

## EXHIBIT "A"

NOTE: The Town of Plainfield Zoning Ordinance, requires the use of this form in recording commitments made with respect to Development Plan Approvals, Zone Map Changes or Planned Unit Developments in accordance with I.C. 36-7-4-613 or I.C. 36-7-4-615.

### COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A DEVELOPMENT PLAN APPROVAL, ZONE MAP CHANGE OR PLANNED UNIT DEVELOPMENT REQUIRED BY THE TOWN OF PLAINFIELD ZONING ORDINANCE.

In accordance with I.C. 36-7-4-613 or I.C. 36-7-4-615, the Owner of the real estate located in the Town of Plainfield, Hendricks County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of the following described parcel of real estate:

#### LEGAL DESCRIPTION:

See Legal Description attached as Exhibit "B" and incorporated herein by reference.

#### STATEMENT OF COMMITMENTS:

1. The Development Standards dated March 19, 2003, and attached hereto as Exhibit "C" shall govern the development of the Yorktown neighborhood.
2. The developer of Yorktown shall be responsible for installing a white, four-board fence along the portions of Yorktown abutting Saratoga Parkway and Fairfield Road in the same fashion as now exists for The Woodlands and Homestead neighborhoods.
3. The maximum size of an individual entry sign shall not exceed thirty-two (32) square feet. The final design and location of entry signage for Yorktown shall be approved by the Administrator as based upon its consistency with similar entry signage for West Bay and Fairfield Woods.

These COMMITMENTS shall run with the land, be binding on the Owner of the above-described real estate, subsequent owners of the above-described real estate and other persons acquiring an interest therein. These COMMITMENTS may be modified or terminated by a decision of the Town of Plainfield Plan Commission made at a public hearing after proper notice has been given.

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COMMITMENTS contained in this instrument shall be effective upon the approval of petition #s DP-03-001 and PP-03-001 pursuant to the Town of Plainfield Zoning Ordinance, and shall continue in effect until modified or terminated by the Town of Plainfield Plan Commission.

These COMMITMENTS may be enforced jointly or severally by:

1. The Town of Plainfield Plan Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six hundred (600) 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 approval, however; and
3. Saratoga Owners Association, Inc.

The undersigned hereby authorizes the secretary of the Town of Plainfield Plan Commission to record this Commitment in the Office of the Recorder of Hendricks County, Indiana, upon final approval of petition #s DP-03-001 and PP-03-001.

IN WITNESS WHEREOF, Owner has executed this instrument this 19th day of March, 2003.

SARATOGA ASSOCIATES, LLC

By

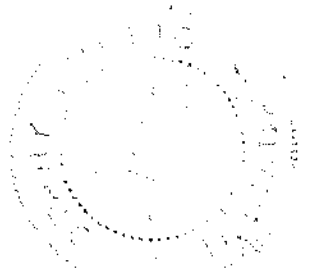
  
Harry F. McNaught, Jr.  
President

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

Before me, a Notary Public in and for the State of Indiana, personally appeared Harry F. McNaught, Jr., the President of Saratoga Associates, LLC, Owner of the real estate described above who acknowledged the execution of the foregoing instrument in such capacity and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 19th day of March, 2003.

Jo D. Cross  
Printed: Jo D. Cross



County of Residence Madison  
My Commission Expires 12/20/2007

*This instrument was prepared by Harry F. McNaught, Jr., Attorney at Law,  
200 Century Building, 36 S. Pennsylvania Street, Indianapolis, IN 46204.*

## EXHIBIT "B"

### LAND DESCRIPTION (BASED ON SURVEY)

A part of the Southeast Quarter of Section 28, Township 15 North, Range 1 East, Hendricks County, Indiana, described as follows:

**Commencing** at stone marking the Southwest corner of said Southeast Quarter; thence North 00 degrees 30 minutes 55 seconds West along the west line of said Southeast Quarter a distance of 272.71 feet to a point 30 feet measured by perpendicular lines off of the centerline of the Consolidated Rail Corporation Railroad and being on the north line of a tract of land conveyed to the Town of Plainfield as recorded in Instrument #2002-00037520 in the Office of the Recorder in Hendricks County, Indiana; thence North 75 degrees 26 minutes 42 seconds East along the above said 30 foot offset and said north line a distance of 98.40 feet to the **Point of Beginning**; thence North 00 degrees 30 minutes 55 seconds West parallel with said west line a distance of 872.67 feet to the southern right-of-way line of Saratoga Parkway; thence the next 4 courses being along the southern and western lines of said right-of-way line, point also being on a non-tangent curve to the left having a radius of 1415.00 feet the radius point which bears North 13 degrees 58 minutes 04 seconds East; (1) easterly along said curve and right-of-way an arc distance of 458.36 feet to a point which bears South 04 degrees 35 minutes 31 seconds East from said radius point; (2) North 85 degrees 24 minutes 29 seconds East a distance of 560.00 feet to tangent curve to the right having a radius of 498.00 feet the radius point which bears South 04 degrees 35 minutes 31 seconds East; (3) easterly and southerly along said curve and arc distance of 678.92 feet to a point which bears North 73 degrees 31 minutes 07 seconds East from said radius point; (4) South 16 degrees 28 minutes 53 seconds East a distance of 125.64 feet to the line of said Consolidated Rail Corporation Railroad, said line being 30 feet measured by perpendicular lines off of the centerline of the Consolidated Rail Corporation Railroad, point also being the northeast corner of said tract of land conveyed to the Town of Plainfield; thence South 75 degrees 26 minutes 42 seconds West along the north line of said Town of Plainfield tract a distance of 1609.90 feet to the **Point of Beginning**, containing 22.286 acres, more or less,

Subject to zoning, restrictions, encumbrances, highways, and easements.

## **EXHIBIT "C"**

### **YORKTOWN at SARATOGA**

#### **Development Standards March 19, 2003**

Yorktown is a proposed neighborhood within the Saratoga PUD consisting of fifty-eight (58) lots for single-family homes. Yorktown is located directly west of the Saratoga Place neighborhood and north of the Town of Plainfield pathway/greenway corridor along the former railroad right-of-way.

The zoning density of the Saratoga PUD for the area comprising Yorktown is 2 to 4 units per acre. As proposed, Yorktown would have a density of 2.6 units per acre.

The following design and landscaping standards shall govern the Yorktown development:

1. Fifty percent (50%) of the homes will have 100% brick on the first floor front façade exclusive of windows, doors and gable ends. All other homes will have a covered porch or entry.
2. Builder will not permit identical home elevations to be constructed on any adjoining lots within the neighborhood.
3. All homes shall have window shutters on all front elevations or an architectural detail that could include wood trim, Fypon or similar header, sill or surround.
4. The rear façade of the homes on lots 1, 2, 25 through 28 and 31 through 39 shall incorporate at least one of the following:
  - a. Screened-in or covered porch  
(minimum dimensions of 10' x 10');
  - b. Extended kitchen or nook area;
  - c. Finished space "pop-out"; or
  - d. Brick wrap on the first floor.

In addition, the rear yards of the lots listed above shall include the following landscaping:

- (1) Two street trees (ash, maple or oak species); and
- (2) Three ornamental trees (crabapple species, Aristocrat Pear, serviceberry or hawthorn species).

5. All front doors shall be 6 panel colonial front doors with contrasting accent color.
6. Each home shall have a minimum of 6/12 primary roof pitch or elevation that includes a reverse gable, shed roof accent or covered porch or entry. Each home shall also have a decorative rectangular, round or half round front or side gable roof vents.
7. Each home shall have premium vinyl siding of .042 mil thickness or greater.
8. Each home will have the following minimum landscaping installed at the time of home construction: Front and side yards sodded, rear yard seeded, one (1) 1-1/2" – 2" caliper tree planted in the front of the home, and a minimum of ten (10) bushes or shrubs planted in the front of the home.
9. All homes shall have dusk to dawn carriage lights or yard lights with coordinated rear porch lights.
10. All homes will have paved driveways wide enough to park two cars and a 20' x 20' (minimum exterior dimension) attached garage capable of storing at least two (2) vehicles.
11. All homes shall have uniform mailboxes as well as uniform street numbers.
12. No outside storage of unlicensed vehicles, RV's, trailers, boats or boat trailers shall be permitted.
13. No above ground pools shall be permitted, except temporary pools having a depth of less than twenty-four (24) inches.

14. No detached accessory buildings or other outbuildings shall be permitted.
15. A Homeowners Association shall be established for the development and maintenance of all common areas, common amenities, lakes, entry monumentation, perimeter fencing and landscape buffers.
16. No fences for individual lots shall be installed on any lots abutting Saratoga Parkway.
17. Each home shall have a roof overhang (minimum 12") on all sides of the home.
18. Each home shall include shutters for all windows.