

R 389-2013
7610

GRANT OF EASEMENT

This **EASEMENT** is made and entered into this 15th day of NOVEMBER, 2013, by and between **HENRY H. CARDWELL**, a single person, and **ANITA L. CARDWELL**, a single person, 310 S. WARREN ST. ~~1342 Possum Hollow Road~~, Morgantown, Kentucky 42261 ("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");

WITNESSETH:

That for and in consideration of the sum of **Three Thousand Seven Hundred Fifty-Three Dollars and 60/100 Cents (\$3,753.60)**, 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
1183 Mt. Rushmore Way
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

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

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 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
1183 Mt. Rushmore Way
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

EXHIBIT A

20-FOOT PERMANENT SANITARY SEWER EASEMENT
&
10-FOOT TEMPORARY CONSTRUCTION EASEMENTS
ON THE PROPERTY OF
HENRY H. CARDWELL AND ANITA L. CARDWELL
(HUSBAND & WIFE)
DEED BOOK 2624, PAGE 601
LOT 30-A, BLOCK D, UNIT 2-B CENTURY HILLS SUBDIVISION
PLAT CABINET D, SLIDE 330
1183 MT. RUSHMORE WAY
IN LEXINGTON, FAYETTE COUNTY, KENTUCKY

All those tracts or parcels of land situated on the southwesterly side of Mt. Rushmore Way, southeasterly from its intersection with Pimlico Parkway, 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 30-A and Lot 30, Block D, Unit 2-B of Century Hills Subdivision (Plat Cabinet D, Slide 330), said point being approximately 42.7 feet northeasterly from the rear common corner of said lots as measured along the common line; thence along the common line of Lots 30-A and 30, N 53° 44' 56" E 20.11 feet; thence through Lot 30-A, S 30° 20' 08" E 39.01 feet to a point in the common line of Lot 30-A aforesaid and Lot 31, Block D, Unit 2-B of Century Hills Subdivision (Plat Cabinet D, Slide 786); thence along said common line, S 53° 16' 53" W 20.12 feet; thence again through Lot 30-A, parallel with and twenty feet southwesterly from the second call cited above, N 30° 20' 08" W 39.18 feet to the beginning and containing 782 square feet.

EXHIBIT B

Temporary Construction Easement - Tract 1:

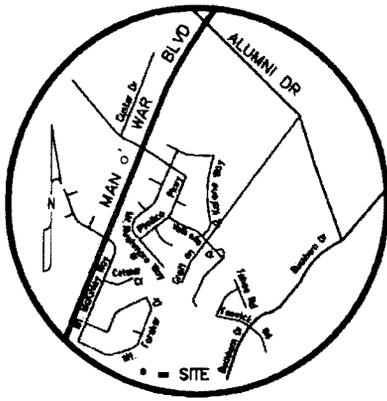
Beginning at the northeasterly corner of the above described permanent sanitary sewer easement, said point being in the common line of Lot 30-A and Lot 30, Block D, Unit 2-B of Century Hills Subdivision (Plat Cabinet D, Slide 330); thence along said common line, N 53° 44' 56" E 10.05 feet; thence through Lot 30-A, parallel with and ten feet northeasterly from the northeasterly line of the above described permanent easement, S 30° 20' 08" E 38.93 feet to a point in the common line of Lot 30-A aforesaid and Lot 31, Block D, Unit 2-B of Century Hills Subdivision (Plat Cabinet D, Slide 786); thence along said common line, S 53° 16' 53" W 10.06 feet; thence again through Lot 30-A, along the northeasterly line of the above described permanent easement, N 30° 20' 08" W 39.01 feet to the beginning and containing 391 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 30-A and Lot 30, Block D, Unit 2-B of Century Hills Subdivision (Plat Cabinet D, Slide 330); thence through Lot 30-A, along the southwesterly line of the above described permanent easement, S 30° 20' 08" E 39.18 feet to a point in the common line of Lot 30-A aforesaid and Lot 31, Block D, Unit 2-B of Century Hills Subdivision (Plat Cabinet D, Slide 786); thence along said common line, S 53° 16' 53" W 10.06 feet; thence again through Lot 30-A, parallel with and ten feet southwesterly from the southwesterly line of the above described permanent easement, N 30° 20' 08" W 39.26 feet to a point in the common line of Lots 30-A and 30 aforesaid; thence along said common line, N 53° 44' 56" E 10.05 feet to the beginning and containing 391 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 February 20, 2006, and of record in Deed Book 2624, Page 601; being designated as Lot 30-A, Block D, Unit 2-B of Century Hills Subdivision as per the Amended Final Record Plat of record in Plat Cabinet D, Slide 330. 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
HENRY H. & ANITA L. CARDWELL
1420 POSSUM HOLLOW ROAD
MORGANTOWN, KY 42261

SCALE IN FEET



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, NAD 83.
4. SELECT FIELD MEASUREMENTS WERE MADE, HOWEVER, NO BOUNDARY SURVEY WAS PERFORMED.

LOT 73, BLOCK B, UNIT 1-A
CENTURY HILLS SUBDIVISION
PLAT CABINET B, SLIDE 435
2897 MT. MCKINLEY WAY

LOT 72, BLOCK B, UNIT 1-A
CENTURY HILLS SUBDIVISION
PLAT CABINET B, SLIDE 435
2901 MT. MCKINLEY WAY

20' PERMANENT SANITARY SEWER
EASEMENT
TOTAL AREA = 1244 s.f.
EXISTING ESMT. AREA = 462 s.f.
NEW ESMT. AREA = 782 s.f.

10' TEMPORARY
CONSTRUCTION ESMT.
TOTAL AREA = 782 s.f.

LOT 71, BLOCK B, UNIT 1-A
CENTURY HILLS SUBDIVISION
PLAT CABINET B, SLIDE 286
2905 MT. MCKINLEY WAY

AMY L. WEBB-RELEY
DEED BOOK 1792, PAGE 108
LOT 50, BLOCK D, UNIT 2-B
CENTURY HILLS SUBDIVISION
PLAT CABINET D, SLIDE 330
1181 MT. RUSHMORE WAY

HENRY H. & ANITA L. CARDWELL
DEED BOOK 2824, PAGE 801
LOT 30-A, BLOCK D, UNIT 2-B
CENTURY HILLS SUBDIVISION
PLAT CABINET D, SLIDE 330
1183 MT. RUSHMORE WAY

CHARLES MCKANN III
DEED BOOK 2701, PAGE 703
LOT 31, BLOCK D, UNIT 2-B
CENTURY HILLS SUBDIVISION
PLAT CABINET D, SLIDE 330
1185 MT. RUSHMORE WAY

MT. RUSHMORE WAY
(30' R/W)



LINE	BEARING	DISTANCE
L1	N 53°44'56" E	20.11'
L2	S 30°20'08" E	39.01'
L3	S 53°16'53" W	20.12'
L4	N 30°20'08" W	39.18'

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

HENRY H. CARDWELL & ANITA L. CARDWELL
(HUSBAND & WIFE)

PROPERTY

1183 MT. RUSHMORE WAY
LEXINGTON, FAYETTE COUNTY, KENTUCKY



cdpengineers

3250 Blazer Parkway
Lexington KY 40509
T 859.264.7600 F 859.264.7501

SCALE: 1" = 50'

DATE: AUGUST 7, 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

201401290051

January 29, 2014 10:03:58 AM

Fees \$26.00 Tax \$0.00

Total Paid \$26.00

THIS IS THE LAST PAGE OF THE DOCUMENT

7 Pages

495 - 501