

# CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION

FEBRUARY 10, 2015

7:00 PM

## AGENDA

1. Meeting called to order.
2. Roll call and determination of quorum.
3. Approval of the January 13, 2015 minutes.
4. Unfinished Business
  - A. Consideration of revised Vision, Goals and Objectives
5. New Business
  - A. File Number: 108-15-TXA-06  
Applicant: Campbell County Planning & Zoning Department  
Request: A proposed amendment to the Campbell County Subdivision Regulations, updating the authority of the Administrative Official
6. Approval of Training
7. Director's Report
8. Adjournment

**IF YOU CANNOT ATTEND THE MEETING,  
PLEASE CALL THE P&Z OFFICE AT 859-292-3880.**

The Commission will make every reasonable accommodation to assist qualified persons attending the meeting. If there is a need for the Commission to be aware of, contact the office seven (7) days prior to the meeting.

**CAMPBELL COUNTY & MUNICIPAL PLANNING & ZONING COMMISSION  
MINUTES OF THE FEBRUARY 10, 2015 MEETING**

**MEMBERS PRESENT:**

Mr. Larry Barrow  
Ms. Lauri Harding  
Mr. Steve Stapleton  
Mr. Edward Stubbs  
Mr. Michael Williams, TPO  
Mr. Justin Verst, Chair

**MEMBERS ABSENT:**

Mr. Dennis Bass  
Ms. Deborah Blake

**STAFF PRESENT:**

Ms. Cynthia Minter, Director  
Mr. Matt Smith, Legal Counsel

**STAFF ABSENT:**

Mr. Ryan Hutchinson, Planner  
Ms. Stephanie Turner, Secretary

Mr. Verst called the meeting to order at 7:00 PM. Following roll call, a quorum was found to be present. Mr. Verst asked if everyone had reviewed the January 13, 2015 meeting minutes and asked if there were any additions or corrections. There being none, Mr. Verst called for a motion. Mr. Barrow made a motion to approve the January 13<sup>th</sup> meeting minutes as submitted. Mr. Stapleton seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Barrow, Ms. Harding, Mr. Stapleton, Mr. Stubbs, Mr. Williams and Mr. Verst in favor of the motion. Motion passed.

There were several audience members that wished to address the Commission pertaining to a recent waiver as described in Case #144-14-WAV-01 by applicant Carol (Leap) Sipple. Mr., Verst asked Ms. Minter to provide an update to the Planning Commission on this case. Ms. Minter stated that following the direction from the Commission taken at its last meeting, staff acted accordingly and approved the waiver request as submitted with conditions as specified by the discussion held among the Commission. [Mrs. Sipple's request was for a dimensional waiver of the Subdivision Regulations, Section 415 Lot Arrangement and Size, (D) Flag Lots.]

Mr. Verst recognized the guest present and asked if she would like to speak. An unidentified woman spoke from the audience indicating that her family had been delayed they went to the wrong location. Following a brief delay, the family arrived. Mr. Rudy Bamforth, co-owner of 331 Poplar Thicket Rd, Alexandria, stepped forward to the microphone and requested to be introduced to the Planning Commission. Mr. R. Bamforth indicated that he had gone to the wrong location for the meeting and wanted to know if the location had been changed. Mr. Verst apologized for any confusion and conformed that the Planning and Zoning Department is located on Monmouth Street in Newport but that the Alexandria location is the regular meeting place for the Planning Commission. Mr. Verst stated that to his knowledge this has been the regular meeting place for nearly 30 years.

Ms. Minter introduced herself followed by each member of the Planning Commission. Mr. R. Bamforth asked if Mrs. Sipple or her attorney were present tonight. Mr. R. Bamforth wanted to know why they were not in attendance. Ms. Minter indicated that the matter was heard last month and there was no need for them to be present tonight.

Mr. R. Bamforth indicated that he was a neighbor to Mrs. Sipple's farm and that he was opposed to the action taken by the Planning Commission. He did not want another home near his home as he felt that the home would devalue his property. He was also concerned about the use of the shared private roadway which is co-

owned by Mrs. Leap [Sipple] and the Bamforths. Mr. Verst explained that this case was reviewed and approval was recommended by the Commission at the prior meeting. Mr. R. Bamforth asked for an understanding what was approved and the conditions of the approval, specifically Item 5 which stated that "a maintenance agreement serving all parcels on the private road be recorded". Mr. R. Bamforth stated that he did not feel that the previous agreements allowed an additional home to use the road.

Mr. Verst explained that the Planning Commission commonly requests that an agreement be in place when more than one owner wishes to share a driveway but does not get into the details of the agreement. He explained that the details and disputes regarding these types of maintenance agreements are between two or more property owners. Mr. Verst asked Ms. Minter if staff had a copy of the agreement concerning the shared driveway. Ms. Minter referenced the recorded documentation that was signed by Rudy Bamforth, Lynne Bamforth, Melvin Leap and Carol Leap in 1974. Ms. Minter noted that these documents were prepared by Lambert Hehl. Ms. Minter asked Mr. R. Bamforth if Mr. Hehl was his attorney at the time these agreements were drafted. Mr. Bamforth stated that he believed that Mr. Hehl was his attorney, but that he was not in concurrence with the details of the agreement. Mr. Verst and Mr. Smith each suggested that Mr. R. Bamforth should consult his own legal counsel if he is disputing the details of the agreements. Mr. Smith stated that the Planning Commission must decide subdivision applications based upon existing subdivision standards. Mr. R. Bamforth's issue appears to deal with a private shared access agreement between two private parties. The Planning Commission has no authority to hear or decide private land rights. If Mr. R. Bamforth believes someone is violating a shared access agreement he really needs to consult with a private attorney to determine if there is an issue, but unfortunately that issue is well beyond our authority as a Planning Commission.

Mr. Doug Bamforth, 3819 Lisa Ln, Alexandria, approached the microphone and indicated that he was a son to Mr. Rudy Bamforth. He wished to continue his father's request for clarifications drawing attention to the finding of fact as noted in the staff report to support the granting of the waiver. Mr. D. Bamforth skimmed through Item "1. This finding of facts must include: a) The waiver is not in conflict with the intent and purpose of these Subdivision Regulations, the zoning ordinance and the adopted comprehensive plan; and, b) The waiver will not be detrimental to the public welfare" and focused his questions on the second portion, "AND at least one of the following: 2. a) Unusual topographic or exceptional physical conditions exist on the proposed site that are or were not created by actions of the subdivider or anyone on his/her behalf; OR b) Strict compliance with these Subdivision Regulations would deprive the subdivider of reasonable use of the land; OR, c) The waiver will provide for an innovative design layout of the subdivision."

As requested by Mr. D Bamforth, Mr. Verst, Mr. Smith and Ms. Minter provided examples of items 2a and 2c. Mr. Bamforth asked how the waiver has unusual topographic conditions or was an innovative design. Ms. Minter stated that the within item 2, the finding of fact is based on either A, B "**OR**" C not "**AND**". Ms. Minter stated that Item 2B was used for this case. Mr. R Bamforth stated that he felt that the conditions were created by actions of the subdivider [Item 2a]. Ms. Minter stated that the configurations of this property predated Planning and Zoning.

Mr. D. Bamforth stated that they had not seen the written agreement concerning the shared driveway and did not believe that it existed. Ms. Minter provided him with a copy of the agreement noting the signatories. Ms. Minter suggested that, if he wishes to dispute the agreement, it must be done by a court of law rather than the Planning Commission. Mr. D. Bamforth asked where he could find additional records related to the properties without engaging an attorney. Ms. Minter indicated that research could be done through the County Clerk's office.

Mr. Mark Bamforth, 503 Carlisle Ave, Melbourne, stepped forward to the podium to speak and identified himself as a son of Mr. Rudy Bamforth. Mr. M. Bamforth repeated his father's concern regarding devaluation of their property due to another home close by and stated that Ms. Sipple had objected to previous division suggested by his family. Mr. M Bamforth, that he would like to do a division as well, so the he can sell off a lot and make a little money. Mr. M. Bamforth proceeded to give examples of conceptual division and asked if the Planning Commission would grant those too. Ms. Minter clarified that each property has to be examined on a cases by case basis and that it would be inappropriate for the Planning Commission to give an opinion on an arbitrary case. Mr. Smith interjected that Ms. Minter was correct and that the Planning Commission must take action based upon the information presented to them in an application and consistent with their rules, ordinances and regulations.

Mr. Verst thanked all three citizens for their comments and asked if anyone else wished to speak. Mr. R Bamforth repeated his objection to the waiver. Mr. Verst thanked Mr. R. Bamforth for his comments and asked if anyone else wished to speak. No other comments were received.

Mr. Verst asked Ms. Minter if there were any other unfinished business items to discuss. Ms. Minter congratulated the Commission for their review of the Vision, Goals and Objectives of the Comprehensive Plan. Ms. Minter highlighted a few changes for consideration based upon comments received since the last working session. Ms. Minter asked for the Commission's approval to share the Vision, Goals and Objectives with the municipalities and the public to obtain their input.

Mr. Smith asked for confirmation on the process. Ms. Minter stated that the draft text will be taken out for public review and comment. Public comments will be summarized and brought back before the Commission. The Commission can then incorporate any needed changes to the goals and objectives. The finalized vision, goals and objectives will be taken back out to each municipality for their adoption. Mr. Verst called for a motion. Mr. Barrow made a motion to authorize staff to present the revised Vision, Goals and Objectives to the public and applicable municipalities. Mr. Stapleton seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Barrow, Ms. Harding, Mr. Stapleton, Mr. Stubbs, Mr. Williams and Mr. Verst in favor of the motion. Motion passed.

There being no other unfinished business to discuss. Mr. Verst introduced case #108-15-TXA-06, a request submitted by the Campbell County Planning & Zoning staff on behalf of the Campbell County & Municipal Planning & Zoning Commission to modify articles of the Subdivision Regulations to clarify the authority of the administrative official; correct minor typographical items; update the corresponding table of contents; and update the list of modifications. Ms. Minter presented the staff report as follows:

**FILE NUMBER:** 108-15-TXA-06  
**APPLICANT:** Campbell County Planning & Zoning Department on behalf of the Campbell County & Municipal Planning & Zoning Commission  
**REQUEST:** Proposed amendment to the Campbell County Subdivision Regulations updating the authority of the Administrative Official.

On behalf of the Campbell County Planning and Zoning Commission, the Campbell County Planning & Zoning staff is submitting this request to modify select articles from the Campbell County & Municipal Planning and Zoning Commission Subdivision Regulations. These text amendments are proposed to clarify the authority of the administrative official, correct minor typographical items, update the corresponding table of contents and update the list of modifications.

**PROPOSED TEXT AMENDMENTS:**

Addition and deletions of text as underlined and struck below (See attachment)

**Article 1**

**SECTION 140**

**Waiver of Subdivision Regulations**

Upon request to the Administrative Official, an applicant, developer or property owner may seek a waiver of any subdivision regulation in this document based upon a written request (including a completed application and related fees). The Administrative Official shall review the individual request and may grant a waiver under unusual or extreme circumstances or refer the request to the Planning Commission for action. An action ; however, the Administrative Official must make a finding of facts to support the granting of the waiver.

## SECTION 145

### Appeals

Any person or entity claiming to be injured or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision by the Administrative Official ~~or the Campbell County Planning Commission's Staff~~ relative to the administration of these subdivision regulations may appeal such decision to the Planning Commission within thirty (30) consecutive calendar days. Such appeal shall follow the procedures and notice requirements for an appeal ~~of the Administrative Official's decision~~ as stated in Article XVIII of the Zoning Ordinance.

## Article 4

## SECTION 402

### Open Space, Cluster and Conventional Residential Subdivision Design

- A 25 foot street pavement with parking is required for all local streets, cul-de-sacs, and courts, although ~~the Administrative Official may consider a waiver~~ may be considered to allow a narrower court when it serves six or less lots and additional off-street parking is provided beyond that required for each dwelling unit.
- At Improvement Plan stage, the developer must provide documentation of the organizational and financial viability of the HOA home owner's association, including a proposed budget for review by the Planning Commission staff.

## Table of Contents

## Appendix Z Modifications to Subdivision Regulations

### **STAFF RECOMMENDATION:**

To adopt the proposed text amendments to the Campbell County and Municipal Subdivision Regulations.

### **SUPPORTING INFORMATION/BASES FOR STAFF RECOMMENDATION:**

1. Per Kentucky Revised Statutes (KRS) 100.273, the Campbell County & Municipal Planning & Zoning Commission has the authority to adopt subdivision regulations.
2. The proposed modifications to the Subdivision Regulations are consistent with KRS 100.281.
3. Proper notice of the public hearing has been given in accordance with KRS 424 and the bylaws of the Campbell County & Municipal Planning & Zoning Commission.
4. The proposed changes are consistent with the 2008 Campbell County Comprehensive Plan Update and the Campbell County Subdivision Regulations.

Mr. Verst commented that the request seems clear and concise on what is being changed. Mr. Verst asked if there were any questions of staff. There being none, Mr. Verst commented that there were no members of audience remaining to speak and advised that he was closing the public hearing. Mr. Verst opened the floor for discussion among the Commissioners. There being no comments, Mr. Verst stated he would entertain a motion.

Mr. Williams made a motion to approve #108-15-TXA-06, a request submitted by the Campbell County Planning & Zoning staff on behalf of the Campbell County & Municipal Planning & Zoning Commission to modify articles of the Subdivision Regulations to clarify the authority of the administrative official; correct minor typographical items; update the corresponding table of contents; and update the list of modifications as submitted in the staff report. Mr. Williams stated that the bases for his motion is that per Kentucky Revised Statutes (KRS) 100.273, the Campbell County & Municipal Planning & Zoning Commission has the authority to adopt subdivision regulations; that the proposed modifications to the Subdivision Regulations are consistent with KRS 100.281; that proper notice of the public hearing has been given in accordance with KRS 424 and the bylaws of the Campbell County & Municipal Planning & Zoning Commission; and that the proposed changes are consistent with the 2008 Campbell County Comprehensive Plan Update and the Campbell County Subdivision Regulations. Mr. Verst asked if there were any questions on the motion. There

being none, Mr. Verst called for a second to the motion. Mr. Stubbs seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Barrow, Ms. Harding, Mr. Stapleton, Mr. Stubbs, Mr. Williams and Mr. Verst in favor of the motion. Motion passed.

Ms. Minter thanked the Commission for their approval of the text changes. She continued that the next item for consideration by the Commission is the approval of training obtained by Ms. Sharon Haynes of the Board of Adjustment. Ms. Haynes attended training for "The Great Tree Summit". Ms. Minter advised the Commission a motion would be required to approve the training. Mr. Verst asked if anyone wanted to make a motion to approve the training. Mr. Williams made a motion to approve the training obtained by Ms. Haynes. Mr. Verst called for a second to the motion. Mr. Barrow seconded the motion. Mr. Verst called for a roll call vote. A roll call vote found Mr. Barrow, Ms. Harding, Mr. Stapleton, Mr. Stubbs, Mr. Williams and Mr. Verst in favor of the motion. Motion passed.

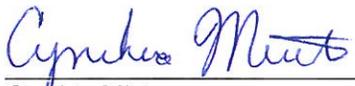
Mr. Verst asked if there were any other new business to discuss. Ms. Minter stated she had no other new business to discuss. With that, Mr. Verst called for the Director's Report.

### DIRECTOR'S REPORT

Ms. Minter stated that she did contact Fiscal Court to obtain input outdoor wood burning furnaces. As this time the Fiscal Court has declined to take up this topic. The general consensus was that setback guidance and nuisance laws were available to regulate the furnaces. Ms. Harding sated her disappointment in that we regulate the placement of a gazebo but not the placement of the furnaces. Ms. Minter reaffirmed that all structures are regulated in terms of setbacks. Ms. Harding felt that we should also regulate the height of the smoke stack. Ms. Harding, Mr. Williams and Mr. Smith had a general discussion regarding nuisance laws relating to dust.

Mr. Verst asked if there was any other business to discuss. There being none, Mr. Verst called for a motion to adjourn. Mr. Barrow made a motion to adjourn. Mr. Stapleton seconded the motion. An oral vote found everyone in favor, none opposed. Motion passed. Meeting adjourned.

Respectfully Submitted,

  
Cynthia Minter  
Director of Planning & Zoning

Approved:

  
Justin Verst  
Chair

File # Bamforth/Leap to Leap 19.07 acres  
Group 389 4/6/74 plus 1.118 acres

Book - 143, 298; Page = 143, 292 (Bamforth/Leap)  
140, 219 (25' roadway)

Lumber field

BOOK 143 PAGE 298 WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That RUDY H. BAMFORTH and LYNNE BAMFORTH, husband and wife, and MELVIN H. LEAP and CAROL LEAP, husband and wife, for One Dollar (\$1.00) and other good and valuable consideration, do hereby bargain, sell and convey to the said MELVIN H. LEAP and CAROL LEAP, husband and wife, as tenants by the entirety with the right of survivorship between them, his or her heirs and assigns forever, the following described real estate, to-wit:

Beginning at a stake in the center of a private roadway, said roadway being fifteen (15) feet in width; thence through the lands of John Steffen and Hawthorne N 42 degrees 30' W. 1285.35 feet to Reinhardt's line; thence S 67 degrees 00' W. 250.31 feet to the Northeast corner of a 9.29 acre tract; thence S 6 degrees 17' E. along the East line of said 9.29 acre tract 615.53 feet to a pin; thence along the South line of said tract S 63 degrees 55' W. 536.08 feet and S 63 degrees 14' W. 163.70 feet to the Southwest corner of said 9.29 acre tract; thence along the West line of said 9.29 acre tract and the East line of a 40 foot roadway N 6 degrees 17' W. 390.60 feet and N. 4 degrees 11' W. 239.54 feet and N 0 degrees 36' E. 120.00 feet to a point in Reinhardt's Southwest line and said point being N 29 degrees 30' W. 82.42 feet from Reinhardt's South corner; thence N 29 degrees 30' W. along Reinhardt's Southwest line and also the Northeast line of a 25 foot roadway 379.58 feet and N 17 deg. 00' W. 432.3 feet to a point in the County Road; thence S 38 degrees 30' W. 25 feet to a point corner to John Wagner; thence with Wagner's line and the Southwest line of the 25 foot roadway, S 17 degrees E. 429 feet and S. 29 degrees 30' E. 383.62 feet to a point 25 feet from Reinhardt's line; thence continuing along Wagner's line S 49 degrees 00' W. 423.5 feet to a stone; thence S 42 degrees 30' E. along a 15 foot roadway 998.25 feet to Steffens-Kensler tract; thence S 48 degrees 30' E. 612.97 feet to the center of a fifteen (15) foot private roadway; thence with the center of said 15 foot private roadway N 89 degrees 30' E. 287.42 feet; 576 degrees 00' E. 248.98 feet and N 87 degrees 30' E. 379.5 feet to the place of beginning. Containing 19.07 acres which does not include the acreage for the twenty-five (25) foot and forty (40) foot roadways.

This property is subject to said twenty-five (25) foot and forty (40) foot roadways. Being all of Parcel 1 and part of parcel 2 described in Deed Book 140, Page 219, of the Campbell County Records at Alexandria, Kentucky.

BEING PART OF THE SAME PROPERTY conveyed to the Grantors herein, of even date herewith, and recorded in Deed Book 143, Page 292, in the Office of the Campbell County Court Clerk at Alexandria, Kentucky.

Item 8

143 299  
BOOK 143 PAGE 299

The Grantors herein grant unto the Grantees, his or her heirs and assigns forever the right to use for the purposes of ingress and egress to the above described property an easement hereinafter described. The parties to this instrument hereby agree to equally share in the maintenance and upkeep of said roadway. In the event the Grantees convey a portion of said property to another party the Grantees will be responsible for said other party's share in the cost of the maintenance and upkeep.

Said easement is described as follows:

Beginning at Reinhardt Northwest corner and in Poplar Thicket Road; thence S 17 deg. E. along the east line of 25 foot roadway 432.3 feet; thence continuing along said east line and the west line of Reinhardt's S 29 deg. 30' E. 379.58 feet to the northwest corner of the 9.29 acre tract; thence along the west line of the 9.29 acre tract and the east line of the forty (40) foot roadway S 0 deg. 56' W. 120.00 feet S. 4 deg. 11' E. 239.54 feet and S 6 deg. 17' E. 390.60 feet to the southwest corner of said tract; thence N 42 deg. 30' W. 45 feet + to the west line of the forty (40) foot roadway; thence along the west line of the forty (40) foot roadway N 6 deg. 17' W. 375 feet +, N 40 deg. 11' W. 239 feet + and N 0 deg. 56' E. 100 feet + to the line between Wagner and Leap; thence N 49 deg. E. along said line fifteen (15) feet to the west line of the twenty-five (25) foot roadway; thence along the west line of the twenty-five (25) foot roadway N 29 deg. 30' W. 383.62 feet, N 17 deg. W. 429 feet to Poplar Thicket Road; thence N 38 deg. 30' E. along said road twenty-five (25) feet to the place of beginning, containing 1.118 acres and being part of Parcel 2 described in Deed Book 140, Page 219, of the Campbell County Records at Alexandria, Kentucky.

Together with all the privileges and appurtenances to the same belonging.

TO HAVE AND TO HOLD the same to the said Melvin H. Leap and Carol Leap, husband and wife, his or her heirs and assigns forever, the Grantors, their heirs and executors and administrators hereby covenanting with the grantees, their heirs and assigns, that the title so conveyed is clear, free and unencumbered, and that they will warrant and defend the same against all legal claims whatsoever, excepting however, the 1974 County, State and Court House District taxes which are due and payable until the end of December, 1974, and all such taxes thereafter.

Item 8

BOOK 143 PAGE 300

IN WITNESS WHEREOF, the said Grantors, Rudy H. Bamforth and Lynne Bamforth, husband and wife, and Melvin H. Leap and Carol Leap, husband and wife, have hereunto set their hands this the 6<sup>th</sup> day of April, 1974.

Rudy H. Bamforth  
RUDY H. BAMFORTH

Lynne Bamforth  
LYNNE BAMFORTH

Melvin H. Leap  
MELVIN H. LEAP

Carol Leap  
CAROL LEAP

STATE OF KENTUCKY )  
COUNTY OF CAMPBELL ) SCT.

I, a Notary Public in and for the said State and County aforesaid, do certify that the foregoing instrument of writing from Rudy H. Bamforth and Lynne Bamforth, husband and wife, and Melvin H. Leap and Carol Leap, husband and wife, was this day produced to me by the parties in said State and County, and then and there acknowledged by the said Rudy H. Bamforth and Lynne Bamforth, husband and wife, and Melvin H. Leap and Carol Leap, husband and wife, to be their act and deed.

Given under my hand and seal of office this 6<sup>th</sup> day of April, 1974

Lambert Hehl  
NOTARY PUBLIC

My Commission expires: 4/15/77

SEAL

This instrument prepared by:

Lambert Hehl  
LAMBERT HEHL  
Attorney at Law  
Newport Mall  
Newport, Kentucky 41071

Item 6

BOOK 143 PAGE 301

COMMONWEALTH OF KENTUCKY, }  
CAMPBELL COUNTY } Sec.

I, Robert T. Nau, Clerk of the Campbell County Court, do certify that  
this WARRANTY DEED

from RUDY H. BAMFORTH & LYNNE BAMFORTH, husband and wife; & MELVIN H. LEAP and CAROL LEAP, husband and wife,  
to MELVIN H. LEAP and CAROL LEAP, husband and wife,  
was on the 9th day of April, 1974 at 11:34 clock A.M.,  
lodged in my office for record, and the same, together with this and the foregoing  
certificate have been duly recorded.

Witness my hand this 9th day of April, 1974.

ROBERT T. NAU, Clerk  
By John L. Baker, D.C.

Book 143 Pg 282

2/15/75  
Rudy Bamforth  
Lynne Bamforth  
Item 19

RCW 146 PAGE 282

DEED OF EASEMENT

Paul Zuehlke

This indenture and deed of easement made this 15th day of February, 1975 by and between MELVIN H. LEAP and CAROL J. LEAP, husband and wife, and RUDY H. BAMFORTH and LYNNE BAMFORTH, husband and wife, hereinafter called "Grantors" and MELVIN H. LEAP and CAROL J. LEAP, husband and wife, and RUDY H. BAMFORTH and LYNNE BAMFORTH, husband and wife, and KENNETH ALAN REINHARDT and DARYLE SUE REINHARDT, husband and wife, and JON DAVID REINHARDT and BEULAH MAE REINHARDT, husband and wife, hereinafter called "Grantees";

WITNESSETH, that whereas the grantees are the owners of certain lands adjacent to the lands of the grantors, and the grantees desire access from said lands over the lands of the grantors;

NOW, THEREFORE, in consideration of the sum of ONE DOLLAR (\$1.00) and other good and valuable consideration, paid by the grantees, the receipt of which is hereby acknowledged and in consideration of the terms and conditions mutually agreed upon and contained herein, the grantors hereby grant and release unto the grantees, their heirs and assigns forever, an easement over the lands of the grantors, described as follows:

Ln 349

Beginning at Reinhardt northeast corner and in Poplar Thicket Road; thence S 17 deg. E., along the east line of 25 foot roadway 432.3 feet; thence continuing along said east line and the west line of Reinhardt's S 29 deg. 30' E. 379.58 feet to the northwest corner of the 9.29 acre tract; thence along the west line of the 9.29 acre tract and the east line of the forty (40) foot roadway S 0 deg. 56' W. 120.00 feet S 4 deg. 11' E. 239.54 feet and S 6 deg. 17' E. 390.60 feet to the southwest corner of said tract; thence N 42 deg. 30' W 45 feet more or less to the west line of the forty (40) foot roadway; thence along the west line of the forty (40) foot roadway N 6 deg. 17' W 375 feet more or less, N 40 deg. 11' W 239 feet more or less, and N 0 deg. 56' E 100 feet more or less, to the line between Wagner and Leap; thence N 49 deg. E along said line fifteen (15) feet to the west line of the twenty-five (25) foot roadway; thence along the west line of the twenty-five (25) foot roadway N 29 deg. 30' W 383.62 feet, N 17 deg. W 429 feet to Poplar Thicket Road; thence N 38 deg. 30' E along said road twenty-five (25) feet to the place of beginning, containing 1.118 acres and being part of Parcel 2 described in Deed Book 140, Page 219, of the Campbell County Records at Alexandria, Kentucky. Being also that easement conveyed to the grantors by Deed Book 143 Page 295, and Deed Book 143 Page 298 of the Campbell County Records at Alexandria, Kentucky.

Said easement continuing and being further described as a small triangle shaped area of the southwest corner of Bamforth's 9.29 acre tract, being approximately 25' X 25' X 12' in size. The purpose of said area included as part of the easement being to widen the easement at the intersection with said roadway.

Said easement continuing across Leap's properties and being described as running from a point where the above described easement intersects with the southwest corner of the Bamforth tract at the above described triangle, S 42 deg. 30' E along a 25 foot roadway across Leap's properties the southwest line of which is 3 feet from the southwest property line of said property and running parallel thereto, a distance of 390 feet more or less to a post at the property line of Kenneth Alan Reinhardt and Daryle Sue Reinhardt; then said 25 foot roadway runs N 59 deg. 40' W 54 feet more or less to a post; then N 40 deg. 45' 06" W 427.32 feet to a 18" Hickory at which point said easement continues over and upon the 20 acre tract of Jon David Reinhardt and Beulah Mae Reinhardt designated as Tract II on Plat Book 4, Page 38A, and conveyed to them by deed recorded in Deed Book \_\_\_\_\_, Page \_\_\_\_\_, of the Campbell County Court Clerk's Records at Alexandria, Kentucky.

Said easement is set forth and more accurately described in the diagrams attached hereto, and lies over and upon the lands conveyed to grantors by deed recorded in Deed Book 143, Pages 295 to 301, Deed Book 134, Pages 371-2, and Deed Book 134 pages 373-4 of the Campbell County Clerk's Records at Alexandria, Kentucky.

TO HAVE AND TO HOLD the same to the grantees herein, their heirs and assigns forever, subject to the following terms and conditions:

1. This easement shall run with the land of the grantees.
2. The grantees, Kenneth Alan Reinhardt and Daryl Sue Reinhardt, and Jon David Reinhardt and Beulah Mae Reinhardt agree that they shall be restricted in the use of said easement for farm and/or residential purposes on Tract I and Tract II as described in Plat Book 4, Page 38A, of the Campbell County Records at Alexandria, Kentucky, and for no other purpose.
3. In the event that the grantees mentioned above convey a right of way over said easement to any other party, said party shall be restricted to the same use as permitted by the grantees mentioned above in No. 2.
4. The grantees agree to jointly and equally share in the cost and/or labor to construct any roadway over said easement.
5. The grantees agree to jointly and equally share in the cost and/or labor of maintenance and upkeep of said roadway.
6. The grantees agree that the majority of them shall determine the method, extent and cost of the maintenance and upkeep of said easement and/or roadway thereon.

7. The grantees agree to jointly and equally share in the cost and/or labor of any major improvements or changes to the easement and/or roadway, as determined by unanimous consent of the grantees.

8. In the event a conveyance is made by either the grantors or grantees herein to others, the party granting such conveyance shall be responsible for the fulfillment of these terms and conditions by the party receiving said conveyance.

9. The easement and/or roadway thereon may be obstructed by the grantors hereto by the erection of gates and/or cattle crossings but no such obstruction shall prevent the use of said easement or roadway.

10. Should the grantees herein, their heirs or assigns, fail to comply with the terms and conditions herein, this grant of easement shall be forfeited as to such party or parties.

IN WITNESS WHEREOF, the parties hereto have set their hands on the date first written above.

GRANTORS:

Melvin H. Leap  
MELVIN H. LEAP  
Carol J. Leap  
CAROL J. LEAP  
Rudy H. Bamforth  
RUDY H. BAMFORTH  
Lynne Bamforth  
LYNNE BAMFORTH

GRANTEES:

Melvin H. Leap  
MELVIN H. LEAP  
Carol J. Leap  
CAROL J. LEAP  
Rudy H. Bamforth  
RUDY H. BAMFORTH  
Lynne Bamforth  
LYNNE BAMFORTH  
Kenneth Alan Reinhardt  
KENNETH ALAN REINHARDT  
Daryle Sue Reinhardt  
DARYLE SUE REINHARDT  
Jon David Reinhardt  
JON DAVID REINHARDT  
Beulah Mae Reinhardt  
BEULAH MAE REINHARDT

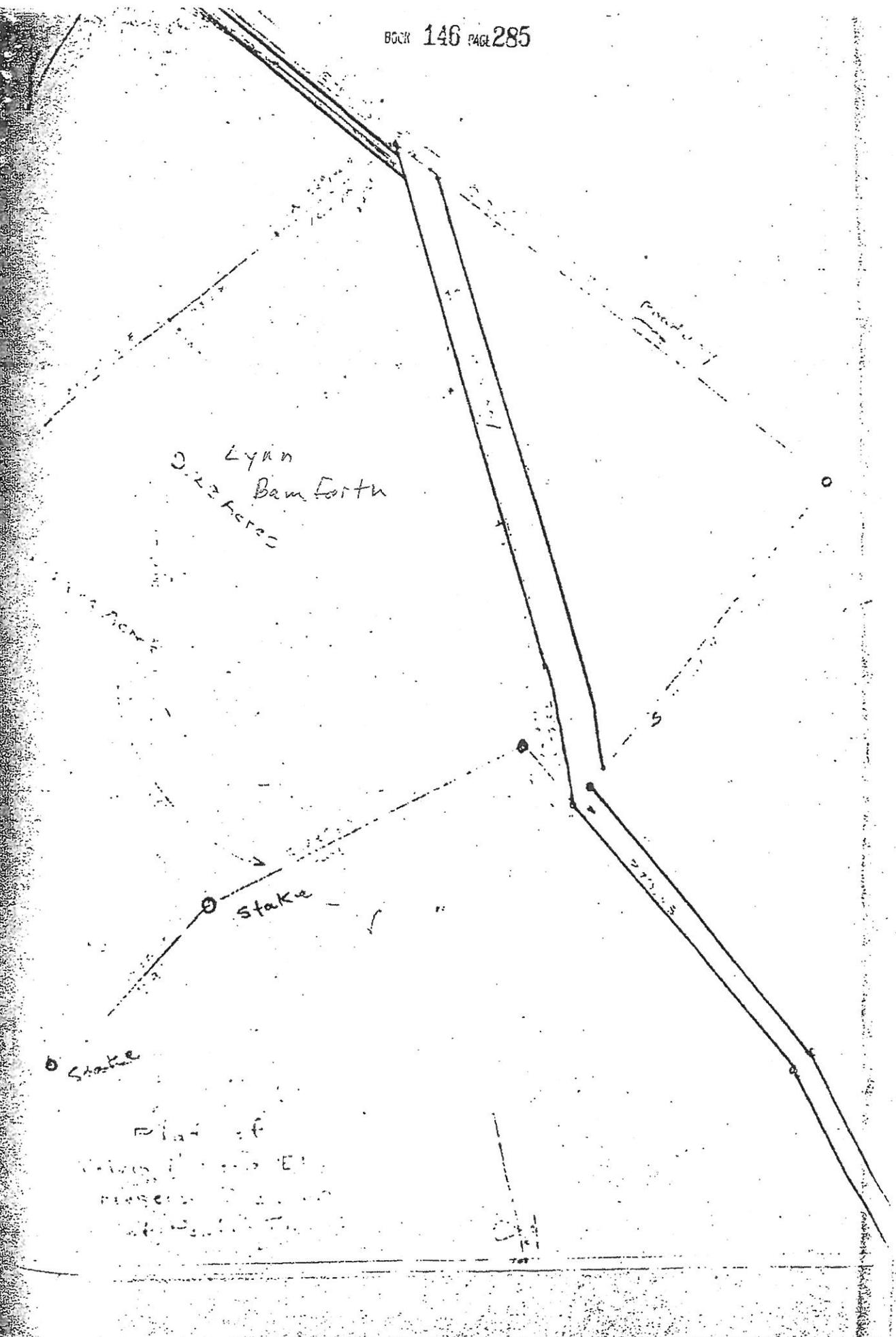
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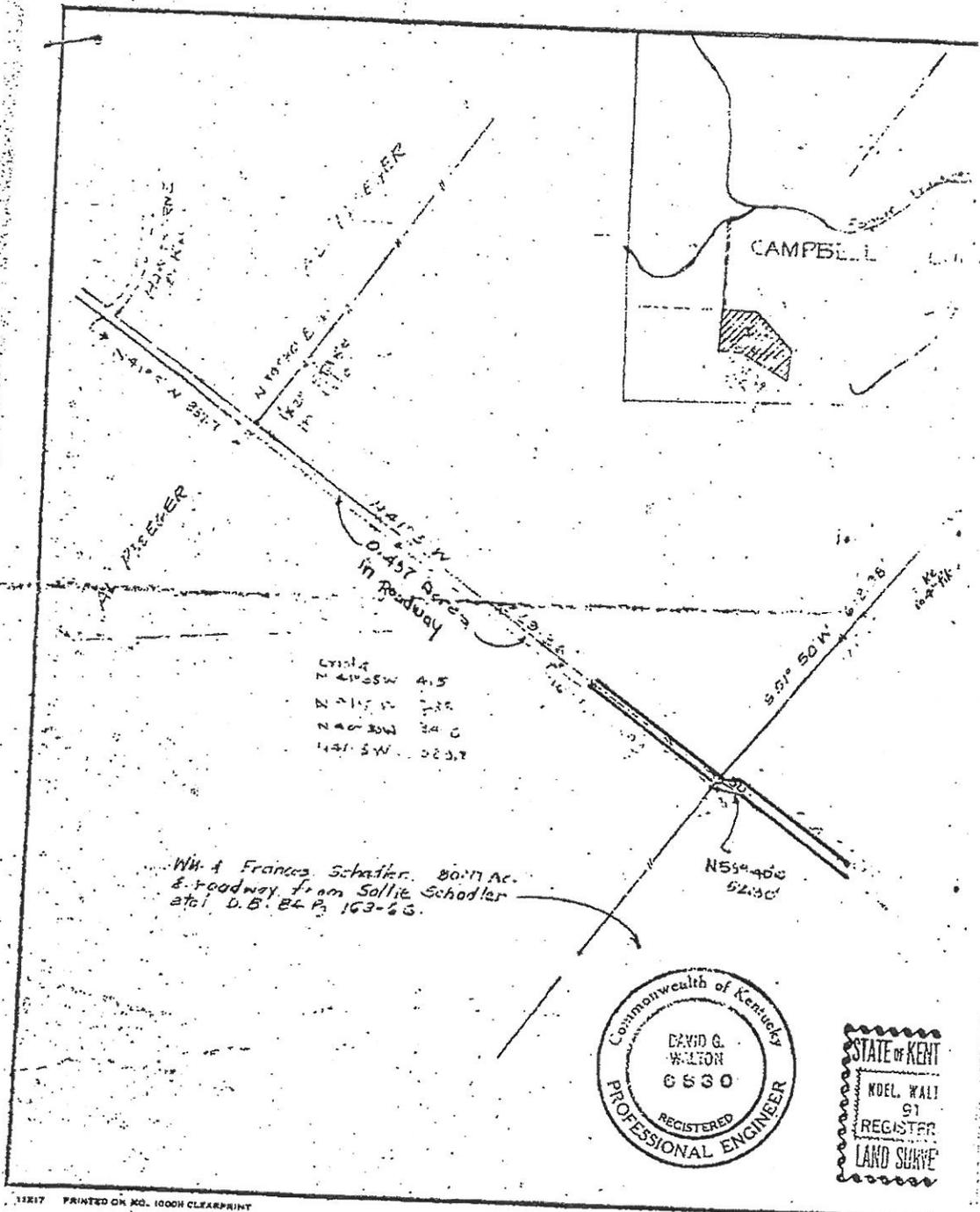
by Paul H. Trehues, Jr.  
Paul H. Trehues, Jr.  
Attorney at Law

Lynn  
Barnforth  
D. 12 here

Stake  
Stake

Plan of  
Lynn Barnforth  
D. 12 here





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