

## EXHIBIT "A"

### 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 real estate:

#### LEGAL DESCRIPTION

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

Commencing at the northeast corner of said Northeast Quarter Section; thence South 00 degrees 57 minutes 35 seconds East along the east line thereof 466.87 feet to a point on the easterly extension of the north line of Lot 1 in Dan Jones Commons, Section 1 as per plat thereof recorded in Plat Cabinet 3, Slide 62, Pages 2AB in the Office of the Recorder of said county; thence South 89 degrees 02 minutes 25 seconds West along said easterly extension 73.09 feet to the northeast corner of said Lot 1 and the POINT OF BEGINNING (the following four (4) courses are along the north and west lines of said Lot 1); 1) thence South 89 degrees 02 minutes 20 seconds West 83.59 feet; 2) thence South 48 degrees 26 minutes 28 seconds West 83.41 feet; 3) thence South 89 degrees 02 minutes 25 seconds West 255.00 feet; 4) thence South 00 degrees 57 minutes 35 seconds East 340.00 feet to the north right of way line of U.S. Highway 40; thence South 68 degrees 45 minutes 52 seconds West along said right of way line 425.91 feet to the southeast corner of the land of the Roman Catholic Archdiocese of Indianapolis Properties, Inc. as described in Instrument Number 1999-22992, Book 134, Pages 14556-1558 in said county records; thence North 00 degrees 42 minutes 36 seconds West along said east line and its northerly extension 545.47 feet; thence South 89 degrees 55 minutes 48 seconds West 67.74 feet; thence North 00 degrees 59 minutes 43 seconds West 409.89 feet; thence South 89 degrees 17 minutes 57 seconds West 218.47 feet; thence North 01 degree 09 minutes 07 seconds West 620.93 feet; thence North 89 degrees 16 minutes 13 seconds East 99.26 feet; thence North 00 degrees 43 minutes 47 seconds West 275.14 feet; thence North 72 degrees 32 minutes 52 seconds East 1020.69 feet to the west right of way line of Dan Jones Road per said plat of Dan Jones Commons, Section 1 (the remaining courses are along said right of way line); thence South 05 degrees 33 minutes 34 seconds East 58.64 feet; thence South 00 degrees 58 minutes 59 seconds East 1336.32 feet to the beginning of a tangent curve to the left having a radius of 6620.72 feet and a central angle of 01 degree 47 minutes 04 seconds; thence southerly along the arc of said curve 206.21 feet to the POINT OF BEGINNING, containing 37.803 acres, more or less.

#### STATEMENT OF COMMITMENTS:

**Commitment #1:** The following uses shall be prohibited:

Automobile, Truck or Bus sales and Service  
Automobile and Truck Rental Services  
Automobile repair – major  
Automobile repair - minor

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Automobile parts sales (new)  
*Gasoline Service Station* with minor repair (not to exceed (2) accessory indoor service bays)  
Painting and Customizing  
RV and camper sales and service  
Tire and Auto Service Center  
Self-service Laundry  
Communication Relay Tower  
Public Wells  
Agriculture Seed Sales  
Boat Sales, Service and Storage  
Bus Station  
Farm Equipment Sales and Service  
Motor Cycle/Scooter Sales, Service and Repair  
Veterinary Hospital, including Boarding  
Bait Sales  
Billiard Room  
Bowling Alley  
Lodge or Private Club  
Miniature Golf  
Night Club  
Outdoor Commercial Recreational Enterprise  
Private Recreational Development  
Skating Rink (Ice and Roller)  
Theater, Indoor  
Any Permitted use which includes the sale of alcoholic beverages for carryout  
Commercial Greenhouse  
Cropland and Orchards  
Plant Nursery  
Automobile Auction  
Public Utility Substation  
Public Wells  
Sewage Treatment Plant  
Water Treatment Plant  
Roadside Food Sales Stand  
Self-storage (Mini-) Warehouse  
Neighborhood Recycling Collection Point  
*Parking Garage*  
*Recycling Facility*  
Amusement Park  
Ball Fields  
Driving Range  
Stadium/Arena  
Theater, Outdoor  
Liquor Store  
Satellite Dish Sales and Service

**Commitment #2:** The following additional standards or restrictions shall apply to the entire parcel:

- a. Gateway Corridor Standards: All development shall be subject to Gateway Corridor Standards.
- b. Orientation of Loading Docks: No loading docks shall face east north of Beechwood Drive unless they are screened by a mound, fence, wall or landscaping deemed acceptable by the Plan Commission as part of a Development Plan for Architectural & Site Design Review.

- c. North Bufferyard: A 10' bufferyard and Level 2 landscaping shall be required along the north property line.
- d. Pedestrian Connectivity: Pedestrian connectivity shall include a Connection to the Town's trail system at Dan Jones and a trail connection located at the northwest of the property. The exact location and design of the trail connection located at the northwest of the property shall be approved by the Plan Commission as part of a Development Plan for Architectural & Site Design Review and South Construction Co., Inc., owner of the real estate and abutting real estate shall provide easements reasonably necessary to provide for such trail connectivity.
- e. Perimeter Front Yard Landscaping: The proposed Town of Plainfield's U.S. 40 plan / landscape treatment shall be utilized along Dan Jones Road and US 40 and shall be incorporated into any Development Plan for Architectural & Site Design Review approval, primary plat approval or secondary plat approval, as appropriate.
- f. Car wash (Automatic and Self) & Gasoline Service Station Without Repair Limitations: A "Car Wash (automatic and self)" use or a "Gasoline Service Station without repair" use shall be prohibited on:
  - i. Any parcel located south of the north line of the Wal-Greens' Lot, extended, between St. Susanna and Wal-Greens, or
  - ii. Any parcel located within 250 feet of the west right-of-way line of Dan Jones Road from the north property line of the real estate to Beechwood Drive, extended.
- g. Lumber Yard Restriction: Lumber yards shall only be permitted as part of a hardware store or related store.

**Commitment #3:** The following commitments shall apply to that portion of the real estate located along Dan Jones Road and north of Beechwood Drive for an east / west depth of no less than 150 feet from the western right-of-way of Dan Jones Road. See Exhibit "A".

- a. Maximum Building Height shall be 45'.
- b. Except for those uses prohibited by Commitment #1 of Exhibit "A", Outlots North of Beechwood Drive along Dan Jones Road shall be limited to those Permitted Uses and Maximum Gross Floor Area limitation set forth in the NR: Neighborhood Retail District.
- c. Hours of Operation – No business located in this restricted portion of the real estate shall have regular business hours which begin prior to 6:00 a.m. or which conclude after 12:00 midnight on any day.

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 at a public hearing after proper notice has been given.

***These COMMITMENTS shall not affect any additional use restrictions which Owner may impose upon the buyer and subsequent owners by contract or restrictive covenants of record.***

COMMITMENTS contained in this instrument shall be effective upon the approval of petition # RZ 05-006 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.

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 #RZ05-006.

IN WITNESS WHEREOF, Owner has executed this instrument this 8<sup>TH</sup> day of JUNE, 2005.

(Individual Acknowledgement)

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Printed \_\_\_\_\_

Printed \_\_\_\_\_

STATE OF \_\_\_\_\_ )

SS:

COUNTY OF \_\_\_\_\_ )

Before me, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_, 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 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

Signature \_\_\_\_\_

Printed \_\_\_\_\_

County of Residence \_\_\_\_\_

My Commission expires: \_\_\_\_\_



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