

REGULATOR EASEMENT AND RIGHT OF WAY

THIS EASEMENT AND RIGHT OF WAY granted this ____ day of _____, 2011, by and between **Lexington-Fayette Urban County Government**, an urban county government pursuant to KRS 67A - - - Division of Water Quality Administration, with a current and tax year in-care of mailing address of Building 301 Lisle Industrial Avenue Lexington, Kentucky 40511, (hereinafter called Grantor), and **Columbia Gas of Kentucky, Inc.**, a Kentucky corporation, having an office and place of business at 200 Civic Center Drive, P. O. Box 117, Columbus, Ohio 43216-0117, (hereinafter called the Company).

WITNESSETH:

That for and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor grants and conveys to the Company, its successors and assigns, a twelve feet x twelve feet (12'x12') exclusive easement and right of way to construct, maintain, operate, replace and finally remove in and upon the hereinafter described parcel of land, all such pipelines, regulating, measuring, heating and other equipment of similar nature that Company may use in connection with transporting and distributing gas and/or any other similar substance or substances that can be transported through pipelines, together with a suitable structure to protect the aforesaid facilities, and the Grantor further grants the Company an easement to be utilized by the Company for ingress and egress for pedestrians, vehicles and equipment to and from the exclusive easement, together with the right to install, operate, maintain, repair, replace and remove pipelines; in addition, the Grantor further grants the right to have underground electrical and telecommunication service extended across easement to provide service to such facilities within said easement on lands situated in and known as:

1502 Russell Cave Road Lexington Kentucky and being a portion of the same property conveyed to Grantor by deed dated March 1, 1967 and recorded in Deed Book 894 Page 208 and being a portion of Lot 1 Block 7 Elkhorn Parks Subdivision Plat Cabinet C Slide 459 Fayette County Clerk's Office Lexington, Kentucky.

(See Exhibit "A")

Grantor shall not construct or permit to be constructed any house, structure, or obstruction on or over said easement area that will interfere with the construction, maintenance, operation, replacement or repair of the pipelines or appurtenances constructed hereunder.

The Company shall indemnify and hold harmless the Grantor and all of its agents, employees and/or representatives from and against all claims, damages, losses, suits and actions; including attorney's fees, arising or resulting from the installation, construction, operation, maintenance, repair, renewal, replacement or removal of said regulator facilities and pipelines on,

over, under and across said premises, unless caused by the negligence or willful misconduct of Grantor, its agents, employees and/or representatives.

TO HAVE AND TO HOLD all and singular, the Easements and Rights of Way herein granted unto Company, its successors and assigns so long as the Company or its successors and assigns, shall use the said facilities and equipment for any or all of the purposes hereinbefore set forth.

The Grantor warrants that, to the best of its knowledge, the lands encompassed by this exclusive easement have not been used as a dump site and contain no substances or materials which if disturbed would cause or threaten to cause impairment to human health or the environment.

The rights, privileges and terms hereby shall extend to and be binding upon the Grantor and the Company and their respective representatives, heirs, successors and assigns.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand the day and year first above written.

Lexington - Fayette Urban County Government

Jim Gray, MAYOR

The foregoing instrument was acknowledged before me this ____ day of _____, 2011 by **JIM GRAY** as **Mayor** of Lexington, on behalf of the City and on behalf of Lexington-Fayette Urban County Government.

COMMONWEALTH OF KENTUCKY)
) TO WIT:
COUNTY OF)

My Commission Expires:

Notary Public

THIS INSTRUMENT PREPARED BY:

JAMES A. TIPTON, Survey and Land Administrator
Columbia Gas of Kentucky, Inc.
2001 Mercer Road Lexington, Kentucky 40512

RETURN ORIGINAL TO PREPARER