



**MARK E. YONTS**

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October 2, 2017

Environmental Quality & Public Works  
Attn: Chester Hicks, Administrative Officer  
200 E. Main St.  
Lexington, KY 40507

Re: Request for Relinquishment of Cross Street Right-of-Way

Dear Mr. Hicks,

I represent ABD Holdings, LLC and Earthman, LLC (hereinafter "Petitioners") which are owned, managed, and controlled by Dr. Thomas Pearse Lyons of Alltech, Inc.. These affiliated companies own eleven (11) properties on Maxwell, Cross, and Pine Streets in Lexington, Kentucky (See attached Exhibit A). These properties provide supporting uses and necessary infrastructure for Alltech's Town Branch Distillery and Brewery which are located adjacent to the relevant tracts of land. As you are aware, Alltech's distillery and brewery are a unique stop on the world-famous Kentucky Bourbon Trail and one of only a handful of joint brewing and distilling operations in the world. It is the intent of Dr. Lyons to consolidate all of the properties, including the distillery and brewery, into a single tract so as to better coordinate all of the business uses in this locale.

This summer, Mr. Lyons was able to re-zone the eleven (11) properties so that the underlying zoning matches Alltech's intended business uses. The last piece of the puzzle is merging these tracts – with the distillery and Brewery - into a single, final consolidated tract. The purpose of this consolidation is being driven by existing Alcohol Beverage Control ("ABC") Board rules and regulations. Currently, Alltech is unable to sell, market, or even offer alcohol tastings on certain portions of its property due to its licensing agreement with the ABC. The merger into a single tract would resolve this issue and allow Alltech to fully utilize the remaining lots in accordance with its proposed development.

Alltech has an approved preliminary development plan, and is currently pursuing a final development plan, to construct new facilities for tourists, visitors and related support activities.



But, unless the tracts can be consolidated, the development plan will fail. So, from that standpoint, it is imperative that Alltech resolve the ABC issue. Unfortunately, the ABC requires Alltech's alcohol related activities to occur under a single approved address, namely 401 Cross Street. So, as a precursor of moving forward with its development plan, Alltech must consolidate its properties under that single address.

To successfully consolidate the tracts under 401 Cross Street, however, the LFUCG Planning & Zoning staff is requiring all of the tracts must be contiguous to one another. Although Alltech owns and controls all of the properties on either side of Cross Street, the Planning staff will not allow a consolidation across the public right-of-way. Per the staff's suggestion, Alltech is seeking a relinquishment of the Cross Street Right-of-Way to Alltech in order to allow the consolidation of the properties to proceed. Accordingly, please accept this letter as our formal request to start the relinquishment process.

We have had preliminary discussion with Traffic & Engineering regarding this proposal request in order to address any preliminary concerns. Notably, an ingress/egress easement would be retained by LFUCG and the public for the portion of Cross Street between Maloney Alley and Maxwell Street. This is necessary to allow the current residents of Maloney Alley unimpeded access to Maxwell Street. Due to traffic concerns at the Maxwell Street intersection, however, Alltech suggests that Cross Street be made a one way private road running from Maxwell Street towards Pine Street. Please note this is just a suggestion given the feedback Alltech has received from its neighbors, including members of the Woodward Heights Neighborhood Association, regarding the unsafe and nearly blind entrance to Maxwell from Cross Street. It is also understood that LFUCG and others would retain any and all utility easements that run over, under or along Cross Street.

Please note that Alltech intends to improve the right-of-way to match the design and overall appearance of its buildings and facilities. Alltech prides itself on maintaining a beautiful and elegant entrance to the City of Lexington, and the addition of the Cross Street right-of-way would be no different. Further, the consolidated properties and related activities will promote and encourage tourism, creates jobs, and thereby improve the economic base and tax structure of the Lexington Metropolitan Area.

To facilitate this request, I have attached a legal description and sketch of the Cross Street right-of-way that Alltech wishes the City to relinquish (See attached Exhibit B). Of course, please feel free to contact me with any questions or concerns.



I am honored to represent the Petitioners in this matter, which if approved, will further augment and enhance a great success story within our city. Thank you for consideration of this request.

Sincerely,

*Mark E. Yonts*

Mark E. Yonts,  
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## **Exhibit A**

These are the properties which were recently re-zoned.

834 W. Maxwell

838 W. Maxwell

701 Pine Street

707 Pine Street

711 Pine Street

715 Pine Street

721 Pine Street

725 Pine Street

731 Pine Street

412 Cross Street

420 Cross Street

It is our intent to consolidate the above properties with the remaining Alltech properties located on the other side of Cross Street, to wit:

900 W. Maxwell, and

401 Cross Street

## **Exhibit B**

### **LEGAL DESCRIPTION**

#### **CROSS STREET RIGHT OF WAY**

Beginning at a point, the corner of the Right Of Way of West Maxwell and Cross Street, said point being the Northernmost corner of Cross St. ROW, thence with the ROW of W. Maxwell; S 41°16'07" E for 34.00' to a point, thence along the southern ROW of Cross Street; S 48°43'53" W for 321.51' to a point in the Northern ROW of Pine Street; thence with Pine Street ROW for two calls; N 40°47'44" W for 34.00' and N 48°43'53" E for 9.17' to a point, thence with Northern ROW of Cross Street; N 48°43'53" E for 312.06' to the point of beginning. This ROW area contains 0.251 acres.

Concret

W. MAXWELL  
ROW VARIES (Comm. of KY)

Concrete Sidewalk

900

20' B.L. (PC J, SL 620)

ABD HOLDINGS, LLC  
DB 3396, PG 709

Lot 2, PC J, SL 620

Area=0.389 Acres, Zone R-2

BRICK & CONC.  
PATIO

CONC. PARKING

COVERED  
DUMPSTER

CONC. WALL

CROSS STREET  
34' ROW (PC E, SL 9)

838

EARTHMAN, LLC  
DB 2772, PG 139

PC E, SL 9

Area=0.099 Acres,  
Zone R-2

834

EARTHMAN, LLC  
DB 2864, PG 489

PC E, SL 9

Area=0.185 Acres, Zone R-2  
3 SPACES

ABD HOLDINGS, LLC  
DB 3396, PG 713

PC E, SL 9

Area=0.086 Acres,  
Zone R-2

ABD HOLDINGS, LLC  
DB 3396, PG 709

Lot 1, PC J, SL 620

Area=0.450 Acres,  
Zone R-1

401

Asphalt Paving

MA

Newtown Pike Ext.  
ROW VARIES  
(7-593.40, Sht R11 & R13)  
UNDER CONSTRUCTION

20' B.L.  
(PC J, SL 620)

Conc. Curb

Concrete Sidewalk

420

ALLTECH  
DISTILLERY

ABD  
DB  
F

Area=1.358

OH DOOR  
Service Eri

3"

Conc

Conc