

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 25th day of November, 2019, by and between **BETTIE T. ROBINSON, a single person, by LISSA C. RACER, as her Attorney-in-Fact**, 35256 Bennett Street, Livonia, Michigan, 48152, 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 **FOUR HUNDRED THREE DOLLARS AND 00/100 DOLLARS (\$403.00)**, 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:

Variable Permanent Sanitary Sewer Easement
Lexmark Trunk A & B Sanitary
Sewer Improvement Project
(a portion of 785 N. Broadway)

Return to:
Charles E. Edwards III
LFUCG, Dept. of Law, 11th Floor
200 East Main Street
Lexington, KY 40507

(CC-F)

All that tract or parcel of land situated west corner of the intersection of North Broadway and West Loudon Avenue in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

Parcel "A"

BEGINNING, at the south corner of Bettie T. Robinson (785 N. Broadway, Deed Book 1318, Page 210) said point being a common corner to Lextran Real Properties, Inc. (220 W. Loudon Avenue, Deed Book 3320, Page 546) said point being in the North Broadway northwest right-of-way; thence leaving said North Broadway northwest right-of-way and with said Lextran Real Properties, Inc., North $04^{\circ}14'06''$ East, 278.59 feet to a point in the West Loudon Avenue southwest right-of-way; thence leaving said Lextran Real Properties, Inc. and with said West Loudon Avenue southwest right-of-way, along a curve to the left having a radius of 557.61 feet, an arc distance of 6.98 feet and a chord, South $19^{\circ}50'27''$ East, 6.98 feet to a point in the west line of an existing 15-foot wide sanitary sewer easement; thence leaving said West Loudon Avenue southwest right-of-way and with said 15-foot wide sanitary sewer easement, South $04^{\circ}39'15''$ West, 271.36 feet to a point in said North Broadway northwest right-of-way; thence with said North Broadway northwest right-of-way, South $49^{\circ}04'02''$ West, 1.22 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 512 square feet (net) more or less of permanent easement; and

Parcel "B"

BEGINNING, at the south corner of Bettie T. Robinson (785 N. Broadway, Deed Book 1318, Page 210) said point being a common corner to Lextran Real Properties, Inc. (220 W. Loudon Avenue, Deed Book 3320, Page 546) and being in the North Broadway northwest right-of-way; thence leaving said Lextran Real Properties, Inc. and with said North Broadway northwest right-of-way, North $49^{\circ}04'02''$ East, 22.65 feet to a point in the east line of an existing 15-foot wide sanitary sewer easement at the **TRUE POINT OF BEGINNING**; thence leaving said North Broadway northwest right-of-way and with said existing 15-foot wide sanitary sewer easement, North $04^{\circ}39'15''$ East, 226.06 feet to a point in the West Loudon Avenue southwest right-of-way;

thence leaving said existing 15-foot wide sanitary sewer easement and with said West Loudon Avenue southwest right-of-way along a curve to the left, having a radius of 557.61 feet, an arc distance of 5.03 feet and a chord, South 23°54'13" East, 5.03 feet to a point; thence leaving said West Loudon Avenue southwest right-of-way for a new line through the lands of Bettie T. Robinson (785 N. Broadway, Deed Book 1174, Page 167), South 04°14'16" West, 217.57 feet to a point in said North Broadway northwest right-of-way; thence with said North Broadway northwest right-of-way, South 49°04'02" West, 5.71 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 710 square feet (net) more or less of permanent easement; and

Both parcels being a portion of the same property conveyed to Wallace C. Robinson and Bettie T. Robinson, husband and wife. Said Wallace C. Robinson died testate a resident of Lexington, Fayette County, Kentucky on December 11, 1998. By the terms of said Will of record in Will Book 201, Page 135, in the Fayette County Clerk's Office, the title to said property is vested to his wife, Bettie T. Robinson, in fee simple.

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:

Variable Temporary Construction Easement
Lexmark Trunk A & B Sanitary
Sewer Improvement Project
(a portion of 785 N. Broadway)

BEGINNING, at the south corner of Bettie T. Robinson (785 N. Broadway, Deed Book 1318, Page 210) said point being a corner to Lextran Real Properties, Inc. (220 W. Loudon Avenue, Deed Book 3320, Page 546) and being in the North Broadway northwest right-of-way; thence leaving said Lextran Real Properties, Inc., and with said North Broadway northwest right-of-way, North 49°04'02" East, 57.00 feet to the **TRUE POINT OF BEGINNING**; thence leaving said North Broadway northwest right-of-way for a new line through the lands of said Bettie T. Robinson, North 04°14'06" East, 217.57 feet to a point in the West Loudon Avenue southwest right-of-way; thence with said West Loudon Avenue southwest right-of-way, along a curve to the left, having a radius of 557.61 feet, an arc distance of 20.34 feet and a chord, South 25°12'17" East, 20.34 feet to a point; thence leaving said West Loudon Avenue southwest right-of-way for seven (7) new lines through the lands of Bettie T. Robinson (785 N. Broadway, Deed Book 1174, Page 167); thence South 04°14'06" West, 68.55 feet to a point; thence South 48°41'46" West, 3.79 feet to a point; thence South 05°19'26" West, 19.08 feet to a point; thence North 84°29'20" West, 6.00 feet to a point; thence South 05°19'31" West, 44.26 feet to a point; thence South 84°33'02" East, 9.86 feet to a point; thence South 04°16'06" West, 55.14 feet to a point in said North Broadway northwest right-of-way; thence with said North Broadway northwest right-of-way, South 49°04'02" West, 14.18 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 1,560 square feet or 0.03 acre (net), more or less of temporary construction easement; and,

Being a portion of the same property conveyed to Wallace C. Robinson and Bettie T. Robinson, husband and wife. Said Wallace C. Robinson died testate a resident of Lexington, Fayette County, Kentucky on December 11, 1998. By the terms of said Will of record in Will Book 201, Page 135, in the Fayette County Clerk's Office, the title to said property is vested to his wife, Bettie T. Robinson, in fee simple.

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 her right, title, and interest in and to the property to the extent of the interests conveyed herein, including all exemptions allowed by law, and does hereby covenant to and with the Grantee, its successors and assigns forever, that she is lawfully seized in fee simple of said property and has good right to sell and convey the easements as herein done, and that she will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 388-2019, passed by the Lexington-Fayette Urban County Council on July 9, 2019. 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:

BY: *Lissa C. Racer*
BETTIE T. ROBINSON, by
LISSA C. RACER, as her
ATTORNEY-IN-FACT

POA Recorded in Deed Book 3569, Page 55, in the
Fayette County Clerk's Office.

STATE OF MICHIGAN)
)
COUNTY OF *Oakland*)


This instrument was acknowledged, subscribed and sworn to before me by Lissa C. Racer, as her Attorney-in-Fact, for and on behalf of Bettie T. Robinson, a single person, on this the 25th day of November, 2019.

Phyllis Czapski
Notary Public, Michigan, State-at-Large

My Commission Expires: 10/10/2021

PHYLLIS R CZAPSKI
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Oct 10, 2021
ACTING IN COUNTY OF *Oakland*

PREPARED BY:

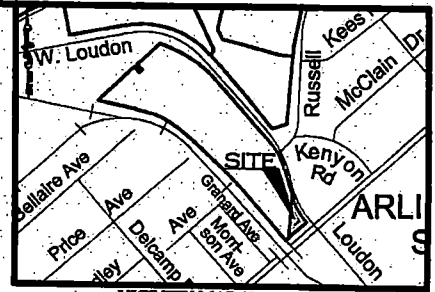


CHARLES E. EDWARDS III
Attorney

Lexington-Fayette Urban
County Government
Department of Law, 11th Floor
200 East Main Street
Lexington, Kentucky 40507
(859) 258-3500

X:\Cases\WATER-AIR\19-RE0360\RE\00671458.DOC

VARIABLE PERMANENT SANITARY SEWER
 EASEMENT EXHIBIT FOR LFUCG
 BETTIE T. ROBINSON PROPERTY
 785 N. BROADWAY
 LEXINGTON, FAYETTE COUNTY, KENTUCKY



VICINITY MAP 1" = 1000'

LD&S, LLC
 191 W. LOUDON AVE.
 DB 3486, PG 445

RAYMOND &
 S.H. FLANNERY
 801 N. BROADWAY
 DB 1461, PG 245

VARIABLE PERM. SAN. SEW. E.
 PARCEL "A"
 512 SQ.FT. (NET)

LINE	BEARING	DISTANCE
L1	S 49°04'02" W	1.22'
L2	N 04°14'06" E	278.59'
L4	S 04°39'15" W	271.36'
L5	S 49°04'02" W	5.71'
L6	N 04°39'15" E	226.06'
L7	S 04°14'06" W	217.57'
L8	S 49°04'02" W	14.18'
L9	S 04°14'06" W	68.55'
L10	S 48°41'46" W	3.79'
L11	S 05°19'28" W	19.08'
L12	N 84°29'20" W	16.00'
L13	S 05°19'31" W	44.26'
L14	S 84°33'02" E	9.86'
L15	S 04°14'08" W	155.14'

EXISTING ESMT.
 NEW PERM. ESMT.

LEXTRAN. REAL PROPERTIES, INC.
 220 W. LOUDON AVE
 DB 3320, PG 548

VARIABLE PERM. SAN. SEW. E.
 PARCEL "B"
 710 SQ.FT. (NET)

R=557.61' L=6.98'
 CHD=S 19°50'27" E
 6.98'

R=557.61' L=5.03'
 CHD=S 23°54'13" E
 5.03'

R=557.61' L=20.34'
 CHD=S 25°12'27" E
 20.34'

VARIABLE TEMP. CONST. E.
 1,560 SQ.FT. (NET)
 0.03 AC. (NET)

BETTIE ROBINSON
 785 N. BROADWAY
 DB 1174, PG 167
 DB 1318, PG 210

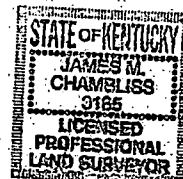
R.J. CORMAN/CSX RAILROAD

NORTH BROADWAY

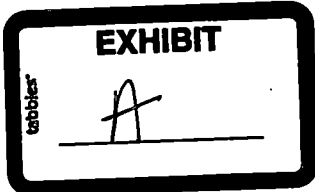
LAND SURVEYOR'S CERTIFICATE:

THE PROPERTY LINES SHOWN ON THIS EASEMENT EXHIBIT ARE BASED ON DEED AND/OR RECORD PLAT DATA FROM THE FAYETTE COUNTY CLERK'S OFFICE AND FIELD LOCATED PROPERTY CORNERS. 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
 JAMES M. CHAMBLISS, PLS 3185
 DATE



Integrated Engineering, PLLC
 166 Prosperous Place, Suite 220
 Lexington, KY, 40509



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

201912030363

December 3, 2019 13:38:01 PM

Fees	\$32.00	Tax	\$.00
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Total Paid	\$32.00
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9 Pages

418 - 426

MAYOR LINDA GORTON



LEXINGTON

SUSAN B. SPECKERT
COMMISSIONER
DEPARTMENT OF LAW

To: Abigail Allan, Council Clerk
Council Clerk's Office

From: Department of Law

Date: December 6, 2019

Re: Permanent Sanitary Sewer and
Temporary Construction Easement
785 N. Broadway

Our File No. 19-RE0360
Lexmark Trunk A & B
Sewer Improvement Project

Enclosed is the original recorded Permanent Sanitary Sewer and Temporary Construction Easement for the above property to the Urban County Government for the Lexmark Trunk A & B Sewer Improvement Project. Please file the easement with the authorizing legislation, Resolution No. 388-2019.

Please note that the attached asset acquisition form is only for the permanent easements acquired.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles E. Edwards, III".

Charles E. Edwards, III
Attorney

Enclosure

X:\Cases\JWATER-AIR\19-RE0360\MEMO\00674428.DOC

