



**CERTIFICATION TO THE
TOWN COUNCIL
OF THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA**

December 22, 2020

To the Town Council of the Town of Zionsville, Indiana:

Be it advised that, pursuant to Indiana Code 36-7-4, on December 21, 2020 the Town of Zionsville Advisory Plan Commission (the "Commission"), by a vote of 7 in favor and 0 opposed, gave a ***Favorable Recommendation*** to proposal 2020-49-CA to amend the Commitments of Boone County Area Plan Commission Ordinance #2009-05, which is applicable to 7105 Whitestown Parkway located in the jurisdiction of the Town of Zionsville, Boone County Indiana.

The Zoning Commitments in Ordinance #2009-05 encompasses 12.301 acres ("Exhibit A") and were recorded in the Boone County Recorder's office in 2009. As part of that 2009 approval, both 1) a number of permissible uses were struck or modified from the permitted use list found in the Boone County Zoning Ordinance associated with the Rural General Business (GB) Zoning District, and 2) development standards restrictions were enacted in association with specific uses.

The Petitioner is seeking to modify the Commitments for a 9.295 acre portion of the 12.301 acre ("Exhibit B") site associated with Boone County Ordinance No. 2009-05 recorded in the Office of the Recorder of Boone County, Indiana, as Instrument No. 009200002673 to 1) allow for the construction of a multi-family development and 2) permit the multi-family development to be inclusive of 179 non age restricted multi-family dwelling units contained within a 9.295 acre portion of the 12.301-acre site.

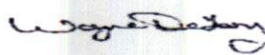
The Town of Zionsville Advisory Plan Commission hereby certifies proposal #2020-49-CA to amend the Commitments of Boone County Area Plan Commission Ordinance #2009-05 (a copy of which is attached to this Certification and incorporated here by this reference), ("Exhibit 1") and its Commitments ("Exhibit C"), to the Town Council of Zionsville, Indiana, with a **Favorable Recommendation**.

**TOWN OF ZIONSVILLE
ADVISORY PLAN COMMISSION**



David Franz, President

Attest: _____



Wayne DeLong, AICP
Secretary, Town of Zionsville Advisory Plan Commission

Exhibit 1

**ORDINANCE NO. 2021-01_
OF THE
TOWN OF ZIONSVILLE, INDIANA**

**AN ORDINANCE TO AMEND THE
TOWN OF ZIONSVILLE
ZONING ORDINANCE
FOR THE
TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA**

**AND FIXING A TIME WHEN THE SAME SHALL
TAKE EFFECT**

**Plan Commission Petition No.
2020-49-CA**

WHEREAS, I.C. 36-7-4, et seq., empowers the Town of Zionsville Advisory Plan Commission, Boone County, Indiana, to hold public hearings and make recommendations to the Town Council of the Town of Zionsville, Boone County, Indiana, concerning ordinances for the zoning and districting of all lands within the incorporated areas and for Modifications to Zoning Commitments associated with Zone Map Changes for properties within territories which Zoning Commitments were entered into prior to annexation into the Town of Zionsville, Boone County, Indiana: and;

WHEREAS, in accordance with I.C. 36-7-4-1000 et seq., the Town of Zionsville Advisory Plan Commission, Boone County, Indiana conducted a public hearing on December 21, 2020, to consider a proposal to Modify Zoning Commitments associated with Whitestown Ordinance No. 2009-05 (Instrument Number 200900002673) for land within the Town of Zionsville, Boone County, Indiana, (the "Ordinance"); filed as petition 2020-49-CA; and,

WHEREAS, the Town of Zionsville Advisory Plan Commission certified the proposal to amend the Ordinance to the Town Council of the Town of Zionsville, Boone County, Indiana, with a favorable recommendation on December 22, 2020 (Exhibit 1); and its Commitments (Exhibit C)

WHEREAS, the Town Council of the Town of Zionsville, Boone County, Indiana, considered the Proposal to amend the Ordinance at its regular meeting on

January 19, 2021.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA, IN ACCORDANCE
WITH I.C. 36-7-4-600 et seq., AND ALL ACTS AMENDATORY AND
SUPPLEMENTAL THERETO, AS FOLLOWS:**

Section 1. The Zoning Commitments associated with Ordinance No. 2009-05 of the Town of Whitestown associated with Territory within the Town of Zionsville Boone County, Indiana, is requested, by voluntarily action of 7105 E SR 334 LLC (the "Owner") of the 12.301 acre site identified in Exhibit A to be modified as follows:

Modification of commitments associated with Boone County Ordinance No. 2009-05 recorded in the Office of the Recorder of Boone County, Indiana, as Instrument No. 009200002673 to allow for an increase in the intensity of the multiuse component of the ordinance to provide for an Apartment complex including three Apartment buildings with a total number of 179 units on 9.295 parcel in the Rural General Business (GB) Zoning District

Such Property shall be subject to the conditions and restrictions adopted and imposed by the Zionsville Plan Commission, if any.

- (a) The Director of Finance and Records and Staff are directed to comply with Section 194.182 of the Zoning Ordinance by taking all actions required thereby to implement this Zone Map Amendment.
- (b) Construction of Clause Heading: The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the clause to which they appertain.

Section 2. Savings Clause: If any title, section, subsection, phrase, clause, sentence, or word of this Ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

Section 3. Construction of Clause Headings: The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the clause to which they appertain.

Section 4. Repeal of Conflicting Ordinances: The provisions of all other Town ordinances in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.

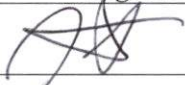
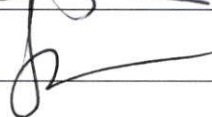
Section 5. Severability: If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.

Section 6. Duration and Effective Date: The provisions of this Ordinance shall become and remain in full force and effect upon adoption and publication according to Indiana Law and until its repeal by ordinance.

Introduced and filed on the 21 st day of December, 2020. A motion to consider on First Reading was sustained by a vote of 7 in favor and 0 opposed, pursuant to Indiana Code 36-5-2-9.8.

DULY PASSED AND ADOPTED this 19th day of January 2021, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of 6 in favor and 0 opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA**

	YEA Signature	NAY Signature
Josh Garrett, President		
Bryan Traylor, <i>Member</i>		
Alexander Choi, Member		
Joe Culp, Member		
Brad Burk, Member		
Craig Melton, Member		
Jason Plunkett, <i>Vice-President</i>		

I hereby certify that the foregoing Resolution was delivered to the Town of Zionsville Mayor Emily Styron on the 22nd day of January 2021, at 11 A m.

ATTEST: 
Amelia Lacy, Municipal Relations Coordinator

**MAYOR'S
APPROVAL**



Emily Styron, Mayor

1/22/2021

DATE

**MAYOR'S
VETO**

Emily Styron, Mayor

DATE

200900002673
Filed for Record in
BOONE COUNTY, INDIANA
MARY ALICE "SAM" BALDWIN, RECORDER
03-16-2009 At 02:15 pm.
ORDINANCE 21.00

ORDINANCE NO. 2009 - 05

**AN ORDINANCE MODIFYING ADOPTED DEED RESTRICTIONS AND WRITTEN
COMMITMENTS CONCERNING THE USE OF DEVELOPMENT OF REAL ESTATE
MADE IN CONNECTION WITH A ZONE MAP CHANGE
(PK 334 Development Partners; 07EA-16-780)**

WHEREAS, the Petitioner, PK 334 Development Partners LLC, filed their Zoning Amendment Application before the Boone County Area Plan Commission, seeking to rezone approximately 12,301 acres, more or less, in Eagle Township, Boone County, Indiana, from the R-1 Residential Zoning Classification to the GB General Business Zoning Classification; and

WHEREAS, pursuant to Indiana Code 36-7-4-608, the Area Plan Commission conducted the required public hearing and determined its favorable recommendation, by a 5-0 vote, on February 7, 2007; and certified its recommendation to the legislative body at that time, the Board of Commissioners of Boone County, on February 8, 2007; and

WHEREAS, pursuant to Indiana Code 36-7-4-608, the Board of Commissioners of Boone County, having considered the Application and the recommendation of the Area Plan Commission, did adopt the proposal and approve the requested rezoning with stated condition of a commitment (Covenants/Commitments), by a 2-0 vote, by the adoption of Ordinance 2007-06 on February 20, 2007; and

WHEREAS, the approved and adopted stated condition of a commitment (Covenants/Commitments) by the Board of Commissioners of Boone County did voluntarily exclude multi-family dwellings; and

WHEREAS, since the adoption of Ordinance 2007-06 by the Board of Commissioners of Boone County, this specific 12,301 acres has been properly annexed into the Town of Whitestown thus requiring any modification to the original rezoning and/or stated condition of a commitment (Covenants/Commitments) to be considered by the Town of Whitestown; and

WHEREAS, the Petitioner now finds and desires a need to amend the approved and adopted stated condition of a commitment (Covenants/Commitments) by allowing certain and specified multi-family dwellings; and

WHEREAS, the Petitioner filed their amendment to the approved Deed Restrictions and Written Commitments Concerning the Use of Development of Real Estate Made in Connection with a Zone Map Change after the subject property had been annexed into the Town of Whitestown; and

WHEREAS, pursuant to Indiana Code 36-7-4-608, the Area Plan Commission conducted the required public hearing and determined its favorable recommendation, by a 6-0 vote, on January 7, 2009; and certified its recommendation to the legislative body at that time, the Town Council for the Town of Whitestown, on January 15, 2009; and

IT IS THEREFORE CONSIDERED, ORDAINED AND ADOPTED as follows:

1. That the Applicant is PK 334 Development Partners LLC.

FILED

MAR 16 2009

Mary Alice Baldwin
Boone County Auditor

Ordinance No. 2009-05

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2. That the approved Deed Restrictions and Written Commitments Concerning the Use of Development of Real Estate Made in Connection with a Zone Map Change approved as an attachment to Ordinance 2007-06 by the Board of Commissioners of Boone County on February 20, 2007 is null and void and shall be replaced by Attachment 1 of this Ordinance.
3. That the approved Ordinance 2007-06 by the Board of Commissioners of Boone County on February 20, 2007 Rezoning Property and Changing the Zoning Maps of Boone County shall however remain in full force.
4. That the Town Council for the Town of Whitestown has paid reasonable regard to applicable comprehensive plans; current conditions and the character of current structures and uses in each district; the most desirable use for which the land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible development and growth.

ALL OF WHICH IS ADOPTED this 10th day of March, 2009, by the Town Council for the Town of Whitestown, Indiana.

TOWN COUNCIL FOR THE
TOWN OF WHITESTOWN, INDIANA

Jason Tubby
Jason Tubby, President

Susan Austin
Susan Austin, Council Member

Dawn Semmler
Dawn Semmler, Council Member

Kevin Russell
Kevin Russell, Council Member

ATTEST:

Debra Zachalmyer
Debra Zachalmyer, Clerk-Treasurer
Town of Whitestown, Indiana

Kyle West
Kyle West, Council Member

This instrument was prepared by Steven C. Niblick,
Executive Director of the Boone County Area Plan Commission

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.

First Read 2-10-2009
Second Read by title 2-10-2009
Passed 3-10-09

NOT: Debra Zachalmyer

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ATTACHMENT 1

DEED RESTRICTIONS AND WRITTEN COMMITMENTS
CONCERNING THE USE OF DEVELOPMENT OF REAL ESTATE
MADE IN CONNECTION WITH A ZONE MAP CHANGE

WHEREAS, pursuant to Ind. Code 36-7-4-608, P.K. 334 Partners, Inc. (the "Applied-Owner"), has applied for a zone map change to change the zone classification of that certain real property located in the Eagle Township, Boone County, Indiana, more particularly described on Exhibit A attached hereto and incorporated by reference herein (the "Property"), from a R1 Residential Zone Classification to a GB General Business Zone Classification; and

WHEREAS, Applicant desires to make commitments as to certain activities which will not be permitted on the property after such zone map change;

NOW THEREFORE, in accordance with Ind. Code 36-7-4-615, the Applicant-Owner of the Property, hereby makes the following commitments and restrictions concerning the use and development of the Property;

- I. Limitation on Uses. The following uses which are permitted by the Boone County Zoning Ordinance, either as a matter of right or by special exception or with other special approvals, will not be permitted on the Property after it is rezoned to a GB General Business Zone Classification: Animal Daycare Facility (provided, however, that such services shall be permitted as an accessory use to a permitted Veterinarian practice); Commercial Greenhouse; Kennel, Small; Roadside Produce Stand; Hay, Grain & Feed Stores; Penal & Correctional Institution; Auction Sales Yard; Mineral Extraction; Warehouse (general); Warehouse (Grain Storage); Wholesale Produce terminal; Farm Product Processing; Food Processing; Warehousing, Storage or Recycling of Hazardous Waste; Warehousing, Storage or Recycling of Radioactive Waste; Wholesale Business; Bait Sales; Boat Sales; Monument Sales; Disinfecting & Exterminating Services; Composting Facility; Landfill, Hazardous Waste or Radioactive Waste; Long Term Permitted Clean Fill Disposal Site; Long Term Permitted Clean Fill Processing Site; Restricted Waste Site; Temporary Permitted Clean Fill Disposal Site; Temporary Clean Fill Land Reclamation Site; Temporary Permitted Clean Fill Disposal Site; Temporary Clean Fill Land Reclamation site; Public Water Well, Water Station, Filtration Plants, Reservoirs & Storage Tanks; Telephone Exchange or Public Utility Station; Truck Service Center; Automobile Body

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Shop; Mobile Home, Travel Trailer, Camper Sales & Service; Truck Sales, Rental, Leasing, and Repair; Dwelling-Multi-Family; Dwelling-Two-Family; Group Residential Facility; Major Residential Subdivision; Night Club; Motion Picture Theatre; Tavern; Tobacco Stores; Commercial Testing Laboratories; Mortuary; Mass Transit Station; Off-Premises Signs; Automobile or Motorcycle Sales; Automobile Repair, Service Station; and Parking Garage.

However, this use prohibition provision shall not apply to a seventy-five (75) unit maximum multi-family senior housing (55 aged and above) facility located on approximately five and fourteen hundredth (5.14) acres, more or less in the southeast corner of the Property.

2. Miscellaneous Provision Governing Commercial Development.

- a. Outside Storage of Refuse. All Refuse shall be contained completely within the building (s) or in a separate accessory structure (s) or enclosure (s), except for containers located in the loading berth adjacent to the side or rear of the building. Any separate accessory structure or enclosure designed for refuse storage shall be architecturally compatible with the building (s).
- b. Loading Berths. All loading or unloading berths or bays within six hundred feet of any adjacent residential area shall be screened. Screening and buffering may be achieved through walls, fences, and landscaping and shall be a minimum of six (6) feet in height.
- c. Mechanical Equipment. Within six hundred feet of any single-family residence, any mechanical equipment, which is clearly visible from said single-family residence, shall be screened with suitable fencing, landscaping or walls, which in general shall be architecturally compatible with the building (s) with which it is associated.

3. That Applicant-Owner will, within 7 days following the Rezoning of subject property to a GB General Business Zoning Classification by the appropriate public body in order to reconstruct said roadway as approved by the appropriate public body, dedicate and convey all necessary right of way to release and/or complete construction for the planned improvements in and along SR 334 and the newly designed CR 700 East reconstruction.
4. The Applicant-Owner agrees that the reconstruction of the intersection of CR 700 East and the reconstruction of the new road replacing the vacated old SR 334,

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including the relocating of utility lines and the removal of asphalt from old SR 334 south to CR 650 South, shall be without cost or expense to the Board of Commissioners of Boone County, the Boone County Highway Department, Town of Whitestown, and or any other public body.

5. These Deed Restrictions and Written Commitments Concerning the Use and Development of Real Estate made in Connection with A Zone Map Change shall run with the land, be binding upon the Applicant-Owner and subsequent owners of the Property, or any portion thereof, and other persons acquiring an interest therein. These Deed Restrictions and written Commitments Concerning the Use and Development of Real Estate made in Connection with a Zone Map Change may only be modified or terminated by a decision of the Town Council for the Town of Whitestown.

IN WITNESS WHEREOF, the Applicant-Owner has verbally acknowledged these Deed Restrictions and Written Commitments Concerning the Use and Development of Real Estate Made in Connection with a Zone Map Change during a public meeting of the Boone County Area Plan Commission on the 7th day of February, 2007

This instrument was prepared by Steven C. Niblick,
Executive Director of the Boone County Area Plan Commission

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Exhibit A

Legal Description for PK 334 Development Partners, LLC

A part of the Northeast Quarter of Section 6, Township 17 North, Range 2 East to the Second Principal Meridian, and a part of the Northwest Quarter of Section 5, Township 17 North, Range 2 East to the Second Principal Meridian, more particularly described as follows:

Beginning at the southwest corner of the aforesaid Northwest Quarter run thence east along and with the south line thereof 52.13 feet; thence northwardly parallel to the west line of aforesaid Northwest Quarter section 1315.28 feet to a point in State Road No. 334; thence westwardly deflecting left 90 degrees 18 minutes a distance of 52.13 feet to a point on the west line of aforesaid Northwest Quarter section; thence south along and with said west line 58.38 feet; thence westwardly 36.55 feet to a point in the centerline of North 96th Road (formerly original State Road no. 334); thence continue southwestwardly and southwardly along and with the centerline of aforesaid road and on a 10 degree curve to the left a distance of 636.50 feet; thence southwardly tangent to the last above described curve at the last above described point and along centerline of aforesaid 152.80 feet; thence continue southwardly and southwestwardly along the aforesaid centerline and the south line of the Northeast Quarter of Section 6 aforesaid; thence eastwardly along and with the south line of aforesaid Section 6 a distance of 932.10 feet to the place of beginning, containing 12.301 acres more or less.

**This instrument prepared by Michael J. Andreoli, Attorney at Law,
1393 West Oak Street, Zionsville, Indiana 46077, (317) 873-6266.**

Exhibit "A"

Legal Description

A PART OF THE NORTHEAST QUARTER OF SECTION 6 AND A PART OF THE NEW NORTHWEST QUARTER OF SECTION 5, BOTH IN TOWNSHIP 17 NORTH, RANGE 2 EAST, OF THE SECOND PRINCIPAL MERIDIAN, IN EAGLE TOWNSHIP, BOONE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER SECTION; THENCE NORTH 89 DEGREES 54 MINUTES 24 SECONDS WEST (ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID QUARTER SECTION 930.69 FEET TO A POINT ON A NONTANGENT CURVE ON THE CENTER LINE OF OLD SR 334 PER INDIANA STATE HIGHWAY COMMISSION PROJECT NO. WPSO & MS-556 SEC. A (DATED 1936), SAID CURVE HAVING A RADIUS OF 572.96 FEET, THE RADIUS POINT OF WHICH BEARS NORTH 00 DEGREES 05 MINUTES 36 SECONDS EAST; THENCE NORTHEASTERLY ALONG SAID CURVE AND SAID CENTER LINE AN ARC DISTANCE OF 911.19 FEET TO THE POINT OF TANGENCY THEREOF, SAID POINT BEARING NORTH 88 DEGREES 58 MINUTES 29 SECONDS EAST FROM THE RADIUS POINT; THENCE CONTINUING ON SAID CENTER LINE NORTH 01 DEGREE 01 MINUTE 31 SECONDS WEST 151.48 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 200700002428 IN THE OFFICE OF THE RECORDER OF SAID COUNTY; THENCE SOUTH 88 DEGREES 58 MINUTES 29 SECONDS WEST ALONG THE SOUTH LINE OF SAID TRACT OF LAND 40.00 FEET (39.85 PER SAID DESCRIPTION); THENCE NORTH 01 DEGREE 01 MINUTE 31 SECONDS WEST ALONG THE WEST LINE OF SAID TRACT OF LAND 468.08 FEET TO THE SOUTHWEST CORNER OF A GRANT OF RIGHT-OF-WAY DESCRIBED IN INSTRUMENT NO. 200700010777 IN SAID RECORDER'S OFFICE; THENCE ALONG THE BOUNDARY OF SAID GRANT THE FOLLOWING THREE (3) COURSES: 1) NORTH 89 DEGREES 30 MINUTES 30 SECONDS EAST 95.00 FEET; 2) THENCE NORTH 00 DEGREES 59 MINUTES 54 SECONDS WEST 20.00 FEET; 3) THENCE NORTH 44 DEGREES 30 MINUTES 16 SECONDS EAST 33.50 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SR 334 DESCRIBED IN INSTRUMENT NO. 200600009674 IN SAID RECORDER'S OFFICE; THENCE NORTH 89 DEGREES 58 MINUTES 57 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE 137.51 FEET TO THE WEST RIGHT-OF-WAY LINE AT THE INTERSECTION OF OLD SR 334 (ALSO KNOWN AS CR 700 EAST) AND EXISTING SR 334; THENCE NORTH 01 DEGREE 37 MINUTES 20 SECONDS WEST ALONG SAID LINE AND ITS EXTENSION 8.53 FEET TO THE NORTH LINE EXTENDED OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 200600013086 IN SAID RECORDER'S OFFICE; THENCE SOUTH 89 DEGREES 54 MINUTES 24 SECONDS EAST ALONG SAID LINE EXTENDED AND ALONG SAID LINE 135.73 FEET TO A CORNER OF SAID TRACT OF LAND ON THE WEST LINE OF SAID NORTHWEST QUARTER SECTION; THENCE ALONG THE BOUNDARY OF SAID TRACT OF LAND THE FOLLOWING FOUR (4) COURSES: 1) NORTH 00 DEGREES 46 MINUTES 05 SECONDS WEST ON SAID WEST LINE 58.38 FEET; 2) THENCE NORTH 88 DEGREES 55 MINUTES 55 SECONDS EAST 52.13 FEET; 3) THENCE PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER SECTION SOUTH 00 DEGREES 46 MINUTES 05 SECONDS EAST 1315.28 FEET TO THE SOUTH LINE OF SAID QUARTER SECTION; 4) THENCE SOUTH 89 DEGREES 12 MINUTES 29 SECONDS WEST ALONG SAID SOUTH LINE 52.13 FEET TO THE POINT OF BEGINNING, CONTAINING 13.665 ACRES, MORE OR LESS.

EXCEPTING THEREFROM DEDICATION AND DEED OF RIGHT-OF-WAY RECORDED SEPTEMBER 21, 2016 AS DOCUMENT NO. 201600009276 AS FOLLOWS:

A PART OF THE NORTHEAST QUARTER OF SECTION 6 AND A PART OF THE NORTHWEST QUARTER OF SECTION 5, BOTH IN TOWNSHIP 17 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN, IN EAGLE TOWNSHIP, BOONE COUNTY, INDIANA, AND BEING A PART OF THE LANDS OF 7105 E SR 334, LLC AS DESCRIBED IN INSTRUMENT NUMBER 201300012089 IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 5, MARKED BY A REBAR; THENCE NORTH 89 DEGREES 12 MINUTES 26 SECONDS EAST ALONG THE SOUTH LINE OF SAID QUARTER 52.13 FEET; THENCE NORTH 00 DEGREES 46 MINUTES 22 SECONDS WEST PARALLEL WITH THE WEST LINE OF SAID QUARTER 939.22 FEET TO THE SOUTH RIGHT OF WAY LINE OF GROVE PASS AS SHOWN ON THE PLAT FOR MAPLE GROVE COMMERCIAL SUBDIVISION AS RECORDED AS INSTRUMENT NUMBER 201300013491 IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, AND ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 30 MINUTES 22 SECONDS WEST 442.67 FEET ALONG THE WESTERLY EXTENSION OF SAID GROVE PASS TO THE WEST LINE OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 200700002428 IN SAID RECORDERS OFFICE; THENCE NORTH 01 DEGREE 05 MINUTES 45 SECONDS WEST 268.95 FEET ALONG THE WEST LINE OF SAID TRACT TO THE SOUTHWEST CORNER OF A GRANT OF RIGHT-OF-WAY DESCRIBED IN INSTRUMENT NO. 200700010777 IN SAID RECORDERS OFFICE; THENCE NORTH 89 DEGREES 30 MINUTES 20 SECONDS EAST 86.96 FEET ALONG THE SOUTH LINE OF INSTRUMENT NO. TO THE SOUTHEAST CORNER OF SAID INSTRUMENT NO.; THENCE SOUTH 00 DEGREES 55 MINUTES 17 SECONDS EAST 184.32 FEET; THENCE SOUTH 45 DEGREES 00 MINUTES 00 SECONDS EAST 34.53 FEET TO THE WESTERLY EXTENSION OF THE NORTH RIGHT-OF-WAY OF SAID GROVE PASS; THENCE NORTH 89 DEGREES 30 MINUTES 22 SECONDS EAST 332.66 FEET ALONG SAID WESTERLY EXTENSION; THENCE SOUTH 00 DEGREES 46 MINUTES 22 SECONDS EAST 60.00 FEET PARALLEL WITH THE WEST LINE OF SAID QUARTER TO THE POINT OF BEGINNING AND CONTAINING 1.032 ACRES, MORE OR LESS.

EXCEPTING THEREFROM DEDICATION AND DEED RECORDED OCTOBER 24, 2016 AS DOCUMENT NO. 201600010688 AS FOLLOWS: A PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 17 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN, IN EAGLE TOWNSHIP, BOONE COUNTY, INDIANA, AND BEING A PART OF THE LANDS OF 7105 E SR 334, LLC AS DESCRIBED IN INSTRUMENT NUMBER 201300012089 IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID QUARTER, MARKED BY A REBAR; PROCEED THENCE NORTH 00 DEGREES 46 MINUTES 22 SECONDS WEST ALONG THE WEST LINE OF SAID QUARTER 1266.46 FEET TO A 5/8 INCH DIAMETER REBAR WITH CAP STAMPED "STRUCTUREPOINT #0094" (HEREAFTER REFERRED TO AS STRUCTUREPOINT REBAR) MARKING THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00 DEGREES 46 MINUTES 22 SECONDS WEST ALONG SAID WEST LINE 50.00 FEET TO THE CENTERLINE OF WHITESTOWN PARKWAY (STATE ROAD 334) AND THE BEGINNING OF A NONTANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 34,377.47 FEET, A CENTRAL ANGLE OF 00 DEGREES 05 MINUTES 13 SECONDS, AND A RADIUS POINT THAT BEARS SOUTH 01 DEGREE 25 MINUTES 23 SECONDS EAST; THENCE ALONG SAID CURVE 52.13 FEET TO A POINT THAT BEARS NORTH 01 DEGREE 20 MINUTES 10 SECONDS WEST FROM SAID RADIUS POINT; THENCE SOUTH 00 DEGREES 46 MINUTES 22 SECONDS EAST PARALLEL WITH THE WEST LINE OF SAID QUARTER 50.00 FEET TO A STRUCTUREPOINT REBAR MARKING THE BEGINNING OF A NONTANGENT CURVE TO THE LEFT HAVING A RADIUS OF 34,327.47 FEET, A CENTRAL ANGLE OF 00 DEGREES 05 MINUTES 13 SECONDS, AND A RADIUS POINT THAT BEARS SOUTH 01 DEGREE 20 MINUTES 13 SECONDS EAST; THENCE ALONG SAID CURVE 52.13 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.060 ACRES, MORE OR LESS.

EXCEPTING THEREFROM DEDICATION AND DEED OF RIGHT-OF-WAY RECORDED OCTOBER 31, 2016 AS DOCUMENT NO. 201600010894 AS FOLLOWS:

A PART OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 17 NORTH, RANGE 2 EAST, BOONE COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING ON THE SOUTH LINE OF SAID QUARTER SECTION NORTH 89 DEGREES 54 MINUTES 34 SECONDS WEST 714.32 FEET FROM THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 89 DEGREES 54 MINUTES 34 SECONDS WEST 217.78 FEET ALONG SAID SOUTH LINE TO THE CENTER LINE OF C.R. 650 SOUTH (OLD S.R. 334); THENCE ALONG SAID CENTER LINE AND ALONG THE CENTER LINE OF C.R. 700 EAST NORTHEASTERLY 911.10 FEET ALONG AN ARC TO THE LEFT AND HAVING A RADIUS OF 572.96 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 44 DEGREES 32 MINUTES 02 SECONDS EAST AND A LENGTH OF 818.10 FEET; THENCE NORTH 1 DEGREE 01 MINUTE 16 SECONDS WEST 151.48 FEET ALONG SAID CENTER LINE TO THE SOUTHEAST CORNER OF THE TRACT DESCRIBED IN INSTRUMENT #200700002428; THENCE ALONG AN EASTERN LINE OF THE TRACT DESCRIBED IN SAID INSTRUMENT #200700002428 NORTHEASTERLY 204.19 FEET ALONG AN ARC TO THE RIGHT AND HAVING A RADIUS OF 572.96 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 9 DEGREES 15 MINUTES 00 SECONDS EAST AND A LENGTH OF 203.11 FEET TO THE SOUTH LINE OF THE TRACT DESCRIBED IN INSTRUMENT #201600009276; THENCE NORTH 89 DEGREES 29 MINUTES 14 SECONDS EAST 3.78 FEET ALONG SAID SOUTH LINE; THENCE SOUTH 1 DEGREE 01 MINUTE 16 SECONDS EAST 351.30 FEET; THENCE SOUTHWESTERLY 752.06 FEET ALONG AN ARC TO THE RIGHT AND HAVING A RADIUS OF 612.96 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 34 DEGREES 07 MINUTES 41 SECONDS WEST AND A LENGTH OF 705.77 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.999 ACRES, MORE OR LESS.

ALSO EXCEPTING THEREFROM:

A PART OF THE NORTHEAST QUARTER OF SECTION 6 AND A PART OF THE NORTHWEST QUARTER OF SECTION 5, BOTH IN TOWNSHIP 17 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN, IN EAGLE TOWNSHIP, BOONE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 5; THENCE NORTH 89 DEGREES 12 MINUTES 25 SECONDS EAST 52.13 FEET ALONG THE SOUTH LINE OF SAID QUARTER; THENCE NORTH 00 DEGREES 46 MINUTES 22 SECONDS WEST 985.27 FEET PARALLEL WITH THE WEST LINE OF SAID QUARTER TO THE NORTHEAST CORNER OF THE 30 FOOT EASEMENT DESCRIBED IN INSTRUMENT NUMBER 200600012268 IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA, AND BEING THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 31 MINUTES 26 SECONDS WEST 342.65 FEET ALONG THE NORTH LINE OF SAID 30 FOOT EASEMENT AND WESTERLY PROLONGATION THEREOF TO A NON-TANGENT CURVE; THENCE WESTERLY 14.60 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 36.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 75 DEGREES 54 MINUTES 04 SECONDS WEST AND A LENGTH OF 14.50 FEET; THENCE NORTH 00 DEGREES 55 MINUTES 17 SECONDS WEST 219.14 FEET TO THE SOUTH LINE OF A GRANT OF WAY TO BOONE COUNTY, INDIANA AS DESCRIBED IN INSTRUMENT NUMBER 200700010777 IN SAID RECORDER'S OFFICE (THE FOLLOWING 3 COURSES ARE ALONG THE SOUTH AND EAST LINES OF SAID GRANT OF RIGHT OF WAY): (1) THENCE NORTH 89 DEGREES 30 MINUTES 20 SECONDS EAST 8.06 FEET; THENCE (2) NORTH 01 DEGREE 00 MINUTES 11 SECONDS WEST 20.00 FEET; (3) THENCE NORTH 44 DEGREES 30 MINUTES 15 SECONDS EAST 33.50 FEET TO THE SOUTH LINE OF THE 0.710 ACRE TRACT OF LAND TO THE STATE OF INDIANA DESCRIBED IN INSTRUMENT NUMBER 200600009674 IN SAID RECORDER'S OFFICE; THENCE NORTH 89 DEGREES 58 MINUTES 49 SECONDS EAST 144.73 FEET (137.51

FEET BY INSTRUMENT NUMBER 201300012089) ALONG SAID SOUTH LINE OF THE WEST RIGHT OF WAY AT THE INTERSECTION OF OLD SR 334 (ALSO KNOWN AS CR700 EAST) AND EXISTING SR 334; THENCE NORTH 01 DEGREE 37 MINUTES 35 SECONDS WEST 8.52 FEET (8.53 BY INSTRUMENT NUMBER 201300012089) ALONG SAID WEST LINE AND THE NORTHERLY PROLONGATION THEREOF TO THE NORTH LINE EXTENDED OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NUMBER 200600013086 IN SAID RECORDER'S OFFICE; THENCE SOUTH 89 DEGREES 54 MINUTES 32 SECONDS EAST 128.75 FEET (135.73 FEET BY INSTRUMENT NUMBER 201300012089) ALONG SAID LINE EXTENDED AND ALONG SAID LINE TO THE WEST LINE OF SAID QUARTER; THENCE NORTH 00 DEGREES 46 MINUTES 22 SECONDS WEST 58.38 FEET ALONG SAID WEST LINE; THENCE NORTH 88 DEGREES 55 MINUTES 47 SECONDS EAST 52.13 FEET; THENCE SOUTH 00 DEGREES 46 MINUTES 22 SECONDS EAST 331.49 FEET PARALLEL WITH SAID WEST LINE TO THE POINT OF BEGINNING AND CONTAINING 2.263 ACRES, MORE OR LESS.

As Surveyed Description:

A PART OF THE NORTHEAST QUARTER OF SECTION 6 AND A PART OF THE NEW NORTHWEST QUARTER OF SECTION 5, BOTH IN TOWNSHIP 17 NORTH, RANGE 2 EAST, OF THE SECOND PRINCIPAL MERIDIAN, IN EAGLE TOWNSHIP, BOONE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER SECTION; THENCE NORTH 89 DEGREES 54 MINUTES 24 SECONDS WEST (ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID QUARTER SECTION 714.32 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF OLD STATE ROAD 334 (NOW OXFORD DRIVE), SAID POINT ALSO BEING ON A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 612.96 FEET, THE RADIUS POINT OF WHICH BEARS NORTH 20 DEGREES 43 MINUTES 12 SECONDS WEST FROM SAID POINT; THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY AND CURVE AN ARC DISTANCE OF 752.06 FEET TO A POINT BEARING NORTH 88 DEGREES 58 MINUTES 54 SECONDS EAST FROM SAID RADIUS POINT; THENCE NORTH 01 DEGREES 01 MINUTES 06 SECONDS WEST ALONG SAID RIGHT-OF-WAY 351.39 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF GROVE PASS; THENCE NORTH 89 DEGREES 30 MINUTES 25 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY 364.12 FEET; THENCE SOUTH 00 DEGREES 46 MINUTES 05 SECONDS EAST 393.21 FEET TO A POINT ON THE SOUTH LINE OF AFOREMENTIONED NORTHWEST QUARTER SECTION; THENCE SOUTH 89 DEGREES 12 MINUTES 29 SECONDS WEST ALONG SAID SOUTH LINE 52.14 FEET TO THE POINT OF BEGINNING, CONTAINING 9.295 ACRES, MORE OR LESS.

**ZIONSVILLE PLAN COMMISSION
FILE 2020-49-CA**

**COMMITMENTS CONCERNING THE USE OR DEVELOPMENT
OF REAL PROPERTY MADE IN CONNECTION WITH
A MODIFICATION OF COMMITMENTS AND ORDINANCE**

In accordance with IND. CODE § 36-7-4-1015, 7105 E. SR 334, LLC, (hereinafter collectively "Owner") represents and warrants that Owner owns certain real estate located in Boone County, Indiana, which real estate consists of 9.295 (+/-) acres is described in Exhibit "A" attached hereto (the "Real Estate"), and is located in Zionsville, Indiana 46077. Owner further represents and warrants that Owner has the authority to, and does hereby voluntarily make the following **COMMITMENTS** concerning the use and development of the Real Estate, including any portion thereof.

STATEMENT OF COMMITMENTS

Owner voluntarily agrees and commits that a favorable recommendation by the Zionsville Plan Commission ("Commission") of Docket Number 2020-49-CA requesting a Modification of Commitments associated with Boone County Ordinance #2009-05 recorded in the Office of the Recorder of Boone County as Instrument Number 009200002673 to the real estate for an increase in the intensity of the multi-use component of the Ordinance to provide for a multi-family apartment complex including three (3) apartment buildings totaling 179 units is subject to the following Commitments:

- 1) Owner agrees to substantial compliance with the Site Plans submitted in Docket Number 2020-49-CA and hereby agrees to a maximum of 179 units.
- 2) Substantial compliance with the Master Plan includes, but is not limited to, the landscaping, mounding and fencing set out on the Site Plan mitigating light and sound to the neighboring Royal Run Subdivision homes. Included therein, Owner agrees to the mounding being a minimum of 6' in height and tree planting on the mounding as shown on other areas being a minimum of 6' in height.
- 3) Owner further agrees that fencing around the dog park will not be wire or chain link but will be ornamental in nature.
- 4) Owner, in substantial compliance with the Site Plan, further includes the renderings submitted for the multi-family buildings as part of the Docket Number 2020-49-CA.

The **COMMITMENTS** contained herein shall be effective upon a favorable recommendation by the Zionsville Plan Commission and the adoption of an Ordinance by the Zionsville Town Counsel modifying the Commitments associated with Ordinance #2009-05 recorded in the Office of the Recorder, Boone County, Indiana, as Instrument Number 009200002673 so to allow an increase in the intensity for the multi-use component of the Ordinance to provide for an apartment complex including three (3) apartment buildings with a maximum number of 179 units in the Rural General Business (GB Zoning District).

These **COMMITMENTS** shall be promptly recorded in the Office of the Boone County Recorder, Boone County, Indiana, and shall be considered a covenant running with the land described herein as the Real Estate, including any portion thereof.

These **COMMITMENTS** shall be binding on Owner, subsequent owners of the Real Estate or any portion thereof, and any and all other persons or entities acquiring an interest in any portion of the Real Estate, including, but not limited to, Applicant and Contract Purchaser, Sila Capital, LLC, (hereinafter collectively the "Owners"). Owner shall have an affirmative duty to inform any third parties with whom Owner negotiates for a possible sale, lease, assignment, mortgage, or transfer of the Real Estate, or any portion thereof, of the existence of these **COMMITMENTS**. In the event any sale, lease, assignment, mortgage or transfer occurs, Owner shall ensure that a copy of these **COMMITMENTS** is incorporated into any such written agreement with the third party. In the event Owner fails to comply with the terms of this paragraph and the third party fails to perform and/or comply with these **COMMITMENTS**, the Town of Zionsville shall be entitled to recover from Owner and from each third party, jointly and/or severally, any and all damages which arise from this failure and shall be entitled to injunctive relief to terminate any non-compliance herewith.

These **COMMITMENTS** may be modified or terminated by decision of the Zionsville Town Counsel made after a Public Hearing for which proper notice is given, and upon recommendation as required by the Zionsville Plan Commission.

These **COMMITMENTS** may be enforced jointly and/or severally by the Town of Zionsville, Zionsville Plan Commission, the Director of Planning for the Town of Zionsville (or a position created for the Town of Zionsville which is analogous thereto), the Town (including any successor city or municipality), and/or owners of any parcel of ground adjoining or adjacent to the Real Estate. Owner and all Owners shall be obligated hereunder to indemnify the Town of Zionsville Plan Commission and the Town (including a successor city or municipality), and to hold said entities and their respective authorized representatives, including the Director of Planning for the Town, harmless from any liability, expense (including reasonable attorney fees and court costs), costs or damages which result from the failure to perform Owner's and/or Owners' obligations under the terms and conditions of these **COMMITMENTS**. Throughout these **COMMITMENTS** any reference to "Town" or "Town of Zionsville" shall also include any successor city, municipality, or other governmental body having land use, planning, and/or zoning jurisdiction over the Real Estate.

In the event it becomes necessary to enforce these **COMMITMENTS** in a court of competent jurisdiction and Owner and/or any subsequent Owners are found to be in violation of these **COMMITMENTS**, such Owner and/or Owners shall pay all reasonable costs and expenses the Town and the Zionsville Plan Commission and other authorized representative(s) incur in the enforcement of these **COMMITMENTS**, including reasonable attorney fees, expert witness fees, and court costs.

Owner and all subsequent Owners of all or a portion of the Real Estate shall be obligated hereunder, jointly and/or severally, to indemnify the Town of Zionsville Plan Commission and/or the Town and hold said entities and their respective authorized representative(s), including the Director of Planning for the Town, harmless from any and all liability, expense (including reasonable attorney fees and court costs), costs, or damages which result from the failure to perform Owner's and/or Owners' obligations hereunder and/or to comply with the terms and conditions of these **COMMITMENTS**.

Any controversy arising under or in relation to these **COMMITMENTS** shall be litigated exclusively in the applicable state courts of Indiana without regard to conflicts of law principles. Owner irrevocably consents, for him and herself and all subsequent Owners, to service, jurisdiction, and venue in such state courts for any and all such litigation and hereby waives any other venue to which Owner or subsequent Owners might be entitled by virtue of domicile, habitual residence, or otherwise.

Owner shall be responsible, at owner's expense, for recording these **COMMITMENTS** in the Office of the Recorder of Boone County, Indiana, within thirty (30) days after recommendation by the Plan Commission of Docket Number 2020-49-CA and adoption of a Town Ordinance approving modification of Commitments and Ordinance #2009-05 as outlined herein, by the Town Council for the Town of Zionsville, and shall promptly provide the Planning Department of the Town of Zionsville with a copy of such recording as a condition precedent for the Development Plan and Platting approval, together with any Improvement Location Permit and/or Building Permit for the Real Estate.

The undersigned, by executing these **COMMITMENTS**, represents and warrants that at the time of executing this document, 7105 E. SR 334, LLC, is the sole owner of the Real Estate, that execution of these **COMMITMENTS** is being voluntarily undertaken and requires no authorization of a third party, and that these **COMMITMENTS** shall be binding upon the undersigned as to all the particulars herein and shall be considered a **COVENANT** running with the land described herein as the Real Estate, including any portion thereof. By affirming his or her signature below to these **COMMITMENTS**, the undersigned each further represents and warrants that he/she has full capacity and authority to execute these **COMMITMENTS**.

IN WITNESS WHEREOF, 7105 E. SR 334, LLC as the sole owner of the Real Estate,
has executed these COMMITMENTS this _____ day of _____, 20_____.

OWNER:

7105 E. SR 334, LLC, by:

Signature

Title

STATE OF INDIANA)
) SS:
COUNTY OF _____)

Before me, a Notary Public, in and for said County and State, personally appeared
7105 E. SR 334, LLC, by _____ as the Owner of the
Real Estate described above, who acknowledged voluntarily executing the foregoing instrument
and who, having been duly sworn, stated that any and all representations therein contained are
true.

Witness my hand and Notarial Seal this _____ day of _____,
20_____.

Signature

Printed, Notary Public

Commission Number: _____

My Commission Expires: _____
County of Residence: _____

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. Michel J. Andreoli

**This instrument prepared by Michael J. Andreoli, Attorney at Law,
1393 West Oak Street, Zionsville, Indiana 46077, (317) 873-6266.**

Exhibit "A"
Legal Description

A PART OF THE NORTHEAST QUARTER OF SECTION 6 AND A PART OF THE NEW NORTHWEST QUARTER OF SECTION 5, BOTH IN TOWNSHIP 17 NORTH, RANGE 2 EAST, OF THE SECOND PRINCIPAL MERIDIAN, IN EAGLE TOWNSHIP, BOONE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER SECTION; THENCE NORTH 89 DEGREES 54 MINUTES 24 SECONDS WEST (ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID QUARTER SECTION 930.69 FEET TO A POINT ON A NONTANGENT CURVE ON THE CENTER LINE OF OLD SR 334 PER INDIANA STATE HIGHWAY COMMISSION PROJECT NO. WPSO & MS-556 SEC. A (DATED 1936), SAID CURVE HAVING A RADIUS OF 572.96 FEET, THE RADIUS POINT OF WHICH BEARS NORTH 00 DEGREES 05 MINUTES 36 SECONDS EAST; THENCE NORTHEASTERLY ALONG SAID CURVE AND SAID CENTER LINE AN ARC DISTANCE OF 911.19 FEET TO THE POINT OF TANGENCY THEREOF, SAID POINT BEARING NORTH 88 DEGREES 58 MINUTES 29 SECONDS EAST FROM THE RADIUS POINT; THENCE CONTINUING ON SAID CENTER LINE NORTH 01 DEGREE 01 MINUTE 31 SECONDS WEST 151.48 FEET TO THE SOUTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 200700002428 IN THE OFFICE OF THE RECORDER OF SAID COUNTY; THENCE SOUTH 88 DEGREES 58 MINUTES 29 SECONDS WEST ALONG THE SOUTH LINE OF SAID TRACT OF LAND 40.00 FEET (39.85 PER SAID DESCRIPTION); THENCE NORTH 01 DEGREE 01 MINUTE 31 SECONDS WEST ALONG THE WEST LINE OF SAID TRACT OF LAND 468.08 FEET TO THE SOUTHWEST CORNER OF A GRANT OF RIGHT-OF-WAY DESCRIBED IN INSTRUMENT NO. 200700010777 IN SAID RECORDER'S OFFICE; THENCE ALONG THE BOUNDARY OF SAID GRANT THE FOLLOWING THREE (3) COURSES: 1) NORTH 89 DEGREES 30 MINUTES 30 SECONDS EAST 95.00 FEET; 2) THENCE NORTH 00 DEGREES 59 MINUTES 54 SECONDS WEST 20.00 FEET; 3) THENCE NORTH 44 DEGREES 30 MINUTES 16 SECONDS EAST 33.50 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SR 334 DESCRIBED IN INSTRUMENT NO. 200600009674 IN SAID RECORDER'S OFFICE; THENCE NORTH 89 DEGREES 58 MINUTES 57 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE 137.51 FEET TO THE WEST RIGHT-OF-WAY LINE AT THE INTERSECTION OF OLD SR 334 (ALSO KNOWN AS CR 700 EAST) AND EXISTING SR 334; THENCE NORTH 01 DEGREE 37 MINUTES 20 SECONDS WEST ALONG SAID LINE AND ITS EXTENSION 8.53 FEET TO THE NORTH LINE EXTENDED OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 200600013086 IN SAID RECORDER'S OFFICE; THENCE SOUTH 89 DEGREES 54 MINUTES 24 SECONDS EAST ALONG SAID LINE EXTENDED AND ALONG SAID LINE 135.73 FEET TO A CORNER OF SAID TRACT OF LAND ON THE WEST LINE OF SAID NORTHWEST QUARTER SECTION; THENCE ALONG THE BOUNDARY OF SAID TRACT OF LAND THE FOLLOWING FOUR (4) COURSES: 1) NORTH 00 DEGREES 46 MINUTES 05 SECONDS WEST ON SAID WEST LINE 58.38 FEET; 2) THENCE NORTH 88 DEGREES 55 MINUTES 55 SECONDS EAST 52.13 FEET; 3) THENCE PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER SECTION SOUTH 00 DEGREES 46 MINUTES 05 SECONDS EAST 1315.28 FEET TO THE SOUTH LINE OF SAID QUARTER SECTION; 4) THENCE SOUTH 89 DEGREES 12 MINUTES 29 SECONDS WEST ALONG SAID SOUTH LINE 52.13 FEET TO THE POINT OF BEGINNING, CONTAINING 13.665 ACRES, MORE OR LESS.

EXCEPTING THEREFROM DEDICATION AND DEED OF RIGHT-OF-WAY RECORDED SEPTEMBER 21, 2016 AS DOCUMENT NO. 201600009276 AS FOLLOWS:

A PART OF THE NORTHEAST QUARTER OF SECTION 6 AND A PART OF THE NORTHWEST QUARTER OF SECTION 5, BOTH IN TOWNSHIP 17 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN, IN EAGLE TOWNSHIP, BOONE COUNTY, INDIANA, AND BEING A PART OF THE LANDS OF 7105 E SR 334, LLC AS DESCRIBED IN INSTRUMENT NUMBER 201300012089 IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 5, MARKED BY A REBAR; THENCE NORTH 89 DEGREES 12 MINUTES 26 SECONDS EAST ALONG THE SOUTH LINE OF SAID QUARTER 52.13 FEET; THENCE NORTH 00 DEGREES 46 MINUTES 22 SECONDS WEST PARALLEL WITH THE WEST LINE OF SAID QUARTER 939.22 FEET TO THE SOUTH RIGHT OF WAY LINE OF GROVE PASS AS SHOWN ON THE PLAT FOR MAPLE GROVE COMMERCIAL SUBDIVISION AS RECORDED AS INSTRUMENT NUMBER 201300013491 IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, AND ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 30 MINUTES 22 SECONDS WEST 442.67 FEET ALONG THE WESTERLY EXTENSION OF SAID GROVE PASS TO THE WEST LINE OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NO. 200700002428 IN SAID RECORDERS OFFICE; THENCE NORTH 01 DEGREE 05 MINUTES 45 SECONDS WEST 268.95 FEET ALONG THE WEST LINE OF SAID TRACT TO THE SOUTHWEST CORNER OF A GRANT OF RIGHT-OF-WAY DESCRIBED IN INSTRUMENT NO. 200700010777 IN SAID RECORDERS OFFICE; THENCE NORTH 89 DEGREES 30 MINUTES 20 SECONDS EAST 86.96 FEET ALONG THE SOUTH LINE OF INSTRUMENT NO. TO THE SOUTHEAST CORNER OF SAID INSTRUMENT NO.; THENCE SOUTH 00 DEGREES 55 MINUTES 17 SECONDS EAST 184.32 FEET; THENCE SOUTH 45 DEGREES 00 MINUTES 00 SECONDS EAST 34.53 FEET TO THE WESTERLY EXTENSION OF THE NORTH RIGHT-OF-WAY OF SAID GROVE PASS; THENCE NORTH 89 DEGREES 30 MINUTES 22 SECONDS EAST 332.66 FEET ALONG SAID WESTERLY EXTENSION; THENCE SOUTH 00 DEGREES 46 MINUTES 22 SECONDS EAST 60.00 FEET PARALLEL WITH THE WEST LINE OF SAID QUARTER TO THE POINT OF BEGINNING AND CONTAINING 1.032 ACRES, MORE OR LESS.

EXCEPTING THEREFROM DEDICATION AND DEED RECORDED OCTOBER 24, 2016 AS DOCUMENT NO. 201600010688 AS FOLLOWS: A PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 17 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN, IN EAGLE TOWNSHIP, BOONE COUNTY, INDIANA, AND BEING A PART OF THE LANDS OF 7105 E SR 334, LLC AS DESCRIBED IN INSTRUMENT NUMBER 201300012089 IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID QUARTER, MARKED BY A REBAR; PROCEED THENCE NORTH 00 DEGREES 46 MINUTES 22 SECONDS WEST ALONG THE WEST LINE OF SAID QUARTER 1266.46 FEET TO A 5/8 INCH DIAMETER REBAR WITH CAP STAMPED "STRUCTUREPOINT #0094" (HEREAFTER REFERRED TO AS STRUCTUREPOINT REBAR) MARKING THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00 DEGREES 46 MINUTES 22 SECONDS WEST ALONG SAID WEST LINE 50.00 FEET TO THE CENTERLINE OF WHITESTOWN PARKWAY (STATE ROAD 334) AND THE BEGINNING OF A NONTANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 34,377.47 FEET, A CENTRAL ANGLE OF 00 DEGREES 05 MINUTES 13 SECONDS, AND A RADIUS POINT THAT BEARS SOUTH 01 DEGREE 25 MINUTES 23 SECONDS EAST; THENCE ALONG SAID CURVE 52.13 FEET TO A POINT THAT BEARS NORTH 01 DEGREE 20 MINUTES 10 SECONDS WEST FROM SAID RADIUS POINT; THENCE SOUTH 00 DEGREES 46 MINUTES 22 SECONDS EAST PARALLEL WITH THE WEST LINE OF SAID QUARTER 50.00 FEET TO A STRUCTUREPOINT REBAR MARKING THE BEGINNING OF A NONTANGENT CURVE TO THE LEFT HAVING A RADIUS OF 34,327.47 FEET, A CENTRAL ANGLE OF 00 DEGREES 05 MINUTES 13 SECONDS, AND A RADIUS POINT THAT BEARS SOUTH 01 DEGREE 20 MINUTES 13 SECONDS EAST; THENCE ALONG SAID CURVE 52.13 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.060 ACRES, MORE OR LESS.

EXCEPTING THEREFROM DEDICATION AND DEED OF RIGHT-OF-WAY RECORDED OCTOBER 31, 2016 AS DOCUMENT NO. 201600010894 AS FOLLOWS:

A PART OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 17 NORTH, RANGE 2 EAST, BOONE COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING ON THE SOUTH LINE OF SAID QUARTER SECTION NORTH 89 DEGREES 54 MINUTES 34 SECONDS WEST 714.32 FEET FROM THE SOUTHEAST CORNER OF SAID QUARTER SECTION; THENCE NORTH 89 DEGREES 54 MINUTES 34 SECONDS WEST 217.78 FEET ALONG SAID SOUTH LINE TO THE CENTER LINE OF C.R. 650 SOUTH (OLD S.R. 334); THENCE ALONG SAID CENTER LINE AND ALONG THE CENTER LINE OF C.R. 700 EAST NORTHEASTERLY 911.10 FEET ALONG AN ARC TO THE LEFT AND HAVING A RADIUS OF 572.96 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 44 DEGREES 32 MINUTES 02 SECONDS EAST AND A LENGTH OF 818.10 FEET; THENCE NORTH 1 DEGREE 01 MINUTE 16 SECONDS WEST 151.48 FEET ALONG SAID CENTER LINE TO THE SOUTHEAST CORNER OF THE TRACT DESCRIBED IN INSTRUMENT #200700002428; THENCE ALONG AN EASTERN LINE OF THE TRACT DESCRIBED IN SAID INSTRUMENT #200700002428 NORTHEASTERLY 204.19 FEET ALONG AN ARC TO THE RIGHT AND HAVING A RADIUS OF 572.96 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 9 DEGREES 15 MINUTES 00 SECONDS EAST AND A LENGTH OF 203.11 FEET TO THE SOUTH LINE OF THE TRACT DESCRIBED IN INSTRUMENT #201600009276; THENCE NORTH 89 DEGREES 29 MINUTES 14 SECONDS EAST 3.78 FEET ALONG SAID SOUTH LINE; THENCE SOUTH 1 DEGREE 01 MINUTE 16 SECONDS EAST 351.30 FEET; THENCE SOUTHWESTERLY 752.06 FEET ALONG AN ARC TO THE RIGHT AND HAVING A RADIUS OF 612.96 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF SOUTH 34 DEGREES 07 MINUTES 41 SECONDS WEST AND A LENGTH OF 705.77 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.999 ACRES, MORE OR LESS.

ALSO EXCEPTING THEREFROM:

A PART OF THE NORTHEAST QUARTER OF SECTION 6 AND A PART OF THE NORTHWEST QUARTER OF SECTION 5, BOTH IN TOWNSHIP 17 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN, IN EAGLE TOWNSHIP, BOONE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 5; THENCE NORTH 89 DEGREES 12 MINUTES 25 SECONDS EAST 52.13 FEET ALONG THE SOUTH LINE OF SAID QUARTER; THENCE NORTH 00 DEGREES 46 MINUTES 22 SECONDS WEST 985.27 FEET PARALLEL WITH THE WEST LINE OF SAID QUARTER TO THE NORTHEAST CORNER OF THE 30 FOOT EASEMENT DESCRIBED IN INSTRUMENT NUMBER 200600012268 IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA, AND BEING THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 31 MINUTES 26 SECONDS WEST 342.65 FEET ALONG THE NORTH LINE OF SAID 30 FOOT EASEMENT AND WESTERLY PROLONGATION THEREOF TO A NON-TANGENT CURVE; THENCE WESTERLY 14.60 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 36.00 FEET AND SUBTENDED BY A LONG CHORD HAVING A BEARING OF NORTH 75 DEGREES 54 MINUTES 04 SECONDS WEST AND A LENGTH OF 14.50 FEET; THENCE NORTH 00 DEGREES 55 MINUTES 17 SECONDS WEST 219.14 FEET TO THE SOUTH LINE OF A GRANT OF WAY TO BOONE COUNTY, INDIANA AS DESCRIBED IN INSTRUMENT NUMBER 200700010777 IN SAID RECORDER'S OFFICE (THE FOLLOWING 3 COURSES ARE ALONG THE SOUTH AND EAST LINES OF SAID GRANT OF RIGHT OF WAY): (1) THENCE NORTH 89 DEGREES 30 MINUTES 20 SECONDS EAST 8.06 FEET; THENCE (2) NORTH 01 DEGREE 00 MINUTES 11 SECONDS WEST 20.00 FEET; (3) THENCE NORTH 44 DEGREES 30 MINUTES 15 SECONDS EAST 33.50 FEET TO THE SOUTH LINE OF THE 0.710 ACRE TRACT OF LAND TO THE STATE OF INDIANA DESCRIBED IN INSTRUMENT NUMBER 200600009674 IN SAID RECORDER'S OFFICE; THENCE NORTH 89 DEGREES 58 MINUTES 49 SECONDS EAST 144.73 FEET (137.51

FEET BY INSTRUMENT NUMBER 201300012089) ALONG SAID SOUTH LINE OT THE WEST RIGHT OF WAY AT THE INTERSECTION OF OLD SR 334 (ALSO KNOWN AS CR700 EAST) AND EXISTING SR 334; THENCE NORTH 01 DEGREE 37 MINUTES 35 SECONDS WEST 8.52 FEET (8.53 BY INSTRUMENT NUMBER 201300012089) ALONG SAID WEST LINE AND THE NORTHERLY PROLONGATION THEREOF TO THE NORTH LINE EXTENDED OF A TRACT OF LAND DESCRIBED IN INSTRUMENT NUMBER 200600013086 IN SAID RECORDER'S OFFICE; THENCE SOUTH 89 DEGREES 54 MINUTES 32 SECONDS EAST 128.75 FEET (135.73 FEET BY INSTRUMENT NUMBER 201300012089) ALONG SAID LINE EXTENDED AND ALONG SAID LINE TO THE WEST LINE OF SAID QUARTER; THENCE NORTH 00 DEGREES 46 MINUTES 22 SECONDS WEST 58.38 FEET ALONG SAID WEST LINE; THENCE NORTH 88 DEGREES 55 MINUTES 47 SECONDS EAST 52.13 FEET; THENCE SOUTH 00 DEGREES 46 MINUTES 22 SECONDS EAST 331.49 FEET PARALLEL WITH SAID WEST LINE TO THE POINT OF BEGINNING AND CONTAINING 2.263 ACRES, MORE OR LESS.

As Surveyed Description:

A PART OF THE NORTHEAST QUARTER OF SECTION 6 AND A PART OF THE NEW NORTHWEST QUARTER OF SECTION 5, BOTH IN TOWNSHIP 17 NORTH, RANGE 2 EAST, OF THE SECOND PRINCIPAL MERIDIAN, IN EAGLE TOWNSHIP, BOONE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER SECTION; THENCE NORTH 89 DEGREES 54 MINUTES 24 SECONDS WEST (ASSUMED BEARING) ALONG THE SOUTH LINE OF SAID QUARTER SECTION 714.32 FEET TO A POINT ON THE WEST RIGHT-OF-WAY OF OLD STATE ROAD 334 (NOW OXFORD DRIVE), SAID POINT ALSO BEING ON A NON-TANGENTIAL CURVE TO THE LEFT HAVING A RADIUS OF 612.96 FEET, THE RADIUS POINT OF WHICH BEARS NORTH 20 DEGREES 43 MINUTES 12 SECONDS WEST FROM SAID POINT; THENCE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY AND CURVE AN ARC DISTANCE OF 752.06 FEET TO A POINT BEARING NORTH 88 DEGREES 58 MINUTES 54 SECONDS EAST FROM SAID RADIUS POINT; THENCE NORTH 01 DEGREES 01 MINUTES 06 SECONDS WEST ALONG SAID RIGHT-OF-WAY 351.39 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF GROVE PASS; THENCE NORTH 89 DEGREES 30 MINUTES 25 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY 364.12 FEET; THENCE SOUTH 00 DEGREES 46 MINUTES 05 SECONDS EAST 393.21 FEET TO A POINT ON THE SOUTH LINE OF AFOREMENTIONED NORTHWEST QUARTER SECTION; THENCE SOUTH 89 DEGREES 12 MINUTES 29 SECONDS WEST ALONG SAID SOUTH LINE 52.14 FEET TO THE POINT OF BEGINNING, CONTAINING 9.295 ACRES, MORE OR LESS.



SITE SUMMARY	
SITE LOCATION	25.56 AC, GENERAL BUSINESS DISTRICT
EXISTING AREA	130,000 SF
PROPOSED AREA	130,000 SF
PARKING SPACES (STANDARD) REQUIRED	100 SPACES
PARKING SPACES (ACCESSIBLE) REQUIRED	8 SPACES
PARKING SPACES (STANDARD) PROVIDED	100 SPACES
PARKING SPACES (ACCESSIBLE) PROVIDED	8 SPACES
TOTAL PARKING SPACES PROVIDED	108 SPACES
STREET FRONT SETBACK	10 FT
STREET FRONT SETBACK	10 FT



Kimley»Horn

SILA CAPITAL MULTI-FAMILY DEVELOPMENT

7011 E Whitestown Parkway
ZIONSVILLE, IN

CONCEPT SITE & LANDSCAPE PLAN

16 NOVEMBER 2020





WEST ELEVATION
SCALE 3/32"=1"

- FIBER CEMENT BOARD
- FIBER CEMENT BOARD SIDING
- BOARD AND BATTEN (FIBER CEMENT BOARD)
- BRICK
- CONCRETE MASONARY UNIT OR BRICK



NORTH ELEVATION
SCALE 3/32"=1"

Exhibit C



SILA CAPITAL ZIONSVILLE MULTI FAMILY PROJECT

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VIEW OF BUILDING 1 FROM NORTHEAST



VIEW OF BUILDING 1 FROM WEST

Exhibit C

SILA CAPITAL ZIONSVILLE MULTI FAMILY PROJECT



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