

**DEED OF EASEMENT**

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 11 day of MARCH, 2019, by and between **SANTA BARBARA LAND CORPORATION**, a Kentucky corporation, 310 W. Short Street, Lexington, Kentucky 40507, which is the in-care of tax mailing address for the current year (hereinafter "Grantor"), and **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky 40507, (hereinafter "Grantee").

**WITNESSETH:**

That for and in consideration of the sum of **TWO THOUSAND THREE HUNDRED SEVENTY-FIVE AND 00/100 DOLLARS (\$2,375.00)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, said Grantor has **BARGAINED** and **SOLD** and does hereby **GIVE, GRANT** and **CONVEY** unto the Grantee, its successors and assigns, permanent right to excavate, grade, construct, alter, re-grade and perform related work for the purpose of sanitary sewer improvements and construction, installation and relocation through and across the following tract of land located in the confines of Lexington, Fayette County, Kentucky, depicted on the attached Exhibit "A", and more particularly described as follows, to wit:

**Permanent Sanitary Sewer Easement**  
**West Hickman Trunk - Sewer Line D Project**  
**(a portion of 1121 Appian Crossing Way)**

Return to:  
Charles E. Edwards III  
LFUCG, Dept. of Law, 11<sup>th</sup> Floor  
200 East Main Street  
Lexington, KY 40507

214 7

Beginning at a point 20.29 feet from the owner's Southwest property corner of Lot 121 of Dove Creek Subdivision as depicted in Plat Cabinet L, Slide 713 of the Fayette County Clerk's Records; thence with said southwestern property line, North 58 Degrees 31 Minutes 08 Seconds West a distance of 20.29 feet to a point on the stated parcels western property line; thence with that property line, North 32 Degrees 15 Minutes 59 Seconds East a distance of 48.81; thence North 32 Degrees 53 Minutes 48 Seconds East a distance of 24.63 feet; thence North 32 Degrees 54 Minutes 21 Seconds East for a distance of 25.06 feet; thence North 32 Degrees 53 Minutes 39 Seconds East a distance of 24.17 feet; thence North 32 Degrees 54 Minutes 05 Seconds East a distance of 25.20 feet; thence North 32 Degrees 54 Minutes 10 Seconds East a distance of 32.58 feet; thence North 57 Degrees 02 Minutes 53 Seconds West for a distance of 20.05 feet; thence with a new severance line, North 32 Degrees 47 Minutes 31 Seconds East for a distance of 175.68 feet; thence North 40 Degrees 44 Minutes 44 Seconds East for a distance of 27.95 feet to a point on the stated parcels northeastern property line; thence with that line, South 59 Degrees 17 Minutes 23 Seconds East a distance of 40.62 feet; thence with a new severance line, South 40 Degrees 44 Minutes 44 Seconds West for a distance of 32.25 feet; thence South 32 Degrees 47 Minutes 31 Seconds West for a distance of 352.93 feet to the POINT OF BEGINNING; and,

The above described parcel contains 0.271 acres of permanent easement;

Being a portion of the property conveyed to Santa Barbara Land Corporation, a Kentucky corporation, by deed dated July 12, 1993, of record in Deed Book 1682, Page 662, in the Fayette County Clerk's Office.

**FURTHER**, for and in consideration of the sum hereinbefore mentioned, 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, temporary right to excavate, grade, construct, alter, re-grade and perform related work for the purpose of sanitary sewer placement and construction, installation

and relocation through 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:

**Temporary Construction Easement**  
**West Hickman Trunk - Sewer Line D Project**  
**(a portion of 1121 Appian Crossing Way)**

**Tract A**

Beginning at a point 155.53 feet from the owner's Southwest property corner of Lot 121 of Dove Creek Subdivision as depicted in Plat Cabinet L, Slide 713 of the Fayette County Clerk's Records; thence with said southwestern property line, North 57 Degrees 02 Minutes 53 Seconds West a distance of 20.00 feet; thence with a new severance line, North 32 Degrees 47 Minutes 31 Seconds East for a distance of 27.52 feet to a point on the stated parcels Northwest property line which is shared with Lot 19 of the Dove Creek Subdivision as depicted in Plat Cabinet L, Slide 430 of the Fayette County Clerk's Records; thence with said property line, South 59 Degrees 08 Minutes 32 Seconds East for a distance of 7.85 feet; thence North 35 Degrees 53 Minutes 41 Seconds East a distance of 25.46 feet; North 35 Degrees 52 Minutes 30 Seconds East for a distance of 24.85 feet; thence North 35 Degrees 53 Minutes 17 Seconds East for a distance of 25.77 feet; thence North 35 Degrees 53 Minutes 22 Seconds East for a distance of 27.40 feet; thence North 35 Degrees 52 Minutes 28 Seconds East for a distance of 21.83 feet; thence North 35 Degrees 53 Minutes 20 Seconds East a distance of 50.23 feet; to a point on the stated parcels Northeastern property line; thence with said property line, South 59 Degrees 17 Minutes 23 Seconds East a distance of 6.55 feet; thence with a new severance line, South 40 Degrees 44 Minutes 44 Seconds West for a distance of 27.95 feet; thence South 32 Degrees 47 Minutes 31 Seconds West for a distance of 175.68 feet to the POINT OF BEGINNING; and,

The above described parcel contains 0.44 acres of temporary construction easement;

**Tract B**

Beginning at a point 40.29 feet from the owner's Southwest property corner of Lot 121 of Dove Creek Subdivision as

depicted in Plat Cabinet L, Slide 713 of the Fayette County Clerk's Records; thence with said southwestern property line, North 58 Degrees 31 Minutes 08 Seconds West a distance of 20.01 feet; thence with a new severance line, North 32 Degrees 47 Minutes 31 Seconds East a distance of 352.93 feet; thence North 40 Degrees 44 Minutes 44 Seconds East for a distance of 32.25 feet to a point on the stated parcels Northeastern property line, thence with said property line, South 59 Degrees 17 Minutes 23 Seconds East for a distance of 20.31 feet; thence with a new severance line, South 40 Degrees 44 Minutes 44 Seconds West for a distance of 34.40 feet; thence South 32 Degrees 47 Minutes 31 Seconds West for a distance of 351.08 feet to the POINT OF BEGINNING; and,

The above described parcel contains 0.177 acres of temporary construction easement;

Both tracts being a portion of the property conveyed to Santa Barbara Land Corporation, a Kentucky corporation, by deed dated July 12, 1993, of record in Deed Book 1682, Page 662, in the Fayette County Clerk's Office.

**TO HAVE AND TO HOLD** the above-described easements together with all rights, 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 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 prior written consent of the Grantee.

Grantor does hereby release and relinquish unto the Grantee, its successors and assigns forever, all of its 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 it is lawfully seized in fee simple of said property and has good right to sell and convey the easements as herein done, and that it will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 640-2018, passed by the Lexington-Fayette Urban County Council on October 25, 2018. Pursuant to KRS 382.135(2)(a), this deed of easement, which pertains to a public utility, need not contain a statement of consideration.

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

GRANTOR:

SANTA BARBARA LAND CORPORATION, a  
Kentucky corporation

BY: \_\_\_\_\_



ITS: \_\_\_\_\_

PRESIDENT

COMMONWEALTH OF KENTUCKY )

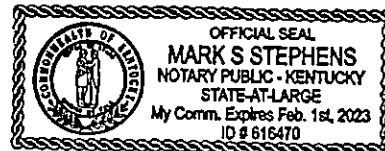
COUNTY OF FAYETTE )

This instrument was acknowledged, subscribed and sworn to before me by  
ROBERT SIMS as PRESIDENT on behalf  
of Santa Barbara Land Corporation, a Kentucky corporation, on this the 11 day of  
MARCH, 2019.

[Signature]  
Notary Public, Kentucky, State-at-Large

My Commission Expires: 02 / 01 / 2023

Notary ID # 616470



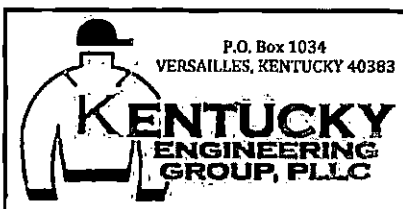
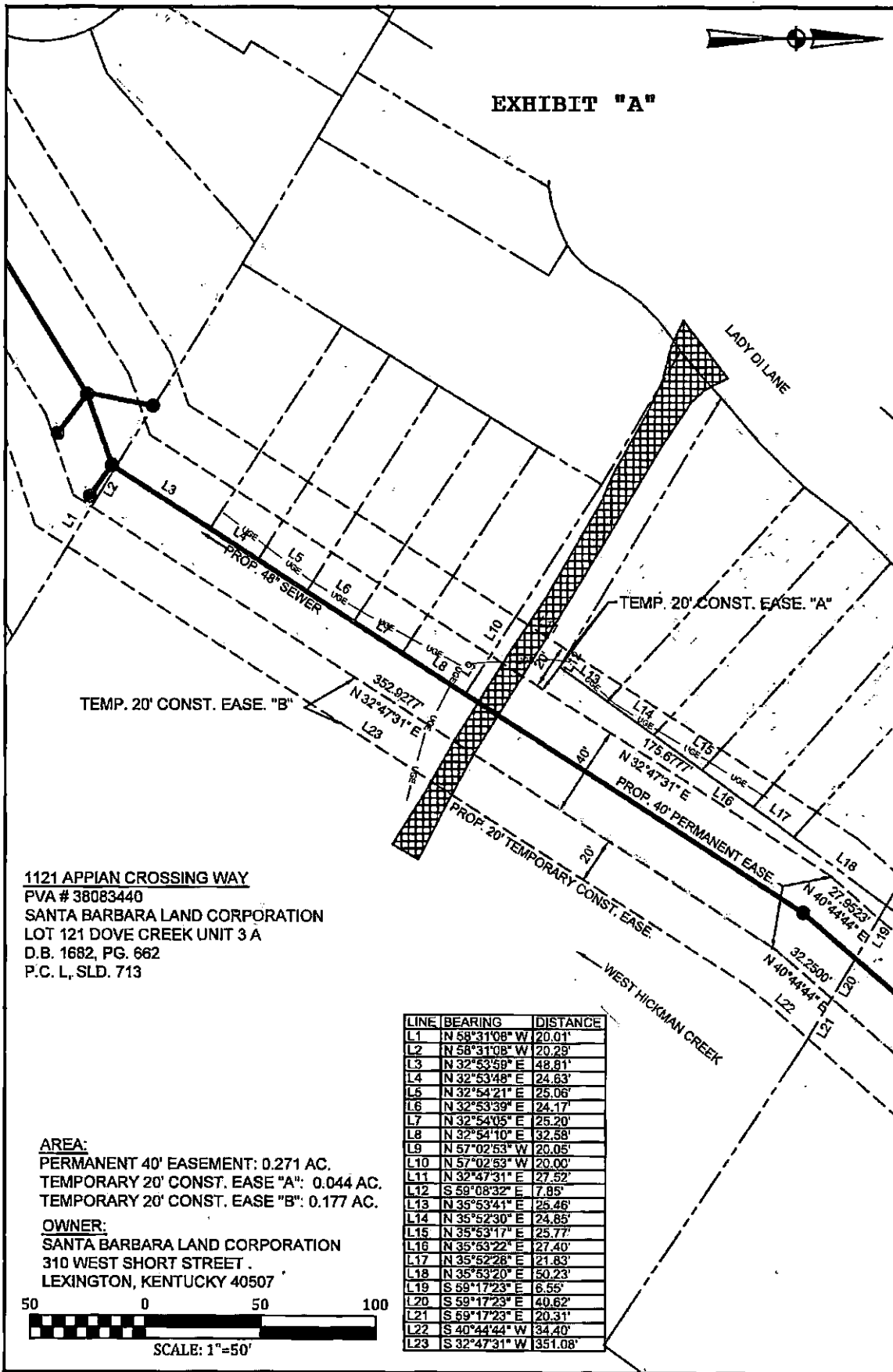
PREPARED BY:

[Signature]  
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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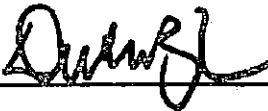
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**EXHIBIT SHOWING  
SANITARY SEWER EASEMENT  
TO BE ACQUIRED FROM  
SANTA BARBARA LAND CORPORATION  
1121 APPIAN CROSSING WAY.  
LEXINGTON, KENTUCKY**

Project No.	16046
Date	MARCH 2018
Dwg. No.	
Sheet	

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.

  
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By: MELISSA STELTER ,dc

201903210214

March 21, 2019

14:42:51 PM

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

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