

R 389-2013
7587

GRANT OF EASEMENT

This **EASEMENT** is made and entered into this 6 day of Nov, 2013, by and between **KEITH FORTIN and KATHY FORTIN, husband and wife**, 3365 Valhalla Drive, Lexington, Kentucky 40515 ("Grantors"), which is also the in-care of tax mailing address for the current tax year, and the **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky 40507 ("Grantee");

W I T N E S S E T H:

That for and in consideration of the sum of **Nine Thousand Nine Hundred Sixty and 80/100 Cents (\$9,960.80)**, and other good and valuable consideration, 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, the permanent right to lay, construct, operate, repair, reconstruct and remove sanitary sewer improvements and appurtenances thereto, which sanitary sewer improvements and appurtenances shall be of such dimension, character, construction and use determined by Grantee, along, through, under and across the following tract of land located in the confines of Lexington-Fayette County, Kentucky, and more particularly described as follows:

Permanent Sanitary Sewer Easement
3365 Valhalla Drive
Century Hills Sanitary Sewer Improvement Project

Described on Exhibit A attached hereto and incorporated herein by reference.

FURTHER, for and in consideration of the foregoing sum, 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, the temporary right to excavate, grade, construct, alter, regrade and perform related work for

Mail to Grantee
c/o Department of Law, 11th Floor

the purpose of sanitary sewer construction, repair, installation and relocation through and across the following tract of land located within the confines of Lexington-Fayette County, Kentucky, to-wit:

Temporary Construction Easement
3365 Valhalla Drive
Century Hills Sanitary Sewer Improvement Project

All temporary construction easements, if any, are described on Exhibit B attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the above-described easement together with all rights, privileges, 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 will expire upon completion of the construction of the improvement project on the land adjacent to this easement, runs with the land for the duration of the improvement project on the adjacent land, and is binding upon the heirs and assigns of the Grantors.

Grantors do hereby covenant to and with said 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 conveyed herein, and that they will **WARRANT GENERALLY** said title.

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 the prior written consent of the Grantee.

The obtaining of this easement was authorized by Resolution No. 389-2013 passed by the Lexington-Fayette Urban County Council on July 9, 2013. Pursuant to

KRS 382.135(2)(a), this public utility easement is exempt from the requirements related to certificate of consideration. This conveyance is exempt from real estate transfer tax pursuant to KRS 142.050.

IN TESTIMONY WHEREOF, the parties have signed this Easement, the day and year first above written.

GRANTORS:

BY: Keith Fortin
KEITH FORTIN

BY: Kathy Fortin
KATHY FORTIN

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing Easement was subscribed, sworn to and acknowledged before me by Keith Fortin and Kathy Fortin, husband and wife, on this the 6TH day of NOVEMBER, 2013.

My commission expires: DEC. 5, 2015

Reda J. Smith
Notary Public, State-At-Large, Kentucky

PREPARED BY:

John P. Watz
John P. Watz, Esq.
HENRY WATZ RAINE &
MARINO, PLLC
401 West Main Street, Suite 314
Lexington, Kentucky 40507
(859) 258-3500

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EXHIBIT A

20-FOOT PERMANENT SANITARY SEWER EASEMENT
&
10-FOOT TEMPORARY CONSTRUCTION EASEMENTS
ON THE PROPERTY OF
KEITH FORTIN AND KATHY FORTIN
(HUSBAND & WIFE)
DEED BOOK 1262, PAGE 413
LOT 35, BLOCK H, UNIT 4-A, SECTION 2 CENTURY HILLS SUBDIVISION
PLAT CABINET C, SLIDE 17
3365 VALHALLA DRIVE
IN LEXINGTON, FAYETTE COUNTY, KENTUCKY

All those tracts or parcels of land situated on the southwesterly side of Valhalla Drive near its terminus, in Lexington, Fayette County, Kentucky, and more fully described and bounded as follows, to-wit:

Permanent Sanitary Sewer Easement:

Beginning at a point in the common line of Lot 35 and Lot 36, Block H, Unit 4-A, Section 2 of Century Hills Subdivision (Plat Cabinet C, Slide 17), said point being approximately 25.8 feet northeasterly from the rear common corner of said lots as measured along the common line; thence along the common line of Lots 35 and 36, N 59° 38' 16" E 20.91 feet; thence through Lot 35 for two calls, S 47° 19' 25" E 17.67 feet and S 61° 37' 10" E 80.78 feet to a point in the common line of Lot 35 aforesaid and Lot 34, Block H, Unit 4-A, Section 2 of Century Hills Subdivision (Plat Cabinet C, Slide 17); thence along said common line, S 29° 41' 36" W 20.01 feet; thence again through Lot 35, parallel with and twenty feet southwesterly from the second and third calls cited above, in reverse order, N 61° 37' 10" W 82.82 feet and N 47° 19' 25" W 26.28 feet to the beginning and containing 2075 square feet.

EXHIBIT B

Temporary Construction Easement - Tract 1:

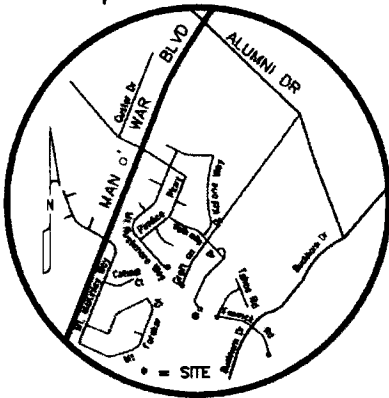
Beginning at the northeasterly corner of the above described permanent sanitary sewer easement, said point being in the common line of Lot 35 and Lot 36, Block H, Unit 4-A, Section 2 of Century Hills Subdivision (Plat Cabinet C, Slide 17); thence along said common line, N 59° 38' 16" E 10.45 feet; thence through Lot 35, parallel with and ten feet northeasterly from the northeasterly line of the above described permanent sanitary sewer easement, for two calls, S 47° 19' 25" E 13.36 feet and S 61° 37' 10" E 79.75 feet to a point in the common line of Lot 35 aforesaid and Lot 34, Block H, Unit 4-A, Section 2 of Century Hills Subdivision (Plat Cabinet C, Slide 17); thence along said common line, S 29° 41' 36" W 10.00 feet; thence again through Lot 35, along the northeasterly line of the above described permanent sanitary sewer easement, for two calls, N 61° 37' 10" W 80.78 feet and N 47° 19' 25" W 17.67 feet to the beginning and containing 958 square feet.

Temporary Construction Easement - Tract 2:

Beginning at the northwesterly corner of the above described permanent sanitary sewer easement, said point being in the common line of Lot 35 and Lot 36, Block H, Unit 4-A, Section 2 of Century Hills Subdivision (Plat Cabinet C, Slide 17); thence through Lot 35, along the southwesterly line of the above described permanent sanitary sewer easement, for two calls, S 47° 19' 25" E 26.28 feet and S 61° 37' 10" E 82.82 feet to a point in the common line of Lot 35 aforesaid and Lot 34, Block H, Unit 4-A, Section 2 of Century Hills Subdivision (Plat Cabinet C, Slide 17); thence along said common line, S 29° 41' 36" W 10.00 feet; thence again through Lot 35, parallel with and ten feet southwesterly from the southwesterly line of the above described permanent sanitary sewer easement, for two calls, N 61° 37' 10" W 83.85 feet and N 47° 19' 25" W 30.58 feet to a point in the common line of Lots 35 and 36 aforesaid; thence along said common line, N 59° 38' 16" E 10.45 feet to the beginning and containing 1118 square feet.

Being a twenty-foot wide permanent sanitary sewer easement and ten-foot wide temporary construction easements on a portion of the same property conveyed to grantors, by deed dated October 24, 1980, and of record in Deed Book 1262, Page 413; being designated as Lot 35, Block H, Unit 4-A, Section 2 of Century Hills Subdivision as per the Final Record Plan recorded in Plat Cabinet C, Slide 17. All of the above referenced instruments are of record in the Fayette County Clerk's office.

EXHIBIT "C"



VICINITY MAP
Not To Scale

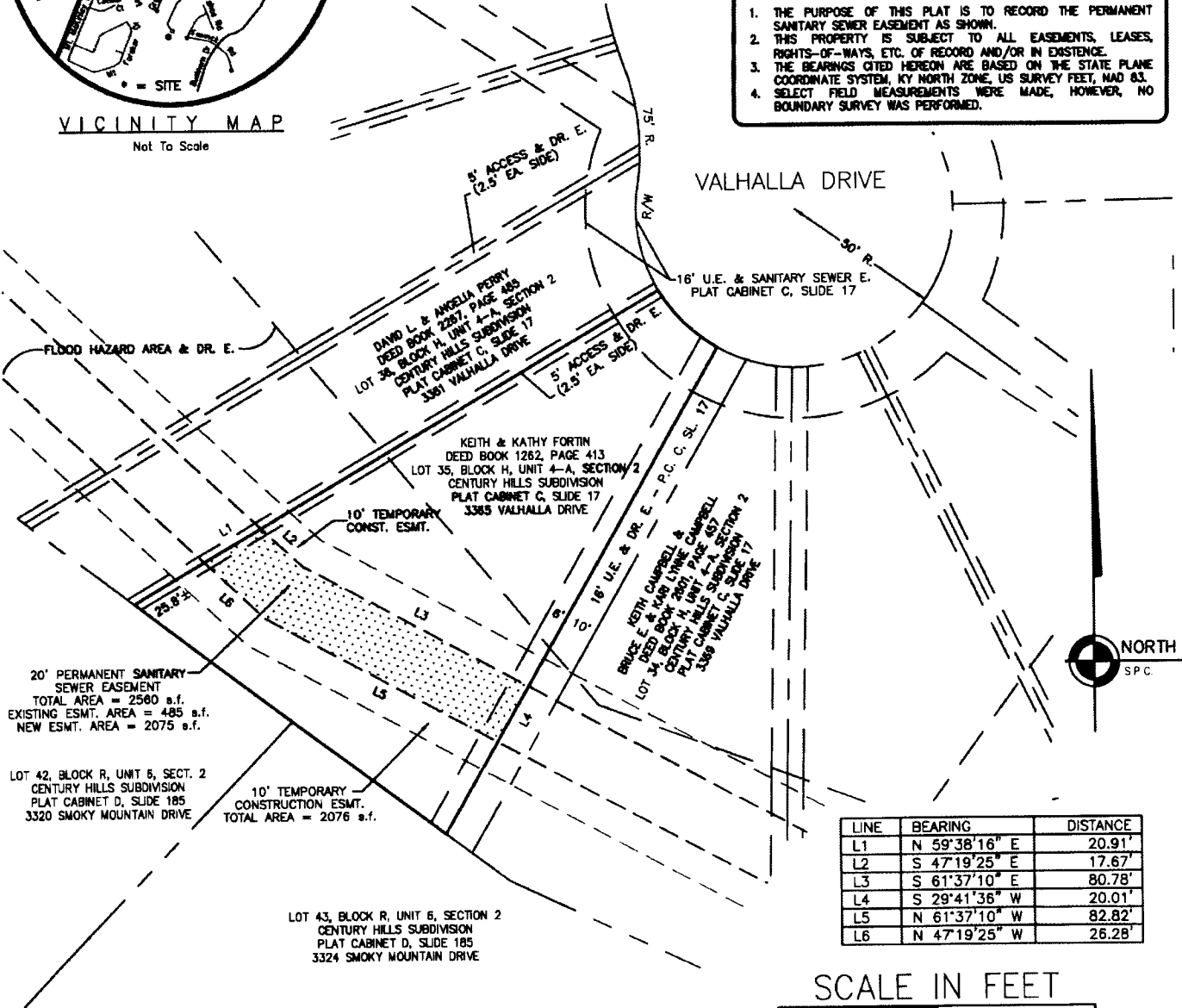
PROPERTY OWNERS' ADDRESS
KEITH & KATHY FORTIN
3385 VALHALLA DRIVE
LEXINGTON, KY 40515

LEGEND

- APPROXIMATE SUBJECT PROPERTY LINE
- - - APPROXIMATE ADJOINING PROPERTY LINE
- - - PROPOSED SANITARY SEWER EASEMENT LINE
- - - EXISTING EASEMENT LINE
- - - TEMPORARY CONSTRUCTION EASEMENT LINE

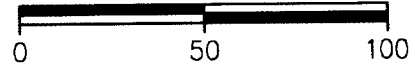
NOTES:

1. THE PURPOSE OF THIS PLAT IS TO RECORD THE PERMANENT SANITARY SEWER EASEMENT AS SHOWN.
2. THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, LEASES, RIGHTS-OF-WAYS, ETC. OF RECORD AND/OR IN EXISTENCE.
3. THE BEARINGS CITED HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, KY NORTH ZONE, US SURVEY FEET, MAD 83.
4. SELECT FIELD MEASUREMENTS WERE MADE, HOWEVER, NO BOUNDARY SURVEY WAS PERFORMED.



LINE	BEARING	DISTANCE
L1	N 59°38'16" E	20.91'
L2	S 47°19'25" E	17.67'
L3	S 61°37'10" E	80.78'
L4	S 29°41'36" W	20.01'
L5	N 61°37'10" W	82.82'
L6	N 47°19'25" W	26.28'

SCALE IN FEET



LAND SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS RECORD PLAT WAS PREPARED UNDER MY DIRECTION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE BEARINGS AND DISTANCES AS SHOWN ON THIS PLAT ARE TRUE AND ACCURATE.

Reda J. Smith 8/15/13

REDA J. SMITH, PLS # 3323
CDP ENGINEERS, INC.
3250 BLAZER PKWY
LEXINGTON, KY 40509

DATE



SANITARY SEWER EASEMENT PLAT

KEITH FORTIN & KATHY FORTIN
(HUSBAND & WIFE)
PROPERTY
3385 VALHALLA DRIVE
LEXINGTON, FAYETTE COUNTY, KENTUCKY



cdpengineers

3250 Blazer Parkway
Lexington KY 40509
T 859.264.7500 F 859.264.7501

SCALE: 1" = 50'

DATE: AUGUST 12, 2013

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: DOUG BRADLEY ,dc

201401290072

January 29, 2014 10:10:49 AM

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

643 - 649