

STATEMENT OF BINDING ELEMENTS

This Statement of Binding Elements is filed pursuant to Article XXIII of the Zoning Ordinance/Resolution of Bowling Green and Warren County, Kentucky.

Property Owners: The property owner is Baker & Hilliard, Inc., a Kentucky corporation.

**Description of
Effected Property
and Source of**

Title:

See **EXHIBIT A** attached hereto and incorporated herein as if set forth in full.

This being the same property conveyed to Baker & Hilliard, Inc. by deeds of record in Deed Book 775, Page 291, and of record in Deed Book 783, Page 836, in the office of the Warren County Clerk.

BINDING ELEMENTS

1. The development shall proceed tract by tract with no tract being permitted to be developed until internal fire protection is provided to said development as well as satisfactory utilities, including sewer. All fire control standards of the City of Bowling Green will be met.
2. All utilities shall be underground, including gas, electric, water, sewer, telephone and cable for CATV. Water, including fire hydrants meeting fire control standards, will be extended to the property.
3. All streets to be installed shall have curbs, gutters and sidewalks.
4. No less than twenty percent (20%) of the development shall be maintained as open space. All open spaces will be interconnected by a minimum of a three (3) foot wide walking trail. The ownership of the open space shall be private with the owner of same required to keep the open space well maintained, properly cultivated and free of trash and other unsightly material. The Developer retains the right to convey the open space to the City of Bowling Green, Kentucky, for use as a public park.
5. All lots in Tract 4 (being Parcels 8 and 9) shall be known as single family residential lots. No structure shall be erected, altered, placed or permitted to remain on lots in said sections other than a detached single family dwelling with a detached garage or storage building. All detached garages or storage buildings shall be constructed of the same quality and material as

the dwelling building. No structure on said single family residential lots shall exceed two and one-half (2-1/2) stories.

6. Each residence in Tract 4 (Parcels 8 and 9) must have a private fully enclosed garage. The interior of all garages must be finished. No more than twenty-five percent (25%) of the units to be located on Tract 4 may utilize front-loaded garages.

7. Only one (1) outbuilding, with the exception of a detached garage, will be allowed on any one lot or lots if a dwelling is built on more than one lot (one outbuilding per residence). An outbuilding may not be larger than two hundred (200) square feet. The exterior must be complete and can only be one (1) story in height.

8. All residences shall face the deepest setback line, and all entry to corner lots shall be from the lower classification street. All entry to lots with access to an alley shall be from the alley.

9. Townhouses, as described in Section 17.5 of the Zoning Ordinance/Resolution for Warren County, are permitted. If developed for multi-family use, the development will be under a single management or must be undertaken under condominium ownership provisions or through utilization of a property owners association.

10. All development shall be in strict compliance with the City of Bowling Green's landscaping and land use buffer ordinance with respect to multi-family residential development and commercial development.

11. Final lot grade shall conform to the Developer's drainage plan which shall be approved by the City-County Planning Commission.

12. All lots shall be sodded or seeded to the edge of the street pavement at the time of the building construction.

13. Owners of lots encompassing storm water retention areas are responsible for the maintenance of the portion of the basin on their property. Maintenance shall include the following:

a. Grass shall be maintained so as not to exceed five (5) inches in height.

b. No permanent structures of any type shall be placed in these areas without the written permission of the City-County Planning Commission.

14. All shrubs, trees, grass and plantings of any kind shall be kept well maintained, properly cultivated and free of trash and other unsightly material. All lots shall be maintained such that grass shall not exceed five (5) inches in height.

15. No trailer, tent, shack or barn shall be erected on the property.

16. No noxious or offensive trade or activity shall be carried on or upon any lot, nor shall anything be done which may be or become a nuisance to the neighborhood.

17. Any development shall be connected to sanitary sewer.

18. The Developer will meet all requirements of the subdivision regulations of Warren County including, but not limited to, requirements with respect to effective erosion and sedimentation control.

19. No commercial lot may be combined with any other lot to increase the total acreage to a point equal to or in excess of three (3) acres without the filing and obtaining of a zone change to planned shopping center. In addition, no commercial development may take place within the development larger than 30,000 square feet unless developed as a planned shopping center.

20. Signage and lighting in the commercial zones shall be in strict compliance with Walnut Valley Focal Point Plan Policy LU-6-WV3.

21. All construction shall be in accordance with the following builder's standards:

a. In order to regulate, control and limit the type of residential dwelling within the subdivision, all plans and specifications shall be submitted to the Developer for approval at least thirty (30) days before construction is to start, and the Developer, or its appointee, shall approve or reject the same within thirty (30) days after said plans have been submitted for approval. The Developer will use the following criteria in determining whether to grant design approval:

- At least one half of the houses on a block must be constructed principally of brick, stone, DRIVIT, stucco or similar masonry material.
- Although floor plans may be identical, no more than two adjacent houses in a single block may have identical front elevations.
- At least one house per block must be 1½ or two story.
- Lots with rear service drives may not have front facing driveways or garages.
- At least half of lots that have rear service drives must have at least one-car garages.
- Houses built on lots that allow front facing garages should have the front line of the garage recessed from the front entrance wall.

b. To ensure the quality of commercial development within the subdivision, all plans and specifications shall be submitted to the Developer for review by a committee of professionals such as architects, planners and others at least thirty (30) days before construction is to start, and the Developer or its committee shall approve or reject same within thirty (30) days after said plans have been submitted for approval.

- c. Any structures must be completed within one year after construction has commenced.
- d. No lot provided with a rear service drive may have a front loaded drive or garage.
- e. A front sidewalk is to be constructed concurrent with the construction of each house as located and specified by the subdivision construction plans.
- f. Driveways in the subdivision shall be paved with hard surface material.
- g. The Developer, or its successor in interest including any builder who purchases more than 25 lots, reserves the right to maintain a temporary office on any lot owned by it individually, and as joint owners or as trustee, for the purpose of construction management and home sales.

22. The general development plan filed simultaneously with this Statement of Binding Elements is marked **EXHIBIT A** and incorporated by reference.

The foregoing binding elements shall be binding upon the owner, its successors and assigns, the Planning Commission and legislative bodies of Bowling Green and Warren County, Kentucky as of the date of adoption unless otherwise amended pursuant to Article XXIII of the Zoning Ordinance/Resolution. These binding elements are adopted effective this the 21ST day of SEPTEMBER, 1999. Binding Elements 6, 7, 8, 15 and 21 shall remain as binding elements only until a plat is filed at which time they should become plat restrictions.

BAKER & HILLIARD, INC.

BY: Jerry E Baker, Pres.

COMMONWEALTH OF KENTUCKY

COUNTY OF WARREN

SUBSCRIBED AND SWORN TO before me by JERRY BAKER of Baker & Hilliard, Inc., on this 21 day of September, 1999.

Barbara S Robert
 Notary Public, Ky. State-at-Large
 My Commission Expires: 10-16-2002

THIS INSTRUMENT PREPARED BY:
 ENGLISH, LUCAS, PRIEST & OWSLEY
 Attorneys at Law
 1101 College Street, P.O. Box 770
 Bowling Green, KY 42102-0770
 (502) 781-6500

BY: Keith M. Carwell
 KEITH M. CARWELL
 208620-1

**PROPERTY DESCRIPTION
BAKER & HILLIARD PROPERTY
TRACT 1 REQUESTING B-4**

Being Parcel 1 as identified on the rezoning plat submitted to The City-County Planning Commission and a portion of the property identified in Deed Book 775, Page 291 in the Office of The Warren County Clerk, and being more particularly described as:

Being a certain parcel of land located along U.S. Highway 68–Kentucky Highway 80 (Russellville Road) and Kentucky Highway 432 (Blue Level Road) within the City Limits of Bowling Green in Warren County, Kentucky, beginning at an iron pin located in the rights-of-way intersection of U.S. Highway 68–Kentucky Highway 80 (Russellville road) and Kentucky Highway 432 (Blue Level Road); thence with the right of way line of U.S. Highway 68–Kentucky Highway 80 (Russellville Road) S 70 d 24' 02" W 180.10' to an iron pin; thence S 76 d 09' 02" W 345.29' to an iron pin; thence S 61 d 58' 06" W 377.17' to an iron pin; thence S 58 d 14' 17" W 506.65' to an iron pin; thence S 51 d 37' 50" W 350.57' to an iron pin; thence S 62 d 23' 07" W 151.32' to an iron pin; thence leaving the right of way N 35 d 07' 22" W 300.00' to a point; thence N 52 d 57' 54" E 310.00' to a point; thence N 19 d 55' 24" E 250.00' to a point; thence S 69 d 14' 43" E 210.00' to a point; thence N 19 d 43' 05" E 250.00' to a point; thence N 68 d 12' 14" E 1185.00' to a point in the right of way of Kentucky Highway 432 (Blue Level Road); thence S 21 d 47' 46" E 367.08' to an iron pin; thence S 72 d 13' 08" W 15.83' to an iron pin; thence S 17 d 46' 52" E 50.00' to the point of beginning containing 17.08 acres.

**PROPERTY DESCRIPTION
BAKER & HILLIARD PROPERTY
TRACT 2 REQUESTING B-2**

Being Parcels 2,3 and 4 as identified on the rezoning plat submitted to The City-County Planning Commission and a portions of the properties identified in Deed Book 775, Page 291 and Deed Book 783, Page 836 in the Office of The Warren County Clerk, and being more particularly described as:

Being a certain parcel of land located along U.S. Highway 68–Kentucky Highway 80 (Russellville Road) and Kentucky Highway 432 (Blue Level Road) within the City Limits of Bowling Green in Warren County, Kentucky, beginning at an iron pin located in the rights-of-way intersection of U.S. Highway 68-Kentucky Highway 80 (Russellville road) and Kentucky Highway 432 (Blue Level Road); thence with the right of way line of Kentucky Highway 432 (Blue Level Road) N 17 d 46' 52" W 50.00' to an iron pin; thence N 72 d 13' 08" E 15.83' to an iron pin; thence N 21' 47' 46" W 367.08' to the **point of beginning**; thence leaving said right-of-way S 68 d 12' 14" W 1185.00' to a point; thence S 19 d 43' 05" W 250.00' to a point; thence N 69 d 14' 43" W 210.00' to a point; thence S 19 d 55' 24" W 250.00' to a point; thence S 52 d 57' 54" W 310.00' to a point; thence S 35 d 07' 22" E 300.00' to an iron pin in the northern right-of-way of U.S. Highway 68-Kentucky Highway 80 (Russellville Road); thence S 52 d 00' 20" W 200.25' to an iron pin; thence S 52 d 32' 24" W 506.12' to an iron pin; thence S 52 d 34' 07" W 456.04' to an iron pin; thence S 45 d 42' 02" W 405.29' to an iron pin; thence leaving said right-of-way N 41 d 33' 33" W 500.00' to a point; thence N 48 d 26' 27" E 520.00' to a point; thence N 25 d 21' 43" W 230.00' to a point; thence N 06 d 10' 52" E 400.00' to a point; thence N 30 d 07' 36" E 370.00' to a point; thence N 54 d 04' 20" E 550.00' to a point; thence N 79 26' 57" E 350.00' to a point; thence S 75 d 10' 26" E 450.00' to a point; thence N 53 d 50' 37" E 285.00' to a point; thence N 68 d 12' 14" E 1072.15' to a point in the right-of-way of Kentucky Highway 432 (Blue Level Road); thence with said right-of-way S 22 d 24' 26" E 12.07' to an iron pin; thence S 21 d 14' 59" E 126.11' to an iron pin; thence N 73 d 10' 55" E 5.02' to an iron pin; thence S 21 d 47' 46" E 96.39' to the point of beginning containing 48.91 acres.

**PROPERTY DESCRIPTION
BAKER & HILLIARD PROPERTY
TRACT 3 REQUESTING R-4 MULTI-FAMILY**

Being Parcels 5,6 and 7 as identified on the rezoning plat submitted to The City-County Planning Commission and a portions of the properties identified in Deed Book 775, Page 291 and Deed Book 783, Page 836 in the Office of The Warren County Clerk, and being more particularly described as:

Being a certain parcel of land located along U.S. Highway 68–Kentucky Highway 80 (Russellville Road) and Kentucky Highway 432 (Blue Level Road) within the City Limits of Bowling Green in Warren County, Kentucky, beginning at an iron pin located in the rights-of-way intersection of U.S. Highway 68-Kentucky Highway 80 (Russellville road) and Kentucky Highway 432 (Blue Level Road); thence with the right of way line of Kentucky Highway 432 (Blue Level Road) N 17 d 46' 52" W 50.00' to an iron pin; thence N 72 d 13' 08" E 15.83' to an iron pin; thence N 21 d 47' 46" W 463.47' to an iron pin; thence S 73 d 10' 55" W 5.02' to an iron pin; thence N 21 d 14' 59" W 126.11' to an iron pin; thence N 22 d 24' 26" W 12.07' to the **point of beginning**; thence leaving said right-of-way S 68 d 12' 14" W 1072.15' to a point; thence S 53 d 50' 37" W 285.00' to a point; thence N 75 d 10' 26" W 450.00' to a point; thence S 79 d 26' 57" W 350.00' to a point; thence S 54 d 04' 20" W 550.00' to a point; thence S 30 d 07' 36" W 370.00' to a point; thence S 06 d 10' 52" W 400.00' to a point; thence S 25 d 21' 43" E 230.00' to a point; thence S 48 d 26' 27" W 520.00' to a point; thence N 41 d 33' 33" W 881.23' to a point; thence N 51 d 39' 50" E 2617.83' to a point; thence N 12 d 12' 23" E 189.64' to a point in the right-of-way of Kentucky Highway 432 (Blue Level Road); thence with said right-of-way S 77 d 47' 37" E 586.46' to an iron pin; thence leaving said right-of-way and with Minor Plat Book 7, Page 218 S 12 d 13' 40" W 158.17' to an iron pin; thence S 78 d 03' 20" E 280.83' to an iron pin; thence N 11 d 51' 35" E 158.74' to an iron pin in the right-of-way of Kentucky Highway 432 (Blue Level Road); thence with said right of way a curve to the left, Length of 177.46', Radius of 648.40', Delta of 15 d 40' 54", Chord Length of 176.91' bearing S 86 d 00' 47" E to an iron pin; thence N 86 d 08' 46" E 302.22' to an iron pin; thence a curve to the right, Length of 137.17', Radius of 110.00', Delta of 71 d 26' 48", Chord Length of 128.45' bearing S 58 d 07' 50" E to an iron pin; thence S 22 d 24' 26" E 134.80' to the point of beginning containing 43.18 acres.

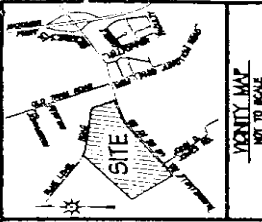
**PROPERTY DESCRIPTION
BAKER & HILLIARD PROPERTY
TRACT 4 REQUESTING R-4 SINGLE-FAMILY**

Being Parcels 8 and 9 as identified on the rezoning plat submitted to The City-County Planning Commission and a portions of the properties identified in Deed Book 775, Page 291 and Deed Book 783, Page 836 in the Office of The Warren County Clerk, and being more particularly described as:

Being a certain parcel of land located along U.S. Highway 68–Kentucky Highway 80 (Russellville Road) and Kentucky Highway 432 (Blue Level Road) within the City Limits of Bowling Green in Warren County, Kentucky, beginning at an iron pin located in the rights-of-way intersection of U.S. Highway 68–Kentucky Highway 80 (Russellville road) and Kentucky Highway 432 (Blue Level Road); thence with the right of way line of Kentucky Highway 432 (Blue Level Road) N 17 d 46' 52" W 50.00' to an iron pin; thence N 72 d 13' 08" E to an iron pin; thence N 21 d 47' 46" W 463.47' to an iron pin; thence S 73 d 10' 55" W 5.02' to an iron pin; thence N 21 d 14' 59" W 126.11' to an iron pin; thence N 22 d 24' 26" W 146.87' to an iron pin; thence a curve to the left, Length of 137.17', Radius of 110.00', Delta of 71 d 26' 48", Chord Length of 128.45' bearing N 58 d 07' 50" W to an iron pin; thence S 86 d 08' 46" W 302.22' to an iron pin; thence a curve to the right, Length of 177.46', Radius of 648.40', Delta of 15 d 40' 54", Chord Length of 176.91' bearing N 86 d 00' 47" W to an iron pin; thence N 78 d 10' 21" W 279.81' to an iron pin; thence N 77 d 47' 37" W 586.46' to the **point of beginning**; thence leaving said right-of-way S 12 d 12' 23" W 189.64'; thence S 51 d 39' 50" W 2617.83' to a point; thence N 41 d 33' 33" W 199.97' to an iron pin; thence N 38 d 41' 12" E 619.34' to an iron pin; thence N 39 d 01' 54" E 1353.33' to an iron pin; thence N 40 d 23' 53" E 397.59' to an iron pin in the southern right-of-way of Kentucky Highway 432 (Blue Level Road); thence with said right-of-way a curve to the left, Length of 156.87', Radius of 590.07', Delta of 15 d 13' 56", Chord Length of 156.41' bearing S 70 d 10' 34" E to an iron pin; thence S 77 d 47' 37" E 594.54' to the point of beginning containing 28.54 acres.

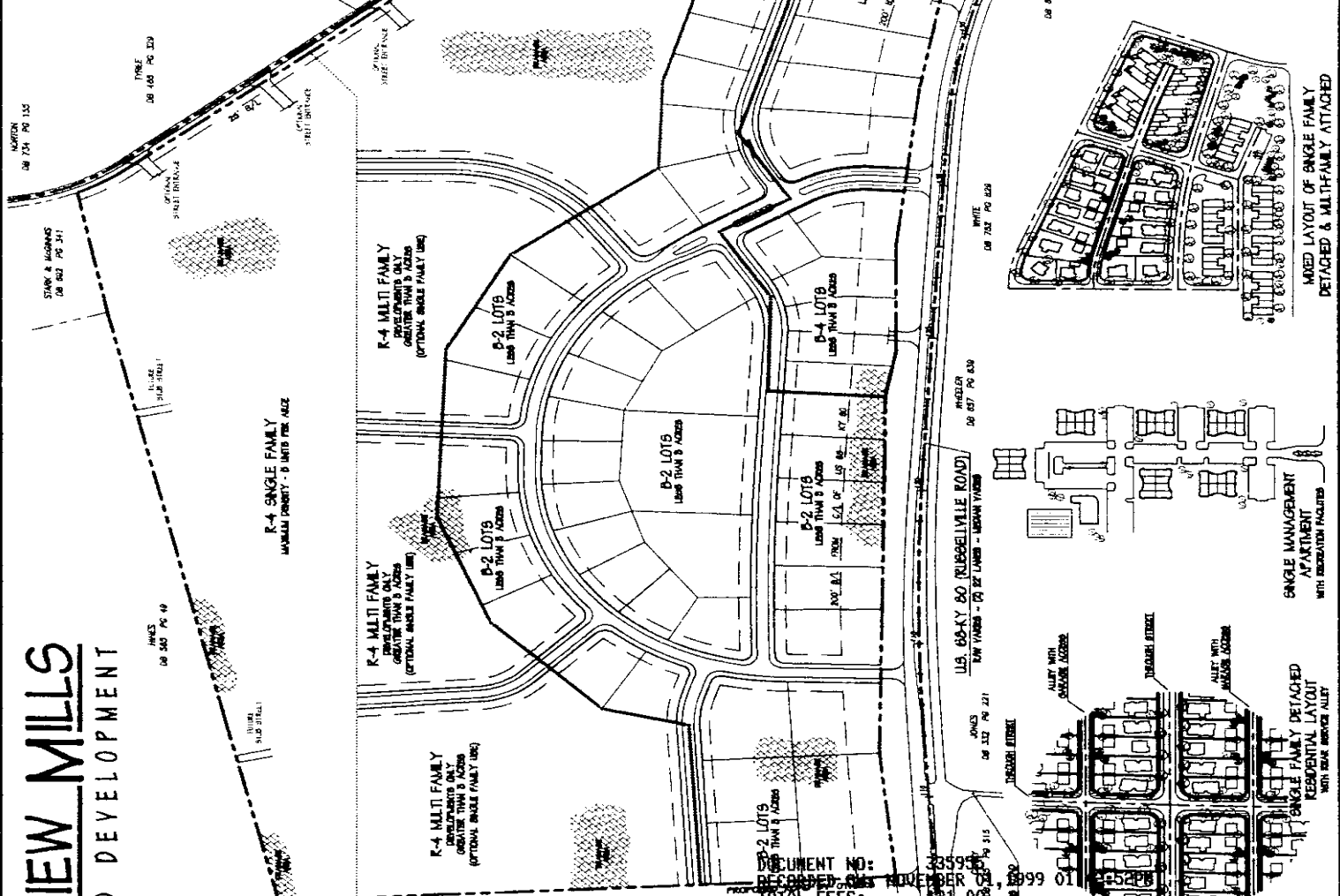
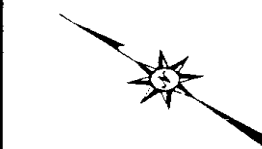
HILLVIEW MILLS

PLANNED DEVELOPMENT



GENERAL NOTES:

- 1- BOUNDARY OF THIS PLANNED DEVELOPMENT IS SHOWN ON THIS MAP.
- 2- TOTAL AREA = 87.71 ACRES.
- 3- THIS PROPERTY DOES NOT LIE WITHIN A PLANNED DEVELOPMENT AS SHOWN ON THE PLANNING COMMISSION RECORD MAP.
- 4- THIS PROPERTY IS CONCEPTUALLY PLANNED AND CONTROLLED BY THE SUBDIVISION REGULATIONS SET FORTH BY THE CITY-COUNTY PLANNING COMMISSION.
- 5- STREET DIMENSIONS AS SHOWN ARE CONCEPTUAL DIMENSIONS AND ARE SUBJECT TO CHANGE BY THE DEPARTMENT OF TRANSPORTATION.
- 6- ALL DIMENSIONED AREAS ARE INTERPRETED AS BEING TO BE USED FOR DRAINAGE PURPOSES AND GREEN SPACE UNLESS OTHERWISE NOTED. ALL AREAS ARE SUBJECT TO CHANGE BY THE CITY-COUNTY PLANNING COMMISSION.



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 TOTAL FEES: \$21,000
 COUNTY CLERK: YVONNE GUY
 COUNTY: WARREN COUNTY
 DEPUTY CLERK: CARLA HILL

BOOK D792 PAGES 159 - 160

PLANNED DEVELOPMENT MAP - 5/13/10