2020-072183

2020 Oct 8

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STATE OF INDIANA LAKE COUNTY FILED FOR RECORD MICHAEL B BROWN RECORDER

STATE OF INDIANA)) SS
COUNTY OF LAKE	-

USE COMMITMENT

RECITALS

WHEREAS, Precision Property LLC, an Indiana Limited Liability Company, by Mark Eifel and Brian Patrick, as Members and Applicant herein, is the owner of a parcel of real property located at 13220 Lindberg Place, Cedar Lake, Lake County, Indiana, which parcel of real property is legally described as follows, namely:

(See Exhibit "A" attached hereto)

PIN: 45-15-21-352-013.000-014;

and

WHEREAS, the subject parcel of real property (hereinafter, the "parcel of real property"), owned by Owner and Applicant herein, Precision Property LLC, by Mark Eifel and Brian Patrick (hereinafter, "Applicant"), is a parcel of real property located in a General Business (B-2) Zoning District in the Town of Cedar Lake, Lake County, Indiana; and

WHEREAS, Applicant has applied to the Town of Cedar Lake, through its Department of Planning, Zoning and Building, by Application filed October 11, 2019, for a Use Variance to permit two (2) businesses to be conducted on the parcel of real property described hereinabove; and

WHEREAS, pursuant to the applicable provisions of I.C. § 36-7-4-1015, as amended from time to time, Applicant has been requested to make a Use Commitment concerning the use of the parcel of real estate, and upon such request, Applicant has agreed to make such Use Commitment; and

WHEREAS, pursuant to the provisions of I.C. § 36-7-4-1015, as amended from time to time, Applicant agrees and approves entry into and execution of a written Use Commitment concerning the Use Variance most recently made for Applicant's Use and Occupancy of the parcel of real property described hereinabove.

COVENANTS

NOW, THEREFORE, in consideration of the approval and issuance of the Use Variance Application of Applicant, Precision Property LLC, an Indiana Limited Liability Company, by Mark Eifel and Brian Patrick, as Members, of the parcel of real property located at 13220 Lindberg Place, Cedar Lake, Lake County, Indiana, which parcel of real property is located in a General Business (B-2) Zoning District in the Town of Cedar Lake, and for other good and valuable consideration, including approval of the Use Variance applied for, the receipt of which is hereby acknowledged, Applicant, Precision Property LLC, an

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Indiana Limited Liability Company, by Mark Eifel and Brian Patrick, as Members, does hereby agree as follows:

1. That the following uses and/or conditions of use only, shall be made and permitted for the parcel of real property at 13220 Lindberg Place, Cedar Lake, Lake County, Indiana, as set forth and depicted on the attached Exhibit "B" Site Plan attached hereto, and incorporated herein, namely:

a. Conditions:

- Govert Landscaping business shall be the back building away from the street;
- Lindberg Place parking will be for employees and customers;
- Govert parking will be in the back;
- Three (3) parking spaces will be provided for Govert as depicted on Exhibit "B" (see attached plan);
- Fourteen (14) spaces, for cars being worked on with six (6) customer spaces and two (2) employee parking spaces in the front (there are 22 permitted parking spaces);
- Six-foot (6') privacy fence required, including between South end of buildings;
- Seven (7) bays for interior of Applicant business building;
- All excavating equipment to be removed by the end of the year (2020);
- Customer Business Hours (open to the public) are 8:00 a.m. to 5:00 p.m. Monday through Friday (with no weekends);
- All improvements are to be completed by the end of May, 2021 (timeline attached);
- · Asphalt drives and parking shall all be replaced; and
- Two (2) businesses shall be permitted to operate on a single lot in B-2 Zoning District an Auto Service Center and Storage (Precision) and Govert Landscaping.
- b. The Business referenced above shall follow and conform to the Site Plan for the parcel of real property submitted by the Applicant in the most recent amendment to Use Variance Application of Applicant. A copy of the approved Site Plan shall be appended to the issued Use Variance. A copy will also be appended to this Use Commitment and included as Exhibit "B" in this recordable instrument.
- c. The Use Variance and Use Commitment issued herein are only for the benefit of Applicant, Precision Property LLC, an Indiana Limited Liability Company, by Mark Eifel and Brian Patrick, as Members, and no other persons or entities except Govert Landscaping as set forth herienabove. There shall be no assignment of the approved Use Variance and Use Commitment herein.
- 2. That the approved Use Variance for Precision Property LLC, an Indiana Limited Liability Company (land owner), by Mark Eifel and Brian Patrick, as Members, and Precision Autocraft Corp., an Indiana S Corporation by Mark Eifel, for the parcel of real property herein, and the terms of this Use Commitment, shall be binding upon Applicant, Precision Property LLC, an Indiana Limited Liability Company, by Mark Eifel and Brian Patrick, as Members, and all Persons or Parties claiming by or through the Applicant, Precision Property LLC, an Indiana Limited Liability Company, by Mark Eifel and Brian

Patrick, as Members, in the use of the property. It is expressly agreed that said rights under the Use Variance and Use Commitment herein are expressly not transferable pursuant to previous terms of the Use Commitment hereinabove.

- That the parcel of real property herein, namely, 13220 Lindberg Place, in the Town of 3. Cedar Lake, located in a General Business (B-2) Zoning District of the Town of Cedar Lake, shall in all other respects, conform to the other applicable regulations of the Zoning Ordinance of the Town of Cedar Lake, Lake County, Indiana, as well as the Zoning District Classification in which it is located, each as amended from time to time, and no other, except as provided herein.
- That this Use Commitment concerning the parcel of real property located at 13220 Lindberg Place, Cedar Lake, and legally described hereinabove, shall be filed and recorded in the Office of the Recorder of Lake County, Indiana, upon its acceptance by the TOWN COUNCIL, in conformance with applicable law.
- 5. <u>Public Action</u>. This COMMITMENT has been approved by affirmative action of the TOWN COUNCIL of the Town of Cedar Lake, Lake County, Indiana, at a Public Meeting of the TOWN COUNCIL, after a motion duly made and seconded, on the the day of UCHOWY 2020, by a vote of ____in favor and ____ against, and whereby the TOWN COUNCIL and Clerk-Treasurer, respectively, were authorized and directed to execute and enter this Agreement on behalf of the TOWN in their representative capacities.

ALL OF WHICH IS AGREED TO THIS 24th DAY OF September, 2020

APPLICANTS

Precision Property LLC. an Indiana Limited Liability Company

Bv: Mark Eifel, as Member By:

Brian Patrick, Member

STATE OF INDIANA)

SS:

COUNTY OF LAKE)

Before me, a Notary Public, in and for said County and State, personally appeared Mark Eifel and Brian Patrick, as Members, of Precision Property LLC, a Indiana Limited Liability Company, acknowledged the execution of the foregoing Instrument. In Witness whereof, I have hereunto subscribed my name and affixed my Official Seal this 24th day of September, 2020.

Notary Public

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OFFICIAL SEAL MICHELLE L. BARNES Notary Public State of Illinois My Commission Expires 4/12/2022

PROOF

Executed and delivered in my present the following the second of the sec	nce: [witness' signature] [witness' printed name]
STATE OF INDIANA)) SS:	
COUNTY OF LAKE)	

Before me, the undersigned, a Notary Public, this day of Special, 2020, personally appeared [witness name], being known to me to be the person whose name is subscribed as a witness to the foregoing instrument, who, being duly sworn by me, deposes and says that the foregoing instrument was executed and delivered by Mark Eifel and Brian Patrick in the above-named subscribing witness' presence, and that the above-named subscribing witness is not a party to the transaction described in the foregoing instrument and will not receive any interest in or proceeds from the property that is the subject of the transaction.

In Witness Whereof, I have hereunto subscribed my name and affixed my official seal.

Notary Public

OFFICIAL SEAL
MICHELLE L. BARNES
Notary Public State of Illinois
My Commission Expires 4/12/2022 HE WITHIN

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ce of Endorsement Guaranteed

CNB BANK & TRUST, N.A.

ACCEPTANCE

The Town Council of the Town of Cedar Lake, Lake County, Indiana, has reviewed the aforementioned Use Commitment and terms contained herein for the real property located at 13220 Lindberg Place, Cedar Lake, Indiana, and hereby accepts the same and authorizes execution of this Acceptance on the day of 2020.
D- 2002
Post 11 C. N.
Randell C. Niemeyer, President
Sui mora
Julie A. Rivera, Vice-President
Robert A Creat
Robert H. Carnahan, Member
Matter
John C. Foreman, Member
Ralph miller
Ralph Miller, Member
Callen Cheiben
Chileen Schieben Mentber
Klell Shope
Richard Sharpe, Member

ATTEST:

Jennifer N. Sandberg JAMC,

Clerk-Treasurer

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. This document was prepared by David M. Austgen, AUSTGEN KUIPER JASAITIS P.C., 130 N. Main Street, Crown Point, Indiana 46307,