

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: Linda Gorton

Printed Name: Linda Gorton

Its: Mayor

COMMONWEALTH OF KENTUCKY

COUNTY OF FAYETTE

Subscribed and sworn to before me by Linda Gorton, as duly authorized representative of Lexington Fayette Urban County Government on this the 26 day of May, 2024.

My commission expires: 11/20/2027.

Mackenzie Stock
NOTARY PUBLIC KYNP82853

WAVELAND WOODS, LLC:

By: Jennifer Perry

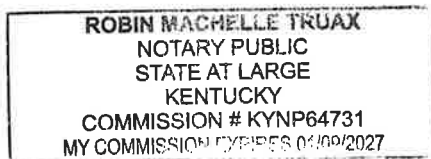
Printed Name: Jennifer Perry

Its: Manager

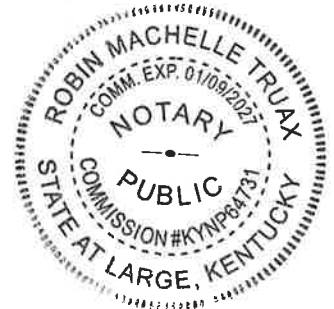
STATE OF Kentucky
COUNTY OF Fayette

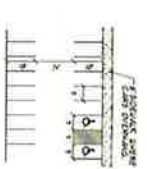
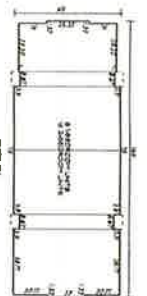
Subscribed and sworn to before me by Jennifer Perry as duly authorized representative of Waveland Woods, LLC on this the 4th day of March, 2024.

My commission expires: 1-9-27.



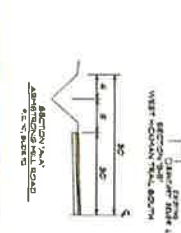
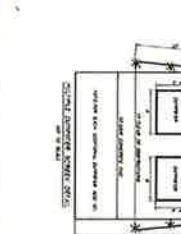
Robin Machelles Truax
NOTARY PUBLIC





TRAIL PRESERVATION PLAN
 THE TRAIL PRESERVATION PLAN IS A KEY ELEMENT OF THE TRAIL EASEMENT EXHIBIT. IT SHOWS THE LOCATION OF THE TRAIL AND THE PROPOSED EASEMENT AREA. THE TRAIL IS TO BE PRESERVED AND MAINTAINED FOR THE BENEFIT OF THE COMMUNITY.

GENERAL NOTES:
 1. THE TRAIL IS TO BE PRESERVED AND MAINTAINED FOR THE BENEFIT OF THE COMMUNITY.
 2. THE TRAIL IS TO BE PRESERVED AND MAINTAINED FOR THE BENEFIT OF THE COMMUNITY.
 3. THE TRAIL IS TO BE PRESERVED AND MAINTAINED FOR THE BENEFIT OF THE COMMUNITY.



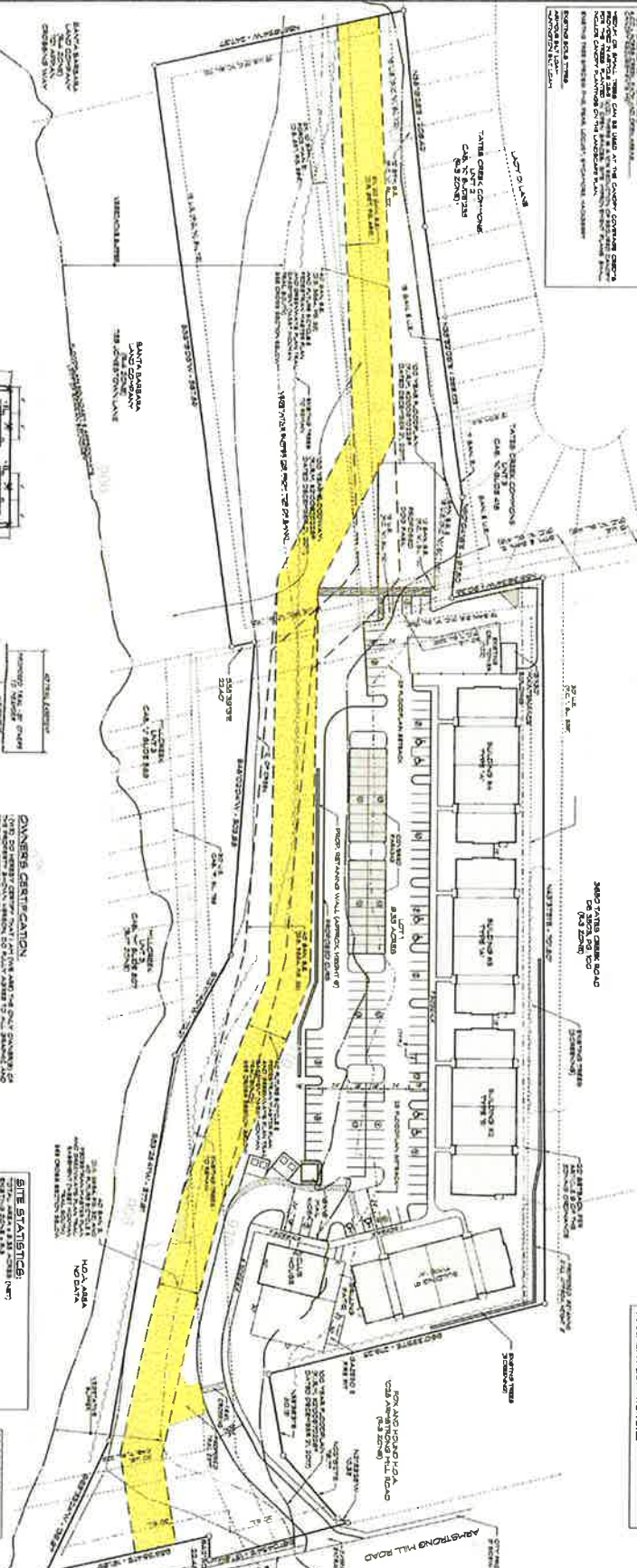
NOTES:
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 2. THE TRAIL IS TO BE PRESERVED AND MAINTAINED FOR THE BENEFIT OF THE COMMUNITY.
 3. THE TRAIL IS TO BE PRESERVED AND MAINTAINED FOR THE BENEFIT OF THE COMMUNITY.

PLANNING COMMISSION CERTIFICATION:
 I, THE PLANNING COMMISSION, DO HEREBY CERTIFY THAT THE TRAIL EASEMENT EXHIBIT IS IN ACCORDANCE WITH THE PLANNING COMMISSION'S POLICY AND THE TRAIL IS TO BE PRESERVED AND MAINTAINED FOR THE BENEFIT OF THE COMMUNITY.

OWNER CERTIFICATION:
 I, THE OWNER, DO HEREBY CERTIFY THAT THE TRAIL EASEMENT EXHIBIT IS IN ACCORDANCE WITH THE OWNER'S POLICY AND THE TRAIL IS TO BE PRESERVED AND MAINTAINED FOR THE BENEFIT OF THE COMMUNITY.

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 I, THE OWNER, DO HEREBY CERTIFY THAT THE TRAIL EASEMENT EXHIBIT IS IN ACCORDANCE WITH THE OWNER'S POLICY AND THE TRAIL IS TO BE PRESERVED AND MAINTAINED FOR THE BENEFIT OF THE COMMUNITY.

TRAIL EASEMENT EXHIBIT
LFUGG, MILLCREEK SUBDIVISION UNIT 3
AND JONESTOWN
1100 ARMSTRONG MILL ROAD
LEXINGTON, FAYETTE COUNTY, KENTUCKY

EA Partners, PLLC
 CIVIL ENGINEERS - LAND SURVEYORS - LANDSCAPE ARCHITECTS
 2011 WEST STREET
 SUITE 200
 FAYETTEVILLE, KY 40424
 PHONE: (502) 399-1111
 FAX: (502) 399-1112
 WWW.EAPARTNERS.COM

DATE: 08/02/21
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