

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 2 day of August, 2021, by and between **THE SALVATION ARMY, a New York non-profit corporation**, 440 West Nyack Road, West Nyack, NY 10994, 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 **ONE THOUSAND SEVEN HUNDRED THIRTY-EIGHT DOLLARS AND 75/100 CENTS (\$1,738.75)**, 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
New Circle Road Trunk
Sewers A & B Improvement Project
(a portion of 228 E. New Circle Road)

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

All that tract or parcel of land situated on the southwest side of East New Circle Road and northwest of the intersection of Bryan Avenue and East New Circle Road in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at the northwest corner of the Salvation Army (228 East New Circle Road, Deed Book 1402, Page 251), said point being a common corner with Merryman Investment Company (212 East New Circle Road, Deed Book 3274, Page 685) and being in the East New Circle Road southwest right of way; thence leaving said Merryman Investment Company and with said East New Circle Road southwest right of way, South 38°12'02" East, 20.00 feet to a point; thence leaving said East New Circle Road southwest right of way for a new line through the lands of said Salvation Army, South 51°31'44" West, 347.79 feet to a point in the line with LFUCG (1447 Edgelawn Avenue, Deed Book 1989, Page 569); thence with said LFUCG and continuing with LFUCG (1450 Edgelawn Avenue, Deed Book 2131, Page 342), North 38°38'30" West, 20.00 feet to the southeast corner of Southern Belle Dairy (208 East New Circle Road, Deed Book 2681, Page 330); thence leaving said LFUCG (1450 Edgelawn Avenue) and with said Southern Belle Dairy and Merryman Investment Company, North 51°31'44" East, 347.94 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 3,478 sq. ft. (net) of permanent easement; and

Being a portion of the property conveyed to The Salvation Army, a New York non-profit corporation, by Deed dated May 2, 1986, of record in Deed Book 1402, Page 251, 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
New Circle Road Trunk
Sewers A & B Improvement Project
(a portion of 228 E. New Circle Road)

BEGINNING, at the northwest corner of the Salvation Army (228 East New Circle Road, Deed Book 1402, Page 251), said point being a common corner with Merryman Investment Company (212 East New Circle Road, Deed Book 3274, Page 685) and being in the East New Circle Road southwest right of way; thence leaving said Merryman Investment Company and with said East New Circle Road southwest right of way, South 38°12'02" East, 20.00 feet to the **TRUE POINT OF BEGINNING**; thence continuing with said East New Circle Road southwest right of way, South 38°12'02" East, 20.00 feet to a point; thence leaving said New Circle Road southwest right of way for a new line through the lands of said Salvation Army, South 51°31'44" West, 347.63 feet to a point in the line with LFUCG (1447 Edgelawn Avenue, Deed Book 1989, Page 569); thence continuing with said LFUCG, North 38°38'30" West, 20.00 feet to a point; thence leaving said LFUCG for a new line through the lands of said Salvation Army, North 51°31'44" East, 347.79 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 6,954 sq. ft. (gross and net) of temporary construction easement; and

Being a portion of the property conveyed to The Salvation Army, a New York non-profit corporation, by Deed dated May 2, 1986, of record in Deed Book 1402, Page 251, 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.

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 do 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, and that it will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 457-2020, passed by the Lexington-Fayette Urban County Council on October 8, 2020. 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:


THE SALVATION ARMY, a
New York non-profit corporation

BY:


Adolph M. Orlando
Second Assistant Secretary - Property

STATE OF NEW YORK)
)
COUNTY OF ROCKLAND)

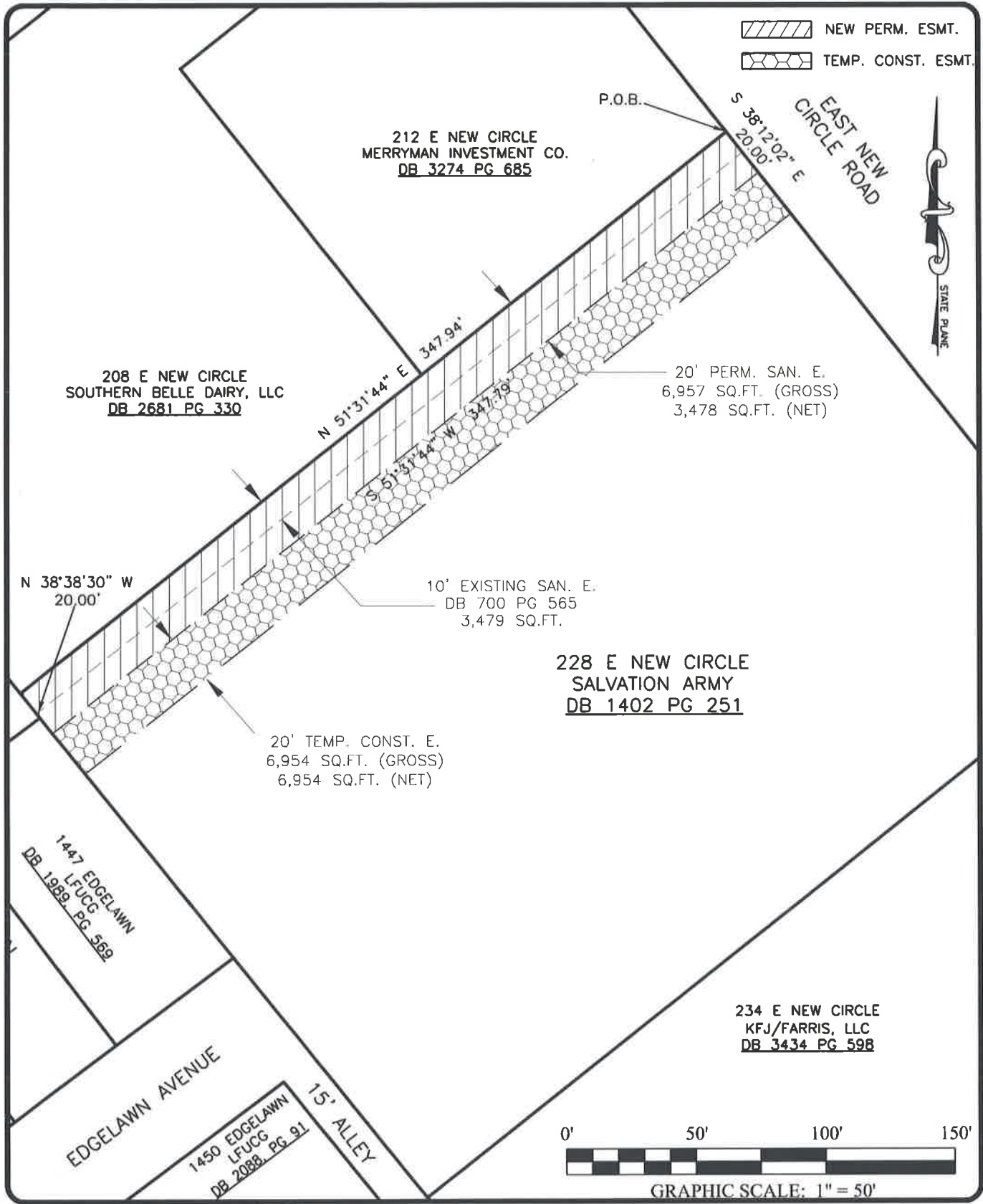
This instrument was acknowledged, subscribed and sworn to before me by Charles S. Foster, as Assistant Secretary-Property, by and on behalf of The Salvation Army, a New York non-profit corporation, on this the 2 day of August, 2021.



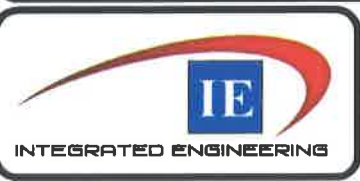
Notary Public, New York, State-at-Large

My Commission Expires: 08/14/2021

Notary ID # _____
DEBORAH L. HANSEN
Notary Public, State of New York
Reg. No. 01HA5048121
Qualified in Orange County
Commission Expires August 14, 2021



P:\190225 - New Circle Road Trunk A & B\Survey Info\Working Drawings\190225 NCR Trunk A&B Easements.dwg
 Day & Time: Aug 17, 2020 - 8:58am
 Login Name: Jomesc



20' PERMANENT SANITARY SEWER EASEMENT
THE SALVATION ARMY
228 EAST NEW CIRCLE ROAD
LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 1 OF 2



VICINITY MAP 1" = 1000'

EX. ESMT.=3,479 SQ.FT.

PROP. PERM. ESMT.(GROSS)=6,957 SQ.FT.

PROP. PERM. ESMT. (NET)=3,478 SQ.FT.

PROP. TEMP. ESMT.(GROSS)=6,954 SQ.FT.

PROP. TEMP. ESMT.(NET)=6,954 SQ.FT.

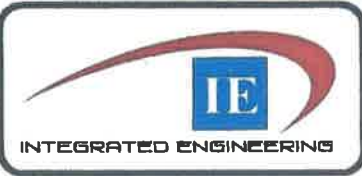
LAND SURVEYOR'S CERTIFICATE:

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 DESCRIBED IN 201 KAR 18:150 AND INTEGRATED ENGINEERING 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 8/4/20
 JAMES M. CHAMBLISS, PLS 3185 DATE



P:\190225 - New Circle Road Trunk A & B\Survey Info\Working Drawings\190225 NCR Trunk A&B Easements.dwg
 Day & Time: Aug 04, 2020 - 12:34pm
 Login Name: Jamissc



20' PERMANENT SANITARY SEWER EASEMENT
 THE SALVATION ARMY
 228 EAST NEW CIRCLE ROAD
 LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 1 OF 2

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: EMILY GENTRY ,dc

202108090333

August 9, 2021 14:55:35 PM

Fees	\$59.00	Tax	\$.00
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Total Paid	\$59.00
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9 Pages

699 - 707