

**TEMPORARY CONSTRUCTION EASEMENT**  
**PERMANENT SANITARY SEWER EASEMENT**

This **TEMPORARY CONSTRUCTION EASEMENT AND PERMANENT SANITARY SEWER EASEMENT** is made and entered into this the 19<sup>TH</sup> day of MARCH, <sup>2019</sup>~~2018~~, by and between **CHARLES HICKS AND RHONDA HICKS, husband and wife**, 3852 Old Bates Creek Court, Lexington, Kentucky 40517, which is the in-care of tax mailing address for the current year (hereinafter "Grantors"), 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 **EIGHT HUNDRED AND 00/100 DOLLARS (\$800.00)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, said Grantors have **BARGAINED** and **SOLD** and do 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 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:

**Temporary Right-of-Way Construction Easement**  
**West Hickman Trunk - Sewer Line D Project**  
**(a portion of 3852 Old Bates Creek Court)**

Beginning at a point 154.14 feet from the owners' South property corner of Lot 41 of Dove Creek Subdivision as

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

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depicted in Plat Cabinet J, Slide 442 of the Fayette County Clerk's Records; thence with said southwestern property line North 27 Degrees 33 Minutes 10 Seconds West a distance of 20.06 feet; thence with a new severance line North 58 Degrees 08 Minutes 47 Seconds East a distance of 163.43 feet to a point on the stated parcels northeastern property line; thence with that line South 27 Degrees 41 Minutes 00 Seconds East a distance of 20.05 feet; thence with a new severance line South 58 Degrees 08 Minutes 47 Seconds West for a distance of 163.47 feet to the POINT OF BEGINNING.

The above described parcel contains 0.148 acres of temporary construction easement;

AND

Beginning at a point 88.05 feet from the owners' South property corner of Lot 41 of Dove Creek Subdivision as depicted in Plat Cabinet J, Slide 442 of the Fayette County Clerk's Records; thence with said southwestern property line North 27 Degrees 33 Minutes 10 Seconds West a distance of 20.06 feet; thence with a new severance line North 58 Degrees 08 Minutes 47 Seconds East a distance of 163.57 feet to a point on the northeastern property line of the stated parcel; thence with that line South 27 Degrees 41 Minutes 00 Seconds East a distance of 20.05 feet; thence with a new severance line South 58 Degrees 08 Minutes 47 Seconds West a distance of 163.61 feet to the POINT OF BEGINNING.

The above described parcel contains 0.075 acres of temporary construction easement;

Being a portion of the property conveyed to Charles Hicks and Rhonda Hicks, husband and wife, by deed dated May 10, 2012, of record in Deed Book 3073, Page 71, 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, Grantors have **BARGAINED** and **SOLD** and do 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 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:

**Permanent Sanitary Sewer Easement**  
**West Hickman Trunk - Sewer Line D Project**  
**(a portion of 3852 Old Bates Creek Court)**

Beginning at a point 110.08 feet from the owners' South property corner of Lot 41 of Dove Creek Subdivision as depicted in Plat Cabinet J, Slide 442 of the Fayette County Clerk's Records; thence with said southwestern property line North 27 Degrees 33 Minutes 10 Seconds West a distance of 40.11 feet; thence with a new severance line North 58 Degrees 08 Minutes 47 Seconds East a distance of 163.47 feet to a point on the stated parcels northeastern property line; thence with that line South 27 Degrees 41 Minutes 00 Seconds East a distance of 40.11 feet; thence with a new severance line South 58 Degrees 08 Minutes 47 Seconds West for a distance of 163.57 feet to the POINT OF BEGINNING.

The above described parcel contains 0.150 acres of permanent sanitary sewer easement;

Being a portion of the property conveyed to Charles Hicks and Rhonda Hicks, husband and wife, by deed dated May 10, 2012, of record in Deed Book 3073, Page 71, 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 Grantors. The above-described permanent easement runs with the land in

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

Grantors 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.

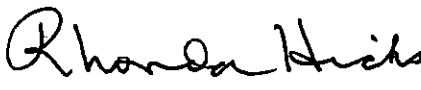
Grantors do hereby release and relinquish unto the Grantee, its successors and assigns forever, all of their right, title, and interest in and to the property to the extent of the interests conveyed herein, including all exemptions allowed by law, and do hereby covenant to and with the Grantee, its successors and assigns forever, that they are lawfully seized in fee simple of said property and have good right to sell and convey the easements as herein done, and that they 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.

**IN TESTIMONY WHEREOF**, the Grantors have signed this Temporary Construction Easement and Permanent Sanitary Sewer Easement, this the day and year first above written.

GRANTORS:

  
CHARLES HICKS

  
RHONDA HICKS

COMMONWEALTH OF KENTUCKY     )  
  )  
COUNTY OF FAYETTE                    )

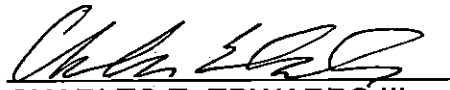
This instrument was acknowledged, subscribed and sworn to before me by  
Charles Hicks and Rhonda Hicks, husband and wife, on this the 19<sup>th</sup> day of  
MARCH, <sup>2019</sup>~~2018~~.

 #616470  
Notary Public, Kentucky, State at Large

My Commission Expires: 02 / 01 / 2023



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

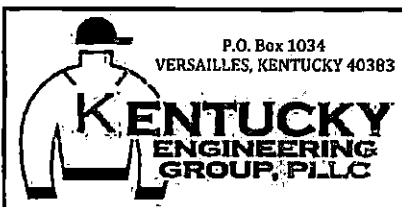
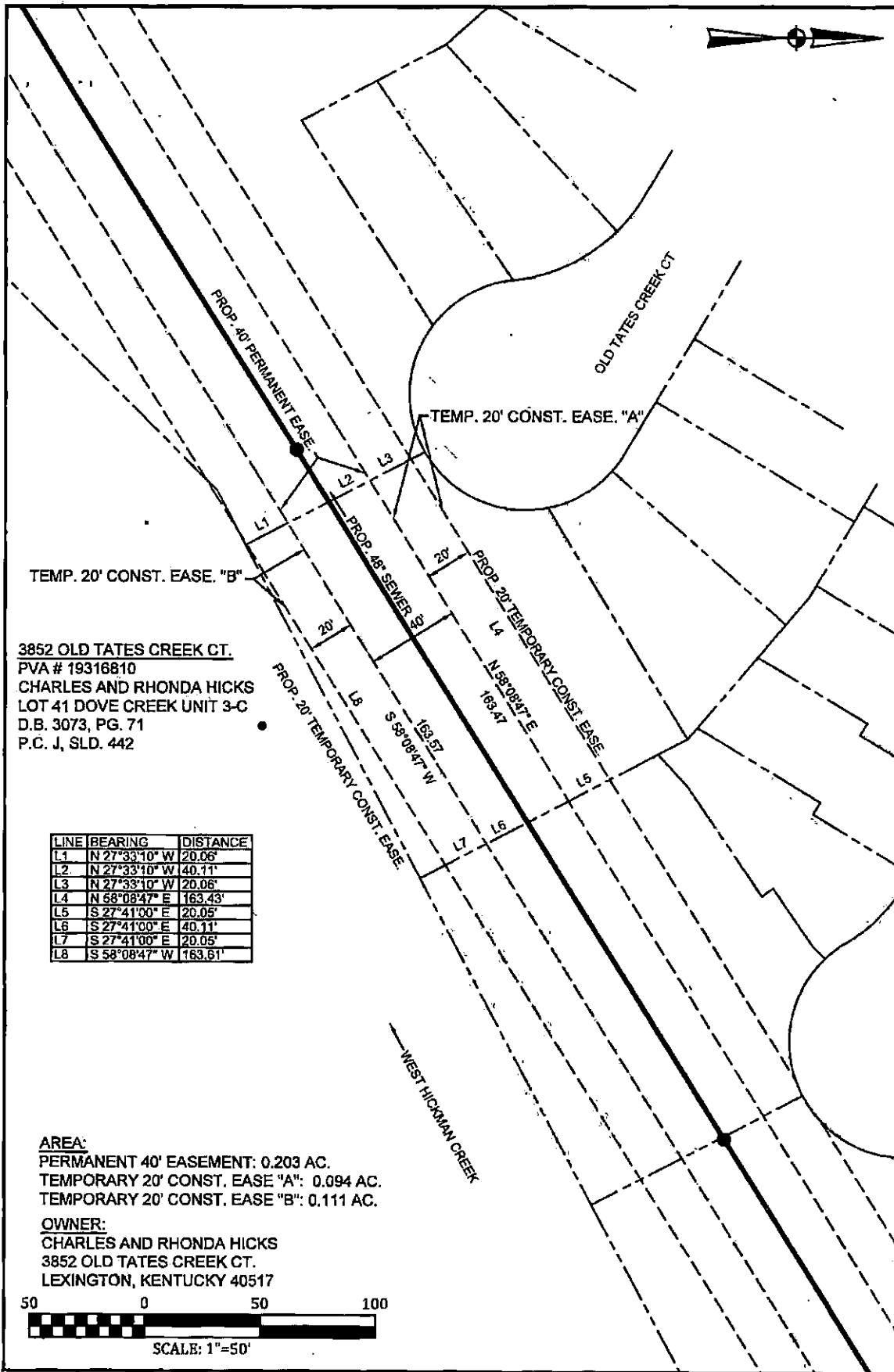
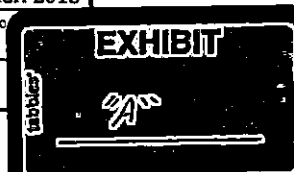


EXHIBIT SHOWING  
SANITARY SEWER EASEMENT  
TO BE ACQUIRED FROM  
CHARLES AND RHONDA HICKS  
3852 OLD TATES CREEK CT.  
LEXINGTON, KENTUCKY

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

201903250008.

March 25, 2019                      9:15:44      AM

Fees	\$26.00	Tax	\$ .00
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Total Paid	\$26.00
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