

RESOLUTION NO. 187- 2021

A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE A PARTIAL RELEASE OF DEED RESTRICTIONS, RELEASING THE RESTRICTION ON CERTAIN USES ON THE PROPERTY LOCATED AT 3116, 3120, and 3180 RICHMOND ROAD.

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BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 — That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized to execute a Partial Release of Restrictions and Consent, which is attached hereto and incorporated herein by reference, releasing the restriction on certain uses on the property located at 3116, 3120, and 3180 Richmond Road.

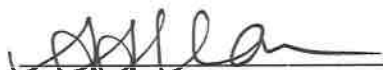
Section 2 — That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL: April 22, 2021



\_\_\_\_\_  
MAYOR

ATTEST:



\_\_\_\_\_  
CLERK OF URBAN COUNTY COUNCIL

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## PARTIAL RELEASE OF RESTRICTIONS AND CONSENT

THIS PARTIAL RELEASE OF RESTRICTIONS (this "Partial Release") is made as of this \_\_\_ day of \_\_\_\_\_, 2021, by LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, an urban county government pursuant to Chapter 67A of the Kentucky Revised Statutes, having its address at 200 East Main Street, Lexington, Kentucky 40507 ("LFUCG"), in favor of DF LEXINGTON PROPERTIES, LLC, a Kentucky limited liability company ("Owner"), and its successors and assigns in title.

WHEREAS, pursuant to that certain Deed of Restrictions dated November 8, 1991, of record at Deed Book 1606, Page 412 in the Office of the Clerk of Fayette County, Kentucky (the "Deed of Restrictions"), certain restrictions were placed of record against that certain real property set forth and described on Exhibit A attached hereto (the "Restricted Properties"); and

WHEREAS, DF Lexington Properties, LLC is the owner of the Restricted Properties now addressed as 3116, 3120, and 3180 Richmond by virtue of a Deed dated November 16, 2018, of record in Deed Book 3629, Page 251, in the Office of the Clerk of Fayette County, Kentucky; and

WHEREAS, the Deed of Restrictions restricts certain land uses for the Restricted Properties, and Owner, and/or its successors in title, desire to utilize the Restricted Properties for a portion of the uses that are restricted; and

WHEREAS, LFUCG desires to release certain uses originally restricted in the Deed of Restrictions as authorized by Section 8 of the Deed of Restrictions.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, LFUCG hereby states as follows:

1. LFUCG hereby releases the following uses in the Deed of Restrictions from being restricted on the Restricted Properties:

- (a) Section 1(b): "Establishments and lots for the display, rental, sale, service, and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, travel trailers, and mobile homes."
- (b) Section 1(c): "Full service automobile service stations. Full service means service stations offering mechanic stations, lubrication facilities, etc."
- (c) Section 1(d): "Cocktail lounges and night clubs, with entertainment, dancing and/or sale of alcoholic beverages and massage parlors."
- (d) Section 1(e): "Indoor amusements such as billiard or pool halls, dancing halls, skating rinks, theaters, or bowling alleys."
- (e) Section 1(f): "Kennels, animal hospitals, clinics, including offices of veterinarians with outside kennel facilities."
- (f) Section 1(o): "Arcades including pinball and electronic games."

2. This Partial Release shall not allow for the outdoor storage of farm equipment, contractor equipment, automobiles, motorcycles, trucks, travel trailers, and mobile homes in the various parking areas on the Restricted Properties.

3. This Partial Release shall be binding upon LFUCG and its successors and assigns in title.

4. This Partial Release shall be governed by and construed in accordance with the laws of the Commonwealth of Kentucky.

IN WITNESS WHEREOF, LFUCG has executed this Partial Release as of the date set forth above.

LEXINGTON-FAYETTE URBAN  
COUNTY GOVERNMENT

\_\_\_\_\_  
Mayor

STATE OF KENTUCKY)  
)  
COUNTY OF FAYETTE)

The foregoing instrument was acknowledged before me by \_\_\_\_\_, as \_\_\_\_\_ of Lexington-Fayette Urban County Government, an urban county government pursuant to KRS 67, on behalf of said government, on this \_\_\_\_ day of \_\_\_\_\_, 2021.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC, KENTUCKY,  
STATE AT LARGE

THIS INSTRUMENT  
PREPARED BY:

\_\_\_\_\_  
Nick Nicholson  
Stoll Keenon Ogden PLLC  
300 W. Vine St., Suite 2100  
Lexington, KY 40507  
(859) 231-3000

**EXHIBIT A**  
**RESTRICTED PROPERTIES**

Parcel 1:

Lying in State of Kentucky, Fayette County, City of Lexington and being more particularly described as follows:

Being New Lots 1-A and 1-B, Block "A", as shown on plat entitled Amendment No. 2 Final Subdivision Plan of Stanford Companies Property, of record in Plat Cabinet J, Slide 321, in the Office of the Clerk of Fayette County, Kentucky, and being more particularly shown on that certain ALTAI ACSM Land Title Survey of Stanford Companies Property, prepared for A.B./Lexington Limited Partnership, prepared by Endris Engineering, bearing seal and certification of Hugo A. Endris Land Surveyor No. 2405, made as of December 1, 1994, certified and dated January 17, 1995.

LESS AND EXCEPT;

That portion of the above described property consisting of a 0.047 acre tract and a 0.052 acre tract conveyed to the Commonwealth of Kentucky, for the use and benefit of the Transportation Cabinet, Department of Highways, dated May 17, 2002 and recorded July 27, 2002 in Deed Book 2289, page 224 in the Fayette County Court Clerk's Office, Kentucky.

Parcel 2:

Lying in State of Kentucky, Fayette County, City of Lexington and being more particularly described as follows:

Being Lot 1, Block 2, as shown on plat entitled Amendment No. 1 Final Subdivision Plan of Stanford Companies Property, of record in Plat Cabinet J, Slide 84, in the Office of the Clerk of Fayette County, Kentucky, and being more particularly shown on the Survey.

Being the same property conveyed to DF Lexington Properties, LLC, by deed dated November 16, 2018, of record in Deed Book 3629, Page 251, in the Fayette County Clerk's Office.