission to develop an immediate strategy at the December 31, 2022, deadline. We all hope something will be done by Mr. Matthews, but in his experience, hope is not a strategy. He believes that this unprecedented action should be strongly considered and taken by this commission and by the city. Everyone here has laid out Mr. Matthews' history of developments and promises made, and public dollars taken and promises broken, failures to be held accountable for and to be transparent about his actions. He urges the commission and applaud Troy Warner and some other members that have spoken to this in the past. He plans to continue to attend the meetings to urge the commission and the city to hold Mr. Matthews accountable and to continue the strong development that has happened in the city.

Matt Barrett, 110 S Niles, resident stated that the commission and the city may not be able or prefer not to take action on the 300 LaSalle Street project until January, but it can take action on two other matters. He would encourage the city to take action on 228 Sycamore, which is a blight situation. In addition, he believes there's been a violation of that contract, which was to be completed within two years. There's a non-assignment clause. The contract was originally with the East Bank, South Bend Development Company, the property is now titled in the name of the Commerce Center, so he believes there is an illegal assignment without written approval of the commission. Mr. Barrett believes this gives the Commission the ability to take action on 228 Sycamore. In addition, he reminded the commission that they issued a notice of default on September 22, 2021, for the vacant lot on the corner of South Niles and Jefferson Street. He notes that there have been a series of code violations. There is an illegal unpaved and undrained parking lot that has not been addressed. Fines continue to accumulate. In addition, there is an illegal dumpster in the vacant lot behind the 10 townhomes and it is just time for the city to let Mr. Matthews know that they are serious about enforcing his contractual commitments. Mr. Barrett pointed out that the \$5M that the city advanced for a grocery store and a pharmacy; if we say there are approximately 100,000 residents in South Bend, that means that every resident of South Bend has a \$50 investment in that grocery store and pharmacy. And right now, we have received exactly zero for that investment.

Jo Broden, resident presented two quick points. In Mr. Matthews' offering to go directly to commissioner's to give updates raises the question of the open-door law and the commission's duties. Second, she suggests accepting a written update would be wholly insufficient in regard to the public investment that has been set forth. The inability of the public to respond or the developer to be help accountable by choosing that record would be skirted. I would suggest not to accept a written update. Ms. Broden suggests, as others have, to have a plan in a claw-back plan of this investment.

Commissioner Wax agrees with the sentiment of a written response being insufficient and the same with a developer/commission private meeting regarding the open-door law. He would seek confirmation from our legal counsel, but he does not believe an individual commissioner meeting with anyone relates to the open-door law. It would require a majority of a quorum for it to be in violation of the open-door law. Whether it is a good idea for the commissioners, we trust the commissioners to make their own decision.

Commissioner Wesley stated that when we talk about equity that other developers and other investors in the community would give their left and right arms to receive any dollars from the city. She wants to understand why Mr. Matthews is being given special privileges, because that is what it sounds like. There have been other investors that have applied for dollars and were turned down. What type of presence are we showing by giving him this chance after chance. She wants to make sure that we're equitable and agrees with every comment that has been made as fairness. How fair is this to other developers that follow the rules. We want to be sure that we are being consistent. This is taxpayer money and I just want to say it is not a good look.

Commissioner Sallie states that if all the commissioners agree that a message should be relayed to Mr. Matthews through Mr. Bauer that we are not in agreement with an individual meeting with him and that unless he presents in person that it is disrespectful for him not to come and present to the commission. Unless he is willing to meet with at a Redevelopment Commission meeting, we are not interested in meeting individually.

3. Mr. Molnar stated that Redevelopment Commission staff will be distributing a draft proposal for the Lafayette building. Staff have been working on this project for months. As you are aware, we have moved some property around to make the office building more appealing to developers. This is just a draft of the RFP. The goal is to have this go live on the September 22nd meeting so the RDC can act. Mr. Molnar states the bidding period will go into the end of January 2023 to hopefully get a great use and renovation for this building.

7. Next Commission Meeting:

Thursday, September 22, 2022

8. Adjournment

Thursday, September 8, 2022, 10:39 a.m.

Troy Warner, Secretary

Marcia Jones, President



**City of South Bend
Department of Administration & Finance
Claims Allowance Request**

To: South Bend Redevelopment Commission
From: Daniel Parker, City Controller
Date: Tuesday, September 6, 2022

Pursuant to Indiana Code 36-4-8-7, I have audited and certified the attached claims and submit them for allowance in the following amounts:

GBLN-0043149	\$129,012.62
GBLN-0000000	\$0.00
GBLN-0000000	\$0.00
Total:	<u>\$129,012.62</u>

Daniel Parker, City Controller

The attached claims described above were allowed in the following total amount at a public meeting on the date stated below: \$ 129,012.62

By: _____
South Bend Redevelopment Commission
Name:

Date:

Name:

Name:

Name:

Name:

Name:

Expenditure approval

RDC Payments-9/6/22 Pymt Run

GBLN-0043149

Payment method: CHK-Total
Voucher: RDCP-00010015
Payment date: 9/6/2022

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00001411	RIETH RILEY CONSTRUCTIO N	APP #6	120-009 Dubail Avenue Streetscape	9/16/2022	\$129,012.62	430-10-102-121-442001-- PROJ00000083	PO-0011413



**City of South Bend
Department of Administration & Finance
Claims Allowance Request**

To: South Bend Redevelopment Commission
From: Daniel Parker, City Controller
Date: Tuesday, September 13, 2022

Pursuant to Indiana Code 36-4-8-7, I have audited and certified the attached claims and submit them for allowance in the following amounts:

GBLN-0043736	\$1,750.00
GBLN-0000000	\$0.00
GBLN-0000000	\$0.00
Total:	<u>\$1,750.00</u>

Daniel Parker, City Controller

The attached claims described above were allowed in the following total amount at a public meeting on the date stated below: \$ 1,750.00

By: _____
South Bend Redevelopment Commission
Name:

Date:

Name:

Name:

Name:

Name:

Name:

Expenditure approval

RDC Payments-9/13/22 Pymt Run

GBLN-0043736

Payment method: ACH-Total
Voucher: RDCP-00010215
Payment date: 9/13/2022

Vendor #	Name	Invoice #	Line description	Due date	Invoice amount	Financial dimensions	Purchase order
V-00005109	Electric Housing LLC	1051	Training / Small Business Dev Pokagon	9/1/2022	\$1,750.00	433-10-102-123-439300--	PO-0011034



CITY OF SOUTH BEND REDEVELOPMENT COMMISSION

Redevelopment Commission Agenda Item

DATE: 9/16/22
FROM: Joseph Molnar
SUBJECT: Lafayette Building Disposition
Offering Price

_____ Pres/V-Pres

ATTEST: _____ Secretary

Date: _____

APPROVED Not Approved

SOUTH BEND REDEVELOPMENT COMMISSION

Which TIF? (circle one) River West; River East; South Side; Douglas Road; West Washington

PURPOSE OF REQUEST: A Resolution establishing the Disposition Offering Price of the Lafayette Building and 117/119 Lafayette Blvd. Also approving the supplemental RFP.

Specifics: Attached is a resolution to establish the disposition offering price for the Lafayette Building and 117/119 Lafayette Blvd.

The proposed fair market value of the property, as derived by two independent appraisals, is found in "Exhibit A" in the attached Resolution. Staff has also created a Request for Proposal for the property. Any sale of the property during this offering will be subject to to the terms set forth in the RFP.

Staff requests approval.

INTERNAL USE ONLY: Project Code: _____; Total

Amount new/change (inc/dec) in budget: _____; Break down:

Costs: Engineering Amt: _____; Other Prof Serv

Amt _____; Acquisition of Land/Bldg (circle one) Amt: _____; Street

Const Amt _____;

Building Imp Amt _____; Sewers Amt _____; Other (specify) Amt: _____

_____. Going to BPW for Contracting? Y/N

Is this item ready to encumber now? ____ Existing PO# _____ Inc/Dec \$ _____

RESOLUTION NO. XXX

**RESOLUTION OF THE SOUTH BEND REDEVELOPMENT
COMMISSION ESTABLISHING THE OFFERING PRICE OF
PROPERTY IN THE RIVER WEST DEVELOPMENT AREA**

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

WHEREAS, the Commission may dispose of real property in accordance with Section 22 of the Act; and

WHEREAS, the real property identified at Exhibit A attached hereto and incorporated herein (the "Property") has been appraised by two qualified, independent, professional real estate appraisers and a written and signed copy of their appraisals is contained in the Commission's files; and

WHEREAS, each such appraisal has been reviewed by a qualified Department of Redevelopment staff person, and no corrections, revisions, or additions were requested by such reviewer; and

WHEREAS, the Commission has determined that it is in the best interests of the City of South Bend and its residents to offer the Property for sale subject to a request for proposals ("RFP"), which the Commission has reviewed.

NOW, THEREFORE, BE IT RESOLVED by the Commission, pursuant to Section 22 of the Act, that based upon such appraisals, the offering price of the Property described at Exhibit A is hereby established as stated therein, which amount is not less than the average of the two appraisals, and all documentation related to such determination is contained in the Commission's files.

IT IS FURTHER RESOLVED that the Commission approves of the release of the RFP in substantially the same form in which it was presented.

IT IS FURTHER RESOLVED that any sale of the Property made during this offering will be subject to the terms set forth in the RFP.

IT IS FURTHER RESOLVED that all notices and other actions required by Section 22 of the Act be performed in order to effectuate the disposal of the Property.

Signature Page Follows

ADOPTED at a meeting of the South Bend Redevelopment Commission held on September 22, 2022, at 1308 County-City Building, 227 West Jefferson Boulevard, South Bend, Indiana 46601.

SOUTH BEND REDEVELOPMENT
COMMISSION

Marcia I. Jones, President

ATTEST:

Troy Warner, Secretary

**EXHIBIT A
TO RESOLUTION NO. XXX**

Property	Size	Minimum Offering Price	Proposed Use
115 & 117/119 Lafayette Blvd. 71-08-12-151-003.000-026 71-08-12-151-004.000-026	37,000 sf +/- building with 0.1628 acre parking lot	<u>\$392,100.00</u>	Projects that are permitted within the DT Downtown Zoning District. Strong emphasis will be placed during the review process on compatibility with and support of the goals and objectives of the River West Development Area, the surrounding businesses and neighborhood, and the property's local historic designation.

OFFICIAL RFP
LAFAYETTE
BUILDING

Request for Proposals

For the Rehabilitation and Adaptive Reuse of
The Lafayette Building



Release Date
September 22, 2022

Deadline for Submission
January 26, 2023

THE CITY OF SOUTH BEND



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I. SUMMARY OF OFFERING

<p>OPPORTUNITY</p>	<p>Acquisition and rehabilitation of the Lafayette Building located in downtown South Bend. The building offers approximately 37,000 square feet across five floors. Additionally, the adjacent 117/119 S. Lafayette offers the opportunity for off-street parking.</p>
<p>LOCATION</p>	<p>Lafayette Building: 115 S. Lafayette Blvd., South Bend, IN 46601 Parcel Number: 71-08-12-151-003.000-026</p> <p>Off-Street Parking: 117 & 119 S. Lafayette Blvd. South Bend, IN 46601 Parcel Number: 71-08-12-151-004.000-026</p>
<p>USES</p>	<p>Uses as allowed in the Downtown zoning district, including cultural, institutional, office, commercial, retail, and multi-family residential among others.</p>
<p>HISTORIC STANDARDS</p>	<p>The building is a City of South Bend local landmark and is located within the West Washington National Historic District. Exterior modifications must receive approval from the St. Joseph County & South Bend Historic Preservation Commission.</p>
<p>DEVELOPMENT TEAM</p>	<p>Applicant team should be composed of a diverse background of professions and be able to present their experience, knowledge, and expertise.</p>
<p>CAPITAL INVESTMENT</p>	<p>Substantial investment is required for further building stabilization, rehabilitation, renovation, and completion of any intended development. Business terms will reflect the private investment required.</p>
<p>FINANCIAL REQUIREMENTS</p>	<p>Each Applicant will need to demonstrate its ability to successfully finance, construct and operate the project.</p>
<p>SELECTION PROCESS</p>	<p>City Staff will review the development proposals and will provide recommendation to the Redevelopment Commission for approval of a selected development team and proposal. Upon Redevelopment Commission action, City Staff will work with the selected development team and proposal to prepare a Real Estate Development and Purchase Agreement.</p>

SUBMITTAL DEADLINE	Proposals are due to the Redevelopment Commission, via email to RDCRFP@southbendin.gov , no later than 9:00 am ET on January 26, 2023.
PRE-SUBMITTAL MEETING AND TOUR	There will be a pre-submittal meeting and building tour on October 18th at the Lafayette Building, 115 S. Lafayette Blvd., South Bend IN, 46601.
MINIMUM BID	The minimum offering price is \$392,100.00.
CONTACT	Joseph Molnar Property Development Manager Department of Community Investment, City of South Bend 574.245.6022 jrmolnar@southbendin.gov

II. INTRODUCTION

The City of South Bend is pleased to issue this Request for Proposals (RFP) seeking qualified applicants (“Applicant”) to purchase and rehabilitate, adaptively reuse, and manage the Lafayette Building located in downtown South Bend. This offering presents a rare and unique opportunity to return a monumental historic building to life and to further the revitalization of downtown South Bend. The City is open to creative adaptive reuse proposals that contain a mix of uses in the building.

The City acquired the Lafayette Building in 2018 with the purpose of preserving the existing structure and returning it to productive use. The key dates for this offering and anticipated schedule for the selection of Applicant are below.

Pre-Submittal tour and conference:	October 18, 2022, from 10:00 a.m. through 2:00 p.m. at the Lafayette Building, 115 S. Lafayette Blvd., South Bend, IN 46601
Written questions deadline:	January 13, 2023, at 12:00 p.m.
Submittal deadline:	January 26, 2023, at 9:00 a.m.

Interested parties are responsible for reviewing and becoming familiar with the contents of all portions of this RFP.

III. PROPERTY DESCRIPTION

Originally known as the Dean Building, the Lafayette Building is South Bend’s first commercial office building and is an excellent example of turn of the century Neo-Classical style.

The Lafayette Building is immediately west of City and County governmental offices – including the County-City Building and St. Joseph County Courthouses – and near a variety of other professional offices. The location is steps away from a range of downtown restaurants, attractions, and entertainment options and only three blocks from the St. Joseph River.

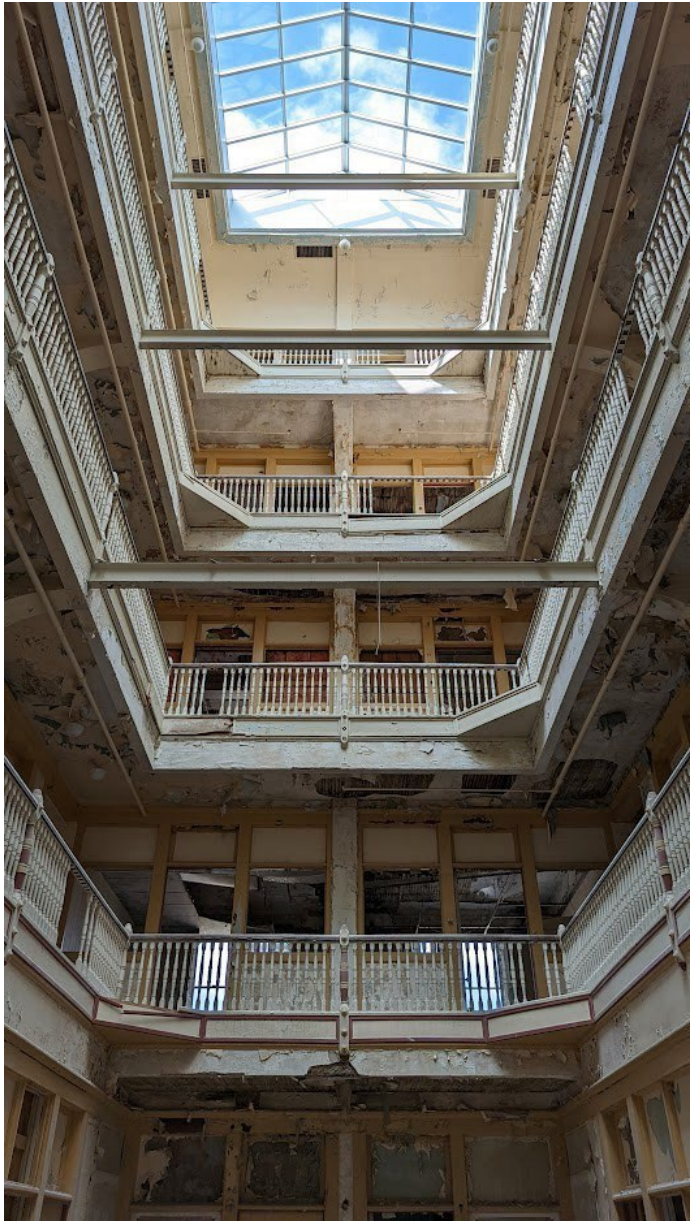


Figure 1. Skylight at the roof that lights the five-story interior atrium

A. The Building

The Lafayette Building was constructed in 1901 as a two-story office building. It housed attorneys, physicians, real estate agents, life insurance agents and proprietary medical companies. By 1903, a three-story addition was added to the structure to make the building a total of five stories tall. It was a high-end building, constructed of brick with limestone and terra cotta details. The entrance is articulated with limestone details and a marble portico.



Figure 2. The Lafayette Building's east and south facing facades

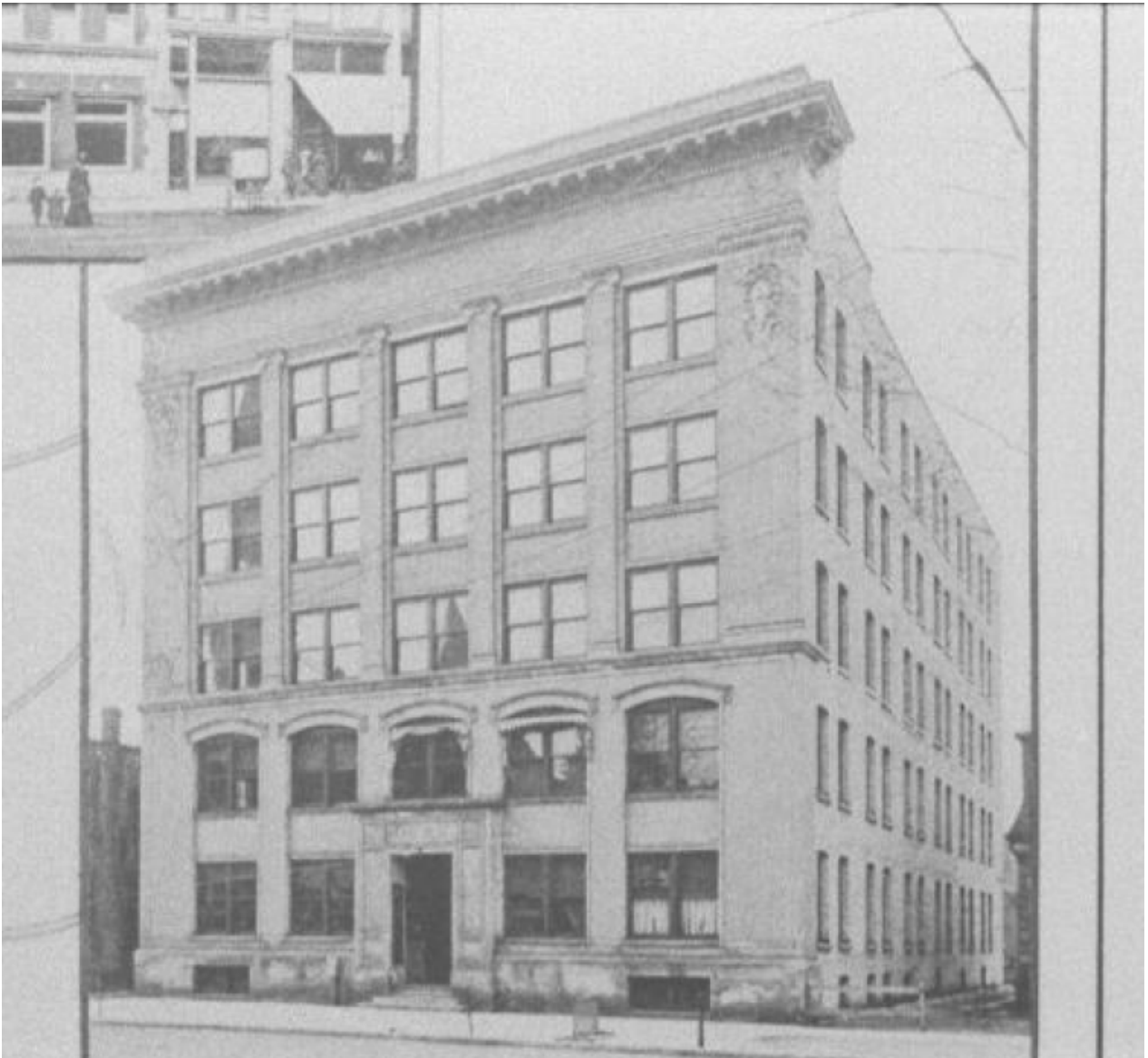


Figure 3. The Dean Building in circa 1920s

The interior is an architectural marvel featuring a five-story atrium surrounded by balconies on three sides with an original skylight at the roof that naturally lights the interior spaces throughout. The building layout consists of a circular plan with offices ringing the perimeter and interior glass that allows privacy but lets in natural light. Natural light from the central atrium is an attribute that is critical to retain in a proposed rehabilitation regardless of the proposed use.

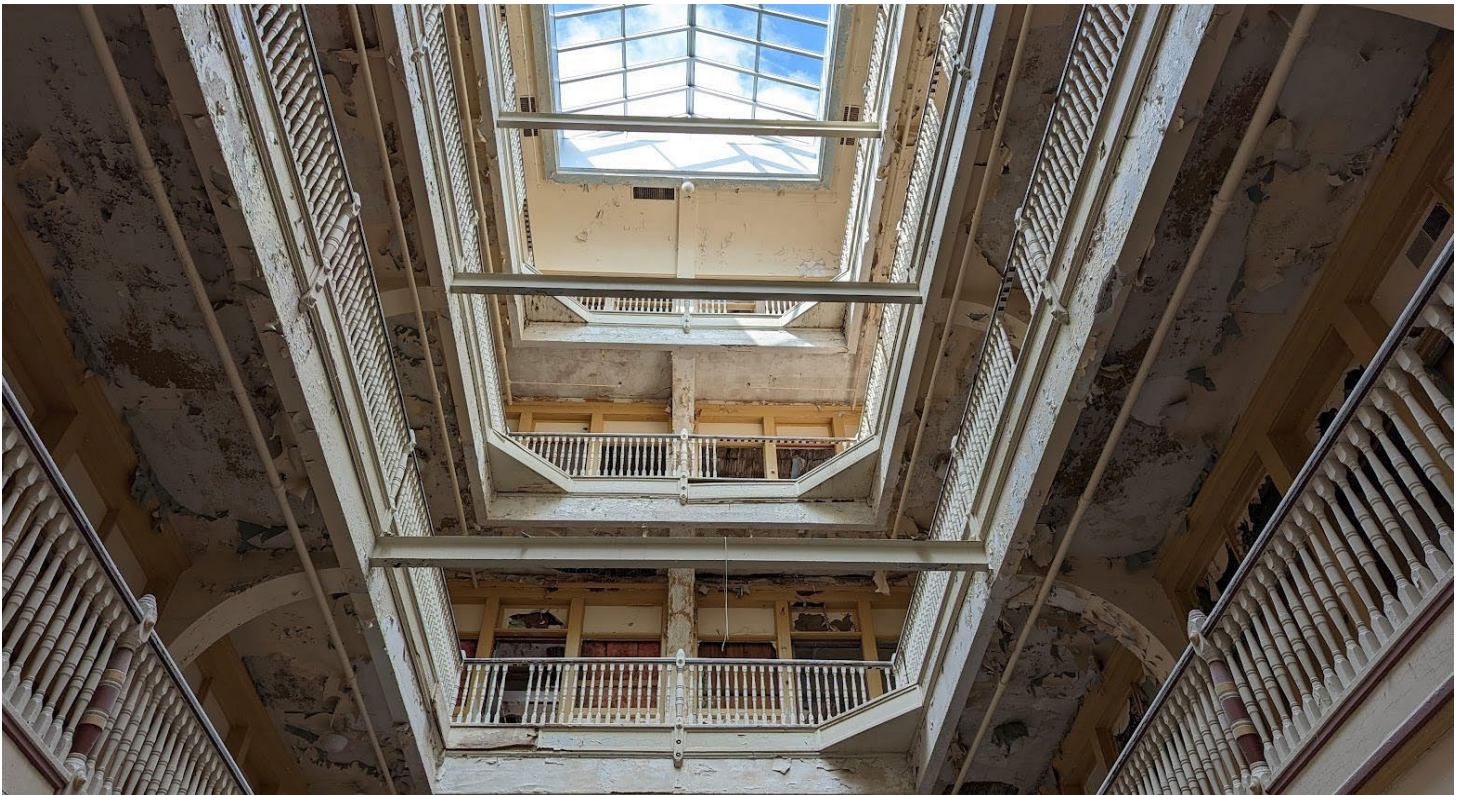


Figure 4. Atrium and Skylight

The City has undertaken a number of efforts in order to help stabilize and improve the viability of the property with a cost totaling ~ \$750,000.

City stabilization efforts have included a full roof replacement including a complete tear off and re-roof of the building, roof drain replacement totaling full replacement of two interior drainpipes, skylight replacement, exterior brick and limestone masonry rehabilitation (crack repair,

tuck-pointing, masonry rebuilding, soft control joint installation, cleaning and limestone patching), asbestos abatement based on the assessment of building condition report findings, and a full building cleanout which removed remaining office furniture, glass, and debris from the building. The asbestos report is available for review upon request by the Applicant.

The Lafayette Building was designated as a Local Historical Landmark in 2000. As such, exterior improvements are subject to Preservation Standards for Local Landmarks. Applicable exterior improvements will require review and approval by the Historic Preservation Commission. The Lafayette Building is also a contributing structure in two National Register Historic Districts, the Downtown South Bend Multiple Resource Area and West Washington National Register Historic District. As a result, the designation may qualify the structure for funding incentives. There are no historical reviews of interior changes however, Department of Community Investment approval will be required.

The building has five floors and a full basement with a total of about 37,350 gross square feet of space. Floors 2 through 5 are similar in size and layout, and each are 6,029 gross square feet.

A set of floor plans can be found in Section IX.A.3 of this RFP.

LAFAYETTE BUILDING GROSS SQUARE FOOTAGE	
Basement	6,632 GSF
1st Floor	6,609 GSF
2nd Floor	6,029 GSF
3rd Floor	6,029 GSF
4th Floor	6,029 GSF
5th Floor	6,029 GSF
TOTAL	37,357 GSF



Figure 6. Satellite view of the Lafayette Building and included 117 & 119 Lafayette Blvd. properties

B. The Grounds

The Lafayette Building sits on a site that is approximately 0.17 acres. This RFP also includes 117 & 119 S. Lafayette which is a 0.16 acre parking lot immediately south of the Lafayette Building across from a paved alley. The City is open to the possibility of vacating the alley as part of a potential development of both the Lafayette Building and 117 & 119 S. Lafayette.

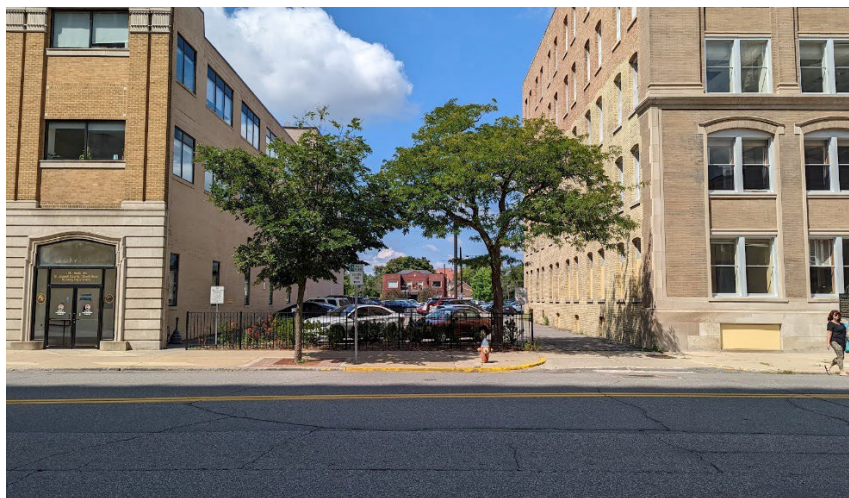


Figure 5. 117 & 119 Lafayette Blvd. Parking Lot

C. Surrounding Uses

To the immediate north of the Lafayette Building is the Former First Presbyterian Church – also a designated local landmark – which is currently vacant. To the west are parking lots and a variety of small scale office and residential uses. To the south, beyond the 117 & 119 S. Lafayette Blvd. parking lots is the St. Joseph County and City of South Bend Building Department building. To the east are several governmental offices, including the County-City Building and St. Joseph County Courthouse Complex.

IV. PROJECT OBJECTIVES AND DESIRED LAND USES

A. Objectives of Request for Proposal

The objectives of this Request for Proposal (“RFP”), and an awarded proposal, are to:

- Renovate the Lafayette Building for a productive use;
- Maintain the historic integrity of the building;
- Promote development that enhances the appearance, value, and character of downtown and the surrounding area; and
- Incorporate principles consistent with an urban walkable downtown South Bend.

B. Encouraged Uses and Activities

Projects shall support the highest and best use of the property, which the Department has determined to be either:

- Restoration of the building to its original use as a high-quality office building;
- Adaptive re-use of the building for a market rate multifamily residential development, either condominiums or apartments;
- A mix of office, residential, retail, or commercial development including a boutique hotel; or
- Any and all uses allowed in the Downtown zoning district.

The City supports increasing residential density downtown. In conjunction with any proposed reuse of the building, the City would be supportive of ground floor retail, restaurant or entertainment uses, as appropriate. Only proposals that intend reuse of the entire building will be considered.

This list is not intended to be exhaustive and the City is open to new ideas and creative uses within the Downtown Zoning District. A list of all allowed uses is attached to this RFP.

V. KEY TERMS

Below are key elements of the proposed offering that should be addressed and included as part of the response to this RFP.

1. *Applicant*: Shall include the actual legal entity submitting and executing the Proposal Documents and Forms.
2. *Bid*: Proposal Documents and Forms completed by the Applicant and submitted for consideration by the Department.
3. *Bid Period*: Shall commence upon publication of the legal notice offering the Property for sale and shall end on the date and time specified in the legal notice.
4. *Department*: The City of South Bend Department of Community Investment, 14th Floor, County-City Building, 227 W. Jefferson, South Bend, IN 46601, working through the City of South Bend Redevelopment Commission (“Commission”).
5. *Development Plan*: The River West Development Area Plan, which is available for review on the City’s website (link can be found Section IX.B.1 or at the Department of Community Investment offices located at 227 W. Jefferson Blvd., 14th Floor, County-City Building, South Bend, Indiana.
6. *Project*: Development, redevelopment, improvement and/or use of the property.
7. *Property*: The property that is the subject of these Proposal Documents.
8. *Proposal*: Applicant’s intended purchase and development of the Property as described in its Bid to the Department.

VI. EVALUATION CRITERIA

The Department may consider the creativity of each Applicant's approach to effective use of the Project Site and the adaptation of the Applicant's Proposal to the unique character and historic nature of the Property.

The Department expressly reserves the right to accept or reject any or all Bids and to waive any informalities, irregularities, or technical defects if such are deemed, in the Department's sole opinion, to be immaterial. **The Department shall not be responsible for errors and/or omissions on behalf of the Applicant. The Department will not be responsible for making interpretations or correcting errors.**

The Department shall evaluate and consider the following factors in its review of Bids:

1. The degree to which the Applicant's Bid meets the objectives of the River West Development Area Plan and meets or exceeds the criteria outlined in this RFP.
2. The size and character of the improvements proposed by to be made by the Applicant.
3. Applicant's plans and ability to improve the Property with reasonable promptness and Applicant's proposed timetable for commencing and completing the Project.
4. The financial responsibility, qualifications, experience and ability of the Applicant to finance and complete the development as proposed.
5. The total Purchase Price offered by Applicant.
6. The immediate and long-term potential impact on employment and residential population in the area anticipated to result from development of the Property.
7. Any other factors which will assure the Department that the sale of the Property, if made, will further the execution of the River West Development Area Plan and will best serve in the interest of the community, both from the standpoint of human and economic welfare and public funds expended.

In the event that no Bid is recommended, the Redevelopment Commission may dispose of the Property at either public sale or by private negotiation in accordance with Indiana Code §36-7-14-22.

VII. SUBMITTAL INSTRUCTIONS AND REQUIREMENTS

A. Submittal Instructions

1. Schedule

Pre-Submittal tour and conference:	October 18 2022, from 10:00 a.m. through 2:00 p.m. at the Lafayette Building, 115 S. Lafayette Blvd., South Bend IN, 46601
Written questions deadline:	January 13, 2023, at 12:00 p.m.
Submittal deadline:	January 26, 2023, at 9:00 a.m.

2. Pre-Submittal Meeting and Building Tour

Interested parties are strongly encouraged to attend the pre-submittal meeting and tour on October 18, 2022, from 10:00 a.m. to 2:00 p.m. at the Lafayette Building 115 Lafayette Street, South Bend, IN 46601. City staff will address questions and offer a tour of the building. Access may be limited based on building conditions and all parties will be required to sign liability waivers.

3. Questions Regarding RFP

Any requests for information concerning, or clarification of, this RFP must be submitted in writing before 5:00 p.m. on January 13, 2023 to: Joseph Molnar 227 W Jefferson Blvd., 14th Floor, South Bend, IN 46601 or by e-mail to jrmolnar@southbend.in.gov.

Responses to all questions directed to staff either at the pre-submittal meeting or in writing prior the date above will be posted on the City's web page for this RFP. Applicants are presumed to have received any and all information contained and referenced in this RFP, transmitted to interested parties and posted on the City's web page for this RFP.

[LINK FOR RFP WEB PAGE](#)

4. Form of Submittal

An electric copy of the submittal, in a single PDF document, shall be submitted to RDCRFP@southbend.in.gov with subject line of "Bid: Lafayette Building."

If desired, Applicant may submit a physical copy of the submittal. Submittals must be prepared and submitted in an organized manner.

All physical Bids must be clearly marked “Bid: Lafayette Building” and delivered to:

City of South Bend, Department of Community Investment
227 W. Jefferson Blvd., South Bend, IN 46601
14th Floor, County-City Building
Attn: Joseph Molnar
South Bend, IN 46601

5. Bid Delivery

The proposals are due to the Department no later than January 26, 2023 at 9:00 a.m.

B. Bid Requirements

1. The minimum offering price is \$392,100.00.

2. The site purchase must include both parcels being bid.

3. Cover letter:

Submit a cover letter that introduces the development team and highlights of the rehabilitation concept for the building, executed by an authorized signatory of the development team.

4. Statement of Qualifications and Financial Responsibility:
Applicant shall complete a Statement of Qualifications and Financial Responsibility on the form provided. In addition, the Department reserves the right to make such investigation as it deems necessary to determine the ability of the Applicant to perform the obligations expressed in Applicant’s Proposal to the Department, including Applicant’s experience, financial status or any other item referenced in the Proposal Documents and Forms. The Department reserves the right to reject any Bid where, in the Department’s sole opinion, the evidence or information does not satisfy the Department that the Applicant is qualified to properly carry out the obligations of the proposed Project, or where the Applicant refuses to cooperate or assist the Department in making such investigation.

5. Affidavit _____ of _____ Non-Collusion:

Applicant shall complete the Affidavit of Non-Collusion on the form provided. The Affidavit of Non-Collusion is affirmation that the Applicant has not colluded, conspired, connived, or agreed with any other Applicant or person, firm, or corporation in regard

to any Bid submitted to the Department. The failure of Applicant to submit the Affidavit of Non-Collusion shall be cause for rejection of Applicant's Proposal.

6. Statement of Sources and Uses:

Applicant shall submit a statement of sources and uses that includes:

- Analysis detailing costs (uses) associated with the proposed project, categorized by:
 - acquisition cost;
 - approximate construction costs both hard and soft, and
 - analysis detailing sources of funds to support the project, categorized by:
 - financing sources / equity; and
 - debt.

7. Narrative Description:

Applicant shall submit a concise Narrative Description of the Applicant's proposed development of the Property. The Narrative Description shall include:

- the exact nature, character and use of the Applicant's proposed improvements to the Property;
- conceptual maps, plans and drawings to clearly indicate the location, size, materials, square footage, style of structures, parking lots, and any other improvements proposed for development of the Property;
- required parking needs;
- the cost of any improvements or investments being requested of the Department and the return of such investment to the Department;
- applicant's experience and expertise on similar projects;
- the respective experience and expertise of the individuals comprising a development team;
- project timeline outlining when major development actions will occur; and
- jobs to be created or retained.

Bids submitted prior to the Bid Deadline may be withdrawn upon written request of the Applicant provided such request is received by the Department not less than twenty-four (24) hours prior to the Bid Deadline.

VIII. SELECTION PROCESS AND AWARD

A. Completeness Review

City will review all submittals to determine whether they are complete and responsive to this RFP. Only submittals that are complete, responsive and meet all requirements of this RFP will be evaluated during the selection process. The City will deem a submittal non-responsive and ineligible for consideration for any of the following reasons:

1. The submittal does not include all information specified in Section VII of this RFP.
2. The submittal is not responsive to the City's development objectives and key terms (Sections IV and V).
3. The submittal is submitted after the deadline or incomplete.
4. The submittal includes information that is false or misleading.

The City will send a letter to any Applicant whose submittal is deemed non-responsive and will indicate the reason(s) that the submittal is deemed non-responsive.

B. Evaluation and Recommendation

Complete and responsive submittals from qualified Applicants will be reviewed in detail by staff. If warranted, the City reserves the right to request clarification or additional information from individual Applicants.

An accepted bid will be publicly recommended at a meeting of the South Bend Redevelopment Commission, to be held at 9:30 a.m. (EDT), March 9th, 2023, in Room 1308, County-City Building, 227 West Jefferson Boulevard, South Bend, IN 46601. The recommended Bidder will be invited to attend this meeting, to present their vision of the project and answer questions the Commission may have.

The requirements Indiana Code § 36-7-14-122 concerning the public sale of property shall apply to the Bid Process in addition to any and all other applicable laws governing the disposition of property by a public entity.

C. General Disclaimers

- This Request for Proposals does not commit the Department or the Commission to awards a contract or pay costs incurred in preparation of a proposal responding to this request.
- The Department/Commission reserves the right to reject any/all proposals received as a result of this request or to cancel in its entirety the RFP process, if deemed in the best interests of the City to do so.
- The successful Applicant shall comply with City of South Bend ordinances and all other federal, state, and local laws and regulations.
- The Department may modify this RFP by issuance of a written Addendum by posting on the RFP webpage.
- The Department reserves the right to reject all proposals from Applicants with delinquent taxes, assessments, penalties, interest, or utility fees either with the City of South Bend or St. Joseph County, IN.

IX. ATTACHMENTS AND ELECTRONIC LINKS

A. ATTACHMENTS

1. Proposal Documents
2. Bid checklist
3. Floor Plans
4. Downtown Zoning District Standards
5. Historic Preservation Group B Standards

B. ELECTRONIC LINKS

1. River West Development Area Plan:
southbendin.gov/wp-content/uploads/2018/07/River-West-Development-Plan.pdf
2. Bid Website: southbendin.gov/board/redevelopment-commission/request-for-proposals-rfps/

1. Proposal Documents

BID SUBMISSION

Application To: *Department of Community Investment
14th Floor, County-City Building
227 West Jefferson Boulevard
South Bend, Indiana 46601*

(Note: "Applicant," as used in these Proposal Documents and Forms, shall include the actual legal entity submitting and executing the Proposal Documents and Forms.)

The undersigned Applicant certifies that it has familiarized itself with the present and existing conditions of the Property incorporated herein. Applicant further certifies that it has familiarized itself with the Proposal Documents and Forms.

By this letter of Application to the Department, Applicant hereby offers and proposes to purchase the Property being offered by the Department. Applicant further certifies its intent to participate in the development of the Property in accordance with Federal, State and Local ordinances and regulations governing same, and in accordance with the Development Plan for the area as approved and amended from time-to-time by the Commission.

Applicant's Bid offering to purchase the Property is described as follows:

Dollars

Purchase Price

Applicant has submitted the following documentation in its Bid and understands that such documentation will be considered by the Department in the Department's determination whether to award any bid. Applicant hereby certifies that:

1. Applicant has submitted a Narrative Description of the proposed development for the Property described, explaining the exact nature and character of the improvements proposed for the Property and their use, together with maps and plans sufficiently complete to indicate the general improvements to be made on the Property. *(Maps and plans must be of sufficient scale to indicate clearly the location of the structures and other proposed improvements and should provide information on building elevations and materials.)*
2. Applicant has reviewed and completed the Proposal Documents and Forms provided by the Department which include: (i) a Statement of the Qualifications and Financial Responsibility; (ii) a Statement for Public Disclosure, and (iii) a sworn Affidavit of Non-Collusion.

Applicant understands and acknowledges that the submission of a completed Application by Applicant shall constitute express authorization by Applicant to the Department to obtain, solicit, receive and/or utilize information that the Department, in its sole discretion, deems pertinent to Applicant's submission, including information from any persons or entities identified by Applicant or from persons or entities having knowledge of the Applicant's experience, abilities, past performance, integrity or financial status, or knowledge related to any other item referenced in the Proposal Documents and Forms.

Applicant, by submission of a completed Application also acknowledges that any information provided to or obtained by the Department, whether related to financial matters or otherwise, may be subject to disclosure under the *State of Indiana's Access to Public Records Act (IC 5-14-3-1 et seq.)* provided, however, that if the Applicant indicates that certain financial or other documentation is submitted in confidence, by specifically and clearly marking and identifying said documentation as **CONFIDENTIAL**, the Department will endeavor to keep said documentation confidential to the extent permitted by law.

Applicant further agrees to execute a contract for the purchase of property for development in the form prepared by the Department within ninety (90) days after notification of acceptance of this offer and to develop and use the above identified Property in conformity with the Federal, State and Local ordinances and regulations governing same; applicable Development Plan; the Narrative Description and maps and plans as submitted by Applicant, with amendments, if any, as approved by the Commission.

Applicant understands and acknowledges that the Department and Commission expressly reserves the right to reject any and all Bids and to waive any informalities, irregularities or technical defects if such are deemed, in the Department or Commission's sole opinion, to be immaterial.

Dated _____

Respectfully submitted,

Name of Individual or Corporation

By: _____

Signature

Name (type)

Title

ATTEST: (BY SECRETARY OF A CORPORATION)

Address:

By: _____

Signature

Name (type)

Title

Address:

Statement of Qualifications and Financial Responsibility

Applicant: _____

Address: _____

E-Mail Address: _____

Federal I.D. or Social Security #: _____

Type of Organization:

Corporation Proprietorship Joint Venture Partnership

Other: _____

Person(s) Authorized to Sign Quotes, Bids and/or Contracts on behalf of Applicant:

NAME	OFFICIAL CAPACITY	TELEPHONE/FAX NUMBER

1. Is Applicant a subsidiary of or affiliated with any other corporation or corporations or any other firm or firms?

Yes

No

If yes, list each corporation or firm by name and address, specify its relationship to Applicant, and identify the officers and directors or trustees common to Applicant and such other corporation or firm:

The financial condition of Applicant, as of _____, _____, is as

reflected in Exhibit "E", Current Financial Statement.

Name and address of auditor or public accountant, if applicable, who performed the audit on which said financial statement is based:

2. Names and addresses of bank references:

3. Has Applicant or the parent corporation, or any subsidiary or affiliated corporation of the Applicant (if any), or said parent corporation, or any of the Applicant's officers or principal members, shareholders or investors, or other interested parties (as listed in items 5, 6, and 7 of the Statement for Public Disclosure and referred to herein as Principals of the Applicant) been adjudged bankrupt, either voluntary or involuntary, within the past 10 years?

- Yes
- No

If yes, give date, place and under what name:

4. Has Applicant or anyone referred to as Principals of the Applicant, as defined in Question 3, above, been indicted, charged and/or convicted of any felony within the past 10 years?

- Yes
- No

If yes, give for each case (1) date, (2) charge, (3) place, (4) Court, (5) action taken. Attach any explanation deemed necessary.

5. Has Applicant, or anyone referred to as Principals of the Applicant, as defined in Question 3, above, been convicted of, or entered any plea of guilty, or nolo contendere, or otherwise have been found civilly liable for any criminal offense or civil action involving embezzlement, forgery, bribery, conspiracy or any other offense arising out of the submission of bids or proposals on public works projects or contracts?

- Yes
- No

If yes, give for each case (1) date, (2) charge, (3) place, (4) Court, (5) action taken. Attach any explanation deemed necessary.

6. The following statements and other evidence of the Applicant's qualifications and financial responsibilities (other than the financial statement referred to above) are attached hereto and hereby made part of Applicant's Bid:

7. Does any member of the South Bend Redevelopment Commission or any officer or employee of the City of South Bend Department of Redevelopment have any direct or indirect personal interest in the Applicant or the development of the land as proposed? If yes, explain:

8. Does any member of the governing body of the City of South Bend or any public official or employee of the City of South Bend have any direct or indirect personal interest in the Applicant or the development of the land as proposed? If yes, explain:

Certification

I (We), _____ Certify that this Statement of Qualifications and Financial Responsibility and the attached evidence of the Applicant's qualifications and financial responsibility, including financial statements, are true and correct to the best of my (our) knowledge and belief.

_____ <i>Name</i>	_____ <i>Name</i>
_____ <i>Signature</i>	_____ <i>Signature</i>
_____ <i>Title</i>	_____ <i>Title</i>
_____ <i>Date</i>	_____ <i>Date</i>

(If the Applicant is an individual, this statement should be signed by such individual; if a partnership, by one of the partners; if a corporation or other entity, by one of its chief officers having knowledge of the facts required by this statement.)

Certification

I (We), _____ Certify that this Statement for Public Disclosure is true and correct to the best of my (our) knowledge and belief.

Name

Name

Signature

Signature

Title

Title

Date

Date

(If the Applicant is an individual, this statement should be signed by such individual; if a partnership, it should be signed by one of the partners; if a corporation or other entity, it should be signed by one of its chief officers having knowledge of the facts required by this statement.)

2. Bid Checklist

The Lafayette Building RFP Bid Checklist

___ Bid Submission with Minimum Bid of \$392,100.00 for both parcels

___ Cover Letter

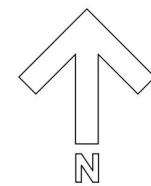
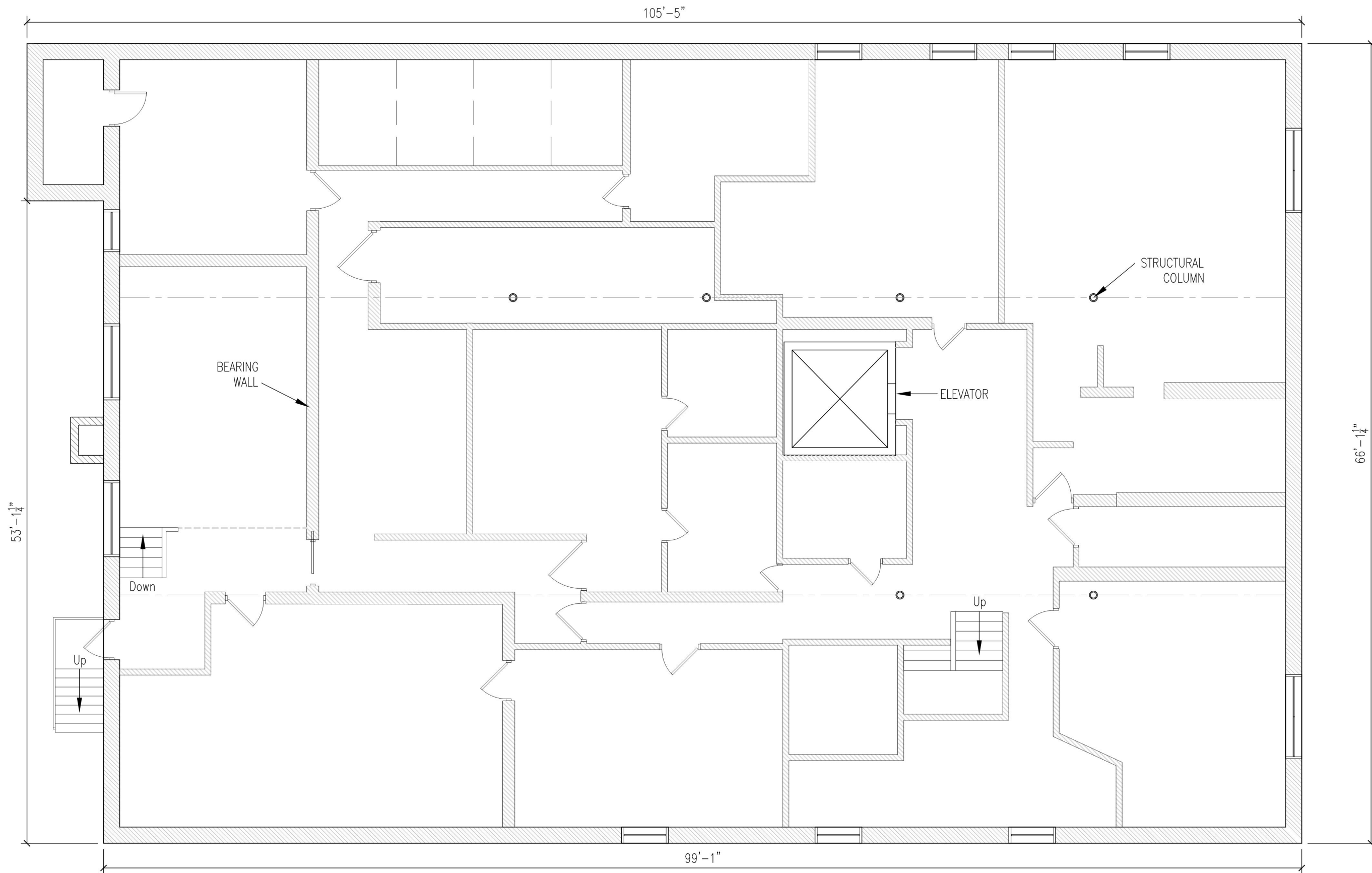
___ Statement of Qualifications and Financial Responsibility

___ Affidavit of Non-Collusion

___ Statement of Sources and Uses

___ Narrative Description

3. Floor Plans



BASEMENT – EXISTING FLOOR PLAN
 1/8" = 1' 0"



K I L
 ARCHITECTURE
 PLANNING
 1126 LINCOLNWAY EAST
 SOUTH BEND, IN
 4 6 6 0 1

GREGORY A. KIL
 NCARB AIA
 ARCHITECT

574.288.2654
 FAX 289.2420
 www.kilarchitecture.com

PRELIMINARY
 NOT FOR
 CONSTRUCTION

EXISTING CONDITIONS
 DOCUMENTATION

**LAFAYETTE
 BUILDING**

115 S LAFAYETTE BLVD
 SOUTH BEND, IN, 46601

PORTAGE TOWNSHIP
 ST. JOSEPH COUNTY

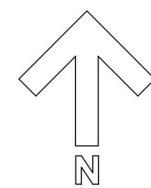
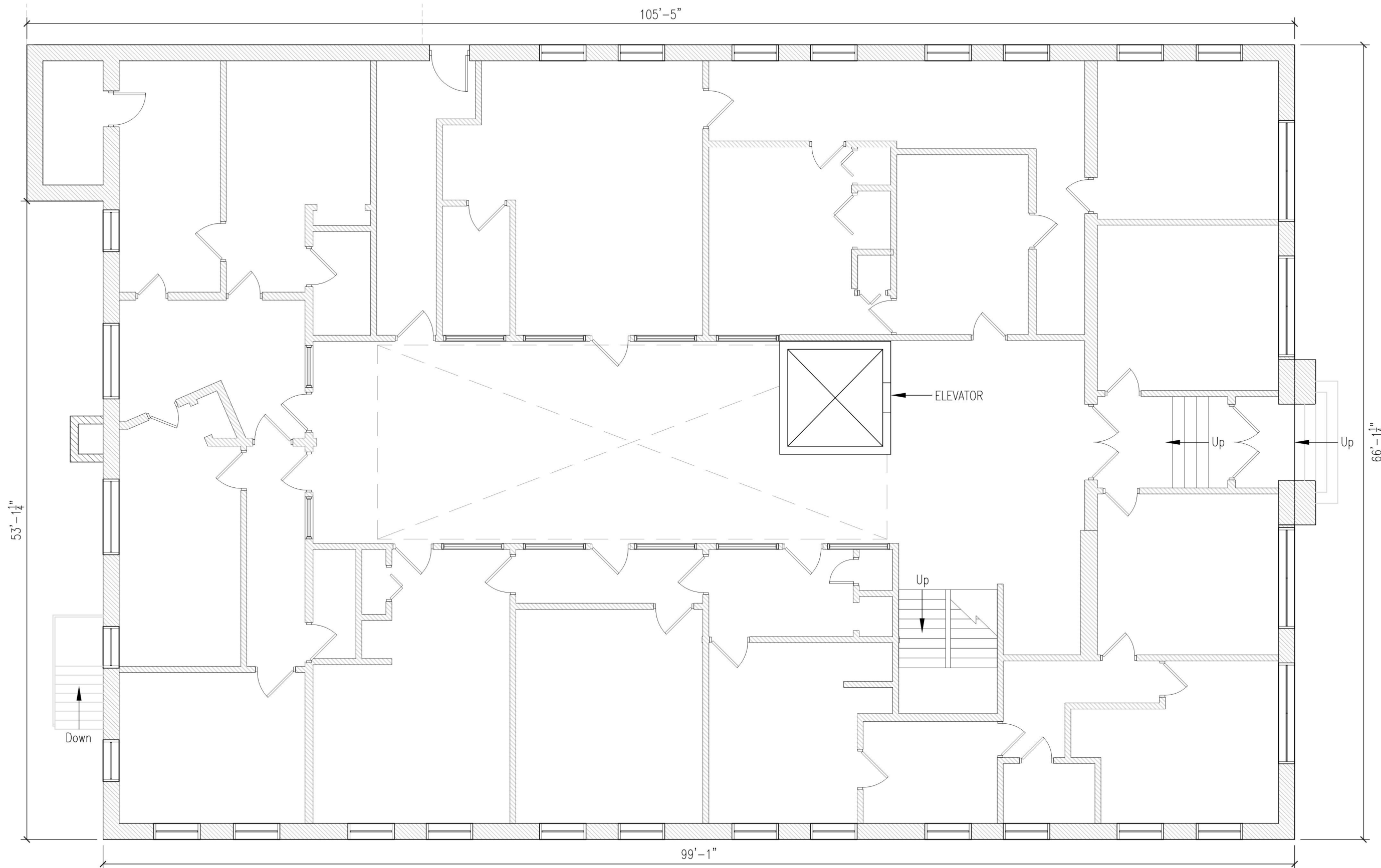
**BASEMENT
 FLOOR PLAN**

DATE: SEPT 07, 2016
 EXISTING CONDITIONS

REVISED:

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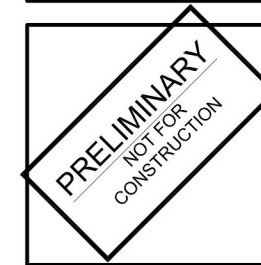
1ST FLOOR - EXISTING FLOOR PLAN
1/8" = 1' 0"



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ST. JOSEPH COUNTY

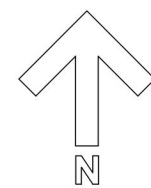
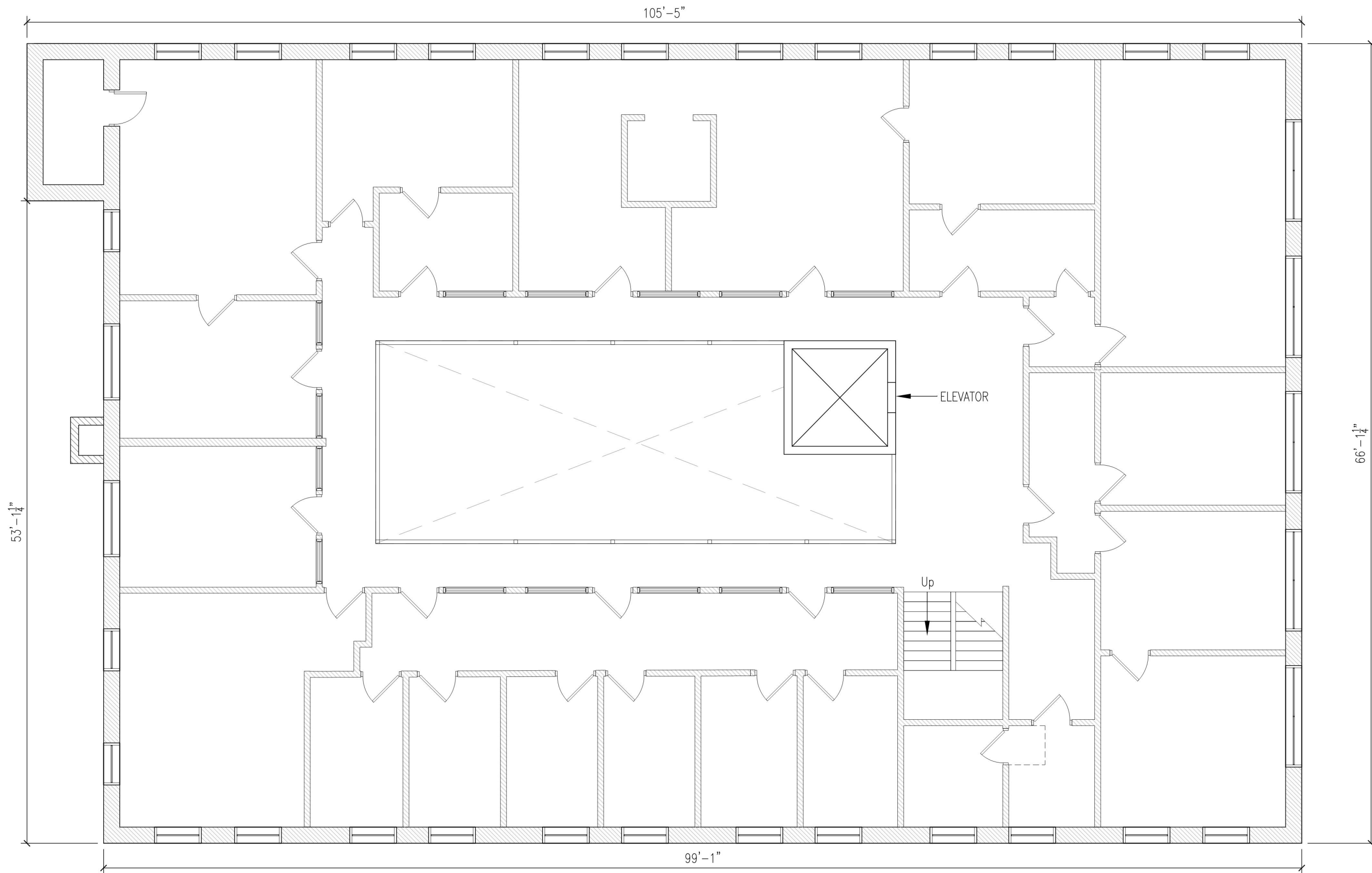
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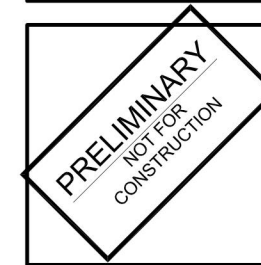
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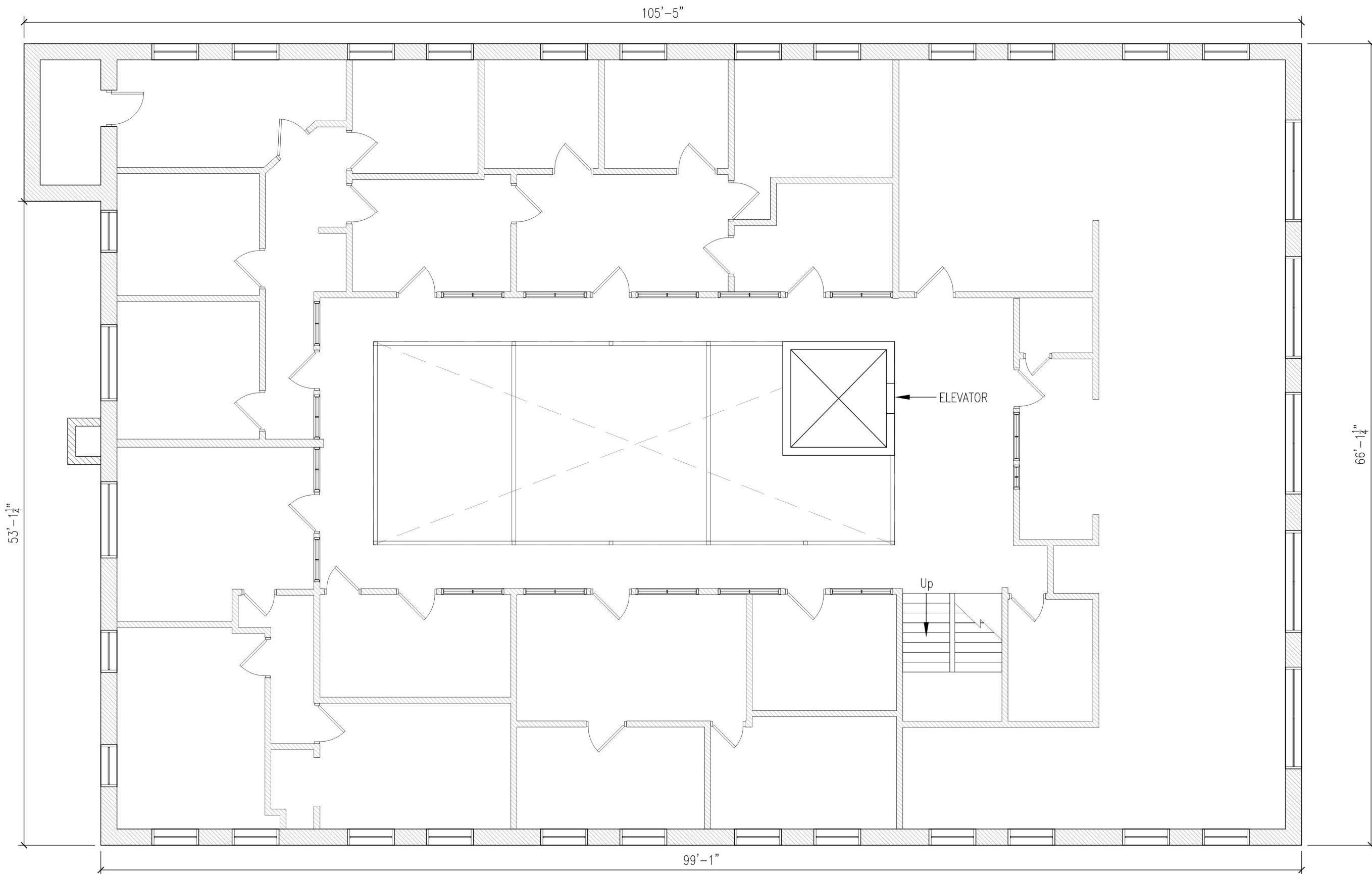
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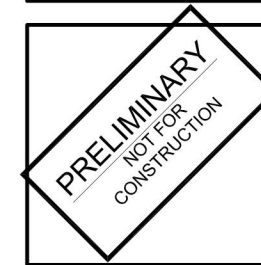
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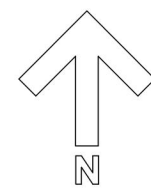
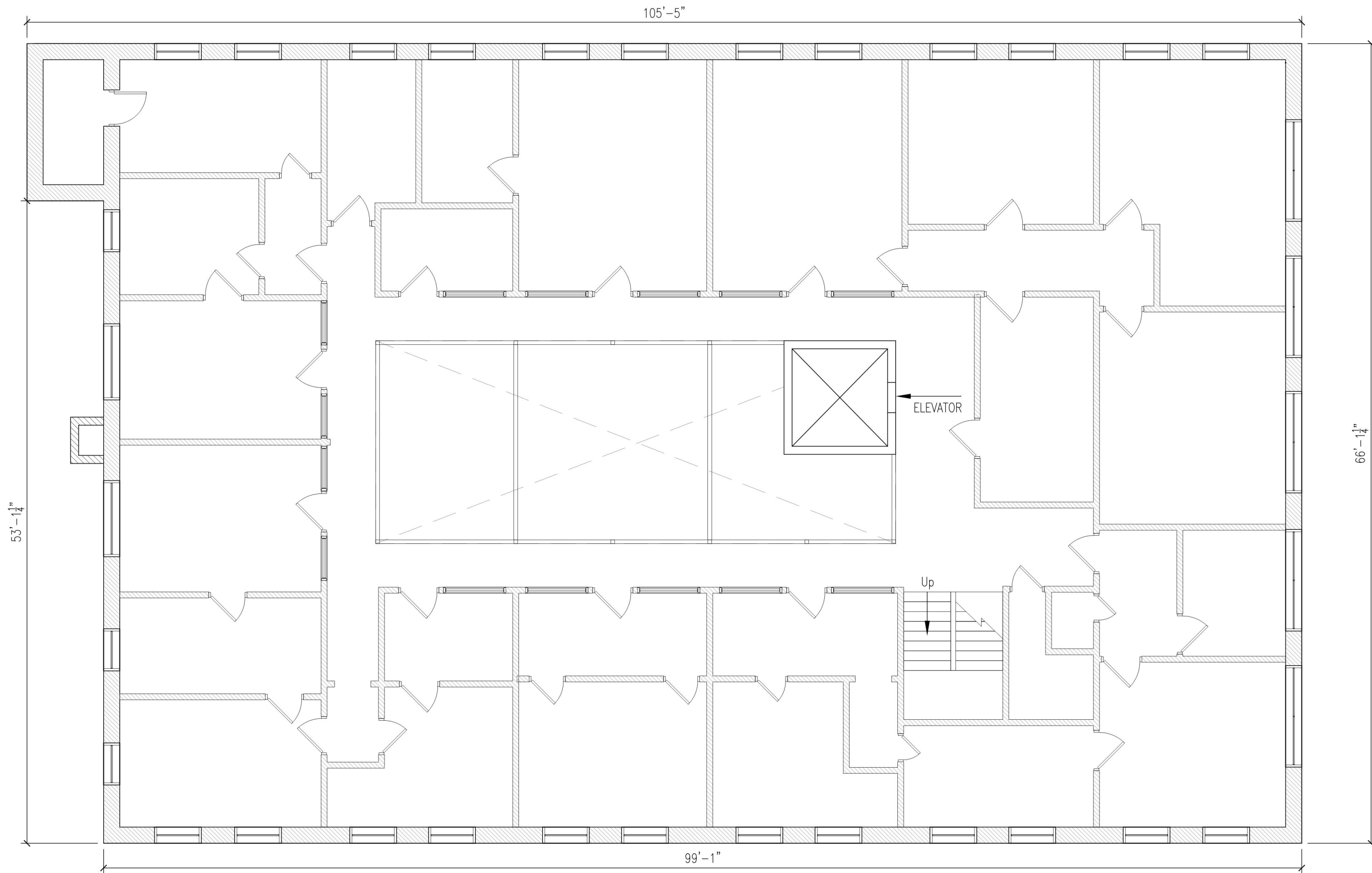
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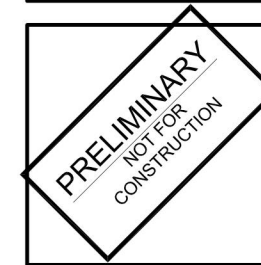
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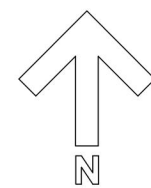
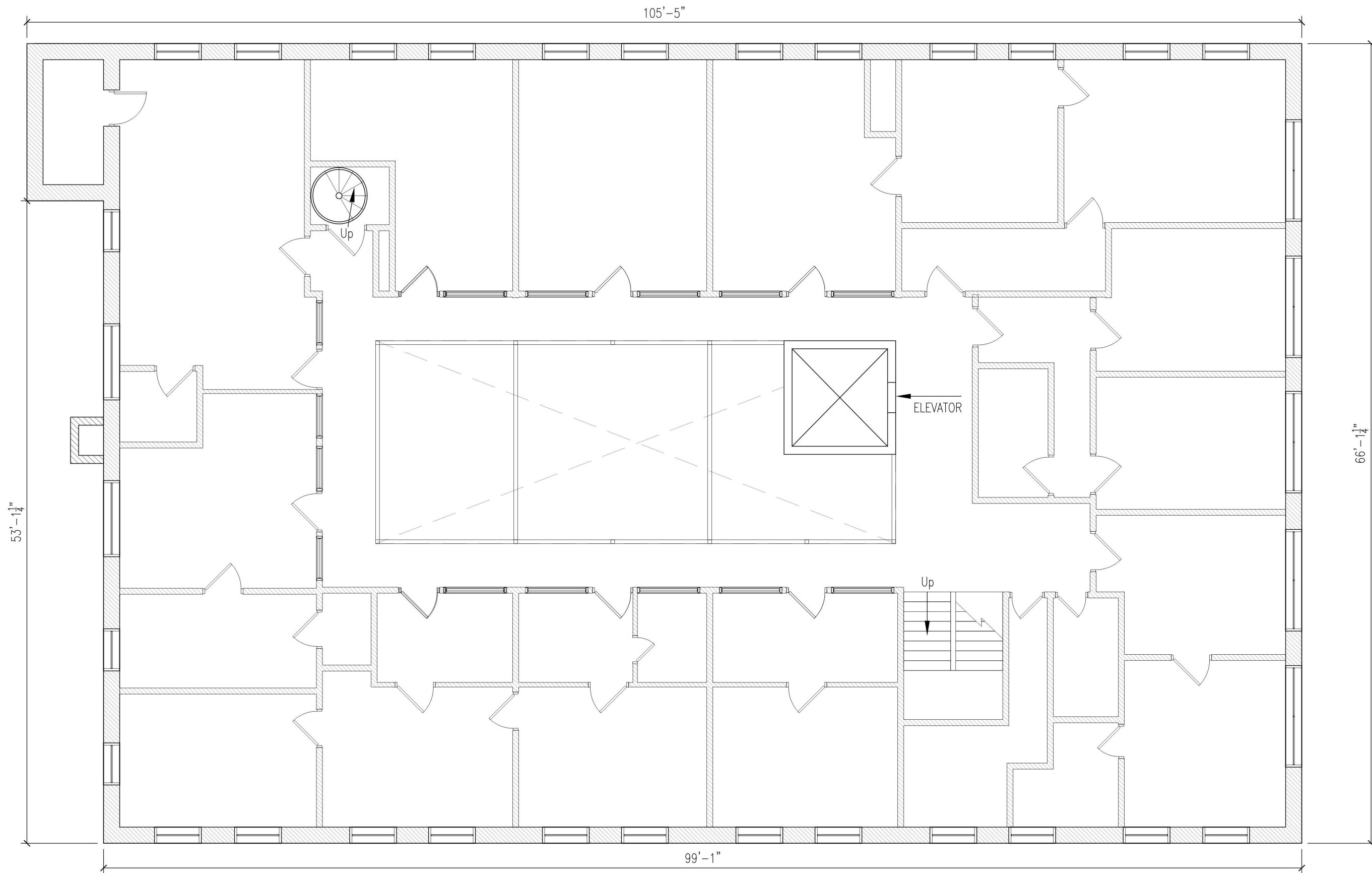
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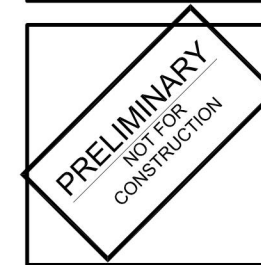
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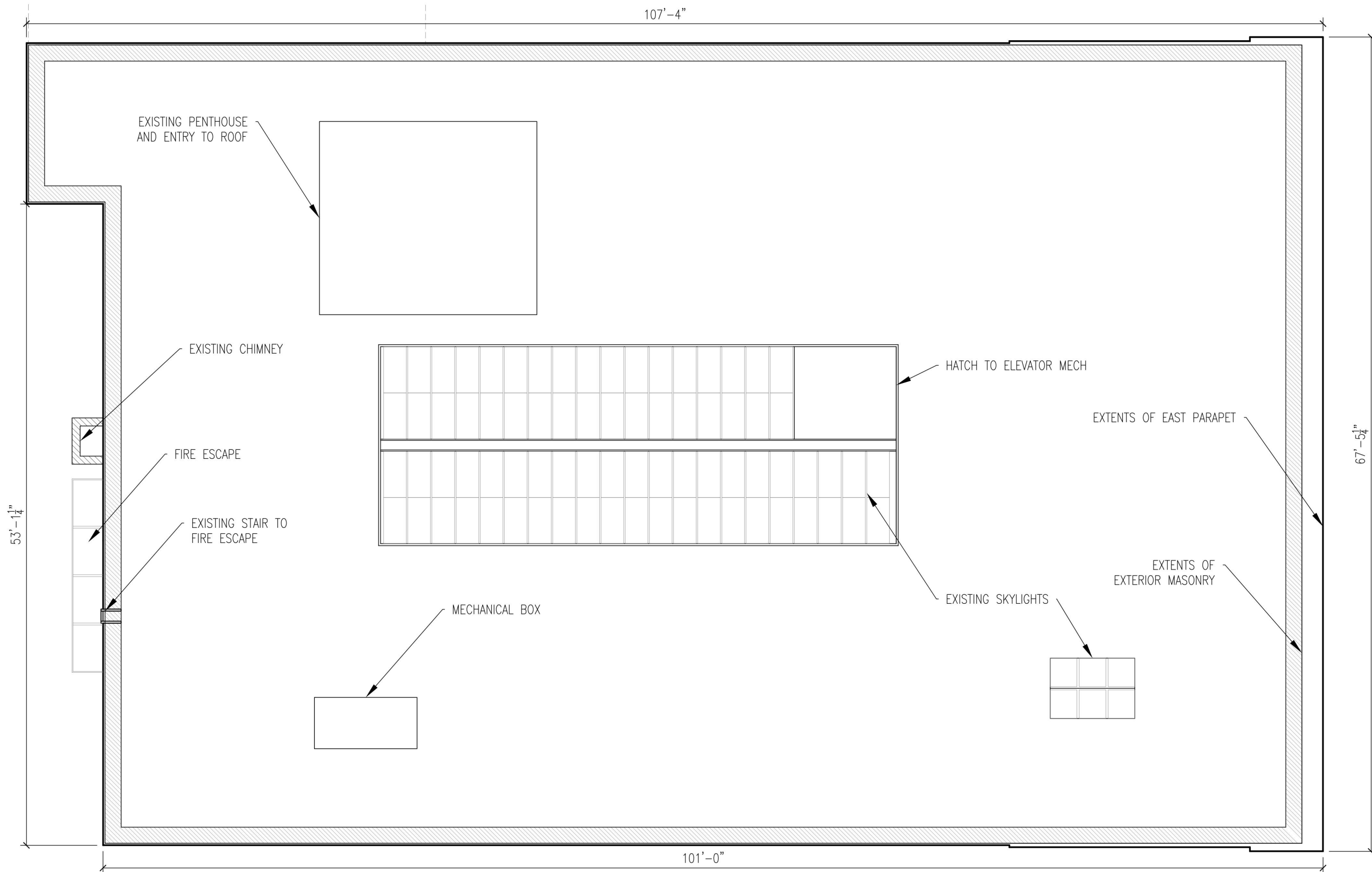
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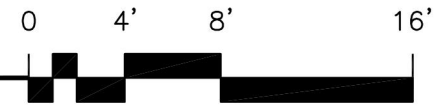
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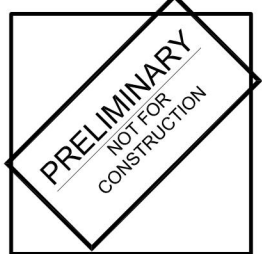
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4. Downtown Zoning District Standards



Section 21-03.08: DT Downtown

(a) Intent

The DT District is established to promote the development of the downtown region of the City of South Bend as a high intensity urban center for a multi-county region.

The following are typical characteristics of the DT District:

- A mixture of mid-rise and high rise mixed-use developments, including a variety of compatible building types and urban uses
- Buildings with active building frontages set at or close to the sidewalk
- Pedestrian-oriented scale with wide sidewalks, regularly spaced street trees, and amenities that create a walkable environment

(b) Building types

The following building types are permitted in the DT District:

- Townhouse
- Apartment House
- Stacked Flats
- Shop
- Mid-Rise/Tower

The names of the building types are not intended to limit or expand uses allowed within the building. See [Section 21-08.02](#) for building type descriptions and regulations.

Uses

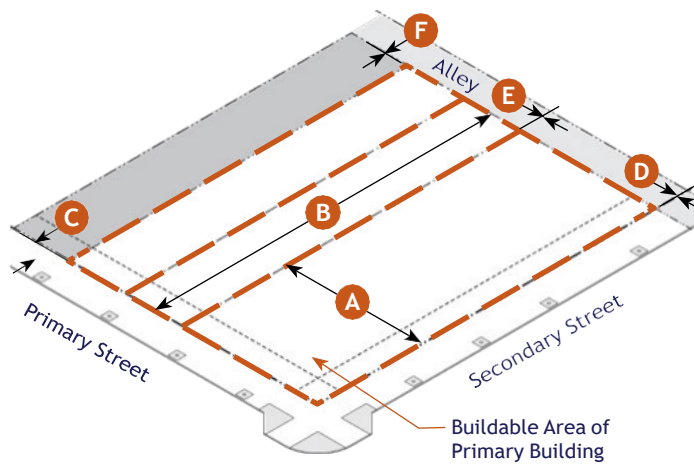
(c) Principal Uses	Use Definition & Standards
Agricultural	
Community Garden	■ * 21-06.01(e)(2)
Civic & Institutional	
Assembly, Neighborhood	■ * 21-06.01(f)(1)
Assembly, General	■ 21-06.01(f)(2)
College/University	■ 21-06.01(f)(4)
Hospital	■ 21-06.01(f)(6)
Library/Museum/Cultural Facility	■ 21-06.01(f)(7)
Parks & Open Space	■ 21-06.01(f)(8)
Police/Fire Facilities	■ 21-06.01(f)(9)
Religious Institutions	■ 21-06.01(f)(10)
School, Pre-K/Primary/Secondary	■ 21-06.01(f)(11)
Industrial, Manufacturing, & Processing	
Industrial, Artisan	■ * 21-06.01(g)(1)
Research/Laboratory Facility	■ 21-06.01(g)(4)
Lodging	
Bed & Breakfast	■ * 21-06.01(h)(1)
Hotel	■ * 21-06.01(h)(2)
Office	
Professional Offices	■ 21-06.01(i)(1)
Residential	
Dwelling, Ancillary	■ * 21-06.01(j)(1)
Dwelling, 1 Unit	■ * 21-06.01(j)(2)
Dwelling, 2 Units	■ * 21-06.01(j)(3)
Dwelling, Multi-Unit	■ 21-06.01(j)(5)
Group Residence	■ 21-06.01(j)(6)
Group Residence, State Regulated	■ 21-06.01(j)(7)
Residential Care Facility	■ 21-06.01(j)(8)
Shared Housing	■ 21-06.01(j)(9)

(c) Principal Uses (continued)	Use Definition & Standards
Retail & Service	
Animal Care Establishment	■ * 21-06.01(k)(2)
Bar/Tavern	■ 21-06.01(k)(3)
Beer/Wine/Liquor Sales	■ 21-06.01(k)(4)
Commercial School	■ 21-06.01(k)(5)
Day Care Center	■ 21-06.01(k)(6)
Drive-Through Facility	■ * 21-06.01(k)(7)
Entertainment/Recreation Facility, Indoor	■ 21-06.01(k)(8)
Entertainment/Recreation Facility, Outdoor	■ 21-06.01(k)(9)
Funeral Services	■ 21-06.01(k)(10)
Gas Station	■ * 21-06.01(k)(11)
Medical/Dental Clinic	■ 21-06.01(k)(12)
Personal Care & Services	■ 21-06.01(k)(13)
Private Club/Lodge	■ 21-06.01(k)(14)
Restaurant	■ 21-06.01(k)(15)
Retail & Service, General	■ 21-06.01(k)(16)
Self-Storage Facility	■ * 21-06.01(k)(18)
Tattoo/Piercing Parlor	■ 21-06.01(k)(19)
Tobacco/Hookah/Vaping	■ 21-06.01(k)(20)
Vehicle Sales or Rental	■ * 21-06.01(k)(21)
Vehicle Service, Major	■ * 21-06.01(k)(22)
Vehicle Service, Minor	■ * 21-06.01(k)(23)
Transportation	
Heliport	■ 21-06.01(l)(3)
Parking Lot	■ * 21-06.01(l)(4)
Passenger Terminal	■ 21-06.01(l)(5)
Transit Station	■ 21-06.01(l)(6)
Utilities	
Solar Farm	■ 21-06.01(m)(1)
Utilities, Major	■ * 21-06.01(m)(2)
Utilities, Minor	■ * 21-06.01(m)(3)
Wireless Communications	■ * 21-06.01(m)(4)

See [Section 21-06.02](#) for accessory use standards.

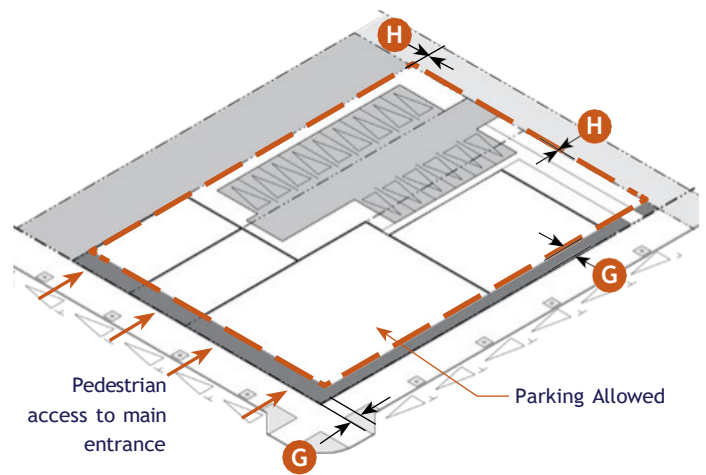
Key ■ Allowed ■ Allowed subject to Conditions ■ Special Exception * Use Specific Standards

Building Placement



- Minimum Setback Line
- - - Maximum Setback Line

Access & Parking



- Minimum Parking Lot Setback

(d) Building Placement

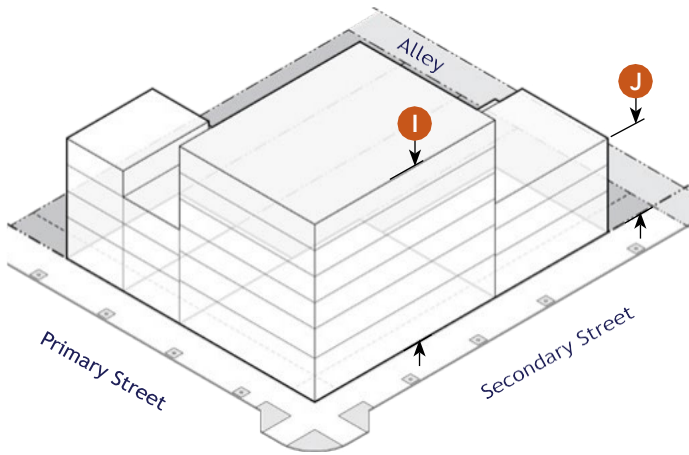
Lot Size				
Lot Width	20' min.			A
Lot Depth	60' min.			B
Building Setbacks				
	Front	Corner	Side ¹	Rear ²
	C	D	E	F
All Uses (min.)	0'	0'	0'	0'
All Uses (max.)	10'	10'	-	-
St. Joseph River/East Race	15' min.			
Facade within Setback Zone				
Front (min.) ³	85%			
Corner (min.)	50%			
Building Coverage				
Building Coverage	100% max.			

¹ If side or rear setback is provided, it shall be a min. of 5'.
² Primary buildings on a lot without a rear alley shall have a minimum rear setback of 20' when adjacent to a lot with a ground floor residential use that is not in a DT district.
³ A forecourt per [Section 21-08.03\(f\)](#) may be exempt from this requirement with approval by the Zoning Administrator.

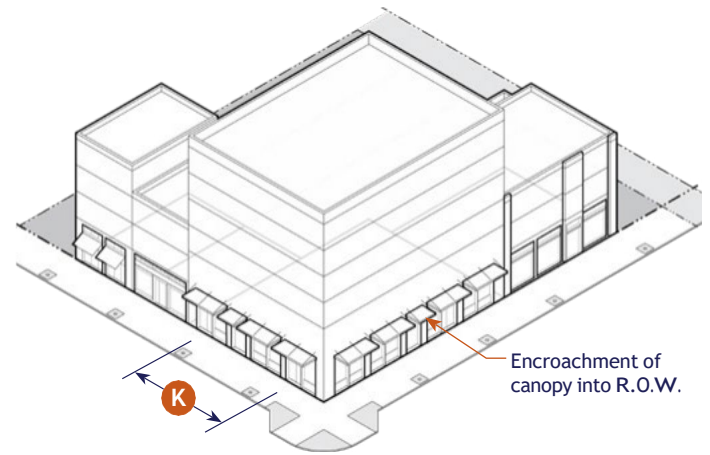
(e) Access & Parking

Pedestrian Access	
A walkway shall connect the sidewalk to the main entrance.	
Bicycle Access	
See Section 21-07.02 for Bicycle Parking requirements.	
Parking Access	
If access is available from an alley which is open to traffic, there shall be no access allowed from the street.	
If allowed, a maximum of one street curb cut is permitted per street frontage.	
Parking Lot Location (Distance from Lot Line)	
Front & Corner Setback (min.)	5' behind facade, or 10' if no building G
Side & Rear Setback	0' H
Required Spaces	
Off-street parking areas are not required for any use. Any off-street parking areas provided, even though not required, shall be developed in compliance with the standards set forth in Section 21-07.03 .	
See Section 21-07 for full access and parking requirements.	

Building Form



Building Components



(f) Building Form

Building Height

Primary Building (max.)

West of the St. Joseph River 150' and 12 stories

Between St. Joseph River and East Race Waterway 150' and 12 stories **I**

East of the East Race Waterway 60' and 5 stories

Primary Front Facade (min.) 16' **J**

Accessory Building (max.) 26'

Building Orientation

Primary facades shall be oriented to a front lot line or open space.

(g) Building Components

Allowed Building Frontage Types

Porch [21-08.03\(c\)](#)

Stoop [21-08.03\(d\)](#)

Gallery [21-08.03\(e\)](#)

Forecourt [21-08.03\(f\)](#)

Storefront [21-08.03\(g\)](#)

Terrace [21-08.03\(h\)](#)

Building Entrance

Distance between Entries 100' max. **K**

Main entrances shall be prominently located and visible from the primary street or open space.

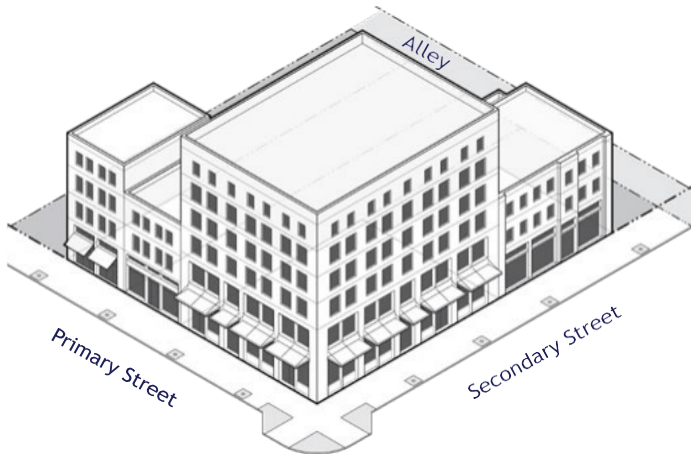
Allowed Encroachments

Building components may extend into a right-of-way with approval by the Board of Public Works.

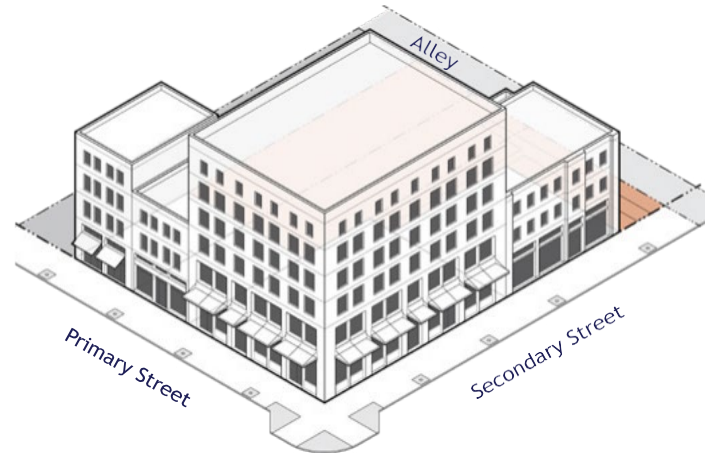
See [Section 21-08.01\(g\)](#) for building component definitions and additional requirements.

Key Allowed Not Allowed

Building Standards



Site Development



■ Accessory Structures Allowed

(h) Building Standards

Facade Transparency (min.)

Ground Floor - Front & Corner Facade	
Non-Residential	60%
Residential	25%
Upper Floor - Front & Corner Facade	
	15%

Facade Articulation

Any building greater than 50' wide shall provide vertical articulation into segments no greater than 32' in width and horizontal articulation (base, belt courses, cornice, etc.) to distinguish the ground floor from upper stories.

Building Materials

A minimum of 66% of each front or corner facade shall be constructed of high quality, durable, natural materials, such as stone or brick; wood lap siding; lapped, shingled, or panel fiber cement board siding; and glass. High quality synthetic materials may be approved by the Zoning Administrator. Each front or corner facade shall include at least two architectural elements (e.g., quoins, pilasters, soldier courses, lintels, friezes, cornices, dentils, architraves, etc.). See [Section 21-08.01\(e\)](#) for all building material standards. See [Section 21-08](#) for full building standards.

(i) Site Development

Accessory Structures/Uses

Accessory Structures	21-06.02(f)(1)
Mechanical/HVAC	21-06.02(f)(14)
Satellite Dish Antennas	21-06.02(f)(22)
Trash/Recycling Container	21-06.02(f)(27)

Allowed Location in Established Yards

Accessory structures shall not be located in any established front or corner yard and shall comply with all required setbacks.

Mechanical equipment and HVAC shall be allowed in front or corner yard if screened per [Section 21-06.02\(f\)\(14\)](#).

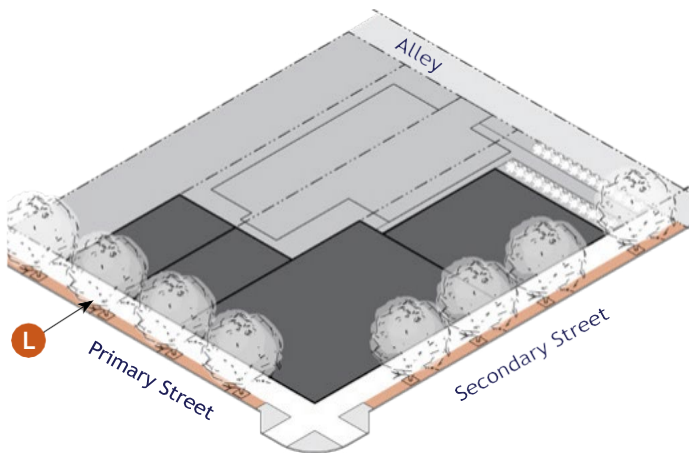
See [Section 21-06.02](#) for full accessory use regulations.

Fence/Freestanding Walls	Front	Corner	Side	Rear
Height (max.)	3'	3'	8'	8'

A fence up to 4' is allowed in an established front or corner yard if fence is greater than 50% open.

See [Section 21-09](#) for full site development requirements.

Landscape



Street Trees Allowed

Signs



(j) Landscape

Streetscape Trees Required

Shade Tree ¹ 1 tree min. per each full 30' of street frontage

Location ² Tree lawn or tree grates along curb line

Spacing Evenly spaced to extent possible

Buffer Landscape Required ³

Adjacent to S1, S2, U1, or U2 Type 3 buffer if no street or alley present

Parking Lot Screening (of 4 or more spaces)

Parking that is visible from a street/open space, other than an alley, shall be screened by a Type 1 buffer.

Parking that is visible from a side/rear lot line abutting a S1, U1, or U2 district shall be screened by a Type 1 or 2 buffer.

Buffers shall comply with [Section 21-09.01\(n\)](#).

See [Section 21-09.01](#) for full landscape requirements.

¹ An existing tree of at least 2" caliper may fulfill this requirement.

² If a tree cannot be placed in a tree lawn, an alternate location may be approved by the Zoning Administrator.

³ Residential buildings with 4 or fewer units are exempt from buffer landscape requirements.

(k) Signs

Total Signs Allowed

Residential: 4 or fewer dwellings

Building Sign 1 per street frontage; up to 2 square feet and 4 feet in height

Residential: 5+ dwelling units

Building Sign Up to 10% of the total area of the building facade

Non-Residential Use

Building Sign Up to 10% of the total area of the building facade

See [Section 21-10](#) for full sign requirements including changeable copy signs, temporary signs, exempt signs, off-premise, and use-specific signs.

5. Historic Preservation Group B Standards

Historic Preservation Commission
of South Bend and Saint Joseph County

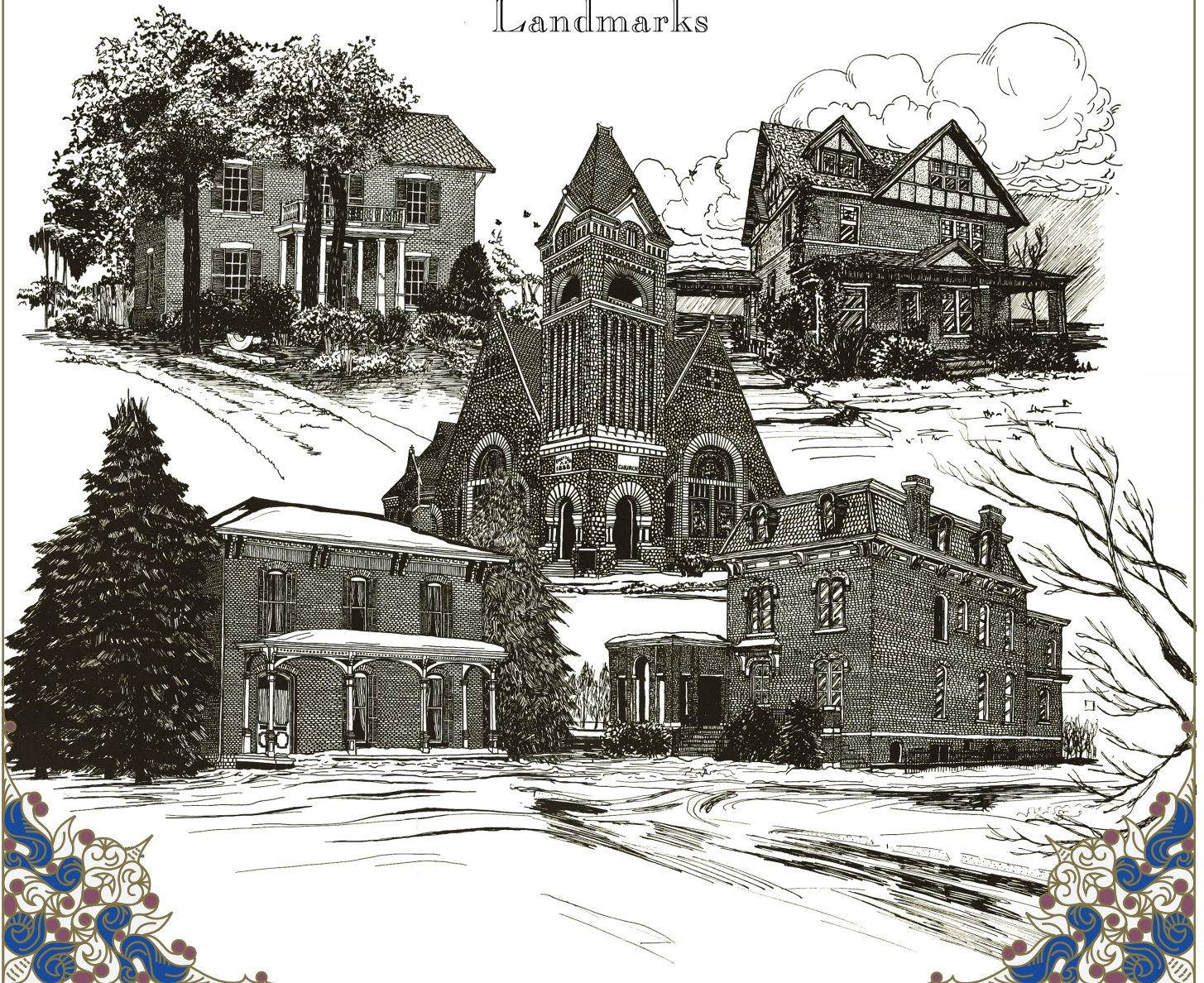
A Guidebook For

South Bend

Indiana's

Group B

Local
Landmarks



INTRODUCTION

Preservation Standards for local historic landmarks are used by the Historic Preservation Commission whenever exterior changes are proposed for officially designated structures. Review is required when proposed plans for building and development indicate the architectural character of the landmark will be changed, i.e., review is required for any project that affects the exterior of the building, site, outbuildings, grounds and landscaping. These standards are an extension of the present Ordinance #5567-73 and #54A-973 already adopted to implement a comprehensive program of historic preservation.

The present historic preservation ordinances empower the Commission to issue or deny a Certificate of Appropriateness prior to the construction, reconstruction, alteration, demolition, or moving of any landmark. The ordinance also gives the Commission the power to establish reasonable and just standards for the preservation of historic landmarks, including architectural treatment, site development and maintenance provisions, providing that the standards are in keeping with the intent of the ordinance and that the standards apply only to the exterior features of the historic landmark. These standards guide the commission in their review of Certificates of Appropriateness.

The two major conditions under which change will occur are maintenance or improvement and the demolition of an existing landmark.

The Historic Preservation Commission has established two levels of preservation standards—Group A and Group B. Group A standards are the more comprehensive of the two and require that the original character of the building be maintained or restored. **Group B (your Standards)** require that the building be maintained as is and, if possible, returned to the original. One of these levels will be selected at the time of designation. Both require a Certificate of Appropriateness before the construction, reconstruction, alteration, demolition, or moving of any landmark structure or site.

The property owner is responsible for furnishing the Commission with a complete description of the proposed changes. This information may be plans, elevations, specifications, photographs, or other means to accurately describe the project. When an application is being reviewed, it will be the responsibility of the applicant to demonstrate that the new work is compatible.

DEFINITIONS

Shall—Defined as an expression of something that is mandatory or must be done.

Should—Defined as an expression of obligation, something that ought to be done but that is open to compromise.

Required—Defined as work which shall be done in a restoration or rehabilitation project in order to restore or maintain the original or existing character of the structure or site.

Recommended—Defined as work which should be done to help restore or maintain the original or existing character of the structure or site.

Prohibited—Defined as work which shall not be permitted in a restoration or rehabilitation project because it may have a negative impact on the original or existing character of the structure or site.

GROUP B STANDARDS

The Commission has the authority to determine the architectural merits and the extent of any proposed treatment, renovation, or addition to a historic landmark. The commission will require drawings, plans, specifications, and/or samples where appropriate.

A. Maintenance

The maintenance of any historical structure or site shall in no way involve any direct physical change except for the general cleaning and upkeep of the landmark. The Commission shall encourage the proper maintenance of all structure or sites (appendix A: Minimum Maintenance Standards).

B. Treatment

Treatment shall be defined as any change of surface materials that will not alter the style or original form. Such improvements include re-roofing, glazing, or landscaping lawns and may involve a change that can potentially enhance or detract from the character of the landmark. A treatment change of any surface whether on the landmark or in its environment may require a Certificate of Appropriateness if it significantly alters the appearance of the landmark. Although these kinds of changes may not require a Building Permit, a Certificate of Appropriateness may be necessary. The commission should review the proposed treatment for character and style consistency with the original surfaces.

C. Renovation and Additions

Renovation is the modification of a structure, which does not alter the general massing while an addition, is a change in mass. A modification, which involves the removal of a part of the landmark, should be considered under demolition (see demolition).

Additions to landmarks should not detract from the original form and unity of the landmark and should not cover singular examples of architectural detail. Additions to landmarks should be added in a manner that does not disrupt the visible unity of overall appearance of the site. The proportions, materials and ratios of the existing structures should be carried through in the additions. Care should be taken not to change or alter the following:

1. Structure—Necessary structural improvements, where safety demands should be accomplished in such a way as to cause minimal visual change to the original style and construction.

2. Material—Additions and improvements involving any new material in the landmark should be of the same material as the original. It should be the same size and texture. An alternative material may be allowed if it duplicates the original.

a. wood—all wood trim should conform with existing trim in shape and size.

b. siding materials—the Commission discourages the covering or alteration of original materials with additional siding. Structures already sided with incompatible materials should be returned to a siding similar to the original when renovation is considered.

D. Demolition

Historic landmarks shall not be demolished. When a landmark poses a threat to the public safety, and demolition is the only alternative, documentation by way of photographs, measured drawings, or other descriptive methods should be made of both the exterior and interior of the landmark. The person or agency responsible for demolition of the landmark shall be responsible for this documentation.

E. Moving

The moving of landmarks is discouraged, however, moving is preferred to demolition. When moving is necessary, the owner of the landmark must apply to the Commission for a Certificate of Appropriateness.

F. Signs

No neon or flashing signs will be permitted unless they are original to the structure. Billboards and super-graphics will also be disallowed. Only one appropriate identifying sign will be permitted per business.

G. Building Site and Landscaping

(These standards apply to both A and B)

1. Required

Major landscaping items, trees, fencing, walkways, private yard lights, signs (house numbers) and benches which reflect the property's history and development shall be retained. Dominant land contours shall be retained. Structures such as: gazebos, patio decks, fixed barbecue pits, swimming pools, tennis courts, green houses, new walls, fountains, fixed garden furniture, trellises, and other similar structures shall be

compatible to the historic character of the site and neighborhood and inconspicuous when viewed from a public way.

2. Recommended

New site work should be based upon actual knowledge of the past appearance of the property found in photographs, drawings, and newspapers. Plant materials and trees in close proximity to the building that are causing deterioration to the buildings historic fabric should be removed. However, trees and plant materials that must be removed should be immediately replaced by suitable flora. Front yard areas should not be fenced except in cases where historic documentation would indicate such fencing appropriate. Fencing should be in character with the buildings style, materials, and scale.

3. Prohibited

No changes may be made to the appearance of the site by removing major landscaping items, trees, fencing, walkways, outbuildings, and other elements before evaluating their importance to the property's history and development. Front yard areas shall not be transformed into parking lots nor paved nor blacktopped. The installation of unsightly devices such as TV reception dishes and solar collectors shall not be permitted in areas where they can be viewed from public thoroughfares.

Appendix A:

Minimum Maintenance Standards

All landmarks and all contributing structures located in an historic district shall be preserved from decay and deterioration, and shall be maintained in good repair and kept structurally sound. The owner or other person having charge or control of landmarks and property in an historic district shall not allow or permit deterioration of such property from defects or conditions which in the judgment of the Commission produce a detrimental effect on the character of the district as a whole or the life and character of the landmark, structure or property in question, including but not limited to:

- a. Deterioration of exterior walls or other vertical supports causing conditions such as splitting, leaning, buckling, crumbling, visible cracking or similar conditions;
- b. Deterioration of roofs or other horizontal members causing conditions such as sagging, splitting, buckling, crumbling, holes, missing shingles or similar conditions;
- c. Deterioration of external chimneys causing such conditions as listing, settling, bulging, crumbling, holes, loose or missing materials or similar conditions;
- d. The deterioration or crumbling of exterior plasters or mortar;
- e. The ineffective waterproofing of exterior walls, roof and foundations, including broken windows or doors;
- f. The peeling of paint, rotting, holes and other forms of decay;
- g. The lack of maintenance of surrounding environments such as fences, gates, sidewalks, steps, signs, accessory structures and landscaping;
- h. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

The Commission shall give notice by certified or registered mail of each specific instance of failure to maintain or repair. The owner or person in charge of such structure shall have twenty (20) days to respond in writing by identifying specifically the corrective and remedial steps to be taken. A certificate of appropriateness shall not be required for such repair unless such repair results in a conspicuous change in the design, form, proportion, mass, configuration, building material, texture, color, location. Or external visual appearance of any structure or part thereof. In the latter circumstance, a certificate of appropriateness shall be required.



ITEM: 5A2

CITY OF SOUTH BEND REDEVELOPMENT COMMISSION

Redevelopment Commission Agenda Item

DATE: 9/16/22
FROM: Joseph Molnar
SUBJECT: Approval of Bid Specifications and Design Considerations for The Lafayette Building & 117/119 Lafayette Blvd.

_____ Pres/V-Pres

ATTEST: _____ Secretary

Date: _____

APPROVED Not Approved

SOUTH BEND REDEVELOPMENT COMMISSION

Which TIF? (circle one) River West; River East; South Side; Douglas Road; West Washington

PURPOSE OF REQUEST: Approval of Bid Specifications and Design Considerations for the Lafayette Building

Specifics: Attached are the Bid Specifications and Design Considerations for the disposition of 115 Lafayette Blvd., and 117/119 Lafayette Blvd.

The Bid Specifications outline the development requirements that will be considered for this site. Staff requests approval.

INTERNAL USE ONLY: Project Code: _____;

Total Amount new/change (inc/dec) in budget: _____; Break down:

Costs: Engineering Amt: _____; Other Prof Serv

Amt _____; Acquisition of Land/Bldg (circle one) Amt: _____; Street

Const Amt _____;

Building Imp Amt _____; Sewers Amt _____; Other (specify) Amt: _____

_____ . Going to BPW for Contracting? Y/N

Is this item ready to encumber now? ____ Existing PO# _____ Inc/Dec \$ _____

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

Bid Specifications & Design Considerations

**Sale of Redevelopment Owned Property
Lafayette Building
115 S. Lafayette Blvd &
117/119 S. Lafayette Blvd.**

River West Development Area

1. All of the provisions of I.C. 36-7-14-22 will apply to the bidding process.
2. The degree to which the Applicant's Bid meets the objectives of the River West Development Area Plan and meets or exceeds the criteria outlined in the Lafayette Building Request for Proporsal.
3. The size and character of the improvements proposed by to be made by the Applicant.
4. Applicant's plans and ability to improve the Property with reasonable promptness and Applicant's proposed timetable for commencing and completing the Project.
5. The financial responsibility, qualifications, experience and ability of the Applicant to finance and complete the development as proposed.
6. The total Purchase Price offered by Applicant.
7. The immediate and long-term potential impact on employment and residential population in the area anticipated to result from development of the Property.
8. Any other factors which will assure the Department that the sale of the Property, if made, will further the execution of the River West Development Area Plan and will best serve in the interest of the community, both from the standpoint of human and economic welfare and public funds expended.



CITY OF SOUTH BEND REDEVELOPMENT COMMISSION

Redevelopment Commission Agenda Item

DATE: 9/16/22
FROM: Joseph Molnar
SUBJECT: Request to Advertise
Lafayette Building & Parking Lot

_____ Pres/V-Pres

ATTEST: _____ Secretary

Date: _____

APPROVED Not Approved

SOUTH BEND REDEVELOPMENT COMMISSION

Which TIF? (circle one) River West; River East; South Side; Douglas Road; West Washington

PURPOSE OF REQUEST: Approval of dates to advertise the sale of the Lafayette Building and Parking Lot

Specifics: Attached is the Notice of Intended Disposition of Property (Notice) for the Lafayette Building and the parking lot at 117/119 Lafayette Blvd.

The notice will be advertised in the South Bend Tribune on October 1 and October 8, 2022.

Staff requests approval of this Notice and the Request to Advertise, for the eventual disposition of these properties.

INTERNAL USE ONLY: Project Code: _____;

Total Amount new/change (inc/dec) in budget: _____; Break down:

Costs: Engineering Amt: _____; Other Prof Serv

Amt _____; Acquisition of Land/Bldg (circle one) Amt: _____; Street

Const Amt _____;

Building Imp Amt _____; Sewers Amt _____; Other (specify) Amt: _____

_____ . Going to BPW for Contracting? Y/N

Is this item ready to encumber now? ____ Existing PO# _____ Inc/Dec \$ _____

Notice of Intended Disposition of Property

RIVER WEST DEVELOPMENT AREA
115 & 117/119 S. Lafayette Blvd.
South Bend, Indiana 46601

Notice is hereby given that the Redevelopment Commission of the City of South Bend, Indiana, will receive sealed offers for the purchase of certain properties situated in the River West Development Area until 9:00 a.m. (local time) on the 26th day of January, 2023 in the Office of the Department of Redevelopment, 1400 S. County-City Building, 227 West Jefferson Boulevard, South Bend, Indiana, 46601 or by electric copy in a single PDF document sent to RDCRFP@southbendin.gov. All offers will be publicly opened and read aloud at 9:30 a.m. (local time) on the 26th day of January, 2023 at the Regular Meeting of the Redevelopment Commission to be held that date and time in Room 1308 County-City Building, 227 West Jefferson Boulevard, South Bend, IN 46601, or in the event of cancellation or rescheduling, at the Redevelopment Commission's subsequent regular meeting or rescheduled regular meeting held at a time and place given by public notice. All offers will be referred to Redevelopment Commission staff for review and recommendation. Bid proposals for the purchase of the property offered will be considered. An accepted bid will be publicly recommended at a meeting of the South Bend Redevelopment Commission, to be held at 9:30am (EDT), March 9th, 2023, in room 1308, County-City Building, 227 West Jefferson Boulevard, South Bend, IN 46601.

The properties being offered are located at 115 & 117/119 Lafayette Blvd., in the River West Development Area, South Bend, Indiana. Any proposal submitted must be for the site as noted on the Request for Proposal. The required re-use of the property is for projects that are permitted within the DT Downtown zoning designation. Strong emphasis will be placed during the review process on compatibility with and support of the River West Development Area, the surrounding businesses and neighborhood, and the property's local historic designation.

A Request for Proposal containing bid forms, the evaluation criteria and other pertinent information may be picked up at the Department of Community Investment, 1400 S. County-City Building, 227 West Jefferson Boulevard, South Bend, IN 46601.

The Commission reserves the right to reject any and all bids, and to make the award to the highest and best bidder. In determining the best bid, the Commission will take into consideration the following:

1. The degree to which the Applicant's Bid meets the objectives of the River West Development Area Plan and meets or exceeds the criteria outlined in the Lafayette Building Request for Proposal.
2. The size and character of the improvements proposed by to be made by the Applicant.
3. Applicant's plans and ability to improve the Property with reasonable promptness and Applicant's proposed timetable for commencing and completing the Project.
4. The financial responsibility, qualifications, experience and ability of the Applicant to finance and complete the development as proposed.
5. The total Purchase Price offered by Applicant.
6. The immediate and long-term potential impact on employment and residential population in the area anticipated to result from development of the Property.
7. Any other factors which will assure the Department that the sale of the Property, if made, will further the execution of the River West Development Area Plan and will best serve in the interest of the community, both from the standpoint of human and economic welfare and public funds expended.

The Commission further reserves the right to waive any formalities in bidding which are not mandatory requirements. In the event that no Bid is recommended, the Redevelopment Commission may dispose of the Property at either public sale or by private negotiation in accordance with Indiana Code §36-7-14-22.

A bid submitted by a trust (as defined in IC 30-4-1-1(a)) must identify each:

- (A) beneficiary of the trust; and
- (B) settlor empowered to revoke or modify the trust.

CITY OF SOUTH BEND, INDIANA
DEPARTMENT OF COMMUNITY INVESTMENT
Joseph Molnar, Property Development Manager
Publish Dates: October 1 and October 8, 2022

TEMPORARY ACCESS AGREEMENT

This Temporary Access Agreement (this "Agreement") is made and entered into as of September 22, 2022, by and between the City of South Bend, Indiana, acting by and through its Redevelopment Commission (collectively, the "City"), and Venus Parks and Arts, with its principal office at 219 St. Louis Blvd., South Bend, IN 46617 ("VPA").

RECITALS

- A. The City is the owner of certain real property, located at 112 S. Michigan St., South Bend, IN 46601 (the "Property"), as more particularly described in attached **Exhibit A** (the "Property").
- B. The Property is a public parking lot in Downtown South Bend.
- C. VPA is hosting Best Week Ever 2022, a week-long collection of experiences across South Bend celebrating creativity, culture, and progress as a community, from September 24, 2022 through October 2, 2022.
- D. Events part of Best Week Ever will be happening in Downtown South Bend.
- E. The City has agreed to grant VPA a right of access to the Property on the terms and conditions stated in this Agreement.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

- 1. Grant of Access to VPA. The City hereby grants to VPA an exclusive, temporary access right to use portions of the Property for the purposes of staging and preparing for Best Week Ever 2022, as well as vendor and staff parking (the "Work"). The parties agree that VPA will have no right under this Agreement to install permanent improvements of any kind on the Property, or to store or allow to be stored on a permanent basis any supplies, materials, goods, or personal property of any kind on the Property without the prior written consent of the City. At all times during the Work, VPA will use or cause to be used reasonable efforts to keep the Property in substantially the same order and condition as of the Effective Date (as defined below).
- 2. Term and Termination. This Agreement shall commence effective September 28, 2022 (the "Effective Date") and shall terminate on October 2, 2022.
- 3. Compliance. VPA understands and agrees that it will, at its own expense, observe and comply with, or cause to be observed and complied with, all applicable statutes, laws, ordinances, requirements, orders, rules, and regulations of all governmental authorities in relation to the Work.
- 4. Ownership. The City represents and warrants that it is lawfully seized of the Property, that it has full right and power to grant the access right, and that the Property is free from all encumbrances, except any matters of record.

5. Hazardous Materials. VPA shall not cause or permit, knowingly or unknowingly, any hazardous material to be brought or remain upon, kept, used, discharged, leaked, or emitted upon the Property.

6. Governing Law and Jurisdiction. This Agreement shall be governed and construed in accordance with the laws of the State of Indiana and any claims arising hereunder shall be brought in the courts of St. Joseph County, Indiana.

7. Authority. Each undersigned person signing on behalf of his/her respective party certifies that he/she is duly authorized to bind his/her respective Party to the terms of this Agreement.

[Signature pages follow.]

IN WITNESS WHEREOF, the parties have entered into this Temporary Access Agreement and executed the same on the date set forth next to their signatures.

SOUTH BEND REDEVELOPMENT
COMMISSION

SOUTH BEND VENUES PARKS & ARTS

Marcia I. Jones, President

By: _____

Printed: _____

Title: _____

Date: _____

ATTEST:

Troy Warner, Secretary

Date: _____

EXHIBIT A

Description of Property

Tax ID No. 018-3091-347406

Parcel Key No. 71-08-12-154-012.000-026

Legal Description: Lot 2 Hall of Fame Second Minor

Commonly known as: 112 S Michigan Street

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT (this “First Amendment”) is made on September 22, 2022, by and between the South Bend Redevelopment Commission, the governing body of the City of South Bend Department of Redevelopment (the “Commission”), and Sibley Machine and Foundry Corporation (the “Developer”) (each a “Party,” and collectively the “Parties”).

RECITALS

A. The Commission and the Developer entered into a Development Agreement dated effective March 25, 2021 (the “Development Agreement”), pertaining to certain local public improvements ("LPI") to renovate, rehabilitate, and activate the Developer Property, which is located in the River West Development Area (the "Project").

B. As set forth in the Development Agreement, the Commission agreed to expend no more than Two Hundred Fifty Thousand Dollars (\$250,000.00) of tax increment finance revenues to complete the LPI in support of Developer’s Project (the Funding Amount”).

C. In accordance with Section 5.2(c) of the Development Agreement, bids were received for the LPI by the City of South Bend, Indiana Board of Public Works (the “Board”), as the Commission’s agent, and the winning bidders were awarded contracts for various portions of the LPI, including the winning bidder for the window replacement work (the "Window Contractor").

D. In the course of performing the window replacement work, the Window Contractor discovered that all of the steel window lintels on the south elevation of Sample Street were bowed and in need of replacement.

E. The change order to complete the additional repair work (the “Change Order”) exceeds the remaining Funding Amount by Two Thousand Two Hundred Forty Dollars (\$2,240.00) (the “Overage Amount”).

F. To approve the Change Order, the Board requires an increase of the Funding Amount by the Overage Amount (the “Funding Amount Increase”).

G. In consideration of the Commission’s willingness to approve the Funding Amount Increase, and thereby permit the Board’s approval of the Change Order, the Developer agrees to pay the Funding Amount Increase in the manner set forth in this First Amendment.

NOW, THEREFORE, in consideration of the mutual promises and obligations stated in the Development Agreement and this First Amendment, the adequacy of which is hereby acknowledged, the Parties agree as follows:

1. Section 1.2 shall be deleted in its entirety and replaced with the following:

1.2 Funding Amount. “Funding Amount” means an amount not to exceed Two Hundred Fifty-Two Thousand Two Hundred Forty Dollars (\$252,240.00) of tax increment

finance revenues to be used for paying the costs associated with the construction, equipping, inspection, and delivery of the Local Public Improvements.

2. The Developer hereby expressly reaffirms its obligation under Section 5.2(d) of the Development Agreement to pay all costs of completing the LPI, including any necessary change orders to the LPI Contract, in excess of the Funding Amount, as such amount is hereby amended. The Developer hereby acknowledges that the Developer or the Developer's designee may inspect the LPI upon completion and hereby expressly reaffirms its obligation under Section 5.2(d) of the Development Agreement to pay all costs of inspecting the LPI.

3. Notwithstanding any provision to the contrary, the Commission's obligations to complete the LPI will be satisfied in full upon the completion of the LPI Contract, irrespective of the final amount of the LPI Contract.

4. As an inducement for the Commission's increase of the Funding Amount under this First Amendment and as a further assurance to the Commission pursuant to Section 9.13 of the Development Agreement, prior to the Board's approval of the Change Order, the Developer shall submit funds to the Commission through staff of the Department of Community Investment in the amount of Two Thousand Two Hundred Forty Dollars (\$2,240.00), which funds will be applied at an appropriate time to the LPI Contract in accordance with the Board's ordinary payment practices and applicable laws.

5. The Developer hereby expressly reaffirms its obligations under the Development Agreement, and, unless expressly modified by this First Amendment, the terms and provisions of the Development Agreement remain in full force and effect.

6. Capitalized terms used in this First Amendment will have the meanings set forth in the Development Agreement unless otherwise stated herein.

7. The recitals set forth above are hereby incorporated into the operative provisions of this First Amendment.

8. This First Amendment will be governed and construed in accordance with the laws of the State of Indiana.

9. This First Amendment may be executed in separate counterparts, each of which when so executed shall be an original, but all of which together shall constitute one and the same instrument. Any electronically transmitted version of a manually executed original shall be deemed a manually executed original.

Signature Page Follows

IN WITNESS WHEREOF, the Parties hereby execute this First Amendment to Development Agreement as of the first date stated above.

SOUTH BEND REDEVELOPMENT
COMMISSION

By: _____
Marcia I. Jones, President

ATTEST:

By: _____
Troy D. Warner, Secretary

SIBLEY MACHINE & FOUNDRY
CORPORATION

By: Ann E. Voll
Ann E. Voll, President



CITY OF SOUTH BEND REDEVELOPMENT COMMISSION

Redevelopment Commission Agenda Item

DATE: September 20, 2022
FROM: Chris Dressel
SUBJECT: Budget Request (Coal Line Multiuse Trail Construction)

Which TIF? (circle one) River West; River East; South Side; Douglas Road; West Washington

PURPOSE OF REQUEST:

Staff requests the Redevelopment Commission's approval of an additional \$300,000 to be budgeted for construction of the Coal Line Trail Phase II (between Riverside Drive and IN 933) based upon bids that were recently received through INDOT.

This request should allow completion of construction of Phase II in 2023 with two concurrent projects, one including the trail plus amenities and a second including the river bridge crossing.

Phase I project construction (Lincoln Way West to Riverside Drive) is complete and will be closed out this fall.

If you should have any questions or need more information, please feel free to contact me at either cdressel@southbendin.gov or 235-5847.

INTERNAL USE ONLY: Project Code: _____;

Total Amount new/change (inc/dec) in budget:; Break down:

Costs: Engineering Amt: _____; Other Prof Serv Amt _____;

Acquisition of Land/Bldg (circle one) Amt: _____; Street Const Amt _____;

Building Imp Amt _____; Sewers Amt _____; Other (specify) Amt: _____

_____ . Going to BPW for Contracting? Y/N

Is this item ready to encumber now? ___ Existing PO# _____ Inc/Dec \$ _____



ITEM: 5B1

CITY OF SOUTH BEND REDEVELOPMENT COMMISSION

Redevelopment Commission Agenda Item

DATE: 9/16/2022

FROM: Joseph Molnar, Property Development Manager

SUBJECT: Annual TIF Neutralization Analysis (Baker Tilly)

_____ Pres/V-Pres

ATTEST: _____ Secretary

Date: _____

APPROVED Not Approved

SOUTH BEND REDEVELOPMENT COMMISSION

Funding Source (circle one) River West; River East; South Side; Douglas Road; West Washington; RDC General

Purpose of Request:

This request is for Baker Tilly Municipal Advisors to provide professional services for the annual TIF Neutralization worksheets required by state law. These worksheet calculations are done for each TIF area and are used to adjust the base assessed value for natural growth in property values.

For example, if the base assessed value of a TIF area was originally \$1,000,000 and the area had natural appreciation of 3%, or \$30,000, this amount would become part of the increment captured unless the base is adjusted.

After adjustment, this \$30,000 would be added to the base, which would now be \$1,030,000, allowing other taxing jurisdictions to maintain their tax base by capturing the natural appreciation of property. Increment captured by the TIF area should be a result of new development, not the natural appreciation in property values that pre-existed the TIF.

Staff requests approval to complete the required annual TIF Neutralization worksheets.

INTERNAL USE ONLY: Project ID: _____;

Total Amount – New Project Budget Appropriation \$ _____;

Total Amount – Existing Project Budget Change (increase or decrease) \$ _____;

Funding Limits: Engineering: \$ _____; Other Prof Serv Amt \$ _____;

Acquisition of Land/Bldg (circle one) Amt: \$ _____; Street Const Amt \$ _____;

Building Imp Amt \$ _____; Sewers Amt \$ _____; Other (specify) Amt \$ _____

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1400S County-City Building | 227 W. Jefferson Blvd. | South Bend, Indiana 46601 | p 574.235.9371 | f 574.235.9021 | www.southbendin.gov