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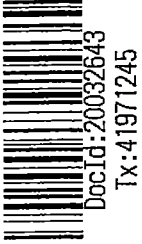
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KATHERINE SWEENEY BELL
MARION COUNTY IN RECORDER

FEE: \$ 35.00

PAGES: 5

By: CJ



KLH

STATEMENT OF COMMITMENTS

**COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE
MADE IN CONNECTION WITH A REZONING OF PROPERTY OR PLAN APPROVAL**

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate commonly known as 5815 East 42nd Street, Indianapolis, Indiana, being more particularly described as follows:

Legal Description:

**PART OF THE EAST ONE HALF OF THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 16
NORTH, RANGE 4 EAST IN MARION COUNTY, INDIANA, DESCRIBED AS FOLLOWS:**

**BEGINNING AT A POINT THE WEST LINE OF SAID HALF QUARTER SECTION 1665.78 FEET NORTH
OF THE SOUTHWEST CORNER THEREOF; THENCE EAST PARALLEL WITH THE NORTH LINE OF
40TH STREET 470.81 FEET TO A POINT THAT IS 300 FEET NORTH OF THE NORTH LINE OF 40TH
STREET AND 1010 FEET SOUTH OF THE NORTH LINE OF SAID HALF QUARTER SECTION;
THENCE NORTH 1010 FEET TO A POINT IN THE NORTH LINE OF SAID HALF QUARTER SECTION
THAT IS 469.56 FEET EAST OF THE NORTHWEST CORNER OF SAID HALF QUARTER SECTION;
THENCE WEST UPON AND ALONG THE NORTH LINE OF SAID HALF QUARTER SECTION 469.56
FEET TO THE NORTHWEST CORNER OF SAID HALF QUARTER SECTION; THENCE SOUTH UPON
AND ALONG THE WEST LINE OF SAID HALF QUARTER SECTION 1015.42 FEET TO THE PLACE OF
BEGINNING.**

Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. Hours of operation for the Property shall be from 6 am to 10 pm Monday through Friday, and 8 am to 10 pm on Saturdays and Sundays.
3. As part of the construction, LED lighting shall be added with lenses or covers that provide downward lighting designed to reduce light dispersion and/or glares.
4. The owner agrees that the property would not be used for any other use except for indoor storage facility and not to expand those facilities outside of the present facility.

MDC's Exhibit B -- page 1 of 5

**RECORDED
AS RECEIVED**

(5)

5. Construction, including, without limitation, the installation of landscaping and 8' privacy fence, shall all be done pursuant to the Site Plans submitted simultaneously herewith.
 6. A 39 foot half right-of-way shall dedicated along the frontage of East 42nd Street within 60 days of approval and prior to the issuance of an Improvement Location Permit (ILP).
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These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other person acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A" which is attached hereto and incorporated herein by reference. 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:

- (a) the adoption of rezoning petition # 2022-ZON-006 by the City-County Council changing the zoning classification of the real estate from the SU-1 zoning classification to the C-7 zoning classification;
- (b) _____

and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the C-7 zoning classification or until such other time as may be specified herein.

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 (660) 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 the rezoning or approval. 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 offices of the various Township Assessors of Marion County which list the current owners of record. (This paragraph defines the category of persons entitled to receive personal notice of the rezoning or approval under the rules in force at the time the commitment was made); and

3. Any person who is aggrieved by a violation of either of the Commitments contained in Commitment #1 (Open Occupancy and Equal Employment Opportunity Commitments).

4. _____

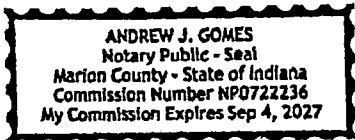
The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of petition #2022-ZON-006.

IN WITNESS WHEREOF, owner has executed this instrument this 13th day of May, 2022.

Signature: _____	Signature: _____
Printed: <u>GURINDER SINGH</u>	Printed: _____
Title / Organization: <u>Path to Prosperity LLC</u>	Title / Organization: _____
Name: <u>member</u>	Name: _____

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared Gurinder Singh (member, Path to Prosperity, LLC) owner(s) (title / organization name) 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 13th day of May, 2022

Andrew J. Gomes
Notary Public

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. /s/ Patrick M. Rooney

This instrument was prepared by Patrick M. Rooney, 1638 Shelby Street, Suite 101, Indianapolis, IN 46203.

ATTACHMENT "A"

OPEN OCCUPANCY AND EQUAL EMPLOYMENT OPPORTUNITY COMMITMENT

- (a.) The owner commits that he shall not discriminate against any person on the basis of race, religion, color, disability, sex, sexual orientation, gender identity, familial status, national origin, ancestry, age United States military service veteran status in the sale, rental, lease or sublease, including negotiations for the sale, rental, lease or sublease, of the real estate or any portion thereof, including, but not limited to:
- (1) any building, structure, apartment, single room or suite of rooms or other portion of a building, occupied as or designed or intended for occupancy as living quarters by one or more families or a single individual;
 - (2) any building, structure or portion thereof, or any improved or unimproved land utilized or designed or intended for utilization, for business, commercial, industrial or agricultural purposes;
 - (3) any vacant or unimproved land offered for sale or lease for any purpose whatsoever.
- (b.) The owner commits that in the development, sale, rental or other disposition of the real estate or any portion thereof, neither he nor any person engaged by him to develop, sell, rent or otherwise dispose of the real estate, or portion thereof shall discriminate against any employee or applicant for employment, employed or to be employed in the development, sale, rental or other disposition of the real estate, or portion thereof with respect to hire, tenure, conditions or privileges of employment because of race, religion, color, disability, sex, sexual orientation, gender identity, familial status, national origin, ancestry, age United States military service veteran status.

EXEMPT PERSONS AND EXEMPT ACTIVITIES

An exempt person shall mean the following:

1. With respect to commitments (a) and (b) above:
 - (a) any not-for-profit corporation or association organized exclusively for fraternal or religious purposes;
 - (b) any school, educational, charitable or religious institution owned or conducted by, or affiliated with, a church or religious institution;
 - (c) any exclusively social club, corporation or association that is not organized for profit and is not in fact open to the general public;provided that no such entity shall be exempt with respect to a housing facility owned and operated by it if such a housing facility is open to the general public;
2. With respect to commitment b, a person who employs fewer than six (6) employees within Marion County.

An exempt activity with respect only to commitment (a) shall mean the renting of rooms in a boarding house or rooming house or single-family residential unit; provided, however, the owner of the building unit actually maintains and occupies a unit or room in the building as his residence, and, at the time of the rental the owner intends to continue to so occupy the unit or room therein for an indefinite period subsequent to the rental.