



TOWN COUNCIL PUBLIC MEETING AGENDA

January 2, 2024 - 7:00 PM

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

CALL TO ORDER/ROLL CALL:

___ Robert H. Carnahan, Ward 1
___ Julie Rivera, Ward 2
___ Nick Recupito, Ward 3
___ Chuck Becker, Ward 4
___ Greg Parker, Ward 5

___ Mary Joan Dickson, At Large
___ Richard Thiel, At Large
___ Jennifer Sandberg, Clerk-Treasurer
___ TBD, Town Manager
___ David Austgen, Town Attorney

ELECTION OF OFFICERS:

1. Town Council President: _____
2. Town Council Vice President: _____

PUBLIC HEARING:

1. **Ordinance No. 1456**, Public Way Vacation Continued Public Hearing – Rago

PUBLIC COMMENT *(on agenda items)*:

CONSENT AGENDA:

1. **Grounds Use Approval:** Use of Town Grounds June 28 – July 11, 2023 for the annual Summerfest Event, dates include setup and teardown and cleanup dates. Event to be July 4-7.

ORDINANCES & RESOLUTIONS:

1. **Ordinance No. 1473** – Pine Crest Rezone from Resort to a Planned Unit Development
2. **Ordinance No. 1483** – Centennial PUD Amendment
3. **Resolution No. 1346:** Temporary Loan 2017, A, B, and C Bonds

NEW BUSINESS:

1. **Town Council Liaison Appointments**
2. **Town Council Committee Appointments**
3. **Appointments to Boards and Commissions:**
4. Authorize _____, Town Council President, to sign the 2023-2 CCMG Grant Agreement and related documents

REPORTS:

1. Town Council
2. Town Attorney
3. Clerk-Treasurer
4. Town Manager
5. Director of Operations
6. Police Department
7. Fire Department

WRITTEN COMMUNICATION:

PUBLIC COMMENT:

ADJOURNMENT:

PRESS SESSION:

NEXT MEETING: Tuesday, January 16, 2024 at 7:00 pm

The Town of Cedar Lake is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding accessibility of the meeting or the facilities, please contact the Cedar Lake Town Hall at (219) 374-7400.

TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA

ORDINANCE NO. 1456

AN ORDINANCE VACATING A PUBLIC WAY IN THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, AND ALL MATTERS RELATED THERETO.

WHEREAS, on the 17th day of January 2023, the Owners of real property located in the Town of Cedar Lake, Lake County, Indiana, legally described in Exhibit "A" attached hereto, petitioned the Town Council of the Town of Cedar Lake, Lake County, Indiana, to vacate a parcel of platted public way legally described in Exhibit "A", attached hereto; and

WHEREAS, a Public Hearing was held on said Petition, after due notice was provided pursuant to the statutory requirements of I.C. §36-7-3-12, as amended from time to time; and

WHEREAS, the Town Council of the Town of Cedar Lake, Lake County, Indiana (hereinafter, the "Town Council"), has considered the presentation and petition, as well as any remonstrances made by interested Parties to the vacation of said platted public way as described herein; and

WHEREAS, the Town Council has reviewed the request of the Owner for vacation of the said platted public way, and has determined that the area sought by Owner to be vacated is not necessary to the growth of the area in which it is located, or to which it is contiguous; further, that the vacation of the platted public way sought to be vacated would not eliminate the Public's access to any Church, School, or any other Public building or place; and

WHEREAS, the Town Council has further determined that the said platted public way so described is a platted public way in a residentially zoned subdivision which is not utilized by the Public in any manner and is not anticipated as needed for such purpose in the future.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA:

SECTION ONE: That the described portions of the platted public way identified on Exhibit "A", attached hereto, and located in the Town of Cedar Lake, Lake County, Indiana, be vacated, as petitioned for, subject to any conditions of approval required by the Town Council herein, if applicable.

SECTION TWO: That all existing Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

SECTION THREE: If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.

SECTION FOUR: That this Ordinance shall take effect, and be in full force and effect, from and after its passage and adoption by the Town Council of the Town of Cedar Lake, Lake County, Indiana, and recordation in the Office of the Recorder of Lake County, Indiana, in conformance with applicable law.

ALL OF WHICH IS PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, ON THIS ____ DAY OF _____, 20____.

**TOWN OF CEDAR LAKE, LAKE COUNTY,
INDIANA, TOWN COUNCIL**

Town Council President

Vice-President

Member

Member

Member

Member

Member

ATTEST:

Jennifer N. Sandberg, IAMC, CMC, CPFIM,
Clerk-Treasurer

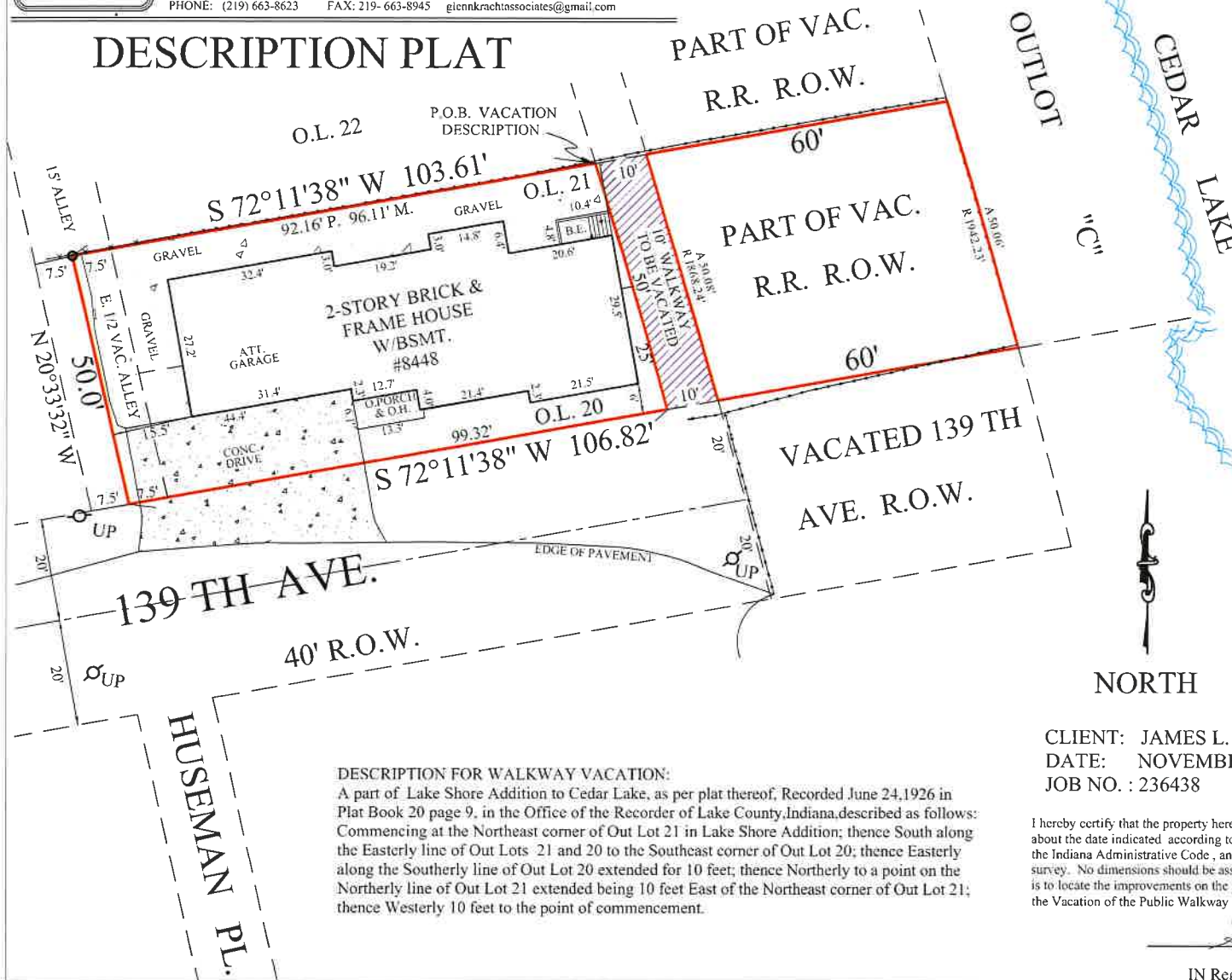
EXHIBIT A



GLENN KRACHT ASSOCIATES

314 FAIRFIELD DRIVE CROWN POINT, IN 46307
PHONE: (219) 663-8623 FAX: 219- 663-8945 glennkrachtassociates@gmail.com

DESCRIPTION PLAT



DESCRIPTION FOR WALKWAY VACATION:

A part of Lake Shore Addition to Cedar Lake, as per plat thereof, Recorded June 24, 1926 in Plat Book 20 page 9, in the Office of the Recorder of Lake County, Indiana, described as follows: Commencing at the Northeast corner of Out Lot 21 in Lake Shore Addition; thence South along the Easterly line of Out Lots 21 and 20 to the Southeast corner of Out Lot 20; thence Easterly along the Southerly line of Out Lot 20 extended for 10 feet; thence Northerly to a point on the Northerly line of Out Lot 21 extended being 10 feet East of the Northeast corner of Out Lot 21; thence Westerly 10 feet to the point of commencement.

PROPERTY ADDRESS:
8448 W. 139TH AVENUE CEDAR LAKE, IN 46303

LEGAL DESCRIPTION:
OUT-LOTS TWENTY (20) AND TWENTY-ONE (21), IN LAKE SHORE ADDITION TO CEDAR LAKE, INDIANA, BEING A SUBDIVISION OF PART OF THE SOUTH ONE-HALF OF SECTION 27, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE 2ND P.M., AS THE SAME APPEARS OF RECORD IN PLAT BOOK 20, PAGE 9, IN THE RECORDER'S OFFICE IN SAID COUNTY; AND, PART OF THE ABANDONED RIGHT OF WAY OF THE CHICAGO, INDIANAPOLIS AND LOUISVILLE RAILROAD, IN THE SOUTH HALF OF SECTION 27, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE 2ND P.M., TO WIT: BEGINNING AT THE NORTHEAST CORNER OF OUT-LOT 21 IN LAKE SHORE ADDITION TO CEDAR LAKE, INDIANA (AS SAID SUBDIVISION APPEARS OF RECORD IN PLAT BOOK 20, PAGE 9); THENCE EASTERLY 70 FEET ON THE NORTH LINE OF SAID OUT-LOT 21 EXTENDED THENCE SOUTHERLY 50 FEET TO A POINT 70 FEET EASTERLY OF THE SOUTHEAST CORNER OF OUT-LOT 20 IN SAID LAKE SHORE ADDITION, ON THE SOUTH LINE OF SAID OUT-LOT 20 EXTENDED; THENCE WESTERLY 70 FEET TO THE SOUTHEAST CORNER OF SAID OUT-LOT 20; THENCE NORTHERLY 50 FEET TO THE PLACE OF BEGINNING; EXCEPTING THEREFROM THE WESTERLY 10 FEET THEREOF BY PARALLEL LINES, IN LAKE COUNTY, INDIANA.

PARCEL ID #45-15-27-407-027.000-014
OWNERS: JOHN C. RAGO & D. JEAN RAGO

NORTH

CLIENT: JAMES L. WIESER
DATE: NOVEMBER 14, 2023
JOB NO. : 236438

SCALE: 1" = 20'



I hereby certify that the property herein was surveyed under my supervision on or about the date indicated according to TITLE 865, ARTICLE 1, CHAPTER 12 of the Indiana Administrative Code, and that the plat hereon drawn represents said survey. No dimensions should be assumed or scaled. The purpose of this Survey is to locate the improvements on the property and to provide a Description for the Vacation of the Public Walkway.

Glenn H. Kracht
Glenn H. Kracht
IN Registered Surveyor No. 9400001



Town of Cedar Lake

Public Way Vacation Application

1. List the street name and block or general vicinity of the public way vacation request.

8448 w. 139th Avenue

2. List all property tax key numbers relating to address or general vicinity of public way listed in item 1. Also, attach to this application a plat of survey and a full legal description of public way involved in this request. The legal description shall be prepared by a certified engineer or land surveyor.

Parcel # 45-15-27-407-027.000-014

3. Indicate the reason(s) for your request to vacate the public way described in item 2.

Constructed a single-family house with an attached deck. The deck will extend over the abandoned railroad walkway, which is not utilized and has neighboring structures extending over it facing the lake.

| Property Owner(s) Information | Petitioner(s) Information (If different than owner.) |
|--|--|
| Name(s) John & Dorys Rago | Name(s) SAME |
| Mailing Address [REDACTED] | Mailing Address |
| City, State, Zip Cedar Lake, IN 46303 | City, State, Zip |
| Phone [REDACTED] | Phone |
| Alternate Phone N/A | Alternate Phone |
| Fax N/A | Fax |

I (We) the undersigned now state that the information contained in this application and all attached exhibits are true and correct to the best of my (our) knowledge and belief and that I (we) have read all the information contained above and that I (we) am/are submitting such facts and figures to the Cedar Lake Town Council for the purpose of this request for the above referenced real estate.

Signature of Owner(s)

STATE OF INDIANA

) SS:

COUNTY OF LAKE)

Subscribed and sworn to before me this 20 day of September, 2022.

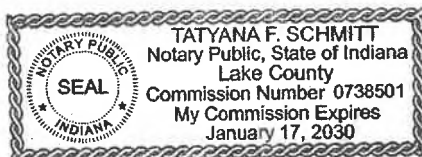
Signature of Petitioner(s)

STATE OF INDIANA

) SS:

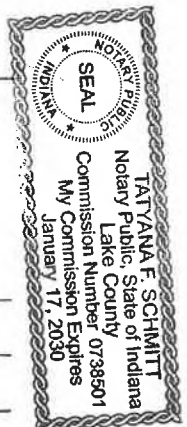
COUNTY OF LAKE)

Subscribed and sworn to before me this 20 day of September, 2022.



Notary Public
My Commission Expires 1-17-30

Notary Public
My Commission Expires 1-17-30



Date: June 17, 2021 From: Jill J. Boganwright -Tabor
Subject: Request to Utilize Utility Easement Dept.: Survey & Land
To: John C. & Dorys Jean Rago Re: **NIPSCO LONO # 45832**
8448 W. 139th Ave. Parcel 45-15-27-407-027.000-014
Cedar Lake, IN 46303 Lake Shore Add. Outlots 20,21 & E.1/2 of
Vac. Adj Alley & Pt. of Vac. R/W Adj.

This letter is to confirm that Northern Indiana Public Service Company LLC (NIPSCO) has reviewed your proposal to utilize a portion of the 15' general utility and drainage easement located in the referenced parcel, for the construction of a deck.

DEPICTION

DEPICTED ON THE DIAGRAM LABELED EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

NIPSCO does have facilities within the general utility easement, but does not object to the proposed utilization. All NESC and OSHA requirements must be maintained while working within the vicinity of NIPSCO's overhead electric lines. Should any damage to NIPSCO facilities be damaged due to the construction of the deck, the cost responsibility will be on the customer.

Calling in locates (811) two business days prior to any ground disturbance is required.

Should any damage occur to said deck due to NIPSCO's access, maintenance, operation or emergency (etc.) of said facilities, costs will be the responsibility of the customer.

Feel free to contact me if you require any additional information or assistance.

Sincerely,



Jill J. Boganwright-Tabor
NIPSCO Survey and Land
Phone: 219-647-5007
E-Mail: jtabor@nisource.com

EXHIBIT A



TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA

ORDINANCE NO. 1473

AN ORDINANCE RECLASSIFYING CERTAIN LANDS IN THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, FOR ZONING PURPOSES, AND AMENDING TOWN ZONING ORDINANCE NO. 1402, BEING:

"THE ZONING ORDINANCE OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA",

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, THE 1ST DAY OF MARCH, 2022, AND ALL AMENDMENTS PASSED SUBSEQUENT THERETO.

WHEREAS, the Town Council of the Town of Cedar Lake, Lake County, Indiana (hereinafter, the "Town Council"), pursuant to the provisions of I.C. §36-7-4-600, *et seq.*, did, on the 1st day of March, 2022, adopt a Zoning Ordinance Text Replacement Ordinance for the Town designated as Town Zoning Ordinance No. 1402; and

WHEREAS, the Town Council likewise on the aforesaid date, adopted the Replacement Zone Map of the Town of Cedar Lake, Lake County, Indiana; and

WHEREAS, the Plan Commission of the Town of Cedar Lake, Lake County, Indiana (hereinafter, the "Plan Commission"), has been petitioned by the Owners of certain real property located in the Town of Cedar Lake, Lake County, Indiana, to reclassify said real property, located at what is addressed as 14415 Lauerman, Cedar Lake, Indiana 46303, for zoning purposes from Resort to Chapter 9 – Planned Unit Development (PUD) Zoning District Classification; and

WHEREAS, the Plan Commission did, on September 20, 2023, pursuant to published notice as required by applicable law, hold a Public Hearing at a Plan Commission Public Meeting on said dates on the advisability and necessity of rezoning said property; and

WHEREAS, the Plan Commission, after due notice and publication in conformance with applicable law, and the public hearing being concluded pursuant to applicable law to consider the petition for the proposed amendment to the Town Zone Map, has recommended approval of the same by Favorable Recommendation Certification, which Certification was made dated September 20, 2023; and

WHEREAS, the Town Council has been informed and advised that the recommended Amendatory Zone Map Ordinance amends the current Town Zone Map, and conforms to applicable Indiana State Statutes and Town Ordinances for such approvals; and

WHEREAS, the Town Council, having reviewed the proposed Amended Town Zone Map Ordinance, as well as the Favorable Recommendation Certification of the Town Plan Commission pertaining to the same, now concurs that it is advisable, appropriate, and in the best interests of the residents of the Town of Cedar Lake and Petitioner herein that the current Town Zone Map be amended as requested, and as certified by Favorable Recommendation of the Town Plan Commission by adoption of this Zone Map Amendatory Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA:

SECTION ONE: That Town Zoning Ordinance No. 1402, all amendments to Zoning Ordinance No. 1402 passed subsequent thereto, and the Town of Cedar Lake Zoning Map, are all amended by changing the zoning district classification of the following described parcels of real property, all lying within the Municipal Corporate limits of the Town of Cedar Lake, Lake County, Indiana, from Chapter 7.4 Resort Classification, to Chapter 9 – Planned Unit Development (PUD) Zoning District Classification, as set forth and depicted hereinafter, namely, to wit:

See Attached Exhibit “A”
(Legal Description)

The Town Zone Map and Zoning District Classification Amendment granted hereby is expressly contingent upon conformance to and compliance with the following terms and conditions, namely:

- A. The Planning Approval Application(s) for the Applicant/Owner, Pine Crest Incorporated, dated the 30th day of November, 2022, which is attached as Exhibit “H” hereto, and is incorporated herein.
- B. The approved PUD DEVELOPMENT AGREEMENT, presented and dated September 20, 2023, is attached hereto as Exhibit “C”, and is incorporated herein. The approved PUD DEVELOPMENT PROJECT GUIDELINES AGREEMENT, dated September 20, 2023, as presented by the Owner/Petitioner, and approved by each of the Town Plan Commission and Town Council, is attached hereto as Exhibit “D”, and is incorporated herein.
- C. All other terms and conditions of the Pine Crest Mixed Use District Plat Approval and PUD Ordinance and Development Plan, and PUD Development Project Guidelines agreed to by the Town Plan Commission. (A copy of the Pine Crest Mixed Use District Plat, with copy of approved minutes of the public meeting(s) held on September 20, 2023, of the Cedar Lake Plan Commission at which terms and conditions for each of the PUD Zone Map and Planned Unit Development (PUD) Amendatory Ordinance and Pine Crest Mixed Use District Plat Approval were made and issued, are attached hereto and incorporated herein as Exhibit “G”).

- D. Compliance by the Owner/Petitioner with all of the rules, regulations, and requirements for Project Development in the Town of Cedar Lake, as well as all Town Ordinances, as same are all amended from time to time.
- E. This Planned Unit Development Zoning District Classification Zone Map Amendment is expressly contingent upon payment by the Owner/Petitioner of all fees, costs, and charges incurred by the Town related to this Application, including engineering, legal, and all related.
- F. Compliance with all terms and conditions set forth in the Town Engineering review letter of CBBEL dated September 15, 2023, and all subsequent town engineering requirements, for said project parcel, a copy of which is attached hereto and incorporated herein as Exhibit “F”.
- G. Compliance by the Owner/Petitioner/Developer, with all representations and conditions agreed upon in any Public Meeting of the Town Plan Commission with the Owner/Petitioner/Developer, as evidenced by the provisions set forth in approved Plan Commission Public Meeting Minutes of September 20, 2023, which approved Plan Commission Public Meeting Minutes, when approved, are attached hereto as Exhibit “G”.

That hereafter, upon approval and adoption by the Town Council of the Town of Cedar Lake, Lake County, Indiana, the Zoning District Classification of the subject parcel shall be identified as Chapter 9 - Planned Unit Development (PUD) Zoning District Classification. This subject parcel may also be known as the “Pine Crest Mixed Use District” for Town Zone Map purposes. The designation identified shall be inserted onto the Town Zoning Map, as well as any parcel identification for the subject parcel of real estate described herein, as well as the Zone Map Amendatory Planned Unit Development (P.U.D.) Ordinance adopted hereby.

SECTION TWO: That this Zone Map Amendatory Ordinance shall take effect, and be in full force and effect, from and after its passage and adoption by the Town Council of the Town of Cedar Lake, Lake County, Indiana, in compliance with all approval conditions aforesaid, and in conformance with applicable law as exercised by the Town Council of the Town of Cedar Lake, Lake County, Indiana, pursuant to the provisions of I.C. §36-7-4-700 et seq. and I.C. §36-7-4-600 et seq., as amended.

[intentionally left blank]

ALL OF WHICH IS PASSED AND ADOPTED BY THE TOWN COUNCIL OF
THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, THIS _____ DAY
OF _____ 2024.

TOWN OF CEDAR LAKE, LAKE COUNTY,
INDIANA, TOWN COUNCIL:

Town Council President

Town Council Vice-President

Town Council Member

Town Council Member

Town Council Member

Town Council Member

Town Council Member

ATTEST:

Jennifer N. Sandberg, IAMC, CMC, CPFIM
Clerk-Treasurer

Exhibit A – LEGAL DESCRIPTION

PARCEL DESCRIPTION:

PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT WHERE THE NORTH LINE OF 40 FOOT WIDE 147TH AVENUE (SHADY BEACH ROAD) INTERSECTS THE EAST LINE OF THE MAIN RIGHT OF WAY LINE OF THE NOW ABANDONED CHICAGO, INDIANAPOLIS AND LOUISVILLE RAILWAY COMPANY RAILROAD; THENCE SOUTH 89 DEGREES 29 MINUTES 32 SECONDS EAST (BASIS OF BEARINGS ASSUMED), 28.71 FEET TO THE WEST RIGHT OF WAY LINE OF THE ABANDONED SOUTH SPUR OF THE CHICAGO, INDIANAPOLIS AND LOUISVILLE RAILWAY COMPANY RAILROAD AND A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS IS 474.86 FEET WITH A CHORD THAT BEARS NORTH 22 DEGREES 14 MINUTES 01 SECONDS EAST FOR 216.47 FEET; THENCE ALONG LAST SAID CURVE OF SAID ABANDONED SOUTH SPUR 218.47 FEET TO THE SOUTH LINE OF LOT 5 IN COFFIN SECOND SHADY BEACH ADDITION TO CEDAR LAKE AS SHOWN IN PLAT BOOK 21, PAGE 38, IN THE OFFICE OF THE RECORDER OF SAID COUNTY, EXTENDED WESTERLY; THENCE NORTH 28 DEGREES 12 MINUTES 54 SECONDS EAST, 68.57 FEET; THENCE NORTH 67 DEGREES 13 MINUTES 57 SECONDS WEST, 60.10 FEET; THENCE NORTH 28 DEGREES 05 MINUTES 05 SECONDS EAST, 50.02 FEET TO THE SOUTHERLY LINE OF 146th AVENUE (SHADY BEACH WYE ROAD) AS SHOWN IN SHADY BEACH WYE ADDITION TO CEDAR LAKE AS SHOWN IN PLAT BOOK 26, PAGE 80, IN THE OFFICE OF THE RECORDER OF SAID COUNTY AND A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 931.09 FEET WITH A CHORD THAT BEARS NORTH 57 DEGREES 15 MINUTES 27 SECONDS WEST FOR 262.50 FEET; THENCE ALONG SAID SOUTHERLY LINE AND LAST SAID CURVE FOR 263.37 FEET TO THE EAST LINE OF SAID NOW ABANDONED CHICAGO, INDIANAPOLIS AND LOUISVILLE RAILWAY COMPANY RAILROAD; THENCE NORTH 04 DEGREES 23 MINUTES 58 SECONDS WEST, 36.02 FEET ALONG SAID ABANDONED EAST RIGHT-OF-WAY LINE TO THE SOUTH LINE OF LOT 10 IN SAID SHADY BEACH WYE ADDITION TO CEDAR LAKE; THENCE SOUTH 48 DEGREES 11 MINUTES 37 SECONDS EAST, 20.79 FEET ALONG SAID SOUTH LINE TO THE EAST LINE OF SAID LOT 10; THENCE NORTH 46 DEGREES 27 MINUTES 12 SECONDS EAST, 118.06 FEET ALONG SAID EAST LINE; THENCE NORTH 21 DEGREES 37 MINUTES 26 SECONDS WEST, 63.44 FEET; THENCE NORTH 31 DEGREES 33 MINUTES 08 SECONDS WEST, 19.20 FEET; THENCE SOUTH 40 DEGREES 09 MINUTES 21 SECONDS WEST, 454.63 FEET; THENCE SOUTH 51 DEGREES 08 MINUTES 28 SECONDS WESTS, 110.69 FEET TO THE CENTERLINE OF LAUERMAN/147th AVENUE AND A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 403.28 FEET AND A CHORD THAT BEARS SOUTH 33 DEGREES 55 MINUTES 07 SECONDS EAST FOR 70.83 FEET; THENCE ALONG SAID CENTERLINE AND LAST SAID CURVE 70.92 FEET TO A CURVE ALONG THE CENTERLINE OF SAID LAUERMAN/147th AVENUE, CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 1143.57 FEET WITH A CHORD THAT BEARS SOUTH 43 DEGREES 14 MINUTES 58 SECONDS EAST FOR 171.12 FEET; THENCE ALONG SAID CENTERLINE AND LAST SAID CURVE 171.37 FEET TO A CURVE CONCAVE TO THE NORTHEAST ON

THE CENTERLINE OF SAID LAUREMANN/147th AVENUE HAVING A RADIUS OF 257.53 FEET WITH A CHORD THAT BEARDS SOUTH 67 DEGREES 37 MINUTES 47 SECONDS EAST FOR 176.90 FEET; THENCE ALONG SAID CENTERLINE AND LAST SAID CURVE FOR 180.58 FEET; THENCE SOUTH 89 DEGREES 29 MINUTES 32 SECONDS EAST, 46.93 FEET ALONG THE CENTERLINE OF SAID LAUREMANN/147th AVENUE TO THE WEST LINE OF THE MAIN RIGHT OF WAY LINE OF THE NOW ABANDONED CHICAGO, INDIANAPOLIS AND LOUISVILLE RAILWAY COMPANY RAILROAD; THENCE NORTH 17 DEGREES 59 MINUTES 14 SECONDS WEST, 21.09 FEET ALONG SAID WEST LINE TO THE NORTH LINE OF SAID 147th AVENUE (SHADY BEACH ROAD); THENCE SOUTH 89 DEGREES 29 MINUTES 32 SECONDS EAST, 63.27 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING, CONTAINING 4.30 ACRES MORE OR LESS.

NOT TWELVE FT.

GRAPHIC SCALE

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VICINITY MAP
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| 40 | 40. Social Sciences |
| 41 | 41. Humanities |
| 42 | 42. Interdisciplinary Studies |
| 43 | 43. Emerging Technologies |
| 44 | 44. Future Trends |
| 45 | 45. Conclusion |

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PART OF THE NORTHWEST QUARTER OF SOUTHEAST QUARTER OF SECTION 34 TOWNSHIP 34 NORTH
RANGE 18 WEST OF THE SECOND PRINCIPAL MERIDIAN IN LAKE COUNTY, IOWA. PARTICULARLY
C.M.U.S. III. Pal. I ST.
the nu c i O C u u J U O S T C e l f i l l o w n r
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TABLE I

| Run | Time | Temp | Pressure | Yield (%) | Structure |
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| 1 | 1 hr | 100°C | 10 mm | 100 | 1 |
| 2 | 1 hr | 100°C | 10 mm | 100 | 2 |
| 3 | 1 hr | 100°C | 10 mm | 100 | 3 |
| 4 | 1 hr | 100°C | 10 mm | 100 | 4 |
| 5 | 1 hr | 100°C | 10 mm | 100 | 5 |
| 6 | 1 hr | 100°C | 10 mm | 100 | 6 |
| 7 | 1 hr | 100°C | 10 mm | 100 | 7 |
| 8 | 1 hr | 100°C | 10 mm | 100 | 8 |
| 9 | 1 hr | 100°C | 10 mm | 100 | 9 |
| 10 | 1 hr | 100°C | 10 mm | 100 | 10 |
| 11 | 1 hr | 100°C | 10 mm | 100 | 11 |
| 12 | 1 hr | 100°C | 10 mm | 100 | 12 |
| 13 | 1 hr | 100°C | 10 mm | 100 | 13 |
| 14 | 1 hr | 100°C | 10 mm | 100 | 14 |
| 15 | 1 hr | 100°C | 10 mm | 100 | 15 |
| 16 | 1 hr | 100°C | 10 mm | 100 | 16 |
| 17 | 1 hr | 100°C | 10 mm | 100 | 17 |
| 18 | 1 hr | 100°C | 10 mm | 100 | 18 |
| 19 | 1 hr | 100°C | 10 mm | 100 | 19 |
| 20 | 1 hr | 100°C | 10 mm | 100 | 20 |
| 21 | 1 hr | 100°C | 10 mm | 100 | 21 |
| 22 | 1 hr | 100°C | 10 mm | 100 | 22 |
| 23 | 1 hr | 100°C | 10 mm | 100 | 23 |
| 24 | 1 hr | 100°C | 10 mm | 100 | 24 |
| 25 | 1 hr | 100°C | 10 mm | 100 | 25 |
| 26 | 1 hr | 100°C | 10 mm | 100 | 26 |
| 27 | 1 hr | 100°C | 10 mm | 100 | 27 |
| 28 | 1 hr | 100°C | 10 mm | 100 | 28 |
| 29 | 1 hr | 100°C | 10 mm | 100 | 29 |
| 30 | 1 hr | 100°C | 10 mm | 100 | 30 |
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| 32 | 1 hr | 100°C | 10 mm | 100 | 32 |
| 33 | 1 hr | 100°C | 10 mm | 100 | 33 |
| 34 | 1 hr | 100°C | 10 mm | 100 | 34 |
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IN ACCORDANCE WITH TITLE 895 OF THE INDIANA ADMINISTRATIVE CODE, ARTICLE 1, RULE 12, SECTION 12

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FIELD WORK COMPLETED ON MARCH 31, 2021.

DATED THIS 24TH DAY OF APRIL, A.D. 2023

 ANTHONY J. STRICKLAND

INDIANA PROFESSIONAL LAND SURVEYOR NO. 1525892143
MY LICENSE EXPIRES ON JULY 31, 2024

PLAT OF SURVEY Project No. 05112.PB

PINECREST MAIN C LAKE IN Group No. VP02.1

| | | | | | | |
|------|----------|----------|------|-----------------|------|-----------|
| DATE | 04-06-23 | DRAWN BY | M.P. | PROJECT MANAGER | A.B. | D-SET NO. |
|------|----------|----------|------|-----------------|------|-----------|

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| DATE: 03-30-23 | CHECKED BY: AJS | SCALE: 1" = 40' | 1 | 2 |
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V Engineers 7326 James Avenue, Suite 100
 Scientists Woodridge, IL 60517
 Surveyors 630.724.8700 voice
 630.724.0384 fax
 vico.com

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| <div> <div>PLAT OF SURVEY</div> <div> <div> <div>PINECREST MAIN C</div> <div>LAKE IN</div> </div> </div> </div> | | | | | Project No: 05112.PINE |
| | | | | | Group No: VP02.1 |
| DRAFTING COMPLETED: 04-09-23 | DRAFTER: M.P. | PROJECT MANAGER: A.B. | SHEET NO: | | |

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|----------------------|----------|------------|-----|-------|----------|---|---|
| FIELD WORK COMPLETED | 03-30-24 | CHECKED BY | AJS | SCALE | 1" = 40' | 1 | 2 |
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PLAT OF SURVEY
OF
PINECREST MARINA
CEDAR LAKE, INDIANA

PART OF THE EAST HALF OF SECTION 14 TOWNSHIP 34 NORTH- RANGE 9
WEST OF THE SECOND PRINCIPAL MERIDIAN IN LAKE COUNTY INDIANA.

THE BASIS OF BEARINGS IS THE STATE PLANE
COORDINATE SYSTEM (SPCS) NAD 83 ZONE
1302 (INDIANA WEST) WITH PROJECT ORIGIN AT
LATITUDE 41° 21' 20.5403" N
LONGITUDE 87° 26' 22.7351" W
ELEVATION HEIGHT 563.073 FEET
GROUND SCALE FACTOR: 0.999994165
ALL MEASUREMENTS ARE ON THE GROUND

| | | |
|---|---------------------|-----|
| 1 | Introduction | 100 |
| 2 | General Information | 101 |
| 3 | Safety | 102 |
| 4 | Operation | 103 |
| 5 | Maintenance | 104 |
| 6 | Troubleshooting | 105 |
| 7 | Appendix | 106 |
| 8 | Index | 107 |

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9. COMPARE ALL POINTS PRIOR TO ANY CONSTRUCTION AND REPORT ANY DIFFERENCES AT ONCE.

10. ALL SURVING DIMENSIONS SHOWN HEREON ARE MEASURED TO EXTERIOR WALLS UNLESS OTHERWISE NOTED.

11. FOR BUILDING RESTRICTIONS AND EASEMENTS NOT SHOWN HEREON REFER TO YOUR ABSTRACT, DEED TITLE GUARANTEE POLICY AND LOCAL ORDINANCES.

12. DO NOT SCALE ANY DIMENSIONS (KNOCK THIS OUT).

PCW* 262 99 *RRA 17
AUG OF THE WEST LINE
AND RRA 50 * 300 00*
SOUTH OF THE NORTH LINE
OF OVERLAP* LOT 3

PINECREST MARINA, CEDAR LAKE, IN

VP02.1

| | | | | | |
|---------------------|----------|-------------|-------|-----------------|----------|
| DRAFTING COMPLETED | 04-08-93 | DESIGNED BY | MAJ T | PROJECT MANAGER | AJS |
| FIELDWORK COMPLETED | 11-30-93 | CHECKED BY | AJS | SCALE | 1" = 40' |

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Exhibit C - DEVELOPMENT AGREEMENT

THIS PLANNED UNIT DEVELOPMENT AGREEMENT (hereinafter, referred to as the “Agreement”), is made and entered into this _____ day of _____, 2024, (the “Effective Date”), by and between the **TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA**, an Indiana Municipal Corporation (hereinafter, referred to as the “Town”), and **PINE CREST INCORPORATED**, an Indiana Corporation, (hereinafter referred to as the “Developer”). The Developer and the Town shall be referred to hereinafter as the “Parties”.

WITNESSETH

WHEREAS, the Developer is the owner of that certain parcel of real estate commonly known as 14415 Lauerman, Cedar Lake, Lake County, Indiana 46303, which contains approximately two (2) acres (hereinafter, referred to as the “Subject Property”) (**Exhibit A**), and it seeks to improve and develop the Subject Property into a one (1) lot subdivision (collectively, the “Lot”), to be known as Pine Crest Mixed Use District (hereinafter, referred to as the “Subdivision”); and

WHEREAS, it is the purpose of this Agreement, consistent with requirements of Town Zoning Ordinance No. 1402, as amended from time to time, to clearly set forth the understanding and agreement of the Parties concerning the matters contained herein, and to guarantee completion according to the items herein; and

WHEREAS, the Developer has sought the Town’s approval to develop the Subject Property, and the Town Council of the Town has adopted Town Zone Map Amendatory Ordinance No. 1473 with underlying B1, B2, B3, and Resort Zoning District Classifications (marina-related use emphasis); and

WHEREAS, the Developer has submitted a formal proposal and petition for a Planned Unit Development Zoning District Classification to be located on the Subject Property, which includes (a) the Primary Plat of the Pine Crest Mixed Use District, approved by the Town Plan Commission on September 20, 2023 (hereinafter the “Primary Plat”), a copy of which is included and attached as **EXHIBIT E**; (b) a copy of the Pine Crest Planned Unit Development (PUD) Guidelines (“PUD Guidelines”); a copy of which is attached and included herein as **EXHIBIT D**; and (c) a copy of the final Engineering Review and recommended conditions approved by the Town (**EXHIBIT F**); the applicable Town of Cedar Lake Plan Commission Public Meeting Minutes (**EXHIBIT G**), wherein public meeting actions were had and taken, and further wherein approval of conditions and representations were made and given by the Developer, and its duly authorized representatives; and a copy of the Site Survey (**EXHIBIT B**); and

WHEREAS, a public hearing was held as required by applicable law on September 20, 2023, and whereby at the conclusion of said public hearing the Town of Cedar Lake Plan Commission, on said date, favorably recommended the rezoning of the Real Estate from Resort Zoning District Classification to Chapter 9 - Planned Unit Development (PUD) Zoning District Classification (Pine Crest Mixed Use Planned Unit Development); and

WHEREAS, the Town Council of the Town of Cedar Lake, Lake County, Indiana (hereinafter the “Town Council”), concurred in the Favorable Recommendation certified by the Town of Cedar Lake Plan Commission of Zone Map Amendatory Ordinance No. 1473, and Pine Crest Mixed Use Planned Development, at the Town Council public meeting held _____, subject to the Town and Developer entering into this Agreement as required in Town Zoning Ordinance No. 1402, Section I Chapter 9 – Planned Unit Development (PUD) Zoning Classification; and

WHEREAS, Developer is willing and able to enter into this Agreement, as required by the requirements of Town Zoning Ordinance No. 1402, Section I of Chapter 9 – Planned Unit Development (PUD) Zoning District Classification, of Town Zoning Ordinance No. 1402, as amended from time to time.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto agree as follows:

COVENANTS

1. **Recitals Part of Agreement.** The representations, covenants, recitations, and Exhibits set forth in the Recitals are material to this Agreement, and are incorporated into and made a part of this Agreement as though the same were fully set forth in this Agreement.

2. **Planned Unit Development Plan.** The development of the subject Property shall be consistent with the Developer Planned Unit Development Plan dated September 20, 2023, (the “PUD Plan”), a copy of which is made a part hereof, attached hereto, and marked as **EXHIBIT “D”**.

3. **Agreement to Complete in Accordance with PUD.** In accordance with Section I of Chapter 9 of Town Zoning Ordinance No. 1402, as amended from time to time, Developer agrees with the Town that any development which Developer completes on the Real Estate shall be in accordance with the terms and conditions of the Pine Crest Mixed Use Planned Development.

4. **Breach.** Before any failure of any Party of this Agreement to perform its obligations under this Agreement shall be deemed to be a breach of this Agreement, the Party claiming such failure shall notify, in writing, the Party alleged to have failed to perform such obligation and shall demand performance. No breach of this Agreement may be found to have occurred if performance has commenced appropriately within twenty (20) days of the receipt of such notice. If after said notice, the breaching Party fails to cure the breach, the non-breaching Party may seek any remedy available at law or equity, including the remedy of specific performance.

5. **Amendment.** This Agreement may be amended only by the mutual consent of the Parties and execution of said amendment by the Parties, in conformance with all legal requirements, including Town Zoning Ordinance No. 1402, all amendments thereto, and all applicable laws.

6. **No Other Agreement.** Except as otherwise expressly provided herein, this Agreement supersedes all prior agreements, negotiations, and discussions relative to the subject matter hereof and is a full integration of the Agreement of the Parties.

7. **Severability.** If any provision, covenant, agreement or portion of this Agreement or its application to any person, entity, or property, is held invalid, such invalidity shall not affect the application or validity of any other provisions, covenants, agreements or portions of this Agreement and, to that end, any provisions, covenants, agreements or portions of this Agreement are declared to be severable.

8. **Indiana Law.** This Agreement shall be construed in accordance with the applicable laws of the State of Indiana, without consideration of its choice of law provisions.

9. **Notices.** All notices and requests required pursuant to this Agreement shall be deemed sufficiently made if delivered, as follows:

Town:

Town of Cedar Lake
7408 Constitution Avenue
Cedar Lake, IN 46303
Attention: Town Planning Director
and Town Manager

With a copy to:

Austgen Kuiper Jasaitis P.C.
130 N. Main Street
Crown Point, IN 46307
Attention: David M. Austgen, Esq.

Developer:

Pine Crest Incorporated
c/o Vis Law, LLC

With a copy to:

Vis Law, LLC
c/o Nathan D. Vis, Esq.
12632 Wicker Ave
Cedar Lake, IN 46303

or at such other addresses as the Parties may indicate in writing to the other either by personal delivery, courier, or by registered mail, return receipt requested, with proof of delivery thereof. Mailed notices shall be deemed effective on the third day after mailing; all other notices shall be effective when delivered.

10. **Manner of Ownership.** Pine Crest Incorporated owns the Subject Property, and shall be liable under this Agreement.

11. **Uses.** The permitted uses on the Subject Property are specified in the PUD Guidelines (**EXHIBIT D**).

12. **Development Plan Timeline.** The Developer shall construct the drainage facilities pursuant to the PUD Plan. No letter of credit shall be required as no public improvements are anticipated. The Development Plan Timeline is subject to availability of contractors, materials, permitting and force majeure. Developer anticipates that the cold storage facility shall be substantially constructed on or before November 30, 2024. Thereafter, Developer anticipates undertaking marina enhancements and improvements from 2024 into the summer of 2025, with marina boardwalk, lighting, and landscaping improvements to be completed by July 1, 2027. Developer and Town hereby agree to the following scheduling:

- Cold Storage Facility to be substantially constructed on or before November 30, 2024;
- Marina sea wall and excavation improvements to be constructed, pending IN DNR and related approvals, on or before July 30, 2025;
- Marina boardwalk and lighting improvements to be constructed on or before July 1, 2026;
- Finish surface asphalt (or semipervious pavers) for all parking lot areas and boat storage areas to be constructed on or before July 30, 2027; and
- Use of Subject Property, as allowed hereto, shall not be restricted during the Development Plan Timeline.

13. **Other Agreements.**

- A. No sidewalks shall be required within or adjacent to the Subject Property.
- B. No park area or park fees shall be required for the Subject Property based on the commercial uses, except for applicable fees from Ordinance 498 for Commercial Development.
- C. The Subject Property, and individual lots, qualify for a Direct Discharge Credit (DDC) based upon proximity to Cedar Lake, pursuant to Town of Cedar Lake, Lake County, Indiana, Ordinance Title V, Chapter 53, Section 53.06(A)(3).
- D. 147th Avenue. The Parties recognize that the existing 147th Avenue encroaches significantly into the Developer's property. The Town agrees to expand the location of the roadway no further north onto the Developer's property than its present condition. Developer is further released of any

requirement for the installation of a sidewalk, or curbing, along its southern boundary adjacent to 147th Avenue. The Parties further agree that no street light installation shall be required from the Developer, along 147th Avenue. Developer agrees that the Marina Property entrance at Lauerman/147th shall conform to a commercial drive approach (8" PCC/6" Agg).

- E. 146th Avenue. The Parties recognize that the Town possesses an irregular shaped triangular portion of land which extends from 146th Avenue into the channel leading to the Developer's marina. The Parties agree the Town shall quitclaim this portion of land to the Developer, subject to an easement for access to the channel, from 146th Avenue, for the Town. (Legal description to include the entirety of the area found within the channel and up to approximately eight feet (8') extending from the channels edge towards 146th Avenue, to be subsequently provided upon confirmation from Town Engineer/Developer surveyor). **(See attached Quit Claim Deed Incorporated hereto).**
- F. The requirements for Site Plan as found in Chapter 17 of Cedar Lake Zoning Ordinance No. 1402, and as subsequently amended from time to time, are hereby waived as to Sections A & C (Plan Commission submission/approval). Parties agree the submitted site plan, as accompanying this Agreement is sufficient to meet the requirements of Section B, and any further review, as deemed required by the Town, shall occur between Developer representatives and Town representatives, as to Section D. The Parties agree that all items for review as found in Section D have been addressed in **EXHIBIT C** and **EXHIBIT D** of this Agreement.

14. **Miscellaneous.**

- A. This Agreement is entered into by the Town and Developer as required by the provisions of Section 1 of Chapter 9 of Town Zoning Ordinance No. 1402, as well as the Town Subdivision Control Ordinance No. 498, and all other Ordinances of Town requirements, as all are amended from time to time. In the event of any conflict between the terms of this Agreement and the Town's Rules, Regulations and Ordinances, this Agreement shall control and shall supersede any inconsistent terms herein.
- B. Developer shall reimburse the Town for costs and expenses that the Town has or may incur with third parties in the review and approval of the Subdivision, including, but not limited to, engineering and legal.
- C. This Agreement shall inure to the benefit of, and be binding upon, the Parties hereto, and their respective successors and assigns.
- D. Any Party that is a business entity entering into this Agreement represents and warrants that all authorization and entity authority has been provided to

that Party, and that all corporate or entity actions have been taken and done to perform as contemplated by this Agreement. Furthermore, all corporate or entity Parties represent and warrant that any and all signatures appearing in this document are authorized on behalf of same.

- E. The Parties hereby agree that unless otherwise agreed upon by the Parties, the Developer anticipates this Development shall be commenced and constructed as detailed in Paragraph 12 hereinabove.
- F. It is expressly acknowledged and stated that this Agreement is entered into by the Town after action at a Public Meeting of the Town Council of the Town on the ____ day of _____, 2024, by a vote of ____ in favor, and ____ against, and whereby the President of the Town Council and Town Clerk-Treasurer, respectively, were directed to execute and attest the same, and deliver this Agreement.
- G. The undersigned Person or Persons executing this AGREEMENT on behalf of Corporate Parties or other legal entities to this AGREEMENT, represent and certify that they are duly elected or appointed Officers or Representatives of said corporations or entities, and are fully empowered to execute and deliver this AGREEMENT, and that all necessary corporate or entity action for the making of this AGREEMENT has been taken and done.
- H. Any Party entering into this Agreement represents and warrants that all authorization and entity authority has been provided to that Party, and that all actions have been taken and done to perform as contemplated by this Agreement. Furthermore, the Parties hereto represent and warranty that any and all signatures appearing in this Agreement are authorized on behalf of same.

IN WITNESS WHEREOF, the Town and Developer have entered into and executed this Agreement or caused the same to be properly executed as of the date hereinabove set forth.

DEVELOPER

**PINE CREST, INCORPORATED,
an Indiana Corporation,**

By: _____

Printed Name: Bob Gross
Title: Duly Authorized Representative

TOWN

**TOWN OF CEDAR LAKE, LAKE
COUNTY, INDIANA, A MUNICIPAL
CORPORATION**

Town Council President

Attest for Bob Gross, by Nathan D. Vis, Vis Law, LLC: _____

Attest for Town of Cedar Lake, Indiana: _____
Jennifer N. Sandburg, IAMC, CMC, CPFIM,
Clerk-Treasurer

EXHIBIT D

DESIGN STANDARDS & COVENANTS – PINE CREST MIXED USE PLANNED DEVELOPMENT

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Appendices:

- A. Pine Crest Incorporated ALTA Survey & Legal Descriptions (Exhibits A & B)**
- B. Development Plan (See Exhibit C for Timeline)**

The terms and provisions set forth herein shall be supplemented Project parameters and guidelines for the Pine Crest Mixed Use Planned Unit Development Project as follows, namely:

Section 1. Applicability of Ordinance.

A. Development of the Pine Crest Mixed Use Planned Unit Development Project shall be governed by (i) the provisions of the Town Zone Map Amendatory Ordinance for the Project applied for (hereinafter, the “PUD Ordinance”, and its Exhibits); and (ii) the provisions of Town Zoning Ordinance No. 1402, as amended from time to time, and as made applicable to a Planned

Unit Development District, except as modified, revised, supplemented or expressly made inapplicable by the PUD Ordinance.

B. All provisions and representations of Town Zoning Ordinance No. 1402, as amended from time to time, that conflict with the provisions of this PUD Ordinance are hereby made inapplicable to the Real Estate, and shall be superseded by the terms of this PUD Ordinance.

Section 2. Definitions. Capitalized terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in Town Zoning Ordinance No. 1402, as amended from time to time.

Section 3. PUD Development Plan. The PUD Development Plan, attached hereto as **EXHIBIT C**, is hereby incorporated in accordance with Chapter 9 of Town Zoning Ordinance No. 1402, as amended from time to time. The subject parcel shall be developed in substantial compliance with the PUD Development Plan.

Section 4. Permitted Uses. The commercial uses allowed in accordance with Chapter 7.4 of Town Zoning Ordinance No. 1402, as amended from time to time, and as set forth in the PUD Development Plan, shall be permitted.

Section 5. General Regulations. The standards of Chapter 9 of Town Zoning Ordinance No. 1402, as amended from time to time, shall apply to the development of the Project, except as otherwise modified herein.

Section 6. Development Standards. The standards and provisions of Chapter 10 of Town Zoning Ordinance No. 1402, entitled “Development Standards”, shall apply to the development of the Project, except as otherwise modified below, including the Town Subdivision Ordinance (No. 498) and appended Development Standards Manual, all as amended from time to time.

Section 7. Design and Architectural Standards. The design and architectural standards set forth in the PUD Development Plan, as set forth in attached **EXHIBIT C**, shall apply to the development of the District.

Section 8. Landscaping Standards. The Landscaping Requirements and Standards set forth in the PUD Development Plan shall apply.

Section 9. Infrastructure Standards. The PUD District’s infrastructure shall comply with Town Zoning Ordinance No. 1402 and the Town’s Subdivision Control Ordinance No. 498, as amended from time to time, unless otherwise approved by the Plan Commission in consideration of the preservation of the natural topography and environment and in consideration to the unique design intent of the District.

Section 10. Lighting Standards. The lighting standards set forth in Chapter 14 of Town Zoning Ordinance No. 1402, as amended from time to time, shall apply to the development of the PUD District, except as otherwise modified or enhanced by the PUD Development Plan.

Section 11. Fence Standards. The fence standards set forth in Chapter 15 of Town Zoning Ordinance No. 1402, as amended from time to time, shall apply, except as otherwise modified or enhanced by the PUD Development Plan.

Section 12. Sign Standards. The sign standards set forth in Chapter 16 of Town Zoning Ordinance No. 1402, and as amended from time to time, shall apply to the development of the PUD District, except as otherwise modified or enhanced by the PUD Development Plan.

Section 13. Fees. The fee provisions set forth in Chapter 20 of Town Zoning Ordinance No. 1402, as amended from time to time, shall apply to the development of the PUD District, except as otherwise modified or enhanced by the PUD Development Plan, or as otherwise agreed upon between the Petitioner and the Town.

Section 14. Site Plan. Site Plan review is waived, except for final/further approval from Town officials/agents (engineer), as outlined in EXHIBIT C.

Section 15. Plan Commission Public Meeting Action. It is expressly stated that this AGREEMENT is entered into after action at a Public Meeting of the Plan Commission of the Town of Cedar Lake, Lake County, Indiana, a Municipal Corporation, on September 20, 2023, wherein by a vote of (6) six in favor and (0) zero against, the AGREEMENT herein was directed to be made, and the President of the Plan Commission and the Town Plan Commission Recording Secretary, respectively, were directed to execute and attest said AGREEMENT.

Section 16. Town Council Public Meeting Action. It is expressly stated that this AGREEMENT is entered into after action at a Public Meeting of the Town Council of the Town of Cedar Lake, Lake County, Indiana, a Municipal Corporation, on the ____ day of _____, 2023, wherein by a vote of (____) _____ in favor and (____) _____ against, the AGREEMENT herein was directed to be made, and the President of the Town Council and the Town Clerk-Treasurer, respectively, were directed to execute and attest said AGREEMENT.

Section 17. Corporate/Entity Authority. The undersigned Person or Persons executing this AGREEMENT on behalf of Corporate Parties or other legal entities to this AGREEMENT, represent and certify that they are duly elected or appointed Officers or Representatives of said corporations or entities, and are fully empowered to execute and deliver this AGREEMENT, and that all necessary corporate or entity action for the making of this AGREEMENT has been taken and done.

DEVELOPER

Pine Crest Incorporated,

an Indiana Corporation

By: _____

Printed Name: _____
Duly Authorized Representative

Title: _____

TOWN

**TOWN OF CEDAR LAKE, COUNTY,
INDIANA,**

A MUNICIPAL CORPORATION

By: _____
Town Council President

Attest: _____
Jennifer N. Sandberg, IAMC, CMC,
CPFIM, Clerk-Treasurer

By: _____
John Kiepura
Plan Commission President

Attest: _____
Plan Commission Recording
Secretary

I. DEFINITIONS

Section 1.01. “Property” shall mean any real estate subject to the terms of these Restrictive Covenants.

Section 1.02. “Contractor” shall mean any individual, entity, business or corporation which performs work, repairs, or construction on any lot, property, or unit located within the PUD.

Section 1.03. “Developer” shall mean and refer to Pine Crest Incorporated, an Indiana Corporation, and its successors and assigns.

Section 1.04. “Development Area” shall mean the real estate described on **APPENDIX A** hereto with all improvements thereon.

Section 1.05. “Lot” shall mean a part of the Submitted Parcel, the size and dimensions of which are shown on the Plat and **APPENDIX A**.

Section 1.06. “Mortgage” shall include a deed of trust, as well as a mortgage.

Section 1.07. “Mortgagee” shall include a beneficiary or holder of a deed or trust, as well as a mortgagee.

Section 1.08. “Mortgagor” shall include the trustor of a deed of trust, as well as a mortgagor.

Section 1.09. “Municipality” shall mean the Town of Cedar Lake, Lake County, Indiana (also, the “Town”).

Section 1.10. “Owner” shall mean and refer to one or more persons or entities who hold the record title to the Lot, but excluding in all cases any Party holding an interest merely as security for the performance of an obligation. If a Unit is sold under a recorded contract of sale, the purchaser (rather than the fee owner) will be considered the Owner.

Section 1.11. “Person” means a natural person, a corporation, a partnership, trustee or other legal entity.

Section 1.12. “Plat” shall mean plat the Pine Crest Mixed Use Development, recorded in Plat Book ___, page ____, in the Office of the Recorder of Lake County, Indiana.

II. USE AND BULK REGULATIONS IN THIS PLANNED UNIT DEVELOPMENT

2.1 **Landscape Plan:** Landscape shall be provided in accordance with Chapter 13 of Town Zoning Ordinance No. 1402, as amended from time to time, , unless otherwise set forth within this PUD.

2.2 **Signage:** Signage shall be created and installed in accordance with Chapter 16 of the Town of Cedar Lake, Indiana, Zoning Ordinance No. 1402, as amended from time to time, unless otherwise set forth within this PUD.

2.3 **Lighting Plan:** Lighting shall be created and installed in accordance with Chapter 14 of the Town of Cedar Lake, Indiana, Zoning Ordinance No. 1402, unless otherwise enunciated within this PUD.

III. PURPOSE OF DECLARATION AND PROPERTY SUBJECTED TO DECLARATION.

3.1 To develop and construct quality mixed used commercial development, combining and allowing observed elements of B1, B2, B3, and All Resort uses in the Development, as to their emphasis and potential use in a marina style and related environment.

(a) The Developer seeks to provide upon the Property, through its planning and layout, the harmonious development of a commercial mixed use development by the imposition of these restrictions and easements, as hereinafter set forth, for the benefit of the Property and the Municipality.

(b) By the recording of conditions and restrictions set forth herein, and the reservation of certain powers contained herein, Developer intends to provide a plan for the development of Property which is intended to enhance and protect the values of the community.

(c) The Developer seeks to:

- (i) prevent improper use of Property which may decrease value;
- (ii) prevent improper construction of structures containing improper or unsuitable materials;
- (iii) ensure adequate and reasonable development of the Property;
- (iv) ensure uniform development of the Property and high design standards;
- and
- (v) provide for the highest quality environment for the Property, its owners and visitors.

IV. PERMITTED USES. (ALLOWED USES – B1 ZONE, B2 ZONE, B3 ZONE, AND RESORT ZONE)

As per the attached and incorporated plat, the PUD Zoning District herein shall allow following uses. (Uses are taken from existing Town of Cedar Lake Zoning Ordinance 1402, recognizing the uses as applied in a marina style environment).

The following listed uses are permitted within said PUD District parcel, provided the use does not violate any performance standards listed in the following or related sections. These allotted spaces are outlined and notated as follows, namely:

(a) Allowed business uses shall be those outlined in following:

Appliance Repair (marina related)
Appliance Store (marina related)
Business/Professional Offices (marina related)
Retail Business, which allows sale of merchandise within or without enclosed building
Sporting Goods Store
Recreational Vehicle Service Center/Station (marina related)
Recreational Vehicle Repair (marina related)
Recreational Vehicle Rental (marina related)
Parking Area Private
Recreational Vehicle Storage for third parties, both interior and exterior
Recreational Fuel Station
Private Development for Birthing, Protection, or Servicing of Recreational Boats, Yachts, Cruisers, Inboards, Outboards, and Sailboats
Commissary Facilities for the provision of food, beverages, and the like to be stored aboard boats or used in conjunction therewith
Retail Business to supply commodities for persons using facilities of resort zoning district, such as sale of boats, engines, and accessories, fishing equipment, bait and similar items
Restaurant, Lounge, Taverns, or Clubs (Use of property for this purpose would be limited in nature, intended towards boater traffic than vehicular traffic. Seating would be appropriately limited, if implemented, to coincide with an appropriate number of parking spaces.)
Resort use, including marina/recreational boating dock slip use and storage
All Chapter 7.4 Uses, for RS Planned Resort Zoning District
Any uses of similar nature and character to the uses described herein

Prohibited Uses:

- 1. Any use which emits an obnoxious odor, fumes, or sound which can be heard or smelled outside of any building. (This shall not preclude the operation of an appropriate Recreational Fuel Station in compliance with all municipal/state/federal regulations).**

Any other business which may be allowed by Town Code (including by Variance), shall be applied for and seek approval through the Cedar Lake Plan Commission or Board of Zoning Appeals, as is deemed appropriate by the Town.

V. LOT SIZE:

- (a) Lot size shall be as depicted on an approved Subdivision Plat.

VI. MAXIMUM BUILDING AREA LOT COVERAGE:

- (a) Lot building coverage shall be allowed a fifty percent (50%) building coverage area, on ground surfaces not including water, as per the approved Subdivision Plat.

VII. MINIMUM FRONT YARD (The Front Yard shall be the southwest property/subdivision plat boundary line, adjacent to West 147th Avenue and Lauerman Street):

- (a) The lot shall maintain a building distance of thirty (30') feet from the building line and street right-of-way. Any existing structures located on the lot or on the proposed site plan shall be exempt from this requirement.

VIII. MINIMUM SIDE YARD (The Side Yard shall be the Eastern edge adjacent to the former Railway right-of-way):

- (a) There shall be a side yard abutting any residential zoning district of a distance of twenty (20') feet for setback from construction of buildings, except for any existing structure. Side yard abutting a residential zoning district shall be effectively screened from abutting lots by strip of planting, not less than five (5') feet in ultimate width, such planting consisting of not less than fifty percent (50%) evergreen material, scattered throughout, whose initial height shall be no less than five (5') feet in height. The planting type shall consist of evergreens, spruce, pine or arborvitaes, which, when planted shall create a natural screening from adjacent areas. Plantings may occur in either a staggered or linear fashion, so long as total visibility width between plantings does not exceed fifty percent (50%) of the total dimensions of the side yard. (Visibility viewed from widest part of planting at time of installation).

IX. MINIMUM REAR YARD (The rear yard shall be considered to be the Northern most boundary of the property, adjacent to 146th Avenue)

There shall be a rear yard abutting residential zoning districts of a distance of twenty (20') feet for setback of construction of buildings. A rear yard abutting a residential zoning district shall be effectively screened from abutting lots by strip of planting, not less than five (5') feet in ultimate width, such planting consisting of not less than fifty percent (50%) evergreen material, scattered throughout, whose initial height shall be no less than five (5') feet in height. The planting type shall consist of evergreens, spruce, pine or arborvitaes, which, when planted shall create a natural screening from adjacent areas. Plantings may occur in either a staggered or linear fashion, so

long as total visibility width between plantings does not exceed fifty percent (50%) of the total dimensions of the rear yard. (Visibility viewed from widest part of planting at time of installation).

X. PARKING AREA/BOAT STORAGE AREA

Any parking or storage area may be constructed within five (5') feet of any residential district, provided there shall be a five (5') foot greenbelt area adjacent to said residential areas, effectively screened with no less than fifty percent (50%) evergreen material scattered throughout, whose initial height shall be not less than five (5') feet in height. The planting type shall consist of evergreens, spruce, pine or arborvitaes, which, when planted shall create a natural screening from adjacent areas. Plantings may occur in either a staggered or linear fashion, so long as total visibility width between plantings does not exceed fifty percent (50%) of the total dimensions of the side yard. (Visibility viewed from widest part of planting at time of installation).

Requirements of Chapter 12, Section D, Paragraphs 5, 9, 11, 13, and 15 (f), (h) and (i) are waived. Regarding 15(g) – lighting from marina shoreline and adjacent buildings, provided it illuminates parking area as designed by Developer engineer, may be considered sufficient parking lot lighting.

Parking and storage areas shall be comprised of either a hard surface comprised of asphalt, concrete, or semi-pervious pavers. Parking areas are to be constructed pursuant to the construction schedule as outlined within **EXHIBIT C**, which recognizes the development plan and improvements for the marina. Parties further recognize that a hardened surface is planned for the parking area adjacent to the marina's edge, post improvements to the seawall for the marina. Developer plans to maintain the existing aggregate surface adjacent to the marina's edge until completion of the updated seawall, and will excavate, upon receipt of appropriate DNR and related approval, marina sea bed. Prior to installation of parking lot areas, to assist with drainage and cooling of water running off of buildings and parking lots, Developer agrees to install a green vegetation filter barrier on the East side of the marina, between the marina and parking lot, as further detailed in **EXHIBIT C**. All parking areas adjacent to landscaping, screening, or vegetated buffer strips shall include parking stops/blocks.

Developer recognizes that the parking areas shall include appropriate ADA parking, including ADA accessibility to the anticipated boardwalk. Developer shall construct at least one (1) ADA pier for boat access, during the marina renovation process.

XI. HEIGHT STANDARDS

- (a) The maximum height standard of any building erected on the lot shall be no more than forty-two (42') feet in height, pursuant to an approved Developmental Variance by the Town BZA.

XII. OPEN STORAGE/RECREATIONAL VEHICLE/BOAT STORAGE

Open storage shall be automatically allowed for those uses outlined within this set of Covenants, both during and after the Development Plan time period. This includes, but is not limited to, recreational vehicles, truckers, trailers (if licensed/registered), equipment, forklifts, loaders, materials, supplies, stone, boats and recreational vehicles, and those recreational boats/ water vehicles and trailers awaiting service center repair. Recreational water vehicles/boats may be stored or parked located inside buildings or stored outside buildings. Parking areas shall be comprised of either asphalt, concrete, or hardened interlocking pavers which allow for drainage. Parking areas shall be developed in the timeline as outlined in **EXHIBIT C**, in conjunction with the development of the parking lot areas.

XIII. BUILDING MATERIALS

Building Materials: Building materials for the cold storage building may be comprised of steel frame and sheeting and spans to comprise the existing and future buildings.

XIV. SIGNAGE

Signage: All signs located within the Development shall be regulated by then-applicable Cedar Lake Town Zoning Ordinance, as amended from time to time, and all other rules and requirements, and shall conform to the following standards.

- a) Prohibited signs:
 - a. Signs that extend above highest point of roofline
 - b. Signs painted or mounted on exterior or rear wall of any principal building unless otherwise identified in following
 - c. Signs which contain blinking, pulsating, flashing or moving light
 - d. Neon lighting signs
- b) No sign shall be located to block or obstruct the vision of motor vehicle drivers for safe travel.
- c) All signs located on the main entry door or adjacent thereto the main entry door identifying the business name, hours of operation and address shall not exceed 6 square feet in total area.
- d) No sign shall be constructed or installed without proper permits and approvals granted by the Town of Cedar Lake.
- e) Signage attached to Commercial Units shall carry an information face and shall consist of metal or other material with backlighting.

XV. LANDSCAPE & BOARDWALK DESIGN & MAINTENANCE STANDARDS

The minimum landscape standards for the PUD shall include landscape installations as further detailed in this PUD Development Plans. Chapter 13, Section H of parking lot/storage area

interior requirements are hereby waived of the listed requirements. Chapter 13, Section I maintenance requirements shall apply.

- i. **Northern & Eastern Edge Landscaping:** The Northern and Eastern Edge Landscaping of the Development, shall be comprised of those materials and layout as site described in Articles VIII and IX as outlined herein.
- ii. **Eastern Edge of Marina:** It is anticipated that the marina area shall be dredged with sidewalls of the marina to be excavated to allow the installation of vinyl sea wall structures. Prior to these improvements, along the Eastern edge of the marina, there shall be maintained, within fifteen (15') feet of the marina's edge, a green space planting bed area of grass (no less than five (5') feet in width), which shall be placed as outlined in **EXHIBIT E**. This shall serve as a natural water runoff filter area, prior to water shedding across the property into the marina. Upon completion of the marina sea wall infrastructure, within fifteen (15') feet of the marina sea edge, on the Eastern side of the marina, a natural planting area of native grasses shall be planted, no less than five (5') feet in width, which shall be installed as outlined in **EXHIBIT E**. This natural planting area shall be constructed and planted within one hundred (100) days of the completion of the sea wall on the Eastern edge of the marina (unless delayed due to untimely completion of the sea wall during winter months).
 - a. **A non-woven geotextile fabric shall be placed around the engineered soil strata related to the vegetated filter strip. A four (4) inch socked and perforated drain tile shall be placed in the bottom of the filter strip, with proposed invert elevations provided to show it will have a positive slope. Outlets shall be provided in proposed seawall to allow for filtered stormwater to enter Cedar Lake (strip be slightly notched to catch stormwater). Filter strip to receive routine maintenance and require an operations and maintenance manual at site plan approval.**
- iii. **Pedestrian Walk Way Surrounding Marina:** Upon completion of the construction of the sea wall infrastructure of the marina, the Developer shall be allowed to implement and install a pedestrian walk way, adjacent to the seawall, in between the sea wall and the filter area described above. This walkway may be comprised of materials which allow for safe pedestrian travel along the edge of the marina.
- iv. **Marina Dock Structures:** Upon the completion of the construction and installation of seawalls as outlined herein, Developer shall be allowed to install docks and piers within the waters of the Marina, attached to the shoreline and the seawalls, comprised and to be constructed with industry standard materials.

XVI. INFRASTRUCTURE ELEMENTS

The PUD Project Property infrastructure shall comply with the Town Zoning Ordinance No. 1402, as amended from time to time, and Town Subdivision Control Ordinance No. 498, as amended from time to time, unless otherwise approved by the Plan Commission in consideration

of the preservation of the natural topography and environment, and in consideration to the unique design and intent of the District.

XVII. STORMWATER

Minimum Storm Water Standards for the PUD shall meet Town of Cedar Lake standards as required from the Building Department and Plan Commission and as found in Town Ordinance No 1218, and appended Stormwater Technical Standards Manual, as amended from time to time. This shall include the following:

- (a) The on-site storm water collection system shall be designed to respect the natural drainage patterns of the site and related properties. Inlets, catch basins, and manholes shall be generally located to collect storm water along specified areas of the property to enable the grading plan of the development and to be allowed direct discharge into Cedar Lake or adjacent waterways/harbor area.
- (b) Locations of Inlets, Catch Basins and Manholes will be positioned to avoid main pedestrian walk routes, trash enclosures and main building entrances.
- (c) Storm Sewer collection system piping shall be made of either Reinforced Concrete Pipe (RCP), Poly Vinyl Chloride (PVC), or High Density Poly Ethylene (HDPE).
- (d) Building roof drains and footing drains may not be connected directly to Cedar Lake.

XVIII. EASEMENTS

Easements for public and related utilities shall be preserved as outlined according to the areas designated by the Town Zoning Ordinance and the Town Subdivision Control Ordinance, and as further outlined in APPENDIX B and APPENDIX C.

XIV. UTILITY SERVICE

All development within the PUD shall be serviced with Public Utilities from the Town of Cedar Lake. Specifically, the development will be provided with the following utilities and associated utility service providers:

| Utility Type | Utility Service Company |
|---------------------|--|
| Sanitary Sewer | Town of Cedar Lake Sewer Utility |
| Storm Water | Town of Cedar Lake Storm Water Utility |
| Water | Developer owned well |
| Electric | NIPSCO |
| Gas | NIPSCO |
| Communication | TBD |
| Communication | TBD |

- (a) **Sanitary Sewer Service** for the commercial development shall be serviced by connecting to an existing Sanitary Sewer Service provided by Cedar Lake.
 - a. All Sanitary Sewer Service shall be platted in public utility easements and be dedicated to the Town of Cedar Lake's Sewer Utility for ownership and maintenance. All public utility easements shall be a minimum of twelve (12') feet in width and shall be located that provide the Utility immediate access for maintenance. All Sanitary Sewer Service shall meet Cedar Lake Sewer Utility specifications.
 - b. All Sanitary Sewer Service connecting buildings to the Sanitary Sewer Lines shall be owned and maintained by the ownership entity of the building that it serves. The Sanitary Sewer Service Lines shall meet the Cedar Lake Sewer Utility specifications.
- (b) **Water Service** for Domestic use by the Developer shall be serviced by the well located on the PUD property. Developer agrees, should service become available to tie into a potable water line offered by the Town, so long as it is adjacent to the property line, to connect to same within one (1) year of written notice of this availability.
- (c) **Electric and Gas Service** shall be provided by NIPSCO and coordinated with said Company, or its assignee.
- (d) **Communication Lines** – room for communication shall be maintained in general easement areas and coordinated with communication companies at the discretion of involved owners or tenants.

XX. LIGHTING

Marina Lighting (Area comprising the areas within fifteen (15') feet of the marina sea wall edge, the marina parking area, and the retail parking): Site lighting shall be decorative in nature and consistent with the architectural design standards as being utilized by the Town of Cedar Lake, as found in Chapter 14, Section L, of Cedar Lake Code, and as deemed sufficient lighting by Town Engineer.

Boat Storage Building and Boat Storage Area Lighting: Minimal security lighting to illuminate the northern and eastern edge of the Boat Storage Building and the Boat Storage Area ("Site Areas") shall only be required, so as to minimize light displacement into adjacent residential neighborhoods and for security purposes at Developer's engineer discretion. This lighting may be affixed to the Boat Storage building. Lighting plans for Boat Storage Building and Boat Storage Area are to be submitted with engineering plans for the Boat Storage Building Permit application.

Common Requirements:

- a) All exterior lighting shall be designed and constructed to direct light away from adjacent properties unless otherwise indicated above.

- b) All exterior lighting shall be arranged and designed with a common light fixture type and with a variety of heights based upon system use.
- c) Parking areas shall be adequately lighted for the safety of pedestrian and vehicle movements.
- d) Decorative wall mounted or ground mounted lighting may be used on building fronts visible to street or parking areas to illuminate buildings and architectural features.

E

XXI. ACCESSORY OR MAIN BUILDINGS

Buildings constructed within this PUD may be constructed of metal and post-building types of constructions.

XXII. PARKING SPACES

The minimum number of off-street parking spaces shall be those allowed, as per the attached **EXHIBIT E**. The parking schedule applied to the 100'x150' ft. cold recreational vehicle storage facility shall be exempt from parking space requirement allotment.

XXIII. LOT IMPROVEMENTS

The Developer anticipates continued improvements to the Marina and related areas. The phasing of these improvements are anticipated to be: 1) Construction of Boat Storage Building; 2) Marina sea wall improvements; 3) Marina pier improvements; 4) Marina board walk improvements; 5) One Story Frame Commercial Building Expansion; and 6) Marina Boat Loading Area expansion.

XXIV. FENCING

Fencing shall be required along the northern, eastern and southern end of the property, either in its present condition, or, when replaced, with that as allowed by applicable Town Code.

Eastern & Northern Edge: The Developer may continue the use and installation of a chain link fence, which may be located on the Eastern and Northern Edge of the Lot.

Southern Edge: The Developer may continue the use and installation of a chain link fence, which may be located on the Southern Edge of the Lot, to be located between the edge of the roadway and the adjacent commercial buildings or edge of the marina/marina boardwalk. Developer may choose to replace this chain link fence with a similar style fence or wrought iron ornamental fence, no less than five feet in height and no greater than seven feet in height. (Chapter 15, Section 15.2 shall not apply).

The requirement for an opaque fence six (6') feet in height surrounding the Lot is waived.

Verified and Approved this the ____ day of _____, 2024.

By: Pine Crest Incorporated, an Indiana Corporation

By: _____

Bob Gross, Authorized Member

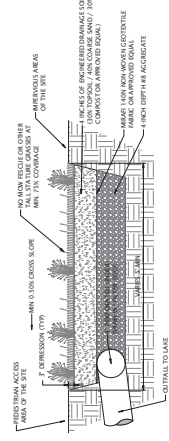
Attested: _____

Nathan D. Vis, Vis Law, LLC Date

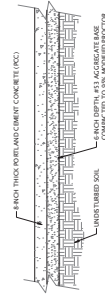


NOTES

- [illegible]



VEGETATED FILTER STRIP



COMMERCIAL CONCRETE APPROACH

UTILIZE FOR ALL INDIVIDUAL LOT APPROACHES
(NOT TO SCALE)

(NOT TO SCALE)

| | |
|----------------------|--|
| DATE: | |
| REVISIONS AND NOTES: | |
| | |
| | |
| | |
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| | |

**PINECREST
MIXED USE DISTRICT
PLANNED UNIT DEVELOPMENT
PLAN OF DEVELOPMENT**



© COPYRIGHT DVG TEAM, INC.
 DESIGN BY DVG DATE 07-23
 PROJECT NO. 22-0579
 POD



September 15, 2023

Town of Cedar Lake
7408 Constitution Avenue
P. O. Box 707
Cedar Lake, Indiana 46303

Attention: Plan Commission

Subject: Pine Crest Marina PUD
Preliminary Plat/PUD Review #2
(CBBEL Project No. 060016.00217)

Dear Plan Commission Members:

As requested, Christopher B. Burke Engineering, LLC (CBBEL) staff has reviewed the preliminary plat and PUD documents associated with Pine Crest Marina located northwest of Huseman Street and 147th Avenue in the Town of Cedar Lake, Indiana (Town). The improvements include parking areas, existing buildings, a proposed storage building, vegetated filter strip and landscaping. Information was submitted by Vis Law, LLC (Vis) and DVG Team, Inc. (DVG) and were reviewed for compliance with the Town of Cedar Lake's (Town) Subdivision Ordinance (No. 498), Zoning Ordinance (No. 1402), Lighting Ordinance (No. 1264), Floodplain Ordinance, Stormwater Ordinance (No. 1218), and associated standard engineering methods. It is our understanding that NIES Engineering is completing detailed reviews for sanitary and potable water systems for the development.

CBBEL received the following items to review:

- CBBEL letter dated August 24, 2023, marked up with notes.
- Exhibit C, Development Agreement, prepared by Vis Law, dated August 20, 2023.
- Exhibit D, Design Standards & Covenants – Cedar Lake Railside PUD Mixed Use District, prepared by Vis Law, dated August 30, 2023.
- Plat of Survey (2 Sheets), prepared by V3, dated April 6, 2023.
- "Pine Crest Multi Use PUD", prepared by DVG, dated August 30, 2023.
- "Pinecrest Mixed Use District Plan of Development (1 Sheet), prepared by DVG, dated July 2023. Not revised.

CBBEL reviewed the submitted items and offers the following comments for the Applicant to address:

General

1. **Noted.** The Applicant should be aware that the building and any fill operations will be subject to the Town Floodplain Ordinance and FEMA Technical Bulletin 10-01 requirements. **This will remain a contingency of approval.**

2. **Noted.** Either a FEMA Letter of Map Amendment (LOMA) should be obtained if the existing building area is above the Base Flood Elevation (BFE) or a Letter of Map Revision – Based on Fill (LOMR-F) should be obtained. **This will remain a contingency of approval.**

Development Agreement/PUD Ordinance

1. Addressed.
2. **Noted and for Plan Commission consideration.** Exhibit C, Section 15. The following substantive deviations from Town Ordinances are the following:
 - a. No sidewalk to be installed within the subdivision or within the frontages of adjacent public rights-of-way.
 - b. No improvements to the public right-of-way associated with Lauerman Street and 147th Avenue. The Applicant has also requested that the existing roadway will not encroach further north in the future.
 - c. No public lighting improvements along the public rights-of-way.
3. Addressed.
4. Addressed.
5. Addressed.
6. Addressed.
7. Addressed.
8. Addressed.
9. **Not Addressed.** Exhibit D, Section X. Waiver of specific parking requirements is not recommended in combination with the number of uses the Petitioner has requested. Proposed uses noted in this document require substantially more parking than others. **There are still significant parking waiver requests noted in the updated documents.**
10. Addressed.
11. Addressed.
12. Addressed.
13. Addressed.

Preliminary Plat

1. **Partially Addressed.** County GIS shows the triangular parcel east of 45-15-34-402-007.000-014 is included in the proposed subdivision limits. However, it is excluded from this plat's limits. **The Applicant should clarify how this parcel will be handled at County.**
2. Addressed.
3. Addressed.
4. **Not Addressed.** The Lauerman Street right-of-way should be noted as herby dedicated. We recommend an additional 5 ft. be dedicated through the parcel frontage.
5. Addressed.
6. **Partially Addressed.** No drainage or utility easements are noted on the plat, but provisions are provided. Either easements should be shown or the provisions should be removed. **The fronting utility easement should be 12 ft. to meet the Town minimum easement width.**
7. Addressed.
8. **Not Addressed.** The proposed lot address should be noted on the plat.

Development Plan

1. Addressed.

2. Addressed.
3. **Not Addressed.** Additional grades should be provided that show drainage patterns throughout the site. **The Applicant has included a general note on the development plan stating that no storm sewer will be required. However, no existing or proposed grading outside of edges were provided to support this note.**
4. Addressed.
5. **Partially Addressed.** A 4-inch socked and perforated drain tile shall be placed in the bottom of the filter strip. Proposed invert elevations should be provided for the drain tile to show it will have positive slope. Outlets should be provided in the proposed seawall to allow for filtered stormwater to enter the lake. We recommend that the strip be slightly notched to catch stormwater prior to entering the lake.

The filter strip should receive routine maintenance to ensure its benefits are maintained into perpetuity. An Operations and Maintenance Manual will be required at site plan approval. **The requirement of the O&M Manual should be noted in the development agreement or development plan.**

6. Addressed.
7. Addressed.
8. **Partially Addressed.** The entrance off Lauerman Street/147th Avenue should conform to a commercial drive approach (8" PCC/6" Agg.). **The drive apron east of the shown approach should also be concrete.**
9. Addressed.
10. Addressed.
11. Addressed.
12. **Addressed.** A parking schedule shall be provided on this plan. Typical parking dimensions and ADA parking space locations shall be provided. **This will be further reviewed once a formal site plan is provided, prior to building permit issuance.**

The Applicant should be aware that with the additional information requested being submitted, additional comments could arise. **To expedite future reviews, the Applicant should include a comment-response letter with future submittals.** All improvements shall be constructed in accordance with the Town's Development Standards and all applicable Town, County, State and Federal regulations. The Applicant is required to obtain all Town, County, State and Federal permits required for the construction of this project.

If you have any questions or concerns, please do not hesitate to call.

Sincerely,



Donald C. Oliphant, PE, CFM, CPESC
Town Engineer

cc: Town Manager (via email)
Planning Director (via email)
Director of Operations (via email)
Building Administrator (via email)
Town Attorney (via email)
Nathan Vis (via email)
Jack Huls, DVG – McAlpine (via email)

P:\Cedar Lake\060016 Town Engineer\217\L060016.00217_Pinehurst Marina_091523.docx

Mr. Frank Lewindowski, 13701 Lauerman Street, commented there needs to be fair and even representation and right now we do not have that. Mr. Lewindowski discussed a Board member being voted off the Plan Commission.

Mr. Tom Gregor, 60008 West 146th Avenue, asked if TIF could be defined. Mr. Foreman explained what a TIF is.

Mr. Kiepura closed the public portion of this hearing.

Ms. Abernathy stated the review is completed and Mr. Austgen is in receipt of comments and responses.

Mr. Foreman commented this is a preliminary plan and it is a ten-year project and Engineering should move forward.

A motion was made by Mr. Foreman and seconded by Mr. Sharpe to send a favorable recommendation to the Town Council for the Lakeside South Rezone from R-1 and Agricultural to Planned Unit Development and contingent upon verification of legal, as well as, the September 19, 2023 Letter from Christopher B. Burke Engineering for Motion passed by roll-call vote, 4-Ayes to 2-Nays:

| | |
|--------------|-----|
| Mr. Carnahan | Aye |
| Mr. Foreman | Aye |
| Mr. Hunley | Nay |
| Mr. Sharpe | Aye |
| Mr. Parker | Nay |
| Mr. Kiepura | Aye |

2. Pine Crest – One Lot Subdivision & Rezone

Owner: Pine Crest Incorporated, C/O Vis Law, 12632 Wicker Avenue, Cedar Lake, IN 46303

Petitioner: Nathan D. Vis, 12632 Wicker Avenue, Cedar Lake, IN 46303

Vicinity: 8504 West 146th Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a One Lot Subdivision & Rezone from Resort to Planned Unit Development (PUD). Mr. Austgen advised legals are in order, but any action taken will need verification.

Mr. Nathan Vis, Vis Law on behalf of Pine Crest Incorporated, stated there were a few minor details, but we now have a proposed Planned Unit Development. This proposal is located at the southern end of the lake near the marina where Pine Crest is located. They are looking to consolidate to have a boat storage building. The phasing of this project is in good order, but there was a concern about the drainage, as well as, the entry/egress way and this was addressed with the Engineers prior to this meeting. The Development Agreement has existing uses for both storage and maintenance and these uses can continue as we phase out the proposed development. There is a final Site Plan and we spoke with staff and there was a request to waive any future Site Plan reviews before this Board due to specificity. We would not waive any continuing obligation to continue to work with the Town Engineer and staff with any future Site Plan review that would be needed. The Planned Unit Development Agreement clarified there was a variety of proposed uses such as appliances for boats, appliance repair, business professional offices, and marina emphasis that could be located on this particular piece of property.

Mr. Oliphant commented we issued a letter on September 15, 2023, and the remaining comments are minor. Some of the comments that were added prior to meetings for waivers is the Petitioner is asking for are no sidewalks to be installed, improvement of the public right-of-way in their frontage and no public lighting improvements in the public right-of-way. This is a unique parcel and it is space within their own right-of-way before it gets into the marina itself. Any anticipated improvements through there will be difficult.

Mr. Kiepura asked if there were any remonstrators for or against Pine Crest Marina.

Mr. Carl Springer, 7326 W. 143rd Avenue, commented on this development, what is going to be on this parcel. Mr. Oliphant commented there will be a boat storage building with a future ability to create a small building off of the frontage. Mr. Springer commented this will be utilized as a business and why is it going to be re-zoned, because we do not want to add to any safety issues with traffic. Mr. Oliphant commented there will be a larger frontage.

Mr. Robert Phillips, 14620 Huseman Street, commented he doesn't understand why this has to be re-zoned for business because it is a business. It will run through his backyard. Mr. Kiepura commented the marina section is being re-zoned.

Mr. Kiepura closed the public portion of this hearing.

Ms. Abernathy stated Mr. Vis, Mr. Austgen and myself went over the PUD Agreement and it was re-submitted, but I have not had a chance to review all of it. Any recommendations would be with legal and staff review. Mr. Austgen commented it was substantial business documents, Ordinance Covenants, and Agreement.

Mr. Austgen advised the provision should be for legal, staff and party agreement on the final verbiage. The concepts are covered and the waiver of sites approval is a policy call. The proposed uses are identified as items one through six in the Agreement. The item of approval on the Site Plan has historically been for business improvement vested by you and if it is appropriate to identifying it. This is a substantial waiver. Mr. Parker asked is this going to be contingent on that. Mr. Austgen stated it isn't contingent on the finalizing of the importance in the document. Mr. Parker asked are we are looking for legal review, staff review and the legal understanding. Mr. Austgen responded in the affirmative.

Mr. Oliphant stated it will also be contingent on our letter dated September 15, 2023.

Mr. Vis commented there are a couple of clarifications. There is an item in Mr. Oliphant's letter that requested an easement of approximately 12-feet for Nipsco running in front of Lauerman and we would request this be reduced to 10-feet. There was a suggestion in the letter that asked for an additional 5-feet of right-of-way North along Lauerman and it was indicated there isn't a lot of room where we are proposing to put ornamental lights, as well as, or ornamental fencing long term. We are comfortable without it, but that is a policy call. Discussion ensued.

Mr. Vis stated there is a triangular area that dips into the channel and that is a right-of-way that the Town maintained from when there was a railway that used to loop right next to the lake from a century ago. That should have been cleaned up a long time ago. We had discussed that we go through a process with the Town Council that they would remit that back to the two adjacent land owners, and after speaking with Mr. Austgen, he indicated due to the minor area that we are talking about, he would recommend to

the Board and to the Council to do a quick claim of that triangular piece that juts out into the marina shore from the Town to the client. In return, we would obtain an easement should the Town need to access the channel.

Mr. Hunley commented Pine Crest has been a business in the Town for years and has worked hard maintaining the lake.

A motion was made by Mr. Parker and seconded by Mr. Hunley to send a favorable recommendation to the Town Council for a Rezone from Resort to Planned Unit Development contingent on legal review, staff review, legal verbiage, letter of September 15, 2023, Engineering comments and concerns, and recommending a quick claim deed of the triangle parcel and an easement in return. Motion passed unanimously by roll-call vote:

Mr. Carnahan Aye
Mr. Foreman Aye
Mr. Hunley Aye
Mr. Sharpe Aye
Mr. Parker Aye
Mr. Kiepura Aye

A motion was made by Mr. Parker and seconded by Mr. Foreman to approve this Preliminary Plat with the same contingencies as the Planned Unit Development. Motion passed unanimously by roll-call vote:

Mr. Carnahan Aye
Mr. Foreman Aye
Mr. Hunley Aye
Mr. Sharpe Aye
Mr. Parker Aye
Mr. Kiepura Aye

3. 2023-17 – Yonk’s Way – Final Plat

Owner/Petitioner: L & L Capital Assets LLC, PO Box 2010, Cedar Lake, IN 46303

Vicinity: 13310 West 133rd Avenue, Cedar Lake, IN 46303

Mr. Kiepura stated the next order of business is for a petition requesting the Final Plat for a Two Lot Subdivision.

Mr. Jack Huls, DVG, representing L & L Capital Assets LLC, stated this is for a Final Plat request. Prior to hearing the Final Plat, we made a request at the work session earlier this month regarding the surety and we would like to get a motion regarding the Final Plat.

Mr. Kiepura commented they want a Performance Bond instead of a Letter of Credit for the same amount.

Mr. Austgen stated that was the request and was dialogued at the work session. Since 1989, the Ordinances with this Town has required Letter of Credit or cash, most of which has to do with protecting the Town and he understands why Mr. Huls is asking. It is the Board’s decision to wave this decision, but to have something specific as to the reason why, so we can distinguish this action in the future.



Town of Cedar Lake

Department of Planning, Zoning and Building
7408 Constitution Avenue, P.O. Box 707, Cedar Lake, IN 46303
Tel: (219) 374-7400 Fax: (219) 374-8588
www.cedarlakein.org

*OFFICE USE ONLY

DOCKET NO.
FILING FEE \$2.00
RECEIPT NO. 638255

PLANNING APPLICATION

PROPERTY ADDRESS:

8504 W 146th Ave Cedar Lake

ZONING

Resort

TAX KEY NUMBER(S):

45-15-34-402-CR-000-014

PETITIONER(S) INFORMATION

NAME:

Natasha D. Vis

Phone:

[REDACTED]

ADDRESS:

12632 Wicker Ave

Alt. Phone:

[REDACTED]

CITY, STATE, ZIP:

Cedar Lake IN 46303

Email:

[REDACTED]

OWNER(S) INFORMATION

NAME:

Pine Crest Incorporated

Phone:

[REDACTED]

ADDRESS:

c/o Vis Law

Alt. Phone:

[REDACTED]

CITY, STATE, ZIP:

[REDACTED]

Email:

[REDACTED]

REQUEST (check all that apply):

SUBDIVISION:

- ☒ Preliminary Plat
☒ Final Plat

☒ REZONE☐ PUBLIC WAY VACATION☒ CONCEPT PLAN☐ SITE PLAN☐ PUD AMENDMENT

DESCRIBE THE REQUEST:

See attached

I (We), the undersigned, now state that the information contained in this application and all attached exhibits are true and correct to the best of my (our) knowledge.

Signature(s) of Owner(s)

STATE OF INDIANA)

) SS:

COUNTY OF LAKE)

Subscribed and sworn to before me on this 30 day of September, 2022.

Notary Public

My Commission expires:

9/14/2023

RACHEL M PHIPPS
Notary Public - Seal
Lake County - State of Indiana
Commission Number 672949
My Commission Expires Sep 14, 2023

Signature(s) of Petitioner(s)

STATE OF INDIANA)

) SS:

COUNTY OF LAKE)

Subscribed and sworn to before me on this 30 day of September, 2022.

Notary Public

My Commission expires:

9/14/2023

RACHEL M PHIPPS
Notary Public - Seal
Lake County - State of Indiana
Commission Number 672949
My Commission Expires Sep 14, 2023

QUIT-CLAIM DEED

TAX I.D. NO. TBD

THIS INDENTURE WITNESSETH, that GRANTOR, TOWN OF CEDAR LAKE, INDIANA, LAKE COUNTY, INDIANA, a MUNICIPAL CORPORATION, QUITCLAIMS to GRANTEE, PINE CREST INCORPORATED, an INDIANA CORPORATION, LAKE COUNTY, INDIANA in consideration of One Dollar (\$1.00), and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties hereto, the following described parcel of real property in Lake County, Indiana, namely:

A PARCEL OF LAND IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, BEING PART OF 146TH AVENUE, FORMERLY SHADY BEACH WYE ROAD, HERETOFORE DEDICATED PER SHADY BEACH WYE ADDITION, RECORDED JUNE 2, 1945 IN PLAT BOOK 26, PAGE 80, IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA, DESCRIBED AS:

COMMENCING ON THE SOUTH LINE OF 146TH AVENUE, AT A ¾ INCH PIPE LOCATED AT THE NORTHWEST CORNER OF PARCEL 3 DESCRIBED IN QUITCLAIM DEED RECORDED AUGUST 22, 2022 AS DOCUMENT 2022-534486, IN THE OFFICE OF THE RECORDER OF SAID COUNTY, THENCE ALONG THE SOUTH LINE OF SAID 146TH AVENUE, NORTHWESTERLY ALONG THE ARC OF A CURVE CONCAVE NORTH 263.37 FEET, HAVING A RADIUS OF 931.09 FEET, HAVING A CHORD BEARING NORTH 57 DEGREES 15 MINUTES 27 SECONDS WEST 262.50 FEET, TO A 5/8 INCH REBAR WITH 'V3' CAP AT THE INTERSECTION WITH THE EAST LINE OF THE FORMER CHICAGO, INDIANAPOLIS AND LOUISVILLE RAILWAY, AND THE POINT OF BEGINNING.

THENCE NORTH 30 DEGREES 00 MINUTES 29 SECONDS EAST 25.47 FEET TO THE SOUTHWEST CORNER OF LOT 9 IN SAID SHADY BEACH WYE ADDITION, SAID CORNER BEARING SOUTH 46 DEGREES 27 MINUTES 12 SECONDS WEST 107.00 FEET FROM A ¾ INCH PIPE AT THE NORTHWEST CORNER OF SAID LOT 9; THENCE NORTH 48 DEGREES 11 MINUTES 37 SECONDS WEST, ALONG THE NORTH LINE OF SAID 146TH AVENUE, 20.79 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID FORMER RAILWAY; THENCE SOUTH 04 DEGREES 23 MINUTES 58 SECONDS EAST, ALONG SAID EAST LINE, 36.02 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 259 SQUARE FEET MORE OR LESS.

COMMONLY KNOWN AS: TBD

Dated this ____ day of _____, 2024.

**TOWN OF CEDAR LAKE, LAKE
COUNTY, INDIANA, a MUNICIPAL
CORPORATION**

**BY: _____
ITS: TOWN COUNCIL PRESIDENT**

**ATTEST BY: JENNIFER N. SANDBURG, IAMC, CMC, CPFIM
ITS: TOWN CLERK-TREASURER**

STATE OF INDIANA, COUNTY OF _____) SS:

Before me, the undersigned, a Notary Public in and for said County and State, this _____ day of _____, 2024, personally appeared, in representative capacity, not individually, on behalf of GRANTOR, **TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, a Municipal Corporation** BY _____, **ITS Town Council President and Town Clerk-Treasure**, respectively, and acknowledged the execution of the foregoing Quit-Claim Deed. In witness whereof, I have hereunto subscribed my name and affixed my Official Seal.

My Commission expires: _____

Signature _____

Resident of _____ County, Indiana

Printed _____, Notary Public

This instrument prepared by: NATHAN D. VIS, Attorney at Law, ID No. 29535-45
VIS LAW, LLC, P.O. Box 980, Cedar Lake, IN 46303
No legal opinion given to Grantor(s) or Grantee(s) in preparation of deed or form
of holding ownership. All information used supplied by title company.

RETURN DEED TO: **GRANTEE**
GRANTEE'S STREET OR RURAL ROUTE ADDRESS: **14415 LAUERMAN, CEDAR LAKE, IN 46303**
SEND TAX BILLS TO: **GRANTEE**

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.

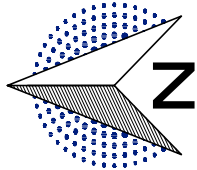
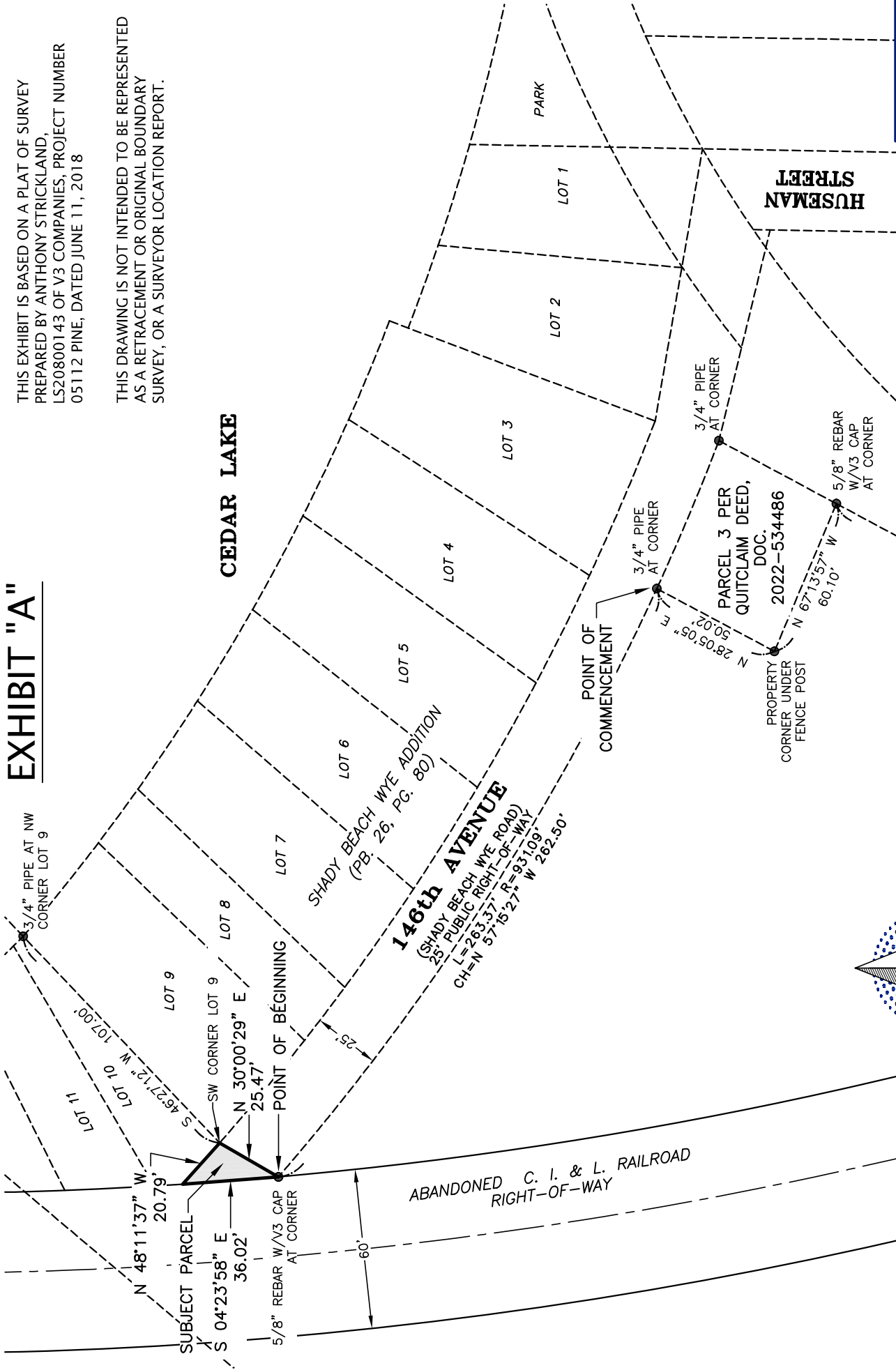
Signature

Printed Name

EXHIBIT "A"

THIS EXHIBIT IS BASED ON A PLAT OF SURVEY
PREPARED BY ANTHONY STRICKLAND,
LS20800143 OF V3 COMPANIES, PROJECT NUMBER
05112 PINE, DATED JUNE 11, 2018

THIS DRAWING IS NOT INTENDED TO BE REPRESENTED
AS A RETRACEMENT OR ORIGINAL BOUNDARY
SURVEY, OR A SURVEYOR LOCATION REPORT.



Reference Name: PINE CREST
Survey Job No: 22-0579
Drawn By: TJM
Date: 09/29/23
Z:/22-0579/Survey File/22-0579 VAC.dwg
SE 1/4, Section 34-T34N-R9W
Lake County, IN



DVG TEAM, Inc
1155 Troutwine Road
Crown Point, IN 46307
Phone: (219) 662-7710
Fax: (219) 662-2740
www.dvgteam.com

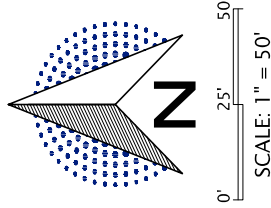
EXHIBIT "B"

PARCEL DESCRIPTION:

A PARCEL OF LAND IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, BEING PART OF 146TH AVENUE, FORMERLY SHADY BEACH WYE ROAD, HERETOFORE DEDICATED PER SHADY BEACH WYE ADDITION, RECORDED JUNE 2, 1945 IN PLAT BOOK 26, PAGE 80, IN THE OFFICE OF THE RECORDER OF SAID COUNTY, DESCRIBED AS:

COMMENCING ON THE SOUTH LINE OF 146TH AVENUE, AT A 3/4 INCH PIPE LOCATED AT THE NORTHWEST CORNER OF PARCEL 3 DESCRIBED IN QUITCLAIM DEED RECORDED AUGUST 22, 2022 AS DOCUMENT 2022-534486, IN THE OFFICE OF THE RECORDER OF SAID COUNTY, THENCE ALONG THE SOUTH LINE OF SAID 146TH AVENUE, NORTHWESTERLY ALONG THE ARC OF A CURVE CONCAVE NORTH 263.37 FEET, HAVING A RADIUS OF 931.09 FEET, HAVING A CHORD BEARING NORTH 57 DEGREES 15 MINUTES 27 SECONDS WEST 262.50 FEET, TO A 5/8 INCH REBAR WITH 'V3' CAP AT THE INTERSECTION WITH THE EAST LINE OF THE FORMER CHICAGO, INDIANAPOLIS AND LOUISVILLE RAILWAY, AND THE POINT OF BEGINNING;

THENCE NORTH 30 DEGREES 00 MINUTES 29 SECONDS EAST 25.47 FEET TO THE SOUTHWEST CORNER OF LOT 9 IN SAID SHADY BEACH WYE ADDITION, SAID CORNER BEARING SOUTH 46 DEGREES 27 MINUTES 12 SECONDS WEST 107.00 FEET FROM A 3/4 INCH PIPE AT THE NORTHWEST CORNER OF SAID LOT 9; THENCE NORTH 48 DEGREES 11 MINUTES 37 SECONDS WEST, ALONG THE NORTH LINE OF SAID 146TH AVENUE, 20.79 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID FORMER RAILWAY; THENCE SOUTH 04 DEGREES 23 MINUTES 58 SECONDS EAST, ALONG SAID EAST LINE, 36.02 FEET TO THE POINT OF BEGINNING, SAID PARCEL CONTAINING 259 SQUARE FEET MORE OR LESS.



Reference Name: PINE CREST
Survey Job No: 22-0579
Drawn By: TJM
Date: 09/29/23
Z:/22-0579/Survey File/22-0579 VAC.dwg
SE 1/4, Section 34-T34N-R9W
Lake County, IN

THIS EXHIBIT IS BASED ON A PLAT OF SURVEY
PREPARED BY ANTHONY STRICKLAND,
LS20800143 OF V3 COMPANIES, PROJECT
NUMBER 05112 PINE, DATED JUNE 11, 2018

DVG TEAM, Inc
1155 Troutwine Road
Crown Point, IN 46307
Phone: (219) 662-7710
Fax: (219) 662-2740
www.dvgteam.com



THIS DRAWING IS NOT INTENDED TO BE REPRESENTED
AS A RETRACEMENT OR ORIGINAL BOUNDARY
SURVEY, OR A SURVEYOR LOCATION REPORT.

STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

CEDAR LAKE PLAN COMMISSION CERTIFICATION

TO: CEDAR LAKE TOWN COUNCIL RE: PINE CREST INCORPORATED
 TOWN OF CEDAR LAKE, NATHAN D. VIS
 LAKE COUNTY, INDIANA PLANNED UNIT DEVELOPMENT REZONE

Pursuant to the requirements of applicable law, the Plan Commission of the Town of Cedar Lake, Lake County, Indiana, by its duly designated representative, hereby CERTIFIES to the Cedar Lake Town Council the application of Owner, **Pine Crest Incorporated**, an Indiana Corporation, and Petitioner, **Nathan D. Vis**, for the **Zone Map Amendment** being sought from Zoning Ordinance No. 1402, from the current zoning of said property, Chapter 7.4 (R-S) Resort Zoning District, to Chapter 9 Planned Unit Development (PUD) Zoning District Classification, for the Property located in the vicinity of 8504 W 146th Avenue, Cedar Lake, Indiana 46303 and legally described as:

PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT WHERE THE NORTH LINE OF 40 FOOT WIDE 147TH AVENUE (SHADY BEACH ROAD) INTERSECTS THE EAST LINE OF THE MAIN RIGHT OF WAY LINE OF THE NOW ABANDONED CHICAGO, INDIANAPOLIS AND LOUISVILLE RAILWAY COMPANY RAILROAD; THENCE SOUTH 89 DEGREES 29 MINUTES 32 SECONDS EAST (BASIS OF BEARINGS ASSUMED), 28.71 FEET TO THE WEST RIGHT OF WAY LINE OF THE ABANDONED SOUTH SPUR OF THE CHICAGO, INDIANAPOLIS AND LOUISVILLE RAILWAY COMPANY RAILROAD AND A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS IS 474.86 FEET WITH A CHORD THAT BEARS NORTH 22 DEGREES 14 MINUTES 01 SECONDS EAST FOR 216.47 FEET; THENCE ALONG LAST SAID CURVE OF SAID ABANDONED SOUTH SPUR 218.47 FEET TO THE SOUTH LINE OF LOT 5 IN COFFIN SECOND SHADY BEACH ADDITION TO CEDAR LAKE AS SHOWN IN PLAT BOOK 21, PAGE 38, IN THE OFFICE OF THE RECORDER OF SAID COUNTY, EXTENDED WESTERLY; THENCE NORTH 28 DEGREES 12 MINUTES 54 SECONDS EAST, 68.57 FEET; THENCE NORTH 67 DEGREES 13 MINUTES 57 SECONDS WEST, 60.10 FEET; THENCE NORTH 28 DEGREES 05 MINUTES 05 SECONDS EAST, 50.02 FEET TO THE SOUTHERLY LINE OF 146th AVENUE (SHADY BEACH WYE ROAD) AS SHOWN IN SHADY BEACH WYE ADDITION TO CEDAR LAKE AS SHOWN IN PLAT BOOK 26, PAGE 80, IN THE OFFICE OF THE RECORDER OF SAID COUNTY AND A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 931.09 FEET WITH A CHORD THAT BEARS NORTH 57 DEGREES 15 MINUTES 27 SECONDS WEST FOR 262.50 FEET; THENCE ALONG SAID SOUTHERLY LINE AND LAST SAID CURVE FOR 263.37 FEET TO THE EAST LINE OF SAID NOW ABANDONED CHICAGO, INDIANAPOLIS AND LOUISVILLE RAILWAY COMPANY RAILROAD; THENCE NORTH 04 DEGREES 23 MINUTES 58 SECONDS WEST, 36.02 FEET ALONG SAID ABANDONED EAST RIGHT-OF-WAY LINE TO THE SOUTH LINE OF LOT 10 IN SAID SHADY BEACH WYE ADDITION TO CEDAR LAKE; THENCE SOUTH 48 DEGREES 11 MINUTES 37 SECONDS EAST, 20.79 FEET ALONG SAID SOUTH LINE TO THE EAST LINE OF SAID LOT 10; THENCE NORTH 46 DEGREES 27 MINUTES 12 SECONDS EAST, 118.06 FEET ALONG SAID EAST LINE;

THENCE NORTH 21 DEGREES 37 MINUTES 26 SECONDS WEST, 63.44 FEET; THENCE NORTH 31 DEGREES 33 MINUTES 08 SECONDS WEST, 19.20 FEET; THENCE SOUTH 40 DEGREES 09 MINUTES 21 SECONDS WEST, 454.63 FEET; THENCE SOUTH 51 DEGREES 08 MINUTES 28 SECONDS WESTS, 110.69 FEET TO THE CENTERLINE OF LAUERMAN/147th AVENUE AND A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 403.28 FEET AND A CHORD THAT BEARS SOUTH 33 DEGREES 55 MINUTES 07 SECONDS EAST FOR 70.83 FEET; THENCE ALONG SAID CENTERLINE AND LAST SAID CURVE 70.92 FEET TO A CURVE ALONG THE CENTERLINE OF SAID LAUERMAN/147th AVENUE, CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 1143.57 FEET WITH A CHORD THAT BEARS SOUTH 43 DEGREES 14 MINUTES 58 SECONDS EAST FOR 171.12 FEET; THENCE ALONG SAID CENTERLINE AND LAST SAID CURVE 171.37 FEET TO A CURVE CONCAVE TO THE NORTHEAST ON THE CENTERLINE OF SAID LAUREMANN/147th AVENUE HAVING A RADIUS OF 257.53 FEET WITH A CHORD THAT BEARDS SOUTH 67 DEGREES 37 MINUTES 47 SECONDS EAST FOR 176.90 FEET; THENCE ALONG SAID CENTERLINE AND LAST SAID CURVE FOR 180.58 FEET; THENCE SOUTH 89 DEGREES 29 MINUTES 32 SECONDS EAST, 46.93 FEET ALONG THE CENTERLINE OF SAID LAUREMANN/147th AVENUE TO THE WEST LINE OF THE MAIN RIGHT OF WAY LINE OF THE NOW ABANDONED CHICAGO, INDIANAPOLIS AND LOUISVILLE RAILWAY COMPANY RAILROAD; THENCE NORTH 17 DEGREES 59 MINUTES 14 SECONDS WEST, 21.09 FEET ALONG SAID WEST LINE TO THE NORTH LINE OF SAID 147th AVENUE (SHADY BEACH ROAD); THENCE SOUTH 89 DEGREES 29 MINUTES 32 SECONDS EAST, 63.27 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING, CONTAINING 4.30 ACRES MORE OR LESS.

This FAVORABLE Recommendation Certification is approved by a vote of six (6) in favor, and zero (0) against, upon motion duly made and seconded, at the conclusion of the public hearing on the application aforesaid in the Plan Commission public meeting held on September 20, 2023, upon the following terms and conditions, namely:

1. Conformance to and compliance with the approved Pine Crest Incorporated Planned Unit Development Agreement and Planned Unit Development Guidelines dated September 20, 2023, presented by the Owner and Petitioner for said project and Zoning application, copies of which are attached hereto and incorporated herein.
2. Compliance with all terms and conditions of Subdivision Plat Approval, including required plat conditions, and all engineering requirements.
3. Compliance with all conditions of the Plan Commission for its FAVORABLE Recommendation Certification for the PUD Zoning District Classification applied for and set forth in the approved public meeting minutes of the Plan Commission in its September 20, 2023, Public Meeting; that copies of said Plan Commission Public Meeting Minutes are attached hereto and incorporated herein, upon approval.
4. Compliance by the Owner/Petitioner with the rules, regulations, and requirements for Project Development in the Town of Cedar Lake, as well as all applicable Town Ordinances, as all are amended from time to time.
5. Payment by the Owner and Petitioner of all fees, costs, and charges incurred by the Town related to this Application/Petition for PUD Zone Map Amendment and Subdivision Plat Approval, including engineering, legal, and all related, consistent with the rules, regulations, and Ordinance requirements of the Town of Cedar Lake.
6. Contingent upon legal and staff review for agreement upon the legal verbiage and terms and provisions.

7. Inclusion of an approved Quit-Claim Deed and an Easement provided to the Town for access to Cedar Lake at the end of West 146th Avenue.
8. Contingent upon the Christopher B. Burke Engineering Review Letter containing engineering requirements and provisions, dated September 15, 2023 and all subsequent town engineering reviews

ALL OF WHICH IS HEREBY APPROVED THIS 20TH DAY OF SEPTEMBER, 2023.

TOWN OF CEDAR LAKE,
LAKE COUNTY, INDIANA,
PLAN COMMISSION

By: _____

John Kiepora, President

ATTEST:

Cheryl Hajduk, Recording Secretary

TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA

ORDINANCE NO.: 1483

**AN ORDINANCE APPROVING AN AMENDMENT TO A PUD
PLANNED UNIT DEVELOPMENT DISTRICT APPROVED UNDER TOWN
ORDINANCE NO. 962, AND ALL MATTERS RELATED THERETO**

WHEREAS, on the 15th day of August, 2006, the Town Council of the Town of Cedar Lake, Lake County, Indiana (hereinafter the "Town Council") adopted the Centennial Community Planned Unit Development (the "Plan"), which was recorded September 29, 2006, as Document No. 2006-085436, in the Office of the Recorder of Lake County, Indiana;

WHEREAS, the Town Council has received and reviewed a Petition for PUD Amendment seeking to amend the Plan with regard to adding Land to the Plan originally included in the Centennial Community PUD, and amending the Guidelines with regard to the added Land; and

WHEREAS, the Town Council has agreed to amend the Plan as hereinafter set forth and to ratify and confirm the Plan in all other respects.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, AS FOLLOWS:

SECTION ONE: That the Plan as to the Land shall be modified as follows:

- a. That the following-described parcel of real property shall be rezoned from its current M-1 and A Zoning District Classifications to PUD Zoning District Classification with the legal description for said Parcel set forth on Exhibit "A" attached hereto, (hereinafter referred to as the "Land").
- b. The revision to the Plan with regard to the Land shall be as follows:
 1. The front and rear yards shall be increased from 10 feet to 20 feet;
 2. A redesigned townhome design shall be permitted as illustrated on Exhibit "B";

3. The individual townhome shall be front-loaded instead of rear-loaded, as shown on the Plan;
4. The exterior of the townhomes shall include five (5) color variations;
5. The total density of the Centennial Community as shown on the Plan shall be decreased from twenty (20) units per acre to 8.03 units per acre;
6. That the Developer will install a 6' high tan PVC privacy fence along the north and west boundaries of the Land;
7. That the Developer and/or Builder of the units will require individuals purchasing units adjacent to the north and west boundaries of the Land to execute the Rider attached as Exhibit "C";
8. Compliance with all terms and conditions set forth in the Town Engineering review letter of Christopher B. Burke Engineering Letter dated December 15, 2023 for said project parcel, and all subsequent town engineering reviews, a copy of which is attached hereto and incorporated herein as Exhibit "E"; and
9. The Preliminary Plat of Centennial Subdivision approved by the Plan Commission of the Town of Cedar Lake, Lake County, Indiana, is attached as Exhibit "D" (consisting of three (3) pages).

SECTION TWO: That this Ordinance shall become final after thirty (30) days after adoption, filing, recordation and publication thereof, with the effective date to be in conformance with applicable law.

SECTION THREE: That all existing Town Code Sections and Ordinances, or parts thereof, in conflict with the provisions of this Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

SECTION FOUR: That if any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

SECTION FIVE: That this Ordinance shall take effect, and be in full force and effect, from and after its passage and adoption by the Town Council of the Town of Cedar Lake, Lake County, Indiana, in conformance with applicable law, subject expressly upon the conditions precedent set forth herein.

[Signatures on following page]

ALL OF WHICH IS PASSED AND ADOPTED THIS _____ DAY OF _____, 2024, BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA.

TOWN OF CEDAR LAKE, LAKE COUNTY,
INDIANA, TOWN COUNCIL

Town Council President

Town Council Vice President

Councilmember

Councilmember

Councilmember

Councilmember

Councilmember

ATTEST:

JENNIFER N. SANDBERG, IAMC, CMC, CPFIM,
Clerk-Treasurer

EXHIBIT "A"

THAT PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, LYING EASTERLY OF THE EASTERLY RIGHT-OF-WAY LINE OF THE NEW YORK CENTRAL RAILROAD (INDIANA HARBOR RAILWAY), IN LAKE COUNTY, INDIANA.

EXCEPTING THEREFROM THAT PART OF 138TH PLACE DEDICATED PER THE FINAL PLAT OF CENTENNIAL VILLAS PHASE 1 SUBDIVISION RECORDED AS DOCUMENT NUMBER 2021-055860.

TOGETHER WITH

THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, LYING EASTERLY OF THE EASTERLY RIGHT-OF-WAY LINE OF THE NEW YORK CENTRAL RAILROAD (INDIANA HARBOR RAILWAY), EXCEPT THE NORTH 675 FEET THEREOF OF THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, LYING EASTERLY OF THE EASTERLY RIGHT-OF-WAY LINE OF THE NEW YORK CENTRAL RAILROAD (INDIANA HARBOR RAILWAY), IN LAKE COUNTY, INDIANA.

12/28/23 12:47 p.m.

EXHIBIT "B"



Exhibit C

Centennial Townhomes Sales Rider

RIDER NO. ____

Industrial Area

Purchase Agreement dated _____, 20____, between Olthof Homes, L.L.C., Seller, and _____, Purchaser(s),
regarding the Real Estate located at _____
_____, Cedar Lake, Indiana.

Purchaser acknowledges that the Real Estate is adjacent to an industrial area, typically used for industrial and related purposes. The surrounding property will continue to be used for industrial purposes and the Owners acknowledge same and agree not to object to any lawful activities for industrial and related purposes being conducted on the surrounding property.

SELLER:

PURCHASER:

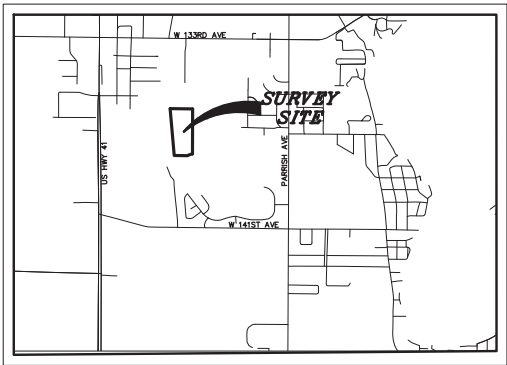
Olthof Homes, L.L.C.

By:

Name: _____
Title: _____

Name: _____

Name: _____



LOCATION MAP
NOT TO SCALE

LEGAL DESCRIPTION

THAT PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, LYING EASTERLY OF THE EASTERLY RIGHT-OF-WAY LINE OF THE NEW YORK CENTRAL RAILROAD (INDIANA HARBOR RAILWAY), IN LAKE COUNTY, INDIANA.

EXCEPTING THEREFROM THAT PART OF 138TH PLACE DEDICATED PER THE FINAL PLAT OF CENTENNIAL VILLAS PHASE 1 SUBDIVISION RECORDED AS DOCUMENT NUMBER 2021-055860.

TOGETHER WITH

THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, LYING EASTERLY OF THE EASTERLY RIGHT-OF-WAY LINE OF THE NEW YORK CENTRAL RAILROAD (INDIANA HARBOR RAILWAY), EXCEPT THE NORTH 675 FEET THEREOF OF THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, LYING EASTERLY OF THE EASTERLY RIGHT-OF-WAY LINE OF THE NEW YORK CENTRAL RAILROAD (INDIANA HARBOR RAILWAY), IN LAKE COUNTY, INDIANA.

DEDICATION STATEMENT/OWNER'S CONSENT

THE UNDERSIGNED, 133 LBM, LLC, AS OWNER OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DOES HEREBY CERTIFY THAT IT HAS CAUSED THE HEREON DESCRIBED REAL ESTATE TO BE LAID OFF, PLATTED AND SUBDIVIDED AND DOES HEREBY LAY OFF, PLAT AND SUBDIVIDE SAID REAL ESTATE IN ACCORDANCE WITH THE WITHIN PLAT.

THIS ADDITION SHALL BE KNOWN AND DESIGNATED AS CENTENNIAL TOWNHOMES, AN ADDITION TO THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA. ALL STREETS SHOWN AND NOT HERETOFORE DEDICATED ARE HEREBY DEDICATED TO THE PUBLIC. FRONT AND SIDE YARD BUILDING SETBACK LINES ARE HEREBY ESTABLISHED AS SHOWN ON THIS PLAT, BETWEEN WHICH LINES AND THE LOT LINES OR THE STREETS THERE SHALL NOT BE ERECTED BUILDINGS OR STRUCTURES.

WITNESS OUR HANDS AND SEAL THIS ____ DAY OF _____, 2023.

BY: _____ OWNER/DEVELOPER
TODD M. OLTHOF 133 LBM, LLC
PRESIDENT OF OO ENTERPRISES INC. 8051 WICKER AVENUE, SUITE A
ITS GENERAL MANAGER ST. JOHN, INDIANA 46373

NOTARY PUBLIC

STATE OF INDIANA)
COUNTY OF LAKE)

I, _____, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT TODD M. OLTHOF, WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME WHOSE NAME IS SUBSCRIBED TO THE FOREGOING CERTIFICATES, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE DID SIGN AND DELIVER THIS INSTRUMENT AS A FREE AND VOLUNTARY ACT FOR THE USES AND PURPOSES HEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTORIAL SEAL

THIS ____ DAY OF _____, A.D., 2023.

NOTARY PUBLIC

PLAN COMMISSION CERTIFICATE

STATE OF INDIANA)
COUNTY OF LAKE)

UNDER THE AUTHORITY PROVIDED BY INDIANA CODE 36-7-4-700 (SEC. 700-799), AS AMENDED FROM TIME TO TIME, AND AN ORDINANCE ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE TOWN OF CEDAR LAKE AS FOLLOWS:

APPROVED BY TOWN PLAN COMMISSION AT A MEETING HELD ON

_____, 2023.

PRESIDENT _____

SECRETARY _____

DRAINAGE STATEMENT

I, THE UNDERSIGNED, STATE THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE DRAINAGE OF SURFACE WATERS WILL NOT BE CHANGED BY THE CONSTRUCTION OF THIS SUBDIVISION, OR THAT IF SUCH SURFACE WATER DRAINAGE WILL BE CHANGED, REASONABLE PROVISION HAS BEEN MADE FOR THE COLLECTION AND DIVERSION OF SUCH SURFACE WATERS INTO PUBLIC AREAS OR DRAINS WHICH THE SUBDIVIDER HAS THE RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THIS SUBDIVISION.

DATED THIS 17TH DAY OF NOVEMBER, A.D., 2023.

BY: _____
STEPHEN L. WINNIKE P.E.
INDIANA REGISTERED ENGINEER NO. 19800197



ABBREVIATIONS

B.S.L. = BUILDING SETBACK LINE
P.U.D.E. = PUBLIC UTILITY AND DRAINAGE EASEMENT

PROPOSED AREAS

AREA IN LOTS = 356,413 SQ. FT. (8.182 ACRES)
AREA IN OUTLOTS = 268,427 SQ. FT. (6.162 ACRES)
AREA IN RIGHT OF WAY = 123,994 SQ. FT. (2.847 ACRES)
TOTAL AREA = 748,834 SQ. FT. (17.191 ACRES)

SITE DATA

TOWNHOMES - 138 UNITS
TOTAL UNITS FOR SITE - 138
TOTAL SITE AREA - 17.19 ACRES
DENSITY - 8.03 DWELLING UNITS PER ACRE

OWNER/DEVELOPER

133 LBM, LLC
8051 WICKER AVE, SUITE A
ST. JOHN, INDIANA 46373

SETBACKS

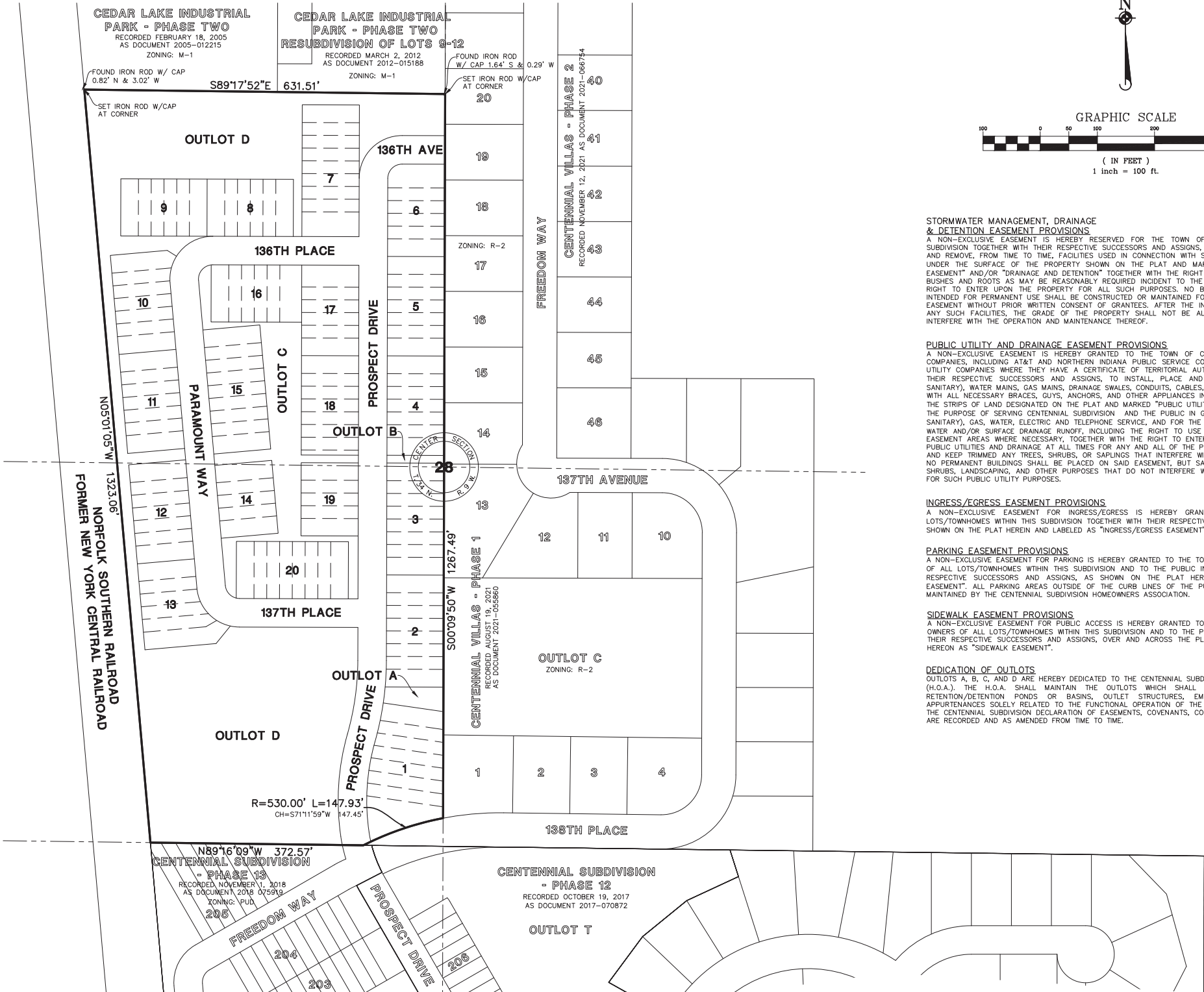
- FRONT: 20'
- SIDE: 7.5'
- REAR: 20'
- SIDE CORNER: 15'
- 15' SIDE TO SIDE BUILDING SEPARATION
- 45' SIDE TO REAR BUILDING SEPARATION
- 60' REAR TO REAR BUILDING SEPARATION

PRELIMINARY PLAT

OF

CENTENNIAL TOWNHOMES

BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN LAKE COUNTY, INDIANA,



SURVEYOR'S NOTES

- THIS SUBDIVISION CONSISTS OF 20 TOWNHOME LOTS AND 4 OUTLOTS AND ARE PART OF AN INTEGRAL NUMBERING SYSTEM TO EMBRACE ALL OF CENTENNIAL TOWNHOMES.
- DISTANCES ARE MARKED IN FEET AND DECIMAL PLACES THEREOF; NO DIMENSION SHALL BE ASSUMED BY SCALE MEASUREMENT HEREON.
- THIS SUBDIVISION MAY BE SUBJECT TO MATTERS OF TITLE, WHICH MAY BE REVEALED BY A CURRENT TITLE REPORT, PRE-EXISTING EASEMENTS, SETBACKS AND OTHER RESTRICTIONS WHICH MAY BE FOUND IN A CURRENT TITLE REPORT, LOCAL ORDINANCES, DEEDS OR OTHER INSTRUMENTS OF RECORD MAY NOT BE SHOWN.
- CROSS REFERENCE IS HEREBY MADE TO AN ALTA/ACSM LAND TITLE SURVEY PREPARED BY MANHARD CONSULTING LTD, DATED SEPTEMBER 5, 2007 AND RECORDED AS DOCUMENT NUMBER 2007-072822 IN BOOK 17 PAGE 78, FOR THE OVERALL BOUNDARY OF THIS SUBDIVISION. MONUMENTS SHOWN HEREON ARE BASED ON THE CROSS REFERENCED SURVEY AND HAVE NOT BEEN FIELD VERIFIED.
- IN CONFORMANCE WITH 865 IAC 1-12-18, MONUMENTS WHICH MEET THE REQUIREMENTS OF 865 IAC 1-12-18(C) THROUGH 18(C) HAVE BEEN SET AS FOLLOWS:
 - PERIMETER MONUMENTS, AS SHOWN HEREON, HAVE BEEN SET AT THE TIME OF THE RECDORATION OF THIS PLAT.
 - INDIVIDUAL LOT MONUMENTS, PER 865 IAC 1-12-18(L), WILL BE SET FOR EACH INDIVIDUAL LOT AFTER THE CONSTRUCTION OF THE RESIDENCE, OR TWO YEARS AFTER THE RECDORATION OF THIS PLAT.

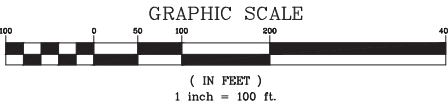
SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF LAKE)

I, JACOB I. DUNHAM, HEREBY DECLARE THAT I AM A PROFESSIONAL LAND SURVEYOR LICENSED IN COMPLIANCE WITH THE LAWS OF THE STATE OF INDIANA; THAT THE HEREON DESCRIBED PROPERTY HAS BEEN SURVEYED AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY AND SUBDIVISION COMPLETED UNDER MY SUPERVISION.

WITNESS MY HAND AND SEAL THIS 17TH DAY OF NOVEMBER, A.D., 2023.

JACOB I. DUNHAM, P.L.S.
INDIANA PROFESSIONAL SURVEYOR NO. LS-22300011
LICENSE EXPIRES/RENEWES 07/31/2024



STORMWATER MANAGEMENT, DRAINAGE & DETENTION EASEMENT PROVISIONS

A NON-EXCLUSIVE EASEMENT IS HEREBY RESERVED FOR THE TOWN OF CEDAR LAKE AND CENTENNIAL SUBDIVISION TOGETHER WITH THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO INSTALL, OPERATE, MAINTAIN AND REMOVE, FROM TIME TO TIME, FACILITIES USED IN CONNECTION WITH STORMWATER MANAGEMENT IN AND UNDER THE SURFACE OF THE PROPERTY SHOWN ON THE PLAT AND MARKED "STORMWATER MANAGEMENT EASEMENT" AND/OR "DRAINAGE AND DETENTION" TOGETHER WITH THE RIGHT TO CUT, TRIM OR REMOVE TREES, BUSHES AND ROOTS AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREON GIVEN, AND THE RIGHT TO ENTER UPON THE PROPERTY FOR ALL SUCH PURPOSES, NO BUILDINGS OR OTHER STRUCTURES INTENDED FOR PERMANENT USE SHALL BE CONSTRUCTED OR MAINTAINED FOR ANY PURPOSE WITHIN THE SAID EASEMENT WITHOUT PRIOR WRITTEN CONSENT OF GRANTEES. AFTER THE INSTALLATION OR MAINTENANCE OF ANY SUCH FACILITIES, THE GRADE OF THE PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE OPERATION AND MAINTENANCE THEREOF.

PUBLIC UTILITY AND DRAINAGE EASEMENT PROVISIONS

A NON-EXCLUSIVE EASEMENT IS HEREBY GRANTED TO THE TOWN OF CEDAR LAKE AND PUBLIC UTILITY COMPANIES, INCLUDING AT&T AND NORTHERN INDIANA PUBLIC SERVICE COMPANY, SEVERALLY AND PRIVATE UTILITY COMPANIES WHERE THEY HAVE A CERTIFICATE OF TERRITORIAL AUTHORITY TO RENDER SERVICE AND THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO INSTALL, PLACE AND MAINTAIN SEWERS (STORM AND SANITARY), WATER MAINS, GAS MAINS, DRAINAGE SWALES, CONDUITS, CABLES, POLES AND WIRES UNDERGROUND WITH ALL NECESSARY BRACES, GUYS, ANCHORS, AND OTHER APPLIANCES IN, UPON, UNDER, OVER OR ALONG THE STRIPS OF LAND DESIGNATED ON THE PLAT AND MARKED "PUBLIC UTILITY AND DRAINAGE EASEMENT" FOR THE PURPOSE OF SERVING CENTENNIAL SUBDIVISION AND THE PUBLIC IN GENERAL WITH SEWER (STORM AND SANITARY), GAS, WATER, ELECTRIC AND TELEPHONE SERVICE, AND FOR THE PURPOSE OF HANDLING THE STORM WATER AND/OR SURFACE DRAINAGE RUNOFF, INCLUDING THE RIGHT TO USE THE STREETS AND/OR ROADWAY EASEMENT AREAS WHERE NECESSARY, TOGETHER WITH THE RIGHT TO ENTER UPON THE SAID EASEMENT FOR PUBLIC UTILITIES AND DRAINAGE AT ALL TIMES FOR ANY AND ALL OF THE PURPOSES AFORESAID AND TO TRIM AND KEEP TRIMMED ANY TREES, SHRUBS, OR SAPLINGS THAT INTERFERE WITH ANY SUCH UTILITY EQUIPMENT. NO PERMANENT BUILDINGS SHALL BE PLACED ON SAID EASEMENT, BUT SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING, AND OTHER PURPOSES THAT DO NOT INTERFERE WITH THE USE OF SAID EASEMENT FOR SUCH PUBLIC UTILITY PURPOSES.

INGRESS/EGRESS EASEMENT PROVISIONS

A NON-EXCLUSIVE EASEMENT FOR INGRESS/EGRESS IS HEREBY GRANTED TO THE OWNERS OF ALL LOTS/TOWNHOMES WITHIN THIS SUBDIVISION TOGETHER WITH THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, AS SHOWN ON THE PLAT HEREIN AND LABELED AS "INGRESS/EGRESS EASEMENT".

PARKING EASEMENT PROVISIONS

A NON-EXCLUSIVE EASEMENT FOR PARKING IS HEREBY GRANTED TO THE TOWN OF CEDAR LAKE, THE OWNERS OF ALL LOTS/TOWNHOMES WITHIN THIS SUBDIVISION AND TO THE PUBLIC IN GENERAL TOGETHER WITH THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, AS SHOWN ON THE PLAT HEREIN AND LABELED AS "PARKING EASEMENT". ALL PARKING AREAS OUTSIDE OF THE CURB LINES OF THE PUBLIC RIGHT OF WAY ARE TO BE MAINTAINED BY THE CENTENNIAL SUBDIVISION HOMEOWNERS ASSOCIATION.

SIDEWALK EASEMENT PROVISIONS

A NON-EXCLUSIVE EASEMENT FOR PUBLIC ACCESS IS HEREBY GRANTED TO THE TOWN OF CEDAR LAKE, THE OWNERS OF ALL LOTS/TOWNHOMES WITHIN THIS SUBDIVISION AND TO THE PUBLIC IN GENERAL TOGETHER WITH THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, OVER AND ACROSS THE PLATTED AREAS SHOWN AND NOTED HEREON AS "SIDEWALK EASEMENT".

DEDICATION OF OUTLOTS

OUTLOTS A, B, C, AND D ARE HEREBY DEDICATED TO THE CENTENNIAL SUBDIVISION HOMEOWNERS ASSOCIATION (H.O.A.). THE H.O.A. SHALL MAINTAIN THE OUTLOTS WHICH SHALL INCLUDE BUT NOT LIMITED TO RETENTION/DETENTION PONDS OR BASINS, OUTLET STRUCTURES, EMERGENCY SPILLWAYS AND ALL APPURTENANCES SOLELY RELATED TO THE FUNCTIONAL OPERATION OF THE DETENTION FACILITY, SUBJECT TO THE CENTENNIAL SUBDIVISION DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS THAT ARE RECORDED AND AS AMENDED FROM TIME TO TIME.

| DATE | REVISIONS | PG# |
|------|-----------|-----|
| | | PGA |
| | | PGA |



CENTENNIAL TOWNHOMES

CEDAR LAKE, INDIANA

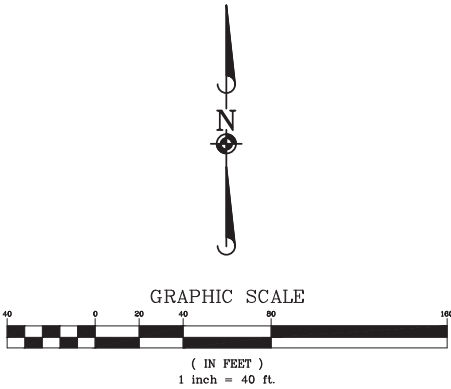
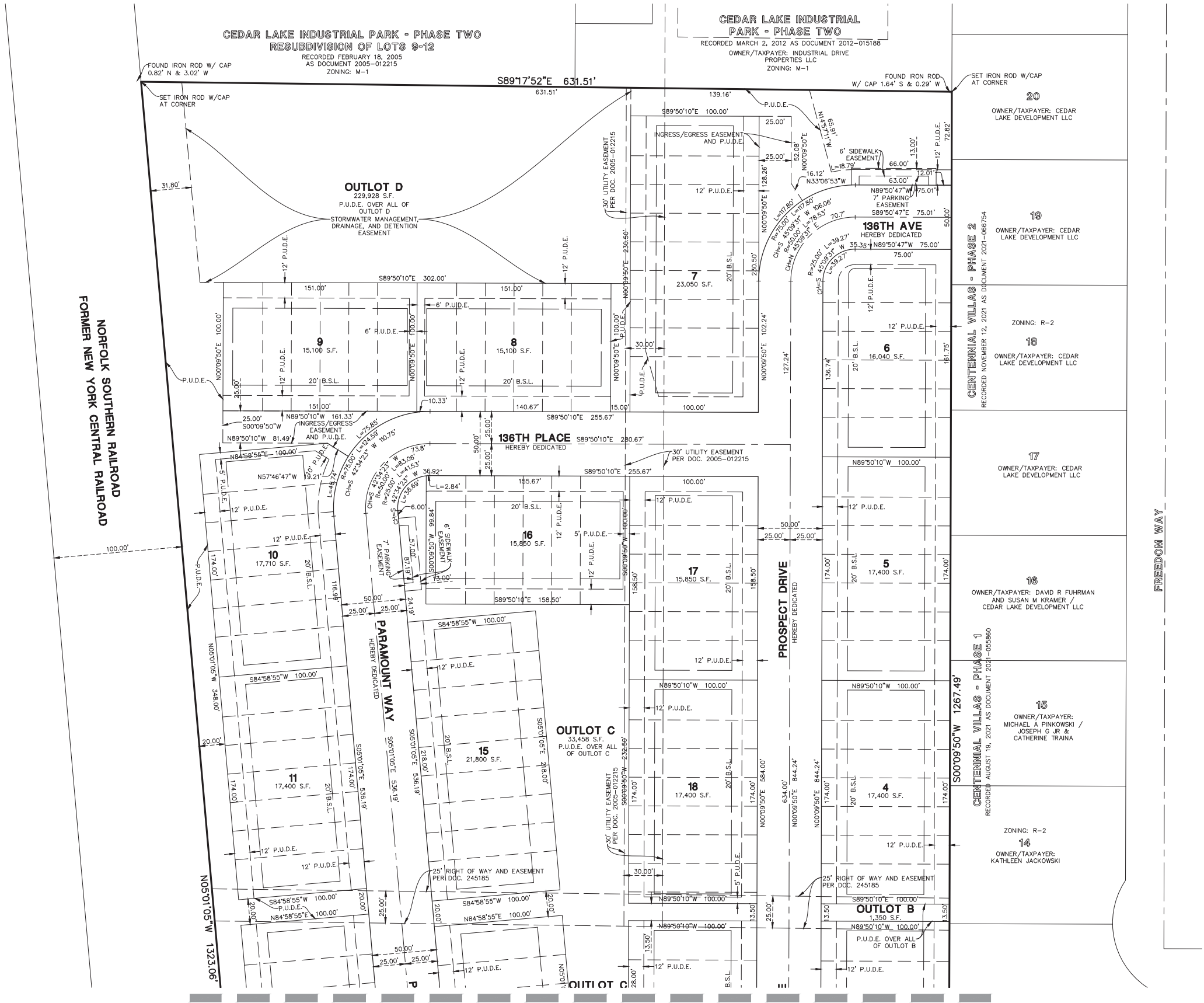
PRELIMINARY PLAT OF SUBDIVISION

| | |
|-----------------|-------------------|
| PROJ. MGR.: JID | PROJ. ASSOC.: PGA |
| DRAWN BY: PGA | DATE: 07/07/23 |
| SCALE: 1"=100' | SHEET 1 OF 3 |
| OLTCLIN05 | |

PRELIMINARY PLAT
OF
CENTENNIAL TOWNHOMES

BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 28,
TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN LAKE COUNTY, INDIANA,

Exhibit D



| DATE | BY | REVISIONS |
|----------|-----|---------------------------|
| 11/17/23 | PGA | REVISED PER TOWN COMMENTS |
| 10/25/23 | PGA | REVISED PER TOWN COMMENTS |

Manhard Consulting
700 Springer Drive, Lombard, IL 60148 ph: 330.691.5500 fx: 330.691.8585 manhard.com
Civil Engineers | Surveyors | Water Resource Engineers | Water & Waste Water Engineers
Construction Managers | Environmental Scientists | Landscape Architects | Planners

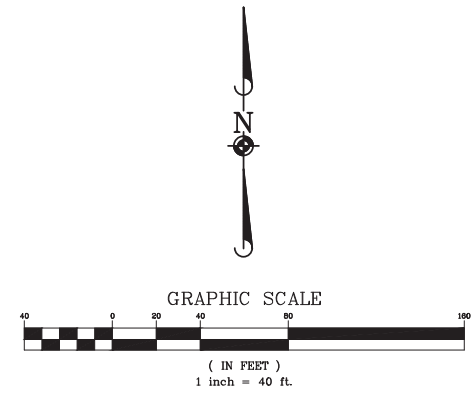
CENTENNIAL TOWNHOMES
CEDAR LAKE, INDIANA
PRELIMINARY PLAT OF SUBDIVISION

PROJ. MGR.: JLD
PROJ. ASSOC.: PGA
DRAWN BY: PGA
DATE: 07/07/23
SCALE: 1"=40'

SHEET
2 OF **3**
OLTCLIN05

Exhibit D

SEE SHEET 2

[illegible]

Manhard
CONSULTING

700 Springer Drive, Lombard, IL 60148 ph: 630.491.8200 fr: 630.691.4635 manhard.com

Civil Engineers | Surveyors | Water Resource Engineers | Water & Waste Water Engineers
Construction Managers | Environmental Scientists | Landscape Architects | Planners

CENTENNIAL TOWNHOMES
CEDAR LAKE, INDIANA
PRELIMINARY PLAT OF SUBDIVISION

PROJ. MGR.: JLD
PROJ. ASSOC.: PGA
DRAWN BY: PGA
DATE: 07/07/23
SCALE: 1"=40'

SHEET

3 OF 3

OLTCLIN05

November 17, 2023 - 08:37 Dwg Name: P:\Oltcln05\dwg\Surv\Final Drawings\Plat of Subdivision\ Preliminary Plat\02-03-OLTC LIN05-PR.dwg Updated By: panderson



December 15, 2023

Town of Cedar Lake
7408 Constitution Avenue
P. O. Box 707
Cedar Lake, Indiana 46303

Attention: Plan Commission

Subject: Centennial Townhomes Review #3
(CBBEL Project No. 060016.00223)

Dear Plan Commission Members:

As requested, Christopher B. Burke Engineering, LLC (CBBEL) staff has reviewed the proposed addition to the Centennial residential subdivision located north of Prospect Drive and west of Centennial Villas in the Town of Cedar Lake, Indiana. The subdivision includes 138 residential townhome units and four outlots. Engineering documents were submitted by Manhard Consulting (Manhard) and were reviewed for compliance with the Town of Cedar Lake's (Town) Subdivision Ordinance (No. 498), Zoning Ordinance (No. 496), Lighting Ordinance (No. 1264), Stormwater Ordinance (No. 1218), and associated standard engineering methods. It is our understanding that NIES Engineering is completing detailed reviews for sanitary and potable water systems for the subdivision.

CBBEL received the following items to review:

- Comment-Response Letter, prepared by Manhard, dated November 21, 2023.
- "Preliminary Plat of Centennial Subdivision" Plan Set (3 Sheets), prepared by Manhard, dated November 17, 2023.
- Centennial Villas – Phase 2, 1st Resubdivision, prepared by DVG Team, Inc, dated May 11, 2023, No Change.
- Town Stormwater Checklist, prepared by Manhard, dated November 17, 2023.
- Post-Construction Stormwater Operation and Maintenance Manual, prepared by Manhard, dated October 25, 2023. No Change.
- Stormwater Pollution Prevention Plan, prepared by Manhard, dated November 20, 2023.
- Final Stormwater Management Report, prepared by Manhard, dated November 21, 2023.
- "Proposed Improvements for Centennial Subdivision" Plan Set (31 Sheets), prepared by Manhard, dated November 21, 2023.

CBBEL reviewed the submitted items offers the following comments for the Applicant to address:

Preliminary Plat

1. **Partially Addressed.** Additional documentation shall be provided that dedicates right-of-way through Centennial Villas, Lot 19. **We have the following comments regarding the plat of re-subdivision.**
 - a. Addressed.
 - b. **Not Addressed.** Lot 2 shall have a 30 ft. building line like Lot 1. The drainage and utility easement should also be revised to 30 ft. **Lot 2 is still showing a 32 ft. building line. This building line does not align with the 32 ft. drainage and utility easement either.**
2. Addressed.

Plan Set

Grading Plan, Sheets 8-10

1. **Not Addressed.** We recommend that all private roadways have ribbon curb around their perimeters to preserve pavement edges. **We still maintain our recommendation and will allow the Plan Commission to make a final decision.**

Soil Erosion and Sediment Control Plan & Details, Sheets 11-14, 27, 29

1. **Partially Addressed.** The Applicant shall clarify the feasibility of installing a perforated riser pipe on the upstream side of the box as noted on Sheet 12. **The Applicant's response focused on the voids of the gravel. However, we are concerned how a perforated riser pipe will be installed in a box culvert when they are typically stubbed into smaller circular pipes. Additionally, the riser openings in the perforated riser should be larger enough to bypass off-site flows or risk overtopping the roadway.** *The Applicant removed the perforated riser from the plan. The corresponding detail(s) should also be removed from Sheet 27. The Applicant shall clarify with a detail what a "36" Sox Fence" refers to on Sheet 13. This should not be standard silt fence.*

Stormwater Management Report

1. **Partially Addressed.** Emergency overflow routing calculations should be provided for review. **We have the following comments:**
 - a. **Partially Addressed.** We recommend the cross-sections for each path be included in the plan set. Plan view locations for each cross-section should also be provided in the plan set. The grading plan shall show spot elevations that reflect the cross-sections for each overland flow route, so they are properly constructed. **New cross-sections E-E, F-F, and G-G are not shown on Sheets 8-9.**
 - b. **Partially Addressed.** Section A-A – The invert elevation should be 735.3 ft. to match the grading plan. The side slopes also appear to be reversed in the cross-section. The flowrate should be based on the peak inflow to Pond A. **The Applicant did not address the peak inflow portion of the comment. The peak inflow into**

Pond A appears to be +/- 57 cfs according to the hydrologic modeling. An additional cross-section should also be taken at the highpoint across the roadway between Lots 6 and 17.

- c. **Partially Addressed.** Section B-B – It appears the critical breakover point is higher and near the eastern sidewalk (+/- 733.2 ft.). This would not provide 1 ft. of freeboard to Lot 20. **This path appears to have minimal or no slope to the roadway. However, the path slope increased to 3% from the prior submittal. The Applicant should address this discrepancy.**
 - d. **Partially Addressed.** A cross-section should be taken at STA 6+80 on Prospect Drive that would include Sections A-A, B-B, and all area tributary to Prospect Drive north of this location. **Flowrates should be checked for sections E-E and F-F. Section E-E will be cumulative including all of Section A-A and areas along Prospect Drive. This should be evaluated based on Comment 1B. Section F-F would include all of E-E and B-B; however, it is only utilizing a flowrate of 3.75 cfs.**
 - e. **Partially Addressed.** A cross-section should be taken near STA 2+25 on 137th Place at the highpoint within the sidewalk. **Back-up calculations should be provided to determine how the flowrate was determined for this path.**
 - f. **Not Addressed.** A cross-section should be taken within the sag of Prospect Drive near STA 3+15. **A cross-section should be taken in this location to determine ponding depths in the sag location.**
- 2. Partially Addressed.** The gutter spread calculations appear to be incomplete. Casting types with available area should be provided for each structure and all sag inlets should assume a 50% clogging factor. Additionally, bypass calculations should be provided to determine bypass from on-grade structures to downstream structures. The Applicant should note that a total of 17 ft. (8.5 ft. equal on either gutter) spread is allowable to provide a 10 ft. passable lane.
- a. **The Applicant stated that a conservative approach was taken since bypass flow was not calculated and all upstream areas from on-grade inlets to sag inlets would be accounted for. However, some sag inlets do not appear to include upstream on-grade areas including: INL28 to INL31 and CB36 to CB18.**
 - b. **The Applicant should clarify why some inlet areas are split for sag inlets with only one inlet. For example, two spreads are produced and presumably would be added together if there is only one inlet. INL31 would not meet spread requirements if all INL31 and CB32 spreads are added together (20.5 ft.).**
 - c. **The existing inlet area to the south and upstream of INL55 should be considered for bypass flow as it appears to be on-grade. The inclusion of this area will likely make this sag point a twin inlet.**

Stormwater Pollution Prevention Plan/Operation & Maintenance Manual

- 1. **Addressed.** The MS4 inspection fee for this development will be \$2,000 since the site is greater than 5 acres. This fee should be paid prior to land disturbance. **This will remain a contingency of approval.**

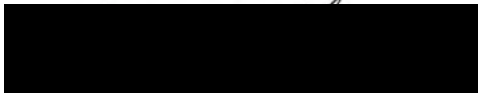
2. **Addressed.** O&M Manual, Attachment B – The standard owner certification statement and signature should be included. **This information will be provided at a later date and prior to the start of construction.**

The Applicant should be aware that with the additional information requested being submitted, additional comments may arise. **To expedite future reviews, the Applicant should include a comment-response letter with future submittals.** The Applicant is required, by requirements of the IDEM CSGP, to have a SWPPP approved by the Town, prior to submitting a NOI with the IDEM Office of Water Quality, requesting to operate under the CSGP. The Town and IDEM must be notified at least 48 hours prior to any soil disturbing activities. The Town shall be copied on all submittals pertaining to CSGP requirements.

All improvements shall be constructed in accordance with the Town's Development Standards and all applicable Town, County, State and Federal regulations. The Applicant is required to obtain all Town, County, State and Federal permits required for the construction of this project.

If you have any questions or concerns, please do not hesitate to call.

Sincerely,



Donald C. Oliphant, PE, CFM, CPESC
Town Engineer

cc: Town Manager (via email)
Planning Director (via email)
Director of Operations (via email)
Building Administrator (via email)
Town Attorney (via email)
Jeff Yatsko – Olthof (via email)
Kevin Paszko – Olthof (via email)
Trevor Murphy, PE – Manhard (via email)

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STATE OF INDIANA)
) SS:
COUNTY OF LAKE)

CEDAR LAKE PLAN COMMISSION CERTIFICATION

TO: CEDAR LAKE TOWN COUNCIL
TOWN OF CEDAR LAKE,
LAKE COUNTY, INDIANA

RE: CENTENNIAL PUD AMENDMENT
133 LBM LLC
ORDINANCE NO. 962 AMENDMENT

Pursuant to the requirements of applicable law, the Plan Commission of the Town of Cedar Lake, Lake County, Indiana, by its duly designated representative, hereby CERTIFIES its FAVORABLE Recommendation to the Cedar Lake Town Council the application of Owner and Petitioner, **133 LBM LLC**, for the **Planned Unit Development Amendment** being sought from Zoning Ordinance No. 962, to amend said existing Planned Unit Development Ordinance for the Subdivision commonly known as Centennial Community Planned Unit Development, and legally described as follows:

THAT PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, LYING EASTERLY OF THE EASTERLY RIGHT-OF-WAY LINE OF THE NEW YORK CENTRAL RAILROAD (INDIANA HARBOR RAILWAY), IN LAKE COUNTY, INDIANA.

EXCEPTING THEREFROM THAT PART OF 138TH PLACE DEDICATED PER THE FINAL PLAT OF CENTENNIAL VILLAS PHASE 1 SUBDIVISION RECORDED AS DOCUMENT NUMBER 2021-055860.

TOGETHER WITH

THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, LYING EASTERLY OF THE EASTERLY RIGHT-OF-WAY LINE OF THE NEW YORK CENTRAL RAILROAD (INDIANA HARBOR RAILWAY), EXCEPT THE NORTH 675 FEET THEREOF OF THAT PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 34 NORTH, RANGE 9 WEST OF THE SECOND PRINCIPAL MERIDIAN, LYING EASTERLY OF THE EASTERLY RIGHT-OF-WAY LINE OF THE NEW YORK CENTRAL RAILROAD (INDIANA HARBOR RAILWAY), IN LAKE COUNTY, INDIANA.

This FAVORABLE Recommendation Certification is approved by a vote of 4 in favor, and 0 against, upon motion duly made and seconded, at the conclusion of the consideration of this matter at the public meeting on the application in said public meeting held on December 20, 2023, upon the following terms and conditions, namely:

1. Conformance to and compliance with the approved and amended Centennial Planned Unit Development Agreement and Planned Unit Development Guidelines dated December 20, 2023, presented by the Owner and Petitioner for said project and Zoning application, copies of which are attached hereto and incorporated herein.
2. Compliance with all terms and conditions of Subdivision Plat Approval, including required plat conditions and engineering requirements.

3. Compliance with all conditions of the Plan Commission for its FAVORABLE Recommendation Certification for the amendment to the Planned Unit Development applied for and set forth in the approved public meeting minutes of the Plan Commission in its December 20, 2023, Public Meetings; the copies of said Plan Commission Public Meeting Minutes are attached hereto and to be incorporated herein, upon approval.
4. Compliance by the Owner/Petitioner with the rules, regulations, and requirements for Project Development in the Town of Cedar Lake, as well as all applicable Town Ordinances, as all are amended from time to time.
5. Payment by the Owner and Petitioner of all fees, costs, and charges incurred by the Town related to this Application/Petition for the PUD Amendment, including engineering, legal, and all related, as originally approved, and as set forth in Town Ordinance rules and regulations.
6. Contingent on the following conditions, as set at the December 20, 2023 Plan Commission Public Meeting:
 - i. The Christopher B. Burke Engineering Review Letter dated December 15, 2023 and all subsequent reviews from the Engineering Firm
 - ii. Connectivity being made in the Centennial Villas Subdivision with the connection and resubdivision process of Centennial Villas to begin during the March 2024 Plan Commission Meetings

ALL OF WHICH IS HEREBY APPROVED THIS 20TH DAY OF DECEMBER, 2023.

TOWN OF CEDAR LAKE,
LAKE COUNTY, INDIANA,
PLAN COMMISSION

By: _____
John Kiepura, President

ATTEST:

Cheryl Hajduk, Recording Secretary

TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA

RESOLUTION NO. 1346

**A RESOLUTION AUTHORIZING A TEMPORARY LOAN FOR THE 2017 RDA A, B, & C BONDS OF THE
TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA**

WHEREAS, a shortfall of the 2022 Pay 2023 Fall Tax Settlement was received before December 31, 2023, and therefore sufficient funds were not available to make the Lease Payment obligation due by January 15, 2024; and

WHEREAS, an extraordinary emergency exists at this time and it is necessary for said Town to borrow sufficient funds to meet debt obligations. Therefore, the **Wastewater Treatment Plant Special Fund #633** of said Town shall temporarily advance to the **2017 RDA A, B, & C Bond Fund #412** for calendar year 2024; and

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE,
INDIANA THAT:**

SECTION ONE: The sum of **\$193,587.44** shall be transferred from the Wastewater Treatment Plant Special Fund #633 to the 2017 RDA A, B, & C Bond Fund #412, in order to meet necessary debt service expenditures.

SECTION TWO: That the repayment shall be made upon receipt of the 2023 pay 2024 Spring Tax Settlement anticipated on or before June 30, 2024.

SECTION THREE: That an emergency exists and this Resolution shall be in full force and effect from and after its passage and approval by the Town Council of the Town of Cedar Lake, Lake County, Indiana.

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA THIS
2nd DAY OF JANUARY, 2024.**

TOWN OF CEDAR LAKE, LAKE COUNTY, INDIANA, TOWN COUNCIL

Robert H. Carnahan, Ward 1

Julie Rivera, Ward 2

Nicholas Recupito, Ward 3

Chuck Becker, Ward 4

Greg Parker, Ward 5

Mary Joan Dickson, At-Large

Richard C. Thiel Jr., At-Large

ATTEST:

Jennifer N. Sandberg, IAMC, CMC, CPFIM
Clerk-Treasurer



INDIANA DEPARTMENT OF TRANSPORTATION

100 North Senate Avenue
Room N758
Indianapolis, Indiana 46204

PHONE: (855) 463-6848

Eric Holcomb, Governor
Michael Smith, Commissioner

November 03, 2023

Cedar Lake
Richard Sharpe
7408 Constitution Avenue, PO Box 707
Cedar Lake, IN 46303

RE: Community Crossing Matching Grant Fund 2023-2

Dear Richard Sharpe:

The Indiana Department of Transportation (INDOT) has completed the review and selection of projects for funding in the 2023-2 Community Crossings Matching Grant Fund Program. Your community has preliminarily been awarded \$87,200.00 in Community Crossings Matching Grant Funds based upon your estimates from your project application(s). INDOT will be transmitting an award letter in the upcoming weeks.

The Community Crossings Matching Grand Funds, which are administered by INDOT, will be used for funding up to 50 percent of the construction of your project or the purchase of materials. These grant dollars will enable you to help build and improve Indiana's infrastructure.

The state of Indiana looks forward to partnering with all Hoosier communities, both urban and rural, to invest in road and bridge infrastructure projects. Improvement to local roads and bridges will bring about economic development, create jobs, and strengthen local transportation networks for all of Indiana.

Sincerely,

Eric J. Holcomb, Governor

Michael Smith, INDOT Commission