

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR 154, 158, AND 162 NORTH ASHLAND AVENUE

This Declaration of Covenants, Conditions and Restrictions for 154, 158 and 162 North Ashland Avenue is made as of this ____ day of _____, _____, by the Lexington Deaf Oral School, Inc., dba Lexington Hearing and Speech Center, a Kentucky corporation with its principal office located at 350 Henry Clay Boulevard, Lexington, Kentucky 40502 (hereinafter “Declarant”).

WHEREAS, Declarant owns three tracts of real estate located in Lexington, Fayette County, Kentucky, and more particularly described in Deed Book 1330, Page 442 (154 North Ashland Avenue); Deed Book 965, Page 492 (158 North Ashland Avenue); and Deed Book 1328, Page 437 (162 North Ashland Avenue) (collectively, the “subject Property”), which is the subject of a certain zone change now pending before the Lexington-Fayette Urban County Council from an R-1D zone to a P-1 zone with conditional zoning provisions, and also a variance request;

WHEREAS, the Mentelle Neighborhood Association, Inc. represents a number of property owners who have concerns about the proposed rezoning (hereinafter “Neighborhood Association”); and

WHEREAS, should the Lexington-Fayette Urban County Council rezone the subject property as requested, and the variances are approved, and no appeal is taken from the decision to rezone, then prior to transferring any of the parcels constituting the subject property to another purchaser, the Declarant shall place the following restrictions on the subject properties:

1. The lots that comprise the subject Property shall not be consolidated, and the lot boundaries thereof shall not be modified, unless such modification has the prior written support and approval of the Neighborhood Association.

2. That the properties may be used, subject to being in compliance with the Lexington-Fayette Urban County zoning ordinances, for single-family residential uses.

3. That the subject properties may be used for professional office purposes, subject to being in compliance with the Lexington-Fayette Urban County zoning ordinances, provided however that the subject properties shall only be used for the following kinds of professional office uses and their accessory uses (Accessory uses are uses which are customarily accessory and clearly subordinate and incidental to the permitted uses set out below):

- a. Offices for business, professional, real estate, governmental, civic, social, fraternal, political, religious, and charitable organizations;
- b. Schools for academic instruction;
- c. Libraries, museums, art galleries and reading rooms;
- d. Studios for work or teaching of fine arts, such as photography, music, drama, dance and theater;
- e. Houses of worship and associated schools for religious instruction;
- f. Kindergartens, nursery schools, and child care centers for four or more children;
- g. Dwelling units on upper floors of structures in which the first floor is occupied by another permitted use in the P-1 zone, subject to the above limitations, with no mixing of dwelling units and other permitted uses on any floor.

4. The following uses shall be prohibited:

- a. Drive-through facilities;

- b. Outdoor lighting not shielded so as to prevent illumination of adjoining properties;
- c. Outdoor loudspeakers;
- d. All other uses except as permitted under paragraphs 2 and 3 above.

5. Additionally, in the event that the residential structures located at 154, 158 and/or 162 North Ashland Avenue are/is , for whatever reason, destroyed or demolished, then these/this structure(s) shall be rebuilt substantially in the same style and architecture that existed for said structures prior to said destruction or demolition and each of the rebuilt structures shall not exceed the existing square footage, height or footprint for each structure. However, this same rebuilding provision shall not apply to the non-residential addition (“addition”) attached to the property located behind 158-162 North Ashland Avenue, which may be replaced with a non-residential appearance substantially similar to its current appearance. The addition shall not have style and architectural requirements, but any rebuilding of the addition shall not exceed the current height and square footage or footprint size. Attached hereto and incorporated herein by reference as **Exhibit 1** are photographs of the front, sides and rear of each structure referenced herein.

6. The provisions of this Declaration of Covenants, Conditions And Restrictions shall run to the benefit of Neighborhood Association, including any successor neighborhood association as recognized within the offices of the Planning Commission, and shall constitute covenants which shall run with the land. These covenants, conditions and restrictions shall be amended only with the express written permission of the Neighborhood Association and the owners of the subject properties, and shall be automatically renewed every twenty (20) years unless amended or altered by the Neighborhood Association and the owners of the subject

properties. These Covenants, Conditions and Restrictions shall be enforceable by the Neighborhood Association by direct action in the Fayette Circuit Court.

7. These covenants, conditions and restrictions shall be recorded in the Fayette County Clerk's Office and shall be binding upon the Declarant and its respective successors, heirs and assigns.

WHEREOF, the undersigned have duly executed this Declaration of Covenants, Conditions and Restrictions effective as of the day indicated on page 1.

LEXINGTON DEAF ORAL SCHOOL, INC.
dba LEXINGTON HEARING AND SPEECH
CENTER, INC.

By: _____

Its: _____

Prepared by:

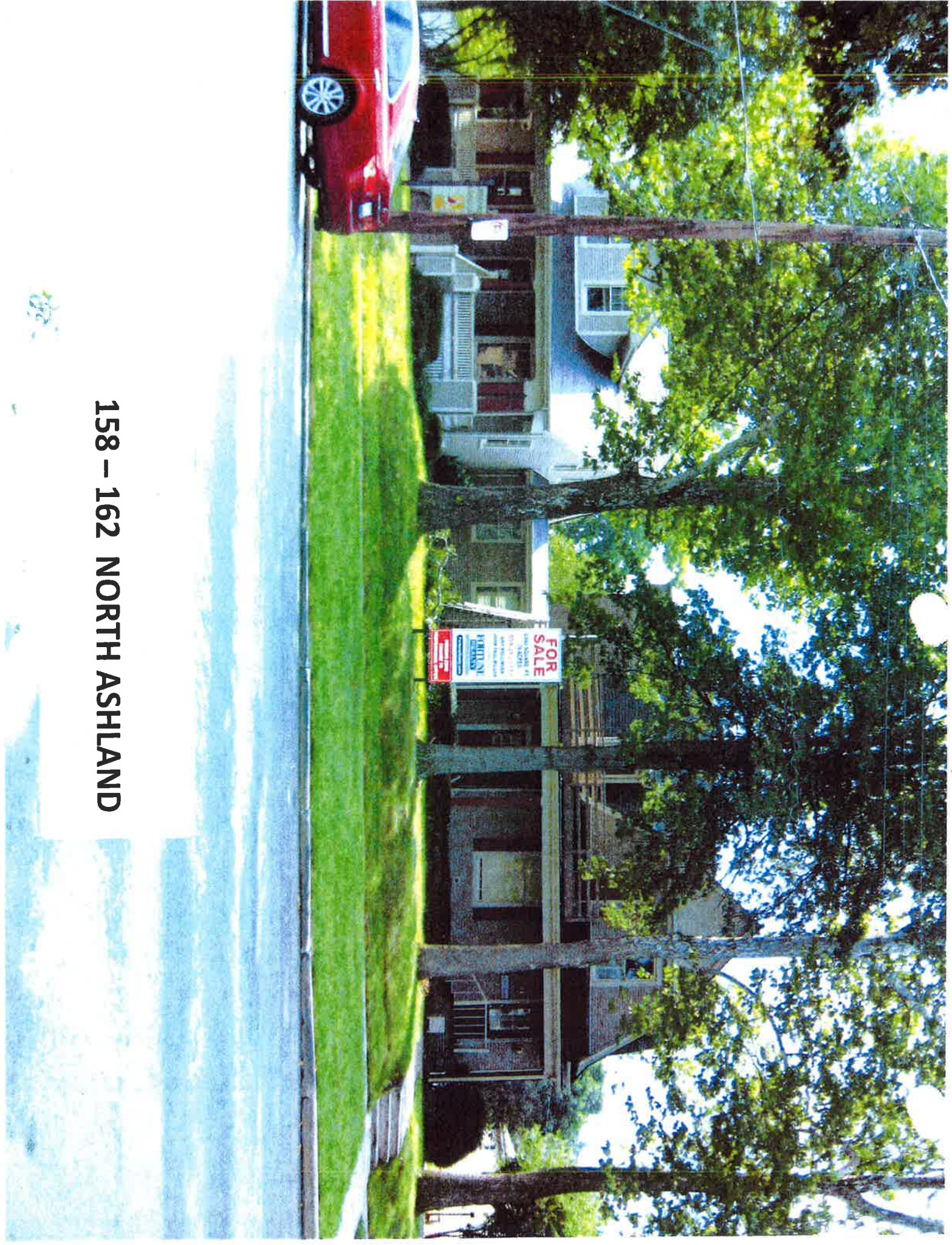
McBRAYER, McGINNIS, LESLIE
& KIRKLAND, PLLC

By: _____

T. BRUCE SIMPSON, JR.
201 E. MAIN STREET, SUITE 1000
LEXINGTON, KY 40502
ATTORNEYS FOR LEXINGTON DEAF
ORAL SCHOOL, INC. dba LEXINGTON
HEARING AND SPEECH CENTER, INC.
(859) 231-8780



154 NORTH ASHLAND



158 - 162 NORTH ASHLAND



162 NORTH ASHLAND

**158 – 162 NORTH ASHLAND
(BREEZEWAY CONNECTING
BUILDINGS)**



PARKING LOT
158 - 162 NORTH ASHLAND



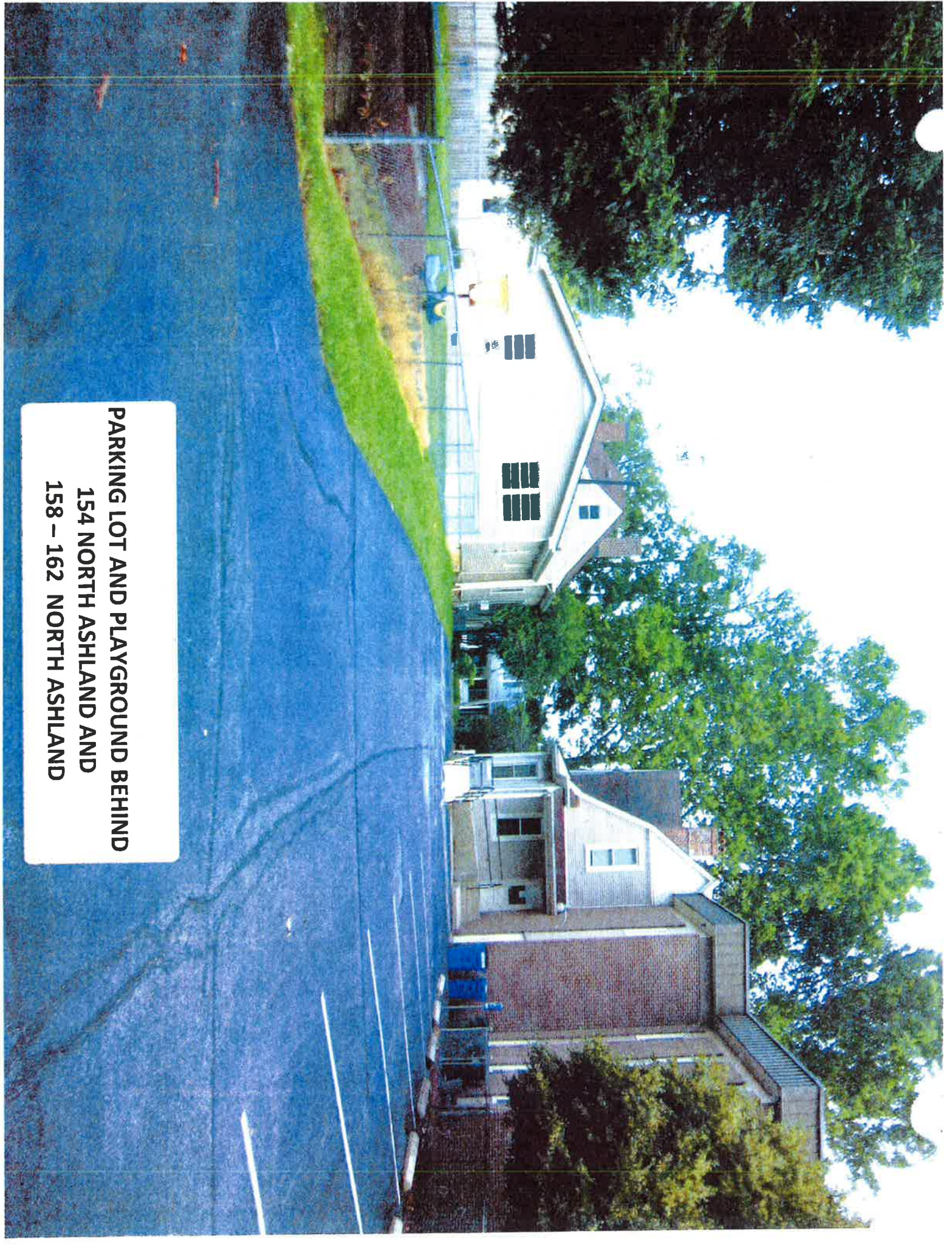
158 NORTH ASHLAND



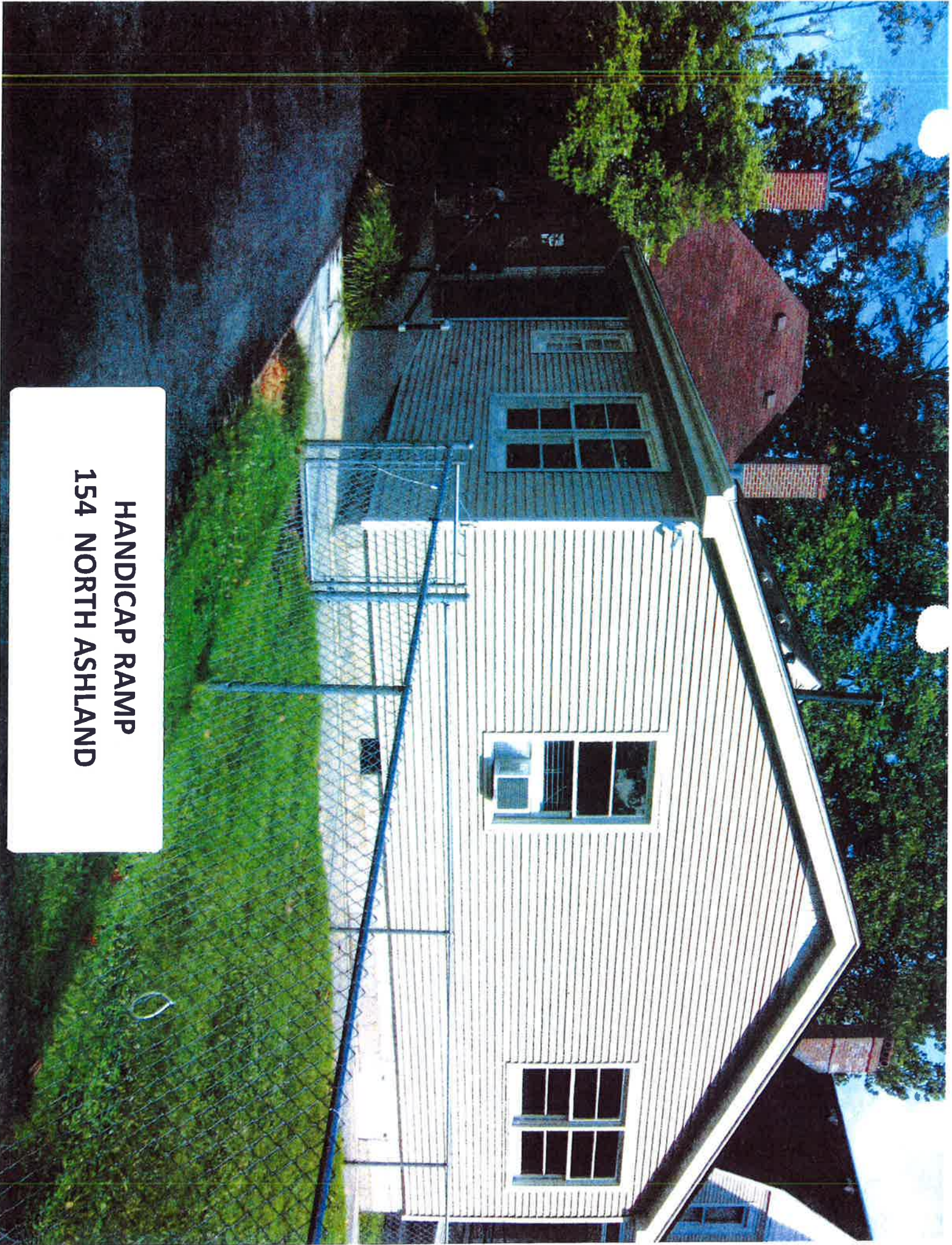
162 NORTH ASHLAND



BREEZEWAY



**PARKING LOT AND PLAYGROUND BEHIND
154 NORTH ASHLAND AND
158 -- 162 NORTH ASHLAND**



**HANDICAP RAMP
154 NORTH ASHLAND**



**VIEW FROM
154 NORTH ASHLAND
TO 158 - 162 NORTH ASHLAND**



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