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KATHERINE SWEENEY-BELL
MARION COUNTY IN RECORDER
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By: JS

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STATEMENT OF COMMITMENTS

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE
MADE IN CONNECTION WITH A REZONING OF PROPERTY OR PLAN APPROVAL

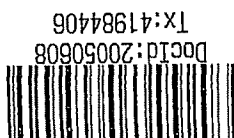
In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description: See Exhibit "A" Attached Hereto And Incorporated By Reference
(the "Subject Property")

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. All development shall comply with the Stream Protection Corridor requirements set forth in Ch. 744, Sec. 05 of the City of Indianapolis Consolidated Zoning/Subdivision Ordinance ("Zoning Ordinance").
3. Owner shall provide additional screening in the form of landscaping between the Access Drive (as hereinafter defined) serving the Subject Property and the Access Drive serving Springmill Lakes at Tamarack, as well as the area between the Access Drive and the Tall Timbers Subdivision, in accordance with landscaping plans to be agreed to between Owner, and the Tamarack Owner's Association, and Owner and the Tall Timber's Owner's Association, respectively.
4. The Access Drive running from West 96th Street and servicing the Subject Property as well as the adjacent Tall Timbers Subdivision ("Access Drive") shall be re-designed and re-constructed to allow for the following:
 - a) drainage meeting or exceeding the Drainage Standards set forth in the Indianapolis Municipal Code, and the drainage directed to and through the Subject Property;
 - b) sufficient pavement width of at least twenty feet (20') to allow the cars to pass in opposite directions without yielding; and
 - c) relocation of existing common mailbox center unit serving Tall Timbers Subdivision, including sufficient width to allow for mail center to turn around after mail delivery.

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5. The minimum lot size within the Subject Property shall be no less than 1.25 acres.
6. The minimum size for any single family residence shall be at least 3,000 square feet of living area. Porches, garages, unfinished attics and unfinished basements shall not be included as part of living area.
7. Development of the subdivision on the Subject Property shall be subject to a Declaration of Covenants, Conditions, Easements and Restrictions ("CCRs"). The CCRs shall govern, amongst other things, the approval of all homes to be constructed on the Subject Property, including building size, style and materials, and placement of homes on a lot, by an architectural review committee controlled by the Owner.
8. Owner has prepared a Heritage Tree Inventory and Summary Report by Root & Twig, LLC, dated March, 2022 (The "Report"). The Report inventoried all trees on the Subject Property eight inches (8") or more in diameter at breast height ("DBH") located outside the floodway and all trees in the floodway with DBH at six inches (6") or greater (the "Total Tree Inventory"). Of the Total Tree Inventory, 177 Heritage Trees (as defined in the Zoning Ordinance) were identified and inventoried, and 137 of the Heritage Trees were recommended to be retained ("Retained Heritage Trees"). The Owner also intends to preserve other existing healthy, non-invasive trees which have a DBH of eight inches (8") or more and located outside the floodway, as described below (the "Additional Trees"). The Owner will design home building pads development infrastructure, and development amenities ("Subdivision Features") with the goal to preserve as many Heritage Trees on individual lots and in common areas located outside of the floodway as is reasonably possible. The Owner will also design Subdivision Features with due regard to preserving as many Additional Trees as is reasonably possible. The Owner shall also include guidelines and restrictions on the removal of Heritage Trees and Additional Trees in the CCRs prior to selling any lots on the Subject Property. Trees in the Total Tree Inventory and located in the floodway are intended to be preserved, but preservation or removal of such trees shall be subject to the jurisdiction of one or more of the Army Corps of Engineers, Indiana Dept. of Environmental Management and the Indiana Dept. of Natural Resources as part of any required permits from one or more of said agencies.
9. As each lot in the subdivision on the Subject Property is developed with a home, or an Improvement Location Permit ("ILP") is otherwise required for a development activity, a site plan and tree preservation plan shall be submitted for Administrator's Approval prior to issuance of the ILP.

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other person acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A" which is attached hereto and incorporated herein by reference. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon:

- (a) the adoption of rezoning petition # 2022-ZON-016 by the City-County Council changing the zoning classification of the real estate from a D-S zoning classification to a D-P zoning classification; or
 - (b) the adoption of approval petition # _____ by the Metropolitan Development Commission;
- and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the D-P zoning classification or until such other time as may be specified herein.

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred-sixty (660) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for the rezoning or approval. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made);
3. Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments); and

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition #2022-ZON-016.

IN WITNESS WHEREOF, owner has executed this instrument this 21ST day of JUNE, 2022.

TMK Development, LLC, an
Indiana limited liability company

By: THOMAS KRETZ
Thomas Kretz, member

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared Thomas Kretz, the member of TMK Development, LLC, an Indiana limited liability company owner of the real estate, who acknowledged the execution of the foregoing instrument for and on behalf of said limited liability company.

Witness my hand and Notarial Seal this
21 day of June, 20 22
Jeffrey J Scholl
Notary Public
Jeffrey J Scholl
Printed Name of Notary Public
My Commission expires: 01-31-2029
My County of residence: MARION

Jeffrey J Scholl
Notary Public - Seal
State of Indiana
Marion County
My Commission Expires 01/31/2029
Commission No. NP0731372

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. Joseph D. Calderon

This instrument was prepared by Joseph D. Calderon, Attorney-at-Law, Barnes & Thornburg LLP, 11 South Meridian Street, Indianapolis, Indiana 46204.

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ATTACHMENT "A"

OPEN OCCUPANCY AND EQUAL EMPLOYMENT OPPORTUNITY COMMITMENT

- (a.) The owner commits that he shall not discriminate against any person on the basis of race, religion, color, disability, sex, sexual orientation, gender identity, familial status, national origin, ancestry, age United States military service veteran status in the sale, rental, lease or sublease, including negotiations for the sale, rental, lease or sublease, of the real estate or any portion thereof, including, but not limited to:
- (1) any building, structure, apartment, single room or suite of rooms or other portion of a building, occupied as or designed or intended for occupancy as living quarters by one or more families or a single individual;
 - (2) any building, structure or portion thereof, or any improved or unimproved land utilized or designed or intended for utilization, for business, commercial, industrial or agricultural purposes;
 - (3) any vacant or unimproved land offered for sale or lease for any purpose whatsoever.
- (b.) The owner commits that in the development, sale, rental or other disposition of the real estate or any portion thereof, neither he nor any person engaged by him to develop, sell, rent or otherwise dispose of the real estate, or portion thereof shall discriminate against any employee or applicant for employment, employed or to be employed in the development, sale, rental or other disposition of the real estate, or portion thereof with respect to hire, tenure, conditions or privileges of employment because of race, religion, color, disability, sex, sexual orientation, gender identity, familial status, national origin, ancestry, age United States military service veteran status.

EXEMPT PERSONS AND EXEMPT ACTIVITIES

An exempt person shall mean the following:

1. With respect to commitments (a) and (b) above:
 - (a) any not-for-profit corporation or association organized exclusively for fraternal or religious purposes;
 - (b) any school, educational, charitable or religious institution owned or conducted by, or affiliated with, a church or religious institution;
 - (c) any exclusively social club, corporation or association that is not organized for profit and is not in fact open to the general public;provided that no such entity shall be exempt with respect to a housing facility owned and operated by it if such a housing facility is open to the general public;
2. With respect to commitment b, a person who employs fewer than six (6) employees within Marion County.

An exempt activity with respect only to commitment (a) shall mean the renting of rooms in a boarding house or rooming house or single-family residential unit; provided, however, the owner of the building unit actually maintains and occupies a unit or room in the building as his residence, and, at the time of the rental the owner intends to continue to so occupy the unit or room therein for an indefinite period subsequent to the rental.

Exhibit "A"

Legal Description

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARION, STATE OF INDIANA, AND IS DESCRIBED AS FOLLOWS:

TRACT I.

Part of the Northeast Quarter of Section 15, Township 17 North, Range 7 East, Marion County, Indiana, and being a part of and lying entirely within the land described in a Trustee's Deed to Brian Sipe and Monika Fischer per Instrument No. A201000059716, recorded in the Office of the Recorder of Marion County, Indiana and described as follows:

COMMENCING at the Northwest corner of the Northeast Quarter of said Section 15; thence South 00 degrees 24 minutes 50 seconds West (assumed bearing) along the West line of said Northeast Quarter a distance of 857.88 feet to the Northwest corner of Parcel 2 as described in said Instrument No. 201000059716; the next two (2) courses being along the North and East lines of said parcel; (1) thence South 89 degrees 59 minutes 31 seconds East parallel with the North line of said Northeast Quarter a distance of 440.00 feet; (2) South 00 degrees 24 minutes 50 seconds West parallel with said West line a distance of 12.00 feet to the POINT OF BEGINNING; thence South 89 degrees 59 minutes 31 seconds East parallel with the North line of said Northeast Quarter a distance of 309.31 feet; thence South 29 degrees 56 minutes 13 seconds East a distance of 659.60 feet; thence North 89 degrees 59 minutes 31 seconds West parallel with the North line of said Northeast Quarter a distance of 701.55 feet to the Southeast corner of Parcel 5 as described in said Instrument No. A201000059716; thence North 00 degrees 24 minutes 50 seconds East along the East line of said Parcel 5 a distance of 571.57 feet to the South line of said Parcel 2; thence South 89 degrees 59 minutes 31 seconds East along said South line a distance of 58.94 feet to the POINT OF BEGINNING; Containing 7.018 acres, more or less.

TRACT II

Part of the Northwest Quarter and part of the Northeast Quarter of Section 15, Township 17 North, Range 7 East, Marion County, Indiana, and being part of and lying entirely within the land described in a Trustee's Deed to Brian Sipe and Monika Fischer per Instrument No. A201000059716, recorded in the Office of the Recorder of Marion County, Indiana and described as follows:

COMMENCING at the Northeast corner of the Northwest Quarter of said Section 15; thence North 89 degrees 52 minutes 41 seconds West (assumed bearing) along the North line of said Northwest Quarter a distance of 20.23 feet to the POINT OF BEGINNING, point also being the Northwest corner of a tract of land described in Instrument No. 890038424 in said Recorder's Office; thence next 2 courses being along the Western lines of said tract of land; (1) thence South 00 degrees 24 minutes 50 seconds West parallel with the East line of said Northwest Quarter a distance of 53.63 feet; (2) thence South 08 degrees 22 minutes 13 seconds East a distance of 112.45 feet to the East line of said Northwest Quarter, also known as the West line of the Northeast Quarter of said Section 15; thence South 00 degrees 24 minutes 50 seconds West along said West line a distance of 673.12 feet; thence South 89 degrees 59 minutes 31 seconds East parallel with the North line of said Northeast Quarter a distance of 440.00 feet; thence South 00 degrees 24 minutes 50 seconds West parallel with said West line a distance of 12.00 feet; thence North 89 degrees 59 minutes 31 seconds West a distance of 58.94 feet; thence South 00 degrees 24 minutes 50 seconds West parallel with said West line a distance of 571.57 feet; thence North 89 degrees 59 minutes 31 seconds West parallel with said North line a distance of 251.06 feet; thence North 00 degrees 24 minutes 50 seconds East parallel with said West line a distance of 310.54 feet; thence North 89 degrees 59 minutes 31 seconds West parallel with

said North line a distance of 145.00 feet; thence North 00 degrees 24 minutes 50 seconds East parallel with said West line a distance of 176.02 feet; thence North 22 degrees 01 minute 24 seconds West a distance of 91.70 feet; thence North 00 degrees 24 minutes 50 seconds East parallel with the East line of said Northwest Quarter a distance of 664.78 feet; thence North 19 degrees 37 minutes 17 seconds West a distance of 116.75 feet; thence North 00 degrees 24 minutes 50 seconds East parallel with said East line a distance of 95.00 feet to the North line of said Northwest Quarter; thence North 89 degrees 52 minutes 43 seconds East along said North line a distance of 39.77 feet to the POINT OF BEGINNING. Containing 4.621 acres, more or less.

ALSO DESCRIBED AS:

PERIMETER LAND DESCRIPTION SET OUT IN SURVEY BY THE SCHNEIDER CORPORATION, DATED MARCH 5, 2010, PROJECT NO. 6475/002 AS FOLLOWS:

Commencing at the Northeast corner of the Northwest Quarter of said Section 15; thence North 89 degrees 52 minutes 43 seconds West (assumed bearing) along the north line of said Northwest Quarter a distance of 20.23 feet to the Point of Beginning point also being the northwest corner of a tract of land described in instrument #890033424 in the Office of the Recorder of Marion County, Indiana the next 2 course being along the western line of said tract of land; (1) thence South 00 degrees 24 minutes 50 seconds parallel with the east line of said Northwest Quarter a distance of 53.65 feet; (2) thence South 08 degrees 22 minutes 13 seconds East a distance of 172.45 feet to the east line of said Northwest Quarter; also known as the west line of the Northeast Quarter of said Section 15; thence South 00 degrees 24 minutes 50 seconds West along said west line a distance of 673.19 feet; thence South 89 degrees 59 minutes 31 seconds East parallel with the north line of said Northeast Quarter a distance of 440.00 feet; thence South 00 degrees 24 minutes 50 seconds West parallel with said west line a distance of 12.00 feet; thence South 89 degrees 59 minutes 31 seconds East parallel with said north line a distance of 309.31 feet to the western line of Cedar Knolls as recorded in Volume 30, page 115, in said Recorder's Office; thence South 29 degrees 56 minutes 13 seconds East along said western line a distance of 659.60 feet; thence North 89 degrees 59 minutes 31 seconds West parallel with said north line a distance of 952.61 feet to a point on a line parallel with and distant 30.00 feet east of the west line of said Northeast Quarter; thence North 00 degrees 24 minutes 50 seconds East parallel with said west line a distance of 310.54 feet; thence North 89 degrees 59 minutes 31 seconds West parallel with said north line a distance of 115.00 feet; thence North 00 degrees 24 minutes 50 seconds East parallel with said west line a distance of 176.02 feet; thence North 22 degrees 01 minutes 24 seconds West a distance of 91.70 feet; thence North 00 degrees 24 minutes 50 seconds East parallel with the east line of said Northwest Quarter a distance of 664.78 feet; thence North 19 degrees 37 minutes 17 seconds West a distance of 116.75 feet; thence North 00 degrees 24 minutes 50 seconds East parallel with said west line a distance of 95.00 feet to the north line of said Northwest Quarter; thence South 89 degrees 52 minutes 43 seconds East along said north line a distance of 39.77 feet to the Point of Beginning, containing 11.639 acres, more or less.