

STATEMENT OF COMMITMENTS

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A VARIANCE PETITION OR SPECIAL EXCEPTION PETITION

In accordance with I.C. 36-7-4-918.8 and 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 Attachment "A"

Statement of COMMITMENTS:

1. Applicability of Commitments.

The commitments set forth below (commitments 2-6) and itemized hereafter shall be effective and control only in the event the Property is developed in the future as a data center technology park. So long as and in the event the Property is not developed as a data center technology park, the prior commitments in rezoning case 2020-CZN-834 shall control and prevail.

2. Local Community Protections.

The following community protections are given and shall be required in the event the Property is developed as a data center technology park:

- a. The data center shall be cooled by a closed-loop air cooled system.
 - (i) Closed-loop, air-cooled systems only shall be used as a primary means of heat rejection for the proposed data center facilities (no evaporative or open-loop as primary means).
 - (ii) All water utilized by any data center shall be provided by a municipal provider. The developer shall not utilize natural aquifers to supply data centers. In the case of rare emergency or unforeseen mechanical issue, water will be disposed of per IDEM regulations and not discharged into the public wastewater system.
- b. Through collaboration with AES Indiana, the data center developer will pay all related costs associated with the new substation for the data center and the additional generation, transmission, and distribution infrastructure needed to service the data center.

3. Site Plan Generally: Maximum Building Heights.

Development of the Property shall be in substantial conformance with the technology park site plan filed in this companion variance matter on December 30, 2025, and attached hereto as Attachment “B” (the “Data Center Site Plan”). The maximum buildings sizes and general locations of the buildings described in the Data Center Site Plan shall coincide with those set forth therein. The Administrator shall have the authority to approve any minor or non-substantial deviations therefrom. Notwithstanding the foregoing, the Owner shall have the unilateral right to reduce the size of any building set forth on the Data Center Site Plan.

a. The maximum roof line height of the buildings set forth on the Data Center Site Plan, shall be as follows:

- (i) East Building A: Thirty feet (30’); and
- (ii) West Building B: Fifty feet (50’).

b. The maximum roof structure or equipment height of East Building A shall be fifty feet (50’).

4. Additional Site Plan and Development Requirements.

a. Sidewalks. In addition to the sidewalks required by ordinance, development of the Property shall include an internal sidewalk network for the purpose of connecting the buildings on site to each other. The sidewalks should be a minimum of 5’ in width.

b. Outdoor Amenities. Commensurate with the occupancy of each building constructed on the Property, outdoor amenities (i.e. picnic areas and fitness stations) for the employees of businesses located at the Property shall be constructed.

c. Loading Docks. The loading docks at the Property shall be situated generally consistent with the Data Center Site Plan on only one side of any building and shall face toward the interior of the Property.

d. Truck Parking. Only short-term commercial truck parking shall be allowed while actively loading or unloading at the loading docks, as generally depicted on the Data Center Site Plan. There shall be no long-term commercial truck parking or truck storage on the Property, including semi tractor-trailers and delivery trucks, except only when loading or unloading large equipment for data halls, which involves specialized logistics and equipment to ensure the safe and timely delivery and installation of heavy and sensitive IT infrastructure. In such instances, parking shall be limited to a maximum of 48 hours. This restriction shall not include construction trailers being used while the technology park data center buildings are being constructed. Additionally, commercial truck maintenance shall also be prohibited on the Property.

e. Elevations. The technology park data center buildings constructed on the Property shall be in general conformance with the front façade design elements depicted in the illustrative building

elevations filed in this companion variance matter on November 6, 2025, and attached hereto as Attachment “C” (the “Data Center Illustrative Building Elevations”). The color scheme may be modified from said Data Center Illustrative Building Elevations but shall be uniform throughout the technology park development of the Property. The Administrator shall have the authority to approve any minor or non-substantial deviations therefrom.

f. Mechanical Yard Screening. Mechanical yards, electrical yards, transformer arrays, and generator areas shall be enclosed by a screen wall approximately ten feet in height.

g. SPCC Plan. Before building permits are released, there will a spill prevention, control and countermeasure (“SPCC”) plan in effect which will be in compliance with IDEM. Oil and water drain separators will also be present in the mechanical yards.

h. Noise Standards and Generator Operations.

(i) A sound study shall be prepared by a qualified acoustical engineer demonstrating that noise levels at the property line will not exceed 65 decibels, measured Lmax, during regular and emergency operation.

(ii) The method of measurements shall be submitted to the Administrator prior to the building permit being issued.

(iii) Annual sound testing shall be conducted at least once per year to ensure noise levels at the property line do not exceed 65 decibels, measured Lmax, during operation. The results of the sound testing shall be submitted to the Administrator and to the district Councilor.

(iv) The generators shall be located in insulated enclosures.

(v) The generators shall only run during testing and power outages.

(vi) There shall be no generator testing between 5:00 p.m. and 7:00 a.m.

(vii) Weekends and the following holidays shall be avoided for generator testing to the extent possible: New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day. Nothing in this specific commitment shall be construed to restrict the testing schedule necessary for compliance with applicable air permits.

(viii) The generators shall operate strictly within the limits of the Indiana Department of Environmental Management (“IDEM”) air permit. (This is anticipated to be no more than a 30-minute monthly test and one fully loaded test of up to four hours annually.)

i. Lighting. All exterior lighting shall meet the zoning ordinance requirements in Sec. 744-600. Additionally, all required exterior parking lot lighting fixtures shall be solar powered, and motion sensor controls shall be utilized for required lighting in pedestrian areas, entrances, and walkways where feasible.

j. Cryptocurrency Mining Prohibition. The data center facilities shall not be used to mine cryptocurrency.

k. FAA Statement. Following no concerns from the Indianapolis Airport Authority, Federal Aviation Administration (“FAA”) review and approval of structure height shall be submitted to the Administrator prior to the building permit being issued.

l. Nuclear Prohibition. Nuclear energy facilities, including but not limited to nuclear power plants, small modular reactors (SMRs), micro-reactors, and nuclear fuel storage facilities, shall be explicitly prohibited on the Property.

m. Construction or Repairing of Buildings. Construction and repair work, as referenced in the Noise Section (Sec. 391-300) of the Revised Code of the Consolidated City and County, generally shall not occur between 6:00 p.m. and 7:00 a.m., except in the case of urgent necessity in the interest of public health and safety.

5. Landscaping.

a. Administrator Approval. Generally, subject to site engineering, pond size and location, use of utility easements, tree inventory survey results, etc., landscaping proposed for the Property shall be consistent with the Data Center Site Plan and otherwise comply with the Landscaping and Screening requirements of the Consolidated Zoning/Subdivision Ordinance of the City of Indianapolis. Buffering specifically proposed for the Property shall be materially consistent with the Data Center Site Plan and otherwise comply with the Landscaping and Screening requirements of the Consolidated Zoning/Subdivision Ordinance of the City of Indianapolis. Prior to filing for an improvement location permit related to the development of the Property, a final landscape plan shall be submitted for Administrator approval. Simultaneous to said submission to the Administrator, a courtesy copy of said final plan shall be provided to the Decatur Township Civic Council Land Use Committee for review.

b. Mounding. The final landscape plan shall include:

(i) a mound of at least eight feet (8’) at its apex, along Camby Road, south of the retention pond and where generally indicated by the fenceline, as identified on the Data Center Site Plan, topped with a solid wood or similar material fence of such height that the combined height of the mound and fence is at least fourteen feet (14’) at its apex. Additionally, as soon as is practical, a staggered double row of evergreen plant materials, planted 15’ on center, will be installed on top of this mound between the fence and the Camby Road right of way in an effort to increase the visual screening created by the aforementioned mound and fence; and

(ii) a mound of at least six feet (6’) at its apex within the transitional yard abutting the east perimeter of the property as shown on the Data Center Site Plan, topped with a solid wood or similar material fence of such height that the combined height of the mound and fence is at least fourteen feet (14’) at its apex. Additionally, as soon as is practical, a staggered double

row of evergreen plant materials, planted 15' on center, will be installed on top of this mound between the fence and the east property line in an effort to increase the visual screening created by the aforementioned mound and fence.

c. Transitional Yards. There shall be a minimum of a two hundred foot (200') continuous transitional yard on the south perimeter along Camby Road, and a two hundred foot (200') continuous transitional yard on the east perimeter of the Property as depicted on the Data Center Site Plan. Partial driveways, interior access drives, and gravel areas may be located within the transitional yard, as generally depicted on the Data Center Site Plan.

d. Maintenance and Replacement. Owner shall maintain and replace as needed landscaping at the Property. Substantially damaged, irreparably sick or dead plantings shall be replaced by the Owner with the same species, or a species with similar characteristics, within three (3) months or if not possible, advisable or practical due to weather or season, as soon as is practical thereafter. Owner shall maintain in good repair all fences. Fences that are damaged, broken, or contain failing paint or stain shall be repaired, replaced or refinished as needed.

e. Tree Removal. Trees to be removed will be dropped between October 1 and April 1, unless otherwise approved by the Administrator.

f. Tree Preservation. Trees shall be preserved to the greatest extent possible within the powerline corridor easement, as depicted on the Data Center Site Plan, and within the remaining Property to the north of the easement. Within these areas, no trees with a diameter at breast height ("DBH") in excess of six inches (6") or evergreens eight feet (8') or more in height (the "Protected Trees") shall be removed unless the tree is damaged, diseased, dead, classified as an invasive plant species, is required to be removed in order to comply with safety requirements of any governmental agency, or is required to be removed to accommodate drainage, utilities, or other infrastructure (including, but not limited to, fencing). If a Protected Tree is damaged or otherwise removed by the owner of the Property, except as permitted to be removed as listed above, then the owner of the Property shall reestablish the Protected Tree with a tree or trees of combined equal or greater DBH subject to the availability of space for their healthy growth.

6. Additional Infrastructure Requirements; Right of Way Dedication.

a. Camby Road. There will be no direct vehicular access to the Property from Camby Road.

b. Camby Road Sidewalks. Owner shall install sidewalks on the north side of Camby Road abutting the Property. The sidewalks shall be installed no later than the earliest date when the site work related to development of the first building described in the Data Center Site Plan occurs. Sidewalk installation along Camby Road shall be consistent with the Thoroughfare Plan and Indy Rezone pedestrian standards.

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- c. Pedestrian Connectivity. Sidewalk connectivity shall be installed within the campus, linking building entrances, parking areas, and access points.
- d. Future Sewer Connection. Prior to the grant of an improvement location permit or structural permit for the first building, the Owner shall use reasonable efforts to engage and collaborate with the residential neighbors on the south side of Camby Road opposite the Property (7801, 7817, 7845, 7917, 7931, 7947, 7957, 8015, 8031, 8135, 8235, and 8245 Camby Road,) to ascertain interest in extending a sanitary sewer line to the south side of Camby Road and to identify potential means of accomplishing said extension that would be available to the residential homeowners for connection at their own costs. Notwithstanding the foregoing, nothing in this commitment requires the Owner to extend a sewer line outside of the Property but rather a commitment to identify possible ways in which the extension of a sanitary sewer line to homeowners south of Camby Road can be accomplished.
- e. Future Dedication for Camby Road and Trotter Road. Owner agrees, at the request of the City of Indianapolis, to dedicate at no cost:
- (i) a maximum of 20'6" of the Property adjacent to the Trotter Road right of way for the sole purposes of future extension of Trotter Road north of Camby Road; and
 - (ii) a maximum of 25' of the Property adjacent to the Camby Road right of way for the sole purposes of future widening of Camby Road.
- f. Continued Collaboration. Owner agrees to continue to discuss and collaborate with the district City-County Councilor, Decatur Township Trustee, and Decatur Township Civic Council on possible incentive opportunities that could potentially benefit the community and the Owner, and the technology park data center project outlined above.
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These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein. 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 the grant of variance or special exception petition 2025-CVR-856 by the Metropolitan Development Commission.

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. _____
- 4. _____

The undersigned hereby authorizes the Division of Planning of the Department of Metropolitan Development to record this Commitment in the office of the Recorder of Marion County, Indiana, upon final approval of variance petition # 2025-CVR-856 by the Metropolitan Development Commission.

IN WITNESS WHEREOF, owner(s) has executed this instrument this _____ day of _____, 20_____.

Signature: _____
Printed: Richard W. Horn
Title / Authorized Representative /
Organization Decatur Technology Holdings
Name: LLC, % Strategic Capital
Partners, LLC

Signature: _____
Printed: _____
Title / _____
Organization _____
Name: _____

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

Before me, a Notary Public in and for said County and State, personally appeared Richard W. Horn, Authorized Representative / Decatur Technology Holdings LLC, % Strategic Capital Partners, LLC owner(s) (title / organization name) of the real estate who acknowledged the execution of the foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

Witness my hand and Notarial Seal this
_____ day of _____, 20_____
MDC's Exhibit D - - page 7 of 11

Notary Public

Printed Name of Notary Public

My Commission expires: _____

My 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. – Mark R. Leach, Senior Land Use Planner, Faegre Drinker Biddle and Reath LLP

This instrument was prepared by J. Murray Clark, Mindy Westrick Brown, and Mark R. Leach, Faegre Drinker Biddle and Reath LLP.

ATTACHMENT "A"

Legal Description

THE PARCELS 1 - 17 AS DESCRIBED IN THE TITLE COMMITMENT ARE CONTIGUOUS. THE PERIMETER BOUNDARY OF SAID PARCELS BEING DESCRIBED AS FOLLOWS:

A part of West Half of Section 10, Township 14 North, Range 2 East, Second Principal Meridian, Marion County, Indiana, described as follows:

Beginning at the southeast corner of the Southwest Quarter of said Section 10; thence South 88 degrees 16 minutes 33 seconds West 2,689.75 feet along the south line of said quarter section to a point 25.00 feet from the west line said quarter section; thence North 0 degrees 9 minutes 26 seconds West 789.62 feet along a line parallel to and 25.00 feet east (by perpendicular measurement) of the west line said quarter section, to the southeasterly right-of-way of Kentucky Avenue/S.R. 67; thence along said right-of-way the following three (3) courses: 1) North 42 degrees 32 minutes 8 seconds East 190.11 feet; 2) Northeasterly 1,012.50 feet along an arc to the right having a radius of 49,009.64 feet and subtended by a long chord having a bearing of North 43 degrees 7 minutes 39 seconds East and a length of 1,012.48 feet; 3) North 43 degrees 43 minutes 9 seconds East 2,002.32 feet to the northern corner of "Parcel III" described in the Quitclaim Deed recorded as Instrument Number 1995-0009036; thence South 46 degrees 16 minutes 51 seconds East 261.10 feet along the northeasterly line of said "Parcel III" to a northern line of "Parcel II" described in said Quitclaim Deed; thence along the boundary of said "Parcel II" the following three (3) courses: 1) North 89 degrees 5 minutes 46 seconds East 107.14 feet; 2) North 0 degrees 14 minutes 14 seconds West 250.20 feet; 3) North 89 degrees 5 minutes 46 seconds East 179.75 feet to the east line of the Northwest Quarter of said Section 10; thence South 0 degrees 14 minutes 14 seconds East 500.00 feet along the east line of said Northwest Quarter to the southeast corner thereof; thence South 0 degrees 12 minutes 36 seconds East 2,609.16 feet along the east line of the Southwest Quarter of said Section 10 to the point of beginning and containing 130.557 acres, more or less.

Note: The above description was previously prepared by the Surveyor in March of 2022 and included on the survey recorded as Instrument No. A2023-11683.

ATTACHMENT "B"

Data Center Site Plan



ATTACHMENT "C"

Data Center Illustrative Building Elevations



NOVEMBER 2025 INDIANAPOLIS, IN BUILDING A 



NOVEMBER 2025 INDIANAPOLIS, IN BUILDING B 