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RESOLUTION NO. 250 - 2020

A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE A RELEASE OF EASEMENT, RELEASING A STREET LIGHT EASEMENT ON THE PROPERTIES LOCATED AT 421 AND 431 UNITED COURT.

BE IT RESOLVED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized to execute a Release of Easement, which is attached hereto and incorporated herein by reference, releasing a street light easement on the properties located at 421 and 431 United Court.

Section 2 – That this Resolution shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

*Rinda Gorton*  
MAYOR

ATTEST:

*Marlene Semmers*  
Deputy CLERK OF URBAN COUNTY COUNCIL  
485-20\_MSC:X:\Cases\WATER-AIR\20-LE0002\LEG\00686018.DOCX



# Lexington-Fayette Urban County Government

## File Summary

200 E. Main St  
Lexington, KY 40507

File Number	Title	Current Status
0485-20	Resolution	Second Reading

A Resolution authorizing the Mayor, on behalf of the Urban County Government, to execute a Release of Easement, releasing a street light easement on the properties located at 421 and 431 United Ct. [Div. of Water Quality, Martin]

**Introduced:** 5/15/2020

**Controlling Body:** Urban County Council

**Meeting Date:** 6/11/2020

**Department:** Water Quality

**Drafter:** LaDonna Roberts

MAYOR LINDA GORTON

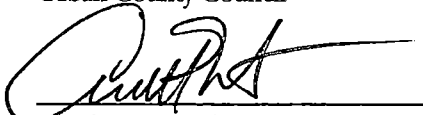


**LEXINGTON**

CHARLES MARTIN  
DIRECTOR  
WATER QUALITY

**TO:** Mayor Linda Gorton  
Urban County Council

**FROM:**

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

**DATE:** May 13, 2020

**SUBJECT:** RELEASE OF A STREET LIGHT EASEMENT AT 421 AND 431 UNITED COURT

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 street light easement, releasing easement at 421 and 431 United Court.

Purpose of Request

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

Project Cost in FY20

There is no projected cost.

Project Cost Impact for Future Budget Years

There is no projected cost.

Are Funds Budgeted

No funds are budgeted.

Law Review

M. Cravens, 05/08/2020.

Martin/Albright

DRB

cc: Debbie R. Barnett  
Rod Chervus, PE



## RELEASE OF EASEMENT

THIS RELEASE OF EASEMENT, made and entered into this \_\_\_ day of \_\_\_\_\_, 2020, by and between **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, a de jure urban county government under Chapter 67A of the Kentucky Revised Statutes, whose mailing address is 200 East Main Street, Lexington, Kentucky 40507, hereinafter referred to as the "First Party", and **JIM L. WILLIAMS AND FRANCES L. WILLIAMS**, husband and wife whose mailing address is 1788 Bahama Road, Lexington, Kentucky 40509, hereinafter referred to as the "Second Party",

### WITNESSETH:

That for no monetary consideration but for good and valuable consideration, the First Party does hereby fully release and relinquish all right, title and interest that First Party has in and to that certain ten (10) foot street light easement lying and being on a portion of Lot No. 12 and 13 of Blue Sky Industrial Park Tract "F", Block "F", Section Two-C as depicted on that certain Final Record Plat of record in Plat Cabinet F, Slide 489, and as depicted on that certain Easement and Consolidation Minor Plat of Lot No. 12A and 13A of record in Plat Cabinet R, Slide 957, and as depicted on that certain Corrected Amended Minor Plat of Blue Sky Industrial Park, Tract "F", Block "F", Section Two-C, Lots 12 & 13 of record in Plat Cabinet S, Slide 17, all plat references being in the Fayette County Clerk's Office, which real property is located at 421 and 431 United Court, Lexington, Fayette County, Kentucky, which area being released is more particularly described as follows, to-wit:

See Exhibit "A" hereto

Provided, however, that the First Party hereby specifically retains its right, title, and interest in and to all other easements shown of record for the properties in the office of the Fayette County Clerk (unless previously released) or depicted on the attached exhibit, including without limitation any portions of other easements that overlap the easement released herein.

IN WITNESS WHEREOF, the First Party has hereunto set its hand by and through its duly authorized officer on the day and year first above written.

LEXINGTON-FAYETTE URBAN COUNTY  
GOVERNMENT

By: Linda Gorton  
Its: Linda Gorton, Mayor

COMMONWEALTH OF KENTUCKY

COUNTY OF FAYETTE

The foregoing instrument was subscribed, sworn to and acknowledged before me this 19<sup>th</sup> day of ~~May~~ June, 2020, by Linda Gorton, as Mayor of Lexington-Fayette Urban County Government, a de jure urban county government under Chapter 67A of the Kentucky Revised Statutes, on behalf of said urban county government.

My commission expires: 11/7/2023

Mackenzie Semmers  
Notary Public, Kentucky, State at Large  
Notary ID No. 635048  
Fayette Co.

**10' Street Light Easement  
created on  
Plat Cabinet "F", Slide 489  
(also shown on Plat Cabinet "S", Slide 17)  
to be released  
across the property of**

**Jim L. and Frances L. Williams  
(Deed Book 3551, Page 307)  
[Lots 12A and 13A - Plat Cabinet R, Slide 957]**

**located at  
421 and 431 United Court  
Lexington, Fayette County, Kentucky**

Being an easement located in Lexington, Fayette County, Kentucky and being on the northwest side of the United Court northerly terminal end, and being more particularly described as follows:

COMMENCING at a found 5/8" diameter rebar, said point being the northwest corner of Lot 13A as shown on the Easement & Consolidation Minor Plat of Blue Sky Industrial Park, Tract F, Block F Section Two-C as it is recorded in Plat Cabinet R, Slide 957 in the Office of the Fayette County Clerk, said point having Kentucky State Plane Coordinates of N (Y) = 170,901.84', E(X) = 1,603,953.87' (KY North Zone, NAD 83 2011, US Survey Feet); thence with a tie line through said Lot 13A,

South 06°39'13" East a distance of 121.23 feet to a point on the east line of a 30' Utility & Drainage Easement (Plat Cabinet F, Slide 489), and said point being in the western terminal end of the 10' Street Light Easement herein described; which is the true Point of Beginning, thence from the

BEGINNING, and with north line of the 10' Street Light Easement,

South 49°48'47" East a distance of 265.75 feet to a point in the cul-de-sac of United Court; thence with the right-of-way of United Court,

with a curve turning to the left with an arc length of 10.01 feet, with a radius of 60.00 feet, with a chord bearing of South 40°10'55" West, with a chord length of 10.00 feet; thence leaving United Court and with the south line of the 10' Street Light Easement herein described,

North 49°48'47" West a distance of 259.38 feet to a point in the aforementioned east line of a 30' Utility & Drainage Easement (Plat Cabinet F, Slide 489); thence with the east line of said 30' Utility & Drainage Easement,

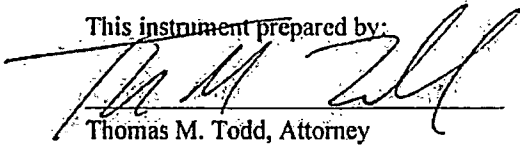
North 07°40'25" East a distance of 11.86 feet to a point, which is the Point of Beginning, having an area of 2624.3 square feet or 0.0602 acre.

The bearings referenced above are based on Kentucky State Plane grid north, North American Datum of 1983 (NAD 83, 2011). Particularly, the bearings and coordinates are based on a GNSS survey utilizing a Trimble R6 GNSS receiver and the KYTC VRS system.

The description above being based on an actual ground survey of the property conducted under the supervision of Kevin M. Phillips (PLS 3350), of Endris Engineering, 771 Enterprise Drive, Lexington, Kentucky. The ground survey was concluded on October 12, 2018.

Being a part of the same property conveyed to Jim L. Williams and Frances L. Williams, by deed dated January 2, 2018, and found of record in Deed Book 3551, Page 307, in the Fayette County Clerk's Office.

This instrument prepared by:

A handwritten signature in black ink, appearing to read 'T M Todd', written over a horizontal line.

Thomas M. Todd, Attorney

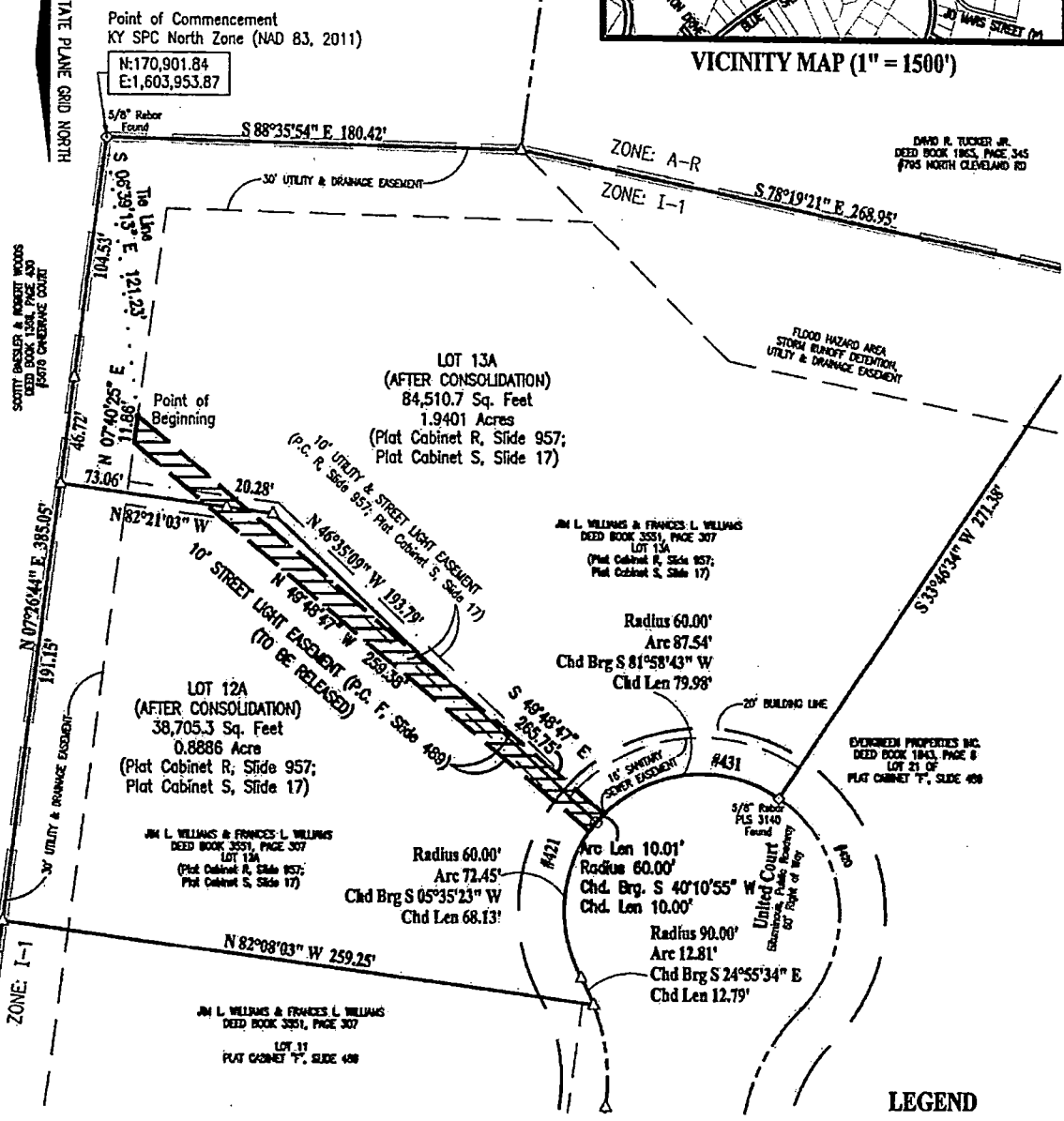
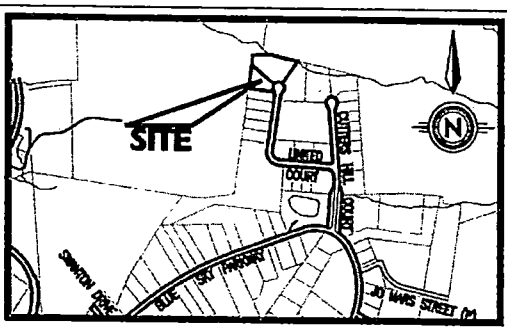
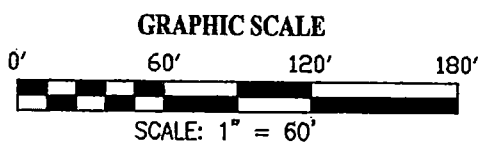
Kinhead & Stilz, PLLC

301 East Main Street

Suite 800 Lexington, Kentucky 40507

Telephone: (859) 296-2300

Facsimile: (859) 296-2566



**NOTE:**  
 The ground survey upon which this plat is based was concluded on October 12, 2018. It was performed by the method of random traverse; said traverse has an unadjusted error of closure of 1: 47,473. The angles and distances shown hereon have been adjusted for closure. This plat does not meet the minimum standards for a boundary plat and is not intended for the use of land transfer.

**LAND SURVEYOR'S CERTIFICATE**

I hereby certify that this plat was made under my supervision and is correct to the best of my knowledge and belief. This plat does not represent a boundary survey and is not intended for land transfer.



*[Signature]*  
 Kevin M. Phillips  
 License Professional Land Surveyor # 3350  
 Date 09-09-2020

- LEGEND**
- MAG NAIL WITH STAINLESS STEEL ID TAG (FOUND, PLS 3350)
  - ◇ FOUND MONUMENT AS NOTED
  - △ 24"-LONG, 5/8" DIAMETER REBAR WITH PLASTIC SURVEYOR'S CAP (SET, PLS 3350)
  - EASEMENT CORNERS ARE NOT MONUMENTED

**STREET LIGHT EASEMENT RELEASE ACROSS**  
 PROPERTY OF  
**JIM L. WILLIAMS & FRANCES L. WILLIAMS**  
 421 & 431 United Court  
 Lexington, Fayette Co., KY 40509  
 Source of Title: Deed Book 3551, Page 307

**EE ENDRIS engineering**  
 771 ENTERPRISE DRIVE, LEXINGTON, KY 40510. PH: 859 253-1425 FAX: 859 233-1436  
 4073 Scale: 1" = 60' Date: Mar. 9, 2020





## LaDonna Roberts

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**From:** Michael Cravens  
**Sent:** Friday, May 8, 2020 2:36 PM  
**To:** Debbie R Barnett  
**Subject:** RE: 421/431 United release request

Debbie,

I have reviewed the revised easement release. No legal issues.

**Michael Cravens**  
*Attorney Senior*  
Department of Law

859.258.3500  
[MCravens@lexingtonky.gov](mailto:MCravens@lexingtonky.gov)  
[lexingtonky.gov](http://lexingtonky.gov)



### NOTICE OF CONFIDENTIALITY

This message is intended only for the use of the individual or entity to which it is addressed and may contain confidential information that is legally privileged and exempt from disclosure under applicable law, including but not limited to, Kentucky Rule of Evidence 503. Any legal opinion provided in this electronic mail transmission is provided in the course of my legal representation of the Lexington-Fayette Urban County Government and should not be disseminated to the public. If the reader of this message is not the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, delete it from your system without copying or forwarding it, and notify the sender of the error by replying via e-mail or by calling the Department of Law at (859) 258-3500, so that our address record can be corrected. Thank you.

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**From:** Debbie R Barnett <[dbarnett@lexingtonky.gov](mailto:dbarnett@lexingtonky.gov)>  
**Sent:** Friday, May 8, 2020 10:31 AM  
**To:** Michael Cravens <[mcravens@lexingtonky.gov](mailto:mcravens@lexingtonky.gov)>  
**Subject:** RE: 421/431 United release request

Please review and respond.

Debbie R. Barnett  
Engineering Technician Senior  
Division of Water Quality  
125 Lisle Industrial Avenue  
Lexington KY 40511  
859-367-4916  
[dbarnett@lexingtonky.gov](mailto:dbarnett@lexingtonky.gov)

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**From:** Michael Cravens <[mcravens@lexingtonky.gov](mailto:mcravens@lexingtonky.gov)>  
**Sent:** Friday, March 13, 2020 10:45 AM  
**To:** Debbie R Barnett <[dbarnett@lexingtonky.gov](mailto:dbarnett@lexingtonky.gov)>; Ben Cornett <[jcornett@lexingtonky.gov](mailto:jcornett@lexingtonky.gov)>; Brian Knapp <[bknapp@lexingtonky.gov](mailto:bknapp@lexingtonky.gov)>; Gregory Lubeck <[glubeck@lexingtonky.gov](mailto:glubeck@lexingtonky.gov)>; Stephen Parker (TE)

Water Quality (Storm & Floodplain) Gregory Lubeck, PE  
Water Quality (Sanitary) Debbie R. Barnett  
Environmental Services (Greenway) Ben Cornett  
Engineering (R.O.W.) Brian Knapp, PE  
Traffic Engineering Stephen Parker, PE  
Law Department Michael Cravens

Thank you very much for your attention to this matter.  
Please contact me if you have any concerns/questions.

**Debbie R. Barnett**  
*Engineering Technician Senior*  
Water Quality

859.367.4916 office  
[lexingtonky.gov](http://lexingtonky.gov)

