

Deed:
8341
R-76-2024

PARTIAL RELEASE OF EASEMENTS

THIS PARTIAL RELEASE OF EASEMENTS is made and entered into this ____, day of _____, 202__ by and between LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, an urban county government organized pursuant to KRS Chapter 67A, 200 East Main Street, 9th Floor, Lexington, Kentucky 40507 (“LFUCG”) and CBT REAL ESTATE HOLDINGS, LLC, a Kentucky limited liability company, 300 West Vine Street, Lexington, Kentucky 40507 (“CBT”).

WHEREAS, CBT is the owner of the real property known as 1100 Armstrong Mill Road, Lexington, Kentucky (the “Property”), more particularly described as follows:

TRACT 1: Being all of Parcels 1, 2 and 3 at 1100 Armstrong Mill Road, Lexington, Fayette County, Kentucky, as shown on the Consolidation Plat thereof of record in Plat Cabinet F, Slide 759 in the office of the Fayette County Clerk; there is hereby EXCEPTED all of Parcel 10 of record in Plat Cabinet I, Slide 229 which was conveyed to Millcreek Development, Inc. by Deed Book 1574, Page 577 in the office of the Fayette County Clerk;

TRACT 2: Being all of Parcels 1, 2, 3 and 4 as shown by that certain Consolidation Record Plat of a portion of Millcreek Subdivision, Unit 3, Amended and 1100 Armstrong Mill Road as shown on plat thereof of record in Plat Cabinet I, Slide 229 in the office of the Fayette County Clerk;

TRACT 3: Being all of Parcels 1, 2, 3 and 4 as shown on the Consolidation and Easement Minor Record Plat of record in Plat Cabinet K, Slide 112 and consisting of 3.11 acres; and

Being the same property conveyed to CBT Real Estate Holdings, LLC by deed in lieu of foreclosure dated September 27, 2018 from Lexington Baptist Temple, Inc., of record in Deed Book 3620, Page 692, in the Fayette County Clerk’s Office; and

WHEREAS, there is an Existing 15’ Sanitary Sewer easement located on the Property and shown on Consolidation Plat 1100 Armstrong Mill Road, of record in Plat Cabinet F, Slide 759, in the Fayette County Clerk’s Office (“Plat Cabinet F, Slide 759”), that is no longer needed and does not have utilities located in it; and

WHEREAS, pursuant to the Deed of Easement dated July 11, 1999, of record in Deed Book 2072, Page 536, in the Fayette County Clerk’s Office (“Deed Book 2072, Page 536”), there is an existing 20’ wide sanitary sewer easement located on the Property, a portion of which is no longer needed and does not have utilities located in it.

NOW, THEREFORE,

WITNESSETH:

THAT FOR AND IN CONSIDERATION of the sum of One Dollar (\$1.00), the receipt and sufficiency of which is hereby acknowledged, LFUCG does hereby forever release unto CBT, its successors and assigns forever, all of its right, title and interest in and to the following described sanitary sewer easements, which are shown on Exhibit A attached hereto and made a part hereof:

PLAT CABINET F, SLIDE 759:

Beginning at a point. Said point being a common property corner to 1100 Armstrong Mill Road and the Fox and Hound Condominiums lying on the southern right-of-way of Armstrong Mill Road. Said point being N 82° 02' 32" W a distance of 29.43 feet from the southwestern corner of a bridge crossing a tributary to West Hickman Creek and approximately 1,278 feet south east from the intersection of Armstrong Mill Road and Tates Creek Road.

Thence S 60° 11' 58" E, 104.10 feet to a point on the southern right-of-way of Armstrong Mill Road and the northern property line of 1100 Armstrong Mill Road property, said point being the actual Point of Beginning of an existing Sanitary Sewer Easement. Said easement being 15 feet wide; 7.50 feet to either side of a centerline described as follows:

From the easement's Point of Beginning, S 60° 50' 10" W, 120.38 feet to a point; thence

S 49° 09' 45" W, 147.83 feet to a point, thence

N 61° 31' 08" W, 181.56 feet to a point, thence

S 29° 13' 17" W, 233.55 feet to a point, thence

S 38° 40' 07" W, 380.61 feet to a point, said point being the end of the easement's centerline.

Provided, however, only the above described property is released and any other easements or portions thereof shown on Plat Cabinet F, Slide 759 remain unaffected.

DEED BOOK 2072, PAGE 536:

Beginning at a point. Said point being a common property corner to 1100 Armstrong Mill Road and the Fox and Hound Condominiums lying on the southern right-of-way of Armstrong Mill Road. Said point being N 82° 02' 32" W a distance of 29.43 feet from the south western corner of a bridge crossing a tributary to West Hickman Creek and approximately 1,278 feet south east from the intersection of Armstrong Mill Road and Tates Creek Road.

Thence S 42° 23' 10" W, 170.70 feet to a point on the common property line of 1100 Armstrong Mill Road and the Fox and Hounds Condominiums, said point

being the actual Point of Beginning of an existing Sanitary Sewer Easement. Said easement recorded July 11, 1999 in Deed Book 2072 on Page 536. Said easement being 20 feet wide; 10 feet to either side of a centerline described as follows:

From the easement's Point of Beginning, S 39° 39' 17" W, 4.94 feet to a point; thence

S 65° 03' 10" W, 265.32 feet to a point, thence

S 65° 03' 10" W, 10.00 feet to a point, said point being the end of the easement's centerline.

Source of Title:

Being a portion of the property conveyed to CBT Real Estate Holdings, LLC by Deed in Lieu of Foreclosure dated September 27, 2018 from Lexington Baptist Temple, Inc., of record in Deed Book 3620, Page 692, in the Fayette County Clerk's Office.

PROVIDED, HOWEVER, that it is understood in making this release that all other easements of record and any portion thereof not specifically released herein remain unaffected by this release.

[REMAINDER OF THIS PAGE INTENTIONALLY BLANK]

IN WITNESS WHEREOF, the undersigned has executed this Partial Release of Easements as of the day and year first above written.

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

By: Linda Gorton
Linda Gorton, Mayor

COMMONWEALTH OF KENTUCKY

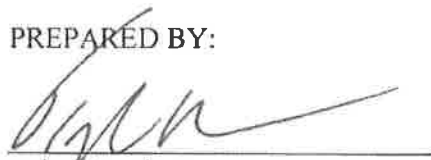
COUNTY OF FAYETTE

The foregoing Partial Release of Easement was subscribed, sworn to and acknowledged before me this 2 day of March, 2021 by Linda Gorton, as Mayor of Lexington-Fayette Urban County Government, for and on behalf of said urban county government.

My commission expires: 9-18-2022

[Signature]
Notary Public
Notary ID #: 609044

PREPARED BY:

A handwritten signature in dark ink, appearing to read 'Tyler Powell', is written over a horizontal line.

Tyler Powell, Esq.
Frost Brown Todd LLC
250 W. Main St., Suite 2800
Lexington, Kentucky 40507
(859) 231-0000

Exhibit A

SEE ATTACHED EASEMENT RELEASE REQUEST

CERTIFICATION

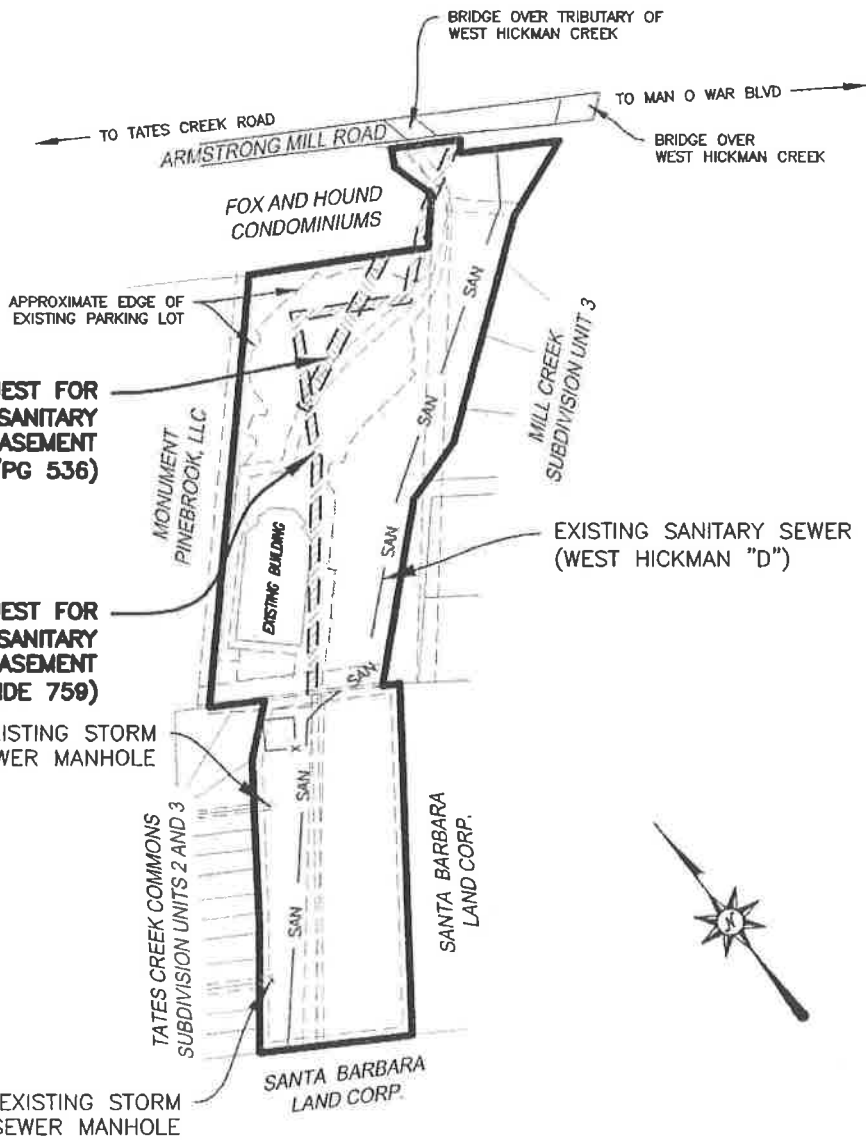
I HEREBY CERTIFY THAT THIS DRAWING DEPICTS THE LOCATIONS OF TWO EASEMENTS THAT ARE REQUESTED TO BE RELEASED BY LFUGG.

[Signature]

PAUL D. NESBITT, LS No. 1930

01/04/21

DATE



RELEASE REQUEST FOR EXISTING 20' SANITARY SEWER EASEMENT (~1999, DB 2072/PG 536)

RELEASE REQUEST FOR EXISTING 15' SANITARY SEWER EASEMENT (~1987, PLAT CABINET F/SLIDE 759)

LEGEND

- EXISTING EASEMENTS
- EXISTING FENCELINE



LAST PLOTTED ON: 1/4/2021 BY: COLLINS, KEVIN L. DRAWING FILE LOCATION: P:\CENTRAL BANK\1007-04 ARMSTRONG MILL\05 PROPERTY\FEE SIMPLE\DWGS\1100 ARMSTRONG MILL ROAD PLAT - EASEMENT RELEASE_V2.DWG



nesbitt engineering, inc.
providing proven solutions since 1976

1100 ARMSTRONG MILL ROAD
CENTRAL BANK & TRUST CO.
EASEMENT RELEASE REQUEST

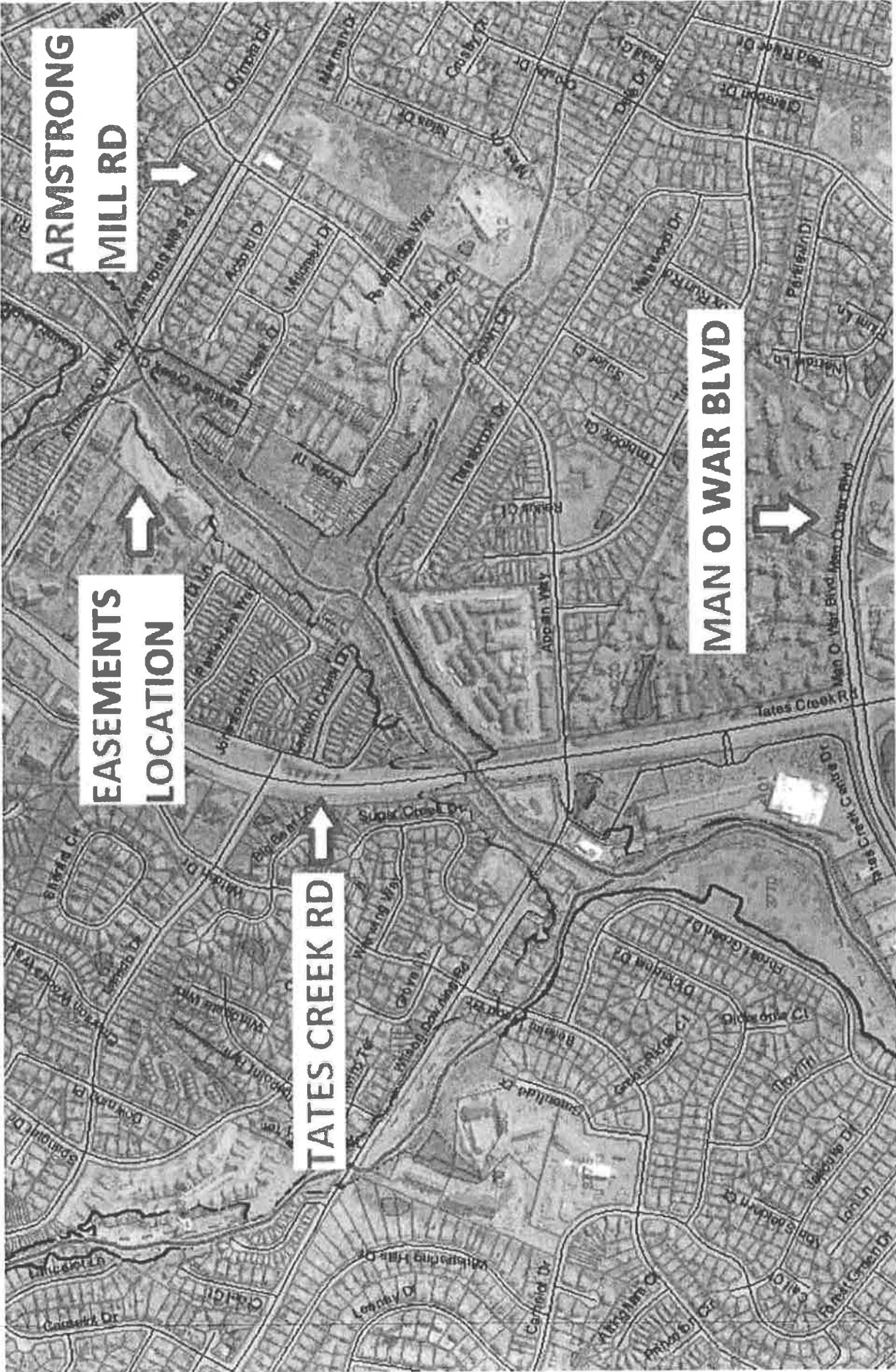
drawing revisions:
12/03/20 - REVISED TO COMPLY WITH LFUGG SUBMISSION PROCEDURE.

drawn by:
KLC

job no
1007.04

date:
NOV. 2019

scale:
1" = 300'



**ARMSTRONG
MILL RD**

**EASEMENTS
LOCATION**

TATES CREEK RD

MAN O WAR BLVD


MAYOR LINDA GORTON



LEXINGTON

CHARLES MARTIN
DIRECTOR
WATER QUALITY

TO: Mayor Linda Gorton
Urban County Council

FROM: Charles H. Martin, P.E., Director
Division of Water Quality 

DATE: January 19, 2021

SUBJECT: RELEASE OF SANITARY SEWER EASEMENTS AT 1100 ARMSTRONG MILL ROAD

Request

The purpose of this memorandum is to request a resolution authorizing the Mayor on behalf of the Lexington-Fayette Urban County Government to execute a release of a sanitary sewer easements at 1100 Armstrong Mill Road.

Purpose of Request

The easements are no longer needed because there are no facilities in the easements.

Project Cost in FY21

There is no projected cost with this request.

Project Cost Impact for Future Budget Years

There is no projected future cost.

Are Funds Budgeted

N/A.

Law Review

M. Cravens, 1/8/2021.

Martin/Albright

DRB

cc: Debbie R. Barnett
Greg Lubeck, PE



Deed:
8342
R-096-2021

PARTIAL RELEASE OF EASEMENT

THIS PARTIAL RELEASE OF EASEMENT, made and entered into this ____ day of _____, 2021, by LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, an urban county government of the Commonwealth of Kentucky, 200 East Main Street, Lexington, Kentucky 40507, party of the first part, in favor of COMMONWEALTH DESIGNS, INC., a Kentucky corporation, 161 N. Eagle Creek Drive, Suite 200, Lexington, Kentucky 40509, party of the second part.

WITNESSETH:

That for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the adequacy and sufficiency of which is hereby acknowledged, the party of the first part does hereby release and quitclaim unto the party of the second part, its successors and assigns forever, all of its right, title and interest in and to a portion of that certain fifteen foot (15') wide Sanitary Sewer Easement located upon certain real property located at 3944 Tatton Park, Lexington, Kentucky, such portion of said easement to be released being more particularly described on Exhibit "A" attached hereto, and also being depicted on Exhibit "B" attached hereto.

The said party of the first part does hereby release, relinquish and quitclaim unto the said party of the second part, its successors and assigns forever, all its right, title and interest in and to that portion of the above-described easement, including all exemptions as may be allowed by law, with no covenants or warranties as to said right, title and interest. It is the intent of the party of the first part to forever extinguish that portion of said Sanitary Sewer Easement above described and that the party of the second part, its successors and assigns, shall hereinafter have and use said premises free and absolutely discharged from that portion of said easement.

IN WITNESS WHEREOF, the party of the first part has hereunto caused its name to be affixed hereto by and through its duly authorized officer, on this the day and year first above written.

LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT

Attest:

[Signature]

By: Linda Gorton

Its: Mayor

STATE OF KENTUCKY
COUNTY OF FAYETTE

The foregoing Partial Release of Easement was subscribed, sworn to and acknowledged before me this ___ day of January, 2021, by Linda Gorton as Mayor, of Lexington-Fayette Urban County Government, an urban county government, for and on behalf of said government.

MY COMMISSION EXPIRES:

2-2-2023
Notary ID# 615803

[Signature]
Notary Public, State of Kentucky at Large
Melissa McCarth-Smith
Notary Printed Name

PREPARED BY:

W. Rodes Brown
W. RODES BROWN
JACKSON KELLY PLLC
City Center
100 West Main Street, Suite 700
P.O. Box 2150
Lexington, KY 40588-2150
Telephone: (859) 255-9500

EXHIBIT A

LEGAL DESCRIPTION

**For
Release
of
15 ft. Sanitary Sewer Easement**

Located at

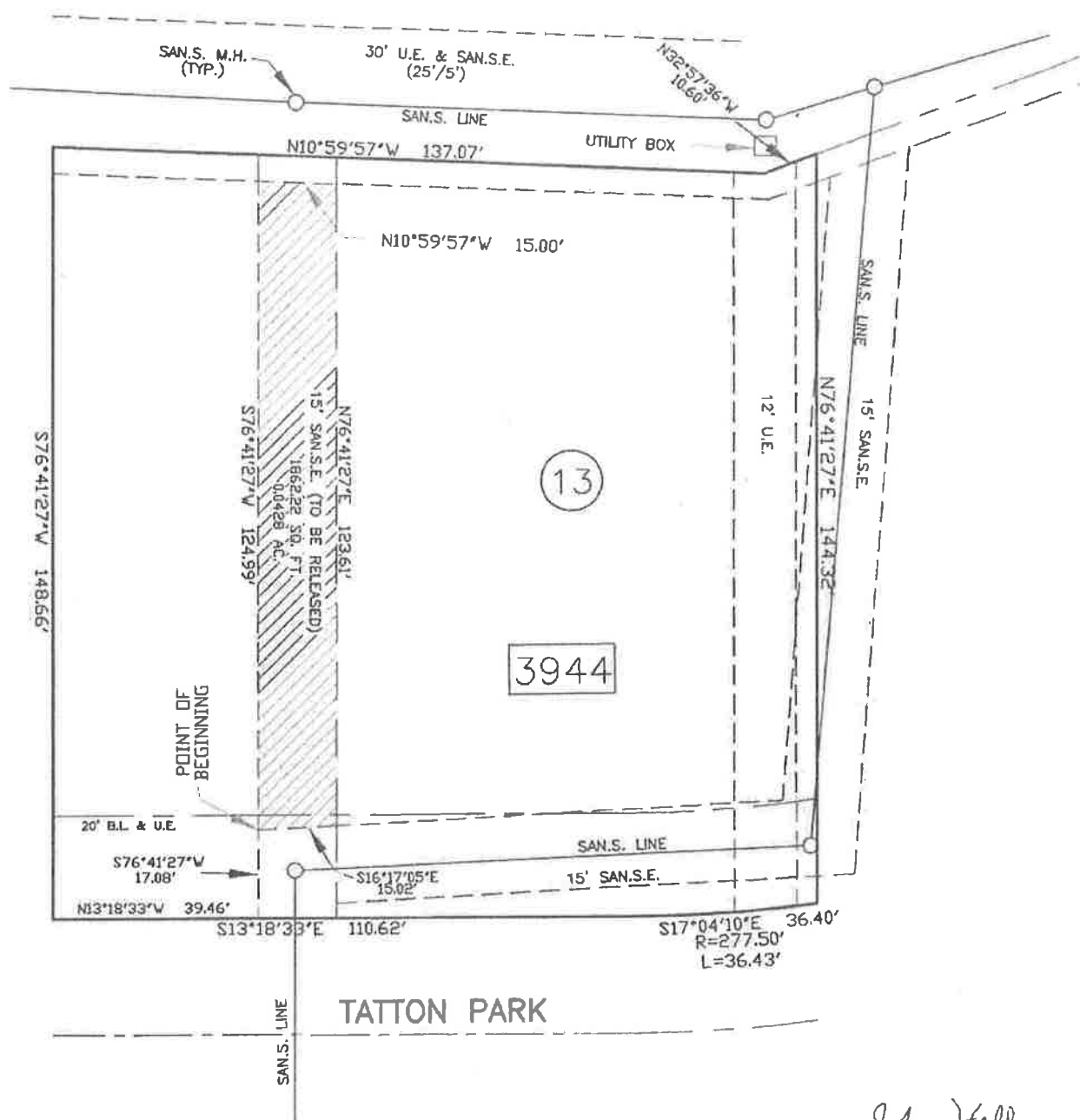
**Lot 13, Block "N", Denton Farms, Inc., Unit 1-F
Known as
3944 Tatton Park
in
Lexington, Fayette County, Kentucky**

Being a 15 ft. wide Sanitary Sewer Easement located across the middle portion of property located at 3944 Tatton Park (Lot 13, Block "N", Denton Farms, Inc., Unit 1-F, Plat Cabinet "R", Slide 674) in the city of Lexington, Fayette County, Kentucky and being more fully described and bounded as follows, to wit:

Beginning at a point, said point being N13°18'33"W 39.46' and S76°41'27"W 17.08' from the Southeast corner of the property and at the right-of-way of Tatton Park; thence S76°41'27"W 124.99' to a point; thence N10°59'57"W 15.00' to a point; thence N76°41'27"E 123.61' to a point; thence S16°17'05"E 15.02' to the point of beginning, and containing an area of 1862.22 Sq. Ft. and 0.0428 acres.

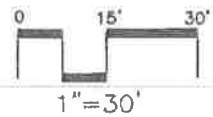
End of Legal Description

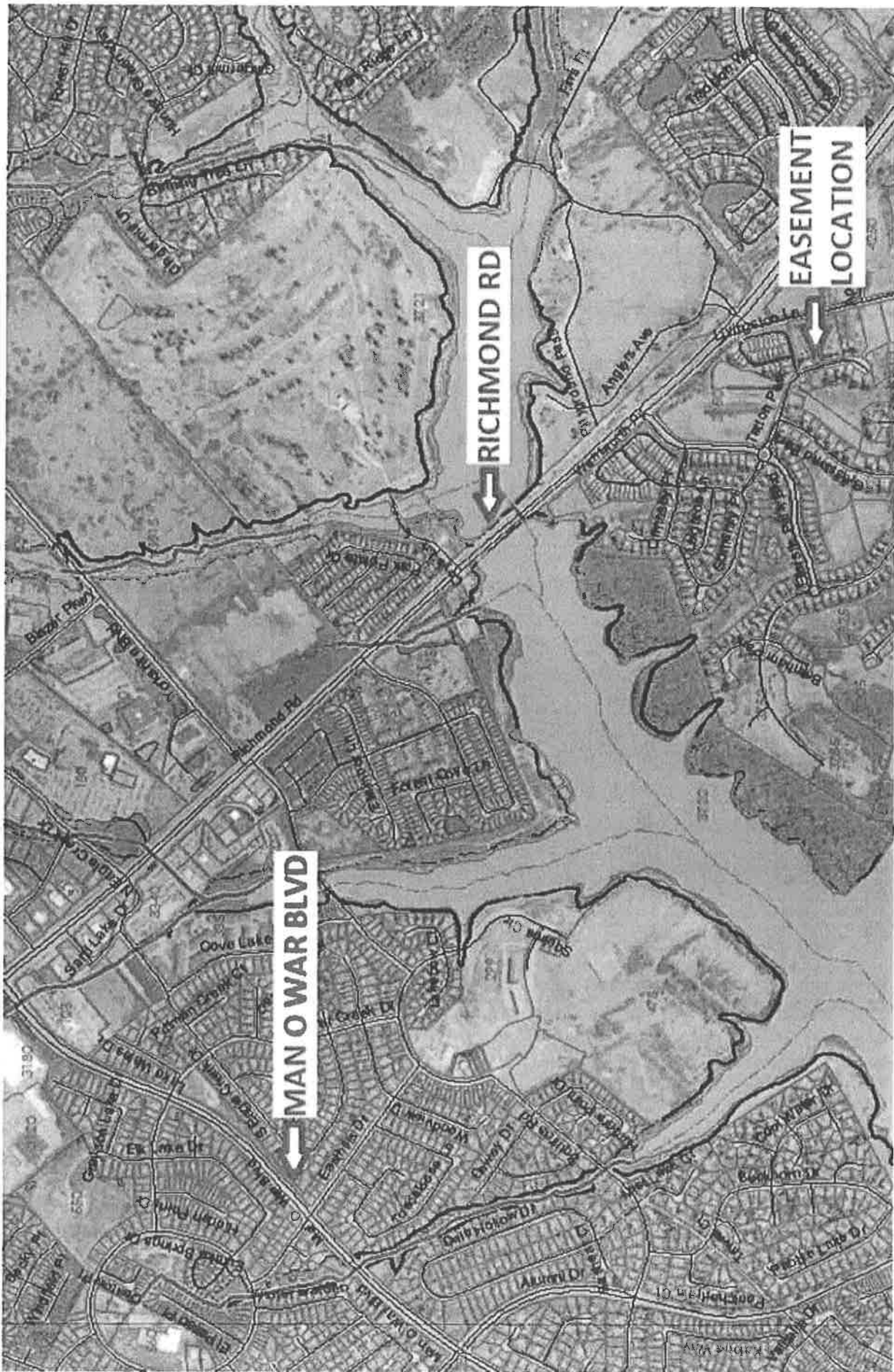
EXHIBIT B



John Hill

JOHN W. HILL
 2495 MULUNDY WAY
 LEXINGTON, KY 40511
 PHONE: (859) 621-9155
 john.hill4378@yahoo.com





MAN O WAR BLVD

RICHMOND RD

EASEMENT LOCATION


MAYOR LINDA GORTON



LEXINGTON

CHARLES MARTIN
DIRECTOR
WATER QUALITY

TO: Mayor Linda Gorton
Urban County Council

FROM: 
Charles H. Martin, P.E., Director
Division of Water Quality

DATE: February 1, 2021

SUBJECT: PARTIAL RELEASE OF SANITARY SEWER EASEMENT AT 3944 TATTON

Request

The purpose of this memorandum is to request a resolution authorizing the Mayor on behalf of the Lexington-Fayette Urban County Government to execute a partial release of a sanitary sewer easement at 3944 Tatton.

Purpose of Request

The easement is no longer needed because there are no facilities in the easement.

Project Cost in FY21

There is no projected cost with this request.

Project Cost Impact for Future Budget Years

There is no projected future cost.

Are Funds Budgeted

N/A.

Law Review

M. Cravens, 1/25/2021.

Martin/Albright

DRB

cc: Debbie R. Barnett
Greg Lubeck, PE

