

Proposal Documents and Forms for Property Disposition

St. Joseph County
Board of Commissioners

Outlot A, B, and C
Lathrop Street and Old Cleveland Road Subdivision
River West Development Area (South Bend)

Disposition Packet for Outlot C

Board of Commissioners

Andrew T. Kostielney
President
District 1

Dave Thomas
District 2

Deborah A. Fleming, DMD
Vice-President
District 3

Jamie Woods
Corporate Counsel

Bill Schalliol
Executive Director of Economic Development
Department of Infrastructure, Planning & Growth

Bidding expires at 9:00 a.m. (local time) on November 17, 2020

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Instructions to Applicants

The St. Joseph County Board of Commissioners (“Commissioners”) invites proposals for the purchase and re-use of certain real property described as Outlots A, B and C of the Lathrop Street and Old Cleveland Road Subdivision which are located within the River West Development Area, City of South Bend, Indiana.

The Proposal Documents provide Applicants with essential information regarding the Disposition Process and the Project Site. Each Applicant should read this information thoroughly before submitting a proposal to the Commissioners. The Proposal Forms are required as part of any proposal submitted for the purchase of Commission-owned land. All Forms must be complete. The Commissioners may reject any proposal submitted with incomplete or missing information. The Commissioners have the ability to reject any or all bids at the Commissioners’ sole discretion.

Evaluation Criteria

The Commissioners may use the following criteria to guide its review and acceptance or denial of a proposal:

The degree to which the Applicant’s proposal meets the objectives of the I-Industrial Zoning Classification and the Development Plan for the River West Development Area prepared by the Department of Community Investment and approved by the South Bend Redevelopment Commission, the Area Plan Commission, and the South Bend Common Council; and the surrounding businesses and neighborhood.

- The use of the improvements proposed to be made by the Applicant on the real property; the Applicant's plans and ability to implement the re-use of the real estate with reasonable promptness; whether the real property will be sold or rented; the Applicant's proposed sale or rental prices; and any factors which will assure the Commission that the sale, if made, will further the execution of the Development Plan for the River West Development Area and will best serve the interest of the community, from the standpoint of both human and economic welfare.
- The financial responsibility, qualifications, experience and ability of the Applicant to finance and complete the development.
- The proposal which will provide the Commissioners with the best possible development, based upon the price offered for the property and consistent with the preceding objectives.
- Any conflict among these criteria will be reconciled to the best interest of the Development Plan for the River West Development Area, the City of South Bend, and St. Joseph County, as determined at the sole discretion of the Commissioners.

Disposition Process

Bidding

Bidding will begin on October 23, 2020 at 9:00 a.m. All bids for the purchase and re-use of certain property in the Lathrop Street and Old Cleveland Road Subdivision must be delivered to the St. Joseph County Board of Commissioners (“Commissioners”), located at:

Office of the Board of Commissioners
County-City Building
227 West Jefferson Boulevard, Floor 7
South Bend, Indiana 46601

on or before 9:00 a.m. (local time) on the 17th day of November 2020. All bids will be open to public inspection and bidders may raise their bid. The Commissioners may, before the expiration of the time set forth herein, sell the property to the highest and best bidder. Proposals with completed forms and without any missing information will be reviewed by the Department of Infrastructure, Planning and Growth (“Department”) according to the Evaluation Criteria as stated above. The Commissioners reserve the right to reject any bid and may make awards to the highest and best bidder. Notice of acceptance or rejection will be mailed to each of the bidders via US Mail to the address stated on the Proposal Forms. The Commissioners reserve the right to reject any and all bids.

All offers will be subject to the requirements of the ***Contract for Sale of Land*** as referenced on Page 6.

After the Bidding Period

Once the bidding period has expired, proposals may be made to the Commissioners for the remaining property available, if any.

All Applicants should familiarize themselves with the Proposal Forms and any proposal submitted after the bidding period has expired shall be completed utilizing the Proposal Forms. Proposals after the termination of the bidding period are to be submitted to the Department for review and consideration by the Commissioners. The proposals will be reviewed based upon the Evaluation Criteria as stated above. The Commissioners reserve the right to reject any proposal. Notice of acceptance or rejection will be mailed to each of the Applicants via US Mail to the address as stated on the Proposal Forms.

Proposals

All proposals must be complete and include the information and documentation requested in the Proposal Forms. Proposals that are submitted with incomplete or missing information will not be accepted. Applicants must use the Proposal Forms as provided.

Proposal Forms

The Proposal Forms must be complete before the Commissioners will review the proposal. The first and second pages of the Proposal Forms describe the Applicant's offer for the real property. Applicants shall fill in all applicable spaces and sign accordingly.

Each Applicant shall submit the following as part of the Applicant's proposed offer:

➤ ***Narrative Description***

(Proposal Forms, page 1)

A Narrative Description of the Applicant's proposed development project for the real property must be submitted as part of the proposal. The Narrative Description should note the exact nature, character, and use of the proposed improvements. Maps, plans and drawings shall be included to clearly indicate the location, size, materials, style of structures, parking lots, and other improvements. All proposed improvements and uses must conform to the Bid Specifications and Design Considerations of the Development Plan for the River West Development Area. The maps, plans, and drawings as submitted will be examined by the Commissioners to determine whether, in the Commissioners' sole opinion, the Applicant's proposal conforms to the Bid Specifications. The Commissioners may reject any offer which does not conform to said Specifications, Guidelines, and/or Plan.

➤ ***Proposed Site Plan***

(Proposal Forms, page 1)

All Applicants, as part of the proposal, must submit a site plan for the real property on which the Applicant has made an offer. If the Applicant's proposal is accepted, the Applicant will be required to formalize the site plan with the Department as part of the final documentation process.

➤ ***Statement of Qualifications and Financial Responsibility***

(Proposal Forms, pages 3-5)

The Commissioners shall have the right to make such investigations as it deems necessary to determine the ability of the Applicant to perform the obligations of the proposed offer. The Commissioners reserve the right to reject any proposed offer where the evidence or information does not satisfy the Commissioners that the Applicant is qualified to properly carry out the obligations of the proposed offer, or where the Applicant refuses to cooperate or assist the Commissioners in making such investigation.

➤ ***Statement for Public Disclosure***

(Proposal Forms, pages 6-7)

The Commissioners shall have the right to make such investigations as it deems necessary to determine the completeness of the Applicant's disclosure. The Commissioners reserve the right to reject any proposed offer where the available evidence or information does not satisfy the

Commissioners that the Applicant has made a full disclosure, or where the Applicant refuses to cooperate and assist the Commissioners in making such investigation, or the Commissioners otherwise determine said Statement to be unsatisfactory.

➤ ***Affidavit of Non-Collusion***

(Proposal Forms, page 8)

The form of Affidavit of Non-Collusion is included in the Proposal Forms, and the Applicant must use the form provided. The Affidavit is to the effect that the Applicant has not colluded, conspired, connived, or agreed with any other Applicant or person, firm, or corporation in regards to any offer submitted to the Commissioners. The failure of any Applicant to submit the Affidavit of Non-Collusion shall be cause for rejection of the offer.

➤ ***Corrections***

Erasures or other changes to the Proposal Forms must be explained or noted over the signature of the Applicant.

➤ ***Withdrawal of Proposals***

Proposals submitted may be withdrawn upon written request of the Applicant if such request is received by the Department not less than twenty-four (24) hours prior the end of bidding.

Commissioners' Rights

The Commissioners reserve the right to accept or reject any or all proposals and to waive any formalities in bidding which are not mandatory requirements.

Execution of Contract

Upon award of the bid by the Commissioners, the successful Applicant shall enter into a *Contract for Sale of Land* with the Commissioners for the purchase and development of said property within 30 days of notice of acceptance. The *Contract for Sale of Land* will provide for the conveyance of the property therein purchased by quit-claim deed, together with title insurance policy showing good and merchantable title, upon payment of the full purchase price.

Additional Information

For further information as to the disposition and to inquire about touring the property in advance of bidding, interested parties should contact the following staff member:

Bill Schalliol
Executive Director of Economic Development
Department of Infrastructure, Planning & Growth
County-City Building
227 West Jefferson Boulevard, Floor 11
South Bend, Indiana 46601
(574) 235-9812 (Office Phone)
bschalliol@sjcindiana.com

Offering Sheet

Property	Size	Minimum Offering Price	Proposed Re-Use
Outlot C	<u>27 Acres</u>	<u>\$95,150.00</u>	<p>Commercial projects that are permitted within the City of South Bend Industrial zoning designation.</p> <p>Strong emphasis will be placed during the review process on compatibility with the Development Plan for the River West Development Area, and the surrounding businesses and neighborhood.</p>

Property Tax Identification Numbers

Outlot C

Lathrop Street and Old Cleveland Road Subdivision

25-1010-039902

71-03-28-300-022.000-009

Bid Specifications & Design Considerations

Sale of Board of Commissioner Owned Property

Outlot C

Lathrop Street and Old Cleveland Road Subdivision

River West Development Area

1. All of the provisions of I.C. 36-1-11-4 will apply to the bidding process.
2. All offers must meet the minimum price listed on the Offering Sheet (page 6).
3. Proposals for redevelopment are required to be for projects that are permitted within the Industrial zoning designation. All proposals must conform to the existing zoning provisions as outlined in the South Bend Zoning Ordinance Title 21 of the City of South Bend Municipal Code.

Proposals for the reuse of the property must include a basic reuse plan for the site and a project timeline detailing aspect of the site redevelopment and site improvements. During the review process, emphasis will be placed on compatibility with the goals and objectives of the surrounding businesses and neighborhood and the Development Plan for the River West Development Area.

4. Bidders are prohibited from the use of the property for speculation or land-holding purposes.
5. All other provisions of the River West Development Area Development Plan must be met.
6. The Commissioners retain the ability to reject any and all bids at the Commissioners' sole discretion.

Notice of Intended Disposition of Property

Outlot C
Lathrop Street and Old Cleveland Road Subdivision
River West Development Area
South Bend, Indiana

Notice is hereby given that the St. Joseph County Board of Commissioners (the "Commissioners"), will begin receiving bids for the sale of the property described below on October 23, 2020 at 9:00 a.m. The sale will continue from day to day until November 17, 2020 at 9:00 a.m. All bids will be open to public inspection and bidders may raise their bid. The Commissioners may, before the expiration of the time set forth herein, sell the property to the highest and best bidder. Bids will be received in the Office of the Board of Commissioners, County-City Building, 227 West Jefferson Boulevard, Floor 7, South Bend, Indiana, 46601.

The property being offered is Outlot C, Lathrop Street and Old Cleveland Road Subdivision which is located in the River West Development Area, South Bend, Indiana; Parcel Number: 71-03-28-300-022.00-009/Tax ID: 025-1010-039902, amounting to approximately 27 acres. The required re-use of the property is for projects that are permitted within the industrial zoning designation. Strong emphasis will be placed during the review process on compatibility with the Development Plan for the River West Development Area and the surrounding businesses and neighborhood.

A packet containing Bid Forms, the Offering Sheet and other pertinent information and requirements may be picked up at the Department of Infrastructure Planning & Growth, County-City Building, 227 West Jefferson Boulevard, Floor 11, South Bend, IN 46601 or at www.sjcindiana.com/PropertiesForSale.

The Commissioners reserve 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 Commissioners will take into consideration the following:

- a. The use of the improvements proposed to be made by each bidder on the property, and their compatibility with the proposed re-use as described in the Offering Sheet
- b. Each bidder's ability to improve the property with reasonable promptness
- c. Each bidder's proposed purchase price
- d. Any factors which will assure the Commissioners that the sale, if made, will further the carrying out of the Development Plan for the River West Development Area and will best serve the interest of the community from the standpoint of human and economic welfare
- e. The ability of each bidder to finance the proposed improvements to the property with reasonable promptness

The Commission further reserves the right to waive any formalities in bidding which are not mandatory requirements.

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.

The property may not be sold to a person who is ineligible under Ind. Code 36-1-11-16.

ST. JOSEPH COUNTY BOARD OF COMMISSIONERS
C/O DEPARTMENT OF INFRASTRUCTURE, PLANNING & GROWTH
Bill Schalliol, Executive Director of Economic Development
Publish Dates: October 23, 2020 and October 30, 2020

Proposal Forms

To: St. Joseph County Board of Commissioners
County-City Building
227 West Jefferson Boulevard, Floor 7
South Bend, Indiana 46601

Commissioners:

The Undersigned having familiarized itself with the present conditions of the Project Site as hereinafter designated and legally described and with the Proposal Documents and Forms; and certifying its desire to participate in the development of the said property pursuant to Federal, State and Local ordinances and regulations; hereby offers and proposes to purchase all or part of the Disposition Parcel identified below.

The Applicant's offer is described as follows:

Lathrop Street and Old Cleveland Road Subdivision, River West Development Area (South Bend)
Project Area

Outlot C

Disposition Parcel Number _____

Total Acres _____

Offer is for: Entire Parcel
 Part of Parcel

Form of Contract: Purchase

_____ Dollars

\$ _____

Purchase Price

A Narrative Description of the proposed development on the Disposition Parcel describing the exact nature and character of the improvements proposed and their use; together with maps and plans sufficiently complete to indicate the general improvements to be made is attached and is to be considered a part of this proposal. (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.)

The Proposal Forms as provided by the Department of Infrastructure, Planning & Growth (Department) have been completed and are considered a part of this proposal. The Proposal Forms include: (1) a Statement of the Qualifications and Financial Responsibility; (2) a Statement for Public Disclosure, and; (3) a sworn Affidavit of Non-Collusion. It is the understanding of the Applicant that the Statement of the Qualifications and Financial Responsibility is confidential and to be used solely by the St. Joseph County Board of Commissioners and the Department.

Acceptance or rejection of Applicant's proposal shall be made by depositing such notification in the US Mail addressed to the undersigned (Applicant) at the address set forth below.

In submitting this offer to purchase, it is understood that the right to reject such offer is reserved by the Commissioners. The undersigned further agrees to execute a contract for the purchase of land for development in the form prepared by the Commissioners within thirty (30) days after notification of acceptance of this offer and to develop and use the above identified parcel(s) of land in conformity with the Federal, State and Local ordinances and regulations; applicable Development Plan; the Bid Specifications & Design Considerations; and the Narrative Description and maps and plans as submitted herein, with amendments, if any, as approved by the Commissioners.

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: _____

1. Is the 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 the Applicant, and identify the officers and directors or trustees common to the Applicant and such other corporation or firm:

2. The financial condition of the Applicant, as of _____, _____, is as reflected in the attached financial statement.

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

(NOTE: Attach to this statement a certified financial statement showing the assets and the liabilities, fully itemized in accordance with accepted accounting standards and based on a proper audit. If the date of the certified financial statement precedes the date of this submission by more than six months, also attach an interim balance sheet not more than 60 days old.)

3. If funds for development of the land are to be obtained from sources other than the Applicant's own funds, a statement of the Applicant's plan for financing the acquisition and development of the land:

4. Sources and amount of cash available to Applicant to meet equity requirements of the proposed undertaking:

a. In banks:
Name and Address of Bank *Amount*

b. By loans from affiliated or associated corporations or firms:
Name and Address of affiliate *Amount*

c. By sale of readily salable assets:
Description *Market Value* *Mortgages or Liens*

5. Names and addresses of bank references:

6. Has the Applicant or (if any), the parent corporation, or any subsidiary or affiliated corporation of the Applicant 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:

7. Has the Applicant or anyone referred to above as principals of the Applicant been indicted for 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.

8. Undertakings, comparable to the proposed development, which have been completed by the Applicant or any of the principals of the Applicant, including a brief description of each project and date of completion:

9. If the Applicant, or any principals of the Applicant, has ever been an employee, in a supervisory capacity, for a construction contractor or builder on undertakings comparable to the proposed development, the name of such employee, name and address of employer, title, and brief description of work:

10. If the Applicant or a parent corporation, a subsidiary, an affiliate, or a principal of the Applicant is to participate in the development of the land as a construction contractor or builder:

a. Name and address of such contractor or builder:

- b. Has such contractor or builder within the last 10 years ever failed to qualify as a responsible bidder, refused to enter into a contract after an award has been made, or failed to complete a construction or development contract?

- Yes
 No

If yes, explain:

- c. Total amount of construction or development work performed by such contractor or builder during the last three years: \$.

General description of such work:

- d. Construction contracts or developments now being performed by such contractor or builder:

<i>Identification of Contract or Development</i>	<i>Location</i>	<i>Amount</i>	<i>Date to be Completed</i>
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11. Brief statement regarding equipment, experience, financial capacity, and other resources available to such contractor or builder for the performance of the work involved in the development of the land, specifying particularly the qualifications of the personnel, the nature of the equipment and the general experience of the contractor:

12. Does any member of the St. Joseph County Board of Commissioners or any officer or employee of the Department of Infrastructure, Planning & Growth have any direct or indirect personal interest in the Applicant or the development of the land as proposed?

- Yes
 No

If yes, explain:

13. Does any member of the governing body of the St. Joseph County or any public official or employee of St. Joseph County have any direct or indirect personal interest in the applicant or the development of the land as proposed?

If yes, explain:

14. 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 a part hereof as follows:

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.)

Statement for Public Disclosure

Applicant: _____

Address: _____

Taxpayer ID#: _____

1. Applicant proposes to enter into contract for the purchase of land from the St. Joseph County Board of Commissioners.
2. Organizational Status of Applicant:
 - An individual
 - A corporation
 - A not-for-profit corporation or charitable institution
 - A partnership known as:
 - A business association or a joint venture known as:
 - A Federal, State or Local government or instrument thereof
 - Other (explain): _____
3. Organized and operating under the laws of _____
4. Date of Organization: _____
5. Names, addresses, and title of principal officers, investors, members or shareholders of Applicant, as follows: (attach additional sheets if necessary)
 - a. CORPORATION: the officers, directors or trustees, and each stockholder owning more than 10% of any class stock
 - b. NOT-FOR-PROFIT: the members who constitute the board of trustees or board of directors or similar governing body
 - c. PARTNERSHIP: each partner, whether a general or limited partner, and the nature and percent of interest
 - d. BUSINESS ASSOCIATION OR JOINT VENTURE: each participant and the nature and percent of interest
 - e. OTHER ENTITY: the officers, the members of the governing body, and each person having an interest of more than 10%

Name & Address

Title and nature and percent of interest

6. Names, addresses, and the nature and percent of interest of each person or entity (not named in Item 5) who has a beneficial interest in any of the shareholders or investors named in Item 5 which gives such person or entity more than a computed 10% interest in the Applicant (for example, more than 20% of the stock in a corporation which holds 50% of the stock of the Applicant; or more than 50% of the stock in a corporation which holds 20% of the stock of the Applicant).

Name & Address

Title and nature and percent of interest

7. Names of officers and directors, or trustees of any corporation or firm listed under Item 5 or Item 6 above.

Name & Address

Title and nature and percent of interest

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.)

Affidavit of Non-Collusion

State of Indiana)
)
County of St. Joseph) SS:

The undersigned, being first fully sworn, deposes and says that:

1. He/she is: owner, partner, officer, representative, agent, of _____ (applicant);
2. He/she is fully informed respecting the preparation and contents of the attached offer and of all pertinent circumstances respecting such offer;
3. Such offer is genuine and not a collusive or sham offer;
4. Neither said Applicant nor any of its officers, partners, owner's agents, representatives, employees, or parties in interest, including this affiant, has in any way colluded, conspired, connived, or agreed directly or indirectly, with any other Applicant, firm or person to submit a collusive or sham offer in connection with the Contract for which the attached offer has been submitted or to refrain from making an offer in connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Applicant, firm or person to fix the price or prices in the attached offer, or of any other Applicant, or to fix any overhead, profit, or cost element of the offering price of any other Applicant, or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage against the St. Joseph and/or its Department of Infrastructure, Planning & Growth and/or the St. Joseph County Board of Commissioners or any other person interested in the proposed Contract; and
5. The price or prices quoted in the attached offer are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Applicant or any of its agents, representatives, owners, employees or parties in interest, including this affiant.

Affiant

Signature

Title

Before me, the undersigned, a Notary Public, _____
subscribed and swore to this Affidavit of

Non-Collusion on this _____ day of _____, _____.

(Seal) _____
Notary Public

A resident of _____, County, _____.