



CITY OF SOUTH BEND

REDEVELOPMENT COMMISSION

Redevelopment Commission Agenda Item

DATE: March 6, 2023

FROM: Zach Hurst, PE

SUBJECT: First Amendment to DA – SBHF-Colfax-Gemini Apts

_____ 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

*Funds are subject to the City Controller's determination of availability; if funds are unavailable, as solely determined by the City Controller, then the authorization of the expenditure of such funds shall be void and of no effect.

Purpose of Request:

The original Development Agreement with South Bend Heritage Foundation (SBHF) regarding the Gemini at Colfax Apartments stipulated that \$1M in City funding would be allocated to the property in exchange for a maximum for six (6) Permanent Supportive Housing vouchers being used at the property to help with the City's housing issues. The original agreement had a completion date of December 31, 2021.

The City successfully completed four (4) projects at the property:

- Roof Replacement: \$143,679
- Masonry Repairs: \$368,128
- New Fire Stairs: \$163,000
- New Water Line: \$65,457

The City attempted a fifth project covering window replacement (\$207,000), but the project stalled out during the COVID pandemic in 2021, leading to a contract cancellation through Board of Public Works in April 2022. SBHF maintains possession of the windows purchased by the City, and will work with a local contractor to install the remaining windows at their own labor cost.

\$70,000 remains from the original project budget after completion of the four projects mentioned above, as well as the contract cancellation regarding the windows. The City has been working with SBHF to scope out a small project to use the remaining funds. SBHF has a small masonry and sidewalk project scoped out to address deteriorating areas.

EXCELLENCE | ACCOUNTABILITY | INNOVATION | INCLUSION | EMPOWERMENT

This first amendment to the Development Agreement would extend the completion date to December 31, 2023, allowing Board of Public Works to solicit and award a small masonry contract.

INTERNAL USE ONLY: Project ID: PROJ 35 _____;

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 \$ _____

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

JK
M-J
3.3.23

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT (this "First Amendment") is made effective the 31st day of December 2021, by and between the South Bend Redevelopment Commission, the governing body of the City of South Bend Department of Redevelopment (the "Commission"), and South Bend Heritage Foundation, Inc., an Indiana non-profit corporation (the "Developer") (each a "Party," and collectively the "Parties").

RECITALS

A. The Commission and the Developer entered into a Development Agreement dated effective January 9, 2020 (the "Development Agreement"), for the development of a Project in the West Washington-Chapin Development Area and immediately adjoining the River West Development Area.

B. Due to unforeseeable issues arising related to the contractor hired by the Commission to complete certain of the Local Public Improvements, the Project has been delayed.

C. The Parties desire to extend the substantial completion date of the Project in order to allow sufficient time to complete the Local Public Improvements and the Project.

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. The phrase "December 31, 2021" shall be deleted from Section 4.5 and replaced with the phrase "December 31, 2023."
2. Section 4.6(b) shall be amended to delete the terms "June 30, 2020, December 31, 2020, and June 30, 2021, and December 31, 2021" and replace them with the terms "the last day of each December and each June until the Mandatory Completion Date has been reached."
3. 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.
4. Capitalized terms used in this First Amendment will have the meanings set forth in the Development Agreement unless otherwise stated herein.
5. The recitals set forth above are hereby incorporated into the operative provisions of this First Amendment.
6. This First Amendment will be governed and construed in accordance with the laws of the State of Indiana.
7. 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.

IN WITNESS WHEREOF, the Parties hereby execute this First Amendment to Development Agreement as of the dates set forth below.

COMMISSION:

SOUTH BEND REDEVELOPMENT
COMMISSION

By: _____
Marcia I. Jones, President

Date: February 23, 2023

ATTEST:

By: _____
Vivian Sallie, Secretary

DEVELOPER:

SOUTH BEND HERITAGE FOUNDATION, INC.

By: Marco J. Mariani
Marco J. Mariani, Executive Director

Date: 3.3.23

City of South Bend
Department of Community Investment

Development Agreement Review

Answer the below questions and return to the Department of Community Investment.

Project Information

Project Name: GENIINI APARTMENTS

Address: 6196 W. COLFAX AVE. SOUTH BEND, IN.

Construction Completed to Date:

PCD EXTERIOR, ROOF AND MASONRY.

Project Schedule Update: * ZERO (0) PSH VOUCHERS DEPLOYED DUE TO STATE/COVID DELAYS AND LACK OF APTS.
MARCH - QUOTE WORK.
APRIL - REVIEW QUOTES / AWARD
MAY - JUNE: BEGIN MASONRY REPAIR / FINISH WORK.
PROJECT COMPLETION.

Itemized Accounting of Private Investment to Date:

N/A.

Number of Jobs Created:

N/A

Name: MARCO J. MARIANI

Address: 803 LINCOLNWAY WEST, SOUTH BEND, IN.

Position: EXECUTIVE DIRECTOR

Email: MARCOMARIANI@SBHERITAGE.ORG

Signature: Marco J. Mariani Date: 3.3.23