

copy in lieu of original

**RELEASE OF EASEMENT**

**THE RELEASE OF UTILITY EASEMENT AGREEMENT** (“Agreement”) is made this 29 day of March, 2022, by and between **LEXINGTON FAYETTE URBAN COUNTY GOVERNMENT** (“First Party”) an urban county government organized pursuant to KRS Chapter 67A, with an address of 200 E. Main St. Lexington, Kentucky 40507 (“Grantor”) and **HARPER WOODS, LLC**, (“Grantee”) with address of 3399 Tates Creek Road, Suite 210, Lexington, Kentucky 40502.

**WITNESSETH:**

WHEREAS, the Company has an interest in a fifteen (15) foot-wide general utility easement shown on Plat Cabinet S, Slide 29, which is filed of record in the Fayette County Clerk’s Office, and located in Fayette County on real property with an address of 3509 Harper Woods Lane, Lexington, Kentucky (hereinafter “Utility Easement”).

1. Grantee is the owner of property located at **3509 Harper Woods Lane, Lexington, Kentucky 40515**, (hereinafter “Property”), more particularly described in Deed Book 3520, Page 38 and filed of record in the Fayette County Clerk’s Office, which is subject to said Utility Easement.
2. Upon request from the Grantee, the Company hereby releases unto the Grantee all of its right, title and interest to the Utility Easement, and only the Utility Easement, depicted in Exhibit “A” described in Exhibit “B” and All other utility easements or any other easements not specifically released herein shall remain unaffected by this Release of Utility Easement.
3. In further consideration for the Company’s release described above, Grantee, for itself and its successors and assigns, hereby releases and forever discharges and agrees to indemnify, defend and hold harmless Company, its directors, officers, agents, employees, representatives, affiliates, successors and assigns (“Releasees”) from any and all demands, claims, actions, causes of action, obligations, suits, proceedings, liabilities, losses, damages, fines, penalties, costs and expenses (including, but not limited to, reasonable attorney’s fees and costs) judgments, awards, suits, and liabilities, of any kind or nature whatsoever, past present or future, caused by relating to, arising out of, or claimed to have been caused by or relating pipelines, facilities or related appurtenances of the Company or in any way related to the release of this Utility Easement or the use thereof.

{REMAINDER OF PAGE INTENTIONALLY LEFT BLANK}

IN WITNESS WHEREOF, First Party and Grantee have caused their names to be subscribed of this 29<sup>th</sup> day of March, 2022.

FIRST PARTY:

LEXINGTON FAYETTE URBAN  
COUNTY GOVERNMENT

By: Linda Gorton

Title: Mayer

State of Kentucky     )  
                                  }  
County of Fayette     )

The foregoing instrument was subscribed, sworn to and acknowledged before me this 29<sup>th</sup> day of March, 2022, by Linda Gorton in his/her capacity as Mayer of LEXINGTON FAYETTE URBAN COUNTY GOVERNMENT, an urban county government organized pursuant to KRS Chapter 67A, for and on behalf of the First Party.

Mackenzie Semmers  
NOTARY PUBLIC, STATE AT LARGE

Mackenzie Semmers  
NOTARY NAME (PRINTED)

My commission expires: 11/7/2023

Notary ID Number: 635048

{Signatures Continue on Following Page}

GRANTEE:

HARPER WOODS, LLC

John G. Atchison III

By: John G. Atchison, III

Title: Member

State of Kentucky        )  
                                  }  
County of Fayette        )

The foregoing instrument was subscribed, sworn to and acknowledged before me this, 6<sup>th</sup>  
day of September, 2022, by John G. Atchison, III in his capacity as Member of Harper  
Woods, LLC, a Kentucky limited liability company, for and on behalf of the said company.

Sara J. Skillman  
NOTARY PUBLIC, STATE AT LARGE

Sara J. Skillman  
NOTARY NAME (PRINTED)

My commission expires: 11-2-23

Notary ID Number: 633909

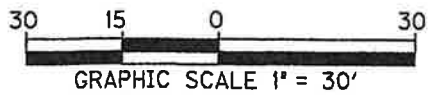
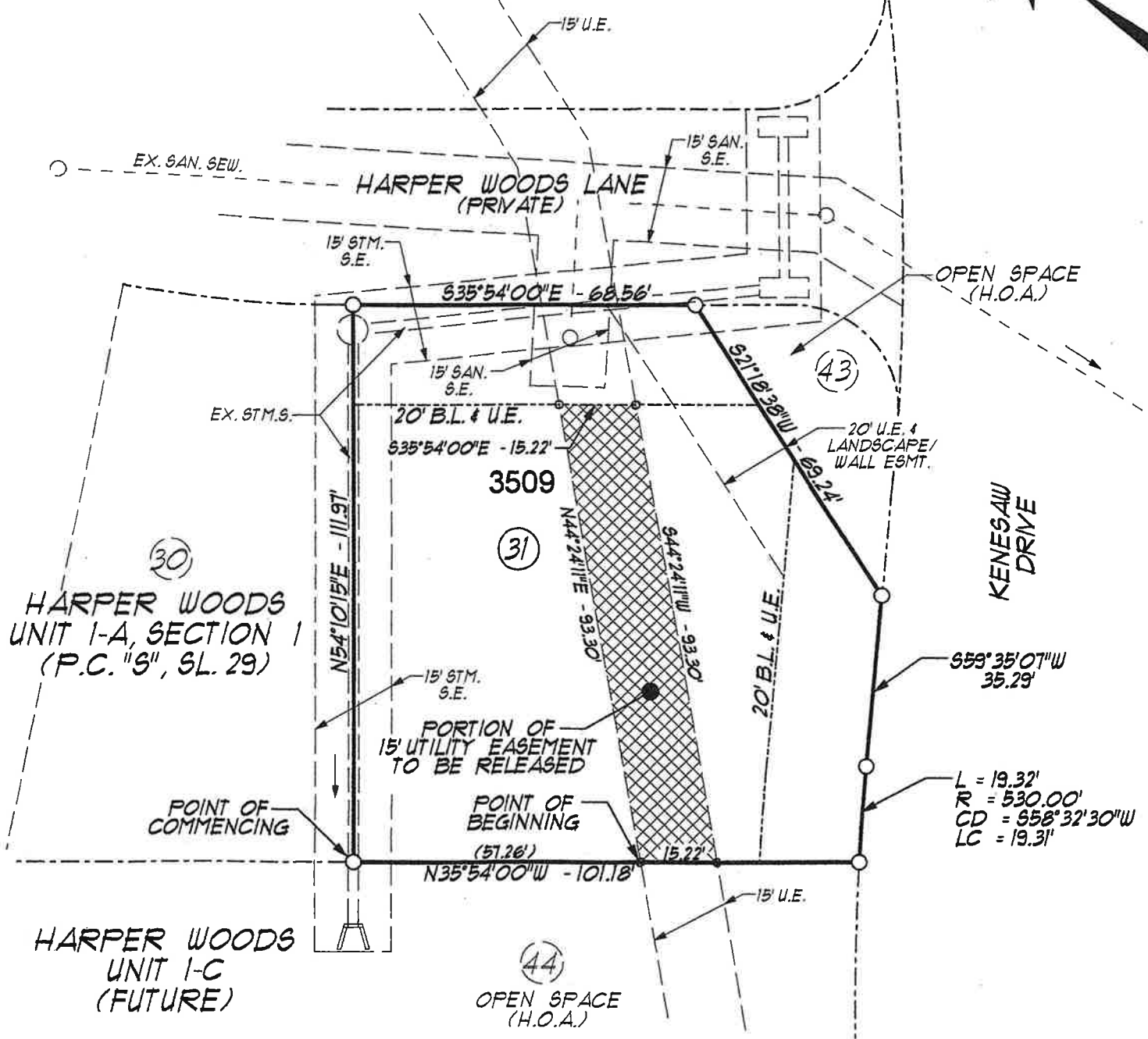
{Signatures Continue on Following Page}

**This instrument was prepared without examination  
or opinion of title by:**

**BY:**   
\_\_\_\_\_

Scott A. Schuette, Esq.  
McBrayer PLLC  
201 E. Main Street, Suite 900  
Lexington, Kentucky 40507  
(859) 231-8780

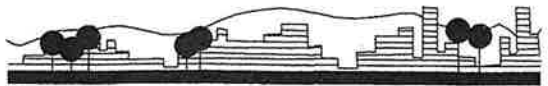
THIS DOCUMENT WAS PREPARED BY:  
ALBERT W. GROSS, PLS # 2115.



### EXHIBIT "A"

PORTION OF 15' UTILITY EASEMENT TO  
BE RELEASED EASEMENT EXHIBIT  
HARPER WOODS  
UNIT 1-A, SECTION 1, LOT 31  
3509 HARPER WOODS LANE  
LEXINGTON, FAYETTE COUNTY, KENTUCKY  
JULY 2022

## EA Partners, PLLC



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

# *EA Partners, PLLC*

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

## **EXHIBIT "B"**

July 8, 2022

Portion of 15' Utility Easement to be Released Description at  
Harper Woods  
Unit 1-A, Section 1, Lot 31  
3509 Harper Woods Lane, (a portion of)  
Lexington, Fayette County, Kentucky

**COMMENCING AT A POINT** being the western most corner of Lot 31 (known as 3509 Harper Woods Lane) located in Harper Woods, Unit 1-A of record in Plat Cabinet S, Slide 29 in the Fayette County Clerk's Office; thence with the southern line of Lot 31 South 35 degrees 54 minutes 00 seconds East, 57.26 feet to the **TRUE POINT OF BEGINNING**; thence leaving said southern line North 44 degrees 24 minutes 11 seconds East, 93.30 feet to a point; thence South 35 degrees 54 minutes 00 seconds East, 15.22 feet to a point; thence South 44 degrees 24 minutes 11 seconds West, 93.30 feet to a point in the southern line of Lot 31; thence with said southern line North 35 degrees 54 minutes 00 seconds West, 15.22 feet to the **POINT OF BEGINNING** and containing 0.03 acres (1,399 square feet).