

PERMANENT AND TEMPORARY GRANT OF EASEMENT

This **PERMANENT AND TEMPORARY GRANT OF EASEMENT** is made and entered into this 31 day of OCTOBER 2018, by and between **BEN LEE HEK (a/k/a BEN L. HEK, JR.), a married person, d/b/a as HEK GLASS**, 1050 Floyd Drive, Lexington, Kentucky 40505, ("Grantor"), which is the in-care of tax mailing address for the current year, and the **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky 40507 ("Grantee");

WITNESSETH:

That for and in consideration of **THREE THOUSAND FIFTEEN DOLLARS AND 33 CENTS (\$3,015.33)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor has **BARGAINED** and **SOLD** and does hereby **GIVE, GRANT** and **CONVEY** unto the Grantee, its successors and assigns, the permanent right to lay, install, construct, operate, repair, reconstruct and remove a sanitary sewer line and other related improvements and appurtenances thereto, which storm sewer line and appurtenances shall be of such dimension, character, construction and use determined by Grantee, along, through, under and across the following tract of land located in the confines of Lexington, Fayette County, Kentucky, depicted on Exhibit "A" attached hereto, and more particularly described as follows:

Permanent Easement
Floyd Drive Sanitary Sewer Improvement Project
(a portion of 1050 Floyd Drive)

Commencing at the northeast corner of Lot 9, Unit 2 of the East Lexington Industrial Park as shown by plat of record in Plat Cabinet K, Slide 853, Fayette County Clerk, Lexington, Kentucky; thence with the South right-of-way line of Floyd

Charles E. Edwards, III
LFUCG Department of Law
200 E. Main Street, 11th Floor
Lexington, Ky. 40507

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Drive, South 60 Degrees 29 Minutes 29 Seconds W 19.08 feet to a point; thence leaving the South right-of-way line and crossing Lot 9, South 29 Degrees 30 Minutes 31 Seconds E 20.00 feet to a point, said point being the True Point of Beginning of the Additional Permanent Easement, said point being in the south edge of an existing 20 foot building line and sanitary sewer easement; thence with the easement line South 60 Degrees 29 Minutes 29 Seconds West 21.53 feet (L1) to a point; thence leaving the easement line South 16 Degrees 20 Minutes 06 Seconds West 9.44 feet (L2) to a point; thence South 29 Degrees 46 Minutes 57 Seconds East 195.08 feet (L3) to a point; thence South 30 Degrees 47 Minutes 07 Seconds West 104.82 feet (L4) to a point, said point being on the north edge of the existing sanitary sewer easement; thence with the easement line, North 60 Degrees 14 Minutes 10 Seconds East 28.24 feet (L5) to a point, said point being on the easement line; thence leaving the easement line, North 31 Degrees 30 Minutes 07 Seconds East 89.00 feet (L6) to a point; thence North 29 Degrees 50 Minutes 58 Seconds West 196.92 feet (L7) to a point; thence North 15 Degrees 39 Minutes 37 Seconds East 19.04 feet (L8) to the TRUE POINT OF BEGINNING; and,

The above described parcel contains 0.104 acres (4,523.23 sq. ft.) of permanent easement; and,

Being a portion of the same property conveyed to Ben Lee Hek (a/k/a Ben L. Hek, Jr.), a married person by Deed dated July 9, 1999, of record in Deed Book 2065, Page 348, in the Fayette County Clerk's Office.

FURTHER, for and in consideration of the foregoing sum, the receipt and sufficiency of which is hereby acknowledged, Grantor has **BARGAINED** and **SOLD** and does hereby **GIVE, GRANT** and **CONVEY** unto the Grantee, its successors and assigns, the temporary right to excavate, grade, construct, alter, regrade and perform related work for the purpose of sanitary sewer construction, installation and relocation through and across the following tract of land located within the confines of Lexington, Fayette County, Kentucky, depicted on Exhibit "A" attached hereto, and more particularly described as

follows:

Temporary Construction Easement-Area 'B'
Floyd Drive Sanitary Sewer Improvement Project
(a portion of 1050 Floyd Drive)

Commencing at the northeast corner of Lot 9, Unit 2 of the East Lexington Industrial Park as shown by plat of record in Plat Cabinet K, Slide 853, Fayette County Clerk, Lexington, Kentucky; thence with the south right-of-way line, South 60 Degrees 29 Minutes 29 Seconds West 19.08 feet to a point; thence leaving the south right-of-way line and crossing Lot 9 South 29 Degrees 30 Minutes 31 Seconds East 20.00 feet to a point, said point being the True Point of Beginning of the Temporary Construction Easement Area 'B', said point being in the south edge of an existing 20 foot building line and sanitary sewer easement; thence with the south edge of the right-of-way line, North 60 Degrees 29 Minutes 29 Seconds East 6.47 feet to a point; thence leaving the right-of-way line South 15 Degrees 58 Minutes 34 Seconds West 20.60 feet; thence South 29 Degrees 21 Minutes 16 Seconds East 198.38 feet to a point; thence South 29 Degrees 45 Minutes 22 Seconds West 79.41 feet to a point, said point being on the North edge of the existing sanitary sewer easement; thence with the easement line South 60 Degrees 14 Minutes 10 Seconds West 13.16 feet to a point; thence leaving the easement line North 31 Degrees 30 Minutes 07 Seconds East 89.00 feet (L6) to a point; thence North 29 Degrees 50 Minutes 58 Seconds West 196.92 feet (L7) to a point; thence North 15 Degrees 39 minutes 37 Seconds East 19.04 feet (L8) to the TRUE POINT OF BEGINNING of the Temporary Construction Easement Area 'B'; and,

The above described parcel contains 0.032 acres (1,401.82 sq. ft.) of temporary construction easement; and,

Being a portion of the same property conveyed to Ben Lee Hek (a/k/a Ben L. Hek, Jr.), a married person by Deed dated July 9, 1999, of record in Deed Book 2065, Page 348, in the Fayette County Clerk's Office.

Temporary Construction Easement-Area 'C'
Floyd Drive Sanitary Sewer Improvement Project
(a portion of 1050 Floyd Drive)

Commencing at the northeast corner of Lot 9, Unit 2 of the East Lexington Industrial Park as shown by plat of record in Plat Cabinet K, Slide 853, Fayette County Clerk, Lexington, Kentucky; thence with the South right-of-way line, South 60 Degrees 29 Minutes 29 Seconds West 40.61 feet to a point; thence leaving the South right-of-way line and crossing Lot 9, South 29 Degrees 30 Minutes 31 Seconds East 20.00 feet to a point, said point being the True Point of Beginning of the Temporary Easement Area 'C', said point being in the south edge of an existing 20 foot building line and sanitary sewer easement; thence with the South edge of the right-of-way line South 60 degrees 29 Minutes 29 Seconds West 10.77 feet to a point; thence leaving the right-of-way line, South 30 Degrees 15 Minutes 13 Seconds West 6.97 feet to a point; thence South 29 Degrees 27 Minutes 03 Seconds East 191.65 feet to a point; thence South 30 Degrees 12 Minutes 55 Seconds West 116.08 feet to a point, said point being on the north edge of the existing sanitary sewer easement; thence with the easement line, North 60 Degrees 14 Minutes 10 Seconds East 20.34 feet to a point; thence North 30 Degrees 47 Minutes 07 Seconds East 104.82 feet (L4) to a point; thence North 29 Degrees 46 Minutes 57 Seconds W 195.08 feet (L3) to a point; thence North 16 Degrees 20 Minutes 06 Seconds East 9.44 feet (L2) to the TRUE POINT OF BEGINNING of the Temporary Easement Area 'C'; and,

The above described parcel contains 0.075 acres (3,280.90 sq. ft.) of permanent easement; and,

Being a portion of the same property conveyed to Ben Lee Hek (a/k/a Ben L. Hek, Jr.), a married person by Deed dated July 9, 1999, of record in Deed Book 2065, Page 348, in the Fayette County Clerk's Office.

TO HAVE AND TO HOLD the above-described easements together with all rights, privileges, appurtenances and improvements thereunto belonging unto Grantee, its successors and assigns forever, for the purposes and uses herein designated.

The above-described temporary construction easement runs with the land for the duration of the improvement project and is binding upon the successors and assigns of the Grantor. The above-described permanent easement runs with the land in perpetuity and is

binding upon the successors and assigns of the Grantor. The temporary construction easement shall take effect upon the commencement of construction of the project and will expire upon completion of the project.

Grantor does hereby release and relinquish unto Grantee, its successors and assigns, forever, all of his right, title and interest in and to the property to the extent of the interests conveyed herein, including all exemptions allowed by law, and does hereby covenant to and with the Grantee, its successors and assigns forever, that he is lawfully seized in fee simple of said property and has good right to sell and convey the easements as herein done, and that he will **WARRANT GENERALLY** said title.

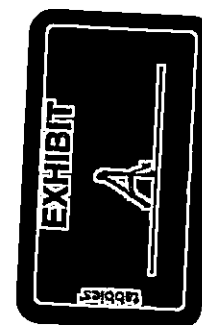
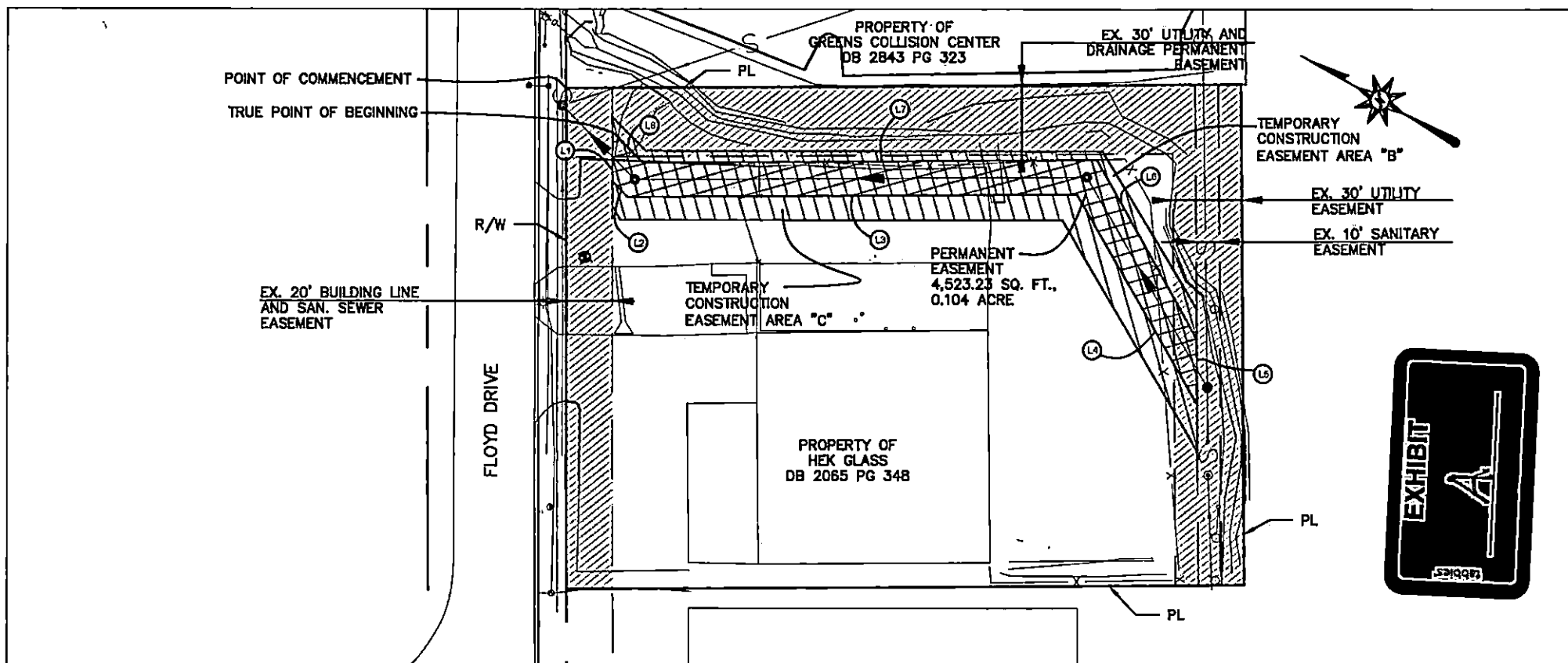
Grantor shall have the full right to use the surface of the land lying over said permanent easement for any purpose desired, provided such use will not interfere with the Grantee's free use of the easement herein granted and provided further that no building or structure shall be erected upon, across, over or through said permanent easement without the prior written consent of the Grantee.

The obtaining this easement was authorized by Resolution No. 498-2018 passed by the Lexington-Fayette Urban County Council on August 30, 2018. Pursuant to KRS 382.135(2)(a), this public utility easement is exempt from the requirements related to certificate of consideration. This conveyance is exempt from real estate transfer tax pursuant to KRS 142.050.

IN TESTIMONY WHEREOF, the Grantor has signed this Deed of Easement, this day and year first above written.

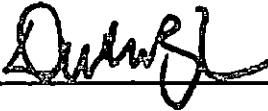
BY:

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LINE LEGEND			<p>VICINITY MAP NOT TO SCALE</p>			EASEMENT NUMBER 557-3	
LINE	BEARING	DISTANCE					
L1	S 60° 29' 29" W	21.53'		SURVEYOR:		CLIENT: LFUCG 200 EAST MAIN STREET LEXINGTON, KENTUCKY 40507	
L2	S 16° 20' 06" W	9.44'		JAMES K. ROBERTS, PE, PLS			
L3	S 29° 46' 57" E	195.08'		DATE:		OWNER: HEK GLASS 1050 FLOYD DRIVE LEXINGTON, KENTUCKY 40505	
L4	S 30° 47' 07" W	104.82'		JULY 31, 2018			
L5	N 60° 14' 10" E	28.24'		SCALE:			TITLE: FLOYD DRIVE SANITARY SEWER REPLACEMENT CONTRACT 557-18-
L6	N 31° 30' 07" E	89.00'		1"=50'			
L7	N 29° 50' 58" W	196.92'					
L8	N 15° 39' 37" E	19.04'	FIRM:				
				BELL ENGINEERING 2480 FORTUNE DRIVE, SUITE 350 LEXINGTON, KENTUCKY 40509			

I, Donald W Blevins Jr, County Court Clerk
of Fayette County, Kentucky, hereby
certify that the foregoing instrument
has been duly recorded in my office.



By: MELISSA STELTER ,dc

201811010086

November 1, 2018

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Fees	\$29.00	Tax	\$.00
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Total Paid	\$29.00
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