

STATE OF INDIANA
LAKE COUNTY
FILED FOR RECORD

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MORRIS W. CARTER
RECORDER
**TOWN OF HIGHLAND
CURB AGREEMENT**

Property Owner(s): Andrew C. & Naudeen K. Thomas

Address: 1408 Inverness Lane, Schererville, In. Phone: (219) 322-0069

Legal description of affected property: the West Half of the West Half of the
Northwest Quarter of the Southwest Quarter of Section 22, Township 36 North,

Range 9 West of the 2nd Principal Meridan, except the North 660 feet thereof,

and except the South 506 feet thereof and except the East 140 thereof, in the Town

of Highland, Lake County, Indiana

More commonly known as: Thomas Subdivision

I/we the owners of the above-referenced property, for and in consideration of a **temporary wavier** from the Town of Highland requirement to install curbs prior to occupancy and for and in consideration of other good and valuable consideration do hereby agree and stipulate as follows:

1. That I/we do hereby accept the temporary wavier from and temporary relief of the requirement to install curbs prior to occupancy, subject to the provision of this agreement; and

2. That said relief and wavier can and shall be revoked at any time when the Board of Works finds that the conditions which made the original wavier reasonable no longer exists and further finds that good cause now exists to require the installation of curbs set forth in the ordinance; and

3. That I/we an the Town of Highland expressly and unambiguously agree that what constitutes "reasonable", "good cause", and "grounds to revoke said wavier", are entirely within the discretion and opinion of the Board of works of the Town of Highland; and

4. That the curbs will be installed as per the Town of Highland code specifaions and to the satisfaction of the Town of Highland engineer or his agent and that the cost of said installation and construction will be borne entirely by the landowner and at no expense wehatsoever to the Town of Highland; and

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5. That the landowner will be notified in writing of the revocation of this waiver and should such revocation occur, the landowner shall have ninety (90) days after receipt of written notification to install said curbs; and

6. That unless granted another extension by the Board of works, should the curbs not be installed within ninety (90) days, the landowner agrees to pay a penalty of Ten Dollars (\$10.00) per day, accruing daily until such curbs are installed; and

7. That this covenant runs with the land, is binding on all subsequent landowners, their heirs and assigns, and all who shall hold a future interest in this land; and

8. That the landowner shall record same with the Recorder of Lake County, Indiana, as evidence of the obligations agreed upon by landowner in consideration for the approvals granted by the Town of Highland Plan commission, and to give notice of this covenant and agreement to all prospective holders of interest.

9. That a recorded copy of this Curb Agreement will be provided to the Highland Plan Commission at Highland Town Hall, 3333 Ridge Road, Highland, Indiana 46322 by the landowner within ten (10) days of its recording date.

By: Andrew C. Thomas
Landowner

Subscribed and sworn to before me, a Notary Public, this 4th day of APRIL, 2000

Kurtis M. Kurbula
Notary Public
My Commission Expires: 11-27-2001
County of Residence: LAKE

Highland Plan Commission
By: [Signature]
President, Highland Plan Commission

By: [Signature]
Secretary, Highland Plan Commission