

AGREEMENT

WHEREAS, the McCordsville Board of Zoning Appeals, acting by and through Ryan Crum, Director of Planning and Building for the Town of McCordsville, Indiana, caused to have sent to the owners of Given's Mobile Home Park a Notice of Violation dated May 24, 2017 and June 2, 2017, in which it was alleged that the status of the mobile home park as a legal non-conforming use granted to Given's legal predecessors in interest had expired; and

WHEREAS, Given's have disputed that their special exception had expired and that they were entitled to maintain seven (7) mobile home units upon the subject real estate; and

WHEREAS, after numerous communications, both written and oral between legal counsel for the McCordsville Board of Zoning Appeals and Given's Mobile Home Park, and a meeting between the parties and their legal counsel, the parties have come to a resolution of the conditions which occasioned the aforementioned Notice of Violation.

THEREFORE, comes now the McCordsville Board of Zoning Appeals, hereinafter referred to as the "Board" and the legal owners of an enterprise denominated as Given's Mobile Home Park, hereinafter referred to as "Given's", and agree to resolve the outstanding issues currently existing between the parties as follows:

1. Upon approval and execution of this Agreement by both parties,

Given's shall be allowed to maintain a total of five (5) mobile home units on the subject real estate, it being understood that replacement of mobile homes on one of the five (5) mobile home units lots within the subject real estate is permissible subject to the provisions of the McCordsville Zoning Code as noted herein.

2. The parties further agree that Given's previous status as a legal, non-conforming use shall continue subject to the provisions of the McCordsville Zoning Code.

3. The operation and maintenance of the Given's Mobile Home Park shall continue to be conducted in compliance in all respects with the McCordsville Zoning Code.

4. All of the terms and conditions of the heretofore existing legal non-confirming use shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have hereunto executed this document on the date set forth below.

GIVEN'S MOBILE HOME PARK

Sarah Frazer
Sarah Frazer

Mar 5, 2019
Date

Janet Elaine Upchurch
Janet Elaine Upchurch (Burton)

3/5/19
Date

McCORDSVILLE BOARD OF
ZONING APPEALS

Corey Karn

Date

Steve Duhamell

Date

Grant Adams

Date

Jon Horton

Date

Dan Vail

Date

Ryan Crum, Director of Planning and
Building, Town of McCordsville, Indiana

Date