

copy in lieu of original

PARTIAL RELEASE OF EASEMENT

THIS PARTIAL RELEASE OF EASEMENT, is made and entered into this 19th day of June, 2020, by and between (i) the LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, an urban county government pursuant to Chapter 67A of the Kentucky Revised Statutes, having its address at 200 East Main Street, Lexington, Kentucky 40507 (the "LFUCG"), and (ii) RML CONSTRUCTION, LLP, a Kentucky limited liability partnership, whose mailing address is c/o Lawrence Goodwin, 3609 Walden Drive, Lexington, KY 40517, (the "Owner").

WITNESSETH:

WHEREAS, through that certain final record plat of record in Plat Cabinet F Slide 6, in the Fayette County Clerk's Office (the "Plat"), LFUCG acquired a Sanitary Sewer Easement over a portion of 440 Squires Road (referred to herein as the "Easement"); and

WHEREAS, the real property currently encumbered by the Easement is owned by Owner and located in Fayette County, Kentucky and such real property is more particularly described as follows, to-wit:

COMMENCING AT A POINT being the northern most corner of Lot 3 (known as 482 Squires Road) as shown on Plat Cabinet R, Slide 918 of record in the Fayette County Clerk's Office and being also the eastern most corner of Lot 1F of Squires Acres Block "F", Unit 1-J known as 476 Squires Circle as shown on Plat Cabinet J, Slide 138 of record in the aforementioned Clerk's Office; thence North 69 degrees 17 minutes 42 seconds East, 35.00 feet to the **TRUE POINT OF BEGINNING**; thence North 20 degrees 42 minutes 18 seconds West, 30.00 feet to a point; thence North 69 degrees 17 minutes 42 seconds East, 372.54 feet to a point; thence South 48 degrees 57 minutes 25 seconds East, 34.06 feet to a point; thence South 69 degrees 17 minutes 42 seconds West, 388.66 feet to the **POINT OF BEGINNING** and containing 0.26 acres (11,418 square feet).

WHEREAS, through that certain final record plat of record in Plat Cabinet R Slide 918 in the Fayette County Clerk's Office (the Amended Plat) the Owner desires to release that portion of the Easement within the crosshatched areas shown on Exhibit "A" attached hereto and incorporated herein by this reference (the "Released Easement"); and which included the dedication of new sanitary sewer easement to and for the benefit of LFUCG; and

WHEREAS, the Released Easement is no longer required by LFUCG and LFUCG desires to release and extinguish its interest in and to such Released Easement but not with respect to the new Sanitary Sewer Easement on the Amended Plat.

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 and interest in and to the Released Easement, as shown on Exhibit "A".

It is the intention of the LFUCG to forever extinguish its interest in the Released Easement and the Owner, its successors and assigns forever, shall hereafter have and enjoy said property free and discharged from the interests of the LFUCG as to the Released Easement. Provided, however, that it is understood that in making this Partial Release, the other easements of record shall remain unaffected by this Partial Release of Easement.

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

LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT

Linda Gorton
Mayor

STATE OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing instrument was acknowledged before me by Linda Gorton, as
Mayor of Lexington-Fayette Urban County Government; an urban county government pursuant to
KRS 67, on behalf of said government, on this 19th day of June, 2020.

My Commission Expires: 11/7/2023

Macenzie Semmes
NOTARY PUBLIC, KENTUCKY, ID# 635048
STATE AT LARGE Fayette Co.

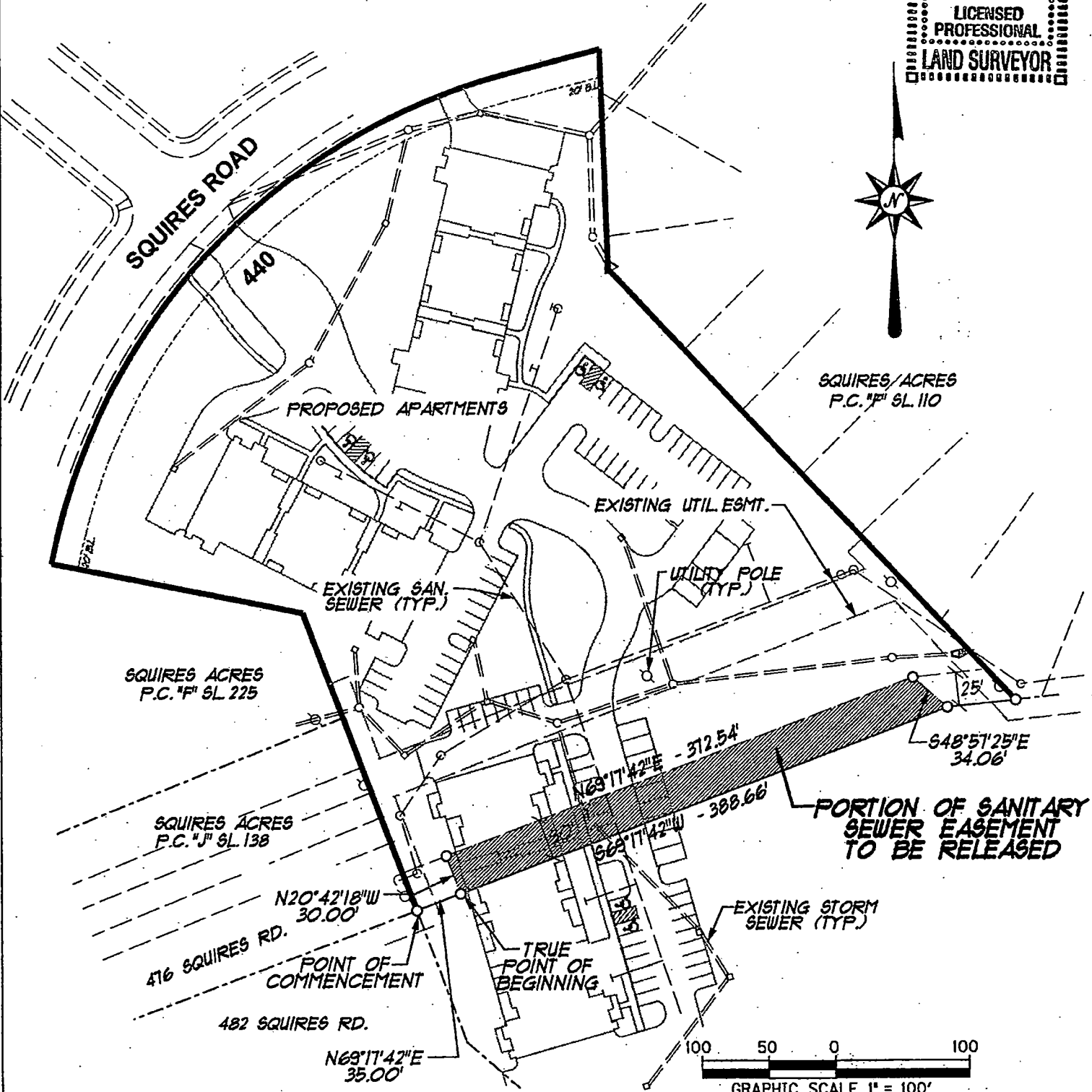
THIS INSTRUMENT
PREPARED BY:

Nick Nicholson

Nick Nicholson
Stoll Keenon Ogden PLLC
300 W. Vine St., Suite 2100
Lexington, KY 40507
(859) 231-3000

PARENT DOCUMENTS: PLAT CABINET "F", SLIDE 6
 PLAT CABINET "R", SLIDE 918

STATE OF KENTUCKY
 RICHARD B. NUNNERY
 LS-3992
 LICENSED
 PROFESSIONAL
 LAND SURVEYOR



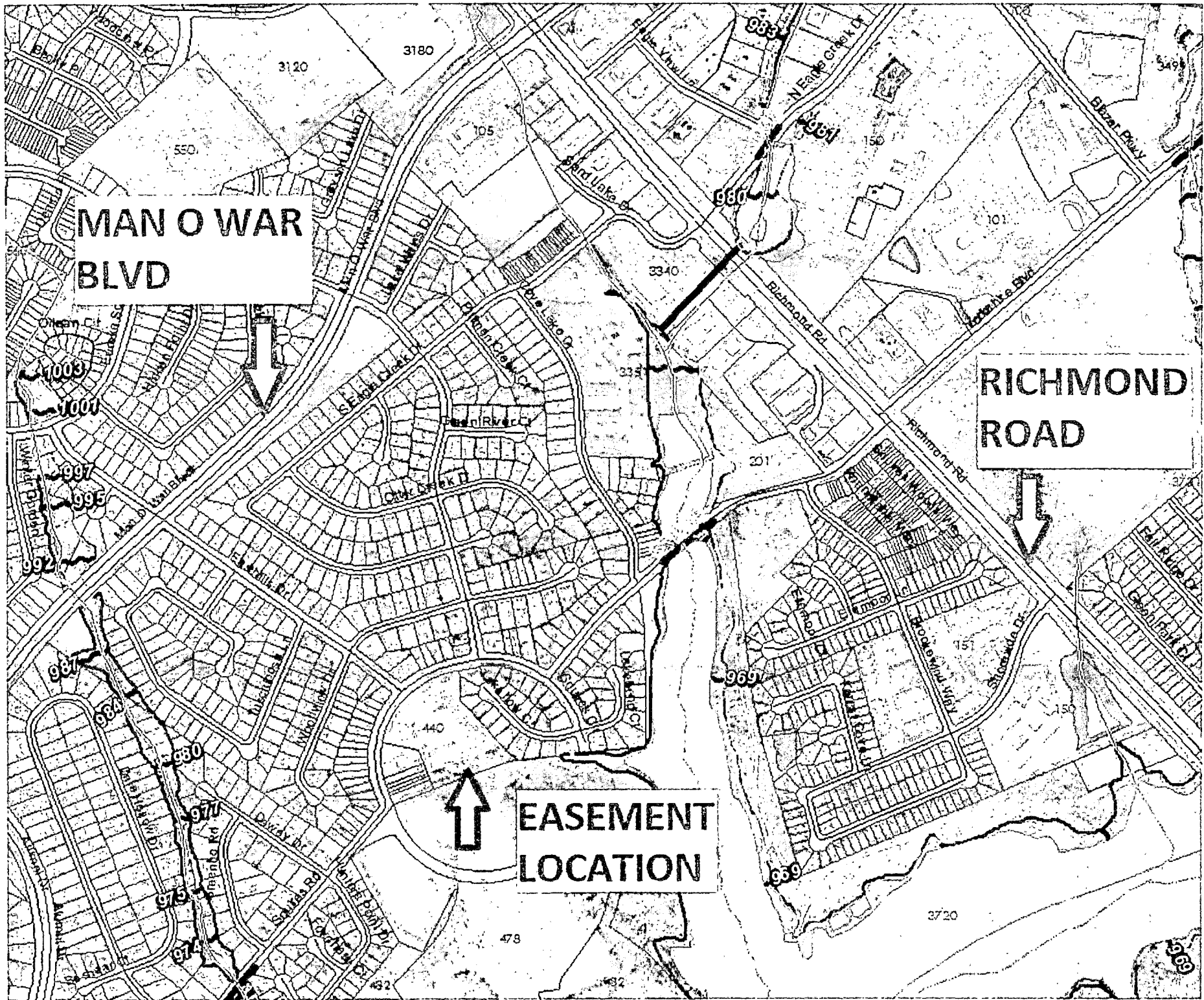
EA Partners, PLLC



CIVIL ENGINEERS • LAND SURVEYORS • LANDSCAPE ARCHITECTS

3111 WALL STREET
 LEXINGTON, KENTUCKY 40513
 PHONE (859) 296-9889
 FACSIMILE (859) 296-9887

EXHIBIT "A"
 SANITARY SEWER EASEMENT RELEASE
 RML CONSTRUCTION, LLP
 440 SQUIRES ROAD
 LEXINGTON, FAYETTE COUNTY, KENTUCKY
 MAY 2020



**MAN O WAR
BLVD**



**RICHMOND
ROAD**



**EASEMENT
LOCATION**



LaDonna Roberts

From: Michael Cravens
Sent: Thursday, May 14, 2020 1:41 PM
To: Debbie R Barnett; Ben Cornett; Brian Knapp; Gregory Lubeck; Stephen Parker (TE)
Subject: RE: 440 Squires sanitary release request

Debbie,

I have reviewed the partial release of sanitary sewer easement. No legal issues.

Michael Cravens
Attorney Senior
Department of Law

859.258.3500
MCravens@lexingtonky.gov
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.

From: Debbie R Barnett <dbarnett@lexingtonky.gov>
Sent: Wednesday, May 13, 2020 11:31 AM
To: Ben Cornett <jcornett@lexingtonky.gov>; Brian Knapp <bknapp@lexingtonky.gov>; Debbie R Barnett <dbarnett@lexingtonky.gov>; Gregory Lubeck <glubeck@lexingtonky.gov>; Michael Cravens <mcravens@lexingtonky.gov>; Stephen Parker (TE) <sparker@lexingtonky.gov>
Subject: 440 Squires sanitary release request

RELEASE OF EASEMENT ROUTING

Please review the enclosed package of information for conflicts/problems with the requested RELEASE OF EASEMENT.

For your response:

Please send me a return email or simply reply to this email with your comments and approval/disapproval.

Routing:

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

RESOLUTION NO. 253 - 2020

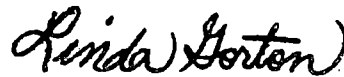
A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE A PARTIAL RELEASE OF EASEMENT, RELEASING A SANITARY SEWER EASEMENT ON THE PROPERTY LOCATED AT 440 SQUIRES ROAD.

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 Partial Release of Easement, which is attached hereto and incorporated herein by reference, releasing a sanitary sewer easement on the property located at 440 Squires Road.

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

PASSED URBAN COUNTY COUNCIL:



MAYOR

ATTEST:


Deputy CLERK OF URBAN COUNTY COUNCIL

488-20_MSC_X:\Cases\WATER-AIR\20-LE0002\LEG\00686011.DOCX

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 14, 2020

SUBJECT: RELEASE OF A PARTIAL SANITARY EASEMENT AT 440 SQUIRES 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 partial sanitary easement, releasing easement at 440 Squires Road.

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, 05/14/2020.

Martin/Albright

DRB

cc: Debbie R. Barnett
Rod Chervus, PE

