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CITY OF BOWLING GREEN
F O U N D E D 1 7 9 8
DEPARTMENT OF LAW

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MEMORANDUM

To: Katie Schaller
From: Tammy M. Wethington *TMW*
Date: July 8, 2004
Subject: 1303 and 1311 College Street\Sigma Nu Fraternity\Historic District
Consent

Enclosed please find the following document:

1. **Original** Eta Rho Home Association of Sigma Nu Fraternity, Inc. Historic District Consent dated June 29, 2004, filed of record in Miscellaneous Book 15, Page 20, in the Warren County Court Clerk's office.

If you have any questions, please feel free to let me know.

Enclosure

cc: Hamp Moore ✓
Andy Gillies ✓
Robin Zeigler

ETA RHO HOME ASSOCIATION OF SIGMA NU FRATERNITY, INC.

HISTORIC DISTRICT CONSENT

This Eta Rho Home Association of Sigma Nu Fraternity, Inc. Historic District Consent is made and executed this 29 day of June, 2004, by Eta Rho Home Association of Sigma Nu Fraternity, Inc. (hereinafter referred to as "Sigma Nu").

WITNESSETH

WHEREAS, the Bowling Green-Warren County Planning Commission recommended the creation of a local historic district to be known as the "College Hill Local Historic District;" and,

WHEREAS, that recommendation included the inclusion of two properties located at 1303 and 1311 College Street belonging to Sigma Nu Fraternity; and,

WHEREAS, in Ordinance No.BG2004-27, the Board of Commissioners voted to approve the creation of the College Hill Local Historic District, but to exclude 1303 and 1311 College Street from the Historic District; and,

WHEREAS, in Ordinance No. BG2004-28, the Board of Commissioners voted to approve and adopt a KRS Chapter 99 Community Development Plan (Urban Renewal Plan) for the Western Kentucky University Growth Area Revitalization Project; and,

WHEREAS, as a result of the Western Kentucky University Growth Area Revitalization Project Plan, Sigma Nu is considering relocating its fraternity house currently located on College Street to a site within the Western Kentucky University Growth Area; and,

WHEREAS, in exchange for the exclusion of 1303 and 1311 College Street from the Historic District, Sigma Nu has agreed that should Sigma Nu build a new fraternity house at a different location, Sigma Nu shall immediately request and not contest that the City of Bowling Green Historic Preservation Board include 1303 and 1311 College Street into the College Hill

Local Historic District.

NOW, THEREFORE, Sigma Nu Fraternity agrees, states and commits as follows:

1. Sigma Nu is currently the owner of property located at 1303 and 1311 College Street.
2. Sigma Nu objected to the inclusion of these two properties into the College Hill Local Historic District only as long as these two properties continued to be used by Sigma Nu.
3. Sigma Nu is considering the relocation of its fraternity house located on College Street to a site within the Western Kentucky University Growth Area.
4. Should Sigma Nu construct a new fraternity facility in the Western Kentucky University Growth Area and sell, lease or otherwise cease to use 1303 and 1311 College Street as its fraternity facility, Sigma Nu agrees to petition the Bowling Green Historic Preservation Board to include 1303 and 1311 College Street into the College Hill Local Historic District prior to the sale or lease of those two lots or immediately after ceasing the use of those properties by Sigma Nu as its fraternity facility and Sigma Nu agrees that it is its intent that those two lots shall be subject to the College Hill Local Historic District guidelines should the properties no longer be owned by Sigma Nu or used by Sigma Nu as its fraternity facility.
5. Sigma Nu agrees that it will not demolish any existing structures on these two lots for a period of one year from the date of execution of this Consent. Sigma Nu further agrees that any existing structures shall not be demolished unless Sigma Nu constructs a fraternity facility for its use on these two properties and any existing structures shall not be demolished should Sigma Nu relocate to a different site. Sigma Nu further consents and agrees that it will construct a new fraternity facility on these two lots only if another suitable site is not obtained at a reasonable cost and any new structure built on these two lots will be constructed in a style that

compliments the architectural style of the neighborhood.

6. This Consent shall be binding on Sigma Nu and shall inure to the benefit of the respective successors and assigns of Sigma Nu.

7. Sigma Nu agrees that this Consent may be enforced by the Bowling Green Historic Preservation Board, the City-County Planning Commission, the City of Bowling Green or any citizen of the City, living within or without the College Hill Local Historic District.

WITNESS the execution of this Consent on this the day and date first above written.

ETA RHO HOME ASSOCIATION OF SIGMA
NU FRATERNITY, INC.

BY: Craig Sleight
President

ATTEST:

Tom Hart
SECRETARY

SUBSCRIBED AND SWORN TO before me by CRAIG SLEIGHT and TOM HART authorized agent and secretary for Eta Rho Home Association of Sigma Nu Fraternity, Inc., this 29 day of June, 2004.

Laura Ball
NOTARY PUBLIC
My Commission Expires 1/4/07

Prepared by:

H. Eugene Harmon
H. Eugene Harmon, City Attorney
City of Bowling Green, KY
328 E. Tenth Street
Bowling Green, KY 42101
270-393-3038

EXHIBIT "A"

1303 College Street

Located at 1303 College Street in the City of Bowling Green, Warren County, Kentucky, and described as follows:

Beginning at the intersection of the southwest right of way line of 13th Street with the northwest right of way line of College Street; thence with the right of way line of College Street, S 45° W 70.0 feet to a stake in said right of way line; thence N 40° 53' W 185.19 feet to a stake; thence N 45° E 56.4 feet to a stake in the southwest right of way line of 13th Street; thence with the right of way line of 13th Street, S 45° E 184.7 feet to the point of beginning, pursuant to survey of same by Donald L. Goodman, Surveyor, dated April 6, 1973 of record in Minor Subdivision Plat Book 1, Page 87, in the Warren County Court Clerk's office.

Being the same property conveyed to Eta Rho Home Association, Inc. from Helen B. Crocker and her husband, Kenneth W. Crocker, by Deed dated June 30, 1999, of record in Deed Book 785, Page 56, in the Warren County Court Clerk's office.

1311 College Street

TRACT NO. 1: That certain house and lot located at 1311 College Street in the City of Bowling Green, Warren County, Kentucky, and which property is more particularly described as follows:

Beginning at the southeast corner of the lot hereby conveyed on College, formerly Summer Street, Liveley's corner; thence southwestwardly about 101 feet to a point on College Street Robert Rodes corner; thence nearly at right angles N 40 W 212 feet more or less to a post or stone in said Rodes' line; thence nearly at right angles N 42 E about 112 feet following the dividing line between Rodes and Settle and Settle and Liveley to the third corner of said Settle, formerly J. S. Grider's corner; thence nearly at right angles S 40 E 210 feet or thereabout following the present line between Liveley and this lot to the beginning, being the same lot less five feet front extending back to the rear heretofore sold Liveley, conveyed Zerilda and Mary E. Wakefield by deed of date April 26, 1884, and of record in Book 58, Page 387, Warren County Clerk's Office, and thereafter said Mary E. Wakefield died leaving a last will of date November 18, 1889, and of record in Book 5, Page 435, Warren County Clerk's Office and devised all of her property to Zerilda Wakefield absolutely.

THERE IS EXCEPTED from the above the following off-conveyance conveyed by Ella B. Campbell and her husband, J. W. Campbell, to Mrs. Mary C. Liveley by deed dated February 10, 1909 and recorded in Deed Book 105, Page 456, Warren County Court Clerk's Office. Beginning on College Street at the corner of the lot of Mrs. Mary C. Liveley and running thence westwardly with College Street 10 feet, thence at right angles to the right 210 feet to the lot of James Callis; thence at right angles to the right 10 feet to Mrs. Mary C. Liveley's corner; thence at right angles to the right and with her line 210 feet to College Street, the beginning corner.

TRACT NO. 2: A certain lot of land situated in Bowling Green, Kentucky, in an alley running parallel with College Street between Thirteenth and Fourteenth Streets and described as follows:

Beginning at a point on the south side of an alley and the most northerly corner of the T. J. Townsend lot; thence toward College Street and with said Townsend line 38 feet more or less to the Campbell line; thence to the left and with the line of said Campbell 32 feet more or less to Callis' line; thence to the left and with the line of said Callis 38 feet more or less to said alley; thence to the left and with the line of said alley 36 feet more or less to the point of beginning.

This being the same property conveyed to Eta Rho Home Association, Inc., a Kentucky corporation, from Rhea Hunt, widow, by Deed dated November 12, 1966, of record in Deed Book 367, Page 477, in the Warren County Court Clerk's office.

DOCUMENT NO: 489735
RECORDED ON: JULY 06, 2004 03:28:33PM
TOTAL FEES: \$11.00
COUNTY CLERK: DOROTHY OWENS
COUNTY: WARREN COUNTY
DEPUTY CLERK: CARLA HILL
BOOK MC15 PAGES 20 - 23