

COMMITMENT CONCERNING THE USE AND DEVELOPMENT OF REAL ESTATE

AT&T Mobility (AT&T) makes the following Commitment Concerning the use and Development of Real Estate (the “Commitment”) to the City of Westfield, Indiana (the “City”), regarding the use and development of the following described real estate (the “Real Estate”) located in Hamilton County, Indiana:

Section 1. Description of Real Estate:

A part of the West ½ of the Southeast ¼ of Section 13, Township 18 North, Range 3 East described as follows:

Commencing at the Southwest corner of said Section; thence North 88 degrees 41 minutes 04 seconds East (assumed bearing) 344.48 feet along the South line of said Section; thence North 00 degrees 03 minutes 37 seconds East 16.51 feet to the point of beginning, which point is on the North boundary line of old 146th Street; thence continuing North 00 degrees 03 minutes 37 seconds East 133.49 feet; thence South 62 degrees 13 minutes 34 seconds East 6.71 feet; thence Southeasterly 320.23 feet along an arc to the right and having a radius of 917.39 feet and subtended by a long chord having a bearing of South 80 degrees 46 minutes 37 seconds East and a length of 318.61 feet; thence South 70 degrees 46 minutes 37 seconds East 149.84 feet; thence South 05 degrees 4 minutes 39 seconds East 19.41 feet to the North boundary line of said old 146th Street; thence South 88 degrees 41 minutes 04 seconds West 464.13 feet along said North boundary to the point of beginning.

Section 2. Statement of Commitment:

A U.S. flag, proportionately sized (proportionately sized shall mean an approximately 20 foot by 30 foot flag) in relation to the height and size of the stealth flag pole, shall always be raised on the stealth flag pole, unless otherwise dictated by federal, state or local law or edict. The flag shall be maintained in good condition or replaced as needed by AT&T.

Section 3. Binding Effect:

The Commitment is binding upon AT&T and each subsequent owner/operator of the stealth monopole tower on the Real Estate, unless modified or terminated. The Commitment may be modified or terminated only by approval following a public hearing held by the Plan Commission of the City of Westfield, Indiana.

Section 4. Effective Date:

The Commitment shall be effective upon the Plan Commission’s approval of Development Plan petition 1506-DDP-09.

Section 5. Enforcement:

This Commitment may be enforced by the City.

IN WITNESS THEREOF, AT&T has caused this Commitment to be executed as of the _____ day of _____, 2015.

AT&T

By: _____

Printed: _____

Title: _____

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me the undersigned, a Notary Public in and for said County and State, personally appeared _____ of AT&T, who having been duly sworn acknowledged the execution of the foregoing Commitment.

Witness my hand and Notarial Seal this _____ day of _____, 2015.

Notary Public

My Commission Expires:

Printed: _____
Residing in _____ County

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: Matthew M. Price.

Prepared by: Matthew M. Price, Attorney at Law, Bingham Greenebaum Doll LLP,
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