

ds **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:

Legal Description: See Exhibit "A" Attached Hereto And Incorporated By Reference (the "Subject Property").

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. A final site plan and elevations for the multi-family project on the Subject Property shall be submitted for Administrator's Approval prior to the issuance of an Improvement Location Permit.
3. The Subject Property and improved areas within the Subject Property shall be maintained in a reasonably neat and orderly manner during and after development of the Subject Property, with appropriate areas and containers/receptacles provided for the proper disposal of trash and other waste.

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 # 2026-ZON-057 by the City-County Council changing the zoning classification of the real estate from I-2, C-4 and D-10 zoning classifications to a D-10 zoning classification; or
 - (b) the adoption of approval petition # _____ by the Metropolitan Development Commission;
- and shall continue in effect for as long as the above-described parcel of real estate remains zoned to the D-10 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);
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); and

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 #2026-ZON-057.

IN WITNESS WHEREOF, owner has executed this instrument this 15th day of July, 2026.

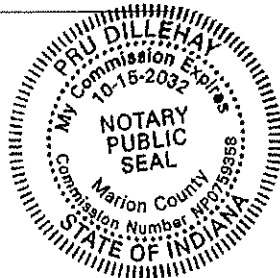
Madison Capital VII, LLC

By: [Signature]
Maria Crowe, Member

Madison Capital VIII, LLC

By: [Signature]
Maria Crowe, Member

STATE OF INDIANA)
) SS:
COUNTY OF MARION)



Before me, a Notary Public in and for said County and State, personally appeared Maria Crowe, a member of Madison Capital VII, LLC, an Indiana limited liability company and owner of the real estate, who acknowledged the execution of the foregoing instrument for and on behalf of said limited liability company.

Witness my hand and Notarial Seal this

15th day of July, 20 26

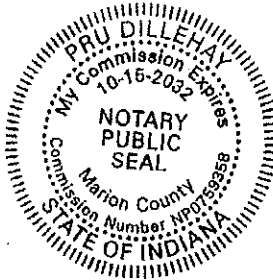
[Signature]
Notary Public
PRU Dillehay

Printed Name of Notary Public

My Commission expires: 10/15/2032

My County of residence: Marion

STATE OF INDIANA)
) SS:
COUNTY OF MARION)



Before me, a Notary Public in and for said County and State, personally appeared Maria Crowe, a member of Madison Capital VIII, LLC, an Indiana limited liability company and owner of the real estate, who acknowledged the execution of the foregoing instrument for and on behalf of said limited liability company.

Witness my hand and Notarial Seal this

15th day of July, 20 26

PRU Dillehay
Notary Public

PRU Dillehay

Printed Name of Notary Public

My Commission expires: 10/15/2032

My County of residence: Marion

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. Joseph D. Calderon

This instrument was prepared by Joseph D. Calderon, Barnes & Thornburg LLP, 11 South Meridian Street, Indianapolis, Indiana 46204.

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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.

EXHIBIT "A"
LEGAL DESCRIPTION

That part of the Southeast Quarter of Section 5, Township 15 North, Range 4 East, and part of the Northeast Quarter of Section 8, Township 15 North, Range 4 East of the Second Principal Meridian, in Marion County, Indiana; being parts of Lots 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 22, and 23 in Jacob Wagner's Subdivision, as recorded in Plat Book 9, Page 43 in the Office of the Recorder of said County; being also part of an alley and Pearl Street as vacated by deed recorded in Deed Book 1622, Page 703, and being also part of a ten (10) foot wide alley vacated by Instrument No. 78-87875; said tract being more particularly described as follows:

Commencing at the southeast corner of said Southeast Quarter; thence North 00 degrees 22 minutes 38 seconds West, a distance of 572.58 feet; thence South 86 degrees 32 minutes 35 seconds West, a distance of 210.34 feet; thence South 01 degrees 06 minutes 48 seconds East, a distance of 40.03 feet to the south right-of-way line of East Washington Street; thence South 86 degrees 32 minutes 35 seconds West, along said south right-of-way line, a distance of 365.21 feet to a point marking the northwest corner of lot 6; thence South 00 degrees 22 minutes 38 seconds East, a distance of 160.00 feet along the west lot line of lot 6; thence South 86 degrees 30 minutes 03 seconds West, a distance of 4.82 feet; thence South 00 degrees 45 minutes 19 seconds East, a distance of 10.00 feet to the Point of Beginning, said point being the northeast corner of Lot 9; thence South 00 degrees 45 minutes 19 seconds East, along the east lines of Lots 9, 10, 11, 12, 13, then across pearl street, and into part of lot 14 a distance of 255.53 feet; thence North 89 degrees 45 minutes 51 seconds East, a distance of 138.17 feet; thence South 00 degrees 39 minutes 42 seconds West, a distance of 329.12 feet to a point in an asphalt drive; thence South 19 degrees 06 minutes 53 seconds West, a distance of 60.58 feet to a point on the east right-of-way line of South Ewing Street, the following four (4) courses being along said east right-of-way line:

- (1) thence to a non-tangent curve concave to the west, having a radius of 279.50 feet and a chord bearing of North 43 degrees 32 minutes 53 seconds West, a chord distance of 223.43 feet to a point of tangency;
- (2) thence North 19 degrees 58 minutes 24 seconds West, along the west lines of Lots 14, 15, 16, 17, and 18, a distance of 257.18 feet;
- (3) thence North 19 degrees 59 minutes 20 seconds West, along a portion of Lot 10 and all of Lots 11, 12, and 13, and along Pearl Street, a distance of 178.74 feet;
- (4) thence North 03 degrees 29 minutes 38 seconds West, along Lot 9 and a portion of Lot 10, a distance of 58.39 feet; thence North 86 degrees 30 minutes 03 seconds East, along the north line of Lot 9, a distance of 189.00 feet to the place of beginning containing 2.48 acres, more or less, all in Marion County, Indiana.