

October 10, 2014

Commissioner's Office

OCT 13 2014

Environmental Quality &
Public Works

VIA ELECTRONIC MAIL AND FIRST CLASS MAIL

David L. Holmes Esq.
Commissioner of Environmental Quality and Public Works
Lexington-Fayette Urban County Government
200 East Main Street, 9th Floor
Lexington, Kentucky 40507

RE: Road Closure Request – A Portion of Eldemere Road

Dear David:

I am writing this request for a road closure on behalf of my clients, Betsy Brooks Bulleit and Tom Bulleit, who reside at 760 Montclair Drive, Lexington, Kentucky. For over 60 years their, and their predecessor in title, entrance and driveway have been located on a stub of Eldemere Road which was never paved or utilized. This use was supported by an easement granted for that purpose many, many years ago. Several years ago a dispute arose between the Bulleits and the owners of the property at 810 Montclair Drive, which is a vacant lot. The nature of the dispute revolved around the claim of the easement over the Eldemere Road stub.

To make a long story short, this matter was resolved by the acquisition of the lot at 810 Montclair Drive by Elizabeth Brooks Bulleit (aka Betsy Brooks Bulleit) so that the adjoining property owners to this stub street are the same. The Bulleits would now like to have the street closed so that the underlying property can revert to the adjoining lots, namely 760 and 810 Montclair Drive. They will then consolidate the road closure by plat to 760 Montclair to ensure that their entranceway and driveway to their home are all on the same parcel.

Enclosed you will find a copy of the GIS aerial which reflects the current situation. I have circled the stub portion of Eldemere which I have been discussing herein. You will note that the property to the south has developed into a subdivision so that the likelihood of Eldemere ever being extended is nonexistent. I have also attached a legal description and survey of Kevin M. Phillips of Endris Engineering, of the road area requested to be closed.

Please consider this to be a formal request for the closure of a portion of Eldemere Road, all is described above. I believe the requirements of KRS 82.405(2) can easily be met with the common ownership of the adjoining and abutting properties. Thank you for your consideration of this request.

BINGHAM GREENEBAUM DOLL LLP

David L. Holmes Esq.

October 10, 2014

Page 2

Sincerely,

A handwritten signature in blue ink, appearing to read "Job D. Turner, III". The signature is stylized with a large loop at the end.

Job D. Turner, III

JDT/sah1

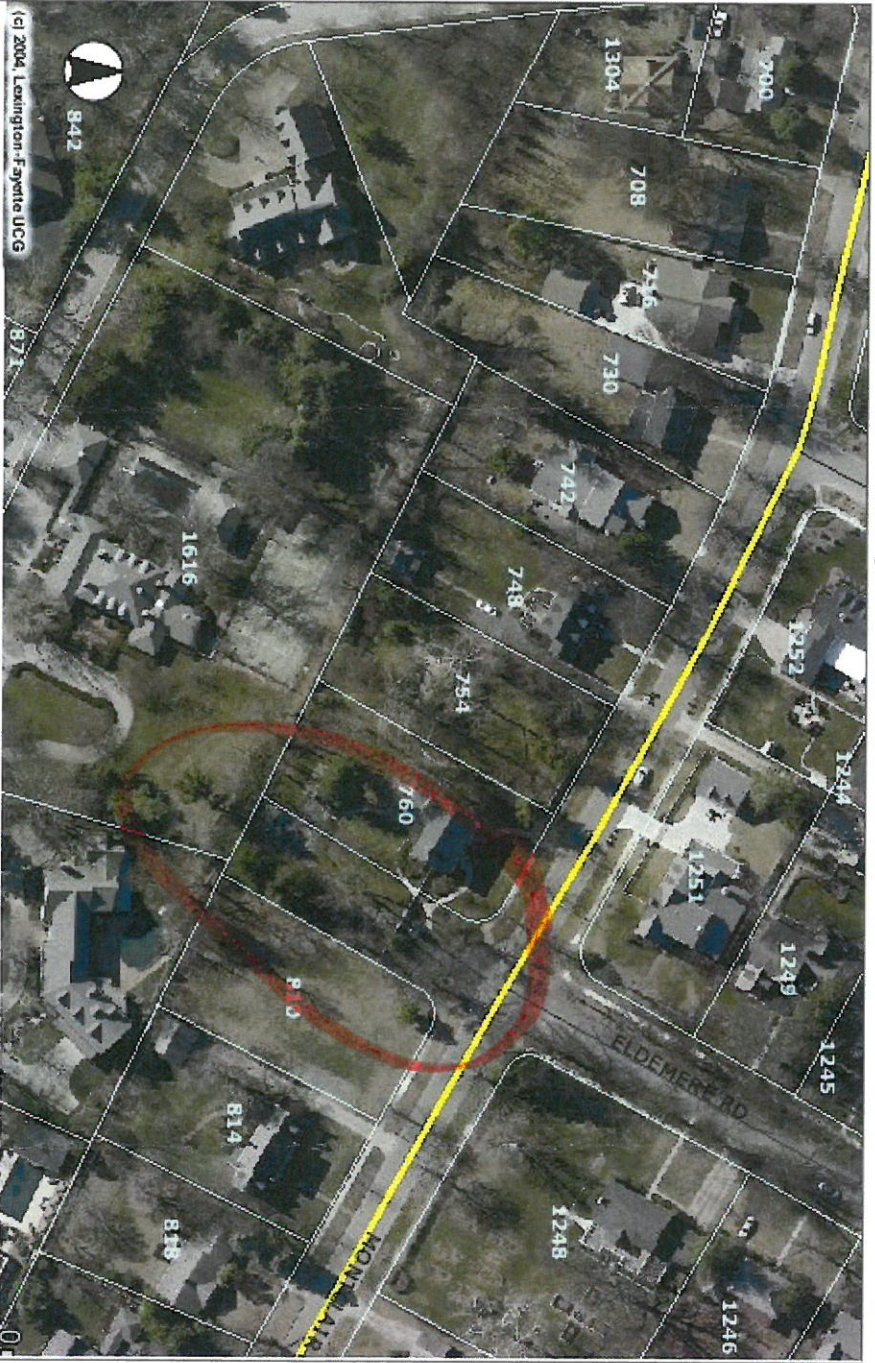
Enclosures

cc: Tom and Betsy Bulleit (via e-mail)

15637573_1.docx



Lexington-Fayette County



Pan

LAYERS

- All Layers
- Base
- Fire Station
- Street
- Color Photo
- Environmental
- Lake
- Stream
- Sewershed
- Treatment Plant
- Watershed
- Boundaries
- Census Tract
- Council District
- H-1
- Parcel
- Park
- Precinct
- Zipcode
- Zoning

Auto Refresh

Help:

- A closed group, click to open.
- An open group, click to close.
- A map layer.
- A hidden group/layer, click to make visible.
- A visible group/layer, click to hide.
- A partially visible group, click to make visible.
- An inactive layer,

Portion of Eldemere Road (to be closed)
Lexington, Fayette County, Kentucky
(south of Montclair Drive)

Being a parcel of land south of Montclair Drive, between Tates Creek Road and Summit Drive in Lexington, Fayette County, Kentucky, and being more particularly described as:

Beginning at a 24" long, 5/8" diameter rebar with surveyor's cap (PLS 3350) in the south right-of-way of Montclair Drive, said point being the northwest corner of Elizabeth Brooks Bulleit property (Deed Book 3263, Page 686 - Lot 3 of Plat Cabinet E, Slide 410), said point having Kentucky State Plane Coordinates of N=189,493.42 feet, E=1,569,619.25 feet (KY North Zone NAD '83, US Survey Feet); thence with the west line of Bulleit and the right-of-way of Eldemere Road for two calls:

with a curve turning to the left with an arc length of 39.27 feet, with a radius of 25.00 feet, with a chord bearing of South 74°14'50" West, with a chord length of 35.36 feet, to a 24" long, 5/8" diameter rebar with surveyor's cap (PLS 3350); thence

South 29°14'50" West a distance of 153.10 feet to a 5/8" diameter rebar with surveyor's cap (PLS 2504) found in the north line of Siby & Rebecca Saha (Deed Book 1742, Page 315 - Lot 3 of Plat Cabinet I, Slide 782); thence with the north line of Saha and then with Jeffery & Kayla R Monohan (Deed Book 3245, Page 507 - Lot 5 of Plat Cabinet I, Slide 782), North 64°10'19" West a distance of 60.11 feet to a point, said point being the southeast corner of Betsy Brooks Bulleit property (Deed Book 2538, Page 76 & Deed Book 3116, Page 87 - Parcel 3 of Plat Cabinet B, Slide 708); thence with the east line of Bulleit and the west right-of-way of Eldemere Road for two calls:

North 29°14'50" East a distance of 156.68 feet to a point; thence

with a curve turning to the left with an arc length of 39.27 feet, with a radius of 25.00 feet, with a chord bearing of North 15°45'10" West, with a chord length of 35.36 feet, to a point in the south right-of-way of Montclair Drive; thence with the south right-of-way of Montclair Drive, South 60°45'10" East a distance of 110.00 feet to a 24" long, 5/8" diameter rebar with surveyor's cap (PLS 3350); which is the Point of Beginning, having an area of 11061.6 square feet or 0.2539 acres.

The description above being based on an actual ground survey of the property conducted by Kevin M. Phillips (PLS 3350) of Endris Engineering, PSC whose address is 771 Enterprise Drive, Lexington, Kentucky 40510. The ground survey was concluded on September 26, 2014.

The bearings and coordinates shown hereon are based on Kentucky State Plane Grid North, (NAD83). Particularly, the bearings are based on a GNSS survey utilizing K.D.O.T. CORS (Continuously Operating Reference Station) data broadcast from "KYTG" located at the Transportation Cabinet District 7 Office. The station broadcasts Kentucky State Plane Coordinates of N(y)=209682.94, E(x)=1570696.89, Elevation=978.91. A Trimble R8 GNSS rover was used to establish the State Plane coordinates on-site.



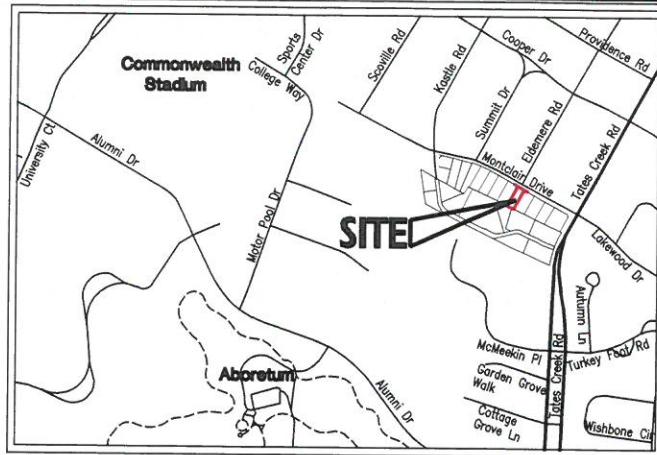
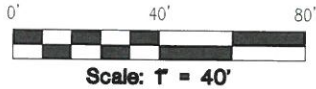


Kevin M. Phillips, PLS 3350
Endris Engineering, PSC
771 Enterprise Drive
Lexington, KY 40510

10-09-2014
Date

Legend

- △ 18"-long, 5/8" diameter rebar with plastic surveyor's cap (PLS 3350) SET
- MAG Nail w/ ID Washer (PLS 3350) SET
- ◇ FOUND Monument (as noted)



Vicinity Map (1" = 1,200')

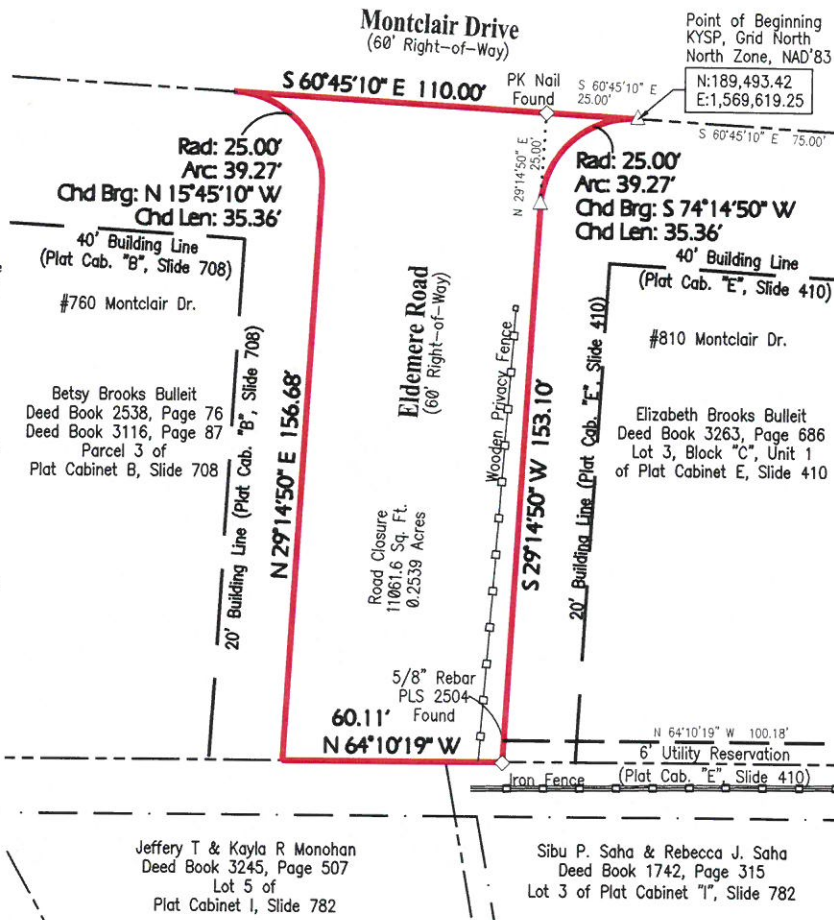


Survey Notes

According to the Flood Insurance Rate Map number 2100670138E for Lexington-Fayette Urban County Government, this property is not in a FEMA special flood hazard area.

This survey was made by the method of random traverse; the bearings and distances have been adjusted for closure. The unadjusted error of closure was 1: 79,438.

The bearings and coordinates shown hereon are based on Kentucky State Plane Grid North, (NAD83). Particularly, the bearings are based on a GNSS survey utilizing K.D.O.T. CORS (Continuously Operating Reference Station) data broadcast from "KYTC" located at the Transportation Cabinet District 7 Office. The station broadcasts Kentucky State Plane Coordinates of N(y)=209682.94, E(x)=1570696.89, Elevation=978.91. A Trimble R8 GNSS rover was used to establish the State Plane coordinates on-site.



Surveyor's Certification

I hereby certify that this plat and survey were prepared under my supervision and that the angular and linear measurements shown hereon are true and correct to the best of my knowledge and belief. This is an "Urban Survey and meets the standards of 201 KAR 18:150. No title search was conducted in the preparation of this survey.

KEVIN M. PHILLIPS, Professional Land Surveyor No. 3350

10-09-2014
Date



ENDRIS
engineering
771 Enterprise Drive
Lexington, Kentucky 40510

Eldemere Road-Street Closure

SURVEY CONDUCTED: 08-26-2014
DRAWN BY: JMN
CHECKED BY: KMP
FILE: 3341 Road Closure.dwg
JOB NUMBER: 3341

EXHIBIT _____