

**Residents, Inc.**  
**Informal Board Meeting - The Colony Neighborhood Association**  
**7 PM - Tuesday, January 6, 1996**

Walt told us that he has begun the process of trying to negotiate with the Developers of the Sturgill property. Discussion centered around ideas we have as to what sort of development might be acceptable to the Colony residents. No business was transacted.

Respectfully submitted,



Joan Bush,  
secretary

**Residents, Inc.**  
**Informal Board Meeting - The Colony Neighborhood Association**  
**2 PM - Sunday, January 21, 1996**

Walt presented a sketched plan that the Developer proposed. Changes were decided upon, including fewer lots and separation of the development into two sections, one of which would exit through Versailles Rd. and another through Parker's Mill Road. The Board began working on what key elements must be incorporated into the Developer's plan for us to consider it a reasonable plan and for it to be acceptable to The Colony neighborhood. No actions were taken.

Respectfully submitted,



Joan Bush,  
secretary

**Residents, Inc.**  
**Informal Board Meeting - The Colony Neighborhood Association**  
**7 PM - Monday, March 13, 1996**

Walt presented a blueprint of a development proposal that he and the Developer have worked on. The Board studied this and drew up a "key element" sheet to present at a special meeting to be held March 25. At that meeting we will present to the membership the concept plan and discuss its main elements. Visuals of the blueprint for development will be posted for everyone to see, and written handouts will be available. This is in no way a finalized plan. It is a concept only at this point. Should we ultimately come to agreement with the Developer over specifics, legal work will be drawn up to insure that what we agreed upon is carried out as specified. General membership approval is required to approve the layout plan, the agreed upon elements in the plan and any legal documents. This approval must be obtained before our lawsuit can be withdrawn.

Respectfully submitted,



Joan Bush,  
secretary

Resident's Incorporated  
The Colony Neighborhood Association  
President-Appointed Ad Hoc Committee Meeting  
March 25, 1996 7:00 PM 1249 Standish Way  
Re: John Alden Estates Proposal

**Attending:** Mike Malony, Sybil Ward, Chris Huber, Melba Yeary, Melanie Bowling, Walter T. Smith, Tom Wade, Holly Wade, Jane Dennis, Scott Dennis, Art Baumohl, Mary Polk, Al Polk, Bill Larmour, Sharon Larmour, Doris Vineyard, Sue Rimmer, Phil Miller, Clifton Anderson, Lyman Ginger, Lowell Bush, Joan Bush, Fred M. O'Bryan, Frankie Daniel, Jeanne Thornhill, Janet Craig, Kathleen Whitlow, Walt Whitlow.

**Presiding:** Walt Whitlow

**Visuals Posted for Viewing:**

Proposed stonework for entryway

Proposed road enlargement and traffic flow plan for entryway

Original John Alden Estates Plan proposed by Developers

Modified John Alden Estates Plan proposed by Neighborhood Board

Proposed Compromise Plan worked out between Developers and Board

**Written Handout:** Outline of Key Elements of Proposed Compromise Plan and List of Additional Requirements agreed upon by Board. Those in parenthesis and bold type were added by Developers. Those stricken were not agreed to by Developers.

Walt walked us through the history of our lawsuit with the Developers over the re-zoning of the Sturgill Property from R1-A to R1-B. Details of a proposed compromise were explained and questions and concerns were entertained and discussed. Walt stressed that this proposed concept was in no way a definite plan nor did it in any way imply that it means the lawsuit has been withdrawn. What it represents is a beginning to discussions to see whether or not a development plan can be designed which would ultimately be satisfactory to The Colony Neighborhood Association. Any plan devised can not be and would not be enacted by this Committee present at this meeting as it requires action by a regular meeting of the neighborhood association. The purpose of this Committee is for reaction to the concept and additional input

Specific concerns and questions raised are as follows:

1. All street, curbs, gutters and lakes need to be in place before the temporary road linking Parkers Mill road with development is removed. Front entry way needs to be the first item in place.
2. Developers need to assure us that potential problems with the creek near the entrance to the original Colony will be addressed and not cause water problems in the future. We need legal assurance and specifics regarding all water-related issues.


3. Developers must be explicit about who is responsible for any costs and liabilities associated with the lakes.
4. Are the Developers willing to provide compatible additional lighting for the existing Colony should it be desired?
5. The Developers need to be held agreement about proposed size, materials and style requirements of proposed houses.
6. Who is responsible for any damage that our existing roads might be incur?
7. Board needs to decide what items are negotiable and what are not and bring this revised list to Developers for ultimate approval by entire neighborhood association, Planning Committee and Council. Filing would be done with blueprint and legally binding, detailed conditions. No additional meeting of this Committee is necessary unless there are substantial changes.
8. The proposed plan and its conditions are acceptable to us only if access to Parkers Mill Rd. is obtained by the Developers.

**Action Taken:**

Lyman Ginger made a motion and Janet Craig seconded the motion that this plan and conditions decided upon between the Colony Board and the Developers be accepted and that we move forward towards its implementation. Motion passed unanimously.

**Adjournment:** 9:30 PM

Respectfully submitted:



Joan Bush  
Secretary

# Resident's, Inc.

The Colony Neighborhood Association

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March 18, 1996

Name : \_\_\_\_\_

Address: \_\_\_\_\_

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## Legal Action Committee

A Legal Action Committee has been formed by the President to discuss and review items relative to our ongoing legal action in opposition to the Zone Change of the former Sturgill Property.

You are invited to participate as a member of this committee.

**The first committee meeting will be held at 1249 Standish Way, Monday, March 25, 1996 at 7:00 PM.**

**All committee members are urged to attend this important meeting.**

Please call **Joan Bush/Secretary at 254-9212** if you cannot attend.

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Sincerely,



Walter E. Whitlow, President  
Resident's, Inc.

John Alden Estates  
COLONY - UNIT 4

March 25, 1996

**KEY ELEMENTS OF PLAN**

- (1) Part traffic goes out Parker's Mill Road
- (2) Lake designed so cannot connect Parker's Mill/Colony
- ~~(3) Opening Mayflower equalizes traffic pattern through Colony~~
- (4) Water problems must be solved - cannot create on site drainage problems or contribute to off site drainage problems
- (5) Neighborhood lake access
- (6) Effective use of berms & screening (detail-increases property values)
- (7) Maintains optimum location of lake (minimum earth movement)

**ADDITIONAL REQUIREMENTS**

- ( 1) All construction traffic must go through Parker's Mill Road access  
**(during construction of subdivision)**
- ( 2) Entry Improvements
  - (a) three lanes
  - (b) stone entry way
  - (c) new plank fencing along Versailles Road
  - (d) lane entering from Versailles Road (increase radius to make turn easier/quicker)
  - (e) screening/planting**(as agreed)**
- ( 3) Street layout and lighting (similar to Colony)
- ( 4) Deed Restrictions:
  - (a) no vinyl siding  
**(except eaves & low maintenance areas/soffits, gutters etc.)**
  - (b) variety of housing styles
  - (c) fencing restrictions  
**(no chain link fencing)**  
**(all perimeter lot & subdivision fence to be black four board fencing)**  
**(privacy fencing around swimming pools and patios to be approved by developer)**
  - (d) no out buildings  
**(no out buildings except those accompanying pools)**
  - (e) minimum house sizes  
**(ranch - 1800..... sf plus 2 car garage/plus bsmt if applicable)**  
**(two story- 2400 sf plus 2 car garage/plus bsmt if applicable)**
  - (f) no on street parking  
**(no overnight on street parking)**
  - (g) two car garage
  - (h) housing styles ?????  
**(no two adjacent houses shall have identical roof lines and external appearance)**
  - (i) etc.
- ( 5) Underground utilities - (Contact KU about existing underground service)
- ~~( 6) Neighborhood improvement fund~~
- ~~( 7) Bond for repair of damaged Colony streets~~

- ( 8) Heavy screening & new plank fence between Exist Colony & New Development  
**(screening is existing & black fence needs major repair & paint)**
- ( 9) Wall path at both ends of lake  
**(see plan)**
- ~~(10) Restrictions on remaining Sturgill Property (R-1A) becomes part of deed if sold~~
- (11) Colony Streets - no widening streets, no curbs, no gutters or sidewalks (except at Versailles Road, Colonial Drive Entry)
- (12) Screening - along John Alden, Colonial Drive.  
**(as needed - street trees listed on city list)**



## Crawford Announces Pinnacle As The '96 Parade of Homes Site

In a mailing to the Home Builders Association of Lexington Builder members, Special Events Chairman Mac Crawford announced the 1996 Parade of Homes would be held in "Pinnacle", a development located just south of Tates Creek Centre. The developers of Pinnacle proposed thirteen lots located on a cul-de-sac. Mr. Crawford stated the lots are available for Builders to make their selections on a first come, first served basis. This means Builder members may choose their lots upon signing the participation agreement with the Association and paying the Parade of Homes entry fee.

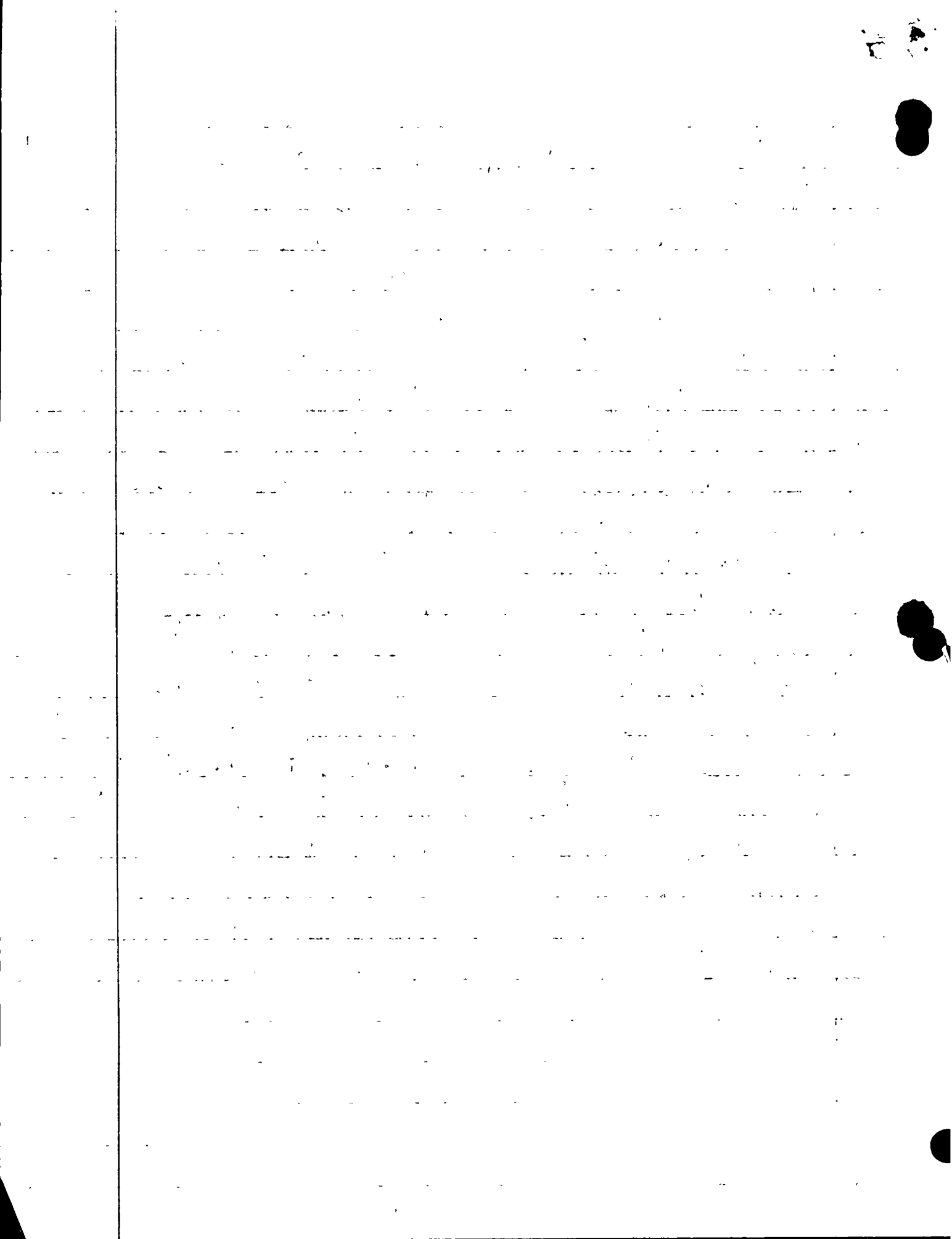


The Special Events Committee has set August 17 through 25, 1996 as the official dates for the show. The annual Preview will be held again exclusively for HBAL members and their guests on Friday evening, August 16.

The lot prices, discounted for Parade Builders, range from \$34,900 to \$36,900. Homes are expected to range from \$170,000 to \$210,000. The lots are approximately 70 feet on the building line and average 120 feet deep.

For detailed information on lot purchase, terms and deed restrictions, contact the HBAL Office, 273-5117.

- |    |                       |                     |
|----|-----------------------|---------------------|
| 1  | Mike Maloney          | 1253 Standish       |
| 2  | Sybil Ward            | 1264 Standish       |
| 3  | Ann Huber             | 1225 Colonial Dr.   |
| 4  | Melba Yeary           | 2504 Versailles Rd  |
| 5  | Melanie Bowling       | 1205 Colonial Dr.   |
| 6  | Walter T Smith        | 1273 Standish Way   |
| 7  | Tom and Holly Wade    | 1261 Colonial Drive |
| 8  | Ann & Scott Dennis    | 1265 Colonial       |
| 9  | Art Baumohl           | 1268 Priscilla Lane |
| 10 | Mary & Al Polk        | 1269 Standish Way   |
| 11 | Bill & Sharon Larmour | 1237 Colonial Dr.   |
| 12 | Doris Vineyard        | 1237 Standish Way   |
| 13 | Sue Rimmer            | 1270 Colonial Dr.   |
| 14 | Phil Miller           | 1273 Colonial Dr.   |
| 15 | Clifton Anderson      | 1277 Colonial Dr.   |
| 16 | Lyman Gingers         | 1265 Standish way   |
| 17 | Howard & Joan Bura    | 1241 Colonial       |
| 18 | Ed M O'Bryan          | 1245 Standish       |
| 19 | Frankie Daniel        | 1272 Priscilla      |
| 20 | Jeanne Thornhill      | 1272 Colonial       |
| 21 | Janet Craig           | 1236 Standish Way   |
| 22 |                       |                     |
| 23 |                       |                     |
| 24 |                       |                     |
| 25 |                       |                     |
| 26 |                       |                     |



**RESIDENT'S, INC.**  
The Colony Neighborhood Association  
General Meeting Notice

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April 5, 1996

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**What?** Neighborhood General Meeting

**Why?** Discussion of proposed development and pending lawsuit

**When?** Thursday evening, April 11, 1996 at 7:00 PM

**Where?** St. Raphael Episcopal Church, 1891 Parkers Mill Road

**Questions?** Call Walt Whitlow

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**RESIDENTS, INC.**  
**The Colony Neighborhood Association**  
**April 11, 1996 Minutes of the General Membership Meeting**  
**7:00 PM - St. Raphael Episcopal Church, 1891 Parkers Mill Rd, Lexington, KY**

**Presiding:** President Walt Whitlow

**Attendance:** A quorum (as per attached sheet) was present

**Secretary's Report:** November 7, 1995 General Membership Meeting Minutes will be distributed by mail.

**Treasurer's Report:** (Note that all amounts are rounded to the nearest dollar and printed statements are available to anyone desiring them)

**Annual Light Fund:** Notices sent in December 1995 and January 1996. \$735 was collected and deposited in Residents, Inc. General Fund Account. Five households failed to pay.

**Activity in Residents, Inc. General Fund Account, 11/5/95 through 4/11/96:** St. Raphael Church was paid \$100 for use of meeting hall, KY Utilities was paid \$25.00 for semi-annual utility payment, postage expense incurred for mailing of the annual notices was \$32.

**Balance in General Fund Account: \$1,173.** It should be noted that, as a result of The Colony opposition to the Sturgill property zone change request, we have incurred expenses of **\$2,400 from Presnell and Associates for engineering services and \$500 from Murphy and Enlow for legal services** rendered. The General Fund Account balance of \$1,173 is insufficient to cover these expenses. This lack of funds results from the uncollected total of \$10,600 from households who did not contribute either totally or partially to the assessment approved by the General Membership.

**Balance in Legal Fund Account: \$4,170.** This fund was established to fund the lawsuit that Residents, Inc. filed to contest the zone change approved by the Fayette Urban County Council. Forty Colony households and five non-Colony residents have contributed to this account. From this account, **\$5,055** has been paid for **transcription and legal fees**, and there are, at this date, **\$1,138 in outstanding legal fees**. Taking into account the outstanding fees, the **net balance is \$3,032**.

**Old Business:**

**Report on Legal Action:** In response to a question of concern that briefs have not yet been filed and the deadline has been passed, Walt explained that Attorney Bruce Simpson has done some work on the briefs, but has received an extension on filing them due to ongoing discussions by the Board with the developers in an attempt to work out solutions to the objections Colony residents have to the developers' proposed concept plan. Government rules require that any plan developed ultimately be approved by the Planning Commission. Walt stressed that discussions between the Board and Developers in no way implies that the lawsuit has been withdrawn. It is just "on hold" while discussions continue. Named as litigants in the law suit are The Colony and Wellesley Heights neighborhood associations as well as Walt Whitlow and Dan Huber, and these groups and individuals must all agree to drop before this lawsuit can be withdrawn.

### **New Business:**

Board Discussions with Developers: Visuals were displayed of a concept development plan for the Sturgill property that has been rezoned to R-1-B. Everyone present was provided with a printed handout detailing key elements, additional requirements, comments and notes concerning this concept of development that has been worked out between Developers and Board. Walt stressed that this plan and additional requirements are concepts only. They have been verbally agreed to by the developer but are in no way legally binding at this time. Note in reviewing this handout that a stricken entry means that either the Board or the developer opposes it and further discussion will be necessary. The phrases in bold type were added by the developers.

Walk walked us through this handout, addressing questions and concerns. Two key areas of concern by Colony residents are traffic and water drainage. This concept plan addresses the traffic situation by funneling the traffic from approximately 30 households out through Parkers Mill only. Traffic from an additional 48 or so will exit and enter via John Alden and Colonial Dr. from Versailles Rd. to John Alden. Approximately 5 households will enter and exit Colonial Dr. *These areas are not interconnected, and each of them is dead-ended.* A visual of a proposed stone entry way at Versailles Rd was posted for viewing, and similar photographs were circulated. Entrance, right and left lanes would be created, and the curves would be broadened for easier access off Versailles Rd.

Water drainage was addressed by the inclusion of a 4.5-5 acre lake separating the property that exits and enters on Parkers Mill from that which exists and enters through John Alden to Colonial to Versailles Rd. There are, additionally, a pond and a retention basin.

### Questions and Concerns about Concept Plan:

Many questions were raised in an attempt to obtain more information:

How far from New Circle Rd. are the houses? Response: Lots themselves are 100'x150' at shallowest. Back of houses face New Circle.

How do we get city to approve lake on top of sink holes? Response: Areas not now classified as sink holes.

How far from Standish is the lake to be situated? Response: 200-300'.

How do we take out 5 acres for a lake and still have appropriate lot size? Response: Lot shapes are redesigned and size is figured into lake area. There are now fewer than the original 90 lots proposed.

Will only approximately 5 households go in and out from the back of Colonial Dr. Response: yes.

Why not run all the traffic out onto Parkers Mill? Response: Downtown has in the past objected to this and would not approve it. We need a dividing lake for water retention.

A concern was raised about retention basins. These are a problem in general in Lexington. Mosquitoes can be a major problem. Response: Walt stressed that we need to insist that the new development assess each member an annual maintenance fund for the upkeep and repair of these bodies of water. He also stated that there actually may not be any retention basins as such. One would be a lake, one a pond and perhaps the third a pond as well.

Other concerns centered around the adoption of an agreed upon plan and the lawsuit. There was general agreement that this or any plan would not be agreed to without the Parkers Mill entrance/exit concept, and that should this access not be obtained, the lawsuit would proceed. Again, Walt stressed that any development plan must be approved by our general membership, have finalized and detailed components, contain legally binding assurances that the problems we have addressed have been solved and contain legally binding assurances that it would be developed as agreed upon before any lawsuit would be dropped. Any modifications in the concepts as presented here tonight made later by the Board in conjunction with the Developers will be brought back to the General Membership for approval at a General Membership Meeting before they are enacted in any way.

Action Taken:

A motion was made that the type of negotiations that have taken place be continued. Motion was seconded. Discussion followed on whether we want to use the word "discussion" or "negotiation," and if it would be more accurate to refer to the plan as a "concept." The motion was then amended to be that we approve this plan in concept and continue negotiations. Motion was seconded and then amended to include negotiation by the Board. The first vote was to approve the original motion as amended. The second vote was to approve the amendment to the amended motion. Both the amended motion and the amendment to the amended motion passed. The final action is then: **That we approve the concepts presented tonight and that the Board continue negotiations with the Developers.**

**Miscellaneous:**

An expression of gratitude was offered to Walt for the considerable time and work he has done on our behalf. A hearty round of applause followed.

**Adjournment:** 8:25 PM

Respectively submitted,



Joan Bush  
Secretary

4/11/96 General Meeting - Colony

Centre w. Huber & Dan Huber (27)

- ① Pat Nichols
- ② Sue Rimmer
- ③ Vernon Bastick
- ④ ~~Joan Bush~~  
Lowell Bush
- ⑤ Chuck Vineyard  
Hans Vineyard
- ⑥ Myron Sandifer
- ⑦ Max A Creeker
- ⑧ Barbara Creeker
- ⑨ June Olson
- ⑩ Sharon Larmour  
Bill Larmour
- ⑪ Holly Wade  
Tom Wade
- ⑫ Giffen Anderson
- ⑬ Lorraine Singer
- ⑭ Phil Miller
- ⑮ Melba Yearry
- ⑯ Art Baumohl
- ⑰ Jane Baumohl
- ⑱ Cleo D. Trust
- ⑲ Lowell McGuire
- ⑳ Mary Duff  
Mary Duff
- ㉑ Steve Cole
- ㉒ Joanne Thornhill
- ㉓ Bill Thornhill
- ㉔ Ed M O'Bryan

28 HOUSEHOLDS  
 1  
 35 HOUSEHOLDS

⑲ SMITH by who - present but did not sign list  
 Add as present:

- ⑳ M. Jackson ㉓ W. White
- ㉑ H. Ligon ㉔ M. Kelly



**RESIDENTS, INC.**  
**The Colony Neighborhood Association**  
**April 11, 1996 Minutes of the General Membership Meeting**  
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Action Taken:

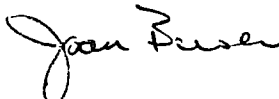
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**Adjournment:** 8:25 PM

Respectively submitted,



Joan Bush  
Secretary

**RESIDENT'S, INC.**  
The Colony Neighborhood Association  
General Meeting Notice

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April 5, 1996

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What? Neighborhood General Meeting

Why? Discussion of proposed development and pending lawsuit

When? Thursday evening, April 11, 1996 at 7:00 PM

Where? St. Raphael Episcopal Church, 1891 Parkers Mill Road

Questions? Call Walt Whitlow

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**Residents. Inc.**  
**General Membership Meeting, April 11, 1996**  
**Treasurer Report**

*Information contained herein is confidential to Residents, Inc.*

All amounts rounded to the nearest dollar.

Annual light fund payment notices were sent in December 1995 with second notices sent in January 1996 as necessary. All but five households paid the annual assessment for Colony lighting. Total amount collected: \$735

Money collected deposited in Residents, Inc. General Fund Account.

Account activity 11/5/95 through 4/11/96:

St. Raphael Church	Donation for use of meeting hall	\$100
Kentucky Utilities	Balance due semi-annual utility payment	\$25
	Postage expenses for mailing of the annual notices	\$32
General Fund account balance:		<b>\$1,173</b>

The General Fund Account currently has a net liability that was incurred in 1995 as a result of the Colony opposition to the Sturgill property zone change request:

Presnell and Associates	Engineering services rendered.	\$2400
Murphy and Enlow	Legal services rendered.	\$500

The Colony General Fund Account balance is insufficient to retire these debts.

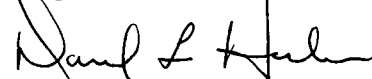
*At the conclusion of the zone change hearings, Residents, Inc. had uncollected a total of \$10,600 from those households failing to contribute, or failing to contribute their full amount of the assessments approved by the general membership.*

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A Legal Fund Account was established in order to fund the lawsuit filed by Residents, Inc. contesting the zone change approval by the Fayette Urban County Council. Forty Colony households have contributed to this account. There have been five non-resident contributions.

Expenditures for transcription and legal fees:	\$5,055
Legal Fund account balance:	\$4,170
Outstanding Legal fees (through 4/11/96)	(\$1,138)
Net	<b>\$3,032</b>

Respectfully Submitted,



Daniel L. Huber, Treasurer

4/11/96 General Meeting - Colony

Centre W. Huber & Dan Huber  
Pat Huber

Sue Rimmer  
Dorothy Bastick

Jean Bura  
Lorell Bush

Chuck Vineyard

Nais Vineyard

Myron Sandifer

Max A. Creeker

Barbara Crocker

Janis Olson

Sharon Larmour

Bill Larmour

Holly Wade

Tom Wade

Glenn Anderson

Lynn Birge

Phil W. W.

Nelda Yearry

Art Baumohl

Jane Baumohl

Cleo D. Trust

Lewell M. Guise

Mary Duff

Mary Duff

Kevin Eckert

Jeanne Thornhill

Bill Thornhill

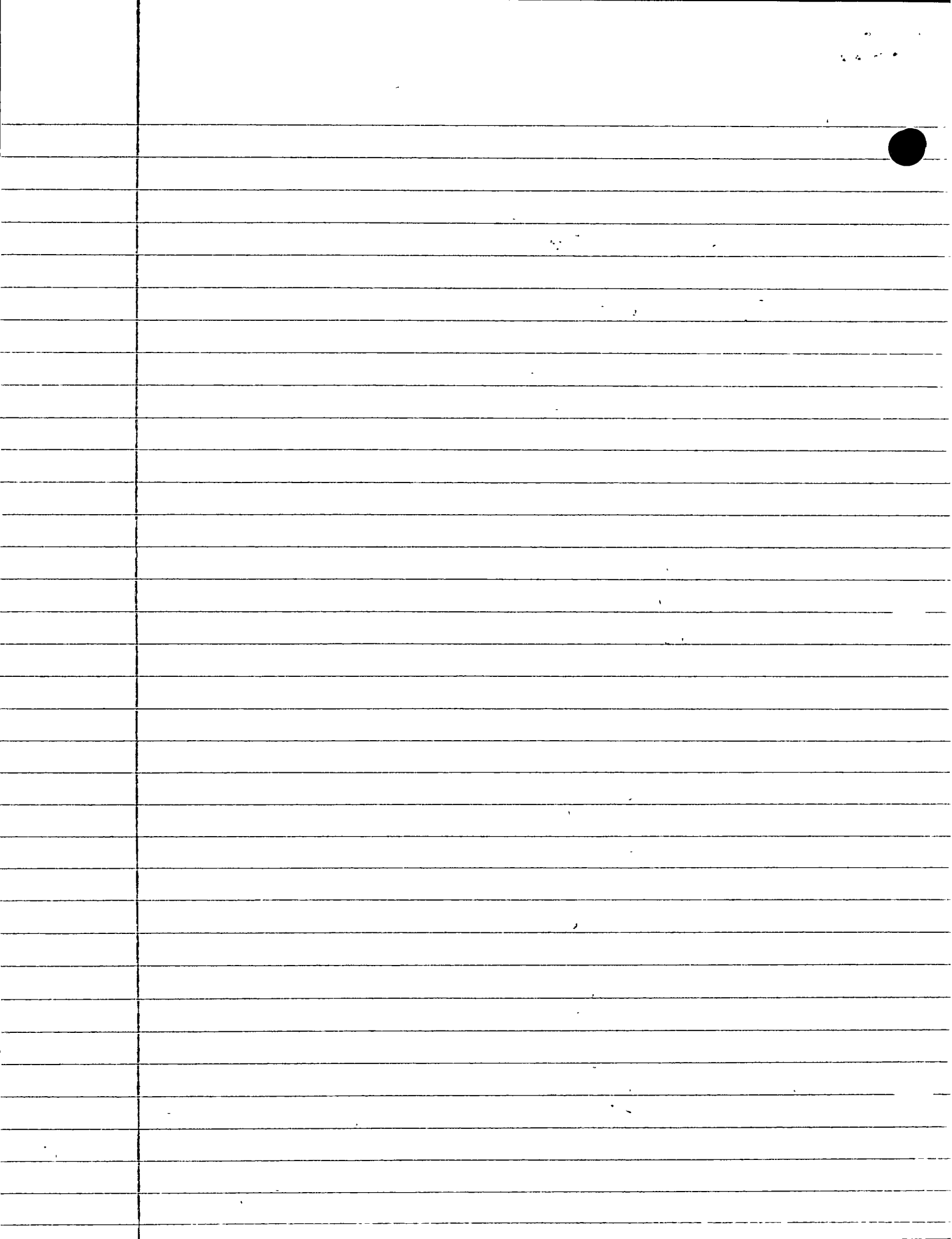
Dud M. O'Bryan

Present but  
- did not sign  
list 9/13

Add as present:

M. Jackson W. Whitlow

H. Ligon M. Kelly



John Alden Estates  
COLONY - UNIT 4

April 11, 1996

**KEY ELEMENTS OF PLAN**

- (1) Part traffic goes out Parker's Mill Road
- (2) Lake designed so cannot connect Parker's Mill/Colony
- ~~(3) Opening Mayflower equalizes traffic pattern through Colony~~
- (4) Water problems must be solved - cannot create on site drainage problems or contribute to off site drainage problems
- (5) Neighborhood lake access
- (6) Effective use of berms & screening (detail-increases property values - important to provide effective screening between the new development & New Circle & Versailles Road - need to indicate location height/width of earth berm, number & type of trees, shrubs & screening material, ground cover, ?????? etc.)
- (7) Maintains optimum location of lake (minimum earth movement)

**ADDITIONAL REQUIREMENTS**

- ( 1) All construction traffic must go through Parker's Mill Road access
  - (a) **during construction of subdivision** *not for devel of houses*
- ( 2) Entry Improvements - **(as agreed)**
  - (a) three lanes
  - (b) stone entry way
  - (c) new plank fencing along Versailles Road *subject to approval of property owners*
  - (d) lane entering from Versailles Road (increase radius to make turn easier/quicker)
  - (e) screening/planting
- ( 3) Street layout and lighting (similar to Colony) *no curbs, no gutters similar street lighting*
- ( 4) Deed Restrictions:
  - (a) no vinyl siding or vinyl *city may not agree*  
**(except eaves & low maintenance areas - soffit, fascia, gutter & downspouts etc.)**
  - (b) variety of housing styles
  - (c) fencing restrictions  
**all perimeter lot & subdivision fence to be <sup>tan</sup> ~~black~~ <sup>use</sup> white**  
**four board fencing - no chain link fencing or other types of fencing allowed**  
**(privacy fencing around swimming pools and patios to be approved by developer ???????)**
  - (d) no out buildings *we want it more defined*  
**(no out buildings except those accompanying pools)**
  - (e) minimum house sizes  
**(ranch - <sup>then</sup> ~~1800~~ ..... <sup>no</sup> 2400 sf plus 2 car garage/plus bsmt if applicable)**



(two story- <sup>they</sup> ~~2400~~ <sup>as</sup> 2800 sf plus 2 car garage/plus bsmt  
if applicable)

- (f) no on street parking  
(no overnight on street parking)
- (g) two car garage
- (h) housing styles ?????  
(no ~~two adjacent~~ houses shall have identical roof lines  
and/or external appearance)
- (i) etc.
- ( 5) Underground utilities - (Contact KU about existing  
underground service) *Walt will try to get KU to correct in old Colony*
- ~~( 6) Neighborhood improvement fund~~  
*but will* **rework islands at street intersections with earth berms, trees,  
ground cover etc. ?????**
- ~~( 7) Bond for repair of damaged Colony streets~~  
**(says it is city's responsibility)** *- will get agreement w/ city or developer*
- ( 8) Heavy screening & new plank fence between Exist Colony & New  
Development  
**(screening is existing & black fence needs major repair &  
paint)**
- ( 9) Wall path at both ends of lake  
**(see plan)**
- ~~(10) Restrictions on remaining Sturgill Property (R-1A) becomes  
part of deed if sold~~  
**(doesn't think R1-A is possible but will try to get commitment no  
more than R1-B)**
- (11) Colony Streets - no widening streets, no curbs, no gutters or  
sidewalks (except at Versailles Road, Colonial Drive  
Entry)
- (12) Screening *requested by neighbors* along John Alden, Colonial Drive.  
**(as needed - street trees listed on city list)** *[Signature]*

**NEW, ADDITIONAL COMMENTS/NOTES**

- (1) Top quality development
- (2) Temporary street to be closed upon completion of lot  
(development activities) on Versailles Road/Colony side of  
subdivision.
- (3) Method for enforcing restrictions - binding legal agreement
- (4) Any agreement we enter into with the development must become a  
part of the property/deed.
- (5) Island, landscaping & street light at rear 5/6 lots on  
Priscilla Lane
- (6) Monthly or yearly fee for houses in new development for  
maintenance of lake/retention basins and surrounding  
common area - shared by all in new development and not  
just those surrounding lakes/retention basins.
- (7) Extend park land/lake access width of lake (both ends)

*Walt - Developer agreed to be responsible for lake + retention basins for  
2 years after they are built* <sup>2</sup>

**RESIDENTS, INC**  
The Colony Neighborhood Association  
General Meeting Notice  
May 16, 1996

---

- What?** Neighborhood General Meeting
- Why?** Discussion and vote on the proposed development plan for the Sturgill property  
Election of officers for term June 1, 1997 to May 31, 1998
- When?** Thursday, May 22, 1997 at 7:00 PM
- Where?** St. Raphael Episcopal Church, 1891 Parkers Mill Rd.
-

established methodologies and that the data they used to input into these methodologies was reasonable and that their design makes things better than they are now. Mr. Cooley stated that this plan has a tremendous level of what they call conservatism, a great margin for error built into the design, especially in the large lake. Eagle Engineering was asked by the City to look off sight to see what happens farther downstream. They did a study using the same methodologies, and the conclusion is that the current situation will be improved since water goes to a retention basin before arriving in other locations. Mr. Cooley did not <sup>(S.W.)</sup> review this study but trusts the methodologies they used. The pond, lake and retention basins have far more capacity than they actually need as they are designed for rainfall amounts in time periods far exceeding anything we have ever experienced.

Question: How do we make sure that they do what they say they are going to do? Response: These designs are stamped by registered engineers who are under continuous supervision, and they are required to follow drawings.

**Recommendation and Discussion:**

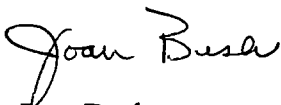
Walt pointed out that the objections to development we have expressed have been worked out in that the water control plan is sound and only 54 homes will exit through our neighborhood. Under R1A zoning, 40-45 homes would exit. He urged that we vote to give the Board the authority to approve final details of the plans and that development may therefore proceed. Concern was expressed that we would be making decisions based upon documents that were drafts and not documents in final form. Walt stressed that the essentials will remain the same. The documents just need to be fine-tuned and written in "legalese."

**Action Taken:** (attachments) Lyman Ginger moved, and it was seconded, that the Board of Directors of Residents, Inc. be authorized to approve a settlement with J. Williams, Inc. regarding the development of the Sturgill property in accordance with the Settlement Agreement, restrictive Covenants, the Development Plan, the Landscaping Plan, the Entranceway Improvement Plan, and the other provisions of settlement which were presented to us this evening for our approval, and that the Board of Directors be given the authority to work out and approve the final details of this settlement with J. Williams, Inc. Voting was done by written ballot. Motion passed with 35 households for and 5 against.

**Explanations:** Myron Sandifer recommended that the documents named in the motion be identified in the minutes so that at a future date we can know specifically what was voted for. To that end, the following description is offered: The Settlement Agreement listed above refers to the entire package of legal documents governing all aspects of design, construction, water control and landscaping of the new development as well as all aspects of design, landscaping and construction of the park areas and entry way into the existing Colony. Included in this package will be Restrictive Covenants, legal documents specifying the conditions and restrictions governing all aspects of development; The Development Plan, a blueprint with a design layout for houses, lakes and streets in the new development; Landscaping Plans, blueprints for landscaping specifics both for the new Development and the park areas in the existing Colony; an Entranceway Improvement Plan sketching out the turn lanes, entrance lane, landscaping, and lighted stone entrance wall at the Versailles Rd. entryway into the existing Colony; other provisions of the settlement agreement include such things as Articles of Incorporation and By-Laws for the Colony Unit Four Community Association.

**Adjournment:** 9:15 PM

Respectfully submitted,



Joan Bush,  
secretary

*Lynn Singer moved*

**MOTION**

I move that the Board of Directors of Resident's Inc. be authorized to approve a settlement with J. Williams, Inc regarding the development of the "Sturgill Property" in accordance with the Settlement Agreement, Restrictive Covenants, the Development Plan, the Landscaping Plan, the Entranceway Improvement Plan, and the other provisions of settlement which were presented to us this evening for our approval, and that the Board of Directors be given the authority to work out and approve the final details of this settlement with J Williams, Inc

~~40~~  
13  
40  
5.20

1  
1  
1

MR. PRESIDENT -

The Election Committee has met and is prepared to make the following recommendation -

The recommended SLATE, for your consideration is :

PRESIDENT - Lowell Bush

VICE - PRESIDENT - Fred O'BRYEN

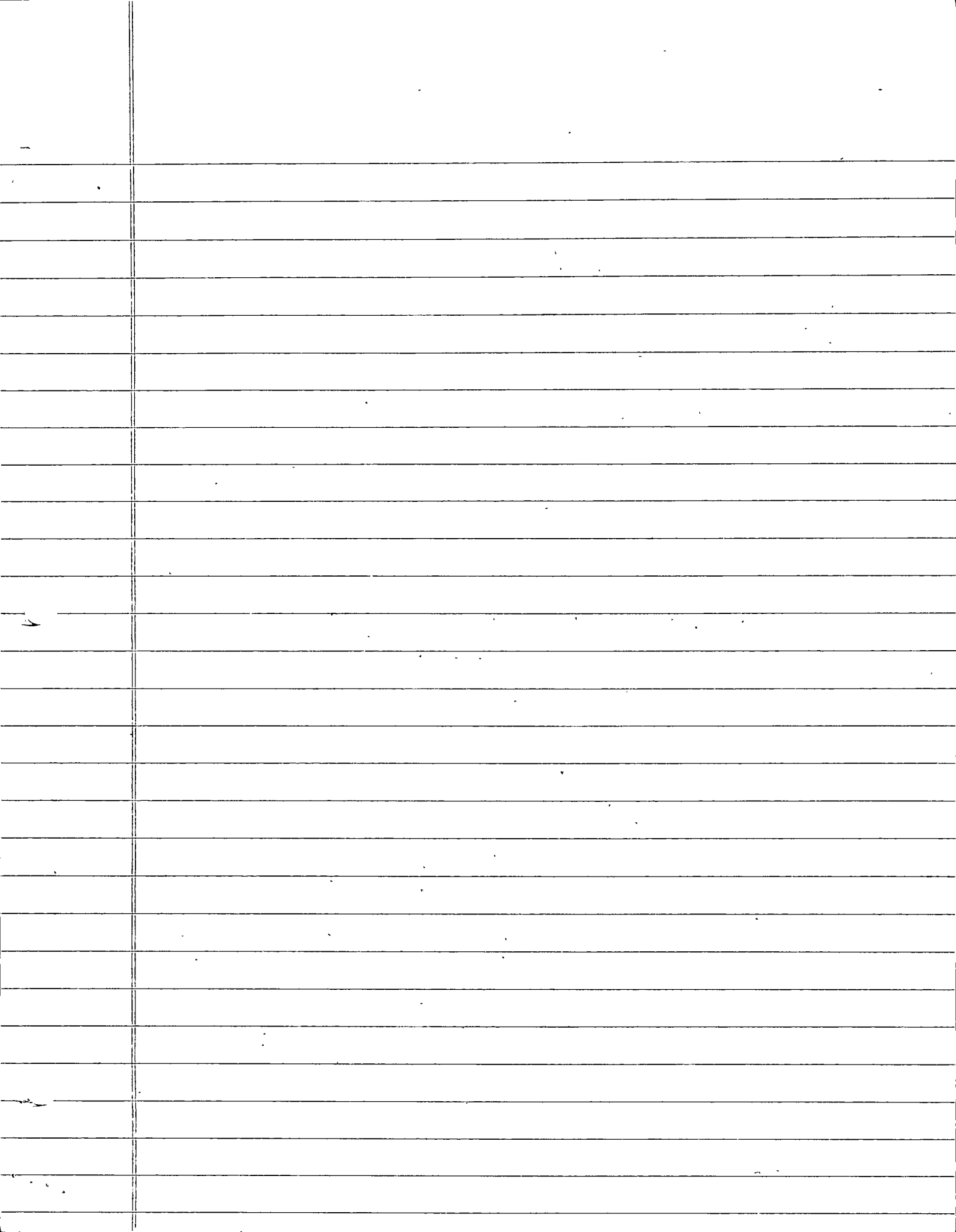
TREASURER - Tom WADE

SECRETARY - FRANKIE DANIELS

BOARD MEMBER - JANE BAUMOHLE

BOARD MEMBER - Sally MILLER

BOARD MEMBER - Chuck VINEYARD -



in Treasurer Report: General Mtg 5/22/97

## General (light) Fund

80% participation after two notices sent '97  
light bill paid thro May  
Account balance . \$ 1685.44

(Bush landscape fund \$447)

No outstanding debts except for minor  
office expenses: postage, copying

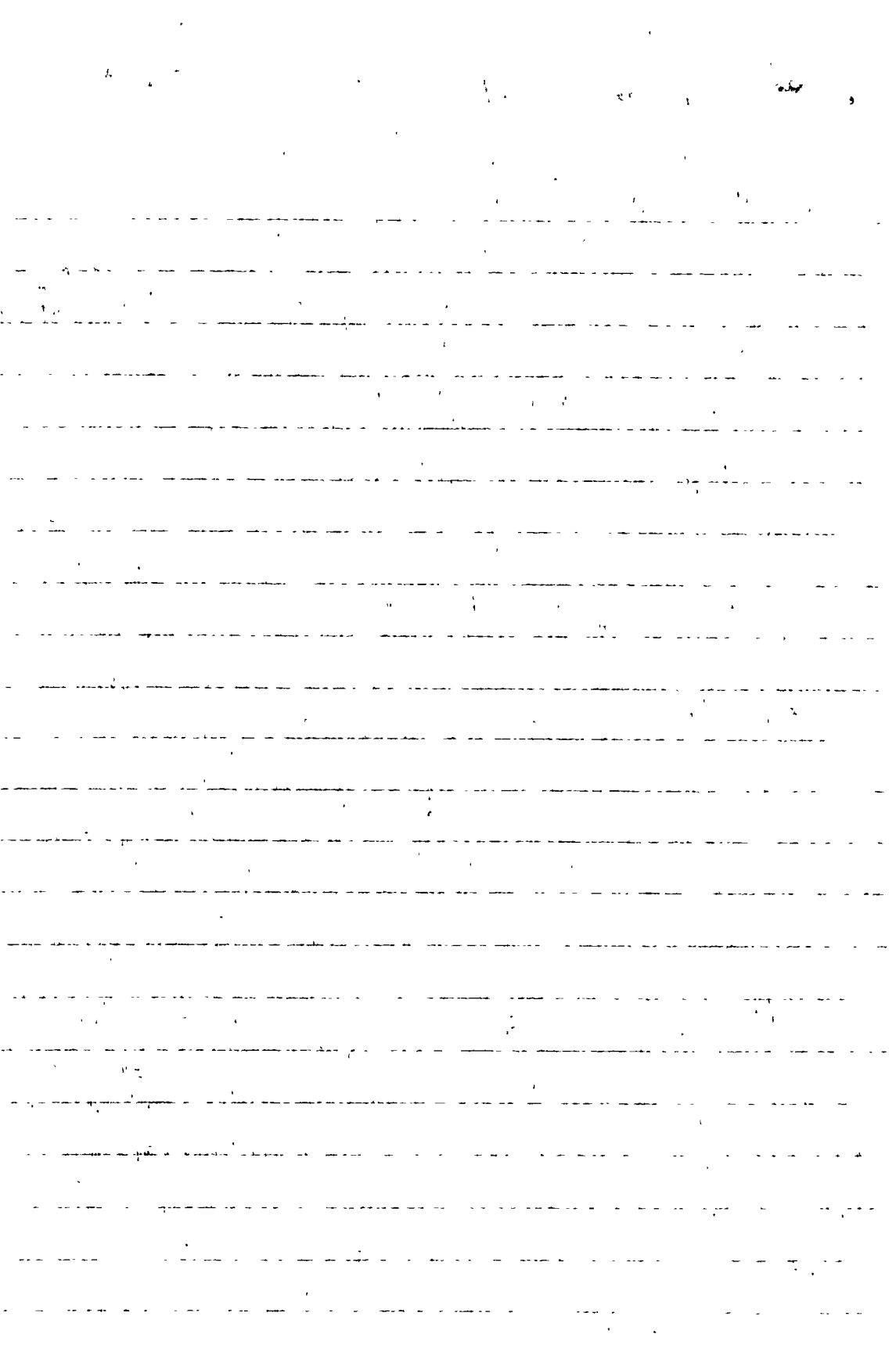
## Legal Fund

63% participated partially or fully  
in the legal fund

Current balance: 2631.38

Outstanding expenses: \$600 water review  
?? Legal expenses  
?? office expenses  
(copying, display,  
etc.)





May 22, 1997

General Meeting  
Residents, Inc.

1. Joan Bush Lovell Bush 1241 Colonial
2. Tom Wade 1261 Colonial Drive
3. David Kesler 1228 Standish Way
4. Mildred Lawrence 1209 Colonial Dr
5. Walt Whulb 1249 Standish Way
6. Don & Chris Nansen 1225 Colonial Dr.
7. Wm Hart 1248 Standish Way
8. Randolph & Frankie Daniel 1272 Priscilla Ln
9. Louis & Chuck Vineyard 1237 Standish Way
10. Pat Niles 1280 Colonial Dr.
11. Marle Kelly 1244 Colonial Dr.
12. Lillian Steveis 1220 Colonial Dr.
13. Clifton Anderson 1277 Colonial Dr.
14. Lowell McGuire 4013 John Alden Lane
15. Pat Edger 4016 John Alden La.
16. Helen Ligon 1256 Standish Way
17. MYRIA JACKSON 1208 Colonial Dr.
18. HOWIE MUSCOVE 4004 MAYFLOWER LN
19. Gene Baumohl 1268 Priscilla Lane
20. Art Baumohl same
20. Ruby Collier 1200 Colonial
21. James & Bill Thornhill 1272 Colonial
22. Pyman Hingler 1565 Standish



23	24	MAX H. Crocker	1260 Colonial
24	25	Grant S. Bell	4021 John Alden
25	26	Sally Millego	1273 Colonial Dr.
26	27	<del>John &amp; Mary</del>	Melba Yeary 2504 Versailles Rd.
27	28	GROGANS (Lynn & Virginia)	John Alden
28	29	Sybil Ward	1264 Standish Way
29	30	Frank Whitaker	1252 Colonial Dr.
30	31	Frank D. Canny	1256 Colonial Dr.
31	32	FRANK W. HAM	1228 COLONIAL DR.
32	33	Junior Odum	1212 COLONIAL DR.
33	34	Sue Pimmer	1276 Colonial Dr.
34	35	MARY + AL POLK	1269 STANDISH WAY
35	36	Tom & Mickey Smith	1273 Standish Way
36	37	Bill & Sharon Larmour	1237 Colonial Dr.
37	38	M. yon & Jean Sandefer	4008 Mayflower La.
38	39	Mark & Jennie Sharff	1252 Standish Way
39	40	Barbara Crocker	1260 Colonial
40	41	Dana Maloney	1253 Standish Way
41	42	Eul M. O'Byrne	1245 Standish Way
42	43		
43	44		
44	45		
45	46		
46	47		
47	48		



**Residents, Inc.**  
**Informal Board Meeting - The Colony Neighborhood Association**  
**6 PM - Wednesday, May 29, 1996**

The Board was presented with copies of proposed Articles of Incorporation, Agreements and Restrictions, Declaration of Covenants, Conditions and Restrictions and By-Laws documents. These are commonly used legal documents that will serve as starting points for setting down legally binding conditions and restrictions we want in place before any development could begin. The business of this meeting was to discuss how we will go about reviewing and making changes to the documents. We will all read through them, noting questions and disagreements in the margins. The next several times we gather, we will read through line by line and discuss our ideas for changes. At the end of this long process, we will send these documents with our changes to Bruce Simpson for his review and suggestions. When we have finalized them in this way, they will go to the Developer. He will no doubt not agree to all changes, and further negotiation will be necessary. No other business was conducted.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Joan Bush".

Joan Bush,  
secretary

**Residents, Inc.**  
**The Colony Neighborhood Association**  
**Minutes of the Informational Meeting between Colony Board and representatives**  
**from other neighborhood associations**  
**8:00 PM - May 29, 1996 1249 Standish Way**

**Attending:** as per attached sheet

**Invited but not attending:** representatives from Beaumont and West Gardenside neighborhood associations

**Presiding:** Walt Whitlow

Walt reviewed the history of the development of this building plan concept. He explained the process through which the Board has gone. Preliminary plans and revisions as well as conditions to be met were drawn up for the developers to agree to. When the Board was satisfied that the concept and conditions might be acceptable, a special meeting was held on March 25 for input and discussion from residents who had paid their fees to support the legal action voted upon by the general membership. This special committee voted unanimously to proceed with the necessary steps to implement the concept. A general meeting April 11 also voted for the Board to continue negotiations with the developers toward firming up and implementing the concepts and conditions presented.

Walt explained that we felt that development was inevitable and consequently the only alternative available to us was to work with the developers to obtain a development that would address our concerns that were not addressed by the Council when the zone change was enacted and we consequently filed suit. The lawsuit will not be withdrawn until we are guaranteed in writing that our concerns will be met. The plans shown here tonight have addressed the water drainage problem by creating lakes, the traffic flow problem by funneling some homes out through Parkers Mill, some out through John Alden and Versailles Rd. and some out through Colonial Dr. and Versailles Rd. The access on Versailles Rd. will be widened to 3 lanes, and the turning radius will be widened. A new entry way will be constructed near Versailles Rd. The new homes will be compatible with the existing neighborhood homes. This plan provides for earth berms, fences and trees for screening as well as provisions for upkeep of public areas and lakes. There will be engineering studies to ensure that the drainage lakes function properly.

Archie Weeks pointed out that a membrane liner may be necessary to ensure that water in the lakes is held. He stated that these are expensive and that this is one condition that should be agreed upon in writing. He also mentioned deepening the shore line by about 2 feet in order to reduce the growth of vegetation. Walt stated that the developers will be held to the upkeep and proper functioning of the lake for 2 years after 90% of the houses have been built. It was suggested that bond money be put up in order to address the issue of the lake not leaking within a certain time frame.

It has come to the attention of the Board that Taylor Morgan, an independent hydrologist, is prepared to state publicly that this land is unsuitable for development.

Walt requested comments from the men present from Viley and Wellesley Heights neighborhood associations. Archie Weeks voiced two concerns. One was that this development would weaken the Wellesley Heights subdivision's cause, not significantly, but that Bill Lear will use it to the opposition's advantage. A second concern he had was that whereas this will solve the water problem in this area, much more complex and difficult water problems exist in Lexington that further development will not help. He went on to say that he believes this area will be developed and we are doing all we can do which is to work for the best development possible. He understood the objections to the outlet on Parkers Mill, but felt they were getting a fair deal with only 30 houses exiting onto this road. It was pointed out that Parkers Mill is a public highway whereas the streets in the Colony are private roads and that traffic exiting Colonial Dr. exits dangerously close to the New Circle access. This area will become even more dangerous and congested should the Viley Rd. lose their lawsuit and Cutter develops homes on R-1-C lots there.

The Viley neighborhood representatives stated that they like our concept and stressed that we must insist, as we have agreed to do, on measures to ensure that we do not have water drainage problems.

Both Walt and Tom Wade again stressed that we must be satisfied that all problems have been adequately met before the lawsuit is withdrawn.

**Adjournment: 9:30 PM**

Respectfully submitted,



Joan Bush  
Secretary



Board/neighborhood Assocs  
meeting

May 29, 1996  
8 PM. Walt Whittow's

Joan Bush

Sue Rimmer

Pat Nishy

Mike Mackland - Wiley

Tommy STRECHER - Wiley

Phil Wiken

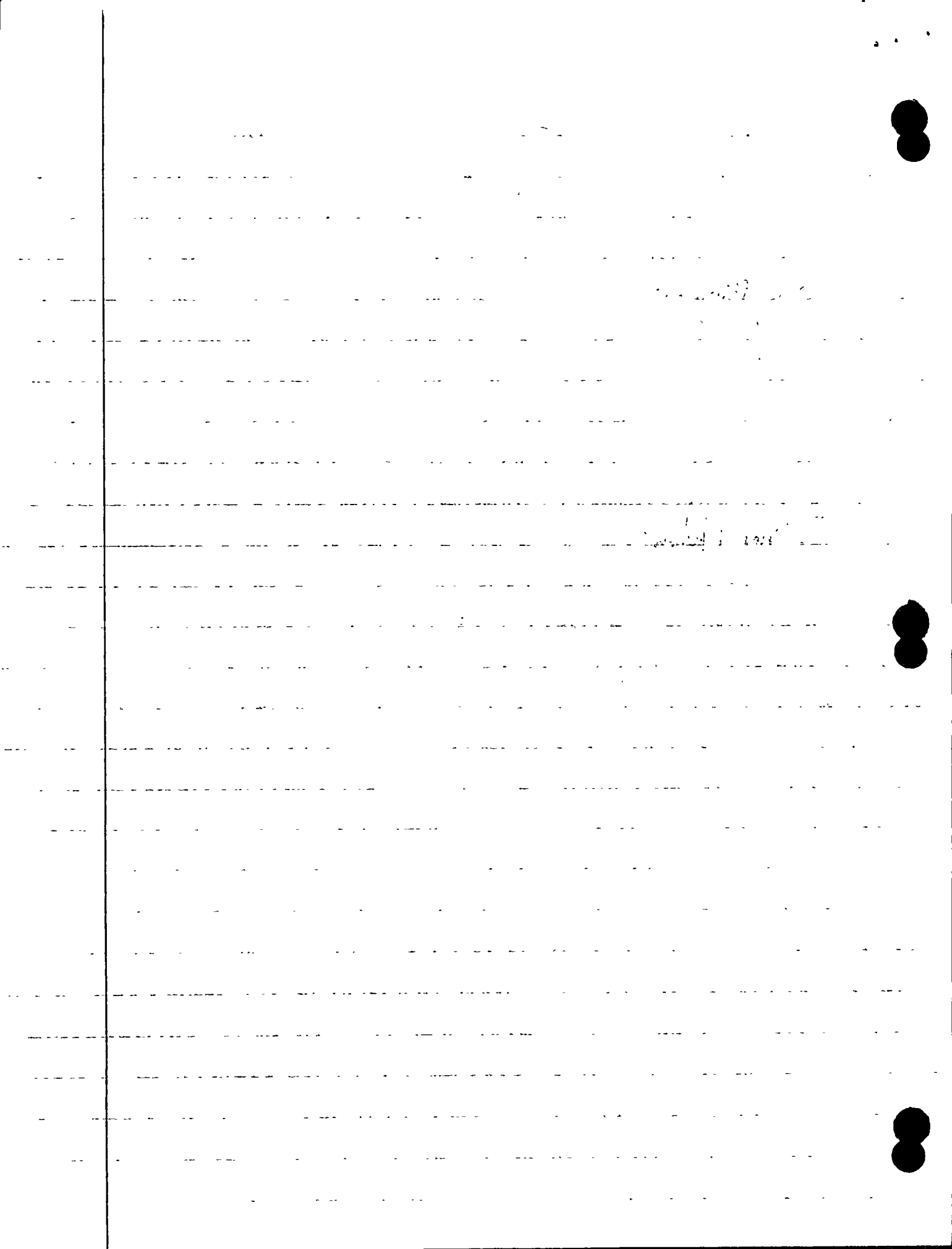
Tom Wade

Dan Huber

Walter E Whittow

Archie D. Nishy - Wellesley

Tom Creed - Wellesley



**Residents, Inc.**  
**The Colony Neighborhood Association**  
**Board meeting**  
**RE: Proposed amendments to Agreements and Restrictions document drawn up by**  
**Bruce Simpson**  
**7:00 PM - June 6, 1996 1249 Standish Way**

**Attending:** Walt Whitlow, Dan Huber, Tom Wade, Phill Miller, Pat Nichols, Joan Bush  
**Absent:** Sue Rimmer

**Proposed Changes to Agreements and Restrictions document:**

- ✓ #1, p. 1, second to last paragraph: add to last sentence: "addresses the problems associated with development of the property and its consequent effects on the adjoining neighborhoods."
- ✓ #2, p. 2, under 1: change 86 to read "no more than 84, of which no more than 54 shall exit through existing Colony."
- ✓ #3, p. 3, under 2: add wording that will provide enforcement
- ✓ #4, p. 3, under 3: capitalize "n" in "neighborhood" to ensure that it refers to Residents, Inc.
- ✓ #5, p. 3, under 3: Add at end of paragraph restriction that will limit any future connections of this road
- ✓ #6, p. 3, under 4: Add at end of paragraph: "Any drainage problems that are created by this development will be corrected by the developer for a period of 5 yrs. after 90% of the homes have been sold."
- ✓ #7, p. 3, under 5: Insert "perpetuity" after "walk ways"
- ✓ #8, p. 3, under 6: (we need to include an initial landscape plan)
- ✓ #9, p. 4, under 7: insert "with landscaped median" after "stone entryway" and insert "white" between "new" and "four rail" (Do we want to stipulate that the Neighborhood will maintain fencing along Versailles Rd. to the Sturgill property?)
- ✓ #10, p. 4, under 8: replace "easier" with "safer." (We need to include a sketch, and do we want to inquire about an acceleration/deceleration lane?)
- ✓ #11, p. 4, under 9: Amend to read: "The street lighting and roads in the new development shall be similar in design and size to the roads in the Neighborhood, subject to Planning Commission approval."
- ✓ #12, p. 4, under 10: Add at end: "Improvements in the form of berming and landscaping shall be made to all existing Neighborhood park areas." (include initial landscape plan)
- ✓ #13, p. 5, under 12: Include only the first sentence in 12. Number remainder of the paragraph 13. Incorporate all of 13 in 9.
- ✓ #14, p. 6, under 15: Add to last sentence, "as defined elsewhere in this agreement."
- ✓ #15, p. 6, under 16: (Is this paragraph essential?)
- ✓ #16, p. 6, under 17: Need to define when - after development or initially?

**Proposed Changes to Brier East Farm Estates document for purpose of incorporation into above document:**

Delete all material through number 2 on p. 2.

Include number 3 but delete the last two sentences.

Include number 4 but delete first sentence.

Include numbers 5-7.


Delete number 8.

Include numbers 9-11.

Include number 12 but delete "majority of the" and replace it with "two or more"

Include numbers 13-28.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joan Bush".

Joan Bush

**Residents, Inc.**  
**The Colony Neighborhood Association**  
**Board Meeting**

**RE:**

**Proposed amendments to Declaration of Covenants, Conditions and Restrictions for  
The Colony Unit Four document  
Water Retention Basins  
Landscaping**

**7:00 PM - June 10, 1996                      1249 Standish Way**

**Attending:** as per attached sheet

**Absent:** Sue Rimmer

Tom Smith will be involved in discussions with city, development, and Colony hired engineers regarding water basin design and development.

Lowell Bush will be responsible for obtaining landscaping and/or berming ideas and sketches for Versailles Rd. to Sturgill property, 4 intersections in existing Colony, entry way with island off Versailles Rd., screening along John Alden and between existing Colony and new development, and small additional area as discussed. Chris Huber will interview residents along John Alden and those who will back up to the new development to determine their landscape needs.

There will be a general neighborhood meeting Thursday, June 29, 1996 at 7:00 PM at St. Raphael Episcopal Church, 1891 Parkers Mill Road for the purpose of electing officers.

**Proposed Changes to Covenants, Conditions and Restrictions document:**

Article I ✓

✓section 8: delete

✓section 11: p. 3, line 3, change "in" to "be"

Article II ✓

✓p. 5, line 2, add after "lessee." "Additionally, members of Colony Units 1 and 2 are expressly granted unrestricted use of the common areas as afforded members of this association without cost and in perpetuity. This provision is not subject to amendment." Delete the entire paragraph that follows.

Article III ✓

✓section 2: end this section after word "owned" in the last line of page 5.

✓section 3: delete this entire section.

Article IV ✓

✓section 1: delete paragraph 2

Article V ✓

section 1, paragraph 1, line 3: delete "if reasonably available" line 4: delete sentence beginning "If blanket all-risk, etc. line 7, correct (1008) to (100%). paragraph 2, line 7: delete entire sentence beginning "The deductible shall be, etc." and replace with "The deductible shall be paid by the association." (Add note in margin to ask Bruce about a time element for getting this action accomplished) third from the last line on p. 9: end sentence after word "occurrence"

section 1(a), p. 10: end sentence after "Inc."

section 1(a)vi, p. 11: delete "if reasonably available" from line 4, second paragraph of vi

section 4: delete all of (b) and (c)

Article VII ✓

third from last line in this section: change "neat" to "net"

Article VIII ✓

delete entire Article

Article IX ✓

section 4, line 4: change "heroin" to "here in"

section 6: delete entire section

Respectfully submitted,



Joan Bush, secretary

June 19, 1996

Joan Busa  
Tom Wade

Dan Huber  
Chris Huber

Logell Buss

Phil Miller

Bob Jones

Tom Smith

~~John Smith~~

Handwritten notes, possibly including "CIVIL ENGINEERING" and "STRUCTURAL ANALYSIS".

Handwritten notes, possibly including "STRESS AND STRAIN" and "TENSILE TEST".



**Residents, Inc.**  
**The Colony Neighborhood Association**  
**Board Meeting**

**RE:**

**Proposed amendments to Declaration of Covenants, Conditions and Restrictions for  
The Colony Unit Four document**

**7:00 PM - June 13, 1996 1249 Standish Way**

**Attending:** Walt Whitlow, Tom Wade, Phill Miller, Joan Bush

**Absent:** Sue Rimmer, Pat Nichols, Dan Huber

General neighborhood meeting date changed due to unavailability of St. Raphaels on June 29, 1996. Proposed amended date is July 9, 1996 at 7:00 PM at St. Raphaels Episcopal Church, 1891 Parkers Mill Road, pending availability of the church for our use. Notices will be sent out when date has been ok'd with the church.

Proposed Changes to Covenants, Conditions and Restrictions document:

✓ Article X

Section 1. (Add to margin the following information for Bruce Simpson) These assessments need to be detailed as to amount to ensure that there are adequate funds for upkeep and repair of lakes. Would it be advisable to have a certain minimum in a separate and special account for the retention basins?

Section 6, line 2. Strike the words from "as" to the end of this sentence and substitute after "as" these words: "soon as lots are sold or transferred from Developer."

Article XI ✓

✓ First paragraph, delete the second sentence. End the last sentence, which begins on p. 20, after the word "Article."

✓ (Add to margin in this section the following information for Bruce Simpson) We need to be specific about architectural standards to make sure that they incorporate our requests as to size of houses, building materials, etc.

✓ Section 4. (Add to margin for Bruce) Variances seem too easy to come by. This open-endedness needs to be reworked and tightened up.

Article XII

✓ Amend first sentence in the first paragraph to read: "The Properties shall be used only for residential and recreational purposes." Delete the remainder of this sentence.

Second paragraph, line 5, insert after the word "herein," "unless exempt as per Article II, line 2.

✓ Section 2. Delete word "at" in line 11.

✓ Section 7. Delete last sentence.

✓ Section 9. End sentence in line 2 after word "changed." Delete remainder of this section.

- ✓ Section 12. Add to end of section: "These temporary structures may be on the property a maximum of 6 months during construction of unit."
- ✓ Section 13. line 3, delete "other than 4 Declarant" and substitute "without approval from city engineer" last line, strike out "shall meet the specifications of the Declarant" and substitute "shall comply with the specifications of the architectural standards as outlined in Article XI of this document."
- ✓ Section 14. insert after word "tree" in first line "larger than 6" in diameter"
- ✓ Section 17. Omit words "Except as may be permitted by the Board or its designee,"  
Begin "no" with an upper case N.
- ✓ Section 19. Delete words "by the Declarant" and substitute "herein."
- ✓ Section 20. line 2, delete phrase "by any Unit Owner" Add after second sentence. "No motors are permitted except electric trolling motors."
- ✓ Section 22. Amend first sentence to read: "No fences of any kind shall be permitted except perimeter fencing which shall be four board white horse fencing and fences around swimming pools."
- ✓ Section 24. line 3, strike the words "the maximum building set back lines"
- ✓ Section 26. line 3, change "twenty" to "forty"
- ✓ Section 27. (Note to Bruce in Margin) Substitute wording in Brier East document #5.

#### Article XIII

- ✓ Section 2. (Note to Bruce in margin) Do we want to omit this section?
- ✓ Section 5. Delete last paragraph.
- Section 8. (Note to Bruce in margin) Is this reasonable?
- ✓ Section 10. fourth from the last line on page. End sentence after word "amended."

#### Article XIV

- ✓ Section 2. Reword paragraph to read. "So long as required by the Federal Home Loan Mortgage Corporation, the Association shall not:"
- ✓ Section 5. Delete entire section. Change number of 2nd section 5 to 6.

**Residents, Inc.  
The Colony Neighborhood Association  
Board Meeting**

**RE:**

**Proposed amendments to Declaration of Covenants, Conditions and Restrictions for  
The Colony Unit Four document**

**Proposed amendments to Articles of Incorporation of The Colony Unit Four  
Community Association, Inc.**

**Proposed amendments to By-Laws of The Colony Unit Four Community  
Association, Inc.**

**Proposed amendments to Agreements and Restrictions document**

*Mon, June 17, 1996 7 PM 1249 Standing Way*

**Attending:** Walt Whitlow, Tom Wade, Phill Miller, Dan Huber, Joan Bush

**Absent:** Sue Rimmer, Pat Nichols

**Guest:** Lowell Bush

**Proposed Changes to Covenants, Conditions and Restrictions document**

✓ Article XV  
Delete entire Article

**Proposed Changes to Articles of Incorporation document**

Article IV, B viii: Delete

Article V, C. Change "Franklin" to "Fayette"

Article VII, B. List the names of the initial Board of Directors

Article IX. Replace period after final "By-Laws" with a comma and add Exhibit "C."

Article XI. List the name and address of the Incorporator

Article XII. After "incorporator" list name

**Proposed Changes to By-Laws document (Exhibit "C")**

**Article VI, Section 1**, first paragraph, i: change sq. ft. to 2400

ii: change sq. ft. to 2400

iii: change sq. ft. to 2800

iv: change sq. ft. to 2800

line 1, first paragraph: add after "have" "minimally"

second paragraph: add after ", " "or attics"

**Section 2:** remove "eaves"

**Section 3:** delete "black" and substitute "white" Amend last sentence to read: Privacy fencing around patios, decks, or pools shall be brick, stone, wrought iron or wood as approved by Declarant."

**Section 4:** Change comma after "fieldstone" to a period and delete the remainder of that sentence.

**Section 5.** Change 1 yr. to 2 years and 75% to 90%.

**Article VII**

**Section 4, (a):** Delete this sentence and substitute: At the closing for any property in Colony Unit Four, the buyer shall be furnished copies of Agreements and Restrictions, The Articles of Incorporation, the By-Laws, and the Declaration of Covenants, Conditions and Restrictions for the Colony Unit Four."

**Section 6:** Delete lines 1-6 and the words "and otherwise," in line 7. Begin the first sentence in Section 6 with "These By-Laws may not be amended until 90% of the houses have been sold and then only by the affirmative, etc."

✓ **Proposed Amendments to Agreements and Restrictions document**

*Added to #5*  
Add as ~~19~~: "It is expressly understood and agreed that members of Colony Units 1 and 2 are granted unrestricted use of the common areas as afforded members of the Colony Unit Four Association without cost and in perpetuity."

✓ Add as 20: At the closing for any property in Colony Unit Four, the buyer shall be furnished a copy of this agreement, The Articles of Incorporation, the By-Laws and the Declaration of Covenants, Conditions, and Restrictions for the Colony Unit Four."

Respectfully,



Joan Bush,  
secretary

**Residents, Inc.**  
**Informal Board Meeting - The Colony Neighborhood Association**  
**7 PM - Thursday, June 20, 1996**

The Board met to go through all the proposed changes to the proposed documents and agreed that these documents were ready to go to Bruce Simpson for comments. No other business was transacted.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joan Bush".

Joan Bush,  
secretary

**RESIDENTS, INC.**

**The Colony Neighborhood Association**

**Tuesday, July 9, 1996 Minutes of the General Membership Meeting**

**7:00 PM - St. Raphael Episcopal Church, 1891 Parkers Mill Rd., Lexington, KY 40504**

**Presiding:** President Walt Whitlow

**Attendance:** A quorum (as per attached sheet) was present. Also present were members of other neighborhood associations who were invited unofficially. A motion was made that they leave. Motion passed.

**Secretary's Report:** April 11, 1996 General Membership Meeting Minutes were read and approved

**Treasurer's Report:** (attached sheet) Note that this information is confidential to Residents, Inc. and that all amounts are rounded to the nearest dollar.

**General Fund:** Beginning Balance: \$1173.00; Ending Balance: negative \$1124.00

**Expenditures from the General Fund:**

KY Utilities for estimated light fund payment - \$334.00

KY State Treasurer for Annual Report filing fee - \$4.00

Presnell Construction Managers for preliminary site design and construction cost estimate - \$2416.00

**Deposits:**

LFUCG for landscaping/planting - \$447.00

Earned Interest \$10.00

**Colony Legal Fund:** Beginning Balance - \$3032.00 Ending Balance: \$3032.00

**Colony Total Net Assets** - \$1908.00

Outstanding Liability to Murphy and Enlow - \$500.00

T. Bruce Simpson - billing not received

**Discussion regarding the Treasurer's Report:**

We are broke. Many who support the lawsuit are unwilling to pay the necessary legal fees. All are urged to pay assessments agreed upon at General Neighborhood meetings.

Question: Why did we hire and pay Presnell Construction Managers when we were not satisfied with their work? Answer: They were hired to present evidence in defense of R1-A and we pay our bills.

**Business Items:**

**1. Ligon Report:** Helen Ligon presented a report from 7:09 PM to 8:40 PM on investigations she has made and paid for in an unofficial capacity. This report included discussions with Taylor Morgan, a hydrologist, whom she has hired and whose bills she has paid. Conclusion. There is a sinkhole on the Sturgill property and there is a city ordinance against building on a sinkhole. Helen Ligon, in the conclusion of her presentation, warned that building on the Sturgill property would result in blasting that would crack foundations, back up of sewage, and widen roads in the existing Colony. She warned further that airport expansion is likely, and in this event our property could be taken.

**2. Miscellaneity:**

**Obligations to Other Neighborhoods:** In response to the statement that we have promised adjoining neighborhoods who have supported us that we would not enter/exit onto Parkers Mill Rd, it was pointed out that we have no documentation to show that we entered into such an agreement. It was stated that we will not be permitted this exit/entrance point. In response to this it was pointed out that Parkers Mill is a state highway and that the Developers presented such a concept to the Planning Commission. Walt will check with Wayne Wells, the individual named who is purported to have said that we will be denied this entrance/exit.

**Missing Colony Documents:** Questions remain as to whether or not the Board has received all necessary documents from past Boards. Fred O'Bryan's statement and a note read from former secretary Susan White indicate they have not been turned over.

**July 26 Deadline:** Walt stated he has not heard about this lawsuit deadline but will check with Bruce Simpson regarding it.

**Why Talk Development When a Lawsuit Is Pending:** Fred O'Bryan responded that the chances of winning the lawsuit were weighted against us. Lyman Ginger responded that the major objections we have had to development have been worked out theoretically.

**Discord within the Neighborhood:** Lyman Ginger expressed great dismay that this has occurred, Tom Wade stated that he supported the Board's work and urged us to ignore rumors and innuendoes and to stop pulling apart and work together. Mr. Bostick reported that he had heard numerous statements about the motives for development. Walt replied that these were rumors only. Walt urged neighbor members to talk to Board members if they have questions.

**Sewer Connection across New Circle:** Lyman Ginger reported that he has discussed this with city government representatives, that they have sent him the appropriate documents, and that the documents are in order.

**Money:** Art Baumohl stressed that lack of money was a critical issue. He moved, and it was seconded, that those in this neighborhood association who don't pay the assessments agreed upon by a majority of this association at the general meetings not be granted voice or vote. Lyman Ginger and Jean Sandifer spoke against the motion. Myra Jackson stated that this requires a 2/3 majority vote and members must be notified 2 weeks in advance. **Motion failed.**

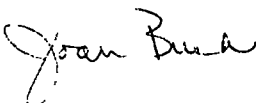
**3. Concept Plan:** Walt passed printed summaries to everyone present of the development concept that is being deliberated between the Board and the Developers. He stated that there has not been much change in this since our last meeting. In response to a question about a stone entry way, he replied that this is only proposed and will have to be approved by the general membership. In response to what is now going on, he explained that the Board has drawn up its conditions and restrictions. Bruce has these and is putting them into a document that would become legally binding on the Developers, should our neighborhood association vote in favor of them.

**4. Nominating Committee :** Members: Fred O'Bryan (chair), C.E. Vineyard, Lowell Bush and Max Crocker. Fred reported that it was the decision of the nominating committee to ask the present Board to remain in place for another term due to the pending issues. Helen Ligon was nominated from the floor for the office of President. Walt Whitlow was elected. Myra Jackson was nominated for the office of vice president but declined. Lowell Bush moved, and it was seconded and passed that the remainder of the Board be voted upon by acclamation. The president Board consequently will serve for another term.

**5. Assessments:** A motion that we make an additional assessment in the amount of \$100.00 was moved, seconded and passed. Please pay our treasurer, Dan Huber.

**Adjournment:** 9:40 PM

Respectfully submitted,



Joan Bush,  
Secretary

**RESIDENTS, INC.**  
The Colony Neighborhood Association  
General Meeting Notice

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June 19, 1996

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What?        Neighborhood General Meeting

Why?        Election of Officers/ Status Report on Sturgill Property

When?       Tuesday, July 9, 1996 at 7:00 PM

Where?      St. Raphael Episcopal Church, 1891 Parkers Mill Road

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# Summary of Proposed Development Plan The Colony - Unit Four July 9, 1996

The proposed plan is the result of six months of extensive discussions between the Colony Board of Directors and the developer. The Colony Board of Directors believes that the current proposal is worthy of neighborhood support for the following reasons:

- **Lower Housing Density** - 84 total units on 45 acres versus original Hacker-Thompson proposal of 169 units on 33 acres and J. Williams original proposal of 132 units on 45 acres.
- **Equity in Traffic Pattern** - Every possible reasonable step has been taken to balance traffic flow in a manner that will be as fair and equitable as possible given the layout of the property.
  - 48 units exit via John Alden
  - 6 units exit from the back of Colonial Drive
  - 30 units exit via Parkers Mill. These units are separated from the existing Colony and cannot be connected. Connection of Parkers Mill to Versailles Road is prohibited by the Deed Restrictions.
  - The Board of Directors proposes that the Standish/ Mayflower intersection be modified to direct traffic from Mayflower and beyond out on Colonial Drive. This change will lower the burden placed on John Alden residents who are taking the bulk of the new traffic.
- **Water Problems Soundly Addressed** - Plan to be originated by developer's engineer, reviewed by both city engineer and, at our option, an engineer hired by The Colony or any other involved neighborhood association. Colony support of the proposed development is contingent upon solid engineering evidence of the viability of the proposed stormwater management system in solving on-site drainage problems while not contributing to off-site drainage concerns. The developer has committed to a total retention capacity far exceeding required standards. The Board has proposed that the developer maintain financial liability for structural integrity and consequential damage for some period after the development has been substantially completed. The developer has agreed to this concept though the details yet to be finalized. New neighborhood association and homeowners are to assume total liability beyond that time with specific funding measures, including Insurance to be maintained by the new homeowner's association, as guaranteed by Deed Restrictions.

- **Character of Neighborhood Maintained** - The Colony Unit Four will be an aesthetically pleasing addition to the existing neighborhood. Walkways established between Colonial Drive and the new development will be open to existing Colony residents. White four-board horse fencing will surround the new development. Street lamps similar to the existing Colony will be used. Building and lot standards have been established to ensure a high quality development. Minimum house sizes proposed are 2400 square feet for single story, 2800 square feet for one and a half story, and 2800 square feet for two story homes.
- **Existing Colony Entrance Modified** - To accommodate additional traffic at the Versailles road intersection, the entry will be expanded to three lanes (entry, left exit, and right exit) with a stone entryway and proposed landscaped median between entering and exiting traffic. The turning radius for the entry and right exit lanes will be increased to allow for easier turns to and from Versailles Road.
- **Existing Colony Streets Unchanged** - Streets in the existing subdivision will be unchanged with the following exceptions: the three lane improvement at the Colonial Drive intersection, and the proposed modification of the Standish/Mayflower intersection. The developer has also agreed to provide landscaping enhancements to the existing Colony street intersections.
- **Construction Guidelines Established** - No temporary construction sheds may be placed on the property. Trash, rubbish, and debris may not be placed on vacant lots at any time. Overhead utility lines are prohibited. Site development construction traffic to be routed to minimize impact on the existing neighborhood.
- **Lawsuit** - The lawsuit will not be dismissed until:
  1. Final details of the contract between the Colony and the developer and the Deed Restrictions are agreed upon.
  2. The details of the stormwater management system have been reviewed by the Colony.
  3. The Fayette County Planning Commission has approved the proposed development package agreed to by the Colony and the developer.

If and when the above conditions are met and the problems expressed by the Colony with respect to this proposed development are resolved to our satisfaction, then the Colony neighborhood will agree to cease further legal action.

Residents, Inc.  
General Membership Meeting, July 9, 1996  
Treasurer Report  
*Information contained herein is confidential to Residents, Inc.*  
All amounts rounded to the nearest dollar

**Colony General Fund**

<b>Beginning Balance</b>		<b>\$1,173</b>
Kentucky Utilities	Estimated Light Fund Payment	(\$334)
Ky State Treasurer	Annual Report Filing Fee	(\$4)
Presnell Construction Managers	Preliminary site design and construction cost estimate	(\$2416)
Deposit	LFUCG for landscaping / planting	\$447
Earned Interest		\$10
<b>Ending Balance (Debit)</b>		<b>(\$1124)</b>

**Colony Legal Fund**

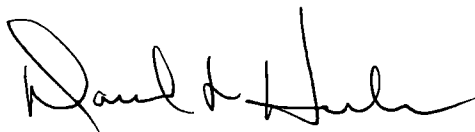
<b>Beginning Balance</b>	<b>\$3032</b>
Activity	-0-
<b>Ending Balance</b>	<b>\$3032</b>

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**Summary**

Colony Total Net Assets		<b>\$1908</b>
Outstanding Liability	Murphy and Enlow	(\$500)
	T. Bruce Simpson	Billing not Received

Respectfully Submitted,



Daniel L. Huber, Treasurer

Colony Neighborhood Meeting

7/9/96

Phil Miller 1273 Colonial Dr  
 Melba Yeary 2504 Versailles Rd  
 Pat Myers 1280 Colonial Dr

J. Vineyard 1237 Standish Way  
 Jean Sandifer 4008 Mayflower Ln

Myron Sandifer  
 Alice Kruppenberg 1257 Colonial Dr

Phyllis Collier 1200 Colonial Dr

and K. Whitaker 1252 Colonial Dr

Bonnie Musgrave 4004 Mayflower Lane

HOWARD WILSON

Julian Kruppenberg 1257 Colonial Drive

Clifton Anderson 1277 Colonial Dr.

Art Braumohl 1268 PRISCILLA LANE

Mary Duff 1233 Colonial

Wenny Whuff 1233 Colonial Dr.

Grant Bell 402 John Alden Lane 40504

Jeanne + Bill Thornhill 1272 Colonial

April Ward 1264 Standish Way

Janet + Ned McFarque 1232 Standish way

Bill + Sharon Larnou 1237 Colonial Dr.

Helin Post 1264 Colonial Dr.

Merle Kelly 1244 " "

Max + Barbara Crocker 1260 Colonial Drive

Sue Rinnes 1276 Colonial Dr.

Pat Edger 4016 John Alden La

~~Bill Brown~~

7/9

Jan White	1240	Colonial Dr.
Pyman Berger	1260	Standish
Walter T Smith	1273	Standish
Miriam Smith	1273	Standish Way
ANN HUNNIMAN	1253	Colonial Drive
FRANK HAM	1228	Colonial DRIVE
Chuck Vineyard	1237	Standish way
Bar Niles	1280	Colonial
Jud M G Bryan	1245	Standish
Vernon Bestick	1269	Colonial
Tom Wade	1261	Colonial
Harry Wade	1261	Colonial
Walter Stanton	1248	Standish way
Joan Burch	1241	Colonial
Lowell Burch		

note: not signed but present:

Chris + Dan Haber

Walt Whitlow

Myra Jackson

Ms. Higon

JTB

July 19, 1996

Dear Neighbor,

A general meeting of Resident's Inc. was held on July 9, 1996, at St. Raphael Church. There was good attendance at this meeting with 37 of the Colony households represented. For those unable to attend we have enclosed a copy of the meeting minutes.

As planned, much of the meeting was devoted to review and discussion of the current status of the proposed development project. Much progress has been made toward resolving, in principle, the problems and concerns expressed by this organization. We are optimistic that final details can be resolved and we can soon put much of the uncertainty behind us.

In order to continue our work toward reaching a contractual agreement with the developer an additional assessment of \$100 per household was recommended and approved by the general membership at the meeting. For those having already paid this assessment we thank you for your continued support. Those having not yet paid **please send your check payable to Resident's Inc. to Dan Huber, Treasurer, 1225 Colonial Dr.** If you are uncertain of your current payment status Dan can provide this information as well.

We are in a very dynamic period with numerous details to be resolved and much work to be done. If you are able to contribute any of your time to help please contact Walt Whitlow. All talents are needed, and we can all contribute in some way. We also strongly recommend that you contact one of the officers or directors of Resident's Inc. if you have any concerns or need factual information. We are aware that rumors are being circulated that are intended to arouse fear or suspicion and are clearly unfounded in fact. So please, if you would like clarification or more details on any of the issues contact a member of the board so that we can direct our efforts productively.

Thanks again for your support, and special thanks to all who continue to contribute your personal time and money for the protection and betterment of our neighborhood.

Sincerely,  
Colony Board of Directors

Walt Whitlow  
President

Pat Nichols  
Vice-president

Dan Huber  
Treasurer

Joan Bush  
Secretary

Phil Miller  
Director

Tom Wade  
Director

Sue Rimmer  
Director