

EXHIBIT "A"

MAR 06 2013

APPROVED RECEIVED  
BY \_\_\_\_\_

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 Attached)

STATEMENT OF COMMITMENTS:

1. Substantial compliance with Commitments Amendment document, Preliminary Plan and Landscaping Plan file dated February 15, 2013.
2. Owners will have the option of adding brick privacy walls for the 4-unit buildings in Area A.
3. Lots 17 – 26 in Area B will have first floor brick wraps.

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.



Before me, a Notary Public in and for said County and State, personally appeared Steven M. Dunn, Vice President of Crest Management, Manager of Timberstone Development, LLC, a(n) Indiana Limited Liability Company, Owner(s) 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 5<sup>th</sup> day of March, 2013



Signature Shirley J. White

Printed Shirley J. White

County of Residence Madison

My Commission expires: May 21, 2017

This instrument was prepared by Banning Engineering.

## LAND DESCRIPTION

### **Blackthorne**

That portion of the Northeast Quarter of Section 26, Township 15 North, Range 1 East of the Second Principal Meridian in the Town of Plainfield, Hendricks County, Indiana, described as follows:

Considering the North line of said Northeast Quarter as bearing North 88 degrees 21 minutes 28 seconds East with all bearings contained herein being relative thereto.

Commencing at a railroad spike found marking the Northwest corner of said Northeast Quarter; thence South 00 degrees 51 minutes 38 seconds East along the West line thereof 788.50 feet to a Mag nail with "LS29800001" tag (herein referred to as "nail") set at the POINT OF BEGINNING; thence North 88 degrees 21 minutes 28 seconds East parallel with said North line 120.87 feet to a 5/8" rebar with "BANNING ENG LS 29800001" cap (herein referred to as "rebar") set the beginning of a tangent a curve to the right having a radius of 290.00 feet and a central angle of 08 degrees 13 minutes 29 seconds; thence easterly along the arc of said curve 41.63 feet to a rebar set; thence South 83 degrees 25 minutes 03 seconds East 122.21 feet to a rebar set at the beginning of a tangent a curve to the left having a radius of 210.00 feet and a central angle of 08 degrees 13 minutes 29 seconds; thence easterly along the arc of said curve 30.15 feet to a rebar set; thence North 88 degrees 21 minutes 28 seconds East parallel with said North line 75.56 feet to a rebar set at the beginning of a tangent curve to the left having a radius of 15.00 feet and a central angle of 90 degrees 00 minutes 00 seconds; thence easterly, northeasterly, and northerly along the arc of said curve 23.56 feet to a rebar set; thence North 88 degrees 21 minutes 28 seconds East parallel with said North line 50.00 feet to a rebar set; thence South 01 degree 38 minutes 32 seconds East 5.00 feet to a rebar set; thence North 88 degrees 21 minutes 28 seconds East parallel with said North line 863.67 feet to a rebar set on the East line of the Northwest Quarter of said Northeast corner, said point being the northwest corner of a parcel of land of Robert. G. Daum as described as "Tract B" in Instrument Number 98-10085, Volume 54, Pages 1578-1580 in the Office of the Recorder of said county; thence North 86 degrees 44 minutes 08 seconds East along the north line of said parcel 1042.21 feet to a rebar set; thence South 01 degree 20 minutes 57 seconds East along the east line of said parcel 158.78 feet to a rebar set on the north line of an 18 acre parcel of said land of Daum; thence North 85 degrees 52 minutes 28 seconds East along said north line 276.70 feet to a nail set on the East line of said Northeast Quarter; thence South 01 degree 20 minutes 57 seconds East along said East line 402.91 feet to a nail set on the northerly right of way line of the former Conrail Railroad, now being the north line of the land of the Town of Plainfield by Quitclaim Deed recorded in Deed Record 298, Pages 283-284 in said county records (the following three (3) courses being along the northerly lines of said land): 1) thence South 72 degrees 03 minutes 32 seconds West 1379.46 feet to a point on the West line of the East Half of said Northeast Quarter, said point being marked by a 1/2 inch rebar which bears South 35 degrees 22 minutes 04 seconds West 0.6 feet from said point; 2) thence North 01 degree 05 minutes 44 seconds West along said West line 5.22 feet to a point being marked by a 1/2 inch rebar which bears South 46 degrees 12 minutes 52 seconds West 0.6 feet; 3) thence South 72 degrees 03 minutes 32 seconds West 315.21 feet to a rebar set on the east line of the land of O.R. Industries, Inc. as described in Deed Record 205, Page 487 in said county records: (the following two (2) courses being along the east and north line of said land): 1) thence North 00 degrees 51 minutes 38 seconds West parallel with the West line of said Northeast Quarter 158.39 feet to a rebar set; 2) thence South 89 degrees 08 minutes 22 seconds West 560.75 feet to a point on the east line of the land of Glen R. and Betty L. Arnold as described in Deed Record 304, Page 103 in said county records, said point being marked by a 5/8" rebar with a "LEWIS ENG" cap which bears South 61 degrees 23 minutes 57 seconds East 0.6 feet; thence North 00 degrees 51 minutes 38 seconds West along the east line said land 378.78 feet to a rebar set; thence South 89 degrees 12 minutes 47 seconds West along the north line of said land and the north line of Minor Plat Number 296 as per plat thereof recorded in Plat Book 14, Page 36 in said county records 459.28 feet to a nail set on the West line of said Northeast Quarter; thence North 00 degrees 51 minutes 38 seconds West along said West line 26.94 feet to a nail set at the southwest corner of the land of Larry Charles Pitcock as described in Deed Record 306, Page 473 in said county records; (the following three (3) courses being along the south, east, and north line of said land); 1) thence North 89 degrees 08 minutes 22 seconds East 249.60 feet to a rebar set; 2) thence North 00 degrees 51 minutes 38 seconds West 200.00 feet to a rebar set; 3) thence South 89 degrees 08 minutes 22 seconds West 249.60 feet to a nail set on said West line of the Northeast Quarter; thence North 00 degrees 51 minutes 38 seconds West along said West line 224.68 feet to the POINT OF BEGINNING, containing 41.911 acres, more or less. Subject to all highways, rights of way and easements.

The above description includes that land conveyed to Bruce Gunstra Builders, Inc., pursuant to Limited Liability Company Warranty Deed recorded February 8, 2007 as Instrument Number 200700003574, in the Office of the Recorder of Hendricks County, Indiana, more particularly described as follows:

That portion of the Northeast Quarter of Section 26, Township 15 North, Range 1 East of the Second Principal Meridian in the Town of Plainfield, Hendricks County, Indiana, described as follows:

Considering the North line of said Northeast Quarter as bearing North 88 degrees 21 minutes 28 seconds East with all bearings contained herein being relative thereto.

Commencing at a railroad spike found marking the Northwest corner of said Northeast Quarter: thence North 88 degrees 21 minutes 28 seconds East along the North line thereof 1314.47 feet to Northeast corner of said Northwest Quarter of said Northeast Quarter: thence South 01 degrees 05 minutes 44 seconds East along the East line of said Northwest Quarter 801.09 feet to the Northwest corner of a parcel of land described as "Tract B" of said land of Daum; thence North 86 degrees 44 minutes 08 seconds East along the North line of said parcel 1042.21 feet; thence South 01 degree 20 minutes 57 seconds East along the East line of said parcel 158.78 feet to the North line of an 18 acre parcel of said land of Daum; thence North 85 degrees 52 minutes 28 seconds East along said North line 276.70 feet to the East line of said Northeast Quarter, thence South 01 degree 20 minutes 57 seconds East along said East line 402.91 feet to the Northerly right-of-way line of the former Conrail Railroad, now being the North line of the land of the Town of Plainfield by Quitclaim Deed Record 298, pages 283-284 in said county records; thence South 72 degrees 03 minutes 52 seconds West along said North line 74.73 feet to the West right-of-way line of Dan Jones Road and the point of beginning; thence continue along said line South 72 degrees 03 minutes 32 seconds West 238.91 feet; thence North 03 degrees 15 minutes 51 seconds West 251.09 feet to the beginning of a non-tangent curve to the left having a radius of 200.00, a central angle of 08 degrees 57 minutes 35 seconds and a radical line passing through said point which bears North 05 degrees 41 minutes 44 seconds East; thence Westerly along the arc of said curve 31.28 feet; thence North 03 degrees 15 minutes 51 seconds West 50.00 feet; thence North 86 degrees 44 minutes 09 seconds East 277.25 feet to a point on the West right-of-way line of Dan Jones Road; thence South 00 degrees 27 minutes 41 seconds West along said right-of-way 13.30 feet; thence South 01 degree 22 minutes 17 seconds East along said right-of-way 131.23 feet; thence South 02 degrees 24 minutes 27 seconds West along said right-of-way 99.05 feet to the point of beginning, containing 1.537 acres, more or less, and subject to all highways, rights-of-way and easements.

EXCEPT: (For the purpose of Permanent Right of Way)

A part of the Northeast Quarter of Section 26, Township 15 North, Range 1 East, Hendricks County, Indiana, and being a part of the land of or formerly owned by Robert G. Daum (Instrument No. 9800010085, Office of the Recorder) more particularly described as follows:

Commencing at the northeast corner of said Quarter Section, thence South 0 degrees 18 minutes 08 seconds West (assumed bearing) 280.227 meters (919.38 feet) along the east line of said section to the point of beginning of this description being the northeast corner of the grantor's land; thence South 0 degrees 18 minutes 08 seconds West 122.635 meters (402.34 feet) along said east line to the southeast corner of the grantor's land; thence South 73 degrees 41 minutes 02 seconds West 22.792 meters (74.78 feet) along the southern boundary of the grantor's land; thence North 4 degrees 03 minutes 32 seconds East 30.346 meters (99.56 feet); thence North 0 degrees 15 minutes 48 seconds East 40.000 meters (131.23 feet); thence North 2 degrees 06 minutes 46 seconds East 58.004 meters (190.30 feet) to the north line of the grantor's land; thence North 87 degrees 27 minutes 07 seconds East 18.057 meters (59.24 feet) along said north line to the point of beginning and containing 0.2461 hectares (0.608 acres), more or less. The portion of the above-described real estate which is not already embraced with public rights of way contains 0.1898 hectares (0.469 acres), more or less.

ALSO EXCEPT:

Building 1, in BLACKTHORN CONDOMINIUMS, Horizontal Property Regime, Phase 1, a Condominium in the Town of Plainfield, Guilford Township, Hendricks County, Indiana, the plat of which is dated October 12, 2004, recorded October 20, 2004 in Plat Cabinet 5, Slide 200, in the Office of the Recorder of Hendricks County, Indiana.

ALSO EXCEPT:

Building 10, in Block 2, Phase I in the Blackthorn Condominium Horizontal Property Regime in the Town of Plainfield, Guilford Township, Hendricks County, Indiana, as established by a Declaration recorded October 19, 2004, as Instrument Number 200400032262 in Public Record Book 542, page

1088, as Amended or Supplemented; Applicable Amendment to Declaration recorded November 29, 2005 as Instrument Number 200500036412 in the Office of the Recorder of Hendricks County, Indiana.

ALSO EXCEPT:

Building 3, in Block 1, Phase I in the Blackthorn Condominium Horizontal Property Regime in the Town of Plainfield, Guilford Township, Hendricks County, Indiana, as established by a Declaration recorded October 19, 2004, as Instrument Number 200400032262 in Public Record Book 542, page 1088 in the Office of the Recorder of Hendricks County, Indiana. As Amended or Supplemented; Applicable Amendment to Declaration recorded May 15, 2007 as Instrument Number 200700012290 in the Office of the Recorder of Hendricks County, Indiana.

ALSO EXCEPT:

Building 2, in Block 1, Phase I in the Blackthorn Condominium Horizontal Property Regime in the Town of Plainfield, Guilford Township, Hendricks County, Indiana, as established by a Declaration recorded October 19, 2004, as Instrument Number 200400032262 in Public Record Book 542, page 1088 in the Office of the Recorder of Hendricks County, Indiana. As Amended or Supplemented; Applicable Amendment to Declaration recorded December 11, 2006 as Instrument Number 200600034920 in the Office of the Recorder of Hendricks County, Indiana.

ALSO EXCEPT:

Building 9, in Block 2, Phase I in the Blackthorn Condominium Horizontal Property Regime in the Town of Plainfield, Guilford Township, Hendricks County, Indiana, as established by a Declaration recorded October 19, 2004, as Instrument Number 200400032262 in Public Record Book 542, page 1088, as Amended or Supplemented; Applicable Amendment to Declaration recorded May 25, 2007 as Instrument Number 200700013274 in the Office of the Recorder of Hendricks County, Indiana.

ALSO EXCEPT:

Building 46, in Block 2, Phase II in the Blackthorn Condominium Horizontal Property Regime in the Town of Plainfield, Guilford Township, Hendricks County, Indiana, as established by a Declaration recorded October 19, 2004, as Instrument Number 200400032262 in Public Record Book 542, page 1088, as Amended or Supplemented; Applicable Amendment to Declaration recorded May 15, 2007 as Instrument Number 200700012372 in the Office of the Recorder of Hendricks County, Indiana.

TRACT B (Platted descriptions subject to the Mortgage):

Units A, D, and E in Building 9, in Block 2, Phase I in the Blackthorn Condominium Horizontal Property Regime in the Town of Plainfield, Guilford Township, Hendricks County, Indiana, as established by a Declaration recorded October 19, 2004, as Instrument Number 200400032262 in Public Record Book 542, page 1088, as Amended or Supplemented; Applicable Amendment to Declaration recorded May 25, 2007 as Instrument Number 200700013274 in the Office of the Recorder of Hendricks County, Indiana.

ALSO:

Unit E in Building 46, in Block 2, Phase II in the Blackthorn Condominium Horizontal Property Regime in the Town of Plainfield, Guilford Township, Hendricks County, Indiana, as established by a Declaration recorded October 19, 2004, as Instrument Number 200400032262 in Public Record Book 542, page 1088, as Amended or Supplemented; Applicable Amendment to Declaration recorded May 15, 2007 as Instrument Number 200700012372 in the Office of the Recorder of Hendricks County, Indiana.

ALSO:

Units C and D in Building 1, in Block 1, Phase I in the Blackthorn Condominium Horizontal Property Regime in the Town of Plainfield, Guilford Township, Hendricks County, Indiana, as established by a Declaration recorded October 19, 2004, as Instrument Number 200400032262 in Public Record Book 542, page 1088 in the Office of the Recorder of Hendricks County, Indiana. As Amended or Supplemented.

ALSO:

Units E and F in Building 10, in Block 2, Phase I in the Blackthorn Condominium Horizontal Property Regime in the Town of Plainfield, Guilford Township, Hendricks County, Indiana, as established by a Declaration recorded October 19, 2004, as Instrument Number 200400032262 in Public Record Book 542, page 1088, as Amended or Supplemented; Applicable Amendment to Declaration recorded November 29, 2005 as Instrument Number 200500036412 in the Office of the Recorder of Hendricks County, Indiana.

**Amendment to the Statement of Commitments filed October 9, 2002  
affecting Blackthorne, a condominium community in the Town of  
Plainfield Section 26, Township 15 North, Range 1 East Hendricks  
County, Indiana**

**Developer:**

Timberstone Development LLC  
9210 N. Meridian Street  
Indianapolis, IN 46260

**Engineer:**

Banning Engineering P.C.  
Mr. Jeffrey Banning  
698 Tower Road, Suite 100  
Plainfield, IN 46168

January 25, 2013

**Plainfield**  
**Planning & Zoning**  
DP RZ PUD BP BZA ILP SP

FEB 15 2013

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Blackthorne is a partially completed condominium project designed to be compatible with the surrounding area. The total property is approximately 41 acres and is located between Carr Road and Dan Jones Road, north of the old railroad and south of Township Line Road. Oak Park, a single-family residential subdivision is located north and adjacent to the development.

The project was originally developed by Gunstra Builders as a PUD, generally following the R-6 standards with Development Incentives. The approved development was planned to contain 322 units for a gross density of approximately 7.9 units per acre. The buildings were to be 7 units and two stories.

Due to the economic downturn the original developer abandoned the project in 2008 after completing just 37 of the 322 total units. Since the time of the developer's exit from the project no further units have been built on the property.

Timberstone Development LLC ("Timberstone" a/k/a "Westport Homes") is seeking to complete the project with a combination of fee simple townhomes and single family dwellings. Exhibit A, attached to this amendment, shows the two distinct "Areas" of the project. New buildings in "Area A" will be fee simple townhomes. "Area B" will be single family homes. Following are the amendments to the PUD Timberstone are seeking in order to make the project compatible for these uses:

**I. Overall changes to the existing development standards and commitments**

1. Delete Additional Development Commitment #5 – A community clubhouse, pool and playground will be provided and centrally located.
2. Modify Additional Development Commitment #8 – The developer will install high pressure sodium street lights throughout the development which will match the currently installed street lights.
3. Developer will install a 10 foot wide walking trail extending from the North side of the property where the project borders Oak Park to the Town of Plainfield's trail on the South side of the property.
4. Create "Area A" and "Area B" within the overall Blackthorne project, subject to the permitted uses, development standards and commitments listed in each Area's respective section below. Both "Area A" and "Area B" will be part of a Home Owners Association, Blackthorne Villas Homeowners Association, which will be professionally managed. The HOA will be responsible for the maintenance of all common areas, common amenities, lakes, entry monumentation and individual dwelling lawn care and driveway/sidewalk snow removal. The following sections and language will be included in the Blackthorne Villas HOA covenants, conditions and restrictions:
  - a. Nuisances: No noxious or offensive activity shall be carried out on any home site or anywhere within the boundaries of the subdivision, or anything be done thereon which may be or may become an annoyance or nuisance to the

neighborhood. This includes, but not limited to, the operation of any motorized vehicle or similar item on any lot or on any street within the boundaries of the subdivision if it not properly licensed by the driver and legal on public through fares.

- b. Vehicle regulations: No vehicle of more than ¾ ton hauling capacity or equivalent vehicle shall be parked on any home site except while making a delivery or pickup. No trailer, boat or recreational vehicle shall be permitted to remain on any home site unless kept within the garage. This includes any vehicle that is not in operational condition and bearing a current year's license plate. Routine on-street parking is prohibited except that in instances when guest parking is required for special occasions, on street parking is permitted but vehicles must be removed as soon as an event ends.
- c. Animals: No outdoor animal kennel shall be permitted.

5. Developer will install a second entrance sign to Blackthorne on Dan Jones Road. The sign will be similar to the existing sign on Carr Road.

## II. "Area A" development standards and commitments

- 1. The section shown as "Area A" on the attached Exhibit A will allow for fee simple townhomes known as Building Type C (Westport building) and will adhere to the following architectural commitments:
  - a. Shutters will be provided on all windows on each elevation where adequate space allows.
  - b. All windows will have grids visually separating the windows into panes.
  - c. Minimum roof pitch shall be 5/12.
  - d. The minimum living area for the units in this area shall be 991 square feet.
  - e. All units will have a concrete driveway and an attached two-car garage. Minimum width for the two-car garage shall be 20 ft with a minimum area of 440 sq. ft.
  - f. First floor front façade shall be 90% masonry exclusive of windows and doors.
  - g. The first floor side and rear façades shall be 90% masonry exclusive of windows and doors.
  - h. Vinyl siding shall be a minimum of .044" thick and will be installed in accordance with the Town of Plainfield's Residential Design Standards with the addition of ZIP Board as an approved sheathing.

- i. Each building shall have decorative gable vents on each side elevation.
- ✓ j. A masonry privacy wall will be offered as an option between townhome patios.
- k. Refer to the building plans which have been submitted to Staff for typical building floor plans and specifications.
- l. Each overhead garage door will be raised panel steel insulated.
- m. Each building will have fully landscaped foundation plantings.
- n. Direct vent or exterior fireplaces with exterior chases will be offered as an option for each unit.

### **III. "Area B" development standards and commitments**

- 1. The section shown as "Area B" on the attached Exhibit A will allow for single family use only, except as may be required by State or Federal law. "Area B" will generally follow the R-5 standards. Following are the standards which will be adhered to along with the additional commitments related to "Area B":
  - a. Building setbacks shall be as follows:
    - i. Front yard setback as measured from right-of-way - 25 feet.
    - ii. Rear yard setback - 20 feet.
    - iii. Minimum distance between houses – 12 feet.
  - b. Maximum building height will be 35 feet, but not to exceed two stories.
  - c. Single family homes built in Blackthorne "Area B" will comply with the Town of Plainfield Residential Design Guidelines, with the following modifications:
    - i. The area of the garage will be a minimum of 440 square feet, exclusive of any area used for HVAC equipment.
    - ii. Coach lights shall receive credit as a Group III option for front elevations.
    - iii. In the Group I options for front elevations, instead of receiving one credit for a change in direction in the roof, credit will be given for each gable that provides a change in the direction of the roof (accent gables do not qualify).
    - iv. A hip roof will receive credit as a Group I option for front elevations instead of as a Group II options.
    - v. A 10/12 roof pitch shall be given credit as a Group I option for front elevations.

- vi. Every additional two (2) Group II options beyond the minimum of three (3), shall receive credit as a Group I option for front elevations.
  - vii. Every additional three (3) Group III options beyond the minimum of four (4), shall receive credit as a Group I option or the front elevations.
- d. New home elevations will be reviewed by Planning Staff and/or the Plan Commission for compliance with the guidelines and these commitments.
  - e. Identical home elevations will not be adjacent to nor directly across the street from one another.
  - f. The minimum living area will be 1,300 square feet for one story structures and 1,500 total square feet (950 square feet first floor) for multiple story structures.
  - g. Dusk-to-dawn coach lights will be installed on homes.
  - h. Basements will be offered as an option on single family homes in "Area B".
  - i. Minimum landscaping for each home will be two (2) trees and six shrubs. One of the trees may be placed in or near the public right-of-way as a street tree, depending on the requirements of the Town of Plainfield planning and public works staff.
  - j. Lots will be a minimum of 6,000 square feet with maximum lot coverage of 40%.
  - k. The first floor elevations of the homes on lots 17-25 of Area B, which are adjacent to the Oak Park subdivision, shall be 100% masonry.