

## RELEASE OF EASEMENT

This **Release of Easement** is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by and between **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, an urban county government created pursuant to Chapter 67A of the Kentucky Revised Statutes, 200 East Main Street, Lexington, Kentucky 40507 ("LFUCG"), and **WEINGARTEN REALTY INVESTORS**, a Texas real estate investment trust, 2600 Citadel Plaza Drive, Suite 125, Houston, Texas 77008 ("Weingarten").

### RECITALS:

First, Weingarten is the owner of certain real property located at 4101 Tates Creek Centre Drive, Lexington, Fayette County, Kentucky (the "Subject Property");

Second, the Subject Property is Lot 9, Block "A" (the "Lot"), as shown on the Second Amended Final Subdivision Plat of the Belleau Wood Shopping Center (Lots 9, 10 and 13) of record in Plat Cabinet H, Slide 26 (the "Plat"), in the Office of the Fayette County Clerk;

Third, the Subject Property is encumbered by a twelve foot wide easement for the maintenance of public sanitary sewer granted to LFUCG by Plat, filed for record in Plat Cabinet H, Slide 26, in the Office of the Fayette County Clerk;

Fourth, a portion of the twelve foot wide sanitary sewer easement running West to East in the Southwest portion of the Subject Property, as shown on the Plat, is no longer needed for sanitary sewer purposes;

Fifth, the portion of the easement to be released is more particularly described on the attached Exhibit "A" and shown on the attached Exhibit "B"; and

Sixth, the purpose of this Release of Easement is to release said unneeded portion of the twelve foot wide sanitary sewer easement.

### AGREEMENTS:

In consideration of the foregoing recitals, the covenants and agreements contained herein, and the mutual benefits to be derived therefrom, the receipt and adequacy of which are hereby acknowledged, LFUCG and Weingarten, intending to be legally bound, agree as follows:

1. LFUCG hereby releases unto Weingarten, its successors and assigns forever, all of LFUCG's right, title, and interest in and to the following described sanitary sewer easement:

Tates Creek Centre, also designated as the Belleau Wood Shopping Center, Lot 9, Block "A," 4101 Tates Creek Centre Drive, Lexington, Fayette County, Kentucky, as more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference, and as illustrated on Exhibit "B," attached hereto and incorporated herein by this reference.

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Release of Easement

Lexington-Fayette Urban County Government and Weingarten Realty Investors

Being a portion of the same property conveyed to Weingarten Realty Investors by deed dated March 1, 2004, of record in Deed Book 2439, Page 48, in the Office of the Fayette County Clerk.

PROVIDED, HOWEVER, LFUCG hereby specifically retains its right, title, and interest in and to all other sanitary sewer easements as shown on the Plat (Plat Cabinet H, Slide 26), unless previously released in the Office of the Fayette County Clerk.

IN WITNESS WHEREOF, each of the parties has caused its name to be subscribed this effective the day and year first above written.

**LFUCG:**  
**Lexington-Fayette Urban County Government**


By: \_\_\_\_\_  
Jim Gray, Mayor

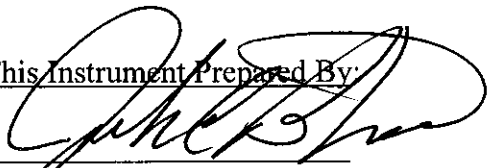
Attest:

\_\_\_\_\_  
Susan Lamb  
Urban County Council Clerk

**WEINGARTEN:**  
**WEINGARTEN REALTY INVESTORS,**  
a Texas real estate investment trust



By:   
Name: Mark D. Stout  
Title: Vice President / Associate General Counsel

This Instrument Prepared By:  


Joseph C. Benton, Esq.  
Stone & Benton PSC  
201 Walton Avenue  
Lexington, KY 40502  
859-252-6600



**EXHIBIT A**  
**TO RELEASE OF EASEMENT**

**DESCRIPTION**

**Sanitary Sewer Easement  
(Release Area)**

**Lot 9, Block "A" of  
Tates Creek Centre aka Belleau Wood Shopping Center  
4101 Tates Creek Centre Drive  
Lexington, Fayette County, Kentucky**

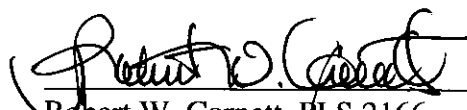
Being a parcel of land situated in the Northwest quadrant of the intersection of Man O' War Boulevard and Tates Creek Road and being more particularly described as:

Commencing at a found iron pin with Surveyor's cap (PLS 2115) found at the Southwestern most corner of Lot 9, Block "A" (Deed Book 2439, Page 48), said point being the Southeastern corner of Lot 8, Block "A", said point being in the North Right-of-way of Man O' War Boulevard; thence leaving said line of Man O' War Boulevard in a Northeasterly direction having a bearing of N 11°39'23" E a distance of 283.36 feet to a point, thence N 81°32'58" E a distance of 45.47 feet to the TRUE POINT OF BEGINNING.

Thence from said TRUE POINT OF BEGINNING for four (4) calls:  
N 8°27'02" W a distance of 12.00 feet to a point; thence  
N 81°32'58" E a distance of 100.85 feet to a point; thence  
S 8°27'02" E a distance of 12.00 feet to a point; thence  
S 81°32'58" W a distance of 100.85 feet to a point

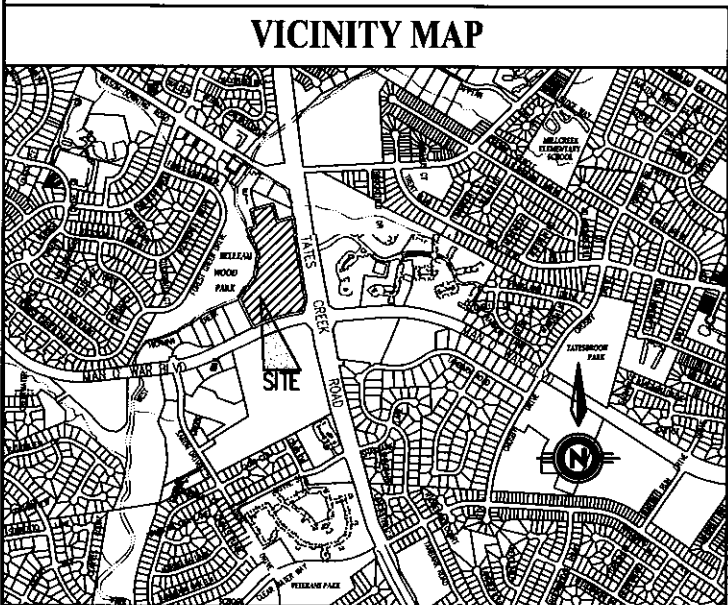
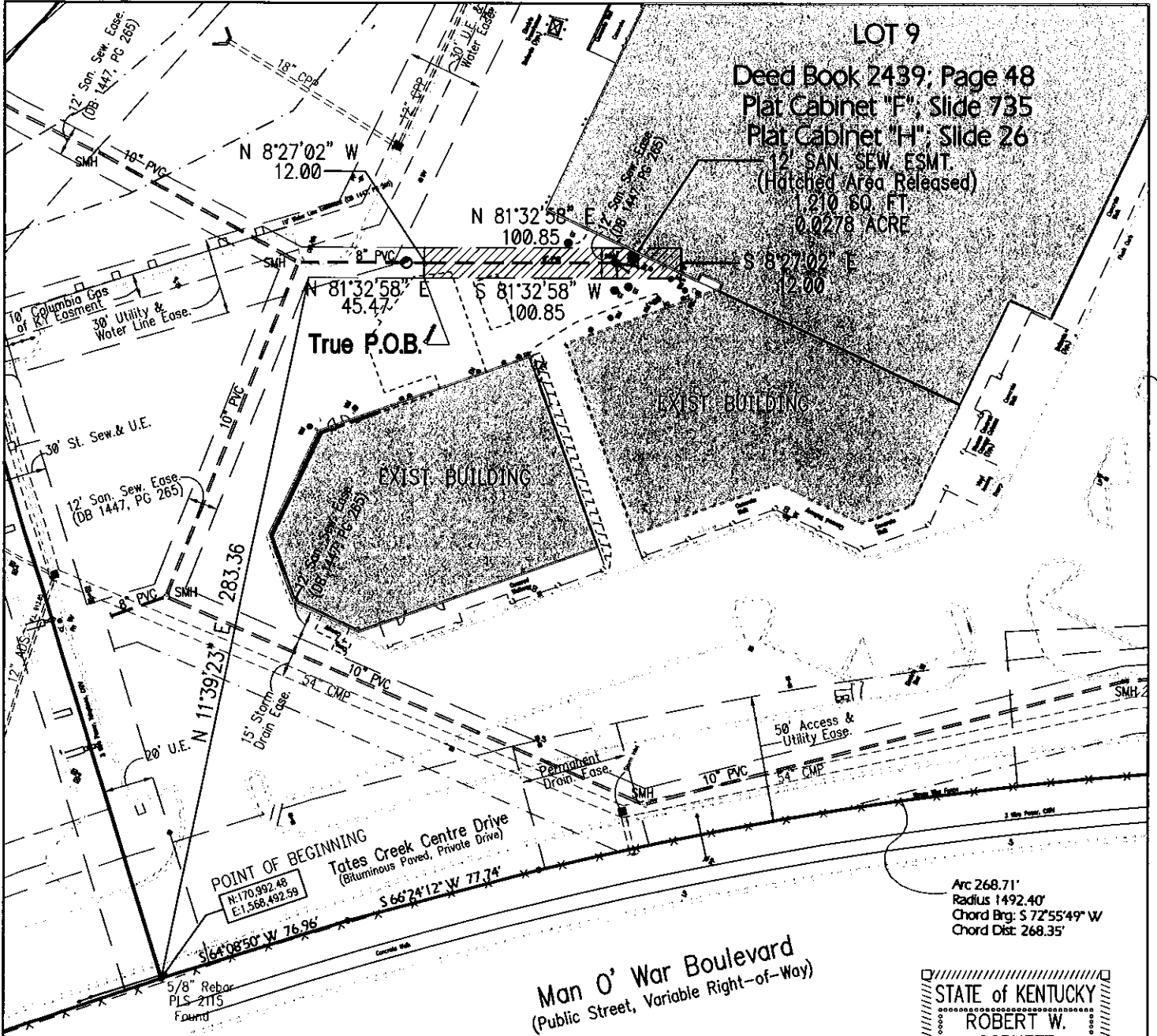
Which is the TRUE POINT OF BEGINNING, having and area of 1,210 Square Feet, or 0.0278 acre.

The bearings used in the description are based on a field survey performed by Endris Engineering, dated 8/11/2011.

  
\_\_\_\_\_  
Robert W. Cornett, PLS 2166  
The Roberts Group, PSC  
239-C Southland Drive  
Lexington, KY 40503

6.01.12  
\_\_\_\_\_  
Date

# EXHIBIT B TO RELEASE OF EASEMENT



STATE of KENTUCKY  
 ROBERT W. CORNETT  
 2166  
 LICENSED PROFESSIONAL LAND SURVEYOR  
 6.01.12

*Robert W. Cornett*

TATES CREEK CENTRE  
 LOT 9, BLOCK "A"  
 4101 TATES CREEK CENTRE DRIVE  
 LEXINGTON, FAYETTE COUNTY, KY  
**SANITARY SEWER EASEMENT  
 (RELEASED AREA)**



**EXHIBIT 'B'**