

NOTE: Rules of the Metropolitan Development Commission requires use of this form in recording commitments made with respect to rezoning cases in accordance with P.L. 185 of the Acts of 1973. Article VI, Section 3. (b).

EXHIBIT B

COMMITMENTS RELATIVE TO USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A REZONING OF PROPERTY

In accordance with I. C. 1971, 18-7-2-20 as amended by P.L. 185 of the Acts of 1973 and 18-7-2-84.1 as added by P.L. 185 of the Acts of 1973, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS relative to the use and development of that parcel of real estate:

Legal Description:

*See Exhibit "A" attached hereto + made a part hereof.*

Statement of COMMITMENTS:

- 1. *See Exhibit "B" attached hereto + made a part hereof.*
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_

RECEIVED JAN 28 1975  
LUCILLE G. STUBBS  
RECORDER MARION CO. IN.  
MAR 25 2 06 PM '75

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein for a period of 15 years from date (fifteen years unless otherwise specified). These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the adoption of rezoning petition # 79 Z 135 by the City-County Council changing the zoning classification of the real estate from a A2 zoning classification to a D3 zoning classification.

FILED  
DEC 8 1974  
MARION COUNTY, INDIANA

These COMMITMENTS may be enforced jointly or severally by:

1. The Metropolitan Development Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six hundred sixty (630) feet from the perimeter of the real estate, and all owners of real estate within the area included in the rezoning petition who were not petitioners for the rezoning. Owners of real estate entirely located outside Marion County are not included, however. The identity of owners shall be determined from the records in the bound volumes of the most recent real estate tax assessment records as they appear in the offices of the various township assessors of Marion County. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning under the rules in force at the time the commitment was made); and
3. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The undersigned hereby authorizes the Division of Planning and Zoning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana upon final approval of petition # 79-2-135 by the City-County Council.

IN WITNESS WHEREOF, owner has executed this instrument this 5<sup>th</sup>

day of Dec, 19 79

Signature Leo M. LaGrutte (Seal) Signature \_\_\_\_\_ (Seal)

Printed Leo M. LaGrutte Printed \_\_\_\_\_

STATE OF INDIANA )  
  ) SS:  
COUNTY OF MARION )

Before me, a Notary Public in and for said County and State, personally appeared Leo M. LaGrutte owner(s) of the real estate who acknowledged the execution of the foregoing instrument 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 Dec, 19 79

Signature Raymond Good  
Printed Raymond Good

My Commission expires:  
2/1/1981

This instrument was prepared by Raymond Good  
Attorney At Law  
5922 Madison Ave  
Indpls, Ind. 46227

MD-117, 10/3/75

LEGAL DESCRIPTION FOR REZONING

36.018 / RES

OWNER: LEO M. LA GROTTE

The West Half of the West Half of the Northwest Quarter of Section 24, Township 17 North, Range 4 East, Marion County, Indiana, more particularly described as follows: Beginning at the northwest corner of said half-half-quarter section; thence Easterly 676.75 feet along the north line of said half-half-quarter section to the northeast corner of said half-half-quarter section; thence deflecting 90 degrees 47 minutes 53 seconds to the right 2,651.98 feet along the east line of said half-half-quarter section to the southeast corner of said half-half-quarter section; thence deflecting 89 degrees 15 minutes 07 seconds to the right 675.03 feet along the south line of said half-half-quarter section to the southwest corner of said half-half-quarter section; thence deflecting 90 degrees 42 minutes 40 seconds to the right 2,651.37 feet along the west line of said half-half-quarter section to the point of beginning and containing 41.141 acres, more or less, except, however, the following described parcel:

Beginning at the Northwest corner of said Half, Half, Quarter, thence on the North line thereof, North 89 degrees 13 minutes 51 seconds East 676.45 feet to the Northeast corner of the said Half, Half, Quarter; thence on the East line thereof, South 00 degrees 02 minutes 05 seconds West 330.00 feet; thence parallel with the North line of the said Half, Half, Quarter, South 89 degrees, 13 minutes 51 seconds West 676.25 feet to the West line of the said Half, Half, Quarter; thence on the said West line, North 00 degrees 00 minutes 00 seconds East 220.00 feet to the point of beginning. Contains 5.123 acres, more or less.

80 18907

Exh A

1. Lot Size. The subject real estate shall be developed into a single family subdivision in which each lot shall have a minimum of 12,000 square feet.
2. Dwelling Size. The minimum total square footage of the finished living space of each dwelling in this subdivision (exclusive of a required 2 car attached garage or porches) shall be as follows:
  - a. Single floor plan - 1500 square feet minimum
  - b. Multi level (except for tri-level) - ground level no less than 800 square feet with all levels totaling at least 1500 square feet.
  - c. Tri-level - the two (2) lowest levels shall total no less than 800 square feet with all levels totaling at least 1500 square feet.
3. Dwelling Driveway and Orientation. Any dwelling within the subdivision shall have a hard surface driveway within one (1) year after construction commences for said dwelling with such drive to enter and exit upon interior streets in the subdivision.

All dwellings with the exception of the two (2) corner lots on Hague Road and the two (2) entrance corner lots on 82nd Street, shall front to the interior streets within the subdivision. The four (4) corner lots aforesaid have the option of facing either to the interior or exterior streets.

4. Subdivision Sidewalk Concept. To the extent permitted all Cul-de-sac streets and of the street North of the East - West entrance in the subdivisions shall have sidewalks on one side only. The remaining North - South street within the subdivision shall have sidewalks on both sides.
5. Subdivision Utilities and Outside Gas Storage. To the extent practical all utilities shall be installed underground. No LP gas shall be permitted.
6. Subdivision Identification. A subdivision identification structure shall be constructed at the corner of 82nd and Hague Road with possible identification structures at the 82nd Street and/or Hague Road entrances into the subdivision.

7. Architectural Control. Dwelling and accessory structure construction shall be regulated by an Architectural Control Committee which includes, but is not limited to:

- a. Dwellings with identical floor plans can only be located side by side if the exteriors are aesthetically different.
- b. Each dwelling shall have initial plantings consisting of at least one (1) tree and ten (10) shrubs.
- c. Mailboxes within the subdivision shall be standardized.
- d. TV and/or other antennas shall not exceed the roof line of a dwelling by ten (10) feet.