



**STOLL
KEENON
OGDEN**

P.L.L.C.

300 WEST VINE STREET
SUITE 2100
LEXINGTON, KY 40507-1801
MAIN: (859) 231-3000
FAX: (859) 253-1093

RECEIVED

MAR 17 2015

DIV. OF PLANNING

NICK NICHOLSON

DIRECT DIAL: (859) 231-3950
DIRECT FAX: (859) 246-3649
Nick.Nicholson@skofirm.com

March 12, 2015

Chris King
Director
Division of Planning
101 East Vine Street, Suite 700
Lexington, KY 40507

Re: Cemetery Relocation - Fritz Farm

Dear Mr. King:

We represent Bayer Properties, LLC ("Bayer") in the development of The Summit: At Fritz Farm located at 4100 Nicholasville Road (the "Property"). During the initial site preparation work and permitting process with the Army Corps of Engineers on the Fritz Farm an abandoned cemetery was discovered. Since that time, we've been able to date the cemetery to the early 1800's through deed references.

Pursuant to KRS § 381.755 and 901 KAR 5:090, Bayer requests that the Lexington-Fayette Urban County Council issue a resolution authorizing the relocation of the abandoned cemetery from its current location to a more proper location on the Fritz Farm site. While this function was statutorily granted to the fiscal court of the application county, KRS § 67A.060 transferred this function from the Fayette Fiscal Court to the Lexington-Fayette Urban County Council after the City and County merger.

The required notice for the relocation was properly posted in the Lexington-Herald Leader beginning February 11, 2015. The required 60-day period will expire on April 12, 2015. KRS § 381.755(2) clearly authorizes the Urban County Council to pass the resolution authorizing the relocation prior to the expiration of the notice period. We would like to relocate the cemetery at the expiration of the 60 days.

Please contact me if you require any additional information. I've enclosed with this letter our proposed Resolution authorizing the relocation, the current Fritz Farm development plan showing the location of the abandoned cemetery on the northern part of the Property, and a copy of the February 11th Notice that ran in the Herald-Leader.

Best Regards;

Stoll Keenon Ogden PLLC



Nick Nicholson