

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

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. See Exhibit C.
3. _____
4. _____
5. _____

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 # 2016-CZN-818 by the City-County Council changing the zoning classification of the real estate from the D-3 and C-1 zoning classification to a *MU-2* 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 MU-2 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
4. _____
5. _____

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 #2016-CZN- 818.

IN WITNESS WHEREOF, owner has executed this instrument this _____ day of _____, 20_____.

Signature: _____
Printed: _____
Title / _____
Organization _____
Name: _____

Signature: _____
Printed: _____
Title / _____
Organization _____
Name: _____

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared _____ owner(s) (title / organization name) of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this _____ day of _____, 20_____

Notary Public

Printed Name of Notary Public
My Commission expires: _____
My County of residence: _____

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.

This instrument was prepared by _____

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

Lots Number 402 and 403 in Light's Bellevue Subdivision, an Addition to the City of Indianapolis, the plat of which is recorded in Plat Book 11, page 36, in the Office of the Recorder of Marion County, Indiana.

AND

Lots 1 through 6 in Finch's College Avenue Addition, an Addition to the City of Indianapolis, the plat of which is recorded in Plat Book 22, Page 32, in the Office of the Recorder of Marion County, Indiana.

AND

A part of Lot 395, in Light's Bellevue Subdivision of part of the East Half of Section 1 and part of the Northeast Quarter of Section 12, Township 16 North, Range 3 East, an Addition to the City of Indianapolis, as per plat thereof recorded in Plat Book 11, Page 36, in the Office of the Recorder of Marion County, Indiana, being described as follows:

Beginning at the southeast corner of said lot; thence South 89 degrees 46 minutes 42 seconds West along the south line of said Lot a distance of 244.00 feet to the southwest corner thereof; thence North 00 degrees 21 minutes 17 seconds West a distance of 8.00 feet; thence North 89 degrees 46 minutes 42 seconds East parallel with said south line a distance of 78.60 feet; thence North 00 degrees 13 minutes 18 seconds West a distance of 20.24 feet; thence North 89 degrees 46 minutes 42 seconds East a distance of 25.00 feet; thence South 00 degrees 13 minutes 18 seconds East a distance of 20.24 feet; thence North 89 degrees 46 minutes 42 seconds East parallel with said south line a distance of 140.40 feet to the east line of said Lot; thence South 00 degrees 21 minutes 17 seconds East along said east line a distance of 8.00 feet to the Point of Beginning.

Containing 2.036 acres, more or less.

Exhibit C – List of Commitments

1. The following permitted uses shall be prohibited:
 - *Animal Care, Boarding, Veterinarian Services*
 - *Assisted Living Facility*
 - *Group Home*
 - *Nursing Home*
 - *Check Cashing or Validation Service*
 - *Laundromats*
 - *Liquor store*
 - *Substations and Utility Distribution Nodes*
 - *Wireless Communications Facility*

2. The following non-permitted uses shall also be prohibited:
 - *Payday Loans*
 - *Tattoo Parlor*
 - *Adult Entertainment Business*
 - *Adult Bookstore*
 - *Transitional Living Quarters*
 - *Crematorium*
 - *Night Club or Cabaret*
 - *Firearm Sales*
 - *Fireworks Sales, On-going*
 - *Pawn Shop*

3. Vehicular access from the Site to the alley to the west shall be prohibited. Vehicular ingress and egress from the Site shall be from College Avenue only.

4. Barring disease or other acts of God, the Petitioner shall make best efforts to retain existing mature street trees along College Avenue. Should existing tree(s) require removal, Petitioner shall cause their replacement with another appropriate street tree.

5. Petitioner shall submit a landscape plan for administrator's approval prior to issuance of any improvement location permit for the project. Such landscape plan shall include up to three (3) evergreen trees of at least a 4" caliper to be planted along the south property line to provide additional screening.

6. The Project shall be constructed in substantial conformity with the site plan and building elevations filed with the Department of Metropolitan Development on August 8, 2016.