

**PARTIAL RELEASE OF UTILITY EASEMENT**

THIS PARTIAL RELEASE OF UTILITY EASEMENT (this "Release"), is made and entered into this 6<sup>th</sup> day of December, 2016, by (i) **LEXINGTON - FAYETTE URBAN COUNTY GOVERNMENT**, an urban county government pursuant to KRS 67A, having a mailing address of 200 East Main Street, Lexington, Kentucky 40507 (the "LFUCG"), in favor of (ii) **HAYMAKER DEVELOPMENT CO., LLC**, a Kentucky limited liability company, having a mailing address of 3120 Wall Street, Suite 300, Lexington, Kentucky 40513 (the "Owner").

**W I T N E S S E T H:**

WHEREAS, through that Final Record Plat of the Tuscany Subdivision, Unit 1-A, of record in Plat Cabinet M, Slide 633, in the Fayette County Clerk's Office (the "Plat"), the LFUCG acquired a utility easement (the "Easement"), over certain real property located in Lexington, Fayette County, owned by the Owner and more particularly described as follows, to-wit:

BEING all of Lot No. 83, Unit 1-A, of the Tuscany Subdivision to Lexington, Fayette County, Kentucky, as shown by that Final Record Plat thereof of record in Plat Cabinet M, Slide 633, in the Fayette County Clerk's Office; said property being known and designated as 2585 PASCOLI PLACE; and

BEING the same property conveyed to Haymaker Development Co., LLC, a Kentucky limited liability company, by Jeff Maynard Builders, Inc., a Kentucky corporation, through deed dated December 23, 2014, of record in Deed Book 3287, Page 267, in the Fayette County Clerk's Office.

WHEREAS, certain portions of the Easement are no longer required by the LFUCG as to the above-described property, and the LFUCG desires to release and extinguish its interest in and to such portions of the Easement.

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 that portion of the Easement more particularly described as follows:

**COMMENCING AT A POINT** in the northern right-of-way of Pascoli Place, said point being in the common line of Lots 83 and 84 of Tuscany Subdivision, Unit 1-A, of record in Plat Cabinet M, Slide 633, in the Fayette County Clerk's Office; thence with said common line North 02° 57' 20" East, 39.49 feet to the TRUE POINT OF BEGINNING; thence leaving

said common line 62.58 feet, along a curve to the right having a radius of 80.00 feet and a chord which bears North 82° 34' 02" East, 61.00 feet to a point in the common line of Lots 82 and 83 of the aforementioned Plat Cabinet M, Slide 633; thence with said common line South 14° 58' 42" West, 10.00 feet to a point; thence leaving said common line 61.42 feet along a curve to the left having a radius of 70.00 feet and a chord which bears South 79° 50' 32" West, 59.47 feet to a point in the common line of Lots 83 and 84 of the aforementioned Plat Cabinet M, Slide 633; thence with said common line North 02° 57' 20" East, 12.27 feet to the **POINT OF BEGINNING**, and containing 620 square feet (and being the shaded area depicted on Exhibit "A" attached hereto, and hereinafter referred to as the "Portion of Utility Easement to be Released").

It is the intention of the LFUCG to forever extinguish its interest in and to the Released Area of the Easement described hereinabove, and the Owner, its successors and assigns forever, shall hereafter have and enjoy the Released Area free and discharged from the interests of the LFUCG as to the Released Area; provided, however, that this Release shall not extinguish the interest of the LFUCG in the remaining easements created and depicted on the Plat other than that portion specifically described above.

In accepting this Release, the Owner hereby releases and discharges the LFUCG, its successors and assigns, from and against any and all losses, damages and liabilities, 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 LFUCG's utility easement being released.

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

**TO HAVE AND TO HOLD** the Released Area hereby surrendered and discharged from the operation of the Easement unto the Owner and its successors and assigns, forever free and clear of the estate heretofore created by the 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 an urban county government

BY:

  
JIM GRAY, MAYOR

STATE OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )

The foregoing Partial Release of Utility Easement was acknowledged before me on this the 9 day of December, 2016, by Jim Gray, as the Mayor of the Lexington-Fayette Urban County Government, an urban county government pursuant to KRS 67A, on behalf of said government.

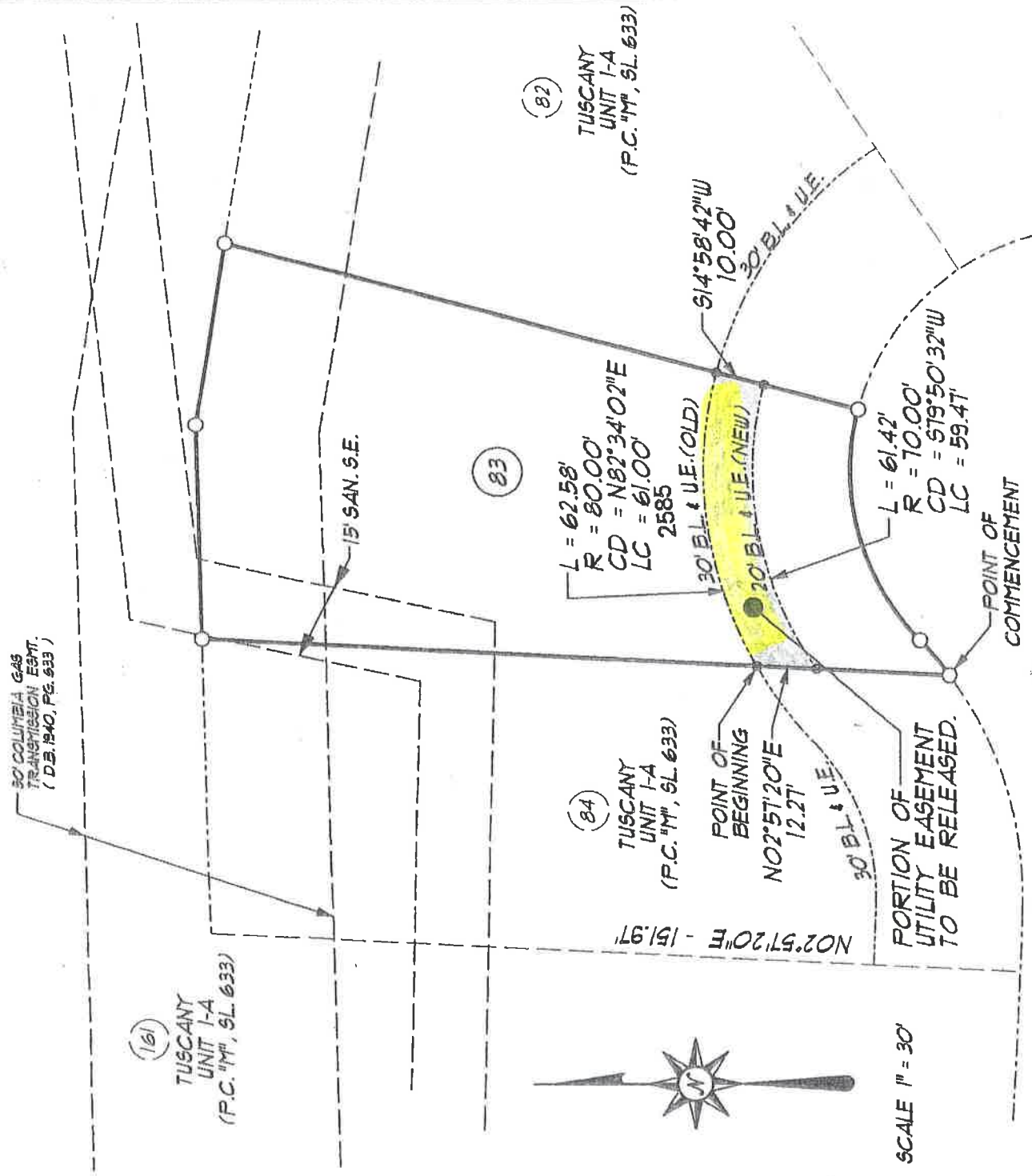
My Commission Expires: 28-Dec-2019.  
  
NOTARY PUBLIC, KENTUCKY,  
STATE AT LARGE #547793

THIS INSTRUMENT  
PREPARED BY:



GLENN A. HOSKINS  
GLENN A. HOSKINS, P.S.C.  
1077 Eastland Drive  
P.O. Box 55254  
Lexington, Kentucky 40555  
(859) 231-1077

GAH/161855gh



CORONEO LANE

**E.A. Partners, PLLC**

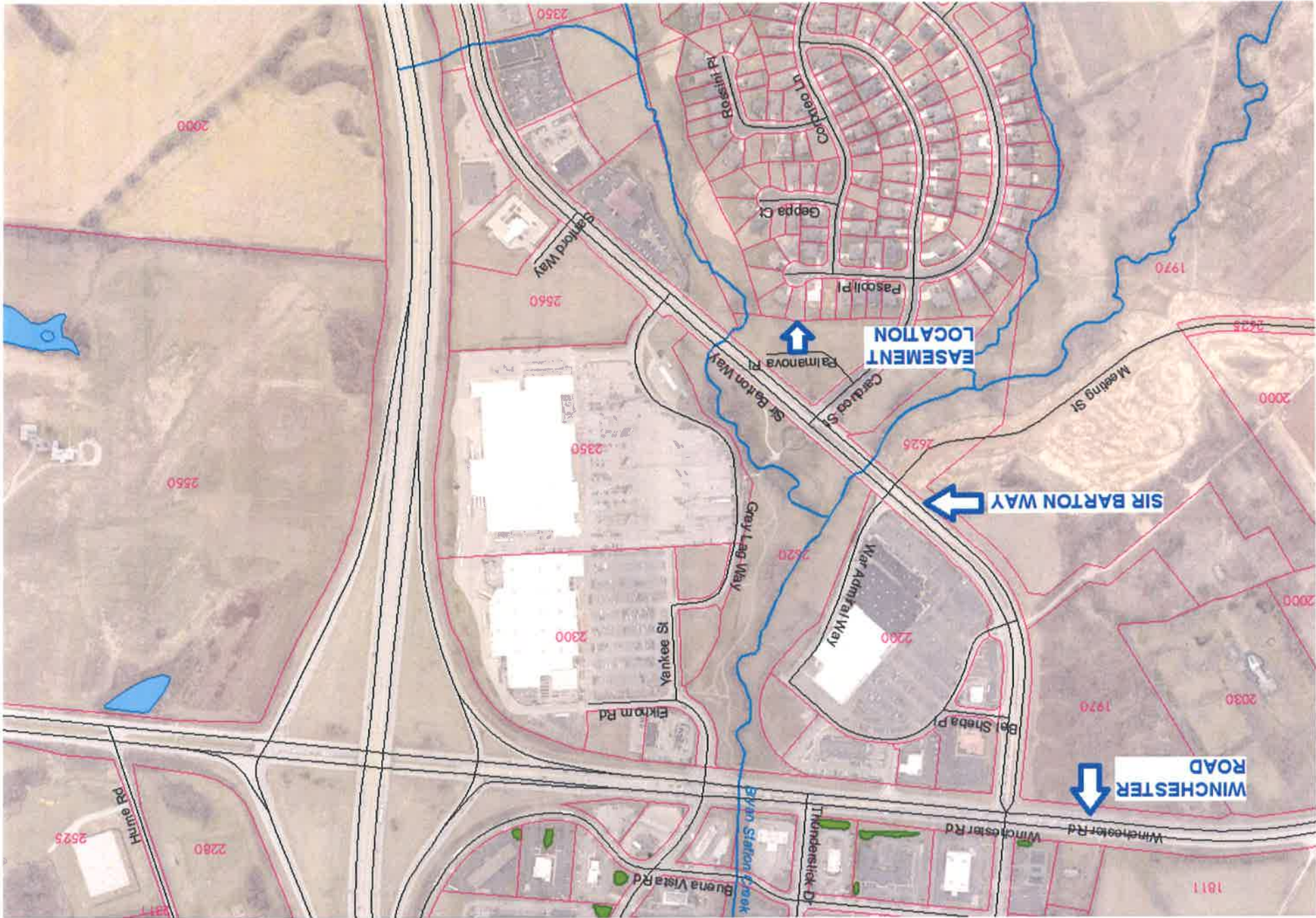


CIVIL ENGINEERS • LAND SURVEYORS • LANDSCAPE ARCHITECTS  
3111 WALL STREET  
LEXINGTON, KENTUCKY 40513  
PHONE (606) 258-8888  
FACSIMILE (606) 298-8887

**EXHIBIT "A"**  
UTILITY EASEMENT RELEASE

TUSCANY  
UNIT 1-A, LOT 83  
2585 PASCOLI PLACE  
LEXINGTON, FAYETTE COUNTY, KENTUCKY  
APRIL 2016








**LEXINGTON**

MAYOR JIM GRAY

CHARLES MARTIN  
DIRECTOR  
WATER QUALITY

**TO:** Mayor Jim Gray  
Urban County Council

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

**DATE:** November 14, 2016

**SUBJECT:** RELEASE OF EASEMENT AT 2585 PASCOLI PLACE

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 2585 Pascoli Place.

Purpose of Request

The easement is no longer needed because there never were any utilities 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

