COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE
TOWN OF BROWNSBURG, INDIANA

Pursuant to Ind. Code 36-7-4-1015, the Owner of the real estate located in the Town of Brownsburg, Hendricks County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Owner of Record: Brownsburg Partners, LLC

Parcel/Deed Information: **32-07-12-100-001.000-016 / 14-2-12-61E-100-001**

Legal Description: *See Exhibit "A"*

Statement of COMMITMENTS:

1. **In order to avoid the long unbroken horizontal facades, Petitioner will provide an 8' to 12' wide vertical panel, painting a contrasting color to the other wall panels along all faces of the building at approximately 96 feet on center that match the vertical sections used to create the entry features on the corners of the building. Additionally, the end wall caps shall have recessed offsets between 8" to 24" deep to create relief at the primary entry points for the building. Additionally, 8" to 24" deep full panel offsets will be provided where possible at planned man door locations within the loading dock walls, in a total quantity not less than 60% of the total exterior man door count.**
2. **Entryways to offices shall have clearly defined, highly visible customer entrances including three (3) of the following:**
    a) **Canopies**
    b) **Overhangs**
    c) **Recesses or projections**
    d) **Peaked or arched roof forms**
    e) **Architectural details such as moldings or structural elements which are integrated into the building structure and design**
3. **All mechanical and electrical equipment shall be screened so as not to be visible from adjacent public streets.**
4. **Use of exterior color shall add architectural interest, and be sensitive to adjacent residential uses.**
5. **Petitioner expects to develop the first building in 2013 or 2014 with the second building to follow the first building by approximately two (2) years. If applicable, Petitioner will provide a status report of activity on the remaining undeveloped site beginning in the first quarter of 2014 and annually thereafter.**
6. **Petitioner agrees to comply with the recommendations of the Traffic Impact Study, prepared by VS Engineering, Inc., dated August 20, 2012.**
7. **Landscaping and mounding to be located along the Northfield Drive frontage shall comply with the Town of Brownsburg standards, and shall be subject to Administrative approval by the Director of Planning prior to obtaining a permit for the westernmost building.**

8. **An automotive barrier (guardrail) shall be placed between East Northfield Drive and any pond developed on the subject site within seventy-five (75) feet of the right-of-way of East Northfield Drive.**
9. **Water mains shall be looped between 56th Street and East Northfield Drive to ensure adequate flow rates for fire protection. Additionally, a minimum 8" fire connection shall be provided.**
10. **Any pond located between two buildings shall be established within a common area or completely owned by one property owner, upon the subdivision of the property.**
11. **Exterior lighting shall comply with the Town of Brownsburg lighting standards. Freestanding lighting shall include full cut-off fixtures (downward oriented lighting) to minimize light leaving the subject property.**
12. **Additional landscaping shall be placed within the existing mounding along the west side of Northfield Drive to supplement the existing landscape screen (fill-in gaps where they exist), subject to the property owner(s) consent, with the landscape species, size and spacing subject to Administrative approval by the Director of Planning.**

These COMMITMENTS shall run with the land, be binding on the Owner, subsequent owners of the real estate and other persons acquiring interest therein. These COMMITMENTS may be modified or terminated by a decision of the Advisory Plan Commission, made at a public hearing after notice has been given pursuant to the Advisory Plan Commission Rules of Procedure.

COMMITMENTS contained in this instrument shall be effective upon the approval of the petition PCMA-7-12-1108 Eaglepoint NW Corner Zoning Map Amendment and shall continue in effect until modified or terminated by the Advisory Plan Commission.

These COMMITMENTS may be enforced jointly or severally by:

(1) The Town of Brownsburg, Advisory Plan Commission; and

(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 approval.

The Undersigned hereby authorizes the Advisory Plan Commission to record this COMMITMENT form in the Office of the Recorder of Hendricks County, Indiana, upon final approval of petition PCMA-7-12-1108 Eaglepoint NW Corner Zoning Map Amendment.

IN WITNESS WHEREOF, owner has executed this instrument this _____ day of _____, 2012.

BROWNSBURG PARTNERS, LLC

By: Eagle Point Partners, LLC

By: _____
Vernon C. Back, Executive Vice President

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me, a Notary Public in and for said County and State personally appeared Vernon C. Back as Executive Vice President of Eagle Point Partners, LLC who acknowledged the execution of the above and foregoing instrument to be a voluntary act and deed and for the purposes stated therein.

_____
Notary Public *(Signature)*

_____
Notary Public *(Printed Name)*

My Commission expires: _____ Resident of _____ County, IN

This Instrument was prepared by: Mary E. Solada, Bingham Greenebaum Doll LLP, 10 W. Market St., Suite 2700, Indianapolis, Indiana 46204. 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, Mary E. Solada.

EXHIBIT "A"
Legal Description

A part of the Northwest Quarter of section 12, Township 16 North, Range 1 East in Lincoln Township, Hendricks County, town of Brownsburg, State of Indiana being more particularly described as follows:

Commencing at an Aluminum Disk marking the Northwest corner of the Northwest Quarter of said Section 12, said commencing point being North 00 degrees 02 minutes 22 seconds West 2684.27 feet from a Stone marking the Southwest corner of said Northwest Quarter Section; thence South 00 degrees 02 minutes 22 seconds West along the West line of said Northwest Quarter Section 66.80 feet to a point on the South right of way line of County Road East 600 North as described in that certain right of way grant to the Brownsburg Redevelopment Authority, recorded as Inst. No. 9900011401 in the Hendricks County Recorder's Office, said point being the POINT OF BEGINNING of the real estate described herein; thence North 57 degrees 28 minutes 44 seconds East 3.28 feet along said Inst. No. 9900011401 to a point on the existing variable width South right of way line for said County Road East 600 North, the next two (2) calls being along said South right of way line; 1) thence South 89 degrees 14 minutes 02 seconds East 1884.77 feet; 2) thence South 81 degrees 55 minutes 42 seconds East 62.21 feet to a point on the West line of Lot #3 in Eaglepoint Business Park, the Plat of which is recorded as inst. No. 200500018809 in Plat Cabinet 6, Slide 63, Page 1; thence South 00 degrees 02 minutes 22 seconds West along said West line 992.14 feet to the Southwest corner of the right of way depicted on said Inst. No. 200500018809; thence South 89 degrees 16 minutes 52 seconds East along the South line of said right of way 6.73 feet to the Northwest corner of the right of way depicted on Lot #4 in Eaglepoint Business Park, the Plat of which is recorded as inst. No. 200300042106 in Plat Cabinet 5, Slide 99, Page 2, the next two (2) calls being along the West lines of said right of way; 1) thence South 00 degrees 16 minutes 28 seconds West 64.39 feet; 2) thence south 32 degrees 16 minutes 38 seconds West 628.84 feet to a point on the Northeast right of way line of Northfield Drive, having a 100' right of way per Inst. No. 9900011401, the following five (5) calls being along the Northern right of way lines of said Northfield Drive, said point being the point of curvature of a non-tangent curve to the left having a radius of 750.00 feet, the radius point of which bears South 26 degrees 30 minutes 48 seconds West; 1) thence Northwesterly along said curve an arc length of 334.73 feet to a point with beard North 00 degrees 56 minutes 31 seconds East from said radius point; 2) thence North 89 degrees 03 minutes 29 seconds West 829.26 feet to the point of curvature of a curve to the right having a radius of 450.00 feet, the radius point of which bears North 00 degrees 56 minutes 31 seconds East; 3) thence Northwesterly along said curve an arc length of 669.52 feet to a point which bears South 86 degrees 11 minutes 15 seconds West from said radius point; 4) thence North 03 degrees 48 minutes 44 seconds West 204.11 feet to the point of curvature of a curve to the right having a radius of 5350.00 feet, the radius point of which bears North 86 degrees 05 minutes 06 seconds East; 5) thence Northwesterly along said curve an arc length of 357.07 feet to a point on the aforesaid West line of said Northwest Quarter Section, said point being south 89 degrees 54 minutes 33 seconds West from said radius point; thence North 00 degrees 02 minutes 22 seconds East along said West line 547.86 feet to the POINT OF BEGINNING of this description, containing 69.6 acres, more or less.

Subject to all easements, rights-of-way and restrictions of record.

More Commonly Known as: Eaglepoint NW Corner, Brownsburg, Indiana