

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 9 day of April, 2019, by and between **CBT REAL ESTATE HOLDINGS, LLC**, a **Kentucky limited liability company**, 300 W. Vine 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 **THIRTEEN THOUSAND SIX HUNDRED FIFTY DOLLARS AND 00/100 (\$13,650.00)**, 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 1100 Armstrong Mill Road)

Beginning at a point 181.14 feet from the owner's South property corner of Lot 3 as depicted in Plat Cabinet F, Slide 759 of the Fayette County Clerk's Records; thence with said

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

847

southwestern property line, North 59 Degrees 17 Minutes 23 Seconds West a distance of 40.62 feet; thence with a new severance line, North 40 Degrees 44 Minutes 44 Seconds East a distance of 253.70; thence North 40 Degrees 44 Minutes 44 Seconds East a distance of 288.59 feet; thence North 78 Degrees 52 Minutes 39 Seconds East for a distance of 41.22 feet; thence North 89 Degrees 49 Minutes 31 Seconds East a distance of 84.39 feet; thence North 47 Degrees 53 Minutes 04 Seconds East a distance of 280.75 feet; thence North 57 Degrees 25 Minutes 23 Seconds East a distance of 375.58 feet; thence North 55 Degrees 00 Minutes 01 Seconds East for a distance of 119.16 feet; thence North 33 Degrees 58 Minutes 33 Seconds East for a distance of 90.91 feet to a point on the stated parcels northeastern property line; thence with that line, South 60 Degrees 21 Minutes 32 Seconds East a distance of 40.11 feet; thence with a new severance line, South 33 Degrees 58 Minutes 33 Seconds West for a distance of 101.37 feet; thence South 55 Degrees 00 Minutes 01 Seconds West for a distance of 127.43 feet; thence South 57 Degrees 25 Minutes 23 Seconds West for a distance of 373.09 feet; thence South 47 Degrees 53 Minutes 04 Seconds West for a distance of 292.74 feet; thence South 89 Degrees 49 Minutes 31 Seconds West for a distance of 95.89 feet; thence South 78 Degrees 52 Minutes 39 Seconds West for a distance of 23.56 feet; thence South 40 Degrees 44 Minutes 44 Seconds West for a distance of 271.77 feet; thence South 40 Degrees 44 Minutes 44 Seconds West for a distance of 246.62 to the POINT OF BEGINNING; and,

The above described parcel contains 1,409 acres of permanent easement; and

Being a portion of the property conveyed to CBT Real Estate Holdings, LLC, a Kentucky limited liability company, by deed dated September 27, 2018, of record in Deed Book 3620, Page 692, 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 1100 Armstrong Mill Road)

Tract A

Beginning at a point 221.73 feet from the owner's South property corner of Lot 3 as depicted in Plat Cabinet F, Slide 759 of the Fayette County Clerk's Records; thence with said southwestern property line, North 59 Degrees 17 Minutes 23 Seconds West a distance of 6.55 feet to a point on the owner's West property line; thence with said property line, North 36 Degrees 22 Minutes 03 Seconds East for a distance of 177.45 feet; thence with a new severance line, North 40 Degrees 44 Minutes 44 Seconds East a distance of 77.91 feet; North 40 Degrees 44 Minutes 44 Seconds East for a distance of 292.50 feet; thence North 78 Degrees 52 Minutes 39 Seconds East for a distance of 50.05 feet; thence North 89 Degrees 49 Minutes 31 Seconds East for a distance of 78.64 feet; thence North 47 Degrees 53 Minutes 04 Seconds East, for a distance of 274.75 feet; thence North 57 Degrees 25 Minutes 23 Seconds East a distance of 376.83 feet; thence North 55 Degrees 00 Minutes 01 Seconds East a distance of 115.03 feet; thence North 33 Degrees 58 Minutes 33 Seconds East for a distance of 85.69 feet to a point on the owner's northwestern property line; thence with said property line, South 60 Degrees 21 Minutes 32 Seconds East a distance of 20.06 feet; thence with a new severance line, South 33 Degrees 58 Minutes 33 Seconds West a distance of 90.91 feet; thence South 55 Degrees 00 Minutes 01 Seconds West for a distance of 119.61 feet; thence South 57 Degrees 25 Minutes 23 Seconds West for a distance of 375.58 feet; thence South 47 Degrees 53 Minutes 04 Seconds West for a distance of 280.75 feet; thence South 89 Degrees 49 Minutes 31 Seconds West for a distance of 84.39 feet; thence South 78 Degrees 52 Minutes 39 Seconds West for a distance of 41.22 feet; thence South 40 Degrees 44 Minutes 44 Seconds West for a distance of 288.59 feet; thence South 40 Degrees 44 Minutes 44

Seconds West for a distance of 253.70 feet to the POINT OF BEGINNING; and,

The above described parcel contains 0.676 acres of temporary construction easement; and,

Tract B

Beginning at a point 160.85 feet from the owner's South property corner of Lot 3 as depicted in Plat Cabinet F, Slide 759 of the Fayette County Clerk's Records; thence with said southwestern property line, North 59 Degrees 17 Minutes 23 Seconds West a distance of 20.31 feet; thence with a new severance line, North 40 Degrees 44 Minutes 44 Seconds East a distance of 246.62 feet; thence North 40 Degrees 44 Minutes 44 Seconds East for a distance of 274.77 feet; thence North 78 Degrees 52 Minutes 39 Seconds East for a distance of 23.56 feet; thence North 89 Degrees 49 Minutes 31 Seconds East for a distance of 95.89 feet; thence North 47 Degrees 53 Minutes 04 Seconds East for a distance of 292.74 feet; thence North 57 Degrees 25 Minutes 23 Seconds East for a distance of 373.09 feet; thence North 55 Degrees 00 Minutes 01 Seconds East for a distance of 127.43 feet; thence North 33 Degrees 58 Minutes 33 Seconds East for a distance of 101.37 feet to a point on the owner's northeast property line; thence with that line, South 60 Degrees 21 Minutes 32 Seconds East a distance of 20.06 feet; thence with a new severance line, South 33 Degrees 58 Minutes 33 Seconds West a distance of 106.59 feet; thence South 55 Degrees 00 Minutes 01 Seconds West for a distance of 131.56 feet; thence South 57 Degrees 25 Minutes 23 Seconds West for a distance of 371.84 feet; thence South 47 Degrees 53 Minutes 04 Seconds West for a distance of 298.74 feet; thence South 89 Degrees 49 Minutes 31 Seconds West for a distance of 101.64 feet; thence South 78 Degrees 52 Minutes 39 Seconds West for a distance of 14.73 feet; thence South 40 Degrees 44 Minutes 44 Seconds West for a distance of 267.86 feet; thence South 40 Degrees 44 Minutes 44 Seconds West for a distance of 243.08 feet to the POINT OF BEGINNING; and,

The above described parcel contains 0.705 acres of temporary construction easement; and,

Both tracts being a portion of the property conveyed to CBT Real Estate Holdings, LLC, a Kentucky limited liability company, by deed dated September 27, 2018, of record in

Deed Book 3620, Page 692, 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, or upon July 31, 2020, whichever shall come first.

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, that the property has remained free and clear of all liens

and encumbrances during the Grantor's ownership, and that it will **WARRANT SPECIALLY** 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:

CBT REAL ESTATE HOLDINGS, LLC, a
Kentucky limited liability company

BY: Glen H. Ship, Mgr.

ITS: Manager

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COMMONWEALTH OF KENTUCKY

COUNTY OF FAYETTE

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This instrument was acknowledged, subscribed and sworn to before me by
Ellen M. Sharp as Manager on behalf
of CBT Real Estate Holdings, LLC, a Kentucky limited liability company, on this the 9
day of April, 2019.

Aimee Hewitt

Notary Public, Kentucky, State-at-Large

My Commission Expires: 11 / 16 / 21

Notary ID # 590643

PREPARED BY:

Charles E. Edwards III

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

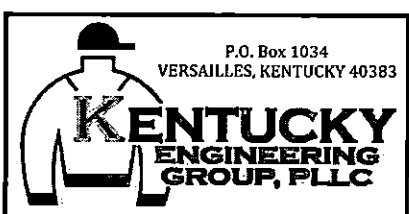
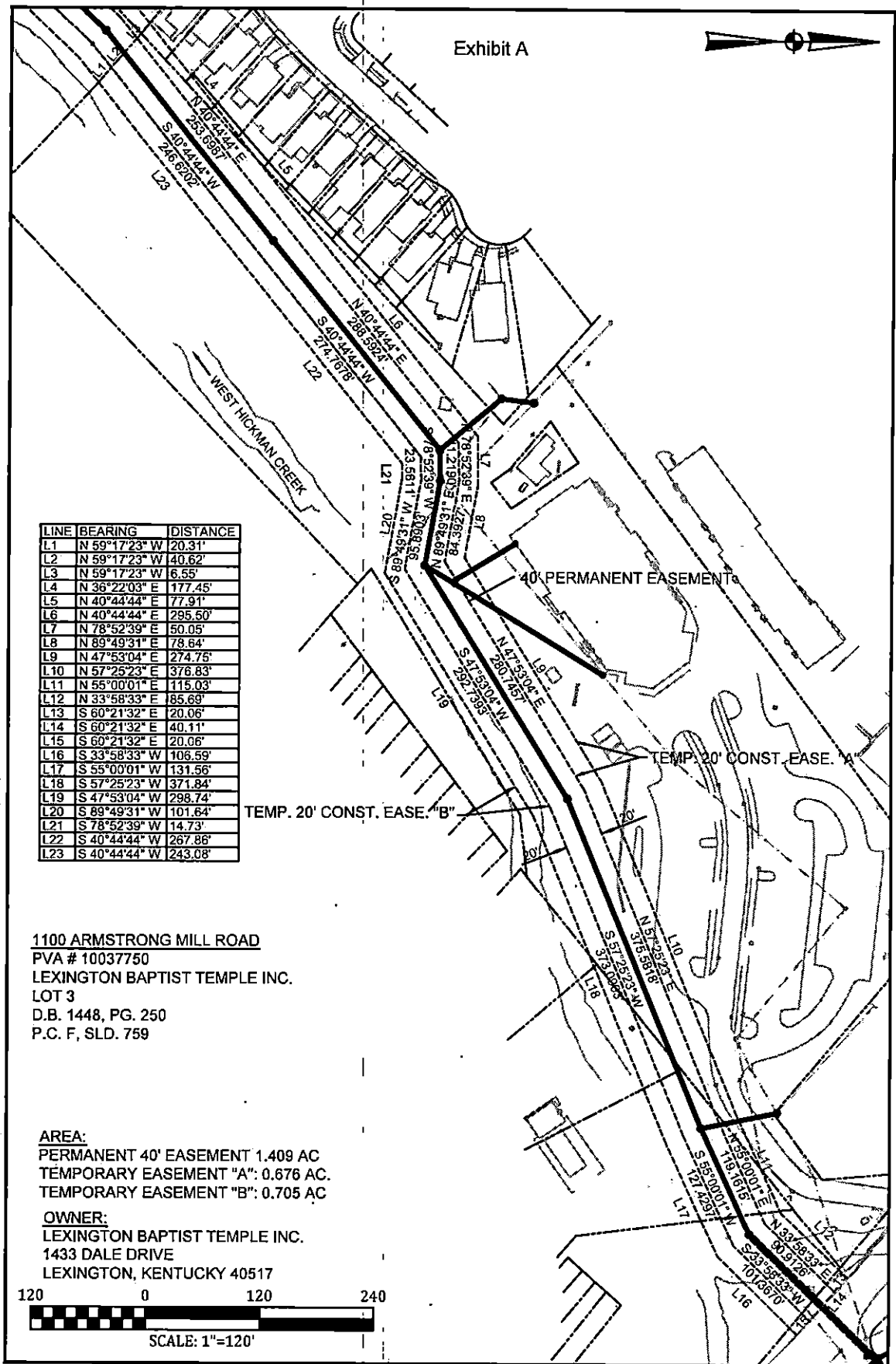
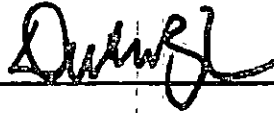


EXHIBIT SHOWING
SANITARY SEWER EASEMENT
TO BE ACQUIRED FROM
LEXINGTON BAPTIST TEMPLE INC.
1100 ARMSTRONG MILL ROAD
LEXINGTON, KENTUCKY

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: PATTY DAVIS ,dc

201904300089

April 30, 2019

9:38:15 AM

Fees	\$32.00	Tax	\$.00
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Total Paid	\$32.00
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