

DEED #7674

RELEASE OF EASEMENT

This **RELEASE OF EASEMENT** ("Release") is entered into and effective as of October 9, 2014, by **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, of 200 East Main Street, Lexington, Kentucky 40507 ("LFUCG ") and is for the benefit of **FAYETTE MALL SPE, LLC**, a Delaware limited liability company ("Fayette SPE"); and **FAYETTE MIDDLE ANCHOR, LLC**, a Delaware limited liability company ("Fayette Middle"), each with an address of with an address of CBL Center, Suite 500, 2030 Hamilton Place Boulevard, Chattanooga, Tennessee 37421-6000 (Fayette SPE and Fayette Middle, collectively referred to as "Owners").

WHEREAS, Fayette SPE is the owner of certain property described as Lot 2 (Parcel 4) and Lot 4, as shown on the Easement Minor Plat of Fayette Mall (formerly Federated Departments Stores, Inc.) 3301, 3401 & 3555 Nicholasville Road, Lexington, Fayette County, Kentucky, as shown in Plat Cabinet M, Slide 692 (the "Plat"), in the Fayette County Clerk's Office ("Office"), and also shown on the Easement Minor Plat of Fayette Mall (Formerly Federated Department Stores, Inc.) 3555, 3615 & 3625 Nicholasville Road, of record in Plat Cabinet M, Slide 932 ("Easement Minor Plat"), in the Office, by virtue of Special Warranty Deed dated July 10, 2009, of record in Deed Book 2888, Page 59, in the Office; the improvements thereon being known and designated as 3401 and 3615 Nicholasville Road, respectively ("Fayette SPE Property").

WHEREAS, Fayette Middle is the owner of certain property described as Lot 3, containing 14.83 acres, as shown on the Plat and on the Easement Minor Plat, in the Office, by virtue of Quitclaim Deed dated June 28, 2013, of record in Deed Book 3165, Page 658, in the Office; the improvements thereon being known and designated as 3555 Nicholasville Road ("Fayette Middle Property").

WHEREAS, LFUCG has twelve foot (12') and fifteen foot (15') storm sewer easements through the Fayette SPE Property and the Fayette Middle Property, the cross-hatched areas of which are to be released ("Easements") as shown the Plat, the Easement Minor Plat and on the drawing attached hereto and incorporated herein as Exhibit "A".

WHEREAS, the foregoing storm sewer line easements have been relocated and a new easement has been recorded in the Office in support thereof, which appears on the Easement Minor Subdivision Plat of Fayette Mall (3401, 3555 & 3615 Nicholasville Road), Lexington, Fayette County, Kentucky, as shown in Plat Cabinet R, Slide 210 recorded simultaneously herewith (the "New Easement Minor Plat")

WHEREAS, the Easements as shown on the Plat and the Easement Minor Plat are no longer required by LFUCG and LFUCG now desires to release and forever extinguish its interest in and to said Easements as more particularly set forth on Exhibit A and as more particularly described by metes and bounds descriptions on Exhibit "B" attached hereto.

NOW, THEREFORE, for good and valuable consideration LFUCG hereby releases and forever quitclaims to the Owners all of its right, title and interest in and to the Easements as more particularly shown on Exhibit A and Exhibit B attached hereto; it being the intention of the parties to terminate the Easements. The Owners, their successors and assigns shall hereafter have and enjoy their respective properties free and discharged from the interests of LFUCG as to

**HOLD FOR:**

Mr. Patrick McFadden
Lexington-Fayette Urban Co. Gov.
Division of Water Quality

the Easements; provided, however, that this Release shall not extinguish the interest of LFUCG in the remaining easements created and depicted on the plats described herein other than the Easements specifically shown on Exhibit A and described on Exhibit B.

IN WITNESS WHEREOF, LFUCG has entered into this Release as of the date first written above.

LEXINGTON-FAYETTE URBAN COUNTY
GOVERNMENT

By: _____
Title: _____

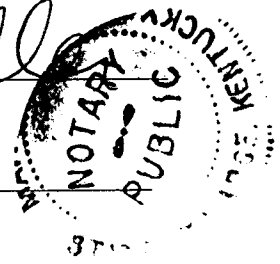
("LFUCG")

COMMONWEALTH OF KENTUCKY)
)SS:
COUNTY OF FAYETTE)

The foregoing Release of Easement was subscribed and acknowledged before me this 15th day of October, 2014, by JIM GRAY for and in his/her capacity as MAYOR on behalf of LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.

My commission expires: 1/9/16

Mandi Mall
NOTARY PUBLIC, KENTUCKY
STATE AT LARGE
NOTARY ID: 457846



THIS INSTRUMENT PREPARED BY:

Job D. Turner, III, Esq.
BINGHAM GREENEBAUM DOLL LLP
300 West Vine Street, Suite 1100
Lexington, Kentucky 40507

PARENT PLATS:

PLAT CABINET M, SLIDE 692
PLAT CABINET M, SLIDE 932

3615 NICHOLASVILLE ROAD
FAYETTE MALL SPE, LLC
D.B. 2888, PG. 59

3555 NICHOLASVILLE ROAD
FAYETTE MIDDLE ANCHOR, LLC
D.B. 3165, PG. 658

3401 NICHOLASVILLE ROAD
FAYETTE MALL SPE, LLC
D.B. 2888, PG. 59

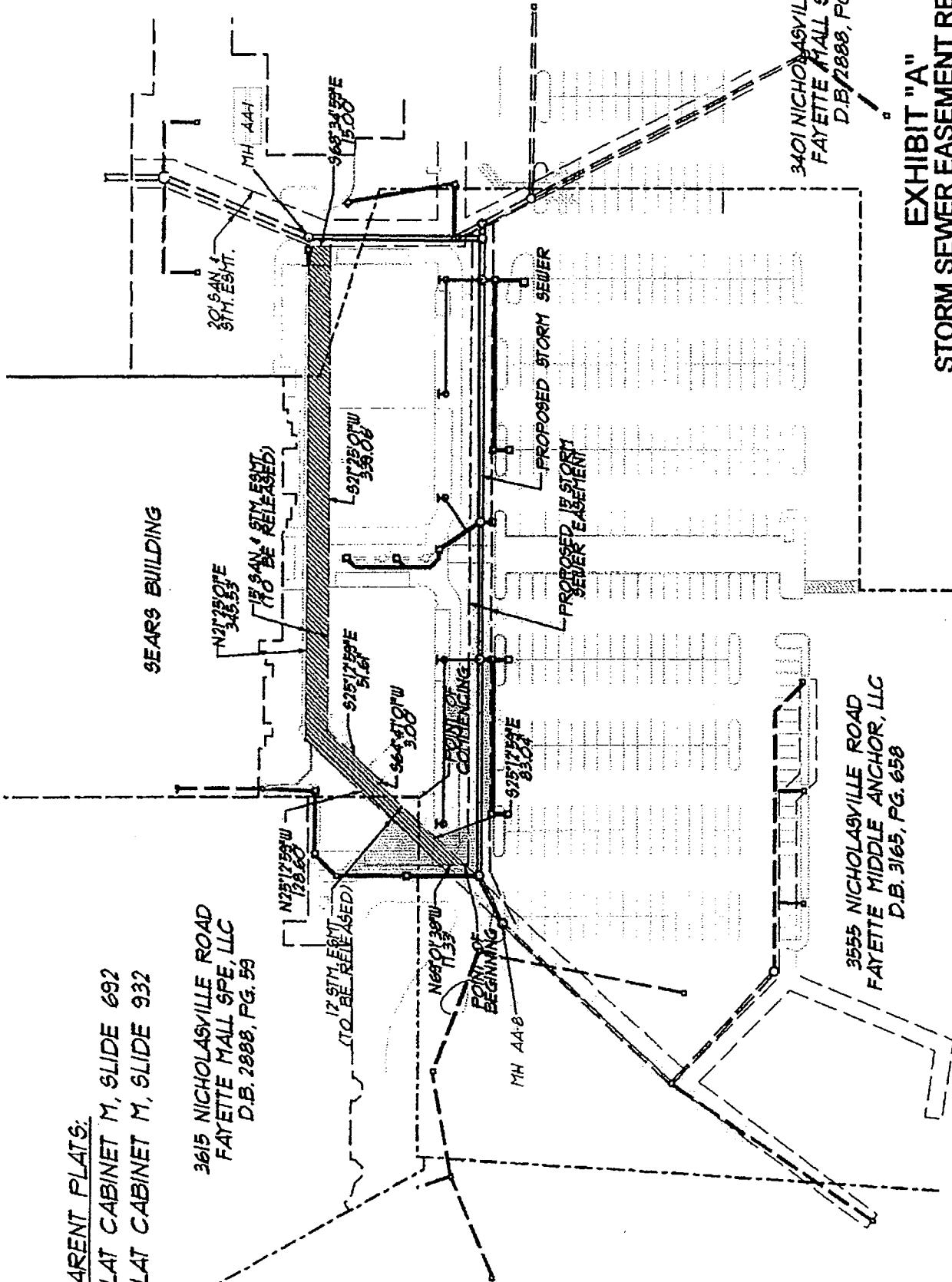


EXHIBIT "A"
STORM SEWER EASEMENT RELEASE
 FAYETTE MALL SPE, LLC AND
 FAYETTE MIDDLE ANCHOR, LLC
 SEARS REDEVELOPMENT
 3401, 3555 & 3615 NICHOLASVILLE ROAD
 LEXINGTON, FAYETTE COUNTY, KENTUCKY
 JULY 2014



EA Partners, PLLC



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July 18, 2014


Legal Description
Fayette Mall SPE, LLC & Fayette Middle Anchor, LLC
Storm Sewer Easement Release
3401, 3555 & 3615 Nicholasville Road
Lexington, Fayette County Kentucky

COMMENCING AT A POINT in the northeastern most corner of Fayette Mall SPE, LLC known as 3615 Nicholasville Road as shown on Plat Cabinet M, Slide 932 of record in the Fayette County Clerk's Office; thence South 12 degrees 47 minutes 38 seconds East, 57.45 feet to the **TRUE POINT OF BEGINNING**; thence North 69 degrees 01 minutes 38 seconds West, 17.33 feet to a point; thence North 25 degrees 12 minutes 59 seconds West, 128.60 feet to a point; thence North 21 degrees 25 minutes 01 seconds East, 345.53 feet to point; thence South 68 degrees 34 minutes 59 seconds East, 15.00 feet to a point; thence South 21 degrees 25 minutes 01 seconds West, 339.06 feet to a point; thence South 25 degrees 12 minutes 59 seconds East, 51.61 feet to a point; thence South 64 degrees 47 minutes 01 seconds West, 3.00 feet to a point; thence South 25 degrees 12 minutes 59 seconds East, 83.04 feet to the **POINT OF BEGINNING** and containing 0.16 acres (6,878 square feet).

EXHIBIT B

J:\850\fayettemall\sears\exhibits\stm-sew-esmt-release.doc

I, Donald W Blevins Jr, County Court Clerk
of Fayette County, Kentucky, hereby
certify that the foregoing instrument
has been duly recorded in my office.



By: MARCIA DERR ,dc

201410200207

October 20, 2014 14:40:13 PM

Fees	\$16.00	Tax	\$0.00
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Total Paid	\$16.00
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5 Pages

54 - 58