

DEED RESTRICTIONS FOR THE WILLIAM B. AND JUDY CANTER PROPERTY
Parcel Number 067-00-00-179.00, Jessamine County Property Valuation Office
and also referenced in Deed Book 776, Page 161

WHEREAS, William B. and Judy Canter (hereinafter the "Declarants") are owners of certain property consisting of approximately 73.42 acres, which is referenced in the Jessamine County Property Valuation Office as Parcel Number 067-00-00-179.00, being the same property which is referred to in a MEMORANDUM AND AGREEMENT, of record in Deed Book 776, Page 161, and an AMENDED MEMORANDUM AND AGREEMENT, of record in Deed Book ____, Page____, and being the same property which was rezoned and annexed into the City of Nicholasville by the Nicholasville City Commission in April 2018, and more particularly described in Exhibit A attached hereto (hereinafter, the "subject property"); and

WHEREAS, the Canters desire to record these deed restrictions to effectuate a settlement of a zoning appeal filed by Paul Zettler, Teresa Aldridge and Dwight Boyle in the Jessamine Circuit Court to-wit: Civil Action Number 18-CI-301;

NOW, THEREFORE, William B. and Judy Canter impose the following restrictions and covenants on the subject property:

1. Prior to commencement of any construction of any structure on or industrial use of the subject property on the subject property, the Declarants or their successors in interest and assigns, shall construct and/or install the following, as illustrated on Exhibit B ("Final Development Plan"), attached hereto:

- A. On Lots 3, 4 and 5 a four foot (4 ft.) tall earthen berm, fifty feet (50 ft.) from the rear property line of said lots bordering adjacent properties. On top of this berm shall be planted a double row of eight foot tall (8ft) tall "Green Giant" arborvitae trees, staggered sixteen feet (16 ft.) on center.
- B. On Lots 3, 4 and 5 a new six foot (6 ft.) tall chain link fence shall be installed one hundred (100) feet from the rear lot lines of said lots bordering adjacent properties. This fence shall be connected to the existing fencing bordering the adjacent properties as illustrated on Exhibit B.
- C. Where the subject property adjoins the "Neal Cassity" property (lots 6 through 13 as denoted on Exhibit B), a fifteen foot (15 ft.) buffer shall be created and in this buffer shall be installed a double row of eight foot (8 ft.) tall "Green Giant" arborvitae trees staggered sixteen feet (16 ft.) on center.

- D. There shall be no additional buffering or planting installed (except for the fence on Lot 3) along the "southern" boundary of the subject property as illustrated on Exhibit B but any existing vegetation and trees along said boundary line shall not be disturbed.
- E. There shall be no development or structures permitted of any kind in the one hundred foot (100 ft.) fenced in area on Lots 3, 4 and 5. Gates shall be installed in this area as for the purpose of maintaining the buffer area consistent with the provisions of these restrictions.
- F. The existing tree stand which is located along the rear boundary line of Lots 3, 4 and 5 bordering adjacent properties shall not be disturbed or removed unless any of these trees become dead or decayed.
- G. The new fence, new trees, and new berm referenced herein shall be repaired or replaced as reasonably necessary to effectuate the purpose of these restrictions which is to provide the owners of the single family lots on Vincewood Drive effective screening and security from the industrial uses and the businesses on the subject property.
- H. The screening and buffering provisions provided for herein in paragraphs A – G above shall be in lieu of the minimum screening and buffering provisions required by the Nicholasville zoning ordinance.

2. These covenants and restrictions shall run with the land and be binding on the Declarant, their successors in interest and assigns for a period of thirty (30) years and shall be automatically extended for another thirty (30) year period every thirty (30) years thereafter.

3. These restrictions are expressly for the benefit of each of the Vincewood Drive single family property owners, their successors in interest and assigns, whose lot adjoins the subject property. Each of these property owners on Vincewood Drive shall have the right of enforcement should any of these restrictions be breached or violated.

4. These restrictions shall not be amended, altered or changed unless two thirds (2/3) of the owners of the single family lots on Vincewood Drive whose lots adjoin the subject property agree in writing with the Declarant or his successors in interest and assigns.



William B. Canter

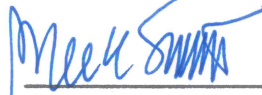


Judy Canter

COMMONWEALTH OF KENTUCKY
COUNTY OF Jessamine

Subscribed, sworn to and acknowledged before me by William B. Canter this the 16
day of July, 2019.

My commission expires: 1-15-2023



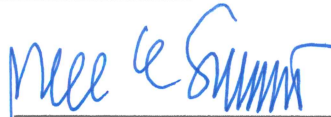
Notary Public

Notary # 615175

COMMONWEALTH OF KENTUCKY
COUNTY OF Jessamine

Subscribed, sworn to and acknowledged before me by Judy Canter this the 16 day of
July, 2019.

My commission expires: 1/15/2023

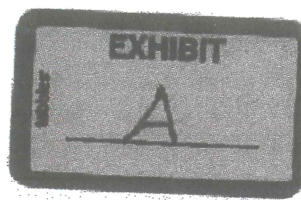


Notary Public

Notary # 615175

PREPARED BY:

T. Bruce Simpson, Jr.
Stoll Keenon Ogden PLLC
300 W. Vine St.
Suite 2100
Lexington, KY 40507



ANNEXATION BOUNDARY
WILLIAM B. CANTER PROPERTY
CANTER LANE

All that tract or parcel of land being situated easterly of and adjacent to the Bluegrass Industrial Park in Nicholasville, Jessamine County Kentucky and being more particularly described as follows, TO WIT:

Beginning at a point in the existing corporate limits of Nicholasville, Kentucky (Ordinance 552-2005), said point being a common corner to Canter and William N. & Joyce Cassity (D.B. 125; P. 616, D.B. 360; P. 433) and being in the line of Rshijbh Properties LLC (D.B. 593; P. 266), thence leaving the existing corporate limits of Nicholasville, Kentucky and continuing with the line of Cassity, S 27°46'47" W – 297.84' to a point, thence S 21°37'42" W – 2085.78' to a point, said point being a common corner to Canter and Singleton/Adams property (D.B. 679; P. 344, P.C. 11; Sl. 250) and being on the line of Vincewood Estates Subdivision, Unit 2 (P.C. 7; Sl. 133-B3), thence leaving the line of Vincewood Estates Subdivision and continuing with the line of Singleton/Adams, N 55°10'03" W – 1512.01' to a point, said point being a common corner to J.B. Johnson II (D.B. 508; P. 670, P.C. 3; Sl. 45) and being on the line of Juliana P. Whitman (D.B. 748; P. 430, P.C. 11; Sl. 335) and said point being on the existing corporate limits of Nicholasville (Ordinance 370-2001), thence with the existing corporate limits of Nicholasville, Kentucky and the easterly line of Bluegrass Industrial Park, N 27°01'13" E – 516.06' to a point and N 26°56'51" E – 1708.86' to an existing iron pin, common corner to Canter and Bluegrass Industrial Park and being on the line of Rshijbh Properties LLC (D.B. 593; P. 266), thence leaving the common line of Bluegrass Industrial Park and continuing with the existing corporate limits and line of Rshijbh Properties LLC (D.B. 593; P. 266), S 63°27'39" E – 549.60' to a point and S 58°24'14" E – 760.94' to the beginning and containing 73.42 acres.

EXHIBIT

B

TITLE BLOCK

PROJECT: [Blank]

DATE: [Blank]

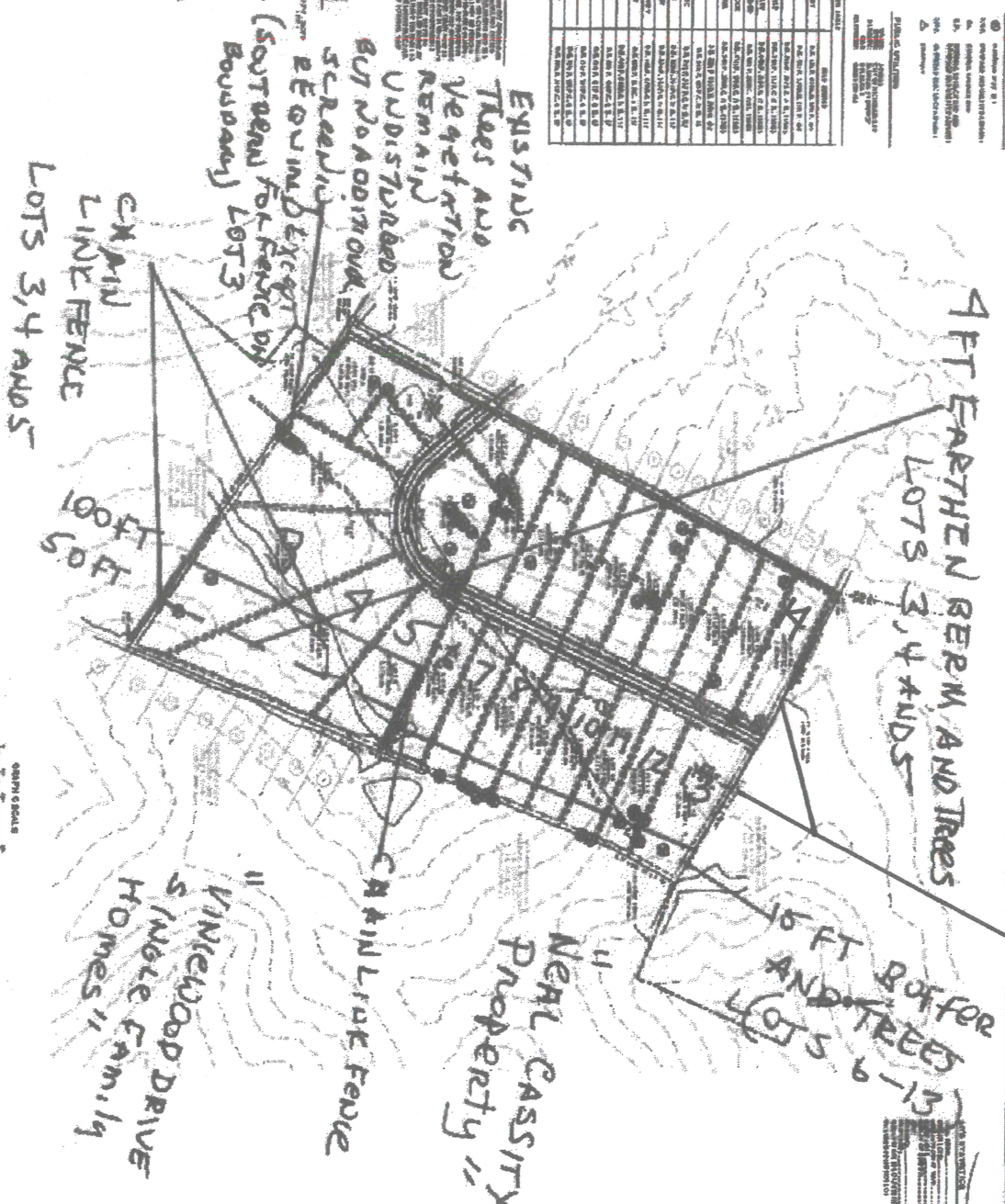
SCALE: [Blank]

BY: [Blank]

CHECKED BY: [Blank]

APPROVED BY: [Blank]

NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY PLAN		
2	FINAL DEVELOPMENT PLAN		
3	AS-BUILT		
4	REVISION		
5	REVISION		
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30	REVISION		



15 FOOT NONADJACENT BUFFER LOTS 13 & 14 PER MEMORANDUM AND GNE INC



BANKS Engineering, Inc.
WILLIAM B. CANTER PROPERTY
CANTER LANE
William B. Canter
620 Richmond Road, Nicholasville, KY 40305

FINAL DEVELOPMENT PLAN

PLANNING COMMISSION RESOLUTION

WHEREAS, the Planning Commission has reviewed the Final Development Plan for the [Project Name] and has determined that the plan complies with the [Zoning Ordinance] and the [Subdivision Ordinance];

AND WHEREAS, the Planning Commission has determined that the plan is in the best interests of the community;

IT IS HEREBY RESOLVED that the Planning Commission approves the Final Development Plan for the [Project Name] and that the plan be filed with the [County Clerk] for recording.

ADOPTED this [Date] day of [Month], [Year].

COMMISSIONER [Name]

CLERK [Name]