



Theresa Z. Senninger

Direct (502) 587-3761 Fax (502) 540-2293 E-mail tzs2@gdm.com

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October 14, 2004

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Steve Hendrix  
Louisville Metro Planning & Design Services  
900 Fiscal Court Building  
531 Court Place

Louisville, Kentucky 40202

RE: Docket No. B-226-03W

Dear Steve:

This letter is to confirm our conversation of Tuesday, October 12, 2004, regarding one of the conditions of approval for a car wash to be located at 6014 Bardstown Road, approved under Louisville Metro Board of Zoning Adjustment Docket No. B-226-03W. As we discussed, on January 20, 2004, the Board granted a variance and waiver for the property on condition that the applicant demonstrate proof of access to the property via Jefferson Avenue.

You advised that, in order to satisfy this condition of approval, I submit such proof to Paula Wahl, of the Louisville Metro Department of Public Works. I have given Ms. Wahl a copy of the attached letter, dated October 11, 2004, from Alan O. Bryant, Senior Vice President and Area Manager of Commonwealth Land Title Insurance Company, as well as a copy of the plan and approved minutes from the January 20, 2004 hearing.

Mr. Bryant's letter states that the property at 6014 Bardstown Road has a right to use Jefferson Avenue through an easement recorded in a deed to the Board of Education of Jefferson County, Kentucky, dated July 18, 1958, and recorded at Deed Book 2904, Page 10, in the Office of the Clerk of Jefferson County. Additionally, because the property has used Jefferson Avenue over a period of 40 years as its sole means of access, a prescriptive easement for such access exists. Ms. Wahl is satisfied that this letter satisfies the condition imposed by the Board.

Please let me know if you have any questions regarding the proof of access or this letter.

B-226-03W

GREENEBAUM DOLL & McDONALD PLLC

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Sincerely,

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B-226-03W



Commonwealth Land Title Insurance Company  
500 W. Jefferson Street  
Suite 2200, PNC Plaza (40202)  
P O Box 129 (40201-0129)  
Louisville, KY  
phone: 502 584-0211 fax: 502 584-6518  
toll free: 800 727-2584

October 11, 2004

W. Plumer Wiseman, Jr., Esq. and  
Teri Barnett  
Greenebaum, Doll & McDonnell  
3500 National City Tower  
Louisville, KY 40202

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Re: 6014 Bardstown Road  
Louisville, Jefferson County, Kentucky

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Dear Buck and Teri,

It is our understanding that Mr. and Mrs. David Richard and Mr. and Mrs. Paul Clifford, or an entity to be formed, will be purchasing the captioned property and that the purchase will be financed by River Valley Financial Bank in Madison, IN.

We further understand that as agent for Commonwealth you will be issuing an owner's policy to the purchasers and a loan policy to the Bank.

A question has been raised about the use of a roadway leading from Fern Creek High School to Bardstown Road, which lies along the north side of the captioned property

After looking at the title, we believe that title to the roadway is owned by the Jefferson County Board of Education, but is subject to an easement in favor of the properties located on the north and south sides of the road. These easements rights are set out in a deed to the Board of Education of Jefferson County, Kentucky dated July 18, 1958, recorded in Deed Book 2904, Page 10, in the Office of the Clerk of Jefferson County, Kentucky. That deed dedicates a portion of the roadway for public use.

In addition, it appears that these properties have used this road as their sole means of ingress and egress to Bardstown Road for over 40 years and have thus acquired a prescriptive easement.

B-226-03-W

As a result of our investigation, we are willing to affirmatively insure the proposed Insureds in both the Owner's and Loan policies that the property has a right of access across the roadway to Bardstown Road, subject to the rules and regulations of the Board of Education.

Sincerely,



Alan O. Bryant  
Senior Vice President  
and Area Manager

cc: Grover C. Potts, Jr., Esq.  
Wyatt, Tarrant & Combs

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