

R-355-2025
Deed # 8628

MAYOR LINDA GORTON



LEXINGTON

CHARLES H. MARTIN, P.E.
DIRECTOR
WATER QUALITY

TO: Mayor Linda Gorton
Urban County Council

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

DATE: June 23, 2025

SUBJECT: PARTIAL RELEASE OF A UTILITY EASEMENT AT 1109-1113 COMMERCIAL 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 partial release of a utility easement at 1109-1113 Commercial Drive.

Purpose of Request

The easement is no longer needed.

Project Cost in FY25

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, 05/28/2025.

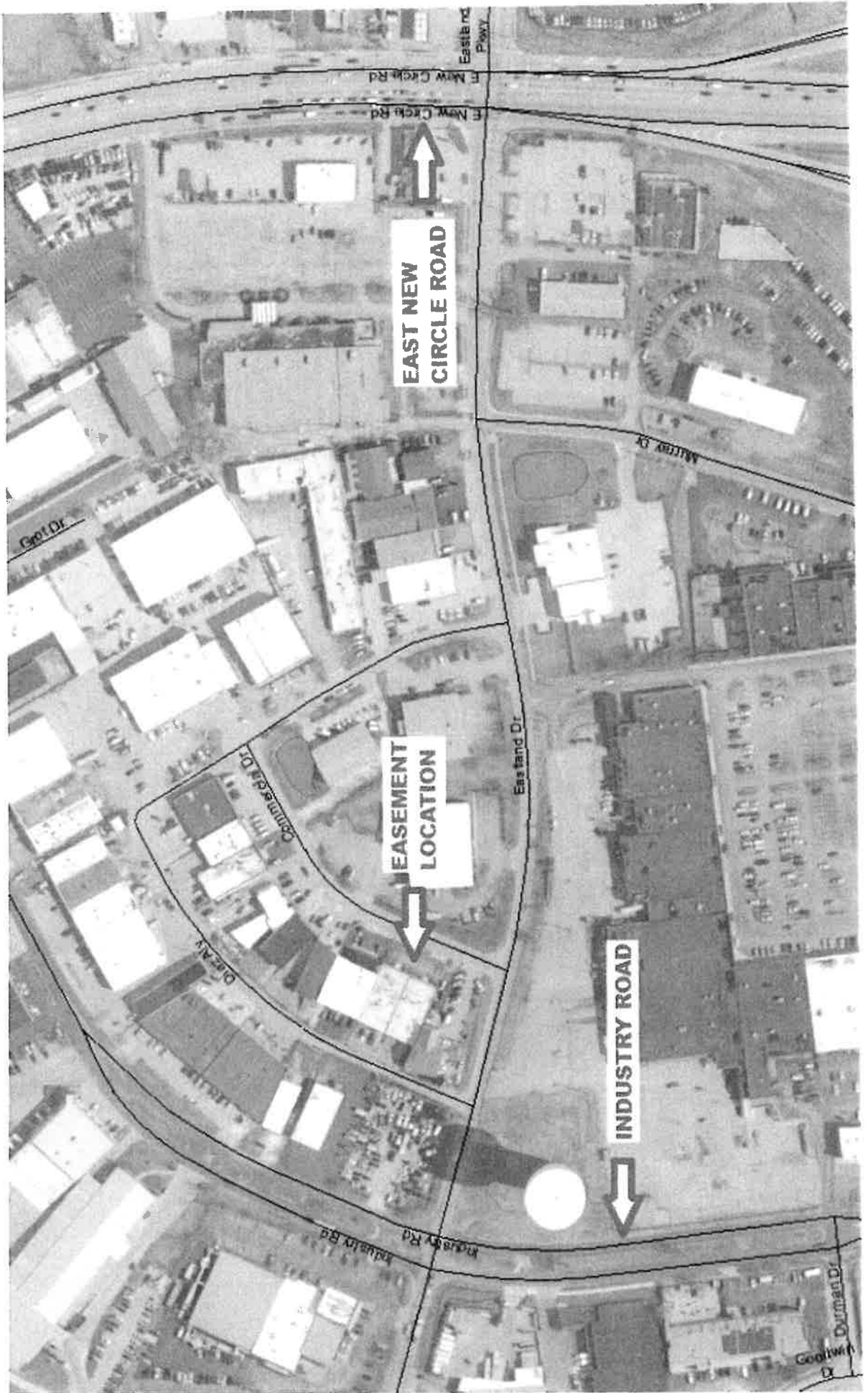
Martin/Albright

DRB

cc: Debbie R. Barnett

Gregory Lubeck, PE





Debbie R Barnett

From: Evan P Thompson
Sent: Friday, June 6, 2025 8:30 AM
To: Debbie R Barnett
Subject: RE: 1109-1113 Commercial release request

This is okay.

Evan P. Thompson
Acting Managing Attorney
Department of Law

859.258.3500 office
859.258.3538 fax
lexingtonky.gov



1775-2025

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.

From: Debbie R Barnett <dbarnett@lexingtonky.gov>
Sent: Thursday, June 5, 2025 2:14 PM
To: Ben Cornett <jcornett@lexingtonky.gov>; David Filiatreau <dfiliatreau@lexingtonky.gov>; Debbie R Barnett <dbarnett@lexingtonky.gov>; Doug Baldwin <dbaldwin@lexingtonky.gov>; Evan P Thompson <ethompson@lexingtonky.gov>; John Cassel <jcassel@lexingtonky.gov>
Subject: 1109-1113 Commercial release request

RELEASE OF EASEMENT ROUTING

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

THIS INSTRUMENT PREPARED BY:



Hunter B. Rouse, Esq.
Dentons Bingham Greenebaum LLP
300 West Vine Street, Suite 1300
Lexington, Kentucky 40507
Phone: (859) 288-4657
hunter.rouse@dentons.com

PARTIAL RELEASE OF UTILITY EASEMENT

THIS PARTIAL RELEASE OF UTILITY EASEMENT is made and entered into this ____ day of _____, 2025, by **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, a Kentucky urban county government created pursuant to KRS Chapter 67A, with a mailing address of 200 East Main Street, Lexington, Kentucky 40507 (“Grantor”), in favor of **CJMM INVESTMENTS, LLC**, a Kentucky limited liability company, with a mailing address of 340 Queensway Drive, Lexington, Kentucky 40502 (“Grantee”).

WHEREAS, Grantee is the owner of property located in Lexington, Fayette County, Kentucky, more particularly described as follows, to-wit (the “Property”):

Being all of Lot Nos. 46, 47, 48 and 49, Block B, Unit 2 of the EASTLAND Subdivision, Lexington, Fayette County, Kentucky, as shown on the plat of record in Plat Cabinet C, Slide 310, in the Fayette County Clerk's Office; being known and designated as 1109-1113 Commercial Drive.

Being the same property acquired by Grantee by Deed dated December 1, 2017, of record in Deed Book 3543, Page 550, in the Fayette County Clerk's Office.

WHEREAS, there is an easement for utilities approximately 12 feet wide that straddles the property line between Lots 48 and 49, as created by and shown on the plat of record in Plat Cabinet C, Slide 310 (“Plat”), in the aforesaid clerk's office, a portion of which the Grantee requires to be released.

NOW, THEREFORE AND IN CONSIDERATION of the sum of One and 00/100 Dollars (\$1.00), the receipt of all of which is hereby acknowledged, the Grantor does hereby forever release unto Grantee, its successors and assigns forever, all of its right, title and interest in and to that portion of the utility easement shown on Exhibit “A” and more particularly described by metes and bounds description on Exhibit “B”.

PROVIDED, HOWEVER, the Grantor hereby specifically retains its right, title and all interest held by Grantor in and to all other easements on the Property and/or as shown on the Plat.

IN WITNESS WHEREOF, the Grantor has caused its name to be subscribed this the day and year first above written.

**LEXINGTON-FAYETTE URBAN COUNTY
GOVERNMENT**, a Kentucky urban county
government created pursuant to KRS Chapter 67A

By: Linda Gorton
Print Name: Linda Gorton
Its: Mayer
Date Signed: 7/3/2025

COMMONWEALTH OF KENTUCKY)
COUNTY OF FAYETTE)

The foregoing instrument was acknowledged before me this the 3rd day of July, 2025, by Linda Gorton, as Mayer of **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, a Kentucky urban county government created pursuant to KRS Chapter 67A.

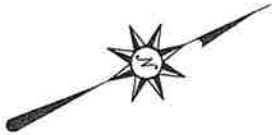
[Seal/Stamp]

Mackenzie Stock
Print Name: Mackenzie Stock
NOTARY PUBLIC, KENTUCKY
STATE AT LARGE
My Commission Expires: 11/20/2027
Notary ID No.: KYNP82853

EXHIBIT "A"

(See Attached)

***NOTE:**
THE ORIGINAL U.E. AS
DEPICTED ON THE
PARENT DOCUMENT IS
OF UNSPECIFIED
WIDTH. THE EASEMENT
WAS SCALED FROM
THE PARENT
DOCUMENT IN ORDER
TO CREATE A
MATHEMATICAL
DESCRIPTION.
IT IS THE INTENT OF
THIS DOCUMENT TO
DEPICT FOR RELEASE
THE EASEMENT
PORTION IN ITS
ENTIRETY.



LINE	BEARING	DISTANCE
L1	N 65°45'21" W	142.05'
L2	S 24°22'47" W	12.00'
L3	S 65°45'21" E	142.11'
L4	N 24°06'05" E	12.00'

DIAZ ALLEY
25' R/W
P.C. C, SLD 310

TWO STORY
FRAME
BUILDING

SINGLE
STORY
BRICK
BUILDING

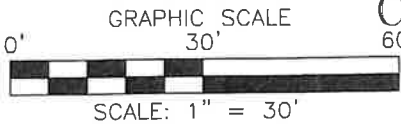
*AREA OF U.E.
RELEASE

1225 EASTLAND DR.
BATAL INC
D.B. 2607, PG. 313
EASTLAND SUBDIVISION
UNIT 2, BLOCK B
LOTS 43-45
P.C. H, SLD. 777
ZONE: B-4
PVA ID:15493650

1119 COMMERCIAL DR.
ALE FIVE LLC
D.B. 3286, PG. 64
EASTLAND SUBDIVISION
UNIT 2, BLOCK B
LOTS 50-52
P.C. C, SLD. 310
ZONE: B-4
PVA ID:10336900

SUBJECT PARCEL DATA
1109 COMMERCIAL DR.
CJMM INVESTMENTS, LLC
D.B. 3543, PG. 550
EASTLAND SUBDIVISION
UNIT 2, BLOCK B
LOTS 46-49
P.C. C, SLD. 310
ZONE: B-4
PVA ID:10482850

REFERENCE LINE
S 24°06'05" W
18.99'



COMMERCIAL DRIVE
50' R/W
P.C. C, SLD 310

POINT OF
BEGINNING

PARENT DOCUMENT:
UNIT 2, BLOCK B,
LOTS 48 & 49
EASTLAND SBDIVISION
PLAT CABINET C, SLIDE
310



Water Resources, Civil Engineering, Geotechnical, Land Surveying,
Materials Testing, and Construction Inspection Consultants
128 E. Reynolds Road Suite 150, Lexington, KY 40517
Ph.(859) 333-8015 - Fax: (859) 523-0095
www.visionengr.com

EXHIBIT "A"
UNDERGROUND UTILITY EASEMENT RELEASE
UNIT 2, BLOCK B, LOTS 48 & 49
EASTLAND SUBDIVISION
1109 COMMERCIAL DR., LEXINGTON, KY

DATE: 9/30/2020

DRN BY: RBN

CKD BY: RBN

REV. #: 3 10/5/2020

EXHIBIT "B"

Underground Utility Easement Release
1109 Commercial Drive
Unit 2, Block B, Lots 48 & 49
Eastland Subdivision
Plat Cabinet C, Slide 310

Beginning at a point 25.00 feet from the centerline and on the western Right-of-Way line of Commercial Drive as depicted on plat of Unit 2, Block B of Eastland Subdivision of record at Plat Cabinet C, Slide 310 of the Fayette County Clerk's record; said point being South 24° 06' 05" West 18.99 feet from a set 2" Mag-Nail with washer stamped "VISION PLS 3674", the southeast corner of Lot 50 of said Eastland Subdivision as conveyed to Ale Five, LLC in Deed Book 3286, Page 64; thence with the northern line of an existing utility easement for one (1) call:

1. North 65° 45' 21" West 142.05 feet passing under an existing single story brick building to a point on the western exterior wall line of said building; thence with said wall line for one (1) call:
2. South 24° 22' 47" West 12.00 feet to a point on said wall line and on the southern line of said existing utility easement; thence with said southern line, passing under said existing building for one (1) call:
3. South 65° 45' 21" East 142.11 feet to a point 25.00 feet from the centerline and on the western Right-of-Way line of Commercial Drive; thence with said western Right-of-Way line for one (1) call:
4. North 24° 06' 05" East 12.00 feet to the Point of Beginning.

The above described being derived from a field survey conducted under the direction of Richey B. Newton, PLS with Vision Engineering, LLC, located at 128 East Reynolds Road, Lexington, KY 40517 dated 3 April, 2017.

This being a portion of the property conveyed to CJMM Investments, LLC in Deed Book 3543, Page 550 of the Fayette County Clerk's records.