

## STATEMENT OF BINDING ELEMENTS

This Statement of Binding Elements is filed pursuant to Article 3 of the Joint Zoning Ordinance of Bowling Green and Warren County, Kentucky.

**Property Owner:** The property owner is H & D Rental, a Kentucky general partnership

**Description of  
Affected Property  
and Source of**

*See Exhibit "A" attached.*

**Title:**

DEED BOOK 857, PAGE 668

**PVA Parcel:**

042A-60

### BINDING ELEMENTS

1. The development shall proceed tract by tract with no tract being permitted to be developed until internal fire protection is provided to said development as well as satisfactory utilities, including sewer. All fire control standards of the County of Warren as set forth in Ordinance No. WC-02-26 will be met.
2. All utilities shall be underground, including gas, electric, water, sewer, telephone and cable for CATV. Water, including fire hydrants meeting fire control standards, will be extended to the property. In addition, uniform fiberglass or metal street lights shall be installed by the Developer. The entrance to the development shall have appropriate signage and lighting.
3. No less than seven (7) acres of the development shall be maintained as open space. The ownership of the open space shall be private with the owner of same required to keep the open space well maintained, properly cultivated and free of trash and other unsightly material.
4. All lots shall be known as single family residential lots. No structure shall be erected, altered, placed or permitted to remain on lots in said sections other than a detached single family dwelling with a detached garage or storage building. All detached garages or storage buildings shall be constructed of the same quality and material as the dwelling building. No structure on said single family residential lots shall exceed two and one-half (2-1/2) stories.
5. Each residence must have a private, fully enclosed two-car garage. The interior of all garages must be finished.

6. Only one (1) outbuilding, which may be a detached garage or storage building, will be allowed on any one lot or lots if a dwelling is built on more than one lot (no more than one outbuilding per residence is permitted). An outbuilding, other than a detached garage, may not be larger than two hundred (200) square feet. The exterior must be complete and can only be one (1) story in height.

7. All residences shall face the deepest setback line, and all entry to corner lots shall be from the lower classification street. All entry to lots with access to an alley shall be from the alley.

8. The ground floor area of the main structures to be constructed shall be no less than 1,500 square feet for a one-story home and 1,200 square feet for a two or two and one-half story home, exclusive of basements, garages and porches. The foregoing minimum square footage requirements shall, upon the recording of a plat for any of the tracts referred to herein or the development as a whole, no longer constitute a portion of the Binding Elements but shall at that time be placed upon the recorded plat as plat restrictions.

9. All structures in the subdivision shall utilize brick, stone or other modern architectural materials such as wooden, aluminum and/or vinyl siding. At least fifty percent of the residences shall be constructed of brick, stone or other masonry materials. In no case can asbestos siding, asphalt siding or other similar material be used in any part of the structure.

10. All driveways must be surfaced with concrete or bituminous surface from the paved surface of the street to the end of the driveway.

11. Final lot grade shall conform to the developer's drainage plan which shall be approved by the City-County Planning Commission.

12. All lots shall be sodded or seeded to the back of the curb at the time of the building construction.

13. Owners of lots encompassing storm water retention areas are responsible for the maintenance of the portion of the basin on their property. Maintenance shall include the following:

a. Grass shall be maintained so as not to exceed five (5) inches in height.

b. No permanent structures of any type shall be placed in these areas without the written permission of the City-County Planning Commission.

14. All shrubs, trees, grass and plantings of any kind shall be kept well maintained, properly cultivated and free of trash and other unsightly material. All lots shall be maintained such that grass shall not exceed five (5) inches in height.

15. No trailer, tent, shack or barn shall be erected on the property.

16. No noxious or offensive trade or activity shall be carried on or upon any lot, nor shall anything be done which may be or become a nuisance to the neighborhood.

17. The Developer will meet all requirements of the subdivision regulations of Warren County including, but not limited to, requirements with respect to effective erosion and sedimentation control.

18. The Developer will install a right-turn lane into the development Southbound from Three Springs Road and a left-turn lane for traffic exiting the development onto Three Springs Road at the entrance to the development, which turn lanes shall be constructed in a manner to be approved by the Kentucky Transportation Cabinet.

19. The total number of lots to be developed shall not exceed one hundred fifty-seven (157).

20. Sidewalks will be installed on both sides of all streets within the development. The sidewalks are to be constructed concurrent with the construction of each residence by the owner of the lot affected. Each sidewalk shall be a minimum of five (5) feet in width.

21. Stub streets (as may be required by the Planning Staff) shall be constructed.

22. The foregoing Binding Element Nos. 4 through 16 shall, upon the recording of a plat of the development as a whole, no longer constitute a portion of the Binding Elements but shall at that time be placed upon the recorded plat as plat restrictions.

The foregoing binding elements shall be binding upon the owner, its successors and assigns, the Planning Commission and legislative bodies of Bowling Green and Warren County, Kentucky as of the date of adoption unless otherwise amended pursuant to Article 3 of the Zoning Ordinance/Resolution. These binding elements are adopted effective this the 15 day of JANUARY, 2004.

H & D RENTALS

BY: 

COMMONWEALTH OF KENTUCKY

COUNTY OF WARREN

SUBSCRIBED AND SWORN TO before me by Donnie Cook, General Partner of H & D Rentals, on this 22 day of January, 2004.

Barbara K Smith  
Notary Public, Ky. State-at-Large

My Commission Expires: 4-14-07

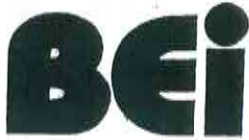
THIS INSTRUMENT PREPARED BY:

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BY: Keith M. Carwell  
KEITH M. CARWELL

301955-1

EXHIBIT A



**BRYANT ENGINEERING, INC.**

3005 Fairview Drive • P.O. Box 2022 • Owensboro, KY 42302  
Office: 270-685-2811 Fax: 270-683-4991

WARREN COUNTY  
D877 PG 699

**PROPERTY DESCRIPTION**

**73.746 ACRES**

A certain tract of land located on Three Springs Road, southwest of Bowling Green, Warren County, Kentucky and being more particularly described as follows:

Unless stated otherwise, any monument referred to herein as an "iron pin set" is a 5/8-inch steel reinforcement bar eighteen (18) inches in length, with a yellow plastic cap stamped "Don K. Bryant, PLS 1948".

Beginning at an iron pin found in the north right-of-way line of Three Springs Road, said point being 30 feet from the centerline of said road, also being the southeast corner to Lot 419 of Hidden Rive Estates, Phase 14 (P.B. 35, Pg. 96-97); thence with the east line of Phase 14 and continuing with the east line of Hidden River Estates, Phase 5 (P.B. 35, Pg. 13-14) North 11 degrees 30 minutes 23 seconds West, 2139.33 feet to a stone found at the southwest corner to Jim F. McCoy; thence with the lines of McCoy, as follows North 79 degrees 44 minutes 52 seconds East, 901.28 feet to a fence post; thence South 42 degrees 52 minutes 34 seconds East, 2170.49 feet to an iron pin set in the north right-of-way line of Three Springs Road; thence with said right-of-way line, as follows: South 39 degrees 18 minutes 11 seconds West, 82.27 feet to an iron pin set; thence South 44 degrees 41 minutes 49 seconds West, 98.01 feet to an iron pin set; thence South 50 degrees 21 minutes 57 seconds West, 106.95 feet to an iron pin set; thence South 55 degrees 10 minutes 59 seconds West, 93.11 feet to an iron pin set; thence South 58 degrees 50 minutes 37 seconds West, 108.03 feet to an iron pin set; thence South 62 degrees 53 minutes 04 seconds West, 72.87 feet to an iron pin set; thence South 68 degrees 07 minutes 51 seconds West, 88.36 feet to an iron pin set; thence South 74 degrees 17 minutes 10 seconds West, 91.87 feet to an iron pin set; thence South 78 degrees 03 minutes 24 seconds West, 193.10 feet to an iron pin set; thence South 78 degrees 50 minutes 14 seconds West, 351.23 feet to an iron pin set; thence South 79 degrees 15 minutes 57 seconds West, 380.56 feet to an iron pin set; thence South 78 degrees 31 minutes 12 seconds West, 430.59 feet to the point of beginning, containing 73.746 acres.

  
Donald K. Bryant, P.E., P.L.S. 12/22/03  
Date

DOCUMENT NO: 478263  
RECORDED ON: MARCH 03, 2004 07:54:49AM  
TOTAL FEES: \$13.00  
COUNTY CLERK: DOROTHY OWENS  
COUNTY: WARREN COUNTY  
DEPUTY CLERK: CARLA HILL  
BOOK D877 PAGES 695 - 699

