

FAYETTE CO, KY FEE \$59.00

SUSAN LAMB
COUNTY CLERK

PRESENTED/LODGED: 05/05/2025 02:09:27 PM

EMILY GENTRY, DEPUTY CLERK 202505050193

BK: DB 4129

PG: 205-212



PERMANENT SANITARY SEWER EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT** is made and entered into this the 2nd day of May, 2025, by and between **SCOTT A. GRALHEER, a single person AND DON DELUCA, a single person**, 1000 Winding Circle, Lexington, Kentucky 40517, which is the correct mailing and in-care of tax mailing address for the current year ("Grantors"), and **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky 40507 ("Grantee").

WITNESSETH:

That for and in consideration of the sum of **SEVEN THOUSAND TWO HUNDRED FIFTY-FOUR DOLLARS AND 12/100 CENTS (\$7,254.12)**, 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**,

Return to:
Cynthia Cannon-Ferguson
LFUCG, Dept. of Law, 11th Floor
200 East Main Street
Lexington, KY 40507

GRANT and **CONVEY** unto the Grantee, its successors and assigns, the permanent right to excavate, grade, construct, alter, re-grade and perform related work for the purpose of sanitary sewer improvements and construction, installation, repair, maintenance 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
Merrick Trunk Sewer
Improvement Project
(a portion of 1000 Winding Circle)

All that tract or parcel of land situated at the west end of Winding Circle cul-de-sac in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows, to wit:

Tract A

BEGINNING, at a point in the south line of Scott Gralheer and Don Deluca (1000 Winding Circle, Deed Book 4049, Page 650), said point being in the common line with Gainesway Floodplain Area Maintenance Association, Inc., (Deed Book 1238, Page 103) having NAD 83 Kentucky State Plane North Zone (2011) coordinates of North 176,527.41 and East 1,570,361.39;

Thence leaving said Association for three (3) new lines through the lands of said Gralheer and Deluca:

1. North 13°28'30" East, 5.34 feet to a point in the south line of an existing 12-foot wide utility easement (Plat Cabinet B, Slide 425),
2. With said utility easement, South 84°39'14" East, 5.69 feet to a point in the west line of an existing 10-foot wide utility easement (Plat Cabinet B, Slide 508),
3. With said utility easement, South 04°05'40"

East, 4.16 feet to a point in the line with said Association;

Thence leaving said utility easement and with said Association, South 85°54'20" West, 7.23 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 30 square feet (gross and net), more or less, of permanent easement; and,

Tract B

BEGINNING at a point in the lands of Scott Gralheer and Don Deluca (1000 Winding Circle, Deed Book 2240, Page 339 and Deed Book 4049, Page 650) at the intersection of the north line of an existing 12-foot wide utility easement (Plat Cabinet B, Slide 425) and the west line of an existing 12-foot wide utility easement (Plat Cabinet B, Slide 425), having NAD 83 Kentucky State Plane North Zone (2011) coordinates of North 176,529.71 and East 1,570,393.53;

Thence leaving said west line of said utility easement and with said north line of said utility easement, North 84°39'14" West, 27.69 feet to a point;

Thence leaving said north line of said utility easement for six (6) new lines through the lands of said Gralheer and Deluca:

1. North 13°28'30" East, 16.52 feet to a point,
2. North 05°34'19" East, 38.26 feet to a point.
3. North 06°14'26" West, 31.66 feet to a point,
4. North 16°08'40" West, 8.80 feet to a point in the south line of an existing sanitary sewer and utility easement (Plat Cabinet B, Slide 425),
5. With said sanitary and utility easement South 83°44'20" East, 22.11 feet to a point in said west line of the utility easement,
6. With said utility easement, South 02°23'00" East, 94.31 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 1,952 square feet (gross and net), more or less, permanent easement; and,

Tract A and Tract B, being a portion of the same property conveyed to Scott A. Gralheer, a single person and Don Deluca, a single person, by General Warranty deed, dated October 31, 2001, of record in Deed Book 2240, Page 339 and by a Master Commissioner's deed, dated October 26, 2023, of record in Deed Book 4049, Page 650, both referenced in the Fayette County Clerk's Office.

TO HAVE AND TO HOLD said easement together with all rights, appurtenances, and improvements thereunto belonging unto said Grantee, its successors and assigns, for the purposes and uses herein designated, and maintenance thereof.

TOGETHER with the right to use the above-described easement during the time the sanitary sewer is being constructed, repaired or reconstructed, with the right of ingress and egress upon said easement as may be reasonably necessary for the construction and maintenance of said project.

The above-described permanent easement runs with the land in perpetuity and is binding upon the successors and assigns of the Grantors. 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 as 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 interest conveyed herein, including all exemptions allowed by law, and does 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 same as herein done, and that they will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 312-2023, passed by the Lexington-Fayette Urban County Council on June 15, 2023. 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 Grantors have signed this Permanent Sanitary Sewer Easement, this the day and year first above written.


GRANTORS:


SCOTT A. GRALHEER


DON DELUCA

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by Scott A. Gralheer, a single person and Don Deluca, a single person, on this the 2nd day of May, 2025.


Notary Public, Kentucky, State-at-Large

My Commission Expires: 07 / 26 / 2027

Notary ID # KYNP76447

PREPARED BY:



TIFFANY AMBER HOLSKEY,

Attorney

Lexington-Fayette Urban

County Government

Department of Law, 11th Floor

200 East Main Street

Lexington, Kentucky 40507

(859) 258-3500

4936-8839-9927, v. 1

NEW PERM. ESMT.
TEMP. CONST. ESMT.

MOSTAFA SAYED
REVOCABLE LIVING TRUST
3514 TATES CREEK ROAD
DB 3763 PG 445

TRACY MICHELLE TURNER
1001 WINDING CIRCLE
DB 3972 PG 112

SCOTT GRALHEER
DON DELUCA
1000 WINDING CIR.
DB 2240 PG 339
DB 4049 PG 650

WINDING CIRCLE
50' RADIUS

CHARLES A. LYON
MARINA LYON
1004 WINDING CIRCLE
DB 1986 PG 228

P.O.B. PERM.
ESMT. "B"
N:176529.71
E:1570393.53

PERM.
SAN. E. "A"
30 SQ.FT.
(GROSS & NET)

P.O.B. PERM.
ESMT. "A"
N:176527.41
E:1570361.39

GAINESWAY
FLOODPLAIN AREA
MAINTENANCE
ASSOCIATION, INC.
DB 1238 PG 103

GAINESWAY
FLOODPLAIN AREA
MAINTENANCE
ASSOCIATION, INC.
DB 1238 PG 103

REV. DATE: 04/03/24

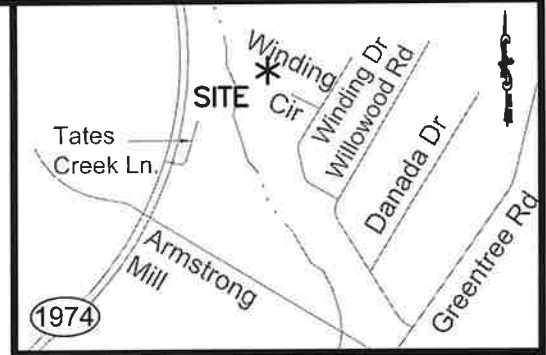
MERRICK TRUNK SEWER PROJECT
SANITARY SEWER EASEMENTS
SCOTT GRALHEER & DON DELUCA
1000 WINDING CIRCLE

LEXINGTON, FAYETTE COUNTY, KENTUCKY- PAGE 1 OF 2



651 Perimeter Drive Suite 300
Lexington, KY 40517
Phone (859) 368-0145
www.primeeng.com

LINE	BEARING	DISTANCE
L1	N 84°39'14" W	27.69'
L2	N 13°28'30" E	16.52'
L3	N 05°34'19" E	38.26'
L4	S 83°44'20" E	22.11'
L5	S 02°23'00" E	94.31'
L6	S 85°54'20" W	7.23'
L7	N 13°28'30" E	5.34'
L8	S 84°39'14" E	5.69'
L9	S 04°05'40" E	4.16'
L10	N 06°14'26" W	31.66'
L11	N 16°08'40" W	8.80'



VICINITY MAP N.T.S.

EX. PERM ESMT.= N/A

PROP. PERM. ESMT. "A" (GROSS & NET)=30 SQ.FT.

PROP. PERM. ESMT. "B" (GROSS & NET)=1,952 SQ. FT.

LAND SURVEYOR'S CERTIFICATE:

THE PROPERTY LINES SHOWN ON THIS EASEMENT EXHIBIT ARE BASED ON DEED AND/OR RECORD PLAT DATA FROM THE FAYETTE COUNTY CLERK'S OFFICE. THIS EXHIBIT DOES NOT REPRESENT A BOUNDARY SURVEY AS DEFINED IN 201 KAR 18:150 AND PRIME AE GROUP HAS NOT PERFORMED A BOUNDARY SURVEY FOR THE PURPOSES OF THIS EXHIBIT. THIS EXHIBIT IS NOT INTENDED TO BE USED FOR LAND TRANSFER.

JAMES M. CHAMBLISS, PLS 3185

DATE



REV. DATE: 04/03/24

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Lexington, KY 40517
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MERRICK TRUNK SEWER PROJECT
SANITARY SEWER EASEMENTS
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LEXINGTON, FAYETTE COUNTY, KENTUCKY- PAGE 2 OF 2