

## RELEASE OF EASEMENT

**THIS RELEASE OF EASEMENT**, made and entered into this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky, 40507, an Urban County Government pursuant to KRS 67A (hereinafter "Government" or "First Party"), and **SOUTH BROADWAY PLACE HOTEL ASSOCIATES, LLC** (hereinafter "Owner" or "Second Party");

### WITNESSETH:

**WHEREAS**, through that certain Plat of Record dated May 23, 2003, of record in Plat Cabinet "L", Slide 951 in the Fayette County Clerk's Office, the Owner or Second Party acquired a 20' utility easement which encroaches into the building envelope of the standing hotel located at 1000 Export Street, Lexington, Kentucky 40504

**WHEREAS**, the existing 20' utility easement within the building envelope of the standing hotel is no longer required by the Government or First Party, and the Government or First Party desires to release and extinguish its interest in and to said easement.

**NOW, THEREFORE**, for valuable consideration, receipt of which is hereby acknowledged, Government or First Party does hereby release, relinquish and quitclaim unto Owner or Second Party, its successors and assigns, all of its right, title and interest, if any, in and to that easement as described above and as shown on the exhibits attached.

**IN WITNESS WHEREOF**, the First Party or Government has hereby caused its corporate name to be affixed by its duly authorized officer, on this the day and year first above written.

LEXINGTON-FAYETTE URBAN  
COUNTY GOVERNMENT

\_\_\_\_\_  
Mayor

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by \_\_\_\_\_,  
as \_\_\_\_\_ of Lexington-Fayette Urban County Government, an urban  
county government pursuant to KRS 67A, on behalf of said government, on this \_\_\_\_ day  
of \_\_\_\_\_, 20\_\_.

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

IN WITNESS WHEREOF, the First Party or Government has hereby caused its corporate name to be affixed by its duly authorized officer, on this the day and year first above written.

LEXINGTON-FAYETTE URBAN  
COUNTY GOVERNMENT

\_\_\_\_\_  
Mayor

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by \_\_\_\_\_,  
as \_\_\_\_\_ of Lexington-Fayette Urban County Government, an urban  
county government pursuant to KRS 67A, on behalf of said government, on this \_\_\_\_ day  
of \_\_\_\_\_, 20\_\_.

My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

IN WITNESS WHEREOF, the Owner or Second Party has hereby caused its corporate name to be affixed by its duly authorized officer, on this the day and year first above written.

SOUTH BROADWAY PLACE  
HOTEL ASSOCIATES, LLC

  
David C. Wespiser, Managing Member

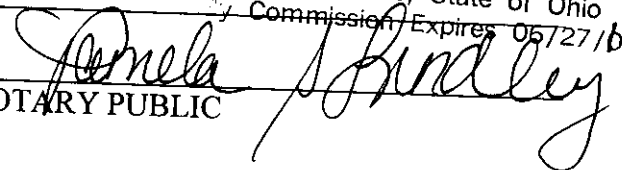
STATE OF Ohio

COUNTY OF Butler

The foregoing instrument was acknowledged before me by David C. Wespiser  
as Managing Member of South Broadway Place Hotel Associates, LLC, on behalf of  
said owner, on this 15 day of October, 2013.

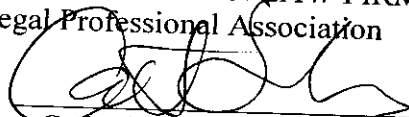
My Commission expires:

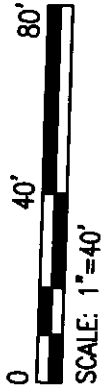
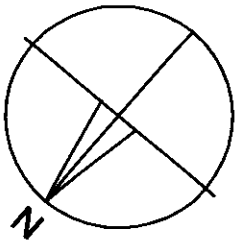


PAMELA S. LINDLEY  
Notary Public, State of Ohio  
Commission Expires 05/27/17  
  
NOTARY PUBLIC

THIS INSTRUMENT  
PREPARED BY:

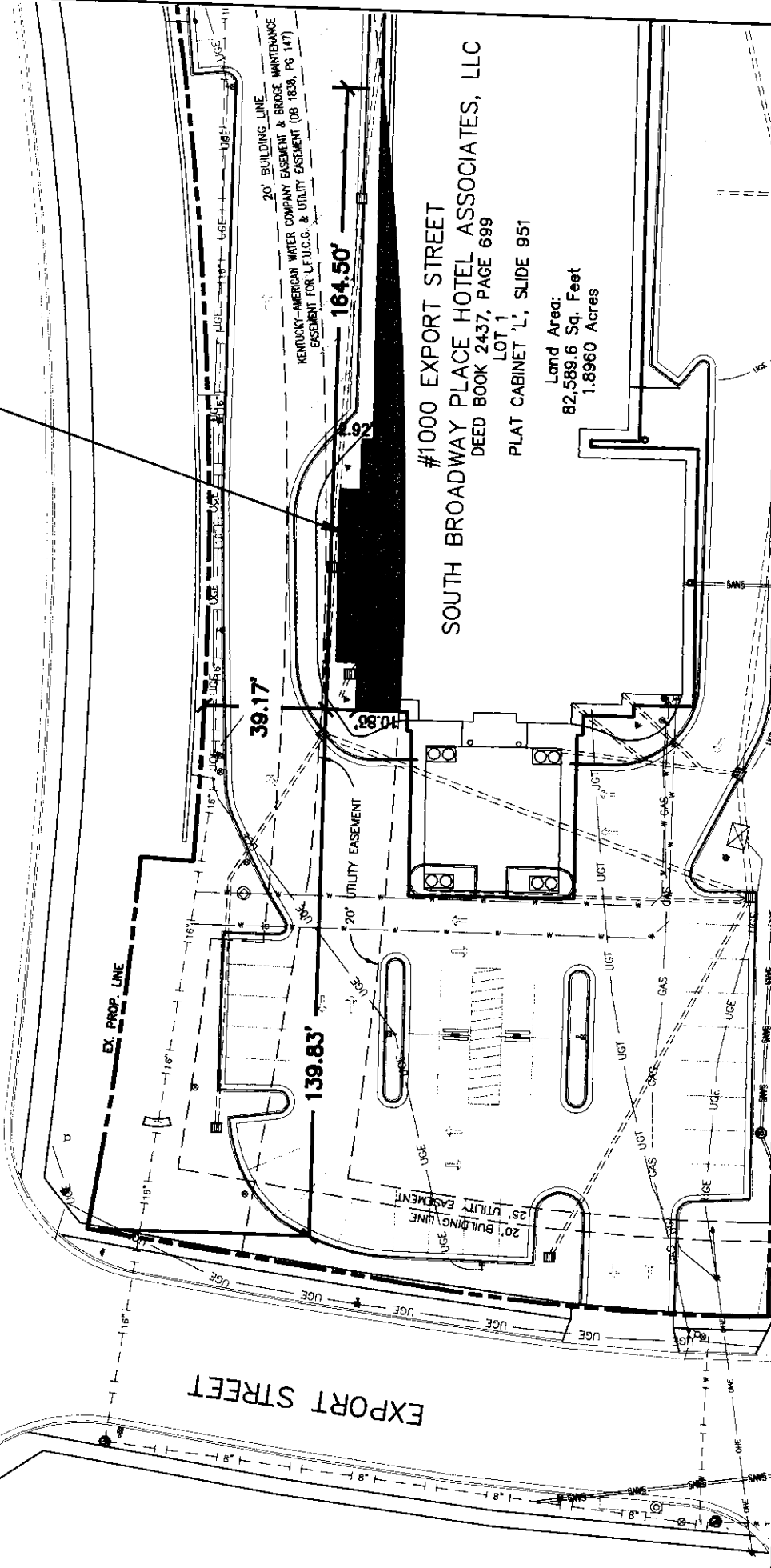
MILLIKIN & FITTON LAW FIRM  
A Legal Professional Association

BY:   
Catherine L. Evans, Esq.  
9032 Union Centre Boulevard, Suite 200  
West Chester, Ohio 45069  
(513) 863-6700



VIRGINIA AVENUE

UTILITY EASEMENT WITHIN THE BUILDING ENVELOPE TO BE RELEASED WHERE SHOWN ON THIS EXHIBIT WITH A SOLID, FADED PATTERN



#1000 EXPORT STREET  
SOUTH BROADWAY PLACE HOTEL ASSOCIATES, LLC  
DEED BOOK 2437, PAGE 699  
LOT 1  
PLAT CABINET 'L', SLIDE 951

Land Area:  
82,589.6 Sq. Feet  
1.8960 Acres

**OWNERSHIP OF INSTRUMENTS OF SERVICE**  
SPECIFICATIONS, COMPUTER FILES, FIELD DATA, NOTES AND INSTRUMENTS FOR THE SERVICE SHALL REMAIN THE PROPERTY OF CMW, INC. AS INSTRUMENTS OF SERVICE SHALL REMAIN THE PROPERTY OF CMW, INC. COMMON LAW, STATUTORY AND EQUITABLE RIGHTS, INCLUDING THE RIGHT OF COPYRIGHT, HEREBY

FAILURE TO ABIDE BY DESIGN DOCUMENTS OR TO OBTAIN GUIDANCE FROM THE DESIGN PROFESSIONAL AND ALL RESPONSIBILITY AND LIABILITY SHALL BE FROM FAILURE TO FOLLOW THE DESIGN WITHIN THE PROHIBIT WHICH ARE FROM THE DESIGN PROFESSIONAL'S FOLLOW THE DESIGN PROFESSIONAL'S DESIGN DOCUMENTS, ERRORS, OMISSIONS, NEGLIGENCE, OR CONDUCT, WHICH MAY BE REQUIRED.

**UTILITY EASEMENT RELEASE AGREEMENT**  
**S BROADWAY PLACE HOTEL ASSOC. LLC**  
**1000 EXPORT STREET**  
**LEXINGTON, KY 40504**

Issue Date:	July, 2013
Drawn By:	
Checked By:	
Reviewed By:	
Mark:	Date:
Day:	
Project Number	13032.02
© 2013 CMW	

**EXHIBIT**

**CMW inc.**  
400 E. Main, Ste 400, Lexington, KY 40507 859.254.0023 Fax 859.258.1877

**PLAT CARL B WHITE SLIDE 951**

**OWNERS CERTIFICATION**

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY PLATED HEREON WHOSE RECORD IS FILED IN THE PUBLIC RECORDS OF THE COUNTY OF FAYETTE, KENTUCKY. I HAVE REVIEWED THE PLAT AND THE INFORMATION CONTAINED THEREON AND I HEREBY CERTIFY THAT THE INFORMATION IS TRUE AND CORRECT AND THAT THE PLAT IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE PLANNING COMMISSION AND THE REQUIREMENTS OF THE LAND SUBDIVISION ACT AND THE REQUIREMENTS OF THE PLANNING COMMISSION. I HAVE REVIEWED THE PLAT AND THE INFORMATION CONTAINED THEREON AND I HEREBY CERTIFY THAT THE INFORMATION IS TRUE AND CORRECT AND THAT THE PLAT IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE PLANNING COMMISSION AND THE REQUIREMENTS OF THE LAND SUBDIVISION ACT AND THE REQUIREMENTS OF THE PLANNING COMMISSION. I HAVE REVIEWED THE PLAT AND THE INFORMATION CONTAINED THEREON AND I HEREBY CERTIFY THAT THE INFORMATION IS TRUE AND CORRECT AND THAT THE PLAT IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE PLANNING COMMISSION AND THE REQUIREMENTS OF THE LAND SUBDIVISION ACT AND THE REQUIREMENTS OF THE PLANNING COMMISSION.

*Carl B. White*  
 (80) CARL B. WHITE DATE 5-88-03

**COMMISSIONS CERTIFICATION**

I DO HEREBY CERTIFY THAT THIS RECORD PLAT WAS APPROVED BY THE URBAN COUNTY PLANNING COMMISSION AT THE MEETING ON 5-18-03 AND IS NOW FILED IN THE PUBLIC RECORDS OF THE COUNTY OF FAYETTE, KENTUCKY.

**URBAN COUNTY ENGINEERS CERTIFICATION**

I HEREBY CERTIFY THAT THE REQUIREMENTS OF THE LAND SUBDIVISION ACT AND THE REQUIREMENTS OF THE PLANNING COMMISSION HAVE BEEN MET AND THAT THE PLAT IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE PLANNING COMMISSION AND THE REQUIREMENTS OF THE LAND SUBDIVISION ACT AND THE REQUIREMENTS OF THE PLANNING COMMISSION.

**ENGINEERS AND SURVEYORS CERTIFICATION**

I DO HEREBY CERTIFY THAT THIS RECORD PLAT WAS PREPARED BY ME OR UNDER MY SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ENGINEER AND SURVEYOR IN THE STATE OF KENTUCKY. I HAVE REVIEWED THE PLAT AND THE INFORMATION CONTAINED THEREON AND I HEREBY CERTIFY THAT THE INFORMATION IS TRUE AND CORRECT AND THAT THE PLAT IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE PLANNING COMMISSION AND THE REQUIREMENTS OF THE LAND SUBDIVISION ACT AND THE REQUIREMENTS OF THE PLANNING COMMISSION.

*Donald W. Briggins*  
 DONALD W. BRIGGINS  
 FAYETTE COUNTY ENGINEER  
 200 S. 2ND ST. S.W.  
 FAYETTE, KY 40427  
 DATE 5-20-03

**AMENDED FINAL RECORD PLAT OF:  
 LOT 1 OF SOUTH BROADWAY PLACE PHASE 3  
 (CARL B WHITE PROPERTY)  
 1020 AND 1000 EXPORT STREET  
 LEXINGTON FAYETTE COUNTY, KENTUCKY**

OSCAR H. BRURY PLLC  
 200 S. 2ND ST. S.W.  
 FAYETTE, KY 40427  
 DATE 5-20-03

**SITE STATISTICS**  
 ZONE: R-4 + B-6P  
 NUMBER OF LOTS: 3  
 TOTAL AREA: 3.98

PREPARED BY:	O.H.B.
DATE:	7-19-2002
SURVEY DATE:	5-14-03
CADD FILE:	10844.CAD
SCN FILE:	10844.DWG

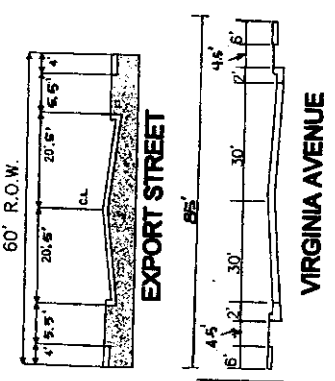


Course	Bearing	Distance
L1	N 50.20.22" E	11.55'
L2	N 54.30.08" E	5.09'
L3	S 24.50.34" E	14.08'
L4	S 60.18.03" W	13.50'
L5	N 00.58.28" W	80.48'
L6	N 08.09.58" W	50.00'
L7	N 15.47.47" W	50.00'
L8	N 23.58.33" W	50.01'
L9	N 33.03.33" W	50.00'
L10	N 32.11.24" W	61.74'
L11	N 32.11.24" W	37.99'

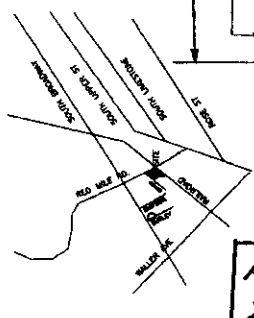
Course	Radius	Tangent	Chord	Chord Bear.
C1	100.00'	100.00'	141.42'	S 45.00.00" E
C2	100.00'	100.00'	141.42'	S 45.00.00" E
C3	100.00'	100.00'	141.42'	S 45.00.00" E
C4	100.00'	100.00'	141.42'	S 45.00.00" E
C5	100.00'	100.00'	141.42'	S 45.00.00" E

**NOTES:**  
 1 - THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE LOT 1-A FROM THE PARENT TRACT (LOT 1) DESCRIBED IN THE FINAL RECORD PLAT OF SOUTH BROADWAY PLACE PHASE 3, PLAT CARL B. WHITE SLIDE 951, AND LOT 1-A.  
 2 - THIS SURVEY WAS CONDUCTED VIA OFFSET UNADJUSTED TRANSIT CORNER TIES. AT AN STATION, THIS TRANSFER WAS NOT BEEN OF A CLASS "A" MEETS ALL THE REQUIREMENTS OF THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTERLINE DATUM FROM THE VIRGINIA AVENUE PROJECT, (1000 EXPORT STREET) WOULD BE AS PER FINAL DEVELOPMENT PLAN.  
 3 - THE DEVELOPMENT PLAN FOR LOT 1 UNTIL A FINAL PLANNING COMMISSION APPROVED BY THE CITY OF LEXINGTON.  
 4 - ACCESS ROAD TO BE PRIVATELY OWNED AND MAINTAINED BY OWNER. EASEMENTS TO BE PRIVATELY OWNED AND MAINTAINED BY LOT 1 AND 1-A. CONSTRUCTION OF LINE TO BE COMPLETED PRIOR TO ISSUANCE OF OCCUPANCY PERMIT FOR LOT 1.

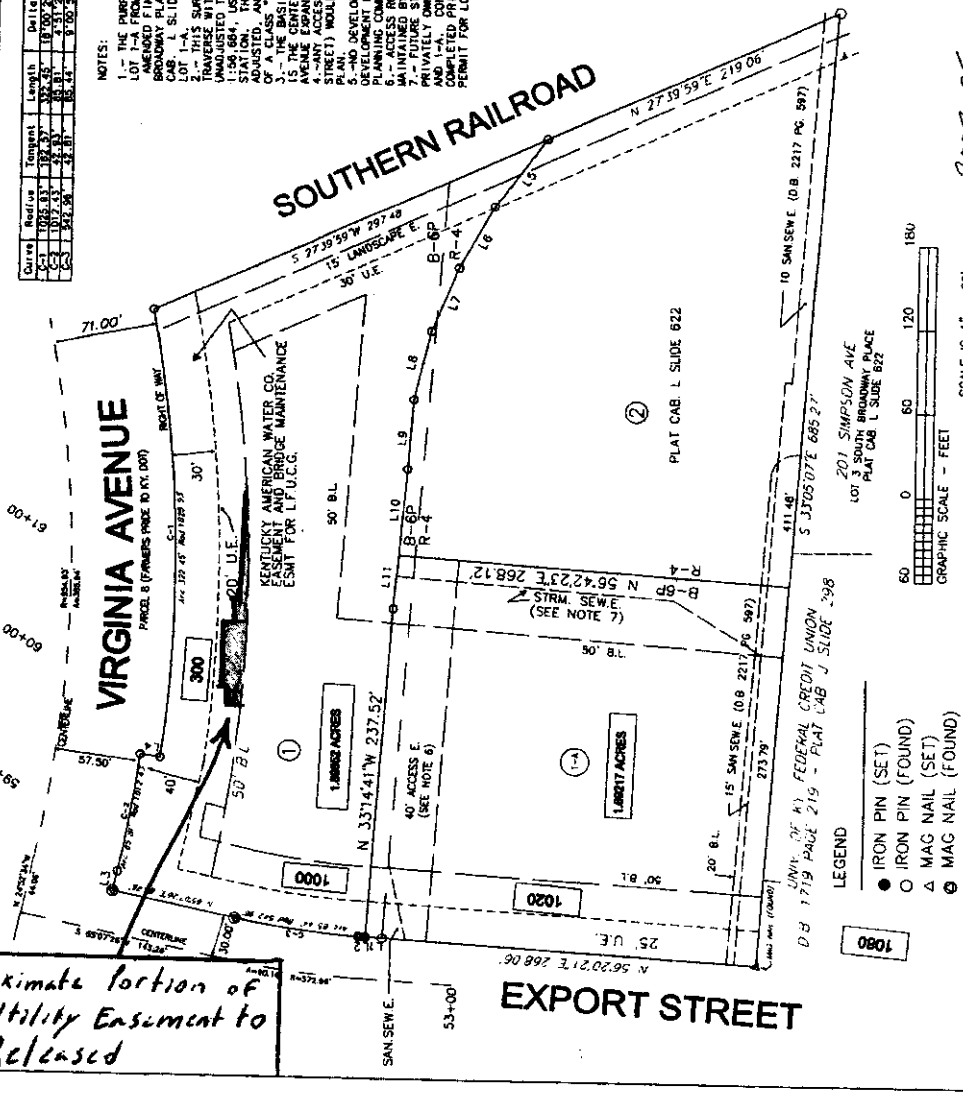
**TYPICAL SECTIONS**



**VICINITY MAP**



Approximate location of 20' Utility Easement to be Released



- LEGEND**
- IRON PIN (SET)
  - IRON PIN (FOUND)
  - △ MAG NAIL (SET)
  - ⊙ MAG NAIL (FOUND)

2002-08