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01/26/2022 02:18 PM

**KATHERINE SWEENEY BELL
MARION COUNTY IN RECORDER**

FEE: \$ 35.00

PAGES: 10

By: BBB

The document has been recorded and no further action is necessary.
This page has been added for recording purposes to provide space for the necessary Recorder and/or Assessor stamps and/or recording requirements.

IC 36-2-11-16.5 Requirements for instrument or document presented for recording

Sec. 16.5 (a) This section does not apply to the following:

- (1) A judgment, an order, or a writ of a court.
- (2) A will or death certificate.
- (3) A plat.
- (4) A survey.

(b) The county recorder may receive for record an instrument or a document if:

- (1) the instrument or document consists of at least one (1) individual page measuring not more than eight and one-half (8 1/2) inches by fourteen (14) inches that is not permanently bound and is not a continuous form;
- (2) the instrument or document is on white paper of at least twenty (20) pound weight and has clean margins:
 - (A) on the first and last pages of at least two (2) inches on the top and bottom and one-half (1/2) inch on each side; and
 - (B) on each additional page of at least one-half (1/2) inch on the top, bottom, and each side; and
- (3) the instrument or document is typewritten or computer generated in black ink in at least 10-point type.

IC 36-2-11-15 Instruments that may be received for record or filing; name of person or governmental agency that prepared instrument

I affirm under penalties of perjury, that I have taken reasonable care to redact each social security number in this document unless required by law. This instrument is prepared by:

_____ (printed name of individual)

10

**MODIFICATION OF
ENVIRONMENTAL RESTRICTIVE COVENANT**

THIS MODIFICATION of Environmental Restrictive Covenant ("ERC") is made this 25th day of January, 2022, by Mapleton - Fall Creek Development Corporation ("Owner") with the approval of the Indiana Department of Environmental Management ("IDEM").

I. Recitals

A. Owner is the fee owner of certain real estate in the County of Marion, Indiana, which is one of 28 non-contiguous parcels of land on one deed that is referred to as "Parcel 28" addressed as 507 East 29th Street ("Real Estate"). The Real Estate, described as "Parcel 28" in the deed attached hereto as "**Exhibit A**" was acquired by Quitclaim Deed on July 24, 2014, and recorded on August 5, 2014, as Instrument Number A201400073111, in the Office of the Recorder of Marion County, Indiana;

B. The Real Estate, which consists of approximately 0.25 acre and is identified by parcel identification number 49-06-25-102-030.000-101 (and local parcel # 1014112), is subject to an ERC ("Original ERC") recorded on December 14, 2011, as Instrument Number A201100114933. The Original ERC established certain restrictions and/or obligations on the Real Estate and its future use to ensure the protection of public health, safety or welfare and the environment due to a release of petroleum and hazardous substances relating to operations on and in the vicinity of the Real Estate (Brownfields Program Site #4070524).

C. Paragraph 11 of the Original ERC provides that if any owner desires to modify the Original ERC, the person shall obtain IDEM's prior written approval. Heartland Environmental Associates, Inc. (Heartland), on behalf of its client, The Community Builders, and the Owner made a request to the Indiana Brownfields Program on July 7, 2021 to modify the Original ERC to remove the residential use restriction applicable to the Real Estate.

D. Owner desires to use the Real Estate for residential purposes and, therefore, requests to terminate the residential use restriction in the Original ERC. IDEM has agreed to allow the Real Estate to be used for residential purposes since further subsurface sampling demonstrated there is no direct contact exposure risk under a residential use scenario and it can require a new land use restriction to protect against potential residential exposure to potential contaminated vapors.

II. Modification of Original ERC

A. Owner desires to modify the Original ERC described in Section I,

Paragraph B of this instrument.

B. This instrument modifies Paragraph 8 of the Original ERC by eliminating restriction a) which prohibited the use of the Real Estate for residential purposes, including but not limited to, daily care facilities (e.g., daycare centers, schools and senior citizen facilities).

C. This instrument also modifies Paragraph 8 of the Original ERC to address the potential for vapor intrusion in residential structures constructed on the Real Estate by adding the following land use restriction to the Original ERC:

- (1) Shall not allow occupancy of any residential building(s) constructed on the Real Estate after the effective date of this Covenant without first completing, or allowing a third party to complete, one of the following: Option 1) Evaluate and determine through a Program-approved sampling plan, the presence or absence of volatile organic compounds in environmental media (exterior soil gas, subslab soil gas, etc.) on the Real Estate; Option 2) Evaluate and determine through a Program-approved sampling plan, the presence or absence of the intrusion of contaminated vapor into indoor air ("vapor intrusion") in any residential buildings on the Real Estate or, Option 3) Install, operate and maintain a vapor mitigation system (in accordance with *U.S. EPA Brownfield Technology Primer Vapor Intrusion Considerations for Redevelopment* (EPA 542-R-08-001) (March 2008) and *IDEM Draft Interim Guidance Document, Vapor Remedy Selection and Implementation* (February 2014 and applicable revisions)) within any newly-constructed residential buildings on the Real Estate, unless the Department concurs that a vapor mitigation system(s) is no longer necessary based upon achievement of the applicable IDEM RCG residential subslab soil gas screening levels ("Res SGss SLs") and/or residential indoor air vapor exposure screening levels ("Res IA VESLs").

D. After approval and signature by IDEM, Owner shall record this Modification of ERC with the Office of the Recorder of Marion County and provide a copy to IDEM within 30 days of recording.

E. Except as expressly modified by this instrument, all other restrictions, obligations and requirements established in the Original ERC recorded on December 13, 2011, as Instrument Number A201100114933, shall remain in full force and effect.

F. This Modification of ERC is effective when signed by the parties.

III. Approval

Pursuant to the terms of Paragraph 11 of the Original ERC, IDEM has reviewed and approves the Modification of ERC.

IV. Authorization

The undersigned persons executing this Modification of ERC on behalf of Owner and IDEM represent and certify that they are empowered and duly authorized by their respective entities to execute this document. The undersigned person on behalf of the Owner further represents and certifies that Owner is the current owner of the Real Estate. Owner hereby attests to the accuracy of the statements in this document and all attachments.

OWNER

By: [Signature]

Printed: ELAN DANIEL

Title: CEO

ACKNOWLEDGMENT BY A NOTARY FOR OWNER

IN WITNESS WHEREOF, Mapleton – Fall Creek Development Corporation, the said Owner of the Real Estate described above has caused this Modification of Environmental Restrictive Covenant to be executed on this 25th day of January, 2022.

[Signature]
Mapleton – Fall Creek Development Corporation

ELAN DANIEL

Printed Name of Signatory

STATE OF Indiana)

) SS:

COUNTY OF Marion)

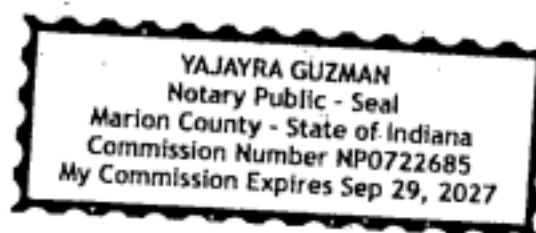
Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Elan Daniel, the CEO of the Owner, Mapleton, who acknowledged the execution of the foregoing instrument for and on behalf of said entity.

Witness my hand and Notarial Seal this 25th day of January, 2022.

[Signature]
YAJAYRA GUZMAN, Notary Public
Residing in Indiana County, Marion

My Commission Expires:

Sep 29, 2027



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

This Modification of ERC is approved this 6th day of January 2022, by IDEM.

By: Peggy Dorsey

Printed: Peggy Dorsey

Title: Assistant Commissioner (AC) of OLQ

ACKNOWLEDGMENT BY A NOTARY FOR IDEM

STATE OF Indiana)

) SS:

COUNTY OF Marion)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared Peggy Dorsey, Asst. Comm. of the Indiana Department of Environmental Management, Office of Land Quality, who acknowledged the execution of the foregoing instrument for and on behalf of said entity.

Witness my hand and Notarial Seal this 6th day of January, 2022

Janet Therese Smith, Notary Public
Residing in Marion County, IN

My Commission Expires:

3/20/2026



Notary Public - State of Indiana

Janet Therese Smith

Marion County

Commission Number: 711648

Expires on March 20, 2026

This instrument prepared by:

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.

Peggy Dorsey (Printed Name of Declarant)

EXHIBIT A

QUITCLAIM DEED OF REAL ESTATE (PARCEL 28)

103149

2014 JUL 31 A 8:17

FILED ENTERED FOR TAX IN
SUBJECT TO FINAL ACCEPTANCE
FOR TRANSFER

A201400073111

08/05/2014 3:20 PM

JULIE L. VOORHIES
MARION COUNTY IN RECORDER

FEE: \$ 57.50

PAGES: 14

By: KB

QUITCLAIM DEED

D-LandBank-MFCDC Properties

THIS INDENTURE WITNESSETH, That the City of Indianapolis, Department of Metropolitan Development ("Grantor") of Marion County in the State of Indiana, CONVEYS AND QUITCLAIMS to the Mapleton-Fall Creek Development Corporation, of Marion County in the State of Indiana, for the sum of One and 00/100 Dollars (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate in Marion County, Indiana:

Legal Descriptions: See Exhibit A, attached hereto

Tax Parcel #: See Exhibit A, attached hereto

Subject to Current Taxes in 2014 due and payable in 2015 and all taxes thereafter.

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

Subject to the requirement that the Grantee shall cause the property to be developed in a manner that will benefit low-to-moderate income families and Subject to the covenants, conditions, restrictions and provisions of an Agreement entered into between the Grantor and Grantee on the 24th day of JULY, 2014, (identified as "Project Agreement-Grant of Property for Redevelopment By a Non Profit Corporation"), attached hereto and incorporated herein as Attachment "A".

IN WITNESS WHEREOF, the Grantor has executed this deed, this 24th day of JULY, 2014.

Signature: 

Printed: Adam D. Thies, AICP, Director
Department of Metropolitan Development

STATE OF INDIANA)

SS:

COUNTY OF MARION)

Before me a Notary Public in and for said County and State, personally appeared Adam D. Thies, AICP, Director, Department of Metropolitan Development, who acknowledged the execution of the foregoing Quitclaim Deed, and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this 24th day of JULY, 2014.

My commission expires:

Aug. 15, 2014

JUL 31 2014

Signature: 

Printed: Steven J. Schulmeyer

Residing in Marion County, Indiana

Tax Statements to be sent to the Grantee at:
130 E. 30th Street, Indianapolis, IN 46205.
Post Office Address of the Grantee is the same address.

This instrument was prepared by Office of the Corporation Counsel, City of Indianapolis, 200 E. Washington, Suite 1601, Indianapolis, IN 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. Christopher T. Jolivet, Asst. Corporation Counsel.

80645242
TX:40455843



Exhibit A
Legal Descriptions

PARCEL 1: 3110 Broadway St; 1060888

Lot No. 132 in Boulevard Square, an addition to the City of Indianapolis, Marion County, Indiana, as per plat thereof, recorded in Plat Book 13, page 60 in the Office of the Recorder of Marion County, Indiana.

PARCEL 2: 3117 Broadway St; 1032315

Lot No. 169 in Boulevard Square, City of Indianapolis, the plat of which is recorded in Plat Book 13, Page 60, in the Office of the Recorder of Marion County, Indiana.

PARCEL 3: 3122 Broadway St; 1032893

Lot Numbered One Hundred Twenty-Nine (129) in Boulevard Square, an Addition to the City of Indianapolis, the plat of which is recorded in Plat Book 13, Page 60, in the Office of the Recorder of Marion County, Indiana.

PARCEL 4: 3123 Broadway St; 1066475

Lot numbered 170 in Boulevard Square, an addition to the City of Indianapolis, as per plat thereof recorded in Plat Book 13, page 60, in the Office of the Recorder of Marion County, Indiana.

PARCEL 5: 3126 Broadway St; 1032890

Lot 128 in Boulevard Square, an addition to the City of Indianapolis, as per plat thereof, recorded in Plat Book 13, Page 60 in the Office of the Recorder of Marion County, Indiana.

PARCEL 6: 3150 Broadway St; 1048841

Lot Numbered One Hundred Twenty-two (122) and 7 feet off the entire North side of Lot Numbered One Hundred Twenty-three (123) in Boulevard Square, an Addition to the City of Indianapolis, the plat of which is recorded in Plat Book 13, Page 60, in the Office of the Recorder of Marion County, Indiana and the South 5 feet of the vacated alley which lies adjacent to the North property line of said Lot One Hundred Twenty-two (122), said alley being vacated by Declaratory Resolution 85-VAC-43 and recorded as Instrument Number 87-849 in the Office of the Recorder of Marion County, Indiana.

PARCEL 7: 3114 N Park Ave; 1075046

Lot 75 in Boulevard Square, an Addition to the City of Indianapolis as per plat thereof recorded in Plat Book 13, page 60 in the Records in the Office of the Recorder of Marion County, Indiana.

PARCEL 8: 3116 N Park Ave; 1088684

Lot numbered 74 in Boulevard Square, an Addition to the City of Indianapolis, as per plat thereof, recorded in Plat Book 13, page 60 in the Office of the Recorder of Marion County, Indiana.

PARCEL 9: 3120 N Park Ave; 1039424

Lot 73 in Boulevard Square, an Addition to the City of Indianapolis, Indiana, as per plat thereof recorded in Plat Book 13, page 60 in the Office of the Recorder of Marion County, Indiana.

PARCEL 12: 3156 N Park Ave; 1032657

Lot Number Fifteen (15) in Jose-Balz 32nd Street Addition to the City of Indianapolis, as per plat thereof recorded in Plat Book 15, page 85, in the Office of the Recorder of Marion County, Indiana.

PARCEL 13: 2837 Ruckle St; 1020610

Lot 2 in Block 6 in John S. Flemings Third North Park Addition to the City of Indianapolis, as per plat thereof, recorded in Plat Book 9, page 174, in the Office of the Recorder of Marion County, Indiana.

PARCEL 14: 2844 Ruckle St; 1063616

Lot 22 in Block 5 of Fleming's Third North Park Addition to the City of Indianapolis, the plat of which is recorded in Plat Book 9, page 174, in the Office of the Recorder of Marion County, Indiana.

PARCEL 15: 2913 Ruckle St; 1014326

Lot 12, Block 2, in Flemings First North Park Addition, an Addition to the City of Indianapolis, as per plat thereof recorded in Plat Book 9, page 112, in the Records in the Office of the Recorder of Marion County, Indiana.

PARCEL 16: 2918 Ruckle St; 1034565

Lot Numbered 20 in Block 1 in Fleming's North Park Addition, an addition to the City of Indianapolis, as per plat thereof recorded in Plat Book 9, page 112 in the Office of the Recorder of Marion County, Indiana.

PARCEL 17: 2922 Ruckle St; 1062718

Lot 21 in Block 1 in Fleming's North Park Addition to the City of Indianapolis, the plat of which is recorded in Plat Book 9, Page 112, in the Office of the Recorder of Marion County, Indiana.

PARCEL 18: 3101 Ruckle St; 1020153

Lots 58 in Boulevard Square, an addition to the City of Indianapolis as per plat thereof recorded in Plat Book 13, page 60, in the Office of the Recorder of Marion County, Indiana.

PARCEL 19: 3103 Ruckle St; 1020154

Lots 59 in Boulevard Square, an addition to the City of Indianapolis as per plat thereof recorded in Plat Book 13, page 60, in the Office of the Recorder of Marion County, Indiana.

PARCEL 20: 508 E 29th St; 1089658

Lot 15 and the East Half of Lot 14, Flemings North Park Addition, Book No. 9, page 112 in the Office of the Recorder of Marion County, Indiana.

PARCEL 21: 2818 Central Ave; 1053484

Lot Numbered 40 in Heywood Park, an addition to the City of Indianapolis, as per plat thereof recorded in Plat Book 10, page 165, in the Office of the Recorder of Marion County, Indiana.

PARCEL 22: 2829 Central Ave; 1044463

Lot Numbered 8 in Block 5, Fleming's Third North Park Addition to the City of Indianapolis, as per plat thereof recorded in Plat Book 9, page 174 in the Office of the Recorder of Marion County, Indiana.

PARCEL 23: 2841 Central Ave; 1070945

Lot Numbered 5 in Block 5, Fleming's Third North Park Addition to the City of Indianapolis, Indiana, as per plat thereof recorded in Plat Book 9, page 174 in the Office of the Recorder of Marion County, Indiana.

PARCEL 24: 2936 Central Ave; 1075331

Lot 8 in Waldons Central Avenue, an Addition to the City of Indianapolis, as per plat thereof recorded in Plat Book 10, page 186, in the Records in the Office of the Recorder of Marion County, Indiana.

PARCEL 25: 3010 Central Ave; 1062009

Lot Numbered Thirty (30) in Osgood's First Central Avenue Addition to the City of Indianapolis, the plat of which is recorded in Plat Book 10, page 161, in the Office of the Recorder of Marion County, Indiana, exception therefrom 54 feet off the entire West end of said Lot 30.

PARCEL 26: 3520 N College Ave; 1040816

Forty feet by parallel lines off the north side of Lot 141 in Hasselman Place Addition, Second Section, an Addition to the City of Indianapolis, the plat of which is recorded in the Office of the Recorder of Marion County, Indiana.

PARCEL 28: 507 East 29th Street, 1014112

Lots Numbered 1 and 2 in Block 5 in Fleming's Third North Park Addition to the City of Indianapolis, Indiana, as per plat thereof recorded in Plat Book 5, page 23, in the Office of the Recorder of Marion County, Indiana.