

TEMPORARY CONSTRUCTION EASEMENT
PERMANENT SANITARY SEWER EASEMENT

This **TEMPORARY CONSTRUCTION EASEMENT AND PERMANENT SANITARY SEWER EASEMENT** is made and entered into this the 20th day of MARCH, ²⁰¹⁹~~2018~~, by and between **GREER LAND CO. – SMYRNA #2, LLC**, a Kentucky limited liability company, P.O. Box 54465, Lexington, Kentucky 40555, 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 ONE HUNDRED AND 00/100 DOLLARS (\$2,100.00)**, 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, temporary right to excavate, grade, construct, alter, re-grade and perform related work for the purpose of sanitary sewer construction, installation, improvements, 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:

Temporary Right-of-Way Construction Easement
West Hickman Trunk - Sewer Line D Project
(a portion of 685 Wilson Downing Road
f/k/a 3939 Bates Creek Road)

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

CCF

CCF 10

Beginning at a point 21.52 feet from the owner's West property corner of Lot 1 of James Watkins Senior Property as depicted in Plat Cabinet J, Slide 420 of the Fayette County Clerk's Records; thence with said southwestern property line North 57 Degrees 36 Minutes 17 Seconds West a distance of 20.09 feet; thence with a new severance line North 37 Degrees 45 Minutes 53 Seconds East a distance of 42.84 feet to a point on the stated parcels northwestern property line; thence with that line North 39 Degrees 40 Minutes 54 Seconds East a distance of 155.22 feet; thence with a new severance line South 45 Degrees 53 Minutes 45 Seconds East for a distance of 14.90 feet; thence South 37 Degrees 45 Minutes 53 Seconds West a distance of 194.44 feet to the POINT OF BEGINNING.

The above described parcel contains 0.081 acres of temporary construction easement;

AND

Beginning at a point 81.80 feet from the owner's West property corner of Lot 2 of James Watkins Senior Property as depicted in Plat Cabinet J, Slide 420 of the Fayette County Clerk's Records; thence with said southwestern property line North 57 Degrees 36 Minutes 17 Seconds West a distance of 20.09 feet; thence with a new severance line North 37 Degrees 45 Minutes 53 Seconds East a distance of 186.24 feet; thence South 45 Degrees 53 Minutes 45 Seconds East a distance of 20.12 feet; thence South 37 Degrees 45 Minutes 53 Seconds West a distance of 182.14 feet to the POINT OF BEGINNING.

The above described parcel contains 0.085 acres of temporary construction easement;

Being a portion of the property conveyed to Greer Land Co. – Smryna #2, LLC, a Kentucky limited liability company, by deed dated August 3, 2012, of record in Deed Book 3090, Page 678, 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, permanent right to excavate, grade, construct, alter, re-grade and perform related work for the purpose of sanitary sewer construction, installation, improvements, 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:

Permanent Sanitary Sewer Easement
West Hickman Trunk - Sewer Line D Project
(a portion of 685 Wilson Downing Road
f/k/a 3939 Tates Creek Road)

Beginning at a point 61.70 feet from the owner's West property corner of Lot 1 of James Watkins Senior Property as depicted in Plat Cabinet J, Slide 420 of the Fayette County Clerk's Records; thence with said southwestern property line North 57 Degrees 36 Minutes 17 Seconds West a distance of 40.18 feet; thence with a new severance line North 37 Degrees 45 Minutes 53 Seconds East a distance of 194.44 feet; thence North 50 Degrees 26 Minutes 37 Seconds East a distance of 321.65 feet to a point on the stated parcels northeastern property line; thence with that line South 07 Degrees 52 Minutes 53 Seconds East a distance of 47.00 feet; thence with a new severance line South 50 Degrees 26 Minutes 37 Seconds West for a distance of 292.53 feet; thence South 37 Degrees 45 Minutes 53 Seconds West a distance of 186.24 feet to the POINT OF BEGINNING.

The above described parcel contains 0.457 acres of permanent sanitary sewer easement;

Being a portion of the property conveyed to Greer Land Co. – Smryna #2, LLC, a Kentucky limited liability company, by deed dated August 3, 2012, of record in Deed Book 3090, Page 678, 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 temporary construction easement, which pertains to a public utility, need not contain a statement of consideration.

P:\LFUCG\16046-Trunk D Sewer\DWG\16046-Easement exhibits.dwg KEG 4/20/18

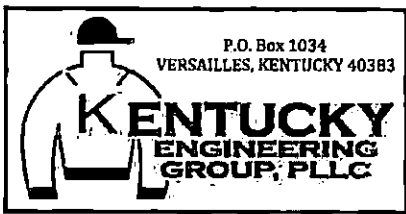
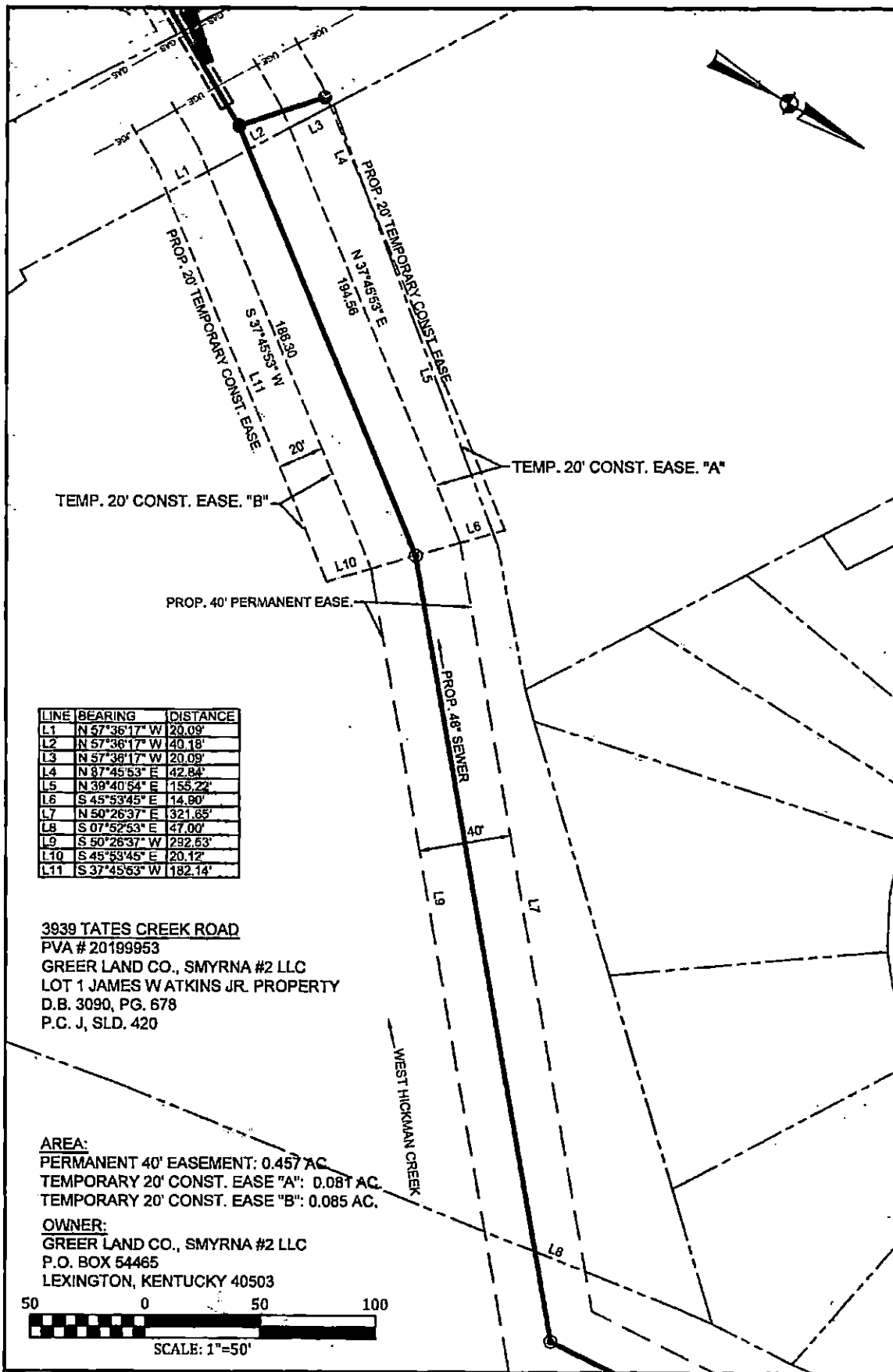
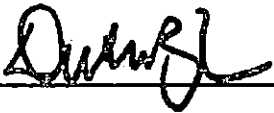


EXHIBIT SHOWING
SANITARY SEWER EASEMENT
TO BE ACQUIRED FROM
GREER LAND CO., SMYRNA #2 LLC
3939 TATES CREEK ROAD
LEXINGTON, KENTUCKY

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.



By: MELISSA STELTER ,dc

201903250007

March 25, 2019

9:15:19

AM

Fees

\$26.00

Tax

\$.00

Total Paid

\$26.00

THIS IS THE LAST PAGE OF THE DOCUMENT

7 Pages

670 - 676