



BCWOODPROPERTIES

9/25/12

Lexington-Fayette Urban County Government ("LFUCG")
Attn: Mr. Kevin Wentz
200 E. Main St. 9th Floor
Lexington, KY 40507

RE: 321-323 Henry St – Release and Indemnity Letter

Dear Mr. Wentz:

The purpose of this letter is to provide assurances from the two property owners at 321 and 317 Henry and 610, 611, 613 3rd St, Lexington, KY to LFUCG. The below signatories are the record owners of these properties. We have requested that a dumpster pad be located at the end of what was known as "King St", but that has now or will shortly be closed by the LFUCG council, and thus revert back to us. Please see attached exhibit showing the area of the dumpster pad. This dumpster pad will serve both owners.

Division of Waste Management has requested this letter because it has determined that the dumpster pad, as shown on the attached plan, sits above a sanitary sewer easement.

The below owners agree that in the event that LFUCG needs to dig-up, replace, access, re-locate, or re-configure its sanitary sewer line, that they will be solely responsible for the repair to their dumpster pad.

The below entities agree that they will hold harmless LFUCG from any claims that LFUCG must repair or replace the dumpster pad in such event.

Once King Street is procedurally closed by LFUCG, the undersigned will execute and record easements to cover access, ingress, egress, the dumpster pad, the dumpster turnaround, and utilities in the shared drive.

Please contact us with any questions or concerns with this letter.

Thanks and best regards.

O'Nan Properties, LLC

By: *Tom O'Nan*

Its: *Vice President*

321 Henry St., LLC

By: *RC Wood*

Its: *Managing Member*



CONSENT CERTIFICATE

The Affiant, Brian C. Wood, after being duly sworn, states as follows:

1. 321 Henry, LLC, is the owner of the real property located at 321 Henry and said property abuts the portion of King Street that is proposed for closing.

2. The Affiant has received written notice and an exhibit drawing informing 321 Henry, LLC, of the proposed closure and depicting the area to be closed.

3. After being duly informed of the proposed closure, the Affiant, on behalf of 321 Henry, LLC, as abutting owner, consents to the proposed closing and provides this certificate as evidence of receipt of written notice of the proposal and consent thereto.

IN TESTIMONY WHEREOF, witnesseth the signature of the undersigned, this 26 day of September, 2012.

NAME Brian C. Wood

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing instrument was subscribed, sworn to and acknowledged before me by Brian C. Wood, Manager of 321 Henry, LLC, on behalf of 321 Henry, LLC, on this the 26 day of Sept, 2012.

My commission expires: 4/22/15

WILLIAM N. OFFUTT V)
NOTARY PUBLIC)
STATE AT LARGE)
KENTUCKY)
NOTARY PUBLIC)
KENTUCKY, STATE-AT-LARGE)

