

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered this 4 day of March, 2024, by and between LEXINGTON FAYETTE URBAN COUNTY GOVERNMENT (“LFUCG”), an Urban County Government pursuant to KRS 67A, and WAVELAND WOODS, LLC (“Waveland”), as owner of the real property located at 1100 Armstrong Mill Road, Lexington, Kentucky 40517 (“Property”). As owner of the Property, and pursuant to Note 13 on the Certified Development Plan for the development known as Millcreek Subdivision Unit 3 and Jonestown on the Property, PLN-MJDP-21-00039, Waveland hereby agrees and accepts that LFUCG shall build and maintain a shared-use trail/pedestrian path over that portion of the Property as shown in the document attached hereto as Exhibit 1. LFUCG and Waveland further agree and understand that the shared-use trail/pedestrian path shall be constructed by LFUCG at its sole expense; that LFUCG shall be exclusively responsible for all costs, expenses, obligations and liabilities with respect to the maintenance of this shared-use trail/pedestrian path once constructed; and that LFUCG, to the extent permitted by law, and without waiving the defense of sovereign immunity or any other legal defense it may have against third party claims, shall indemnify and hold Waveland harmless from any actions, demands, claims or liability of any kind relating to any claim for injury or damage arising out of any activity whatsoever occurring in connection with the construction, maintenance and use of the shared-use trail/pedestrian path shown in the attached Exhibit 1, including without limitation all costs and reasonable attorneys’ fees relating thereto.

**LEXINGTON FAYETTE
URBAN COUNTY GOVERNMENT:**

By: _____

Printed Name: _____

Its: _____

COMMONWEALTH OF KENTUCKY

COUNTY OF FAYETTE

Subscribed and sworn to before me by _____, as duly authorized representative of Lexington Fayette Urban County Government on this the _____ day of _____, 2024.

My commission expires: _____.

NOTARY PUBLIC

WAVELAND WOODS, LLC:

By: Jennifer Perry

Printed Name: Jennifer Perry

Its: Manager

STATE OF Kentucky

COUNTY OF Fayette

Subscribed and sworn to before me by Jennifer Perry as duly authorized representative of Waveland Woods, LLC on this the 4th day of March, 2024.

My commission expires: 1-9-27.

ROBIN MACHELLE TRUAX
NOTARY PUBLIC
STATE AT LARGE
KENTUCKY
COMMISSION # KYNP64731
MY COMMISSION EXPIRES 01/09/2027

Robin Machelles Truax
NOTARY PUBLIC

