

St. Germain, Dante

From: Bruce Haskell <dr.bruce.haskell@gmail.com>
Sent: Thursday, January 16, 2020 5:39 PM
To: St. Germain, Dante; jfinelaw@att.net
Subject: 19-ZONE-0073 Removal of Binding Elements
Attachments: Dante St. Germain.docx

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Dear Ms. St.Germain,

Thank you for speaking with me the other morning and informing me you had told the planners of the Animal hospital Zoning Change, etc. that a fence was not to be put up between my property (4516 Outer Loop) and the adjoining property where we share joint access.

Please see my attached letter.

I have been trying with no success, to get in contact with Mr. John Baker, Esq. for several days now. I have left several messages for him with my phone number for a call me back. No call yet. This gets me nervous as I want to protect my rights and make certain nothing will effect my property (like a fence in a shared access driveway!).

I have contacted my own attorney, Mr. James Fine (see my attached letter for details), on this matter. He said he would also try to reach Mr. Baker.

I plan to attend the netting on 23 January at 1. PM.

Thank you,
Bruce Haskell

Bruce S. Haskell, DMD, PhD
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Lexington, Ky 40536-0297

1/14/2020

Dante St. Germain
Louisville Planning and Design Services
Case # 19-ZONE-0073
(previously)
Case# 17DEVPLAN1119
Metro Development Center
444 S. 5th Street
Louisville, KY 40202

Dear Ms. St. Germain

I am writing concerning the notice of Waiver and Revised Detailed District Development Plan for Subject Property: 4504-4512 Outer Loop and our phone conversation of 8AM 1/14/2020. The Planning Commission meeting Case # 19-ZONE-0073 is at 1:00PM Thursday, January 23rd. I understand from our conversation that there are no plans to restrict access to my property at 4516 Outer Loop with a fence between the property adjoining ours (4514 Outer Loop), and our own property at 4516 Outer Loop (aka: 4517 Lambert).

In 2017 I was horrified to receive a letter from BTM Engineering with a "Notice of Development Application Filed with Planning and Design Services", attempting to remove the binding elements access and binding elements with the property adjoining ours (4514 Outer Loop), and our own property at 4516 outer Loop (aka: 4517 Lambert). I wish the Commission to understand why this should not take place now in 19-ZONE-0073.

To review: The 1988 agreement with 4514 Outer loop, with the previous owners (Larry and Irene Phillips), allowed (required) us both to become zoned OR properties in order to have dental offices at these locations. We have had joint access and cross-over parking since that time. A deed of reciprocal easement exists (# 5787 page 384).

The office at 4516 Outer Loop is for the orthodontist for the group which bought my practice. The cross-over / access is used for all of the patients seen. There are no other options currently available for parking for our patient visits. The group I work with also has a recently renewed the current three year lease in place, with an option for 12 more years of leasehold in three year increments.

I wish to state again for the record; I strongly object to any attempt to remove our current binding elements for cross-over parking and access easement. It would destroy the practice located at my 4516 address, depriving me of my source of income, and rendering the usefulness of this property as was originally envisioned and extensively re-constructed internally and externally to nil. In addition, I would be sued by my tenants as the property could no longer be used as an orthodontic office.

In our phone conversation of 2017, Laura Mattingly assured me that any revision would not be possible without my signature/consent. This was a great relief. I understood I would be contacted when any meeting date is set to try and alter the circumstances of my Deed of Easement, causing me great harm.

As or when you are in contact with the owner, Mr. Arrington and/or his contracting firm, BTM, just for the record, would you please remind him of my past concerns on this issue. When I met with his group at the informational review meeting at the Okolona Library this past Fall 2018, they were very nice and quite accommodating. I was very pleased by their attitude of cooperation. It looks like a beautiful project.

Legal assistance had been engaged in the past to see that my rights would not be broached. Please include my attorney, Mr. James Fine, Esq. in all correspondence and contacts.

James L. Fine Attorney, PLLC
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Louisville, KY 40207
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Please also see my new contact address below.

Sincerely and with Thanks,

Bruce Haskell, DMD, PhD
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Prospect, KY 40059
502-558-7819