

USE COMMITMENT

WHEREAS, Todd Dykstra, hereinafter "Owner", is the Owner of a parcel of property, located at 15714 W 113th Avenue, Cedar Lake, Cedar Lake, Indiana 46303, Lake County, which parcel of real property is legally described as follows:

(See Exhibit "A" attached hereto)

PIN: 45-14-12-100-008.000-013

and

WHEREAS, the subject parcel of property, hereinafter the "parcel of real property", owned by the Owner, is a parcel of real property which is currently zoned A-1, pursuant to Lake County Uniform Development Ordinance; and

WHEREAS, Owner did apply, to Lake County, through its Department of Planning, Zoning and Development, by Application filed as Application 24-UV-01B2A, for a Use Variance on the parcel of real property described above (said Application, was filed on behalf of the then existing owner, Vicky Kim and Dennis Brightwell Revocable Trust, with the understanding same was to apply to future owner/purchaser Todd Dykstra); and

WHEREAS, pursuant to applicable provisions of Indiana Code, as amended from time to time, and Lake County Code of Ordinances, the Owner did, at a meeting held on January 17, 2024, before the Lake County Board of Zoning and Appeals, agree to proposed limitations/restrictions; and

WHEREAS, by a vote of 4 to 0, the Lake County Board of Zoning and Appeals, did prove the Use Variance as submitted, in conjunction with the proposed limitations and restrictions.

WHEREFORE, pursuant to the provisions of Indiana Law, and as amended from time to time, the Owner agrees and approves entry and execution of this written Use Commitment concerning use of the parcel and real property as described therein.

COVENANTS

NOW, THEREFORE, in consideration of the approval and issuance of the Use Variance of the Owner, for the parcel of real property located at 15714 W 113th Avenue, Cedar Lake, Lake County, Indiana which parcel of real property is located in an A-1 Zoning District, in the County of Lake, and for other good and valuable consideration, including the Use Variance approval applied for, the receipt of which is hereby acknowledged the Owner does hereby agree as follows:

1. Variance of Use is for the Owner only.
2. Restrictions as to Use:
 - a. Snowplow equipment storage and parking (interior/exterior):

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FILED

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PEGGY HOLINGA KATONA
LAKE COUNTY AUDITOR

(A)

- i. Plows/trucks/hand tools/salt spreaders and related equipment
 - b. Landscape equipment and storage (interior/exterior);
 - i. Trucks/trailers/mowers/hand tools & related lawn maintenance equipment
 - c. Snowplow equipment and landscape equipment maintenance (owner equipment only);
 - d. Office use related to snow plow and landscape maintenance operations;
 - e. Employee parking;
 - f. No customer services performed on site; and
 - g. No dumping/housing leaves/grass clippings/debris on site.
 3. Maximum exterior storage of:
 - a. 5 trailers;
 - b. 5 company vehicles; and
 - c. 8 employee vehicles (note: summer time – employees take most work vehicles home – in winter – additional employees hired depending on snow fall to shovel – may need to meet on site).
 4. The approved terms of this Use Commitment shall be binding upon Owner, and all Persons or Parties claiming by or through the Owner, in the use of the property. It is expressly agreed that said rights under the Land Use Approvals and Use Commitment herein are expressly not transferable pursuant to previous terms of the Use Commitment hereinabove.
 5. That this Use Commitment concerning the parcel of real property located at 15714 W 113th Avenue, 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 Lake County Board of Zoning and Appeals in conformance with applicable law.

PUBLIC ACTION

This Use Commitment has been approved by a firm of action of the Board of Zoning and Appeals of Lake County, Indiana, at a public meeting of the Board of Zoning and Appeals, after a motion duly made and seconded, on the 17th day of January, 2024 by a vote of 4 in favor and 0 against, and whereby the Board of Zoning and Appeals and Clerk, were authorized and directed to execute and enter into this Use Commitment on behalf of Lake County, and their respective fiduciary capacities.



Todd Dykstra



Lake County BZA President



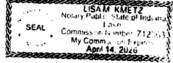
Lake County BZA Secretary

STATE OF INDIANA, COUNTY OF LAKE... 1SS:

NOT AN OFFICIAL DOCUMENT

Before me, the undersigned, a Notary Public in and for said County and State, this 30 day of January, 2024, personally appeared **TODD DYKSTRA**, and acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My commission expires: 4-14-26 Signature Lisa M. Kmetz
Resident of Lake County Printed Lisa M. Kmetz Notary Public



STATE OF INDIANA, COUNTY OF Lake) SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 30 day of January, 2024, personally appeared Mark Wunderink, and acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

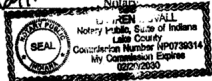
My commission expires: 02/20/2030 Signature Lauren Duvall
Resident of Lake County Printed Lauren Duvall Notary Public



STATE OF INDIANA, COUNTY OF Lake) SS:

Before me, the undersigned, a Notary Public in and for said County and State, this 30 day of January, 2024, personally appeared Ned Kovachewich, and acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My commission expires: 02/20/2030 Signature Lauren Duvall
Resident of Lake County Printed Lauren Duvall Notary Public



This instrument prepared by: NATHAN D. VIS, Attorney at Law, ID No. 29535-45
VIS LAW, L.L.C. P.O. Box 980, Cedar Lake, IN 46303

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document unless required by law.
Signature N D VIS Printed Name N D VIS

Lake County Recorder

NOT AN OFFICIAL DOCUMENT

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL III - THE EAST 340.76' OF THE WEST 1062.16' PARALLEL TO THE INDIANA-ILLINOIS STATE LINEAS NOW ESTABLISHED AND MONUMENTED IN THE SOUTH ½ OF THE NORTH ¼ OF TRACTIONAL SEC/ 12, TWN. 34 N., RANGE 10 W. OF THE 2ND P.M. IN HANOVER TWN., LAKE COUNTY, INDIANA, AND CONTAINING 10.125 ACRES.

Property of Lake County Recorder