

**CITY OF BELLEVUE, KENTUCKY**

**ORDINANCE NO. 2005-11-01**

**AN ORDINANCE DECLARING THAT THE CITY OF BELLEVUE WILL ACCEPT THE DEDICATION OF CERTAIN REAL PROPERTY SUBJECT TO AN EASEMENT IN FAVOR OF EDEN ENTERPRISES, LLC.**

**WHEREAS**, the City of Bellevue and Harbor Greene Residential, LLC, a Kentucky limited liability company (“HGR”), *inter alia*, entered into a certain Service Payment Agreement and Grant of Mortgage, on or about August 11, 2004 (the “Agreement”), to facilitate the development of the Harbor Greene residential condominium, office, and retail complex (the “Project”), which will improve the quality of life in the City of Bellevue; and

**WHEREAS**, under the terms of the Agreement, HGR is obligated to dedicate certain improved real property to the City of Bellevue, for public use (the “Dedicated Property”), such property being further described on Exhibit A attached hereto and made a part hereof; and

**WHEREAS**, the Dedicated Property is currently owned by HGR and has not yet been dedicated to the City of Bellevue;

**WHEREAS**, Eden Enterprises, LLC, a Kentucky limited liability company (“Eden”), the owner of certain real property immediately adjacent to the Dedicated Property (the “Eden Property”, as further described on Exhibit B attached hereto), has requested that Eden, its employees, tenants, and their respective licensees and invitees be permitted to use a portion of the Dedicated Property (the “Parking Area,” as generally depicted on Exhibit C attached hereto and made a part hereof) for the parking of passenger vehicles, and for the placement of a dumpster, both prior to and after the public dedication of the Dedicated Property by HGR; and

**WHEREAS**, in order to facilitate the development of the Project, the Board of Council of the City of Bellevue desires to accept the Dedicated Property subject to an easement in favor of Eden.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BELLEVUE, KENTUCKY, THAT:**

**SECTION 1**

Notwithstanding anything in the Agreement to the contrary, the City of Bellevue hereby agrees that when it takes title to the Dedicated Property pursuant to the Agreement, it shall do so subject to an easement which permits Eden, its successors, and their respective tenants, employees, licensees and invitees to use the Parking Area for the parking of passenger vehicles and the placement of a dumpster. In no event shall this grant of easement be considered to grant the exclusive right to the use of the Parking Area outside the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday.

**SECTION 2**

This ordinance shall be effective when read, passed and advertised according to law.

ATTEST:

\_\_\_\_\_  
John D. Meyer, Mayor

\_\_\_\_\_  
Mary H. Scott, City Clerk

1<sup>st</sup> reading: \_\_\_\_\_

2<sup>nd</sup> reading: \_\_\_\_\_

3<sup>rd</sup> reading: \_\_\_\_\_