

DEED OF EASEMENT

This **DEED OF EASEMENT** (this "Easement") is made and entered into this 6 day of December, 2018, by and between **LEXMARK INTERNATIONAL, INC., a Delaware Corporation**, 740 West New Circle Road, Building 082, Lexington, Kentucky 40550 ("Grantor"), which is also 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");

W-I-T-N-E-S-S-E-T-H

That for and consideration of **FIVE HUNDRED SIXTY-EIGHT DOLLARS AND 25/100 CENTS (\$568.25)** 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, construct, operate, repair, reconstruct and remove sanitary sewer improvements and appurtenances thereto, which sanitary sewer improvements and appurtenances shall be of such dimension, character, construction and use as determined by Grantee, along, through, under and across the following tract of land (the "Property") located in the confines of Lexington-Fayette County, Kentucky, and more particularly described as follows:

**Permanent Sanitary Sewer
Easement (a portion of 740
W. New Circle Road) KY 4
New Circle Road Sanitary
Sewer Relocation Project
Parcel
No.
50A**

A certain parcel of land located in Fayette County, Kentucky along New Circle Road (KY 4) approximately 325 feet west from the intersection of New Circle Road and Boardwalk,

Charles E. Edwards, III

LFUCG Department of Law
200 East Main Street, 11th
Floor Lexington, Kentucky
40507

lying on the south side of New Circle Road, and being more particularly described as follows:

Beginning at a point in the south right-of-way of New Circle Road (KY 4), common with Morehead Company Inc., (Parcel 55); thence with the right-of-way, South 81°10'46" East 162.77 feet, to the POINT OF BEGINNING; thence through the lands of Lexmark International, Inc., North 86°52'42" West 50.35 feet, to a point; thence North 81°10'46" West 192.19 feet to a point common with an existing sanitary sewer easement; thence with the existing sanitary sewer easement; North 49°25'51" East 6.59 feet, to a point in the New Circle Road (KY 4) right-of-way; thence with said right-of-way, South 81°10'46" East 238.01 feet, the POINT OF BEGINNING, containing approximately 0.025 Acres (1,076 square feet); and,

Being a portion of the same property conveyed to IBM Information Products Corporation, a Delaware corporation, (now known as Lexmark International, Inc., as evidenced by Certificate of Amendment of Certificate of Incorporation, of record in Corporate Record Book 168, Page 681, in the Fayette County Clerk's Office), by deed, dated December 28, 1990, of record in Deed Book 1571, Page 329, in the Fayette County Clerk's Office.

Described on Exhibit "A" attached hereto and incorporated herein by reference.

Permanent Sanitary Sewer Easement
(a portion of 740 W. New Circle Road)
KY 4 New Circle Road Sanitary
Sewer Relocation Project
Parcel No. 52A

A certain parcel of land located in Fayette County, Kentucky along New Circle Road (KY 4) approximately 614 feet west from the intersection of New Circle Road and Colesbury Circle, lying on the north side of New Circle Road, and being more particularly described as follows:

Beginning at the south property corner common with Carman Properties, LLC and New Circle Road (KY 4) right-of-way being the POINT OF BEGINNING; thence with the right-of-way, North 75°18'00" West 69.50 feet, to the point common with an existing sanitary sewer easement and the right-of-way; thence with the existing sanitary sewer easement through the lands of Lexmark International, Inc., North 37°09'08" West 24.28 feet, to a point; thence leaving the existing sanitary sewer easement, South 75°18'00" East, 78.85 feet, to a point; thence South 54°00'52" East 16.06 feet to a point common with Carman Properties, LLC; thence with said property line, South 44°21'59" West 10.55 feet to the POINT OF BEGINNING, containing approximately 0.027 acres (1,197 square feet); and,

Being a portion of the same property conveyed to IBM Information Products Corporation, a Delaware corporation, (now known as Lexmark International, Inc., as evidenced by Certificate of Amendment of Certificate of Incorporation, of record in Corporate Record Book 168, Page 681, in the Fayette County Clerk's Office), by deed, dated December 28, 1990, of record in Deed Book 1571, Page 341, in the Fayette County Clerk's Office.

Described on Exhibit "B" attached hereto and incorporated herein by reference .

(Said rights of way described in Exhibits A and B are collectively referred to herein as the "Right of Way")

TO HAVE AND TO HOLD the above-described non-exclusive easement together with all rights, privileges, appurtenances and improvements thereunto

belonging unto Grantee , its successors and assigns forever, for the purposes and uses herein designated; subject however in all respects to easements, encumbrances, and other matters of record.

Grantor does hereby covenant to and with said Grantee, its successors and assigns forever, that it is lawfully seized in fee simple of said property and has a good right to sell and convey the interest herein conveyed, and that it will **WARRANT GENERALLY** said title; provided however, that (i) the rights of Grantee to use, occupy, and enjoy the Right of Way shall be non-exclusive and subject in all respects to the reserved right of the Grantor to grant non-exclusive easements or other rights to occupy, construct or otherwise develop, operate and maintain, reconstruct, or remove utilities or other infrastructure or improvements on, over, across, under and through the Property and the Right of Way; and (ii) Grantee shall coordinate the exercise of the rights granted to the Grantee under this Easement with such other parties of record which have rights to use, occupy or otherwise enjoy the Property or Right of Way, including, without limitation, rights to establish, construct, operate and maintain other utilities, infrastructure, and/or improvements on a non-exclusive basis; and (iii) Grantee shall, repair, replace or restore to its condition as of the Effective Date any property or improvements damaged or disturbed in the exercise of Grantee's said rights under this Easement, whether in connection with the installation, improvement, removal or relocation of said sanitary sewer improvements and appurtenances. The prior or prospective grant of non-exclusive rights to other persons, firms, entities or governmental authorities by Grantor shall not be a

breach or default of the Grantor under this Easement or with respect to rights conveyed to the Grantee under this Easement.

The obtaining of this Easement was authorized by Resolution No. 512-2018 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.

[Signature Page Follows]

IN TESTIMONY WHEREOF, the parties have signed this Easement, the day and year first above written.

GRANTOR:

LEXMARK INTERNATIONAL, INC., a
Delaware corporation

BY: Thomas C Wade

ITS: SENIOR MANAGER, CORPORATE REAL ESTATE

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing Easement was subscribed, sworn to and acknowledged before me by THOMAS C WADE, as SENIOR MGR, CORP REAL ESTATE, for and on behalf of Lexmark International, Inc, a Delaware corporation, on this the 6 day of December, 2018.

My commission expires: November 14, 2020

Loren Newkirk

Notary Public, Kentucky, State-at-Large

Notary ID# 568 386

PREPARED BY:



Charles E. Edwards, III

Attorney

Lexington-Fayette Urban County Government

Department of Law, 11th Floor

200 East Main Street

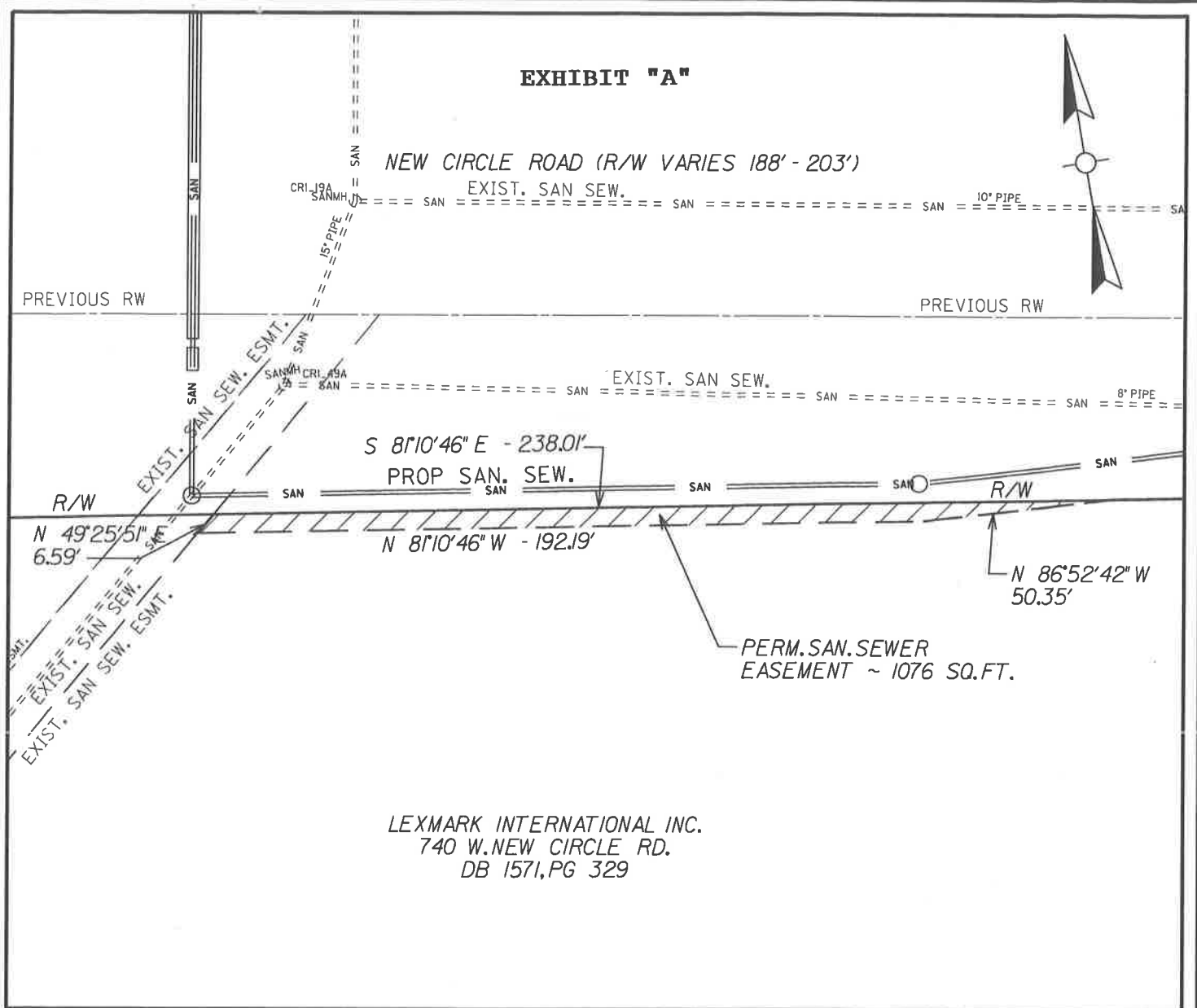
Lexington, Kentucky 40507

(859) 258-3500

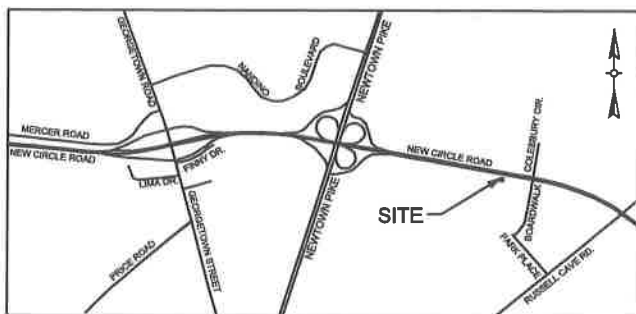
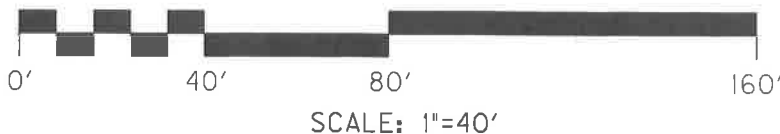
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EXHIBIT "A"



LEXMARK INTERNATIONAL INC.
740 W. NEW CIRCLE RD.
DB 1571, PG 329



SITE LOCATION

NOTE:
THE PROPERTY LINES SHOWN ON THE EASEMENT EXHIBIT ARE BASED ON DEED AND/OR RECORD PLAT DATA FROM THE FAYETTE COUNTY CLERKS OFFICE AND KENTUCKY DEPARTMENT OF HIGHWAY PLANS AND HAVE NOT BEEN FIELD VERIFIED BY PALMER ENGINEERING. THIS EXHIBIT DOES NOT REPRESENT A BOUNDARY SURVEY AS DESCRIBED IN 201 KAR 18:150 AND PALMER ENGINEERING HAS NOT PERFORMED A BOUNDARY SURVEY FOR THE PURPOSES OF THE EXHIBIT. THIS IS NOT INTENDED TO BE USED FOR LAND TRANSFERS.

DATE	REVISION DESCRIPTION	DRAWN:	PERMANENT SANITARY SEWER EASEMENT	DATE:
		WCM	LEXMARK INTL INC	JUNE 2018
		CHECKED:	740 W. NEW CIRCLE RD.	SCALE:
		GTI / SIB	LEXINGTON, FAYETTE COUNTY, KENTUCKY	1"=40'
		JOB NUMBER:	LEXINGTON-FAYETTE	SHEET NO.
		11541.00	URBAN COUNTY GOVERNMENT	P-50
				PALMER ENGINEERING 301 EAST MAIN STREET SUITE 600 LEXINGTON, KENTUCKY 40507 (859)388-9293

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: PATTY DAVIS ,dc

201812200004

December 20, 2018 8:34:56 AM

Fees	\$35.00	Tax	\$.00
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Total Paid	\$35.00
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10 Pages

257 - 266