

PARTIAL RELEASE OF STORM SEWER EASEMENT

THIS PARTIAL RELEASE OF STORM SEWER EASEMENT (this "Release"), is made and entered into this _____ day of _____, 201____, by (i) **LEXINGTON – FAYETTE URBAN COUNTY GOVERNMENT**, a urban county government pursuant to KRS 67A, having a mailing address of 200 East Main Street, Lexington, Kentucky 40507 (the "LFUCG"), in favor of (ii) **HAYMAKER DEVELOPMENT CO., LLC**, a Kentucky limited liability company, having a mailing address of 3120 Wall Street, Suite 300, Lexington, Kentucky 40513 (the "Owner").

W I T N E S S E T H:

WHEREAS, through that "Consolidation & Easement Minor Amended Subdivision Plat" of the Beaumont Farm Subdivision, Unit 1, Section 5, Lots 7 & 8, of record in Plat Cabinet N, Slide 834, in the Fayette County Clerk's Office (the "Plat"), the LFUCG acquired a twenty (20) foot storm sewer easement (the "Easement"), over certain real property located in Lexington, Fayette County, owned by the Owner and more particularly described as follows, to-wit:

BEING all of Lot No. 7 (identified on the current plat as "Parcel 1" and "Parcel 7" and consisting of a total of 2.11 acres), as shown by that Consolidation & Easement Minor Amended Subdivision Plat of Beaumont Farm, Unit 1, Section 5, Lots 7 & 8, in Lexington, Fayette County, Kentucky, of record in Plat Cabinet N, Slide 834, in the Fayette County Clerk's Office; the improvements thereon being known and designated as 1146 MONARCH STREET; and

BEING a portion of the same property conveyed to Haymaker Development Co., LLC, a Kentucky limited liability company, by C.M. Gatton, Trustee of the C.M. Gatton Trust, through deed dated December 28, 2007, of record in Deed Book 2799, Page 634, in the Fayette County Clerk's Office.

WHEREAS, certain portions of the Easement are no longer required by the LFUCG as to the above-described property, and the LFUCG desires to release and extinguish its interest in and to such portions of the Easement.

NOW THEREFORE, for and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the LFUCG hereby releases unto the Owner all of its right, title

HOLD FOR: Patrick McFadden
LFUCG Division of Water Quality
125 Lisle Industrial Avenue
Lexington, KY 40511

and interest in and to that portion of the Easement more particularly described as follows:

COMMENCING at the point of intersection of the southerly right-of-way line of Monarch Street and the common line of Lots 7 and 8 (known as 1146 and 1136 Monarch Street) located in Beaumont Farm Subdivision, Unit 1, Section 5, Lots 7 and 8, of record in Plat Cabinet N, Slide 834, in the Office of the County Clerk of Fayette County, Kentucky; thence leaving said right-of-way South $35^{\circ}32'19''$ West, a distance of 106.24 feet to the **TRUE POINT OF BEGINNING**; thence South $45^{\circ}42'04''$ East, a distance of 197.14 feet to a point; thence South $44^{\circ}17'56''$ West, a distance of 20.00 feet to a point; thence North $45^{\circ}42'04''$ West, a distance of 197.28 feet to a point; thence North $44^{\circ}42'03''$ East, a distance of 20.00 feet to the **POINT OF BEGINNING** and containing 3,944 square feet (and being the shaded area depicted on the Exhibit attached hereto, and hereinafter referred to as the "Released Area").

It is the intention of the LFUCG to forever extinguish its interest in and to the Released Area of the Easement described hereinabove, and the Owner, its successors and assigns forever, shall hereafter have and enjoy the Released Area free and discharged from the interests of the LFUCG as to the Released Area; provided, however, that this Release shall not extinguish the interest of the LFUCG in the remaining easements created and depicted on the Plat other than those portions specifically described above.

In accepting this Release, the Owner hereby releases and discharges the LFUCG, its successors and assigns, from and against any and all losses, damages and liabilities, and from any and all claims for damages on account of or by reason of bodily injury, including death, which may be sustained or claimed to be sustained by any person, caused by or arising out of or claimed to have been caused by or from any and all of the LFUCG's utility easement being released.

All of the remaining terms and provisions of the Easement not inconsistent with the terms of this Release shall remain in full force and effect.

TO HAVE AND TO HOLD the Released Area hereby surrendered and discharged from the operation of the Easement unto the Owner and its successors and assigns, forever free and clear of the estate heretofore created by the Easement.

IN WITNESS WHEREOF, the LFUCG has hereunto executed this Partial Release of Storm Sewer Easement on this the day and year first above written.

LEXINGTON-FAYETTE URBAN COUNTY
GOVERNMENT, an urban county government

BY: _____
JIM GRAY, MAYOR

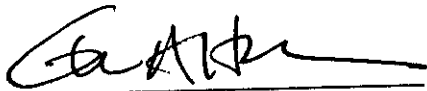
STATE OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing Partial Release of Storm Sewer Easement was acknowledged before me on this the ____ day of _____, 201____, by Jim Gray, as the Mayor of Lexington-Fayette Urban County Government, an urban county government pursuant to KRS 67A, on behalf of said government.

My Commission Expires: _____.

NOTARY PUBLIC, KENTUCKY,
STATE AT LARGE

THIS INSTRUMENT
PREPARED BY:



GLENN A. HOSKINS
GLENN A. HOSKINS, P.S.C.
1077 Eastland Drive
P.O. Box 55254
Lexington, Kentucky 40555
(859) 231-1077

PARENT DOCUMENT: P.C. "N", 5L 834

MONARCH STREET

POINT OF COMMENCING

N44°42'03"E
20.00'

S35°32'19"W
106.24'

20' B.L., U.E.,
S.A.N. S.E. & S.T.M. S.E.

1146

P.O.B.

7

8

20' S.T.M. S.E.W. E.S.M.T.
(TO BE RELEASED)

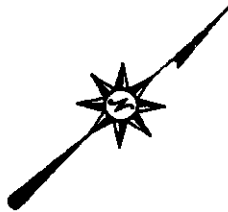
N45°42'04"W 197.28'

S45°42'04"E 197.14'

S44°17'56"W
20.00'

9

10



EA Partners, PLLC



CIVIL ENGINEERS • LAND SURVEYORS • LANDSCAPE ARCHITECTS
3111 WALL STREET
LEXINGTON, KENTUCKY 40513
PHONE (659) 296-9889
FACSIMILE (659) 296-9887

EXHIBIT
STORM SEWER EASEMENT RELEASE
BEAUMONT FARM
UNIT 1, SECTION 5, LOT 7
1146 MONARCH STREET
DECEMBER 2012

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