

RELEASE OF UTILITY EASEMENT

THIS RELEASE OF EASEMENT, made and entered into this the ____ day of _____, 2012, by and between **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, an urban county government pursuant to KRS 67A (hereinafter "Government" or "First Party"), in consideration of One Dollar (\$1.00) received to its full satisfaction from Switco III, LLC, a Kentucky limited liability company, of 811 Corporate Drive, Suite 303, Lexington, Kentucky 40503, (hereinafter "Switco"), its successors and assigns, does hereby release and discharge all of the Government's right, title and interest in and to the rights and privileges conveyed by the Utility Easement described in ITEM I below located on the property owned by Switco, only insofar as Utility Easement applies to the real estate described in ITEM II below, and situated in the City of Lexington, County of Fayette and State of Kentucky.

ITEM I. The Utility Easement to be released is described as follows:

A strip of land 20' in width lying in Fayette County, Kentucky, being 10' in width on either side of the line formerly separating Lot 15 and Lot 16 of Fountain Plaza Unit 2, and shown on a plat entitled "Consolidation & Easement Minor Plat, Fountain Plaza Unit 2, Lots 15-17, 211, 231, and 245 Fountain Court, Lexington, Fayette County, Kentucky" of record in Plat Cabinet N, Slide 829 in the Fayette County Kentucky Clerk's Office.

The easement being released is more particularly described as follows:

Beginning at a PK Nail Found in the center line of Fountain Court, (said court being 40' wide access easement), said PK nail being a distance along the center line of 485.06' from the north right of way of Blazer Parkway; thence north 79 degrees 12 minutes 14 seconds west a distance of 258.78' to a point in the former south boundary line of lot 16; thence north 62 degrees 43 minutes 03 seconds west a distance of 208.04' to a point in the west boundary line of lot 15. Said easement lies 10' on each side of the line for a distance of 258.78' from the point of beginning and lies 5' south and 15' north of the line for the remaining 208.04', and containing 9397 s.f. or 0.216 acres more or less.

A depiction of the released easement area is attached hereto as Exhibit A.

ITEM II. The property over which the aforementioned Utility Easement is to be released and discharged is described as follows:

Being all of Lot No. 15 (consisting of 3.30 acres), as shown by Consolidation & Easement Minor Plat Fountain Plaza Unit 2, Lots 15-17 to Lexington, Fayette County, Kentucky, of record in Plat Cabinet N, Slide

829, in the Fayette County Clerk's Office; the improvements thereon being known and designated as 211 Fountain Court.

Being a portion of the same property conveyed to Switco III, LLC, a Kentucky limited liability company, by Deed dated April 22, 2011 of record in Deed Book 3003, Page 510, in the Fayette County Clerk's Office.

Switco hereby releases and discharges the Government, its successors and assigns, from and against any and all loss, damage and liability, and from any and all claims for damages on account of or by reason of bodily injury, including death, which may be sustained or claimed to be sustained by any person, caused by or arising out of or claimed to have been caused by or from any and all of the Government's utility easement being released.

All of the remaining terms and provisions of the aforementioned Utility Easement not inconsistent with the terms of the Release of Utility Easement shall remain in full force and effect.

TO HAVE AND TO HOLD the premises hereby surrendered and discharged from the operation of the said Utility Easement unto the respective Grantees, their respective successors and assigns, forever free and clear of the estate heretofore created by said Utility Easement.

IN WITNESS WHEREOF, the Government has hereby caused its corporate name to be affixed by its duly authorized officer, on this the day and year first above written.

LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT

Mayor

STATE OF KENTUCKY

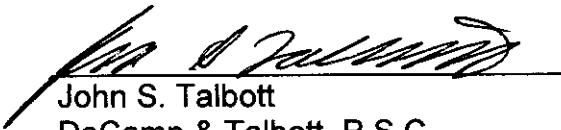
COUNTY OF FAYETTE

The foregoing instrument was acknowledged, subscribed and sworn to before me by _____, as _____ of Lexington-Fayette Urban County Government, an urban county government pursuant to KRS 67A, on behalf of said government, on this ____ day of _____, 2012.

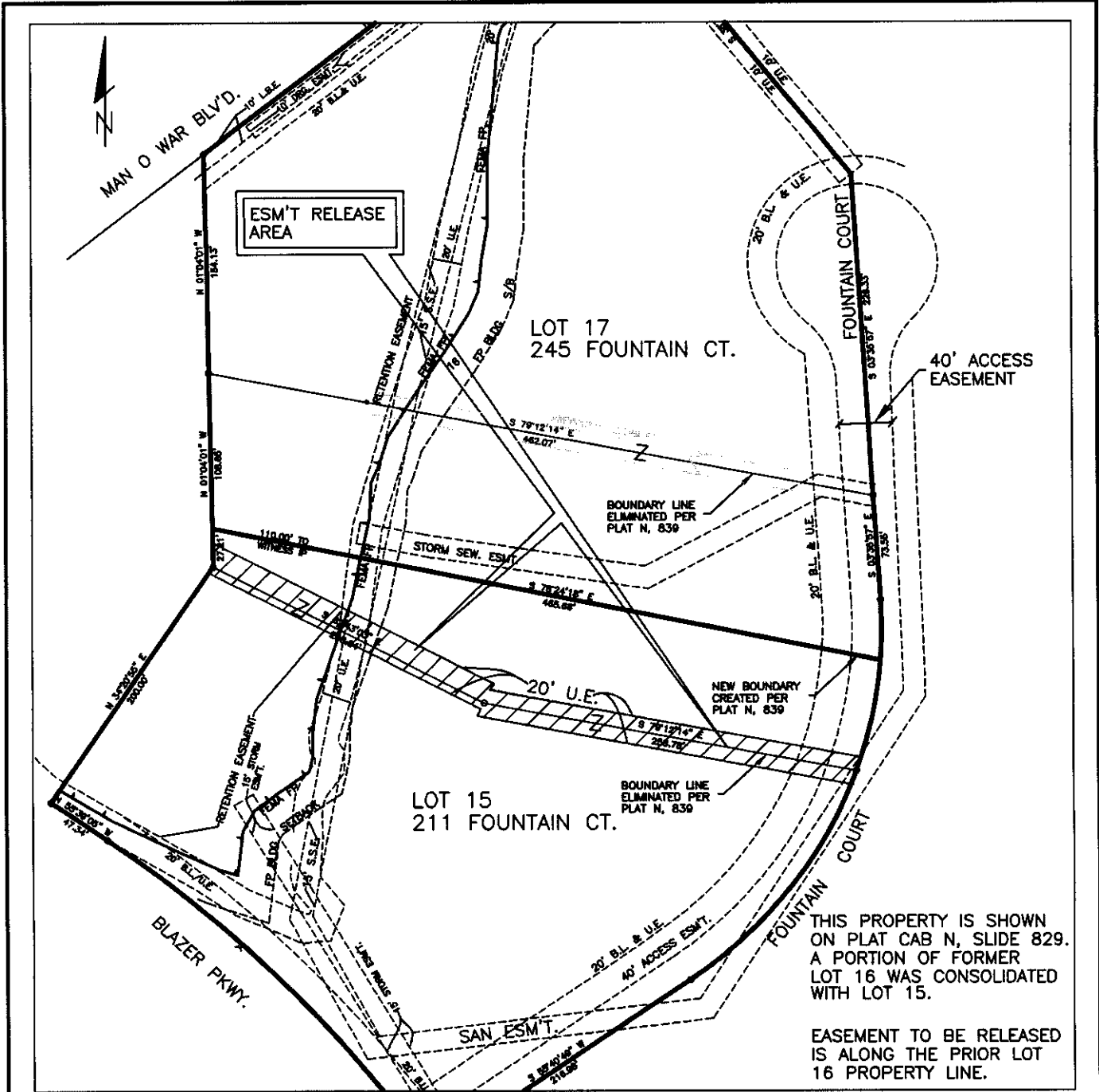
My Commission expires: _____

NOTARY PUBLIC
NOTARY ID: _____

THIS INSTRUMENT PREPARED BY:



John S. Talbott
DeCamp & Talbott, P.S.C.
301 East Main Street, Suite 600
Lexington, Kentucky 40507
859-225-1191
jst\switzer\switco iii\211 fountain\lfcug easement release



LOT 17
245 FOUNTAIN CT.

LOT 15
211 FOUNTAIN CT.

40' ACCESS
EASEMENT

THIS PROPERTY IS SHOWN
ON PLAT CAB N, SLIDE 829.
A PORTION OF FORMER
LOT 16 WAS CONSOLIDATED
WITH LOT 15.

EASEMENT TO BE RELEASED
IS ALONG THE PRIOR LOT
16 PROPERTY LINE.

PROPOSED RELEASE IS TO ENABLE
CONSTRUCTION OF BUILDING, PARKING,
GRADING, AND PAVEMENT.

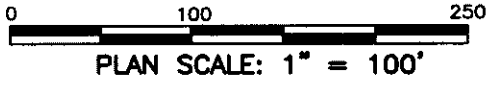


EXHIBIT A
EASEMENT RELEASE
AREA
211 FOUNTAIN COURT
LEXINGTON, KENTUCKY

MIDWEST ENGINEERING, INC.
CONSULTING CIVIL ENGINEERS
3160 MAJESTIC VIEW WALK
LEXINGTON, KENTUCKY 40511
PHONE: 859-396-9628
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EMAIL: midwesteng@gmail.com

DATE: 02-14-12 JOB NO. 308 DRAWN: AJH