

DEED OF EASEMENT

This **PERMANENT STORMWATER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 12th day of May, 2021, by and between **DAVID B. STEPHENS and MITZI K. STEPHENS, husband and wife**, 2330 Tucson Drive, Lexington, Kentucky 40503, 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 **THREE HUNDRED EIGHTY-EIGHT DOLLARS AND 56/100 DOLLARS (\$388.56)**, 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 stormwater 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 Stormwater Easement
Southland Area Stormwater Improvement Project
(a portion of 2330 Tucson Drive)

All that tract or parcel of land situated on the east side of
Tucson Drive, approximately 525' northerly of the

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

intersection of Tucson Drive and Hill N Dale Road in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING at a point on the existing easterly right-of-way of Tucson Drive, common corner to 2320 Tucson Drive, thence with the common line of 2320 Tucson Drive, S64°31'25"E – 175.00' to a point in common line of 625 Hill N Dale Road, thence with the common line of 625 Hill N Dale Road, S25°36'49"W – 5.00' to a point, thence leaving the common line of 625 Hill N Dale Road and traversing through the lands of 2330 Tucson Drive, N64°31'25"W – 42.10' to a point, thence N25°00'18"E – 2.65' to a point, thence N64°59'42"W – 25.93' to a point, thence S25°02'24"W – 2.44' to a point, thence N64°31'24"W – 106.97' to a point on the existing easterly right-of-way of Tucson Drive, thence with the existing easterly right-of-way of Tucson Drive, N25°36'49"E – 5.00' to the **POINT OF BEGINNING**; and,

The above-described parcel contains 808.9 square feet (0.02 Acres, more or less) of permanent easement; and

Being a portion of the property conveyed to David B. Stephens and Mitzi K. Stephens, husband and wife, by Deed dated June 2, 2000, of record in Deed Book 2133, Page 664, 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 stormwater 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 #1
Southland Area Stormwater Improvement Project
(a portion of 2330 Tucson Drive)

BEGINNING at a point on the existing easterly right-of-way of Tucson Drive, common corner to the above-described permanent storm sewer easement, said point being located S25°36'49"W – 5.00' from the common corner to 2320 Tucson Drive, thence with the common line of said permanent easement, S64°31'24"E – 106.97' to a point, thence leaving the common line of said permanent easement and traversing through the lands of 2330 Tucson Drive, S25°02'24"W – 10.00' to a point, thence N64°31'24"W – 107.07' to a point in the existing easterly right-of-way of Tucson Drive, thence with the existing easterly right-of-way of Tucson Drive, N25°36'49"E – 10.00' to the **POINT OF BEGINNING**; and,

The above-described parcel contains a total area of 1,070.2 square feet (0.02 Acres, more or less) of temporary construction easement;

Temporary Construction Easement #2
Southland Area Stormwater Improvement Project
(a portion of 2330 Tucson Drive)

BEGINNING at a point on the common line of 625 Hill N Dale Road, common corner to the above-described permanent storm sewer easement, thence with the common line of 625 Hill N Dale Road, S25°36'49"W – 10.00' to a point, thence leaving the common line of 625 Hill N Dale and traversing through the lands of 2330 Tucson Drive, N64°31'25"W – 41.99' to a point, thence N25°00'18"E – 10.00' to a point, common corner to above described permanent easement, thence with the common line of said permanent easement, S64°31'25"E – 42.10' to the **POINT OF BEGINNING**; and,

The above-described parcel contains a total area of 420.5 square feet (0.01 Acres, more or less) of temporary construction easement;

Both parcels being a portion of the property conveyed to David B. Stephens and Mitzi K. Stephens, husband and wife, by Deed dated June 2, 2000, of record in Deed Book 2133, Page 664, 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.

The obtaining of this easement was authorized by Resolution 499-2020, passed by the Lexington-Fayette Urban County Council on October 22, 2020. Pursuant to KRS

PREPARED BY:



EVAN P. THOMPSON

Attorney

Lexington-Fayette Urban

County Government

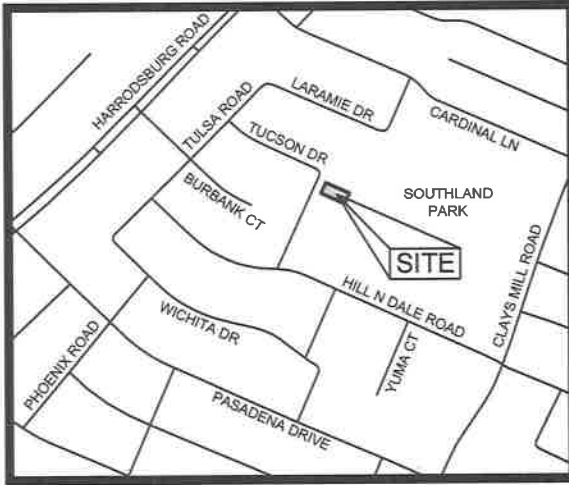
Department of Law, 11th Floor

200 East Main Street

Lexington, Kentucky 40507

(859) 258-3500

X:\Cases\WATER-AIR\20-RE0392\RE\00722355.DOC



VICINITY MAP
SCALE: 1"=1000'

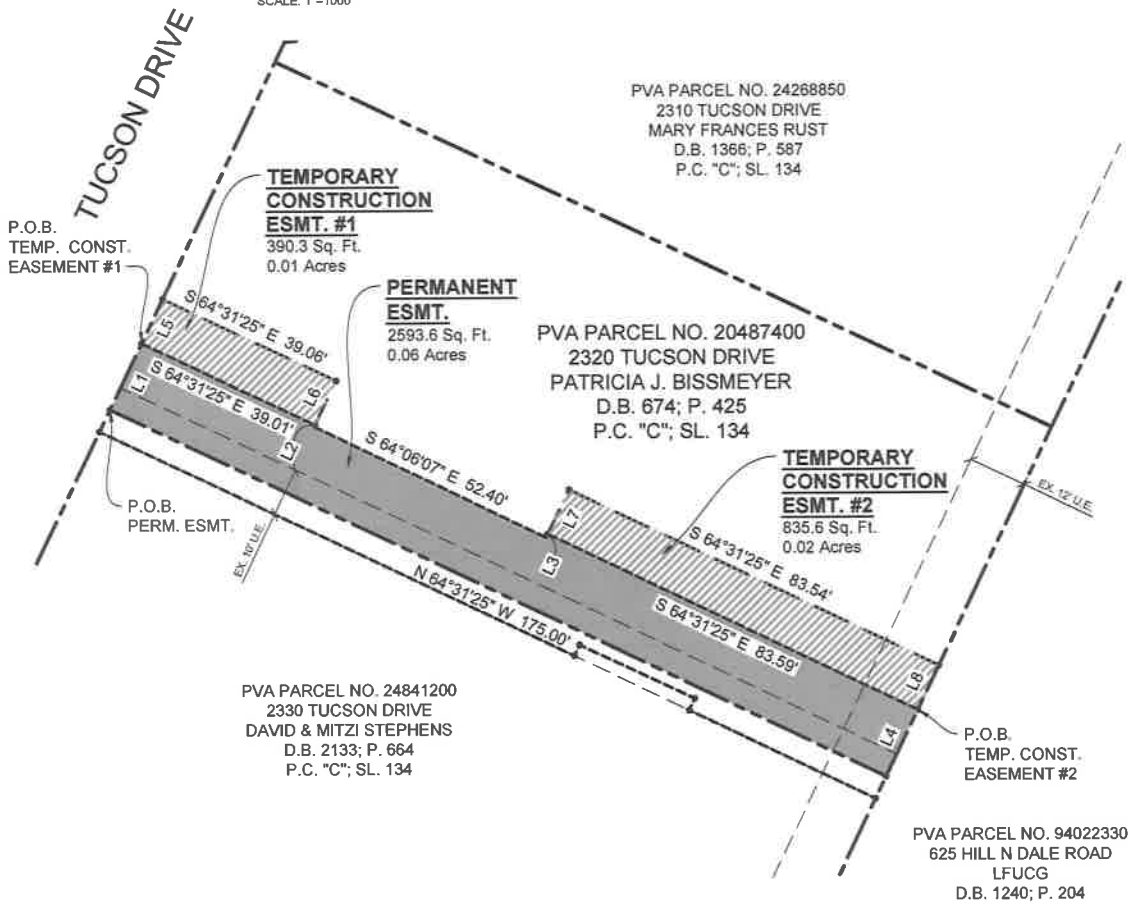
BANKS

Engineering, Inc.
1211 Jessamine Station
Nicholasville, Kentucky 40356
(859) 881-0020



NOTES

1. THE BEARINGS SHOWN HEREON ARE BASED ON THE KENTUCKY NORTH STATE PLANE COORDINATE SYSTEM DERIVED FROM A GPS SURVEY.
2. SELECT FIELD MEASUREMENTS WERE MADE, HOWEVER, NO BOUNDARY SURVEY WAS PERFORMED.
3. THIS SURVEY DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE FULL EXTERIOR BOUNDARIES OF THE PROPERTIES SHOWN AND DEPICTED HEREON.
4. AREA OF "REMAINDER" PARCELS IS BASED ON PRIOR RECORD PLAT LODGED IN PLAT CABINET C; SLIDE 134 IN THE FAYETTE COUNTY CLERK'S OFFICE.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 25°36'49" E	15.00'
L2	S 25°53'53" W	0.41'
L3	N 25°53'53" E	0.79'
L4	S 25°36'49" W	15.00'
L5	N 25°36'49" E	10.00'
L6	S 25°53'53" W	10.00'
L7	N 25°53'53" E	10.00'
L8	S 25°36'49" W	10.00'

EXHIBIT "A"
STORM SEWER EASEMENT
Lexington-Fayette Urban
County Government
THROUGH THE PROPERTY OF
Patricia J. Bissmeyer
PARCEL 20487400
DB. 674; P. 425 & P.C. "C"; SL. 134
2320 TUCSON DRIVE
Lexington, Kentucky

GRAPHIC SCALE



1 inch = 30 feet

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

202105200288

May 20, 2021

14:29:22 PM

Fees	\$56.00	Tax	\$.00
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Total Paid	\$56.00
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8 Pages

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