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TOWN OF MERRILLVILLE, INDIANA
BOARD OF ZONING APPEALS

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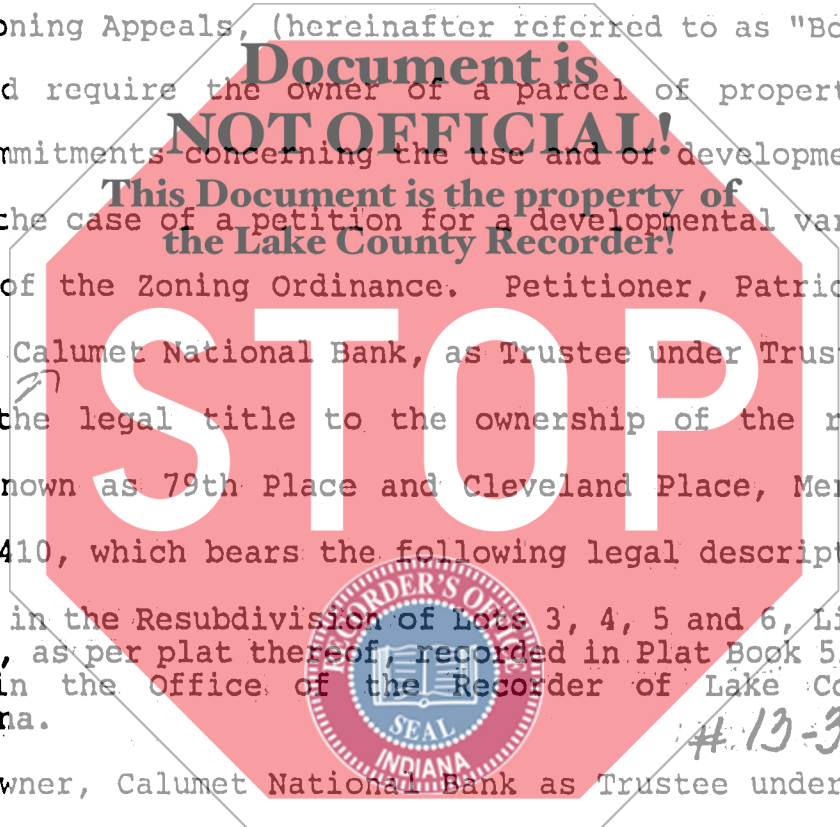
MEETING DATE: FEBRUARY 26, 1992

JUN 5 1992

IN RE: The Petition of Patrick Schacki

Anna N. Anton
AUDITOR LAKE COUNTY

Pursuant to Article III, Section 7 of the Rules and Regulations of Practice and Procedure of the Town of Merrillville, Board of Zoning Appeals, (hereinafter referred to as "Board"), may request and require the owner of a parcel of property to make written commitments concerning the use and or development of that parcel in the case of a petition for a developmental variance from the terms of the Zoning Ordinance. Petitioner, Patrick Schacki, represents Calumet National Bank, as Trustee under Trust No. P3637 who owns the legal title to the ownership of the real estate commonly known as 79th Place and Cleveland Place, Merrillville, Indiana 46410, which bears the following legal description:



Lot 5 in the Resubdivision of Lots 3, 4, 5 and 6, Lincoln Ridge, as per plat thereof, recorded in Plat Book 52 page 30, in the Office of the Recorder of Lake County, Indiana.

The owner, Calumet National Bank as Trustee under Trust No. P3637, its successors and assigns as a condition of the approval of a variance reducing the minimum square footage in each apartment and reducing the number of parking spaces required, agrees that the following restrictions in addition to those allowed or prescribed by the zoning ordinance shall regulate the use of this property:

1. That residents of the apartments or units to be built on the site shall be at least 62 years of age or older or handicapped.
2. That no more than two (2) residents may reside in any one

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(1) apartment at any time.

The Petitioner shall provide the Planning and Building Department with a copy of this notarized and recorded commitment within fourteen (14) days from the approval of such commitment by the Board of Zoning Appeals. If Petitioner fails to deliver a recorded copy of this commitment in a timely manner, the approval granted by the Board shall not be binding upon the Board. Petitioner shall record this commitment in the Office of the Recorder of Lake County, Indiana.

The commitments herein shall take effect upon the Board's approval of the Petitioner's petition for a variance from the terms of the Zoning Ordinance. Unless modified or terminated by the Board, these commitments are binding on the owner of the parcel, each subsequent owner, and any other person acquiring an interest in the real estate. This commitment may be modified or terminated only by a decision of the Board after a public hearing upon notice being given as required by law. This commitment shall be binding on the owner of the real estate even if the commitment is unrecorded. However, an unrecorded commitment is binding on a subsequent owner or other person acquiring the interest in the real estate if any owner or other person had actual or construction notice of this commitment. Upon recording, any subsequent owner shall be conclusively bound to have knowledge of this commitment.

This commitment shall not affect the validity of any covenants, easement, equitable servitude or any other restriction created in accordance with law. By requiring this commitment, the

Board does not obligate itself to recommend to approve or deny the petition.

I HEREBY AGREE TO THE FOREGOING AND BY EXECUTION OF THIS FORM MAKE THIS AS MY WRITTEN COMMITMENT.

CALUMET NATIONAL BANK, as Trustee under Trust No. P3637

BY: Amy M Skinner

ATTEST:

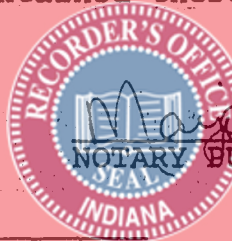
AMY M. SKINNER
ASSISTANT TRUST OFFICER

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STATE OF INDIANA)
COUNTY OF LAKE)

Before me, a Notary Public, in and for said County and State, personally appeared Amy M. Skinner and _____, the _____ and _____ respectively of Calumet National Bank, as Trustee under Trust No. P3637 and acknowledged the execution and acknowledged the above commitment and agrees to the terms contained therein.



Marjorie A. Ausgen
NOTARY PUBLIC Marjorie A. Ausgen

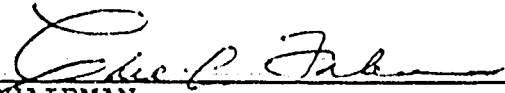
County of Residence: Lake

My Commission Expires: 6/26/95

This instrument prepared by: Richard E. Anderson
8935 Broadway
Merrillville, IN 46410
(219) 769-1892

SUBJECT TO TRUSTEE'S EXCULPATION ATTACHED HERETO AND MADE A PART HEREOF

THE BOARD OF ZONING APPEALS RECOMMENDED AND APPROVED THE ABOVE
COMMITMENT ON THE 26th DAY OF FEBRUARY, 1992.

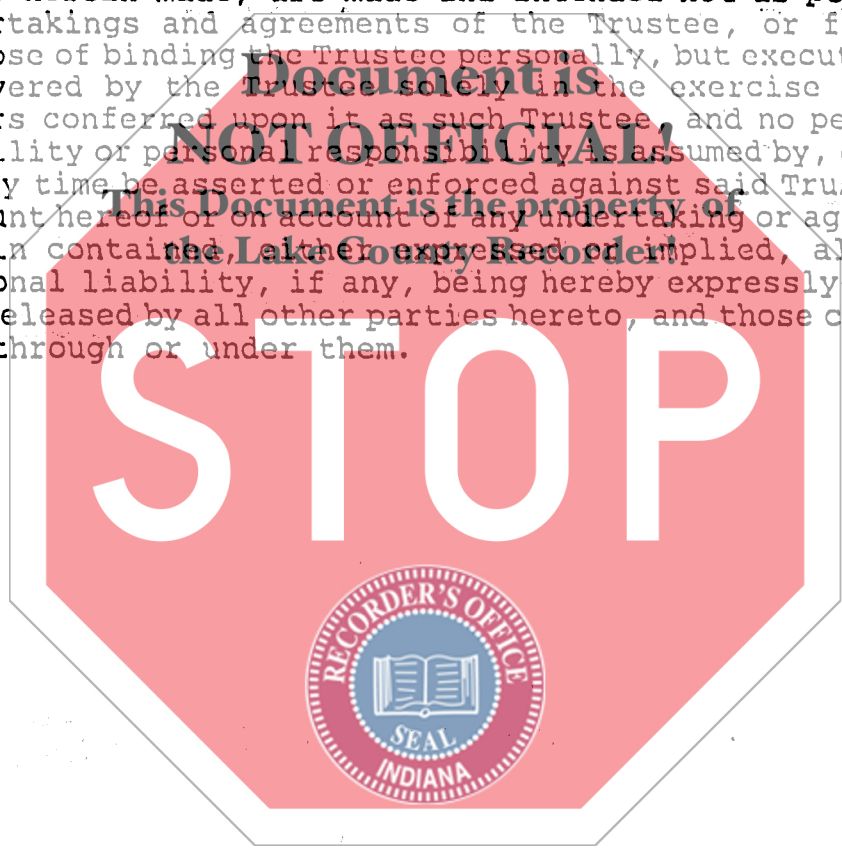

CHAIRMAN

ATTEST:

SECRETARY OF BOARD OF ZONING APPEALS



Executed and delivered by the Calumet National Bank, not in its individual capacity, but solely in the capacity herein described, for the purpose of binding the herein described property and it is expressly understood and agreed by the parties hereto, anything herein to the contrary notwithstanding, that each and all of the undertakings and agreements herein made, are made and intended not as personal undertakings and agreements of the Trustee, or for the purpose of binding the Trustee personally, but executed and delivered by the Trustee solely in the exercise of the powers conferred upon it as such Trustee, and no personal liability or personal responsibility is assumed by, or shall at any time be asserted or enforced against said Trustee on account hereof or on account of any undertaking or agreement herein contained, either expressed or implied, all such personal liability, if any, being hereby expressly waived and released by all other parties hereto, and those claiming by, through or under them.



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