

DEED OF RESTRICTION

THIS DEED OF RESTRICTION is made and entered into this ____ day of _____, 2019 (“Deed of Restriction”) by **Bahri Kameri**, with an address of 7606 Fort Sumter Court, Louisville, KY 40214, for property located at 10003 National Turnpike, Fairdale KY 40118 and (“Declarant”), (collectively, the “Parties”).

RECITALS:

WHEREAS, Bahri Kameri is the owner of that certain property located at 10003 National Turnpike, Fairdale, KY 40118, as more particularly described in that certain Deed of record in Deed Book 11321, Pages 86-88, in the Office of the Clerk of Jefferson County, Kentucky, for which Declarant has entered into a tree planting and maintenance agreement and is a part of the property described in the Development Plan below:

WHEREAS, a development plan 18DEVPLAN1026 which involves another property owned by the Declarant located at 8500 National Turnpike, on which the Declarant wishes to expand his auto sales business, is unable to accommodate the required landscaping and tree plan required by the Planning Commission. The Declarant wishes to comply to the landscaping requirement by planting and maintaining trees on his property located at 10003 National Turnpike, a property that does not have the drainage ditch and utility lines that are present at 8500 National Turnpike. He has filed a tree waiver in 18DEVPLAN1026 that explains the limitations of 8500 National Turnpike;

WHEREAS, the trees planted at 10003 National Turnpike would satisfy the Development Plan requirement, as substituted from a site that cannot support the planting, on 10003 National Turnpike to be permanently protected, and maintained by the Declarant. The Declarant shall execute and record this Deed of Restriction ensuring that 23 type A trees (16,560 of tree canopy) will be permanently protected in a manner consistent with the binding elements and the Development Plan, and to evidence that the Planning Commission has the power and authority to enforce same.

NOW, THEREFORE, in consideration of the obligations of the Declarant set forth in the recitals and herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Declarant agrees as follows:

1. A certain tree planting plan shall be implemented at 10003 National Turnpike, in accordance with the attached Exhibit one, to meet requirements of the Planning Commission or Land Development Code and are to be permanently protected in accordance with provisions thereof as a Tree Canopy Protection Area. All clearing, grading and fill activity in these areas must be in keeping with the Louisville Metro Land Development Code (the “Land Development Code”) and/or with Planning Commission restrictions established at the time of plan approval as evidenced in the binding elements for the Project. The trees shall be maintained by Declarant. As trees within these areas are lost through natural causes, new trees shall be planted by Declarant in accordance with these requirements, if any, in order to maintain minimum tree canopy as specified on the approved plan. Removal of vegetation within these areas may be necessary for the purpose of installing infrastructure that MSD, any governmental agency, or utility may require.

2. Any tree removed in violation of this Declaration shall be replaced by the person who removed the tree within thirty (30) days of demand by Declarant or its assignee, or said tree or shrub shall be replaced by Declarant or its assignee, and the cost of same shall be assessed to the lot owner. Trees planted to replace a tree that is improperly removed shall maintain compliance with the minimum tree canopy requirements as set forth on the approved development plan and/or subsequent landscape/tree presentation plan.
3. These restrictions may be amended or released only with the prior approval of the Louisville Metro Planning Commission.
4. This Deed of Restriction can be enforced by Department of Planning and Design Services.

IN WITNESS WHEREOF, the Declarant has caused this Deed of Restriction to be signed as of the day and year first above written.

BAHRI KAMERI

COMMONWEALTH OF KENTUCKY)
)SS
COUNTY OF JEFFERSON)

Acknowledged before me this ____ day of _____ 2019, by BAHRI KAMERI, as his free and voluntary act and deed and as the free and voluntary act.

My Commission expires: _____

NOTARY PUBLIC

THIS INSTRUMENT PREPARED BY:

John Singler
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