

**DEED OF RELEASE OF A PORTION OF EASEMENT INTERESTS**

This instrument made this 30<sup>th</sup> day of January, 2024

WHEREAS, an easement was granted to the Lexington-Fayette Urban County Government for a 20' sanitary sewer line across a portion of the property depicted on the Plat of record in Plat Cabinet B, Slide 562, in the Fayette County Clerk's Office, as shown on Exhibit A-1 attached hereto; said property was subsequently subdivided to create the current property known as 2401 Richmond Road as depicted on the Plat of record in Plat Cabinet S, Slide 31, attached hereto as Exhibit A-2; the easement that is being released is the shaded area depicted on the drawing attached as Exhibit B-1 (which shows the other easements, property boundaries, current and proposed structures, existing sewer lines, existing utilities) and for clarity is more particularly depicted with its boundaries and area in Exhibit B-2, and is described by its metes and bounds description in Exhibit B-3 (the "Easement"); and,

WHEREAS, Lexington-Fayette Urban County Government has been requested to grant a release of a portion of said Grant of Easement described above; and,

WHEREAS, TWAS Properties, LLC, a Delaware limited liability, owns the property on and across which the Easement to be released is located pursuant to the Deed dated March 17, 2023, of record in Deed Book 4007, Page 284, in the Fayette County Clerk's Office, the legal description of which is attached hereto as Exhibit C; and

WHEREAS, Lexington-Fayette Urban County Government is willing to grant such release of said Easement as described above and depicted and described on Exhibits B-1, B-2 and B-3;

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration paid to Lexington-Fayette Urban County Government, with a mailing address of 200 East Main Street, Lexington, Kentucky 40507, by TWAS Properties, LLC, with a mailing address of 115 East Main Street, Thomaston, Georgia 30286, the receipt of which is hereby acknowledged, Lexington-Fayette Urban County Government by this instrument, does hereby remise and release the Easement shown on Exhibit B-1 and as described in Exhibit B-2 granted on the Plat of record in the Fayette County Clerk's Office as said Easement affects the property described in Exhibit C.

Lexington-Fayette Urban County Government expressly retains all other easement rights of which it may have an interest, and only releases the Easement, shown on the Plat of record in Plat Cabinet B, Slide 562, attached as Exhibit A-1 and on the Plat of record in Plat Cabinet S, Slide 31, attached as Exhibit A-2; all in the Fayette County Clerk's Office, which is the same easement described on Exhibits B-1, B-2, and B-3, and is located on the property known as 2401 Richmond Road as described in Exhibit C.

IN WITNESS WHEREOF, Lexington-Fayette Urban County Government has caused these presents to be signed by its Mayor this 30<sup>th</sup> day of January, 2023.

Lexington-Fayette Urban County Government

BY Linda Gorton  
Its: Mayor

STATE OF KENTUCKY)

COUNTY OF FAYETTE)

I, Mackenzie Stock, a Notary Public in and for the State and County aforesaid, do hereby certify that the foregoing easement was acknowledged, subscribed and sworn to before me this 30<sup>th</sup> day of January, 2023, by Linda Gorton, as Mayor of Lexington-Fayette Urban County Government, on behalf of the urban county.

My Commission expires: 11/20/2027.

WITNESS my hand and notarial seal on this the 30<sup>th</sup> day of January, 2023.

Mackenzie Stock  
NOTARY PUBLIC, KENTUCKY,  
Printed Name: Mackenzie Stock  
Notary ID No.: KYNP82853

This Instrument Was Prepared By:

Gess Mattingly & Atchison, P.S.C.  
201 West Short Street  
Lexington, KY 40507

[Signature]  
Samuel G. Carneal

**EXHIBIT A-1**

**The Easement to be Released  
(20' Sewer Easement on a portion of Lot 6 as shown on Plat Cabinet B, Slide 562)**

**OWNER'S CERTIFICATION**

I, the undersigned, certify that the information furnished herein is true and correct to the best of my knowledge and belief, and that I am the owner of the property described herein, and that I have the right to dispose of the same as herein provided.

DATE: 11/15/78  
BY: Finnie Mitchell & Associates

**OWNER'S CERTIFICATION**

I, the undersigned, certify that the information furnished herein is true and correct to the best of my knowledge and belief, and that I am the owner of the property described herein, and that I have the right to dispose of the same as herein provided.

**DEBANK COUNTY BUSINESS CERTIFICATION**

I hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief, and that I am the owner of the property described herein, and that I have the right to dispose of the same as herein provided.

**COMMISSIONER'S CERTIFICATION**

I hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief, and that I am the owner of the property described herein, and that I have the right to dispose of the same as herein provided.

# Lexington Mall

AMENDED  
FINAL PLAN OF  
LEXINGTON, FAYETTE CO., KENTUCKY  
FINNIE MITCHELL & ASSOCIATES  
180 N. MARKET ST., LOUISVILLE, KY.

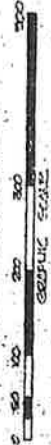
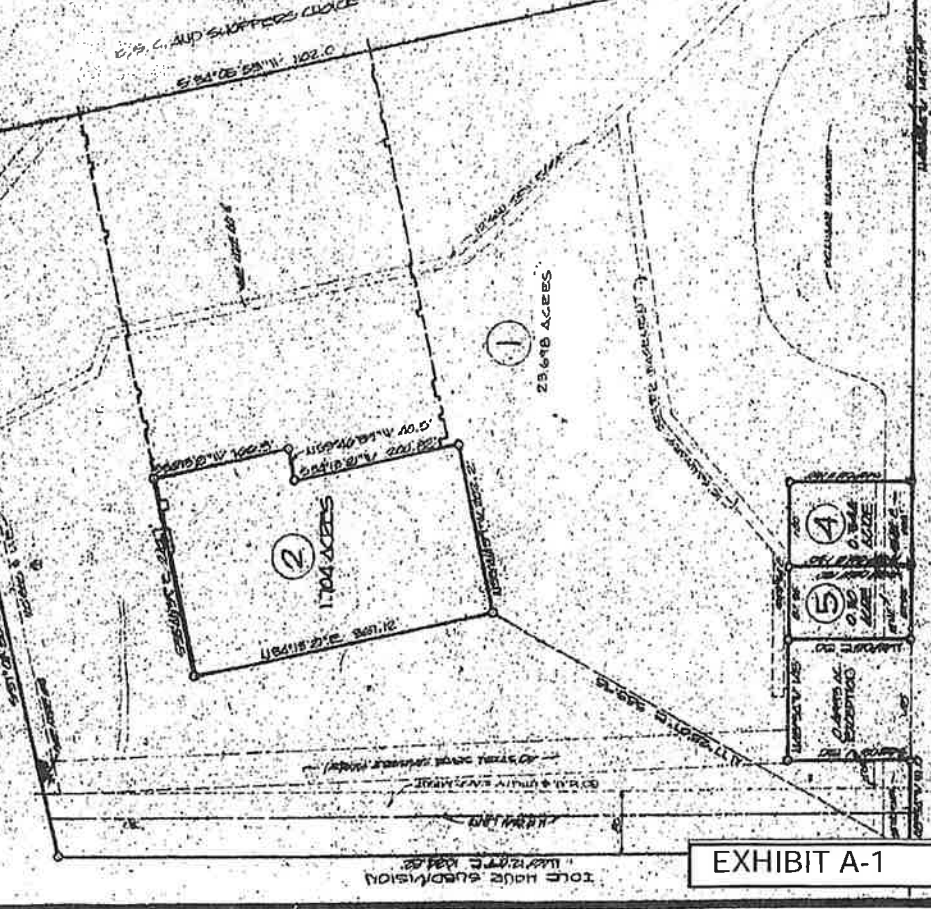


EXHIBIT A-1



**NOTE:**  
1) THIS PLAN SHALL BE IN FULL COMPLIANCE WITH ALL APPLICABLE ORDINANCES AND REGULATIONS OF THE CITY OF LEXINGTON, KENTUCKY.  
2) THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF LEXINGTON, KENTUCKY.  
3) THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE STATE OF KENTUCKY.  
4) THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE FEDERAL GOVERNMENT.  
5) THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ANY OTHER AGENCY OR AUTHORITY THAT MAY BE APPLICABLE TO THIS PROJECT.

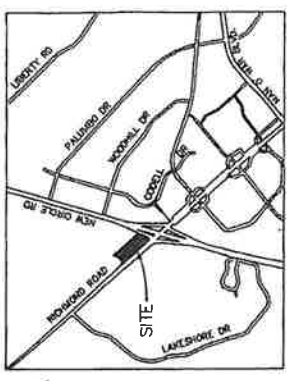


Richmond Road

TOC HAVE SUBMISSION  
WORKING PAGES

**EXHIBIT A-2**

**The Easement to be Released  
(20' Sewer Easement on Lot 6A as shown on Plat Cabinet S, Slide 31)**



VICINITY MAP



**SITE STATISTICS**

LOT 6 - TOTAL	3.325 ACRES
LOT 6 - REMAINDER	1.658 ACRES
LOT 6 - REMAINDER	1.658 ACRES

**PURPOSE STATEMENT**  
 THE PURPOSE OF THIS PLAT IS TO ESTABLISH THE BOUNDARY OF LOT 6A. ANY RECORDS, EASEMENTS, COVENANTS, OR RECORDS IN THE LEXINGTON-FAYETTE COUNTY CLERK'S OFFICE MAY ALSO BE REFERRED TO FOR INFORMATION, BUT NOT LIMITED TO FINAL RECORD PLAT AS RECORDED IN P.C. R. S. 385.



2517 Sir Barton Way  
 Lexington, KY  
 859-628-4800

**ADMINISTRATIVE ACTION AMENDMENT  
 NON-BUILDING MINOR  
 SUBDIVISION PLAT  
 FOR THE PROPERTY OF  
 LOT 6, LEXINGTON MALL PROPERTY  
 LEXINGTON - FAYETTE URBAN COUNTY  
 GOVERNMENT**

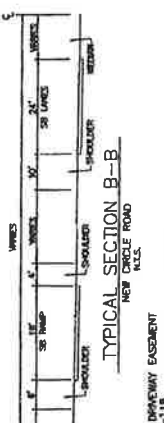
PROPERTY ADDRESS: 2401 Richmond Road  
 ZONING: B6-P  
 OWNER: Lexington-Fayette Urban County Government

SCALE 1" = 50'

MNS18-24-00618

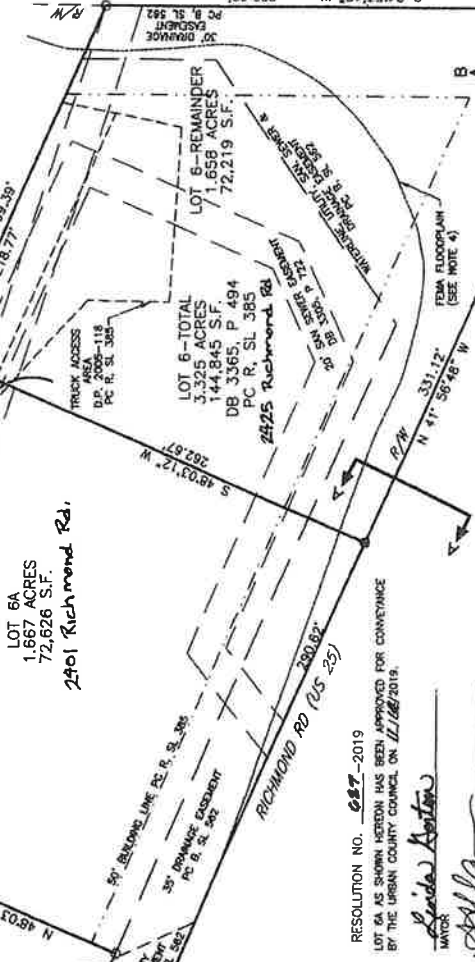
**LAND SURVEYOR'S CERTIFICATION**  
 I HEREBY DO CERTIFY THAT THIS RECORD PLAT WAS PREPARED UNDER MY DIRECTION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE BOUNDARIES OF THE PROPERTY BEING TRANSFERRED ARE TRUE AND ACCURATE.

DATE: 2/26/2020



TYPICAL SECTION B-B

**NOTE:**  
 THERE SHALL BE NO BUILDING PERMITS ISSUED FOR LOT 6 UNTIL A REQUEST FOR A FEMA LETTER MAP OF REVISION IS SUBMITTED TO FEMA AND UFUG ISSUES A SPECIAL PERMIT TO CONSTRUCT IN THE COMMUNITY DEVELOPMENT DEPARTMENT. THE FEMA LETTER MAP OF REVISION ON LOT 6 HAS BEEN REVISED TO REFLECT LOMR #14-04-2813P APPROVED BY FEMA, DATED 7/21/2015.



**PLANNING COMMISSION'S CERTIFICATION**  
 I DO HEREBY CERTIFY THAT RECORD PLAT HAS MET THE REQUIREMENTS ESTABLISHED BY THE SUBDIVISION REGULATIONS FOR A MINOR PLAN, AND IS NOW ELIGIBLE FOR RECORDING.

DATE: 3-10-20  
 JIM MURPHY  
 PLANNING COMMISSION SECRETARY

**OWNER'S CERTIFICATION**  
 I (WE) DO HEREBY CERTIFY THAT I AM (WE ARE) THE ONLY OWNER(S) OF RECORD OF THE PROPERTY PLATED HEREON SAID PROPERTY BEING RECORDED IN DEED BOOK VOLUME 3365, PAGE 494 AND PLAT CASE "T", SLIDE 385 IN THE RECORD PLAT FOR THIS PROPERTY.

DATE: 3/12/20  
 SIGNATURE: [Handwritten Signature]  
 WITNESS: [Handwritten Signature]



TYPICAL SECTION A-A

HOME DEPOT U.S.A., INC.  
 DB 1900, P. 267  
 DB 1900, P. 273

LOT 1  
 SOUTHLAND CHRISTIAN CHURCH OF LEXINGTON, KENTUCKY, INC.  
 DB 2970, P. 462  
 PC R. S. 385

LOT 9  
 CFT NY DEVELOPMENTS, LLC  
 DB 3387, P. 334  
 PC R. S. 385

LOT 6A  
 1.667 ACRES  
 72,626 S.F.  
 2401 Richmond Rd.

**SURVEY NOTES:**  
 1. BEARINGS ARE BASED ON PLAT CABINET R, SLIDE 385 OF RECORD IN THE FAYETTE COUNTY CLERK'S OFFICE.  
 2. THIS SURVEY MEETS REQUIREMENTS FOR AN URBAN CLASS SURVEY, COMPLETED OCTOBER 2, 2019 BY RANDOM TRAVERSE WITH SINE SHOTS HAVING A CLOSURE OF 1/43,203 AND NO ADJUSTMENT MADE.  
 3. TOWING: B-SP PLANNED SHOPPING CENTER  
 4. SOURCE OF TITLE: PAGE 484 PLAT CABINET R, SLIDE 385  
 5. EXISTING EASEMENTS, PROPOSED EASEMENTS (IF ANY), THE BOUNDARIES OF THE PROPERTY ARE BELIEVED TO BE TRULY AND ACCURATELY SHOWN HEREON.  
 6. LOT 6A WILL HAVE ACCESS BY 30' PERMANENT DRIVEWAY EASEMENT AS RECORDED IN P.C. R. S. 385 AND SHOWN HEREON.

RESOLUTION NO. 087-2019  
 BY THE URBAN COUNTY COUNCIL ON 11/16/2019.

DATE: 3-10-20  
 SIGNATURE: [Handwritten Signature]  
 WITNESS: [Handwritten Signature]

**NOTE:**  
 THE DESIGN CREATED BY THIS SURVEYOR SHALL BE USED FOR THE WORKING PLANS EXCEPT FOR ALTERATION TO EXISTING BUILDINGS. NO NEW CONSTRUCTION SHALL BE PERMITTED FOR ANY RESIDENTIAL OR NON-RESIDENTIAL PROPERTY BY THE RECORDING OF A DISPLAY HOUSE WORK SUBDIVISION PLAN UNLESS AND UNTIL A MAJOR SUBDIVISION OR DEVELOPMENT PLAN IS APPROVED BY THE PLANNING COMMISSION AND RECORDED.

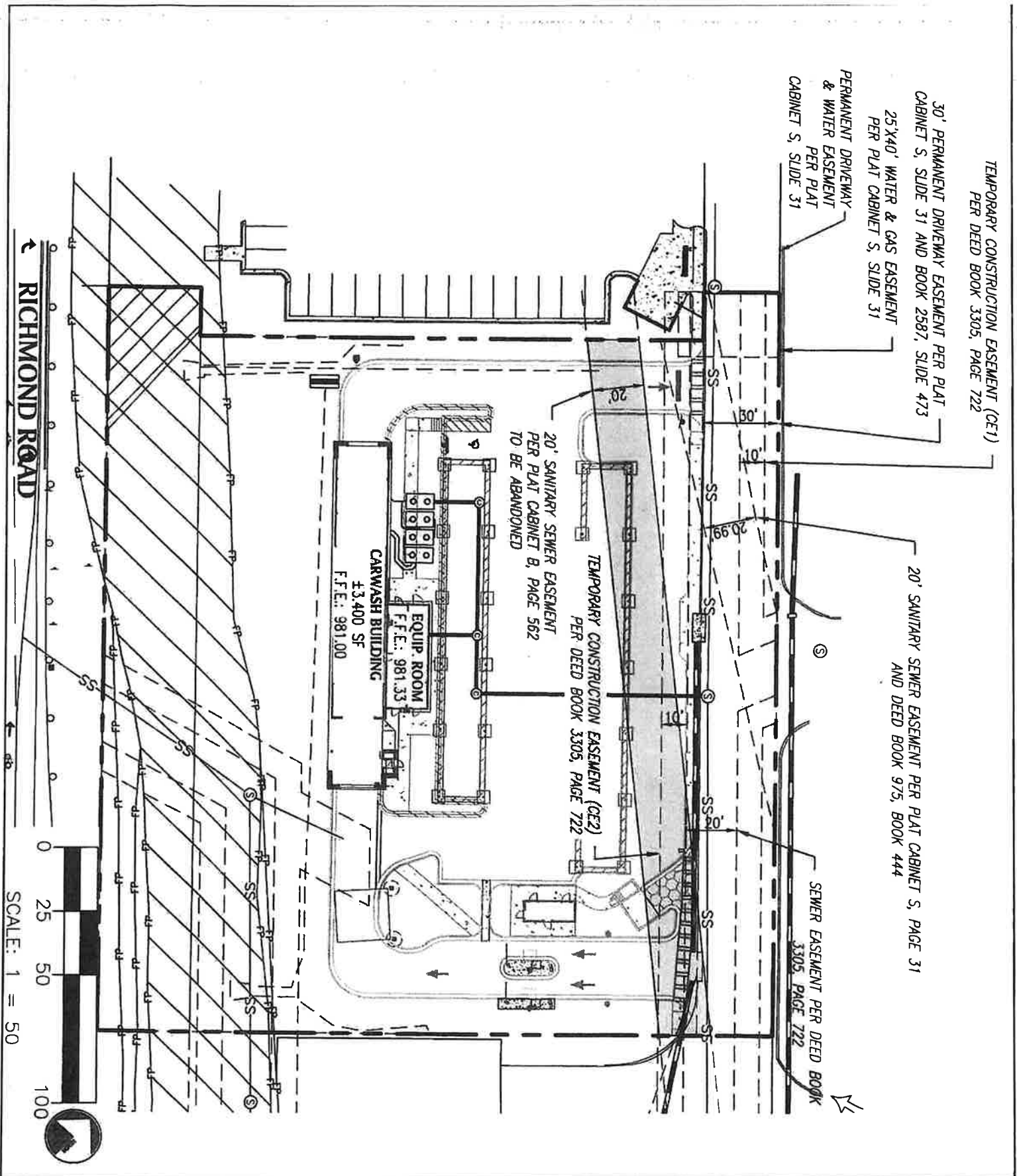
**FLOOD PROTECTION ELEVATION**

THE FLOOD PROTECTION ELEVATION (F.P.E.) AND FLOODPLAIN ARE ESTABLISHED AT THE DISCRETION OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT (UFUG) BASED ON ITS STANDARDS AND ENGINEER OF RECORD MAKE NO REPRESENTATIONS THAT SURFACE WATER WILL NOT EXCEED THIS ELEVATION. FOR ALL NEW STRUCTURES, THE F.P.E. SHALL BE THE HIGHER OF THE CHAN SPACE ENTRANCES, FOUNDATION VENTS, BASEMENTS, AND OTHER OPENINGS TO THE STRUCTURE SHALL BE AT OR ABOVE THE F.P.E. ALSO.

LOT 6 F.P.E. = 961.00

**EXHIBIT B-1**

**The Depiction of the Easement to be Released  
Showing all Easements, Property Boundaries, Current and Proposed Structures,  
Existing Sewer Lines and Utilities**



TEMPORARY CONSTRUCTION EASEMENT (CE1)  
PER DEED BOOK 3305, PAGE 722

30' PERMANENT DRIVEWAY EASEMENT PER PLAT  
CABINET S, SLIDE 31 AND BOOK 2587, SLIDE 473  
25'x40' WATER & GAS EASEMENT  
PER PLAT CABINET S, SLIDE 31  
PERMANENT DRIVEWAY  
& WATER EASEMENT  
PER PLAT  
CABINET S, SLIDE 31

20' SANITARY SEWER EASEMENT PER PLAT CABINET S, PAGE 31  
AND DEED BOOK 915, BOOK 444

20' SANITARY SEWER EASEMENT  
PER PLAT CABINET B, PAGE 562  
TO BE ABANDONED

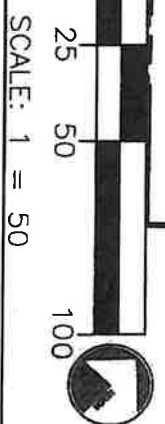
TEMPORARY CONSTRUCTION EASEMENT (CE2)  
PER DEED BOOK 3305, PAGE 722

SEWER EASEMENT PER DEED BOOK  
3305, PAGE 722

CARWASH BUILDING  
43,400 SF  
F.F.E.: 981.00

EQUIP. ROOM  
F.F.E.: 981.33

RICHMOND ROAD



PROJECT: **TIDAL WAVE AUTO SPA** SHEET TITLE: **PRELIMINARY SITE PLAN**  
 2401 RICHMOND ROAD  
 LEXINGTON, KY  
 DATE: 08.25.23  
 PROJECT NO: 2022304  
 SHEET NO: EX-1  
 FOR: **NEW POTATO CREEK HOLDINS, LLC**  
 THOMASTON, GA  
 DRAWN BY: MICHAEL LETSON, P.E.  
 (LICENSE #: 35056)

**PAULSON MITCHELL**  
INCORPORATED

LAND PLANNERS  
ENGINEERS • SURVEYORS  
TRANSPORTATION  
LANDSCAPE ARCHITECTS

85-A MILL STREET  
SUITE 200  
ROSWELL, GEORGIA 30075

VOICE 770.650.7685  
FAX 770.650.7684  
www.paulsonmitchell.com



**EXHIBIT B-2**

**The Depiction of the Easement to be Released including Dimensions**

# EXHIBIT MAP SANITARY SEWER VACATION

CITY OF LEXINGTON, COUNTY OF

LOT 9 FAYETTE, STATE OF KENTUCKY

CORRECTED AMENDED MINOR RECORD  
PLAT OF LEXINGTON MALL PROPERTY  
PLAT CABINET R, SLIDE 385  
CFT NV DEVELOPMENTS LLC  
1683 WALNUT GRAVE ACE  
ROSEMEAD, CA 91770

TEMPORARY  
CONSTRUCTION  
EASEMENT (CE2)  
PER DEED BOOK 3305,  
PAGE 722

12' UTILITY EASEMENT  
PER PLAT CABINET B, PAGE 562

S 42°39'56" E  
18.70'(M)  
18.78'(R)

HATCHED AREA IS  
APPROXIMATE LOCATION OF A  
UTILITY EASEMENT PER PLAT  
CABINET B, PAGE 562

35'  
DRAINAGE  
EASEMENT  
PER

RICHMOND ROAD  
(RIGHT OF WAY VARIES)

LOT 6A  
ADMINISTRATIVE ACTION AMENDED  
NON-BUILDING MINOR SUBDIVISION PLAT  
OF LOT 6 LEXINGTON MALL PROPERTY  
PLAT CABINET S, SLIDE 31  
TWSA PROPERTIES LLC  
115 E. MAIN STREET  
THOMASTON, GA 30286  
DEED BOOK 4007, PAGE 284-286

North arrow and bearings shown hereon  
are based on Kentucky Single Zone -  
NAD 83 adjusted 2019 and derived by  
using Kentucky DOT CORS Network.

## GPS NOTES

POSITION ACCURACY: **95% CONFIDENCE LEVEL**  
TYPE OF GPS FIELD PROCEDURE: **RTK**  
DATE OF SURVEY: **8/30/2022**  
DATUM/EPOCH: **NAD 83 (2019)/EPOCH-2010.00**  
PUBLISHED/FIXED-CONTROL USE: **KENTUCKY CORS NETWORK**  
GEOID MODEL: **2018**  
COMBINED SCALE FACTOR(S):  
GROUND TO GRID **0.99986111802477**  
COMBINED SCALE FACTOR CALCULATED  
USING CARLSON SOFTWARE BASED ON SITE CONTROL

ALL BEARINGS AND DISTANCES SHOWN HEREON WERE  
BASED ON ABOVE DESCRIBED GRID.

## LINE TABLE

LINE	BEARING	DISTANCE
L1	S 47°05'33" W	20.13'
L2	N 49°25'06" W	273.57'
L3	N 47°07'37" E	20.13'
L4	S 49°25'06" E	273.56'



SCALE IN FEET  
1" = 100'

## LEGEND

- SS— SS SANITARY SEWER LINE
- W— W UNDERGROUND WATER LINE
- G— G UNDERGROUND GAS LINE
- T— T UNDERGROUND COMMUNICATION LINE

- 25'x40' WATER & GAS EASEMENT PER PLAT  
CABINET S, SLIDE 31
- 30' PERMANENT DRIVEWAY EASEMENT PER PLAT  
CABINET S, SLIDE 31 AND BOOK 2587, SLIDE  
473
- TEMPORARY CONSTRUCTION EASEMENT (CE1)  
PER DEED BOOK 3305, PAGE 722
- 20' SANITARY SEWER EASEMENT PER PLAT CABINET  
S, PAGE 31 AND DEED BOOK 975, BOOK 444

LOT 10  
AMENDED FINAL RECORD PLAT OF  
LEXINGTON MALL LOTS 10 & 11  
PLAT CABINET S, SLIDE 279  
HOME DEPOT USA INC  
PO BOX 105842  
ATLANTA, GA 30348

SEWER EASEMENT PER DEED BOOK  
3305, PAGE 722

20' SANITARY SEWER  
EASEMENT PER PLAT  
CABINET B, SLIDE 562  
TO BE ABANDONED  
5,471 Sq. Feet

0.13 Acres  
APPROXIMATE LOCATION  
OF TRUCK ACCESS AREA  
PER PLAT CABINET S,  
SLIDE 31 AND BOOK  
2587, PAGE 473

SEWER  
EASEMENT PER  
DEED BOOK  
3305, PAGE  
722

TEMPORARY CONSTRUCTION  
EASEMENT (CE3)  
PER DEED BOOK 3305, PAGE 722

WATERLINE, UTILITY, SANITARY SEWER  
AND DRAINAGE EASEMENT PER PLAT  
CABINET B, SLIDE 562

ALL IMPROVEMENTS SHOWN HEREON WERE  
TAKEN FROM ENGINEERING PLANS PREPARED BY  
PAULSON MITCHELL INC. FOR TIDAL WAVE AUTO  
SPA. NO IMPROVEMENTS WERE IN PLACE AT THE  
TIME OF THE SURVEY.

THIS IS NOT A BOUNDARY SURVEY  
THE INTENT OF THIS MAP IS TO SHOW  
THE LOCATION OF THE SANITARY SEWER  
EASEMENT TO BE VACATED

STATE OF KENTUCKY  
DEREK S.  
MEADOWS  
4295  
LICENSED  
PROFESSIONAL  
LAND SURVEYOR  
11/6/2023

## LEGEND

- IPF IRON PIN FOUND
- IPS IRON PIN SET (5/8" REBAR w/CAP)
- △ CALCULATED POINT

**GONZALEZ - STRENGTH & ASSOCIATES, INC.**  
ENGINEERING, LAND PLANNING, & SURVEYING  
1550 WOODS OF RIVERCHASE DR. SUITE 200  
HOOVER, ALABAMA 35244  
PHONE: (205) 942-2486  
FAX: (205) 942-3033  
www.Gonzalez-Strength.com

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PROJECT NO. 22-0547

**EXHIBIT B-3**

**The Metes and Bounds Description of the Easement to be Released**

EXHIBIT B-3

**Sewer Vacation**

An easement to be vacated over and across a portion of Lot 6A of the Administrative Action Amended Non-Building Minor Subdivision Plat of Lot 6 Lexington Mall Property as recorded in Plat Cabinet S, Slide 31 in the County Clerk's Office for Fayette County, Kentucky and being more particularly described as follows:

Commence at a set nail marking the Northeast corner of said Lot 6A and also marking the Northwest corner of Lot 6 remainder of said Plat Cabinet S, Slide 31, thence run South 47 degrees 05 minutes 33 seconds West along the East line of said Lot 6A and the West line of said Lot 6 Remainder for a distance of 24.37 feet to the POINT OF BEGINNING of the easement hereon described; thence continue along the last described course and along said East and West lines for a distance of 20.13 feet to a point; thence leaving said East and West lines, run North 49 degrees 25 minutes 06 seconds West for a distance of 273.57 feet to a point lying on the West line of said Lot 6A and the East line of Lot 9 of Plat Cabinet R, Slide 385; thence run North 47 degrees 07 minutes 37 seconds East along said East and West lines for a distance of 20.13 feet to a point; thence leaving said East and West lines, run South 49 degrees 25 minutes 06 seconds East for a distance of 273.56 feet to the POINT OF BEGINNING. Said easement contains 5,471 square feet or 0.13 acres more or less.

**EXHIBIT C**

**LEGAL DESCRIPTION OF THE PROPERTY ON WHICH THE EASEMENT TO BE RELEASED ARE  
LOCATED**

The Land referred to herein below is situated in the County of Fayette, State of Kentucky, and is described as follows:

BEING ALL OF LOT NO. 6A OF THE ADMINISTRATIVE ACTION AMENDED NON-BUILDING MINOR SUBDIVISION PLAT OF LOT 6, LEXINGTON MALL PROPERTY, LEXINGTON, FAYETTE COUNTY, KENTUCKY AS SHOWN BY PLAT OF RECORD IN PLAT CABINET S, SLIDE 31, IN THE FAYETTE COUNTY CLERK'S OFFICE, THE IMPROVEMENTS THEREON BEING KNOWN AND DESIGNATED AS 2401 RICHMOND ROAD, LEXINGTON, KENTUCKY;

Being the same property conveyed to TWAS Properties LLC, a Delaware limited liability company, by Deed dated March 17, 2023, of record in Deed Book 4007, Page 284, in the Fayette County Clerk's Office.