

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 3rd day of July, 2019, by and between **WESLEY T. PHELPS and JENNIFER M. MYATT**, both single, 3917 Waterwood Terrace, 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 **FIFTY-SIX AND 57/100 DOLLARS (\$56.57)**, 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, 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
Lansdowne South Trunk Sewer Replacement Project
(a portion of 3917 Waterwood Terrace)

All that tract or parcel of land being a permanent sewer easement situated west of Waterwood Terrace in Lexington,

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

(CC-F)

Fayette County, Kentucky and being more particularly described as follows, to wit:

Beginning at a point in the southwest corner of the property and being a common corner to 3921 Waterwood Terrace property (Deed Book 1371, Page 14), Walden Grove Subdivision, Unit 2-B, Lot 2B; said point being **THE POINT OF BEGINNING OF THE PROPOSED PERMANENT SANITARY SEWER EASEMENT**; thence N 22°58'31" E, a distance of 21.19 feet; thence N 83°59'40" E, a distance of 5.76 feet; thence S 06°00'20" E, a distance of 20.00 feet; thence S 83°59'40" W, a distance of 10.54 feet; thence N 81°09'30" W, a distance of 5.70 feet, more or less to the **POINT OF BEGINNING**; and,

The above described parcel contains 221.98 square feet of permanent easement; and

Included in the above described **PROPOSED PERMANENT SANITARY SEWER EASEMENT** area description is an existing sanitary sewer easement of 18.18 square feet, resulting in a net increase of 203.80 square feet of new easement area; and,

Being a portion of the property conveyed to Wesley T. Phelps and Jennifer M. Myatt, both single, by deed dated September 18, 2009, of record in Deed Book 2901, Page 44, 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, 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
Lansdowne South Trunk Sewer Replacement Project
(a portion of 3917 Waterwood Terrace)

Two tracts or parcels of land being a temporary construction easement situated west of Waterwood Terrace in Lexington, Fayette County, Kentucky and being more particularly described as follows, to wit:

Tract No. 1

Beginning at a point in the southwest corner of the property and being a common corner to 3921 Waterwood Terrace property (Deed Book 1371, Page 14) Walden Grove Subdivision, Unit 2-B, Lot 2B; thence N 22°58'31" E, a distance of 21.19 feet, more or less along the common property line with the 3905 Waterwood Terrace property (Deed Book 3183, Page 277) to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION EASEMENT**; thence N 22°58'31" E, a distance of 11.43 feet; thence N 83°59'40" E, a distance of 0.25 feet; thence S 06°00'20" E, a distance of 10.00 feet; thence S 83°59'40" W, a distance of 5.79 feet, more or less to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION EASEMENT**; and,

The above described parcel contains 30.22 square feet of temporary construction easement;

Tract No. 2

Beginning at a point in the southwest corner of the property and being a common corner to 3921 Waterwood Terrace property (Deed Book 1371, Page 14) Walden Grove Subdivision, Unit 2-B, Lot 2B; thence N 22°58'31" E, a distance of 21.19 feet, more or less along the common property line with the 3921 Waterwood Terrace property to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION EASEMENT**; thence N 83°59'40" E, a distance of 10.54 feet; thence S 06°00'20" E, a distance of 2.80 feet; thence N 81°09'30" W, a distance of 10.91 feet, more or less to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION EASEMENT**; and,

The above described parcel contains 14.74 square feet of temporary construction easement;

Both of the above tracts or parcels of land being a portion of the property conveyed to Wesley T. Phelps and Jennifer M. Myatt, both single, by deed dated September 18, 2009, of record in Deed Book 2901, Page 44, 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.

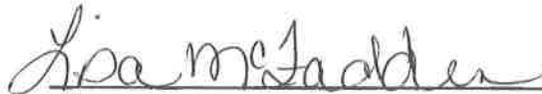
The above-described temporary construction easement runs with the land for the duration of the improvement project and is binding upon the successors and assigns of the Grantors. The above-described permanent easement runs with the land in perpetuity and is binding upon the successors and assigns of 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.

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by Jennifer M. Myatt, a single person, on this the 8th day of July, 2019.

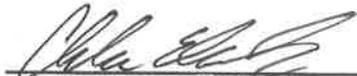


Notary Public, Kentucky, State-at-Large

My Commission Expires: 6/20/2020

Notary ID # 558448

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

PARCEL 21725400
DB 3480, PG 96

3909 WATERWOOD TERRACE
MARSHALL LINDA S
PARCEL 26738250
DB 2477, PG 690

3905
WATERWOOD
TERRACE

3913 WATERWOOD TERRACE
DILLON DENNIS A & TRACIE LEANN
PARCEL 10024890
DB 2999, PG 347

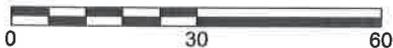
3917 WATERWOOD TERRACE
PHELPS WESLEY T &
MYATT JENNIFER M
PARCEL 26738249
DB 2901, PG 44

3921 WATERWOOD TERRACE
ELLIOTT REGINALD & VICKI
PARCEL 10024880
DB 1371, PG 14

3925 WATERWOOD TERRACE

BASIS OF BEARINGS:
NAD 83 KY NORTH

GRAPHIC SCALE: 1" = 30'



- ① PERMANENT EASEMENT TRACT NO.
- ① TEMPORARY CONSTRUCTION EASEMENT TRACT NO.
- ① EXISTING EASEMENT TO BE RELEASED TRACT NO.

- EXISTING EASEMENT AREA
- TEMPORARY CONSTRUCTION EASEMENT
- NEW PERMANENT EASEMENT AREA
- EX. EASEMENT AREA TO BE RELEASED



SANITARY SEWER EASEMENT 3917 WATERWOOD TERRACE



340 S BROADWAY ■ LEXINGTON, KY 40517 ■ (859) 233-2103 ■ fax (859) 259-3394

DATE - 1/22/2018	PROJECT NO. 1016-001
DRAWN - kmf	
PROJECT NAME - LANSDOWNE SOUTH TRUNK SEWER REPLACEMENT	
PROJECT LOCATION - LEXINGTON, KENTUCKY	

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

201907100043

July 10, 2019

9:07:16 AM

Fees	\$29.00	Tax	\$0.00
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Total Paid	\$29.00
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8 Pages

537 - 544

