

PARTIAL RELEASE OF EASEMENT

THIS PARTIAL RELEASE OF EASEMENT, is made and entered into on this the _____ day of _____, 2014, by and between the **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, an urban county government pursuant to KRS 67A, with an address of 200 East Main Street, Lexington, Kentucky 40507 (hereinafter "Government" or "First Party"), and **BALL HOMES, LLC**, a Kentucky limited liability company, with an address of 3609 Walden Drive, Lexington, Kentucky 40517 (hereinafter "Owner" or "Second Party");

WITNESSETH:

WHEREAS, through the Deed of Easement dated March 23, 1972 and of record at Deed Book 1041, page 217 in the Fayette County Clerk's office, the Bluegrass Disposal Corporation, a Kentucky corporation, (hereinafter "Bluegrass") acquired a sanitary sewer easement over and across certain property located in Lexington-Fayette, County, Kentucky (the "Property"); and

WHEREAS, the Property is now owned by Second Party pursuant to the deed dated March 28, 2014 and of record at Deed Book 3225, page 205 in the aforesaid clerk's office; and

WHEREAS, Bluegrass was dissolved by an Article of Dissolution dated July 24, 1989 and filed with the Kentucky Secretary of State on August 2, 1989; and

WHEREAS, the Government succeeded to all of Bluegrass' rights and interests in the above-referenced sanitary sewer easement; and

WHEREAS, Second Party has requested, and Government has agreed, that portions of such sanitary sewer easement shall be released and extinguished as set forth herein.

NOW, THEREFORE, for valuable consideration, receipt of which is hereby acknowledged, Government does hereby release, relinquish and quitclaim unto Second Party, its successors and assigns, all of its right, title and interest, if any, in and to the portions of the sanitary sewer easement described herein.

NOW, THEREFORE, for and in consideration of the sum of \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, the Government hereby **RELEASES AND QUITCLAIMS** unto Second Party, its successors and assigns forever, from the terms of such sanitary sewer easement, all of its right, title and interest in and to the real property located in Fayette County, Kentucky, which is more particularly described in Exhibit "A" hereto.

It is the intention of the Government to forever extinguish its easement interests in the areas described above, and the Second Party, its successors and assigns forever, shall hereafter have and enjoy said property free and discharged from the interest of Government. It is understood that in making this Release, all other portions of such sanitary sewer easement remain unaffected and shall continue in full force and effect.

IN WITNESS WHEREOF, the Government and Second Party have 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

BY: _____
ITS: _____

BALL HOMES, LLC

BY:  _____
ITS: _____

STATE OF KENTUCKY)
COUNTY OF FAYETTE)

The foregoing instrument was acknowledged 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
_____, 2014.

My Commission expires: _____

NOTARY PUBLIC

STATE OF KENTUCKY)
COUNTY OF FAYETTE)

The foregoing instrument was acknowledged before me by Lisa Ball,
as Vice-President of Ball Homes, LLC, a Kentucky limited liability company, on
this 15th day of December, 2014.

My Commission expires: 4-24-17

Rena G. Wiseman, # 488023
NOTARY PUBLIC

THIS INSTRUMENT PREPARED BY:

Rena G. Wiseman
RENA G. WISEMAN, ESQ.
3609 Walden Drive
Lexington, Kentucky 40517
(859) 268-1191

EA Partners, PLLC

CIVIL ENGINEERS • LAND SURVEYORS • LANDSCAPE ARCHITECTS
3111 WALL STREET
LEXINGTON, KENTUCKY 40513
PHONE (859) 296-9889
FACSIMILE (859) 296-9887

November 4, 2014

10' Sanitary Sewer Easement Release
Mahan Property
4053 Elora Lane
Lexington, Fayette County Kentucky

COMMENCING AT A POINT in the existing northwestern right of way of Elora Lane, said point also lying in the common line of Pickway Subdivision, Unit 1-C, Section 2 and Mahan Property, Parcel 3 as shown on Plat Cabinet N, Slide 638 of record in the Fayette County Clerk's Office; thence South 73 degrees 39 minutes 39 seconds West, 235.56 feet to the **TRUE POINT OF BEGINNING**; thence 10.03 feet along a curve to the right having a radius of 475.00 feet and a chord which bears South 56 degrees 22 minutes 13 seconds East, 10.03 feet to a point; thence South 38 degrees 01 minutes 50 seconds West, 70.51 feet to a point; thence North 64 degrees 58 minutes 47 seconds West, 375.51 feet to a point; thence North 48 degrees 14 minutes 47 seconds West, 34.74 feet to point; thence South 64 degrees 58 minutes 47 seconds East, 400.82 feet to a point; thence North 38 degrees 01 minutes 50 seconds East, 61.78 feet to the **POINT OF BEGINNING** and containing 0.10 acres (4,544 square feet).

Being a portion of the 10' sanitary sewer easement of record in Deed Book 1041, Page 217 in the Fayette County Clerk's Office.

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EXHIBIT "A" (p.1)
WWW.EAPARTNERS.COM



FUTURE
MAHAN PROPERTY
UNIT 1-L
(SHOWN FOR INFORMATION ONLY)

Ⓐ L = 10.03
R = 475.00'
CD = 556°22'13"E
LC = 10.03'

MANITOBA LANE

N73°39'39"E - 235.56'
TO THE POINT OF
COMMENCING

POINT OF
BEGINNING

N38°01'50"E
61.78'

S38°01'50"W
70.51'

S64°58'47"E - 400.82'

N64°58'47"W - 375.51'

10' SAN. SEW. ESMT.
TO BE RELEASED

20' U.E.

20' B.L.

19

18

17

16

15

14

13

12

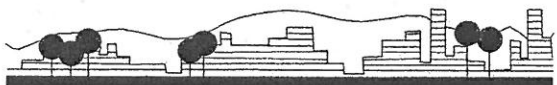
15' SAN.
S.E.

N48°14'47"W
34.74'

MAHAN PROPERTY
(OPEN SPACE / GREENWAY)

SCALE 1" = 60'

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EXHIBIT "A" (p.2)
SANITARY SEWER EASEMENT RELEASE
MAHAN PROPERTY
4053 ELORA LANE
LEXINGTON, FAYETTE COUNTY, KENTUCKY
NOVEMBER 2014