

RELEASE OF FLOOD PLAIN EASEMENT

THIS RELEASE OF FLOOD PLAIN EASEMENT, made and entered into this the 6 day of December, 2016, 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 **PALUMBO PARK SELF-STOR, LLC**, a Kentucky limited liability company, of 2040 Regency Road, Suite D, Lexington, Kentucky, 40503 (hereinafter **Second Party**), 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 Flood Plain Easement described in ITEM I below located on the property owned by the Second Party, only insofar as the Flood Plain Easement applies to the real estate described in ITEM II below, and situated in Fayette County, Commonwealth of Kentucky.

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

Being all of the area shown as flood plain on Lot 3-B-III, Block A, Unit 3 of the Lakeview Industrial Subdivision on plat of record in Plat Cabinet J, Slide 196, of the Fayette County Clerk's Office.

ITEM II. The property over which the aforementioned Flood Plain Easement is to be released and discharged is depicted on Exhibit A and particularly described as follows:

Being Lot 3-B-III, Block A, Unit 3 of the Lakeview Industrial Subdivision to Fayette County, Kentucky, as shown by the amended final record plat of Lot 3, Block A, Lakeview Industrial Unit 3, of record in Fayette County Clerk's Office in Plat Cabinet J, Slide 196. Said property being known as 2597 Palumbo Road, Lexington, Kentucky.

Being a portion of the property conveyed to Palumbo Park Self-Stor, LLC, a Kentucky limited liability company, by Deed dated July 27, 2016 of record in Deed Book 3417, Page 723, in the Fayette County Clerk's Office.

The Second Party 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 Flood Plain Easement being released.

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

It is understood that in making this Release, all other easements and any portion thereof shown on the Plat remain unaffected by this Release.

TO HAVE AND TO HOLD the premises hereby surrendered and discharged from the operation of the said Flood Plain Easement unto the Second Party, its successors and assigns, forever free and clear of the estate heretofore created by said Flood Plain 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 *Jim Skay*

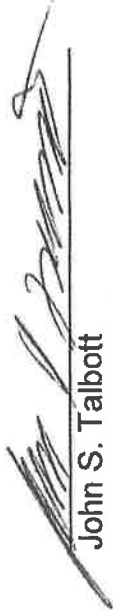
STATE OF KENTUCKY

COUNTY OF FAYETTE

The foregoing instrument was acknowledged, subscribed and sworn to before me by *Jim Skay*, as *Mayor* of Lexington-Fayette Urban County Government, an urban county government pursuant to KRS 67A, on behalf of said government, on this *9* day of *December*, 20*16*.

My Commission expires: *28 Dec 2019*
[Signature]
NOTARY PUBLIC
NOTARY
ID: *50779B*

THIS INSTRUMENT PREPARED BY:



John S. Talbott

DeCamp & Talbott, P.S.C.
301 East Main Street, Suite 600
Lexington, Kentucky 40507
859-225-1191

DRAWN BY: JBS
CHECKED BY: RMJ

CROWN COMMUNICATIONS
DB 1940 PG 126

3-C
I

POTENTIAL FLOODPLAIN BASED ON
SOIL TYPE, PER SOIL SURVEY, FAYETTE
CO, KY - REISSUED JANUARY 1987
(EASTLAND PARKWAY CHURCH OF GOD
LOTS 1 & 2 RECORD PLAT, J.E. BLACK,
PLS - DATED 9/21/2008, RECORDED
9/25/2008

S27° 06' 36"E
47.31'
N50° 59' 55"E
270.36'

LAKEVIEW INDUSTRIAL
UNIT - 3
LOTS 3-B 1,2, AND 3
AS SHOWN ON A PLAT OF RECORD IN
PLAT CABINET J, SLIDE 196
FAYETTE COUNTY CLERKS OFFICE
DATE AUGUST 19, 1993

*FLOODPLAIN EASEMENT
- CONTOUR ELEV. 1030.00'
(LAKEVIEW INDUSTRIAL UNIT-3
PLAT OF SURVEY, WHEAT &
LADENBURGER, 10/5/1993)

3-B
III

SINKHOLE OPENING
(AS SHOWN ON PLAT
OF SURVEY BY CHARLES
R. LAMBERT 6/2/99)

OUTLET 24" STEEL PIPE
EL: 1020.40'

5'X8' CONCRETE BOX - INVERT
NOT FOUND - LOWEST ELEVATION
SURVEYED 1021.08' DUE TO
SEDIMENT & DEBRIS BUILDUP

LBCE PARTNERSHIP, L.P.
LLLP
DB 2085 PG 139



*NOTE: FLOODPLAIN EASEMENT
WAS BASED ON SOIL TYPE IL TYPE
(POTENTIAL FLOODPLAIN) - NO
FEMA FLOODPLAIN BOUNDARY
PRESENT

50' GAS TRANSMISSION EASEMENT
DB 1113 PG 157
(AS PER EASEMENT MINOR PLAT
LBCE PARTNERSHIP, L.P., LLLP,
MLH CIVIL ENGINEERS, PLLC
DATED 12-05-2005)

RMJE
R.M. JOHNSON ENGINEERING, INC.

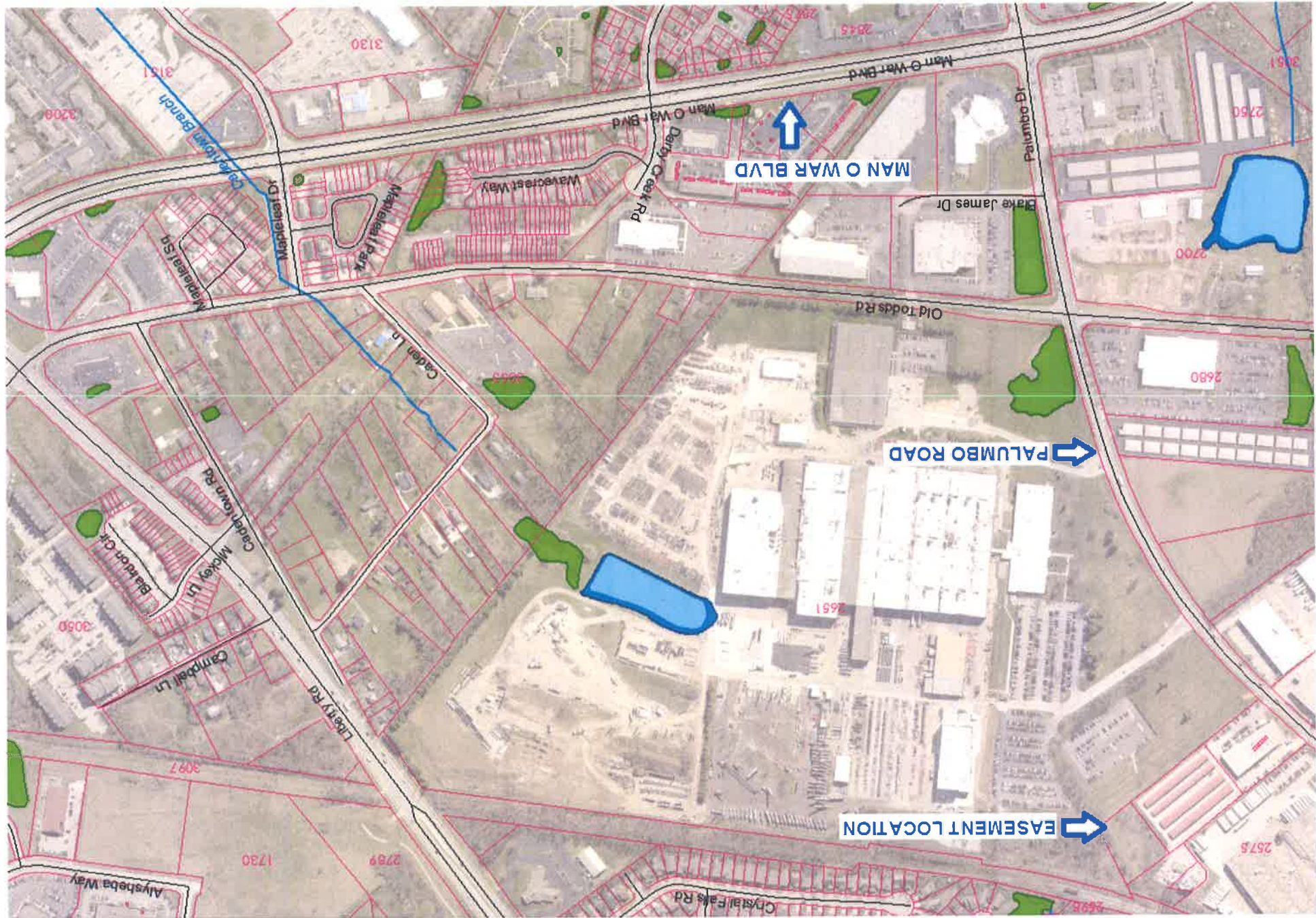
3213 Summit Square Place
Suite 100
Lexington, KY 40509
(859) 643-1266

3376 HYW 650 E
P.O. Box 444
Hindman, KY 41822
(606) 785-5926

PALUMBO PARK SELF-STOR, LLC
2040 REGENCY ROAD, SUITE D, LEXINGTON, KY 40503

EASEMENT EXHIBIT MAP
2597 PALUMBO DRIVE, LEXINGTON, KY 40503

SHEET: 1
DATE: 10/13/2016





TO: Mayor Jim Gray
Urban County Council

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

DATE: November 17, 2016

SUBJECT: RELEASE OF EASEMENT AT 2597 PALUMBO 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 partial release of utility easement, releasing easement at 2597 Palumbo Road.

Purpose of Request

The easement is no longer needed because there never was any floodplain within this easement.

Project Cost in FY16

There is no projected cost.

Project Cost Impact for Future Budget Years

There is no projected cost.

Are Funds Budgeted

No funds are budgeted.

Martin/Hoskins-Squier

DRB

cc: Debbie R. Barnett
Steve Farmer, PE

