

**FIRST AMENDMENT TO
DECLARATION OF
COMMON AREA MAINTENANCE AGREEMENT,
EASEMENTS AND RESTRICTIONS
PROVIDENCE PLACE, SECTION 2**

THIS FIRST AMENDMENT TO DECLARATION of COMMON AREA MAINTENANCE AGREEMENT, EASEMENTS AND RESTRICTIONS, PROVIDENCE PLACE, SECTION 2 (hereinafter “Declaration”) is made and entered into this ____ day of March, 2020, by **ANDERSON COMMUNITIES, INC.**, a Kentucky corporation, having a business address of 1255 Providence Place Parkway, Lexington, Kentucky 40511 (hereinafter “Developer”); and **KENTUCKY EMPLOYERS’ MUTUAL INSURANCE AUTHORITY**, a non-profit, independent, self-supporting de jure municipal corporation created pursuant to KRS Chapter 342, having a business address of 250 W. Main Street, Suite 900, Lexington, Kentucky 40507 (Hereinafter “KEMI”).

WITNESSETH:

WHEREAS, the Declaration of Common Area Maintenance Agreement, Easements and Restrictions for Providence Place Section 2 (the “Declaration”) is dated September 8, 2016 and is recorded at Deed Book 3429, Page 228 in the Office of the Fayette County Clerk; and

WHEREAS, the Declaration contained certain use restrictions on the property to benefit the owner of Lot 22; and

WHEREAS when the Declaration was recorded, townhouses were not a principal and/or supportive use for the Economic Development Zone (the “ED Zone”) as articulated in the local zoning regulations and therefore were not included as a permitted use on the Property; and

WHEREAS, since the date the Declaration was recorded, Section 23A-10 of the zoning ordinance was amended to include townhouses as a principal/supportive use in the ED Zone and the parties now wish to amend the Declaration to permit the construction of townhouses on Lot Lot 9 as shown on Exhibit “A” and Exhibit “C” of the Declaration; and

WHEREAS, Developer was given the authority to amend this Declaration during the Developer Control Period pursuant to Article 12 of the Declaration.

WHEREAS, KEMI wishes to grant their express consent to this amendment to Article 10 of the Declaration to include Townhouses.

NOW, THEREFORE, the Declaration is amended as follows:

1. Article 10 “No Nuisances, Restricted Use” is deleted in its entirety and replaced with the following:

ARTICLE 10 - NO NUISANCES, RESTRICTED USE

Section 1. No Nuisances. No Lot shall be used for any nuisance, nor shall any Lot be used for any purpose which is a health or safety hazard, or for any use which unreasonably detracts from the commercial viability of the Property.

Section 2. Lots on the Property may only be used for the following uses:

- i. Offices for businesses, non-profits and other office uses;
- ii. Computer and data processing centers;
- iii. Medical and dental offices, clinics and laboratories;
- iv. Research and development and testing laboratories or centers;
- v. Regional medical campuses;
- vi. Colleges, universities, business colleges, technical or trade schools and other schools and institutions for academic instruction; and
- vii. Uses incidental to the foregoing.
- viii. Townhouses are specifically permitted on Lot 9 of the Property.

This paragraph may not be amended without the express written consent of the Owner of Lot 22.

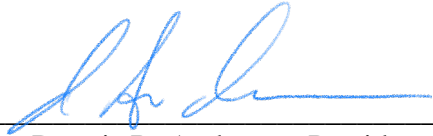
Section 3. No Lot on the Property, other than Lot 22, may be occupied or used as an office or place of business by any person, business or entity who derives more than fifty percent (50%) of its gross revenues from premiums for worker’s compensation or similar insurance, but shall not prohibit occupancy by any person, business or entity which only acts as a brokerage or agency for sale of such insurance. This paragraph may not be amended without the express written consent of the Owner of Lot 22.

IN WITNESS WHEREOF, the Developer and KEMI have executed this Declaration this the day and year first above written.

***** SIGNATURE PAGES TO FOLLOW*****

Developer:

ANDERSON COMMUNITIES, INC., a
Kentucky corporation

BY: 
Dennis R. Anderson, President

STATE OF KENTUCKY

COUNTY OF FAYETTE

The foregoing Declaration was subscribed, sworn to and acknowledged before me by
Dennis R. Anderson as President of Anderson Communities, Inc., a Kentucky corporation, on
this ____ day of _____, 2021.

NOTARY PUBLIC, STATE AT LARGE, KY.

Printed Name: _____

Notary ID: _____

My Commission expires: _____

KEMI:

KENTUCKY EMPLOYERS' MUTUAL
INSURANCE AUTHORITY, a non-profit,
independent, self-supporting de jure municipal
corporation created pursuant to KRS 342.

By: _____
Jon Stewart, President and CEO

STATE OF KENTUCKY

COUNTY OF FAYETTE

The foregoing Declaration was subscribed, sworn to and acknowledged before me by by
Jon Stewart, President and CEO of Kentucky Employers' Mutual Insurance Authority, a non-
profit, independent, self-supporting de jure municipal corporation created pursuant to KRS 342,
on this ____ day of _____, 2021.

NOTARY PUBLIC, STATE AT LARGE, KY.
Printed Name: _____
Notary ID: _____
My Commission expires: _____

PREPARED BY:

D. JONATHAN STROM
Anderson Communities, Inc.
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Lexington, KY 40511
Telephone: (859) 231-0099