

618844

2

618844

AGREEMENT

THIS AGREEMENT entered into this 30th day of December, 1980, by and between, CHARLES D. SMITH, (Owner) and CEDAR LAKE BOARD OF ZONING APPEALS, (Board of Zoning Appeals). (also BZA)

RECITALS

1. Owner owns real estate located at 7502 Lake Shore Drive, Cedar Lake, Indiana.
2. Owner applied for and did receive from the Cedar Lake Plan Commission a permit to construct certain improvements on the above real estate.
3. Owner represents that such improvements have been fully completed except for the construction of the parking lot and that the building is ready for occupancy.
4. Owner further represents that the parking lot cannot be constructed at this time because of weather and ground conditions and that it will take at least several months to complete the project.
5. Owner further represents that to deny him the right to Certificate of Occupancy until the parking lot is completed will work economic hardship on him.
6. Owner represents to the Board of Zoning Appeals, in order to induce it to issue a temporary Certificate of Occupancy to him until such time as the parking lot is completed, that the parking lot will be completed on or before August 1, 1981.

FEB 24 12 PM '81
WILLIAM BIEGSKI JR
RECORDER

COVENANTS

For and in consideration of the representations made herein and the performance of the covenants contained herein, and good and other valuable consideration the receipt of which is hereby acknowledge by all parties, the parties agree as follows:

1. The Recitals hereof are hereby incorporated into this Agreement as though repeated in this paragraph.
2. The Board of Zoning Appeals agrees to issue a temporary Certificate of Occupancy to Owner, in reliance upon his representations herein and his performance thereof, such temporary Certificate to be issued upon the following conditions:

351

21887A

A. The completion of all work in accordance with the applications submitted by Owners and the requirements placed thereon by the Cedar Lake Plan Commission.

B. The completion of all such work, and approval and acceptance thereof by the Board of Zoning Appeals, on or before August 1, 1981.

3. The temporary Certificate of Occupancy shall expire on August 1, 1981.

4. If all such work is not completed at the time of expiration of the temporary Certificate of Occupancy, the Owner, or anyone occupying the building on the real estate described above, shall immediately vacate the occupancy of the building which is in violation of the Zoning and/or Building laws or ordinances of the Town or State of Indiana.

5. In the event the Owner shall default in any of the terms and conditions hereof, he shall be responsible for the payment of any and all expenses, of any nature or kind reasonably incurred by the Board of Zoning Appeals in securing the performance of the terms hereof, including but not limited to reasonable attorney fees.

6. This Agreement shall be binding upon all parties hereto, their personal representatives, heirs, successors and assigns, including any succeeding owner or owners of the real estate described above.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this 7th day of January, 1981.


OWNER

BOARD

Cedar Lake Board of Zoning Appeals


CHARLES D. SMITH

BY: 
CHAIRMAN, Tom Dowling

ATTEST: 
EXECUTIVE SECRETARY,
Lillian Faikiner