

Debbie R Barnett

From: Michael Cravens
Sent: Friday, October 8, 2021 4:40 PM
To: Debbie R Barnett; Ben Cornett; Doug Baldwin; John Cassel; Stephen Parker (TE)
Subject: RE: 3891 Real Quiet release AND encroachment request

Debbie,

I have reviewed this partial release of sanitary sewer easement and encroachment agreement for a pool, pool deck, and wrought iron fence. No legal issues if we are willing to agree to the release/encroachment.

Michael Cravens
Attorney Senior
Department of Law

859.258.3500
MCravens@lexingtonky.gov
lexingtonky.gov



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From: Debbie R Barnett <dbarnett@lexingtonky.gov>
Sent: Monday, October 4, 2021 9:09 AM
To: Ben Cornett <jcornett@lexingtonky.gov>; Debbie R Barnett <dbarnett@lexingtonky.gov>; Doug Baldwin <dbaldwin@lexingtonky.gov>; John Cassel <jcassel@lexingtonky.gov>; Michael Cravens <mcravens@lexingtonky.gov>; Stephen Parker (TE) <sparker@lexingtonky.gov>
Subject: 3891 Real Quiet release AND encroachment request

RELEASE OF EASEMENT **AND** ENCROACHMENT ROUTING

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

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

PARTIAL RELEASE OF SANITARY SEWER EASEMENT

THIS PARTIAL RELEASE OF SANITARY SEWER EASEMENT (this "Release"), is made and entered into this ____ day of _____, 2021, by (i) LEXINGTON – FAYETTE URBAN COUNTY GOVERNMENT, an urban county government pursuant to KRS 67A, having a mailing address of 200 East Main Street, Lexington, Kentucky 40507 (the "LFUCG"), in favor of (ii) ANDREW RICHARD JARVIS, an unmarried person, having a mailing address of 3891 Real Quiet Lane, Lexington, Kentucky 40509 (the "Owner").

WITNESSETH:

WHEREAS, through that Final Record Plat of the Thomas Communications Subdivision, Unit 1-C, of record in Plat Cabinet N, Slide 616, in the Fayette County Clerk's Office (the "Plat"), the LFUCG acquired a sanitary sewer easement (the "Easement"), over certain real property located in Lexington, Fayette County, owned by the Owner and more particularly described as follows, to-wit:

Parcel 1:

Being all of Lot No. 53, Unit 1-C, of the Thomas Communications Subdivision to the City of Lexington, Fayette County, Kentucky, as shown by plat thereof of record in Plat Cabinet N, Slide 616, in the Fayette County Clerk's Office; and the improvements thereon being known and designated as 3891 REAL QUIET LANE.

BEING the same property conveyed to Andrew Richard Jarvis, unmarried, by Southern Luxury Homes, LLC, a Kentucky limited liability company, through deed dated August 26, 2020, of record in Deed Book 3778, Page 9, in the Fayette County Clerk's Office.

Parcel 2:

BEING all of Parcel No. 9 (consisting of 0.01 acres), as shown by that Consolidation and Amended Minor Subdivision Plat of Thomas Communications, Inc. (Walnut Grove Estates), Unit 1-C (Lots 40, 51-53, 66 & 67), in Lexington, Fayette County, Kentucky, of record in Plat Cabinet S, Slide 179, in the Fayette County Clerk's Office; and

BEING a portion of the same property conveyed to Andrew Richard Jarvis, by JJK-Thomas, LLC, a Kentucky limited liability company, through deed dated July 30, 2021, of record in Deed Book 3864, Page 510, in the Fayette County Clerk's Office.

WHEREAS, certain portions of the Easement are no longer required by the LFUCG as to the above-described property, and the LFUCG desires to release and extinguish its interest in and to such portions of the Easement

NOW THEREFORE, for and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the LFUCG hereby releases unto the Owner all of its right, title and interest in and to that portion of the Easement more particularly described as follows:

COMMENCING AT A POINT in the northeast corner of 3891 Real Quiet Lane (Lot 53), also being a corner to 3917 Real Quiet Lane as shown on plat of record in the Fayette County Clerk's office in Plat Cabinet S, Slide 179, thence North 81 degrees 52 minutes 30 seconds West, 52.92 feet to the **TRUE POINT OF BEGINNING**; Thence through the land of 3891 Real Quiet Lane for three (3) calls; North 81 degrees 52 minutes 30 seconds West, 15.20 feet to a point; thence North 01 degrees 07 minutes 32 seconds West, 9.71 feet to a point in the existing sanitary sewer easement; thence with said easement North 88 degrees 52 minutes 28 seconds East, 11.45 feet to a point on the line of 3891 and 3917 Real Quiet Lane; thence with said line South 81 degrees 52 minutes 30 seconds East, 3.60 feet to a point; thence leaving said line and through the land of 3891 Real

Quiet lane South 01 degrees 07 minutes 32 seconds East, 11 57 feet to the TRUE POINT OF BEGINNING and containing 0 004 acres (163 square feet, and hereinafter referred to as the "Portion of the Easement to be Released").

It is the intention of the LFUCG to forever extinguish its interest in and to the Portion of the Easement to be Released described hereinabove, and the Owner, its successors and assigns forever, shall hereafter have and enjoy the Portion of the Easement to be Released free and discharged from the interests of the LFUCG as to the Portion of the Easement to be Released; provided, however, that this Release shall not extinguish the interest of the LFUCG in the remaining easements created and depicted on the Plat other than that portion specifically described above

In accepting this Release, the Owner hereby releases and discharges the LFUCG, its successors and assigns, from and against any and all losses, damages and liabilities, and from any and all claims for damages on account of or by reason of bodily injury, including death, which may be sustained or claimed to be sustained by any person, caused by or arising out of or claimed to have been caused by or from any and all of the LFUCG's easement being released

All of the remaining terms and provisions of the Easement not inconsistent with the terms of this Release shall remain in full force and effect.

TO HAVE AND TO HOLD the Portion of the Easement to be Released hereby surrendered and discharged from the operation of the Easement unto the Owner and its successors and assigns, forever free and clear of the estate heretofore created by the Easement.

IN WITNESS WHEREOF, the LFUCG has hereunto executed this Partial Release of Easement on this the day and year first above written.

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, an urban county government

BY: Linda Gorton
LINDA GORTON, MAYOR

STATE OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing Partial Release of Easement was acknowledged before me on this the 1st day of December, 2021, by Linda Gorton, as the Mayor of the Lexington-Fayette Urban County Government, an urban county government pursuant to KRS 67A, on behalf of said government.

My Commission Expires: 11/7/2023

Mackenzie Stock
Printed Name: Mackenzie Stock
NOTARY PUBLIC, KY, STATE AT LARGE
Notary ID# 628048

THIS INSTRUMENT
PREPARED BY:

[Signature]
GLENN A HOSKINS
GLENN A HOSKINS, P S C
1077 Eastland Drive
P O. Box 55254
Lexington, Kentucky 40555
(859) 231-1077

GAH/211249pd/gh

EA Partners, PLLC

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

EXHIBIT "A"

June 2, 2021

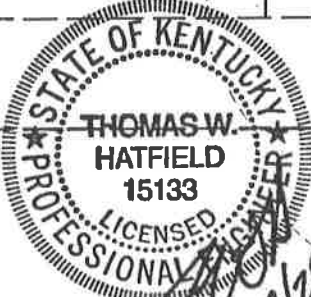
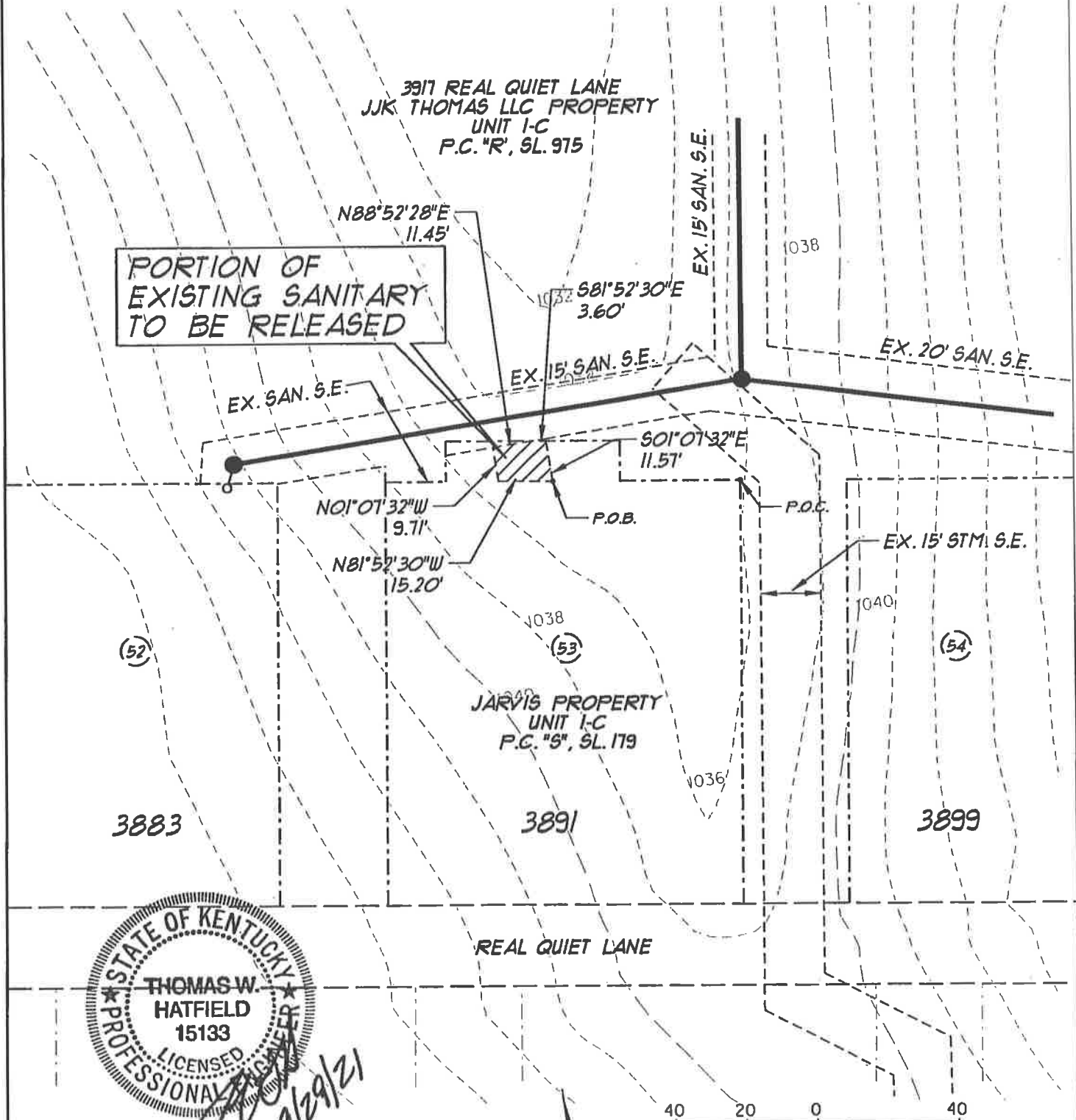
Legal Description
Sanitary Sewer Release
3891 Real Quiet Lane
Lexington, Fayette County, Kentucky

COMMENCING AT A POINT in the northeast corner of 3891 Real Quiet Lane (Lot 53), also being a corner to 3917 Real Quiet Lane as shown on plat of record in the Fayette County Clerk's office in P.C. "S", Slide 179, thence North 81 degrees 52 minutes 30 seconds West, 52.92 feet to the **TRUE POINT OF BEGINNING**; Thence through the land of 3891 Real Quiet Lane for three (3) calls; North 81 degrees 52 minutes 30 seconds West, 15.20 feet to a point; thence North 01 degrees 07 minutes 32 seconds West, 9.71 feet to a point in the existing sanitary sewer easement; thence with said easement North 88 degrees 52 minutes 28 seconds East, 11.45 feet to a point on the line of 3891 and 3917 Real Quiet Lane; thence with said line South 81 degrees 52 minutes 30 seconds East, 3.60 feet to a point; thence leaving said line and through the land of 3891 Real Quiet lane South 01 degrees 07 minutes 32 seconds East, 11.57 feet to the **TRUE POINT OF BEGINNING** and containing 0.004 acres (163 square feet).



PREPARED BY:
THOMAS W. HATFIELD
PLS # 3547

PARENT DOCUMENTS: PLAT CABINET "S", SLIDE 179
DEED BOOK 3778, PG. 9
DEED BOOK 3864, PG. 510



THW
9/29/21

EA Partners, PLLC



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EXHIBIT "B"
SANITARY SEWER EASEMENT RELEASE
ANDREW RICHARD JARVIS
3891 REAL QUIET LANE
LEXINGTON, FAYETTE COUNTY, KENTUCKY
JULY 2021