

## RELEASE OF EASEMENT

This **RELEASE OF EASEMENT** ("Release") is entered into and effective as of \_\_\_\_\_, 2014, by **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, of 200 East Main Street, Lexington, Kentucky 40507 ("LFUCG ") and is for the benefit of **FAYETTE MALL SPE, LLC**, a Delaware limited liability company ("Fayette SPE"); and **FAYETTE MIDDLE ANCHOR, LLC**, a Delaware limited liability company ("Fayette Middle"), each with an address of with an address of CBL Center, Suite 500, 2030 Hamilton Place Boulevard, Chattanooga, Tennessee 37421-6000 (Fayette SPE and Fayette Middle, collectively referred to as "Owners").

**WHEREAS**, Fayette SPE is the owner of certain property described as Lot 2 (Parcel 4) and Lot 4, as shown on the Easement Minor Plat of Fayette Mall (formerly Federated Departments Stores, Inc.) 3301, 3401 & 3555 Nicholasville Road, Lexington, Fayette County, Kentucky, as shown in Plat Cabinet M, Slide 692 (the "Plat"), in the Fayette County Clerk's Office ("Office"), and also shown on the Easement Minor Plat of Fayette Mall (Formerly Federated Department Stores, Inc.) 3555, 3615 & 3625 Nicholasville Road, of record in Plat Cabinet M, Slide 932 ("Easement Minor Plat"), in the Office, by virtue of Special Warranty Deed dated July 10, 2009, of record in Deed Book 2888, Page 59, in the Office; the improvements thereon being known and designated as 3401 and 3615 Nicholasville Road, respectively ("Fayette SPE Property").

**WHEREAS**, Fayette Middle is the owner of certain property described as Lot 3, containing 14.83 acres, as shown on the Plat and on the Easement Minor Plat, in the Office, by virtue of Quitclaim Deed dated June 28, 2013, of record in Deed Book 3165, Page 658, in the Office; the improvements thereon being known and designated as 3555 Nicholasville Road ("Fayette Middle Property").

**WHEREAS**, LFUCG has twelve foot (12') and fifteen foot (15') storm sewer easements through the Fayette SPE Property and the Fayette Middle Property, the cross-hatched areas of which are to be released ("Easements") as shown the Plat, the Easement Minor Plat and on the drawing attached hereto and incorporated herein as Exhibit "A".

**WHEREAS**, the foregoing storm sewer line easements have been relocated and a new easement has been recorded in the Office in support thereof, which appears on the Easement Minor Subdivision Plat of Fayette Mall (3401, 3555 & 3615 Nicholasville Road), Lexington, Fayette County, Kentucky, as shown in Plat Cabinet \_\_\_, Slide \_\_\_\_\_ recorded simultaneously herewith (the "New Easement Minor Plat")

**WHEREAS**, the Easements as shown on the Plat and the Easement Minor Plat are no longer required by LFUCG and LFUCG now desires to release and forever extinguish its interest in and to said Easements as more particularly set forth on Exhibit A and as more particularly described by metes and bounds descriptions on Exhibit "B" attached hereto.

**NOW, THEREFORE**, for good and valuable consideration LFUCG hereby releases and forever quitclaims to the Owners all of its right, title and interest in and to the Easements as more particularly shown on Exhibit A and Exhibit B attached hereto; it being the intention of the parties to terminate the Easements. The Owners, their successors and assigns shall hereafter have and enjoy their respective properties free and discharged from the interests of LFUCG as to

