

November 19, 2006  
Board Meeting (Residents, Inc.)

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Meeting was called to order at 7pm at Carin Lovell's home. Present were Bill Taylor, Martha Taylor, Jerry Nicholson, Dana Maloney, Fred Fiscus and Carin Lovell.

Carin read the previous board minutes. Minutes were approved.

Fred Fiscus verbally gave us the balance of our account, which is \$4,728.87. It was noted that 13 residents did not contribute to the maintenance fund. The light bill is about \$70 per month for the entrance and pole lights. Fred is going to confirm that we are not being charged for the aerator electricity at the pond through KU.

Bill Taylor explained to the board the settlement agreement with the developer. We settled the lawsuit with a \$1,500 payment to Residents Inc. to repair Mr. Smith's fence that was damaged during lake construction. Bill will talk to Professor Smith and get an estimate from Hector to repair.

Bill attended a meeting with people from the New Colony who are trying to settle with the developer. It is not known what the status of that process is.

Resident's Inc. records are now in good standing with the Secretary of State since Bill filed the paperwork and we paid the appropriate fees. Bill also got us up to date with city records.

The board unanimously agreed to acquire Board Insurance. Fred is to get quotes and email them to the board for approval.

Much discussion ensued about the Webster-Voisignet property and the problems therein. It was suggested that Martha talk with Linda Birk to see if she would take on that project with the city.

Martha had gotten quotes to weed and feed the islands, but it was decided to just weed and seed the round-about where it was reconstructed.

Fred had gotten a quote for \$700 to scrape and paint the light poles. This expense was approved. We will apply for the city's match program for reimbursement of some of this expense. (Will a board member volunteer to do this for us?)

Our neighbor electrician kindly replaced our outdated lighting timing equipment at the entrance with a photo cell. We will waive his maintenance fee for 2 years.

Meeting adjourned at 9pm.

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**Subject: Re: Agenda for Nov 12 Meeting**  
**Date:** Monday, November 6, 2006 2:03 PM  
**From:** Carin Lovell <carin@bydesigned.com>  
**To:** Bill Taylor <WHTII@aol.com>  
**Conversation:** Agenda for Nov 12 Meeting

Bill,

Had a couple of ideas to add to the program:

- Match Program (which you sent)
- Crime Alerts
- Directory
- Petition to City Council Rep, Mayor, Council, Division of Code Enforcement about Webster/Voisignet property
- Caroling
- Services Referral Database

Ok. Think that's it. See you Sunday!

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1280 Colonial Drive  
Lexington, KY 40504

859-269-0064 phone  
859-269-0066 fax  
858-608-5742 cell

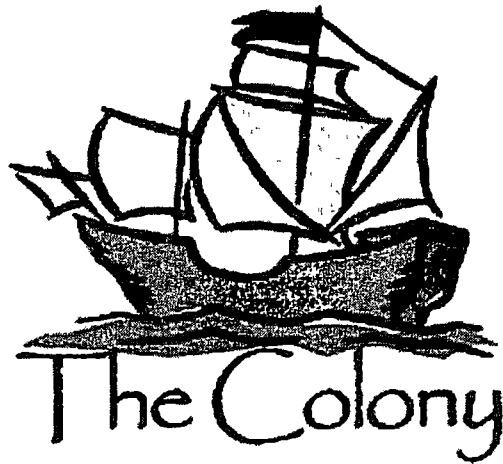
www.bydesigned.com  
carin@bydesigned.com

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**From:** <WHTII@aol.com>  
**Date:** Sat, 4 Nov 2006 09:59:04 EST  
**To:** <mstaylor@ix.netcom.com>, <whiti@jhu.edu>, <carin@bydesigned.com>, <Jerry.Nicholson@insightbb.com>, <FFiscus@congleton-hacker.com>, <MIKEDANAM@aol.com>  
**Subject:** Agenda for Nov 12 Meeting

Please find attached as ms word file. see you all there.

**Bill Taylor**



## Meeting of Residents, Inc. Board of Directors

**November 12, 2006 - 4:00pm**

Home of Carin Lovell at 1280 Colonial Drive

### *Agenda*

- Introduction of New Directors
- Minutes of Last Meeting
- Treasurer Report
- Recap of William's Law Suit Settlement
- "Good Standing" Issue Resolution
- Discussion of Ongoing Issues
  - Prof. Smith's Fence Repair
  - Webster/Voisinet Construction and Possible Zoning Issues
  - Maintenance (repair & painting) and Location of Light Poles
  - Maintenance of Planted Islands (scope and bids)
- Use of Residents, Inc. & Its BOD as the "Voice of the Neighborhood"
  - How to Touch Base with Member Base?
    - Selecting Issues?
    - Level of Support to Act?
  - Getting Attention/Action of Fayette – Lexington Government
- Engagement with New Colony Association Board
- New Business Issues from Members of the Board
  - Additional projects?
  - Sponsor Community Activities?
- Adjourn

**Residents, Inc. – the neighborhood association for The Colony sub-division**

**PO Box 8713**

**Lexington, KY 40533-8713**

Subj **Re: Agenda for Nov 12 Meeting**  
Date 11/6/2006 2:04.18 P.M. Eastern Standard Time  
From: [carin@bydesigned.com](mailto:carin@bydesigned.com)  
To: [WHTII@aol.com](mailto:WHTII@aol.com)

Bill,

Had a couple of ideas to add to the program:

- Match Program (which you sent)
- Crime Alerts
- Directory
- Petition to City Council Rep, Mayor, Council, Division of Code Enforcement about Webster/Voisignet property
- Caroling
- Services Referral Database

Ok. Think that's it. See you Sunday!



**BY DESIGN**

1280 Colonial Drive  
Lexington, KY 40504

859-269-0064 phone  
859-269-0066 fax  
858-608-5742 cell

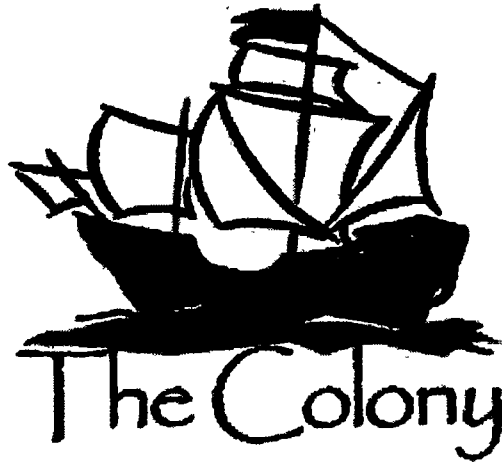
[www.bydesigned.com](http://www.bydesigned.com)  
[carin@bydesigned.com](mailto:carin@bydesigned.com)

---

**From:** <[WHTII@aol.com](mailto:WHTII@aol.com)>  
**Date:** Sat, 4 Nov 2006 09:59:04 EST  
**To:** <[mstaylor@ix.netcom.com](mailto:mstaylor@ix.netcom.com)>, <[whtii@jhu.edu](mailto:whtii@jhu.edu)>, <[carin@bydesigned.com](mailto:carin@bydesigned.com)>, <[Jerry.Nicholson@insightbb.com](mailto:Jerry.Nicholson@insightbb.com)>, <[FFiscus@congleton-hacker.com](mailto:FFiscus@congleton-hacker.com)>, <[MIKEDANAM@aol.com](mailto:MIKEDANAM@aol.com)>  
**Subject:** Agenda for Nov 12 Meeting

Please find attached as ms word file. see you all there.

Bill Taylor



*William H. Taylor II*  
*President*

Letter by Facsimile on October 2, 2006 to (502) 564-3392

**Kentucky Department of Revenue**  
Corporation Income and License Tax Branch  
200 Fair Oaks Lane  
PO Box 181, Station 52  
Frankfort, KY 40602-0181

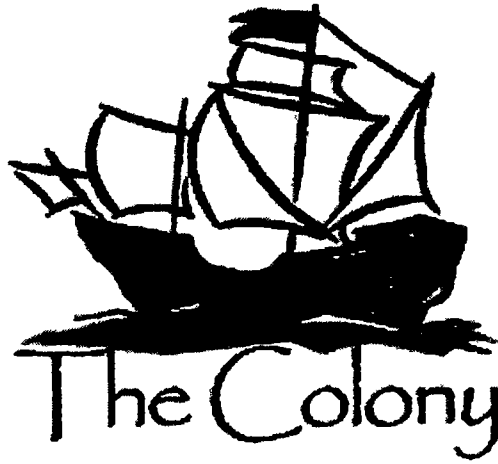
**Residents, Inc.**, our Kentucky non-profit corporation, organized in 1961 under Chapter 273 of Kentucky's Revised Statutes, is the voluntary neighborhood association for The Colony Sub-Division in the City of Lexington. Our Organization Number is **0043956**. However, we have lost any record of our Tax Identification Number. We find we are not in good standing with the Secretary of State.

In order to apply for reinstatement with the Secretary of State we need a certificate from the Kentucky Department of Revenue stating that all taxes owed by our Corporation have been paid. Please provide us with such a certificate. Our fax is 859-254-9626.

Thank you,

William H. Taylor II  
President and Director  
Residents, Inc.  
PO Box 8713  
Lexington, KY 40533-8713

**Residents, Inc.** – *the neighborhood association for The Colony sub-division*  
**PO Box 8713** **Lexington, KY 40533-8713**



**Meeting of Residents, Inc. Board of Directors**

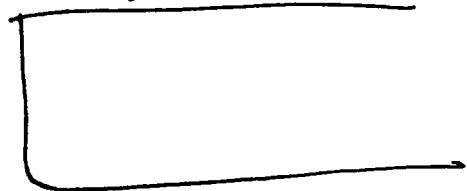
*October 2, 2006 – 6:30 pm*

Home of Ellen Tunnell at 1272 Colonial Drive

**Agenda**

- Introduction of New Directors
- Minutes of Last Meeting
- Treasurer Report
- Recap of William's Law Suit Settlement
- Role of Colonial Speed Hump in Flooding of 9/22-23?
- "Good Standing" Issue
- Discussion of Hanging Issues
  - Prof. Smith's Fence Repair
  - Webster Construction and Possible Zoning Issues
  - Condition and Location of Colony Light Poles
- Engagement with New Colony Association Board
- Review of Maintenance Arrangements, additional projects?
- New Business Issues from Members of the Board
- Adjourn

Light



Light  
Maintenance  
"owned"  
area

— Use BOD or Voice —

**2006-07 Residents, Inc.  
Board of Directors**

**President**

Bill Taylor  
1236 Standish Way  
Home: 254-9626  
Fax: 254-9627  
Cell: 408-483-6398  
E-mail: [whtii@aol.com](mailto:whtii@aol.com)

**Vice-President**

Jerry Nicholson  
1252 Colonial Dr.  
Home: 806-5812  
Cell: 519-0471  
E-mail: [jerry.nicholson@insightbb.com](mailto:jerry.nicholson@insightbb.com)

**Treasurer**

Fred Fiscus  
1249 Colonial Drive  
Home: 225-9976  
Fax: 231-6296  
Cell: 221-8865  
E-mail: [ffiscus@cffiscus@alltel.net](mailto:ffiscus@cffiscus@alltel.net)

**Secretary**

Carin Lovell  
1280 Colonial Dr.  
Home: 233-4455  
Work: 269-0064  
Fax: 269-0066  
E-mail: [carin@bydesigned.com](mailto:carin@bydesigned.com)

**Member At Large**

Martha Taylor  
1236 Standish Way  
Home: 254-9626  
Fax: 254-9627  
E-mail: [mstaylor@ix.netcom.com](mailto:mstaylor@ix.netcom.com)

**Member At Large**

Ellen Tunnell  
Home: 276-0477  
Cell: 806-6131  
Email: [etunnell@wlex.tv](mailto:etunnell@wlex.tv)

**Member At Large**

Dana Maloney  
Home: 231-8838  
Email: [mikedanam@aol.com](mailto:mikedanam@aol.com)

**Mailing Address**

Residents, Inc  
PO Box 8713  
Lexington, KY 40533

**Organization Number** 0043956  
**Name** RESIDENTS, INC.  
**Profit or Non-Profit** N - Non-profit  
**Company Type** KCO - Kentucky Corporation  
**Status** A - Active  
**Standing** G - Good  
**State** KY  
**File Date** 2/21/1961  
**Organization Date** 2/21/1961  
**Last Annual Report** 10/11/2006  
**Principal Office** 1280 COLONIAL DR  
LEXINGTON, KY 40504  
**Registered Agent** CARIN LOVELL  
1280 COLONIAL DRIVE  
LEXINGTON, KY 40504

**Current Officers**

**President** William Taylor  
**Vice President** Jerry Nicholson  
**Secretary** Carin Lovell  
**Treasurer** Fred Fiscus  
**Director** Martha Taylor  
**Director** Ellen Tunnell  
**Director** Dana Maloney

**Incorporators and Initial Directors**

**Director** JULIAN B. KNIPPENBERG  
**Incorporator** JULIAN B. KNIPPENBERG  
**Director** C. C. THORNE  
**Incorporator** C. C. THORNE  
**Director** DARRELL B. HANCOCK  
**Incorporator** DARRELL B. HANCOCK

**This organization has no assumed names**

**Images Available Online**

Documents filed with the Office of the Secretary of State on September 15, 2004 or thereafter are available as scanned images or PDF documents. Documents filed prior to September 15, 2004 will become



available as the images are created.

10/11/2006	3 pages	<a href="#">tiff</a>	<a href="#">PDF</a>	<a href="#">Reinstatement</a>
10/11/2006	1 page	<a href="#">tiff</a>	<a href="#">PDF</a>	<a href="#">Statement of Change</a>
11/1/2005	1 page	<a href="#">PDF</a>		<a href="#">Administrative Dissolution</a>
11/8/2004	1 page	<a href="#">tiff</a>	<a href="#">PDF</a>	<a href="#">Annual Report</a>
5/30/2003	1 page	<a href="#">tiff</a>	<a href="#">PDF</a>	<a href="#">Annual Report</a>
7/26/2001	1 page	<a href="#">tiff</a>	<a href="#">PDF</a>	<a href="#">Annual Report</a>
6/22/2000	1 page	<a href="#">tiff</a>	<a href="#">PDF</a>	<a href="#">Annual Report</a>
8/24/1999	1 page	<a href="#">tiff</a>	<a href="#">PDF</a>	<a href="#">Annual Report</a>

\* Registered Neighborhood Associations

WWW.FLUCG.com

- your government  
- Planning  
- Strategic Planning

CHENAULT RD. NGHD.  
RICK QUEEN  
250 CHENAULT RD.  
LEXINGTON KY 40502  
266-6999 HOME  
268-4663 WORK  
COUNCIL DISTRICT 5  
rickqueen@aol.com  
ACTIVE  
1/10/01 - NEW CONTACT

CHEROKEE PARK NGHD.  
JOHN GRANT  
152 CHEROKEE PARK  
LEXINGTON KY 40503  
278-2244 HOME  
233-2661 X157 WORK  
COUNCIL DISTRICT 3  
john.patrick.grant@usdoj.gov  
ACTIVE  
11/18/03 - NEW CONTACT

CHEVY CHASE MERCHANTS  
GREG BUTCHER  
345 LAFAYETTE AVE.  
LEXINGTON KY 40502  
266-6241 HOME  
COUNCIL DISTRICT 5  
ACTIVE  
2/14/03 - CORRECTED FIRST  
NAME

CHEVY CHASE NGHD.  
DIANA MOORE  
425 COCHRAN RD.  
LEXINGTON KY 40502  
266-0596 HOME  
COUNCIL DISTRICT 5  
ACTIVE

CHILESBURG MEADOWS HOME  
ASSOC.  
EDWIN GIBSON  
PO BOX 54330  
LEXINGTON KY 40555  
263-7681 WORK  
COUNCIL DISTRICT 12  
ACTIVE  
3/16/06 - ADDED ASSOC. &  
CONTACT

CHILESBURG NGHD ASSOC  
WAVALENE CROCKETT  
853 CHILESBURG CT  
LEXINGTON KY 40509  
263-8731 HOME  
COUNCIL DISTRICT 12  
ACTIVE  
8/29/03 - NEW ASSOCIATION

CHINOE ROAD NGHD. ASSOC  
WILLIAM C HURT JR.  
503 CHINOE RD.  
LEXINGTON KY 40502  
254-0000 WORK  
COUNCIL DISTRICT 5  
ACTIVE  
5/13/99 - NEW ASSOC TO LIST

CHINOE ROAD NGHD. ASSOC  
SUSAN HURT  
503 CHINOE RD.  
LEXINGTON KY 40502  
COUNCIL DISTRICT 5  
ALTERNATE  
5/13/99 - NEW ASSOC TO LIST

CHIPPENDALE SQ. ASSOC. INC.  
PATRICK NIEZGODSKI  
208 CHIPPENDALE CIRCLE  
LEXINGTON KY 40555  
335-0307 HOME  
948-5835  
COUNCIL DISTRICT 7  
ALTERNATE  
11/17/05 - UPDATED ADDRESS

CLAYMONT NGHD. ASSOC.  
FRED W. SHAFER  
545 CLAYMONT DR.  
LEXINGTON KY 40503  
277-3650 HOME  
COUNCIL DISTRICT 10  
www.bluegrassconservancy.org  
ACTIVE

CLEMENS HTS/CLEMENS GROVE  
DIANE MONAHAN  
4317 CLEMENS DRIVE  
LEXINGTON KY 40514  
223-9257 HOME  
260-6144 WORK  
COUNCIL DISTRICT 9  
emonahan@harefoot.com  
ACTIVE  
3/13/03 - NEW PRIMARY CONTACT

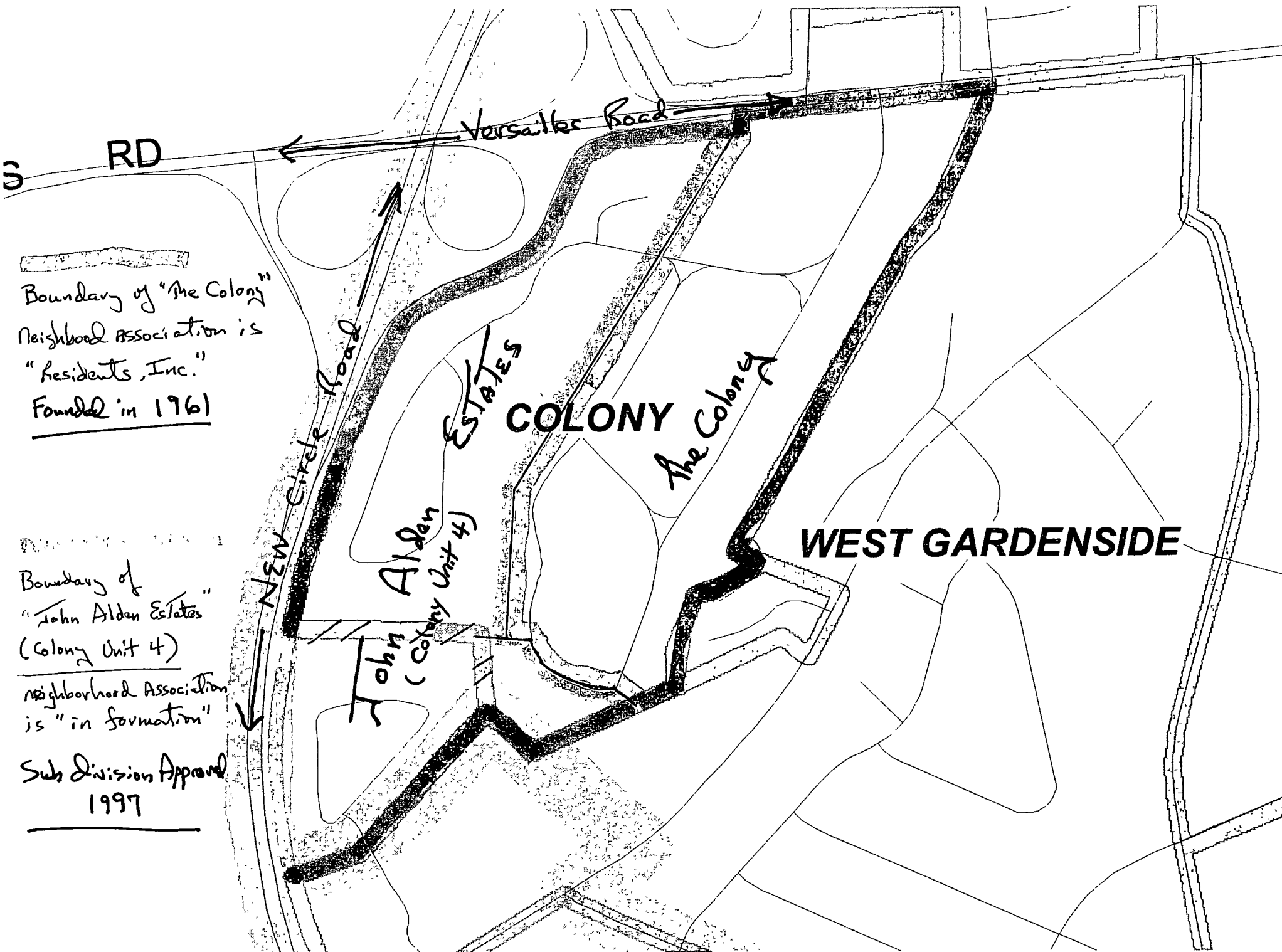
CLEMENS HTS/CLEMENS GROVE  
BILL HENNING  
2013 CLEMENS COURT  
LEXINGTON KY 40514  
296-6449 HOME  
255-4114 WORK  
COUNCIL DISTRICT 9  
whhenning@aol.com  
ALTERNATE  
3/14/03 - NEW ALTERNATE

COLONY NGHD. ASSOC.  
BILL TAYLOR  
P O BOX 8713  
LEXINGTON KY 40533  
254-9626 HOME  
COUNCIL DISTRICT 11  
carin@bydesigned.com

COLUMBIA HEIGHTS NGHD ASSOC  
BARB COOK  
455 MARQUIS AVE  
LEXINGTON KY 40502  
269-2116 HOME  
321-4390 CELL  
COUNCIL DISTRICT 3  
bec712@qx.net

COLUMBIA HEIGHTS NGHD  
ASSOC  
JUDI SPARKS  
513 PARK AVE  
LEXINGTON KY 40502  
266-4264 HOME  
COUNCIL DISTRICT 3





Boundary of "The Colony"  
Neighborhood Association is  
"Residents, Inc."  
Founded in 1961

Boundary of  
"John Alden Estates"  
(Colony Unit 4)  
Neighborhood Association  
is "in formation"  
Sub Division Approval  
1997

**COLONY**

*The Colony*

*ESTATES*

*John Alden  
(Colony Unit 4)*

**WEST GARDENSIDE**

S RD

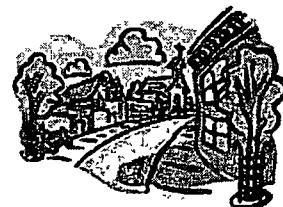
Versailles Road

New Circle Road

Subj: **Match Program**  
Date: 11/3/2006 10:58:55 A.M. Eastern Standard Time  
From: [WHTII@aol.com](mailto:WHTII@aol.com)  
To: [mstaylor@ix.netcom.com](mailto:mstaylor@ix.netcom.com), [carin@bydesigned.com](mailto:carin@bydesigned.com)  
CC: [whtii@jhu.edu](mailto:whtii@jhu.edu)

**Neighborhood Action Match Program  
August 3, 2006**

The Lexington-Fayette Urban County Government is requesting applications from eligible neighborhood associations for the Neighborhood Action Match Program (NAMP). Since 1986, the Lexington-Fayette Urban County Government (LFUCG) has funded this program to support neighborhood associations in carrying out development activities and improvements using the cooperative efforts and voluntary contributions of neighborhood individuals, businesses, schools and other organizations. The maximum program award to a neighborhood association is \$10,000. The neighborhood association must match all funds it receives with an equal amount through cash contributions or donated materials, service or labor. If you have any questions about the program, call the Division of Community Development at **258-3070**.



Should we think of applying for this for our "street lights" project?

**Bill Taylor**

Mountaineer Capital  
107 Capitol St. Room 300  
Charleston, WV 25301  
Phone 304-347-7534  
Fax 304-347-0072

Subj: **Colony Evidence**  
Date: 9/28/2006 8:44:52 A.M. Eastern Standard Time  
From: [carin@bydesigned.com](mailto:carin@bydesigned.com)  
To: [MIKEDANAM@aol.com](mailto:MIKEDANAM@aol.com), [fredmobryan@insightbb.com](mailto:fredmobryan@insightbb.com), [mstaylor@ix.netcom.com](mailto:mstaylor@ix.netcom.com), [WHTII@aol.com](mailto:WHTII@aol.com),  
[lindabirk06@earthlink.net](mailto:lindabirk06@earthlink.net)

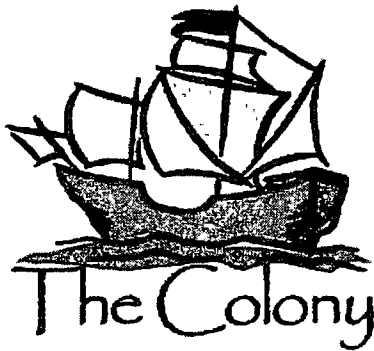
Hey guys,

One of our top Colony "snoop dogs" (aka Dana Maloney) let me know that a truck had pulled up at our neighbors house (Webster-Voisignet) with a trailer full of drywall and stuff to dump in their dumpster. This is pretty good proof that they are using that dumpster for their business - and that it did not come out of their home!

I drove down and got the photos (see photos attached - even got HER in there). However, in my haste, I hit the speed hump with more of a grade just right so the manhole cover hit the bottom of my car - and broke my oil pan - had to have it towed - and will cost about \$250! Ohhh...the cost of doing the city's job...

Anyway, please keep watch and if you can keep a camera in your car and document anything that can be used for evidence!

Thanks. And, Thanks Dana!  
Carin



Residents, Inc. • P.O. Box 8713 • Lexington, KY 40533



## Ken's Lawn Service

PO Box 55643  
Lexington, Ky 40555  
(859)299-0816  
(859)421-9413

# Proposal

Number E111

Date September 23, 2006

**Bill To:**

Mr Bill Taylor  
P.O. Box 8791  
Lexington, KY 40533

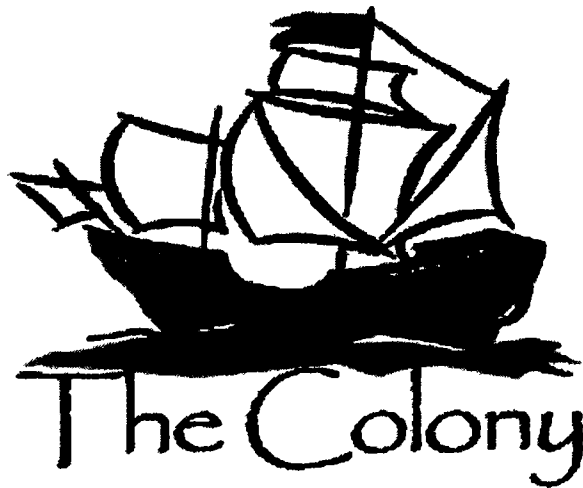
**Ship To:**

RESIDENTAL INK

Date	Description	Amount
September 23, 2006	Three treatments per year of Weed Control & Fertilizer	240 00
<b>Total</b>		<b>\$240.00</b>







*September 5, 2006*

**Report on Dismissal of the Lawsuit with J. Williams, Inc.**

***Summary***

On August 31, 2006, as President of Residents, Inc., I signed a Settlement Agreement with J. Williams, Inc. dismissing our lawsuit filed on September 3, 2002. A copy of this Settlement Agreement is attached hereto for your information. A settlement payment of \$1,500 was made by J. Williams to Residents, Inc. This Agreement only settles the claims made in the 2002 Complaint and does not waive or reduce the responsibilities the Developer has under our July 25, 1997 Agreement. Below, are the details of the compromises your Board has made and objectives that have been successfully completed as well as our rationale in ending this suit before the trial phase(which is when the heaviest legal expenses occur).

Although this concludes a major past effort, the "New Colony" Neighborhood Association is now being formed and there are a range of subjects both associations and neighborhoods need to discuss for our mutual benefit. As a representative of Residents, Inc., I was invited to a recent meeting of New Colony homeowners and offered our past history and experiences to assist in their Association's formative period. We, Residents, Inc., are relieved to have this litigation with the Developer concluded. I am sure all of our members will be pleased that our future meetings will focus on other issues and ways and means for improvements to keep The Colony as the special and unique neighborhood it has always been in Lexington. Thank you for your support and help. The following is a more complete "final" report on the background, dismissal and settlement detail for the record.

September 5, 2006

### ***Background***

On July 25, 1997, the Neighborhood Association for the Colony, Residents, Inc., signed an Agreement with J. Williams, Inc., developer of the “New Colony” (formally designated “Colony Unit 4”) to cease our opposition to the New Colony Development in exchange for restrictions on this Development and for certain improvements to the Colony. Included in this were extensive and formal “CC&Rs” (Covenants, Conditions and Restrictions) related to the New Colony that run with the title to each lot/home in Colony Unit 4. (Also the Developer agreed to advise each member of the New Colony of the July 25<sup>th</sup>, 1997 Agreement and supply to buyers, copies prior to closing each lot sale, of the 1997 Agreement and the CC&Rs).

Approximately Five Years later, on September 3, 2002, Residents, Inc. filed a Complaint against J. Williams in Fayette Circuit Court for failure to comply with many of the terms of the 1997 Agreement and failure to begin or complete many of the improvements to the Colony promised in that Agreement.

During these early years the Residents, Inc. Board of Directors and leading Colony residents spent considerable time and effort to achieve **two main objectives**, (1) limiting New Colony traffic on the existing streets of the Colony and (2) limiting the number of lots (to less than 60% from original plans) in Colony Unit 4. These accomplishments have had the effect of raising the average developed home price in the New Colony substantially, but sacrificing as little of the quiet, cloistered and varied architectural atmosphere of the original Colony as possible. All of us owe a debt of gratitude to our residents and community leaders from those times.

### ***The 2002 Complaint***

The 2002 lawsuit listed **eight (8)** specific “complaints”/“failures to perform” para. 8 thru 15.

**Complaints of Paragraphs 8 & 13** (relate to condition of and maintenance of the retention pond in the New Colony along Versailles Road next to boundary line with the Old Colony)

Since filing this action, the developer has begun to take measures to remedy the situation such as removing excess grass and weeds around the pond and installation of aeration equipment to reduce algae formation and inhibit mosquito breeding. This was not a specific “Old Colony” mandate under the original agreement. Having brought this problem to the attention of Developer and Fayette Public Health personnel, we believe this litigation is no longer the best avenue to pursue a solution of this problem.

**Complaint of Paragraph 9** (relates to lighting and road work at the Colony entrance (Colonial Drive) off Versailles Road

This work has been satisfactorily completed.

## Report on Dismissal of Lawsuit with J. Williams, Inc. – Detailed Discussion

**Complaint of Paragraph 10** (relates to installation of speed humps in Old Colony and at entrance to New Colony)

A reduced scope program of speed humps was mutually agreed upon among our members, communicated to the Developer and has been satisfactorily completed.

**Complaint of Paragraph 11** (relates to interior island landscaping in the Old Colony)

This work has been satisfactorily completed.

**Complaint of Paragraph 12** (relates to re-crafting the intersection at Mayflower and Standish Way in the Old Colony into a “roundabout”)

A reduced scope design for the roundabout was mutually agreed upon among our members, communicated to the Developer and has been satisfactorily completed.

**Complaint of Paragraph 14** (relates to roadway conditions in the Old Colony)

Since the condition and maintenance of the streets in the Old Colony are currently under control of the City of Lexington, we feel this should no longer be pursued through litigation.

**Complaint of Paragraph 15** (relates to fencing repair and new border fencing promised)

This work has been completed with two exceptions: (1) repairs have not been made to a section of the original border fence behind Prof. Smith’s home at 1273 Standish Way and (2) a parallel, new border fence on the New Colony side of the border between the Old and New Colonies along the West side of Standish Way shown on the sub-division plans has not been installed. After discussions with the owners of the affected Old Colony homeowners along the odd numbered homes from 1233 to 1273 Standish Way, it was clear they did not wish to see the current boundary fence altered or removed and saw no need for the second, parallel fence. We understand from discussions with some New Colony residents that would be directly affected and lose several feet of their backyards if the parallel fence were to be constructed, they would likely take legal action to prevent this construction. Therefore, practical and neighborly considerations led your Board to drop our request to complete these fencing issues as long as the Developer would pay Residents, Inc. \$1,500 as a settlement payment when the Settlement Agreement was signed dismissing the Lawsuit. We have received this payment and will apply a portion of it toward repair of Prof. Smith’s fence section that was damaged during the New Colony construction.

### ***General Comments***

With respect to the original 1997 Agreement, the “continuing obligations” of the Developer and the New Colony are important to retain, undiminished by the dismissal of this 2002 Complaint. The rights and promises of protections and benefits to Old Colony residents under the 1997

## Report on Dismissal of Lawsuit with J. Williams, Inc. – Detailed Discussion

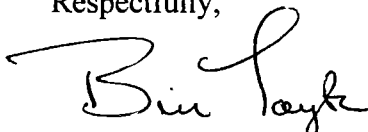
Agreement and its incorporation in the CC&Rs of each lot in the New Colony is important to retain and the Settlement Agreement was drafted with this in mind.

There are issues for mutual discussion with the New Colony Association, when it has been formed, that can benefit both Neighborhoods. Both will be reviewing a number of “leftover” issues arising from departures by the Developer from the Plan promised in our 1997 Agreement, e.g. common area access and construction. However, it is our decision that litigation is not the venue to gain redress on these issues. We wish to form a close and mutually supportive relationship with the New Colony Association. I have already met with their formation committee and expressed these sentiments along with our promise to keep each other informed of issues that are of concern to both neighborhoods.

### *In Closing*

Your Board of Directors (Randy Daniel, Fred Fiscus, Rae House, Karen Lovell, Jerry Nicholson, Martha Taylor and I, Bill Taylor) thank you, our neighbors, for your help and support.

Respectfully,

A handwritten signature in black ink, appearing to read "Bill Taylor". The signature is written in a cursive style with a large initial "B".

William H. Taylor  
President

Inc

**SETTLEMENT AGREEMENT**

WHEREAS, Residents, Inc., Plaintiff, filed suit against J. Williams, Inc., Defendant, on September 3, 2002, alleging violation of certain provisions contained in an Agreement recorded in the Office of the Fayette County Clerk, to wit: Deed Book 1926, Page 583; and

WHEREAS, since the filing of the within action, the parties hereto have worked diligently to resolve the disputes referenced in Plaintiff's Complaint, to the point where these complaints have been resolved to Plaintiff's satisfaction; and

WHEREAS, the parties recognize that the dismissal of this action does not waive other claims that may arise under the Agreement and Restrictions of record in the Office of the Fayette County Clerk dated July 25, 1997, but rather this settles only those claims asserted in the Complaint, and the Defendant is deemed to be in compliance with said provisions;

NOW THEREFORE, the parties wish to dismiss the within litigation as settled, with each side to bear responsibility for its own costs and attorney's fees.

J. WILLIAMS, Inc.

By: \_\_\_\_\_  
Authorized Agent

RESIDENTS, INC.

By: W. Williams  
Authorized Agent *President*

*copy*

August 2, 2006

Colony Neighborhood Association  
Mr. Bill Taylor  
P.O. Box 8713  
Lexington, KY 40533

Dear Mr. Taylor:

As the member of the Wellesley Heights Neighborhood Association representing our group on this issue, I am writing this letter to inform you of some developments that have been taking place concerning Cardinal Run North Park property. For those of you who may not be aware, LYSA has proposed to the city council that they be given the rights to develop the Cardinal Run North property into a soccer complex with 10 full sized fields and approximately 1100 parking spaces.

I know that many of you and your neighborhoods were a part of the development of the master plan for that property that was agreed upon by the over 30 people that created it and was adopted unanimously by the council in September 1998. That plan included donating the property to the city of Lexington under the agreement that it be used as a passive public park, including restroom and concession building, multi-use courts, street hockey, volleyball courts, a large community shelter, covered bar-b-que pit, ball field backstop, four half-size soccer fields and two larger fields, walking paths, open areas, etc. This is not at all what is being proposed by LYSA.

The LYSA complex would be private, which in Masterson Station has meant LYSA funded security guards protecting the property from anyone outside their organization who might want to use, rather than a facility that can be used by any member of the community. The complex would generate immense amounts of traffic on Parkers Mill Road, where the only entrance and exit to the proposed complex would face the entrance to the baseball complex, which only generates approximately one third of the traffic flow that the soccer complex could generate. I want to be very clear in saying the LYSA proposal is nothing close to what was agreed upon in the master plan, and we want to fight for what all parties, including LFUCG Parks and Recreation Department, have already agreed to do for our community.

We oppose the new proposal, not because we are against youth soccer in Lexington, but because we have heard first hand from the homeowners around the Masterson Station area about all the conflicts that arise when a soccer complex is built next to a neighborhood. That community has dealt with security guards, traffic, unattended children in their back yards, noise, trash and a host of other issues. Unlike facilities outside the city, such as the Kentucky Horse Park LYSA complex that was in use until

recently, the LYSA complex in Masterson Station has been a constant battle between LYSA and the neighborhoods. We have evidence stating clearly that public land is available in Fayette County and away from residential neighborhoods that would welcome LYSA to come, and we believe this would be in the best interest of not only West Lexington resident's, but also in the best interest of the LYSA organization and all LYSA participants.

We are a small neighborhood of 54 houses, and we need your support in this endeavor in any way possible. Please encourage your neighbors to write or email the counsel members telling them that you oppose the LYSA proposal for the Cardinal Run North property. If you or any of your neighbors would be willing to attend that counsel meeting and voice your opposition, the meeting will be held at 7:00 pm on Thursday, August 17<sup>th</sup> at the LFUCG building on Main Street in the counsel chambers. Remember that this is about the traffic on Parkers Mill, public land being taken for private use, and preventing serious disruption to surrounding neighborhoods which could be prevented by choosing another available option. We want to stay with the original master plan, and we would appreciate your support in this endeavor.

Sincerely,

Tom Creech  
Wellesley Heights Neighborhood Association Member

# THE COLONY NEIGHBORHOOD ASSOCIATION

(aka Residents Inc.)



## ANNUAL MEETING MINUTES:

Thursday, June 8, 2006

The annual meeting was held at St. Raphael's Episcopal Church on Thursday, June 8th, 2006. There were apx. 30 neighborhood members present (see sign-in list). President Bill Taylor called the meeting to order at 7:05 p.m.

**Minutes:** Secretary Carin Lovell read the minutes from the 2005 Annual Meeting. Bill Taylor motioned to accept the minutes, Fred Fiscus seconded.

A moment of silence was requested in honor of those who passed away during the past year: Alvin Blanton, Phil Miller, Howard Bost, Art Bauhmol, Chap Burnett and Thelma LaMay.

**Recognition of new neighbors:** Jenny Armstrong and George & Linda Birk were recognized and welcomed to the neighborhood.

**Treasurer's Report:** Treasurer Fred Fiscus presented the treasurer's report. He noted that in 2005, there was 75% participation among residents. The balance on account is \$2,814. Report is attached. Tom Wade questioned why the board insurance was not reflected in the balance statement. Fred explained that the reason for insurance was for the risk in dealing with the developer, and now that the lawsuit will be settled, he and president Bill Taylor decided not to renew. David Meeks motioned to accept the treasurer's report, and Tom Wade seconded.

### **Developer Progress:**

President Bill Taylor explained the status of the developer agreement - which was the board decided to hold the developers accountable for things that directly affected the Old Colony.

**Walkways:** When the new Colony neighborhood association gets organized, we can talk with them about those issues and how it affects them.

Michael Harrison noted that he was on the committee to form the new association, and that they had gotten an attorney. He informed us that J. Williams' partner split and deeded all the remaining lots in the separate partners' names. The committee has a list of 40 items of issues to resolve with the developer.

There is an agreement put forth to the developers to rescind the lawsuit if they will pay \$1,500 to repair Mr. Smith's fence that was damaged during lake construction. The board will work to settle the lawsuit.

### **Other Business:**

It was noted that during the past year, several interested residents met with a potential developer of the Fox property on Versailles Road to discuss plans and concerns. It was noted that there were problems with the water commission, and the permit failed.

It was asked why the mosquito pond did not have an aerator, and David Meeks explained that they tried to install temporary power and the aerator pulled mud up from the bottom. Julie Springer asked if she could install it herself. Tom Wade explained why we should not have any liability for ponds in the new Colony and why the agreement was done. Engaging with new the new Association is recommended, but not joining with them.

Cathy Obrien is concerned about the brush concealing the fire hydrant at the Bost property. The water company will be called to investigate.

The Voisignet/Webster property was a concern for many residents. Many were concerned about the vehicular activity and gravel installed to accommodate extra vehicles. Many are suspicious that they are running their business out of



their home with employees without an occupational permit. Also of concern is the state of their property. Many residents have called to complain to the division of code enforcement. Frank Cassidy stated that he had called in a complaint, and Charles Reed informed him that the homeowners had 15 days to clean up.

Everyone was encouraged to send in their contribution to the Maintenance Fund, and to fill out the forms for the directory that will be updated.

The Annual Colony picnic will be June 25th, and asked for volunteers to host this year to call Carin.

Lampost at Lawrences needs to be fixed and painted. Price now to paint all lamposts is \$700 for 7 poles.

Tom Wade thanked those attending for their patience as they remodeled their home.

**Annual Elections:** . The following slate was put forth for the Board members for the term of one year:

Bill Taylor for President

Jerry Nicholson for Vice President

Fred Fiscus for Treasurer

Carin Lovell for Secretary

Martha Taylor for Member-at-large

Dana Maloney for Member-at-large

Ellen Tunnell for Member-at-large

Scott Dennis made a motion to accept the slate as it, Chuck Vineyard seconded. No oppositions from the floor. Motion approved.

Cathy Obrien recognized the board for the great job they had done in the past year, and all that was accomplished.

David Meeks motioned to adjourn, and Rae House seconded.

The meeting was adjourned at 8:10 p.m.

These minutes respectfully submitted by Carin Lovell, Secretary.

## May 21, 2006 Board Meeting (Residents, Inc.)

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Meeting was called to order at 3pm at Rae House's home. Present were Bill Taylor, Martha Taylor, Rae House, Fred Fiscus and Carin Lovell.

Carin read the previous board minutes. They were amended to include Rae House as having attended.

Bill Taylor informed us of activity and status of the lawsuit against the developers. Attorney Simpson drafted an agreement to rescind the lawsuit, and Bill Taylor made revisions to make it clear that all other responsibilities not listed in the complaint, but that are in original agreement stay intact. Bill gave the secretary a copy (attached).

At this point, one issue remains before the board agrees to rescind the lawsuit: Repair or replacement of a portion of the fence behind Tom Smiths property that was damaged during construction of the lake. The developers have proposed to give Residents Inc. \$1,500 and Residents Inc. will use some of this to repair or replace the damaged section of fence.

All board members unanimously agreed to rescind the lawsuit if the developers pay the \$1,500.

We queried whether the "New Colony Association" had been formed. No one knew of the status of this.

We set the Annual Meeting for June 1st at 7pm at St. Raphael Church. We will print the meeting notice and maintenance bills together. Carin and Fred will deliver throughout the neighborhood.

Carin had some suggestions for the new board slate. She will follow up on these and present at the Annual Meeting. Fred Fiscus will prepare a treasurers report to hand out at the meeting as well.

We discussed the problem of the street light at the Lawrence's being out. Fred O'Bryan replaced the bulb, but the problem is with the incoming electric. Fred Fiscus talked with KU, and they acknowledged that it was their responsibility to fix the light. They should fix it by next week. We will ask Fred to ask KU if they will move the lights that are not used at the entrance.

Fred Fiscus will get some prices from painters to paint the light poles. He will forward on these figures to us for approval.

We discussed the possibility of changing the entrance lights over to a photo cell from the timer. Jerry Willhouby said this would cost about \$200 and he would put it in. Board unanimously approved this cost.

Bill Taylor will check into our corporation filing status with the state. Carin gave Bill her forms from the previous year.

We discussed board insurance. The policy was due earlier in the spring, and Bill and Fred decided that since the lawsuit was virtually behind us, that we did not need the insurance and the cost expense. We will discuss once new board members are elected.

We determined that the Colony picnic should be on Sunday, June 25th from 4-7pm at the island at Mayflower and Colonial unless someone volunteers their home. All board members should pitch in to help in this effort and we should discuss in more detail at our next board meeting.

Meeting adjourned at 5pm.

BOARD OF DIRECTORS MEETING

RESIDENTS, INC.

May 20, 2006

3PM

**Agenda**

- Minutes of Last Meeting? - Date of Last Meeting?
- Status of Law Suit
  - Authorization to Settle Request
- Set Annual Meeting
  - Place
  - Date
- Slate of Directors to Propose for Next Year
- Annual Picnic
  - Place
  - Date
- Restoration of Good Standing with Secretary of State
- Light Fund Issues
  - How to Solicit
  - Dimming of Runway Lights
  - Relocation of 3-4 Extra Old Street Lights
- Other Business
- Adjourn

**Residents, Inc.  
Treasurer's Report  
for the year ended May 31, 2006**

**Beginning Cash June 1, 2005** **\$ 2,979.50**

Cash Receipts:  
Association Dues 1,500.00

Cash Disbursements:  
Legal Fees 300.00  
Lighting (KU) 800.00  
Landscaping 460.00  
Copies, etc. 11.36  
Picnic Supplies 32.63  
P.O. Box Renewal 60.86  
Total Disbursements 1,664.85

Net Disbursements over Receipts (164.85)

**Ending Cash May 31, 2006** **\$ 2,814.65**

Balance per May 31, 2006 bank statement \$ 2,944.65

Outstanding check # 1029 (130.00)

Ending Cash May 31, 2006 \$ 2,814.65

Credit with Kentucky Utilities \$ 165.00

**SETTLEMENT AGREEMENT**

WHEREAS, Residents, Inc., Plaintiff, filed suit against J. Williams, Inc., Defendant, on September 3, 2002, alleging violation of certain provisions contained in an Agreement recorded in the Office of the Fayette County Clerk, to wit: Deed Book 1926, Page 583; and

WHEREAS, since the filing of the within action, the parties hereto have worked diligently to resolve the disputes referenced in Plaintiff's Complaint, to the point where these complaints have been resolved to Plaintiff's satisfaction; and

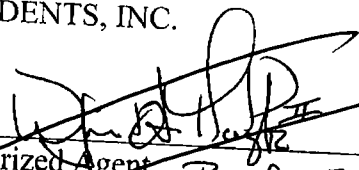
WHEREAS, the parties recognize that the dismissal of this action does not waive other claims that may arise under the Agreement and Restrictions of record in the Office of the Fayette County Clerk dated July 25, 1997, but rather this settles only those claims asserted in the Complaint, and the Defendant is deemed to be in compliance with said provisions;

NOW THEREFORE, the parties wish to dismiss the within litigation as settled, with each side to bear responsibility for its own costs and attorney's fees.

J. WILLIAMS, Inc.

By: \_\_\_\_\_  
Authorized Agent

RESIDENTS, INC.

By:   
Authorized Agent President

00

Alvin Blanton

Phil Miller

Howard Best

Art Baughmoe

Chap Burnett

Thelma LaMay

Jenny Armstrong 4132 Jannader

George + Lucia Burke

Bill moved to approve minutes, Fred F. 210.

Frnd F. read treasurer's report. ~~20~~ participated. attached. Bal \$ 2,814.65

Missed culdesac & Versailles Rd. - notices

Tom Wade asked why \$700 Board insurance not on TR. <sup>Frnd explained</sup> Did not renew this year.

David Meeks motioned accept TR - Tom Wade seconded

BT explained status of developer agreement. Hold developers accountable for things that directly affected the Old Colony.

Walkways - we backed away - when they <sup>new Assn.</sup> get organized - we can talk with them about those issues & how it affects them.

Michael Harrison on comm. of new Assn. developer sent letter for a meeting in Dec. - they got an atty. Williams partners split & decided all lots in separate partners names. There is an assn. within the Assn. 40 items of issues with developer.

Give us \$ to fix fence - instead of putting new fence in. We agreement to rescind the lawsuit if they pay \$1,500. We will try to settle the suit.

Development on Versailles Rd - town home development - meeting with pot-developer - <sup>presented</sup> Taylor's. Water commission & permit failed.

David M - mosquito pond - said they tried to install temp power & it pulled mud up from the bottom. Julie asked if she could install an aerator.

Frank asked about access areas.

Tommy explained why we should not have any liability for ponds in new C, & when agreement was done.

Engaging with new ass'n is recommended. - not joining with.

Scott. Slate -

Dennis motioned. Chuck Vineyard - seconded

---

Cathy O'Brien - Thanked the board.

① Fire Hydrant - obscured by brush @ Bost's 1264  
~~we~~ we will call the water co. + tested

② ~~Frank~~ Webster Property - regulation concerning traffic flow - 8-10 vehicles

Frank Cassidy - Charles Reed - Code Enforcement  
29<sup>th</sup> May - gave 15 days to clean up  
get his # & send to everyone to call + complain.

Occupational Permit

Directory - updates & print & email



Bill asked what Assn. is not doing that we should.

Picnic June 25<sup>th</sup>

Lenpost @ Laurences - fixed by KC  
+ paint lightpost. Price now is \$700 - 7 poles - Fred asked if know any other painters.

Tom Wade - thanked for patience in their remodeling

David motion to adjourn.

Next House 2<sup>nd</sup>

