

MAYOR LINDA GORTON



LEXINGTON

CHARLES MARTIN  
DIRECTOR  
WATER QUALITY

**TO:** Mayor Linda Gorton  
Urban County Council

**FROM:** Gregory S. Lubeck, P.E., Deputy Director  
Division of Water Quality

**DATE:** May 22, 2023

**SUBJECT:** RELEASE OF A PORTION OF A DRAINAGE EASEMENT 3151 MAPLELEAF DRIVE

Request

The purpose of this memorandum is to request a resolution authorizing the Mayor on behalf of the Lexington-Fayette Urban County Government to execute a release of a portion of a drainage easement at 3151 Mapleleaf Drive.

Purpose of Request

The easement is no longer needed because there are no facilities in the easement.

Project Cost in FY23

There is no cost with this request.

Project Cost Impact for Future Budget Years

There is no projected future cost.

Are Funds Budgeted

N/A.

Law Review

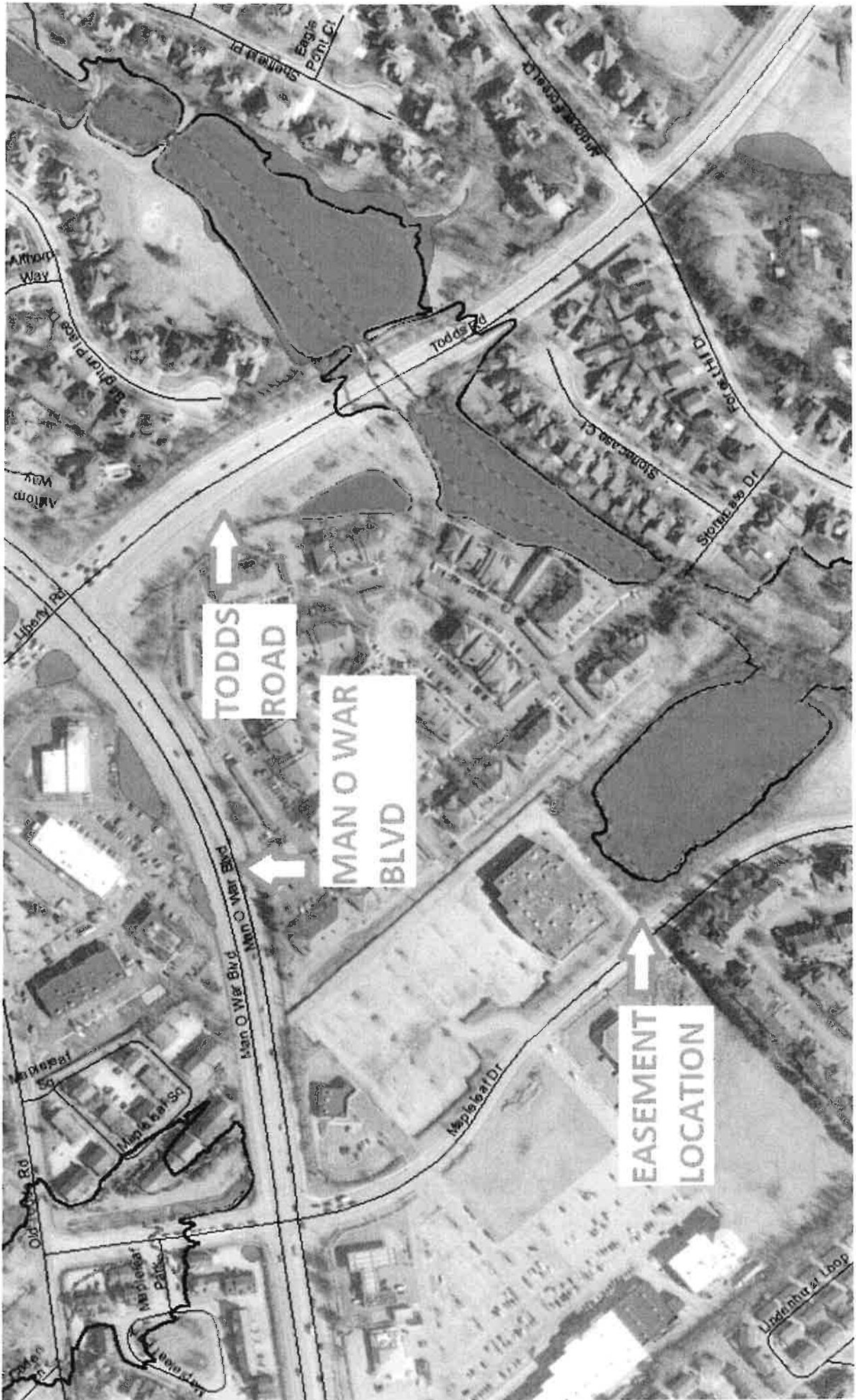
E. Thompson, 5/18/2023.

Martin/Albright

DRB

cc: Debbie R. Barnett  
Greg Lubeck, PE





## Debbie R Barnett

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**From:** Evan P Thompson  
**Sent:** Thursday, May 18, 2023 11:07 AM  
**To:** Debbie R Barnett  
**Subject:** RE: 3151 Mapleleaf DRAINAGE release request

This is fine.

**Evan P. Thompson**

*Attorney Senior*  
Department of Law

859.258.3500 office  
859.258.3538 fax  
[lexingtonky.gov](http://lexingtonky.gov)



NOTICE OF CONFIDENTIALITY

This message is intended only for the use of the individual or entity to which it is addressed and may contain confidential information that is legally privileged and exempt from disclosure under applicable law, including but not limited to, Kentucky Rule of Evidence 503. Any legal opinion provided in this electronic mail transmission is provided in the course of my legal representation of the Lexington-Fayette Urban County Government and should not be disseminated to the public. If the reader of this message is not the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, delete it from your system without copying or forwarding it, and notify the sender of the error by replying via e-mail or by calling the Department of Law at (859) 258-3500, so that our address record can be corrected. Thank you.

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**From:** Debbie R Barnett <[dbarnett@lexingtonky.gov](mailto:dbarnett@lexingtonky.gov)>  
**Sent:** Thursday, May 18, 2023 11:02 AM  
**To:** Evan P Thompson <[ethompson@lexingtonky.gov](mailto:ethompson@lexingtonky.gov)>  
**Subject:** FW: 3151 Mapleleaf DRAINAGE release request

Have I missed your response?

Debbie R. Barnett  
Engineering Technician Senior  
Division of Water Quality  
125 Lisle Industrial Avenue, Suite 180  
Lexington KY 40511  
859-367-4916  
[dbarnett@lexingtonky.gov](mailto:dbarnett@lexingtonky.gov)

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**From:** Debbie R Barnett  
**Sent:** Thursday, May 11, 2023 2:17 PM  
**To:** Evan P Thompson <[ethompson@lexingtonky.gov](mailto:ethompson@lexingtonky.gov)>  
**Subject:** RE: 3151 Mapleleaf DRAINAGE release request

Evan:

Please review the enclosed package of information for conflicts/problems with the requested RELEASE OF EASEMENT.

For your response:

Please send me a return email or simply reply to this email with your comments and approval/disapproval.

Routing:

Water Quality (Storm & Floodplain)	Doug Baldwin, PE
Water Quality (Sanitary)	Debbie R. Barnett
Environmental Services (Greenway)	Ben Cornett
Engineering (R.O.W.)	John Cassel, PE
Traffic Engineering	David Filiatreau, PE
Law Department	Evan Thompson

Thank you very much for your attention to this matter.  
Please contact me if you have any concerns/questions.

Debbie R. Barnett  
Engineering Technician Senior  
Division of Water Quality  
125 Lisle Industrial Avenue, Suite 180  
Lexington KY 40511  
859-367-4916  
[dbarnett@lexingtonky.gov](mailto:dbarnett@lexingtonky.gov)

**PARTIAL RELEASE OF DRAINAGE EASEMENT FOR PROPERTY LOCATED AT  
3151 MAPLELEAF DRIVE**

**PROPERTY OWNER: INDIGO APARTMENTS, LLC**

**KNOW THAT ALL MEN BY THESE PRESENTS.**

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, LEXINGTON FAYETTE URBAN COUNTY GOVERNMENT, 200 East Main Street, Lexington, Kentucky 40507, does hereby partially release the drainage easement located on property acquired by INDIGO APARTMENTS, LLC, a Kentucky limited liability company, with an address of 4901 Hunt Road, Suite 300, Cincinnati, Ohio 45242, by Special Warranty Deed, dated August 2, 2022, of record in Deed Book 3964, Page 6 in the Fayette County Clerk's office, located at 3151 Mapleleaf Drive, Lexington, Kentucky, and more particularly described on Exhibit C attached hereto and incorporated herein (the "Real Property"), said drainage easement previously dedicated to the undersigned via the terms of a Final Record Plat of record in the County Clerk's Office in Plat Cabinet I, Slide 317, Plat Cabinet J, Slide 622, Plat Cabinet K, Slide 585 and Plat Cabinet K, Slide 887. The undersigned hereby releases the portion of said easement described on Exhibits A and B (Exhibits for Partial Drainage Easement Releases) attached hereto and incorporated herein, but not any other portion of said easement. The released portion of the easement is further depicted on the Real Property on Exhibit D attached hereto.

PROVIDED, HOWEVER, it is understood in making this release that the Lexington-Fayette Urban County Government hereby specifically retains its right, title, and all interest in and to all other easements on the Real Property and/or as shown on the plats referenced above, unless previously released in the office of the Fayette County Clerk.

IN WITNESS WHEREOF, the undersigned does hereunto cause its corporate name to be affixed by its authorized officer, this the 3 day of July, 2023.

LEXINGTON-FAYETTE URBAN  
COUNTY GOVERNMENT

By Linda Gorton

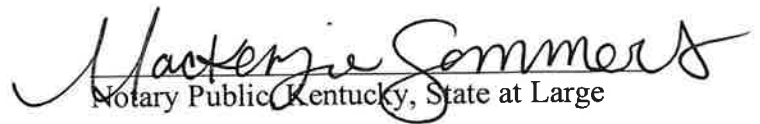
Its Mayer

COMMONWEALTH OF KENTUCKY  
COUNTY OF FAYETTE

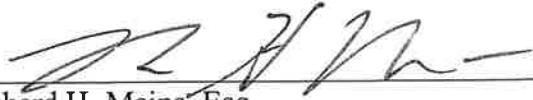
The foregoing instrument was subscribed, sworn to and acknowledged before me this the  
3 day of July, 2023 by Mayor Linda Gorton <sup>as</sup> Mayor of  
the Lexington Fayette Urban County Government.

My Commission expires 11/7/2023.

Notary ID# (if any): 635048

  
Notary Public, Kentucky, State at Large

This Instrument Prepared By:

A handwritten signature in black ink, appearing to read 'R H Mains', is written over a horizontal line.

Richard H. Mains, Esq.

ROSE GRASCH CAMENISCH MAINS PLLC

326 South Broadway

Lexington, Kentucky 40508

(859) 721-2100

**EXHIBIT A**

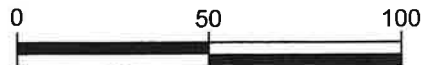
See attached.





BUILDING  
NO. 2

GRAPHIC SCALE



SCALE: 1"=50'

INDIGO APARTMENTS, LLC  
PVA: 19331880  
DB 3964, PG 65

ST GRATE  
TG: 1006.10  
INV: 996.87

CATCH BASIN  
TG: 1003.76  
INV: 995.52

CATCH BASIN  
TG: 1007.41  
INV: 997.86

24" CONCRETE  
63'

PROPOSED  
MAINTENANCE  
BUILDING

15" K.U. ESMT. & S.L.E.  
11'

HDWL  
INV: 996.06

HDWL  
INV: 990.63

15' STORM  
SEWER ESMT.

15' SANITARY SEWER ESMT.  
(DB 1505, PG 327)

MAPLELEAF DRIVE  
N 39°53'41" W  
101.90'

EXISTING DRAINAGE ESMT  
PER PLAT K/585 TO BE  
RELEASED AND  
RECONFIGURED AS SHOWN

WILKINSON LEXINGTON I, LLC  
C/O WILKINSON GROUP, INC  
DB 3666, PG 315

27" K.U. and G.T.E. ESMT.  
(DB 1307, PG 420)

S 39°53'41" E  
82.00'

15" PLASTIC  
192'  
N 48°48'05" E 349.21'  
PORTION OF DRG ESMT TO BE RELEASED  
S 48°44'42" W 192.00'

1% CHANCE  
FLOOD PLAIN

(PARK/POND)  
LFUCG FACILITIES CORP  
DB 1611, PG 204  
10.031 ACRES

STATE OF KENTUCKY  
GORDON B. STACY  
2896  
LICENSED PROFESSIONAL  
LAND SURVEYOR

LINE TABLE

Line #	Length	Direction
L1	47.51'	S 39°53'41" E
L2	99.71'	S 67°18'16" W
L3	63.00'	S 48°56'55" W
L4	5.79'	N 41°15'18" W
L5	10.11'	N 39°53'41" W

CURVE TABLE

Curve #	Length	Radius	Delta	Chd Length	Chd Bearing
C5	18.00'	530.00'	001°56'45"	18.00'	N 40°13'32" W



P.O. BOX 481 LEXINGTON, KY 40588  
(859) 785-0383  
CIVIL DESIGN, LAND SURVEYING,  
GEOTECHNICAL ENGINEERING, DRILLING SERVICES,  
IBC SPECIAL INSPECTIONS, MATERIAL TESTING,  
CM-CEI-CONSTRUCTION SERVICES

EXHIBIT "A" FOR  
PARTIAL DRAINAGE  
EASEMENT RELEASE

MAPLELEAF AMC

DATE: 7-15-2022  
SCALE: 1"=50'  
DRAWN BY: CLG  
CHECKED: FE  
SHEET:

## EXHIBIT B

### Exhibit For Partial Drainage Easement Release

#### Mapleleaf AMC

STARTING at an iron pin at the southeast corner of the AMC property, said corner being in the northeastern right-of-way of Mapleleaf Drive; thence with a Chord Bearing of curve C5, N 40° 13' 32" W, Chd. Length 18.00 ft., Radius of 530.00 ft. to an iron pin; thence with the northeastern right-of-way of Mapleleaf Drive, N 39° 53' 41" W, 101.90 ft. to the real point of beginning.

BEGINNING at the southeastern corner of the Portion of the Drainage Easement; thence with northeastern right-of-way of Mapleleaf Drive, N 39° 53' 41" W, 10.11 ft. to a point; thence leaving the right-of-way of Mapleleaf Drive N 48° 48' 05" E, 349.21 ft. to the northeastern property line of AMC; thence with the northeastern property line of AMC, S 39° 53' 41" E, 47.51 ft. to the northeastern corner of the portion of said easement; thence leaving the property line and following the southeastern side of the Drainage Easement for four (4) calls:

S 67° 18' 16" W, 99.71 ft. to a point; thence  
S 48° 56' 55" W, 63.00 ft. to a point; thence  
N 41° 15' 18" W, 5.79 ft. to a point; thence  
S 48° 44' 42" W, 192.00 ft. to the point of

BEGINNING, containing 5,890.84 square feet.

## **EXHIBIT C**

### Description of Real Property

Being all of Lot 4 as shown on the Major Amended Final Record Plat Mapleleaf Subdivision Unit-1 Lot 4 and 4A of record in Plat Cabinet J, Slide 622, in the Fayette County Clerk's office; to which plat reference is hereby made to a more particular description of said property; and designated as 3151 Mapleleaf Drive, Lexington, Fayette County, Kentucky 40509.

Being the same property acquired by Indigo Apartments, LLC, a Kentucky limited liability company, from American Multi-Cinema, Inc., a Missouri corporation, by Special Warranty Deed, dated August 2, 2022, of record in Deed Book 3964, Page 65, in the Fayette County Clerk's office.

**EXHIBIT D**

See attached.