

**ADDITIONAL COMMITMENTS**  
**CONCERNING USE AND DEVELOPMENT OF REAL ESTATE**

Document Cross Reference No. \_\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_ and \_\_\_\_\_.

**WHEREAS**, the City of Westfield, Indiana (“City”) and Township of Washington, both of Hamilton County, Indiana are subject to the Westfield-Washington Township Unified Development Ordinance (“UDO”);

**WHEREAS**, on December 13, 2004, the Westfield Council (“Council”) enacted Ordinance 04-43, recorded as Instrument No. 200500009748 in the Office of the Recorder of Hamilton County, Indiana, which rezoned the subject real estate more particularly described in **Exhibit A** (“Real Estate”) from AG-SF1: Agriculture / Single Family Rural District to SF-2: Single-Family Low Density District;

**WHEREAS**, commitments concerning the use and development of the Real Estate, recorded as Instrument No. 200500009748 in the Office of the Recorder of Hamilton County, Indiana, were made to the Council effective upon the Council’s enactment of Ordinance 04-43, incorporated herein (the “Previous Commitments”);

**WHEREAS**, Langston Residential Development, LLC (“Langston”) has filed a petition (Petition No. 1506-ZC-02), with the Westfield-Washington Advisory Plan Commission (“Plan Commission”) requesting modification of the Previous Commitments with regard to the Real Estate, incorporated herein (the “Modified Commitments”);

**WHEREAS**, Langston has filed a petition (Petition No. 1506-SPP-15 and 1506-ODP-16), with the Plan Commission requesting Primary Plat and Overall Development Plan approval with regard to the Real Estate, incorporated herein (the “Primary Plat”);

**WHEREAS**, Langston is requesting the Plan Commission consider approval of the Primary Plat in consideration of commitments (“Additional Commitments”);

**WHEREAS**, the Real Estate subject to the Additional Commitments is the Real Estate that was subject to Ordinance 04-43, the Primary Plat, the Previous Commitments and the Modified Commitments;

**WHEREAS**, the Plan Commission held a public hearing regarding the Primary Plat and Modified Commitments on February 15, 2016 (“Public Hearing”) and approved the Primary Plat condition upon the recording of the Additional Commitments;

**NOW THEREFORE**, Towne Road Development, Inc., (“Owner”) makes the following Additional Commitments to the Plan Commission regarding the use and development of the Real Estate:

**Section 1. Previous Commitments.** These Additional Commitments are made in addition to the Modified Commitments as applicable to the Real Estate and do not amend the Modified Commitments.

**Section 2. Definitions.**

1. Common Area “13”. A common area as identified on the Primary Plat as approved by the Plan Commission and illustrated as C.A. #13 on the plan attached hereto and incorporated herein by reference as **Exhibit B**.
2. Department. The Economic and Community Development Department of the City of Westfield.

**Section 3. Additional Commitments Applicable to the Real Estate.** The following Additional Commitments are applicable to the Real Estate:

1. Agreement to Dedicate real estate to the City: The Owner shall dedicate Common Area 13 to the City for use as a public right of way in the event of the subdivision of real estate adjacent to Common Area 13 not included in the Primary Plat provided that a public street connection is required by the Plan Commission adjacent to Common Area 13.

**Section 4. Modification of Additional Commitments.** These Additional Commitments shall continue in effect until modified or terminated. These Additional Commitments may be modified or terminated only in accordance with the UDO, following a decision made at a public hearing after notice has been given in accordance with the UDO and the Plan Commission’s Rules of Procedure.

**Section 5. Effective Date.** These Additional Commitments shall be effective upon approval of the Primary Plat by the Plan Commission and after these Additional Commitments have been executed and notarized by the Owner and recorded in the Office of the Recorder of Hamilton County, Indiana.

**Section 6. Recording.** The undersigned hereby authorizes the Department to record these New Commitments in the Office of the Recorder of Hamilton County, Indiana.

**Section 7. Enforcement.** These New Commitments may be enforced by the Department, the Plan Commission, property owners of real estate adjoining the Real Estate, and all property owners of real estate within the Real Estate.

**Section 8. Binding on Successors.** These Additional Commitments are binding upon (i) each owner of the Real Estate and (ii) upon each owner’s successors, assigns and grantees with respect to the portion of the Real Estate owned by such successor, assign and grantee and during

such successor's, assign's and grantee's ownership, unless modified or terminated by the Plan Commission pursuant to the requirements herein. Notwithstanding the provisions of this Section 8, these Additional Commitments shall terminate as to any part or parts of the Real Estate for which the zoning district or classification is later changed after the Effective Date.

**IN WITNESS WHEREOF**, Towne Road Development, Inc., has caused these New Commitments to be executed as of the date identified on the Notary below.

Towne Road Development, Inc.

By: \_\_\_\_\_  
James A. Caito, President

Date: \_\_\_\_\_, 2016

STATE OF INDIANA )  
 ) SS:  
COUNTY OF \_\_\_\_\_ )

Before me, a Notary Public in and for said County and State, personally appeared James A. Caito, President of Towne Road Development, Inc., who acknowledged the execution and the foregoing Additional Commitments Concerning Use and Development of Real Estate this \_\_\_\_\_ day of \_\_\_\_\_, 2016 for and on behalf of said entity.

My Commission Expires: \_\_\_\_\_  
Notary Public

Residing in \_\_\_\_\_  
County of \_\_\_\_\_ Printed Name

This instrument prepared by James E. Shinaver, Nelson & Frankenberger, 550 Congressional Blvd., Suite 210, Carmel, IN 46032.

Return to: James E. Shinaver, Nelson & Frankenberger, 550 Congressional Blvd., Suite 210, Carmel, IN 46032.

I affirm under the penalties of perjury that I have taken reasonable care to redact each social security number in this document, unless required by law. James E. Shinaver.

## Exhibit A

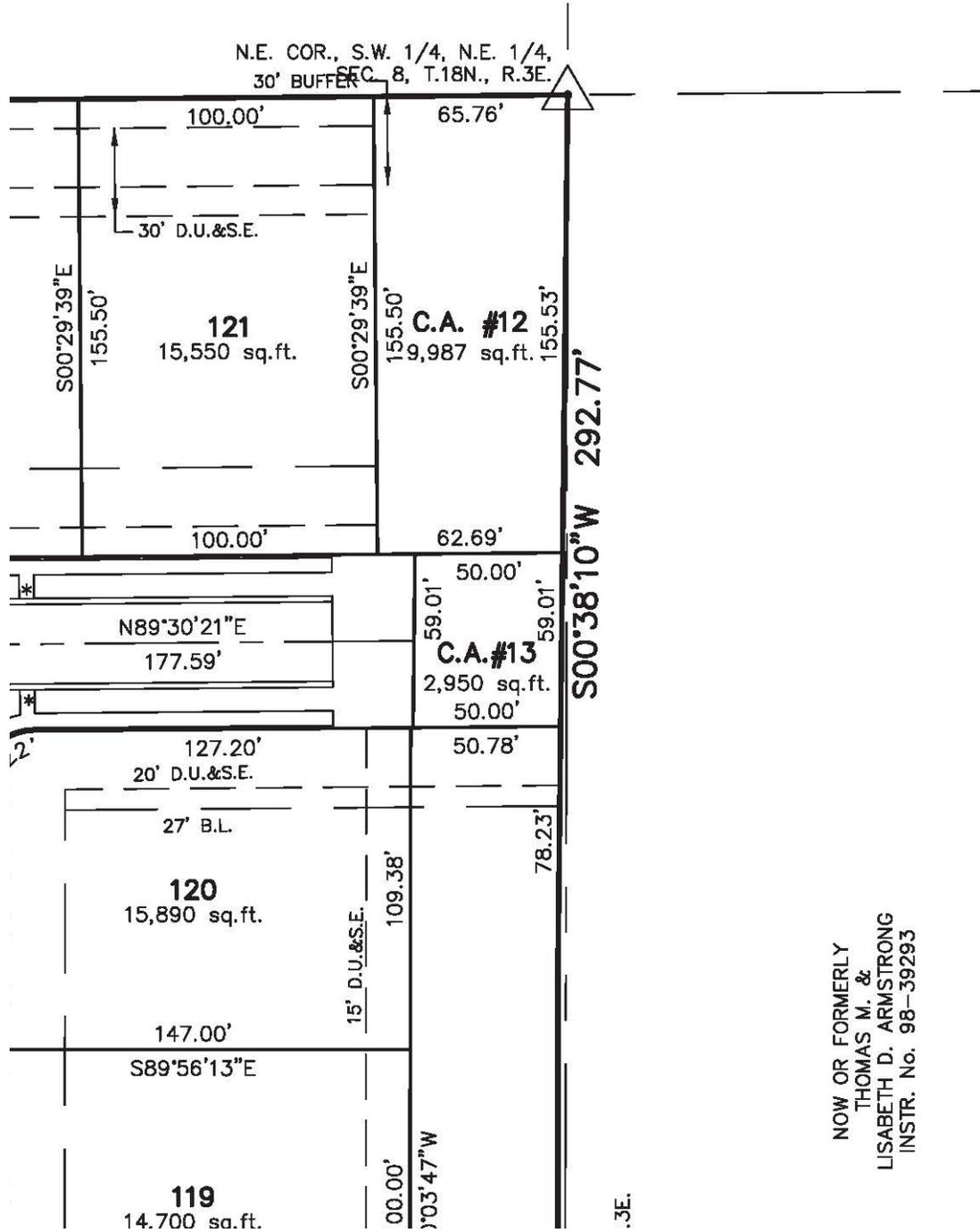
### (LEGAL DESCRIPTION)

A part of the Northeast Quarter and the Southeast Quarter Section 8, Township 18 North, Range 3 East, Washington Township, Hamilton County, Indiana, more particularly described as follows:

Beginning at the Northeast corner of said Southeast Quarter Section; thence South 00 degrees 17 minutes 04 seconds West along the East line of said Quarter Section a distance of 1,253.47 feet to the centerline of 159<sup>th</sup> Street; thence along the centerline of 159<sup>th</sup> Street by the next two (2) courses; 1) North 84 degrees 08 minutes 56 seconds West 1,409.41 feet; 2) North 89 degrees 46 minutes 19 seconds West 1,237.76 feet to the West line of said Southeast Quarter Section; thence North 00 degrees 07 minutes 02 seconds East along said West line 1,089.99 feet to the Southwest corner of said Northeast Quarter Section; thence North 00 degrees 02 minutes 15 seconds East along the West line of said Quarter Section a distance of 1,308.29 feet to the Northwest corner of the Southwest Quarter of said Quarter Section; thence North 89 degrees 30 minutes 21 seconds East along the North line of said Quarter-Quarter Section a distance of 1,323.83 feet to the Northeast corner of said Quarter-Quarter Section; thence along the westerly and southerly boundary lines of the real estate described in Instrument Number 98-39293 in the Office of the Recorder of Hamilton County, Indiana by the next three (3) courses; 1) South 00 degrees 38 minutes 10 seconds West 292.77 feet; 2) South 00 degrees 03 minutes 47 seconds West 349.85 feet; 3) North 88 degrees 08 minutes 00 seconds East 1,325.98 feet to the East line of said Northeast Quarter Section; thence South 00 degrees 12 minutes 04 seconds West along said East line 705.44 feet to the place of beginning, **containing 129.742 acres, more or less.**

**EXHIBIT B**

(Common Area "13")



NOW OR FORMERLY  
THOMAS M. &  
LISABETH D. ARMSTRONG  
INSTR. No. 98-39293