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STATE OF INDIANA)
)SS:
COUNTY OF LAKE)

BEFORE THE LAKE COUNTY COUNCIL

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

99 OCT -8 PM 1:45

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IN RE APPLICATION OF PEOPLE'S
BANK, S.B. as TRUSTEE OF TRUST)
NO. 10256 and NAPLES DEVELOPMENT,)
LLC, FOR REZONING OF A SUBDIVISION)
KNOWN AS TIBURON SUBDIVISION FROM)
A-1 (AGRICULTURAL) DISTRICT TO R-2)
(RESIDENTIAL) DISTRICT)

MORRIS W. CARTER
RECORDER

**COMMITMENT CONCERNING THE USE OR DEVELOPMENT
OF REAL ESTATE MADE IN CONNECTION WITH GRANT OF REZONING**

People's Bank, S.B. as Trustee of Trust No. 10256, the owner of the real estate located in Lake County, Indiana, which is described below and referred to hereafter as the "Real Estate" and Naples Development, LLC, the applicant for rezoning from the A-1 (Agricultural) District to the R-2 (Residential) District in this proceeding (collectively, "Tiburon"), make the following **COMMITMENT** concerning the use and development of the parcel of real estate:

Legal Description: Set out in Exhibit A attached hereto and made a part hereof.

STATEMENT OF COMMITMENT:

Realizing that the Planning Staff of the Lake County Plan Commission has conditionally approved the request of Tiburon for a zone change from A-1 (Agricultural) District to R-2 (Residential) District, as evidenced by the initial report of the Planning Staff and subsequent memorandum authored by Ned Kovachevich, dated August 17, 1999, and further in recognition of the concerns expressed by several adjoining property owners, primarily the residence of Hilltop Acres and High Points subdivision, the applicant, Tiburon, agrees to the following:

- (A.) That the corner parcel of property, of approximately two (2) acres, proposed as B-1 (Neighborhood Business Zone) instead be zoned R-2 (Residential) District and incorporated into the proposed subdivision. It is then agreed that said parcel be utilized for park and recreation purposes.
- (B.) That Tiburon will submit a proposed Plat of Subdivision to the Lake County Plan Commission for Primary and Secondary Approval and recording thereof, with a maximum number of lots not to exceed one hundred sixty-four (164).
- (C.) That Tiburon will include in its Plat of Subdivision, and will dedicate to the appropriate governmental agency, a fifteen (15) foot easement on the north side of the said subdivision, for the purpose of providing for potential future connection for the residence of Hilltop Acres and High Point subdivision to the water and sewer systems of the Town of St. John.

FILED

OCT 08 1999

PETER BENJAMIN
LAKE COUNTY AUDITOR

1800
#8285

000648

25 x 10

(D.) That Tiburon will agree that each and every lot will have a minimum square footage of no less than ten thousand (10,000) square feet.

The COMMITMENT contained in this instrument shall be effective upon the grant of the rezoning requested in this proceeding by the Lake County Council and the expiration of all appeal periods, if any, and shall run with the land.

The undersigns hereby authorize the Lake County Advisory Plan Commission to record this Commitment in the office of the Recorder of Lake County, Indiana, upon final, non-appealable approval of the application in this proceeding by the Lake County Council.

IN WITNESS WHEREOF, the undersigns have executed this instrument this 14th day of September, 1999.

PEOPLE'S BANK, S.B. as
TRUSTEE OF TRUST NO. 10256

Signature See Attached

Printed _____

NAPLES DEVELOPMENT, LLC.

Signature *Dennis M. McCoy*

Printed Dennis M. McCoy

STATE OF INDIANA)
)SS:
COUNTY OF LAKE)

Before me, a Notary Public in and for said County and State, personally appeared _____, authorized agent for or officer of PEOPLE'S BANK, S.B. as TRUSTEE OF TRUST NO. 10256, who acknowledged that execution of the foregoing instrument for and on behalf of said Trust.

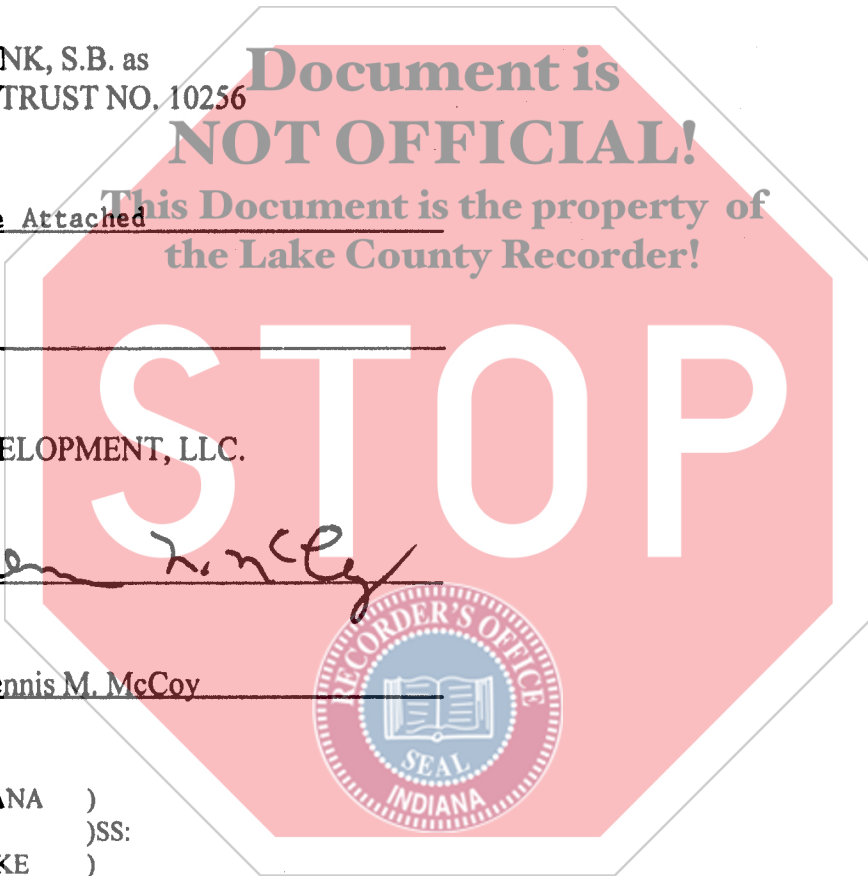
Witness my hand and Notarial Seal this _____ day of September, 1999.

Notary Public

My Commission Expires: _____

Printed Name

County of Residence: _____



STATE OF INDIANA)
)SS:
COUNTY OF LAKE)

Before me, a Notary Public in and for said County and State, personally appeared DENNIS M. McCOY, authorized agent for or officer of NAPLES DEVELOPMENT, LLC, who acknowledged that execution of the foregoing instrument for and on behalf of said limited liability corporation.

Witness my hand and Notarial Seal this 14th day of September, 1999.

Stacey M. Stefankiewicz
Notary Public

My Commission Expires: 02-10-07

Stacey M. Stefankiewicz
Printed Name

County of Residence: Lake

This instrument prepared by: James L. Wieser, Attorney I.D. #1232-45, Wieser & Sterba, 425 West
Lincoln Highway, Schererville, Indiana 46375.

This Document is the property of
the Lake County Recorder! ⁷

STOP

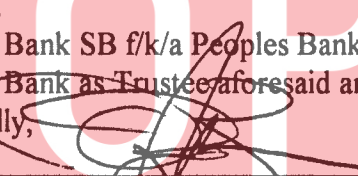


Attachment to Commitment Concerning the Use or Development of Real Estate Made in Connection With Grant of Rezoning for Land Trust # 10256.

THIS INSTRUMENT is executed by the undersigned Trustee, not personally but solely as Trustee under the terms of that certain agreement dated the 26th day of October A.D. 1998, creating Trust No. 10256; and it is expressly understood and agreed by the parties hereto, anything herein to the contrary notwithstanding, that each and all of the covenants, undertakings, representations and agreements herein made are made and intended not as personal covenants, undertakings, representations and agreements of the trustee, individually or for the purpose of binding it personally, but this instrument is executed and delivered by Peoples Bank SB f/k/a Peoples Bank, A Federal Savings Bank as trustee, solely in the exercise of the powers conferred upon it as such Trustee under said agreement and no personal liability or personal responsibility is assumed by, nor shall at any time be asserted or enforced against Peoples Bank SB f/k/a Peoples Bank, A Federal Savings Bank, on account hereof, or on account of any covenant, undertaking, representation or agreement herein contained, either expressed or implied, all such personal liability, if any, being hereby expressly waived and released by the parties hereto or holder hereof, and by all persons claiming by or through or under said parties or holder hereof. Nothing contained herein will be construed as creating any liability on said Trustee, personally under the provisions of the Comprehensive Environmental Response, Compensation and Liability Act, (CERCLA) or the Indiana Responsible Property Transfer Law ("RPTL") as amended from time to time or any other federal, state or local law, rule or regulation. Said Trustee, personally, is not a "Transferor" or "Transferee" under RPTL and makes no representations concerning any possible environmental defects. In making any warranty herein the Trustee is relying solely on information furnished to it by the beneficiaries and not of its own knowledge and specifically exculpates itself from any liabilities, responsibilities or damages as a result of including any warranty in this instrument. IN WITNESS WHEREOF, Peoples Bank SB f/k/a Peoples Bank, A Federal Savings Bank has caused its name to be signed to these presents by its Vice-President and Trust Officer and attested by its Administrative Secretary the day and year first above written.

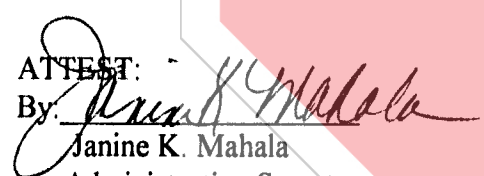
Peoples Bank SB f/k/a Peoples Bank, A Federal Savings Bank as Trustee aforesaid and not personally,

By:


Stephan A. Ziemba
Vice-President and Trust Officer

ATTEST:

By:


Janine K. Mahala
Administrative Secretary

State of Indiana)

) SS:

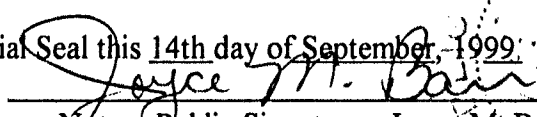
County of Lake)

I, Joyce M. Barr a Notary Public in and for said County in the State aforesaid, DO HEREBY CERTIFY, that Stephan A. Ziemba and Janine K. Mahala of PEOPLES BANK SB an Indiana Corporation, f/k/a Peoples Bank, A Federal Savings Bank personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Vice-President and Trust Officer and Administrative Secretary, respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary acts, and as the free and voluntary act of the said Indiana Corporation, as Trustee, for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 14th day of September, 1999.

My Commission Expires:

03/18/08


Notary Public Signature - Joyce M. Barr
Resident of Lake County

LEGAL DESCRIPTION

The South ½ of the Southwest 1/4 of Section 26, Township 35 North, Range 9 West
of the 2nd Principal Meridian, in Lake County, Indiana.



Exhibit "A"