

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 22ND day of SEPTEMBER, 2019, by and between **CAMBRIDGE PARK APARTMENTS, LLC**, a **Kentucky limited liability company**, 1042 Centerville Circle, Vadnais Heights, MN 55127, 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 **SEVEN THOUSAND FIFTY-SEVEN DOLLARS AND 45/100 DOLLARS (\$7,057.45)**, 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 Exhibit "B", and more particularly described as follows, to wit:

Permanent Sanitary Sewer Easement
Wolf Run Trunks B & C Sanitary
Sewer Improvement Project
(a portion of 2045 Cambridge Drive)

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

(CC-F)

Tract 1

COMMENCING at a point, in the north right-of-way of Cambridge Drive, being a common corner to 2045 Cambridge Drive (Cambridge Park Apartments, LLC, Deed Book 3290, Page 145) and 2077 Cambridge Drive (LFUCG "Valley Park", Deed Book 1440, Page 432) recorded in the Office of the Fayette County Clerk; thence along the north right-of-way of Cambridge Drive, S 76°40'53" E, a distance of 5.86 feet to the **TRUE POINT OF BEGINNING**; thence leaving said right-of-way and with a permanent easement, N 13°39'04" E, a distance of 16.08 feet; thence S 76°20'56" E, a distance of 22.30 feet; thence N 23°25'30" E, a distance of 64.03 feet; thence N 09°44'50" E, a distance of 119.35 feet, to a point in the common line; thence with said common line, N 22°30'32" E, a distance of 405.66 feet; thence leaving said common line and with a permanent easement; thence S 20°07'09" W, a distance of 113.96 feet; thence S 69°52'51" E, a distance of 72.16 feet; thence S 20°07'09" W, a distance of 20.00 feet; thence N 69°52'51" W, a distance of 72.16 feet; thence S 20°07'09" W, a distance of 243.57 feet; thence S 69°52'51" E, a distance of 23.92 feet; thence S 20°07'09" W, a distance of 20.00 feet; thence N 69°52'51" W, a distance of 21.92 feet; thence S 09°44'50" W, a distance of 125.98 feet; thence S 23°25'30" W, a distance of 61.72 feet; thence S 81°58'52" E, a distance of 86.52 feet; thence S 08°01'08" W, a distance of 20.00 feet; thence N 81°58'52" W, a distance of 55.73 feet, to a point in the north right-of-way of Cambridge Drive; thence along said right-of-way, N 76°40'53" W, a distance of 75.41 feet, to the **POINT OF BEGINNING**; and,

The above described parcel contains 11,398.60 square feet of permanent easement; and

Tract 2

BEGINNING, at a common corner with 2104 Deauville Drive (Lot 4, Block "D" of Viley Heights Subdivision, Plat Cabinet A, Slide 636) 2045 Cambridge Drive (Cambridge Park Apartments, LLC, Deed Book 3290, Page 145) and 2077 Cambridge Drive (LFUCG "Valley Park", Deed Book 1440, Page 432) recorded in the Office of the Fayette County Clerk; thence along the common line of 2045 Cambridge

Drive and 2104 Deauville Drive, S 66°50'16" E, a distance of 31.08 feet; thence leaving said common line and with a temporary easement, S 23°58'08" W, a distance of 18.34 feet; thence N 66°01'52" W, a distance of 30.62 feet, to a point in the common line of 2045 and 2077 Cambridge Drive; thence along said common line, N 22°30'32" E, a distance of 17.91 feet, to the **POINT OF BEGINNING**; and,

The above described parcel contains 558.97 square feet of permanent easement; and,

Both tracts being a portion of the same property conveyed to Cambridge Park Apartments, LLC, a Kentucky limited liability company, by Deed dated January 30, 2015, of record in Deed Book 3290, Page 145, 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
Wolf Run Trunks B & C Sanitary
Sewer Improvement Project
(a portion of 2045 Cambridge Drive)

Tract 1

BEGINNING, at a point in the north right-of-way of Cambridge Drive, being a common corner to 2045 Cambridge Drive (Cambridge Park Apartments, LLC, Deed Book 3290, Page 145) and 2077 Cambridge Drive (LFUCG, "Valley Park", Deed Book 1440, Page 432) recorded in the Office of the Fayette County Clerk; thence along the common line of 2045 and 2077 Cambridge Drive, N

22°30'32" E, a distance of 26.43 feet; thence leaving said common line and with a temporary easement, S 76°20'56" E, a distance of 15.66 feet; thence N 23°25'30" E, a distance of 54.40 feet; thence N 09°44'50" E, a distance of 74.00 feet, to a point in said common line; thence with said common line, N 22°30'32" E, a distance of 532.04 feet; thence leaving said common line, and with a temporary easement; thence S 06°23'18" W, a distance of 27.88 feet; thence S 20°07'09" W, a distance of 157.93 feet; thence S 69°52'51" E, a distance of 72.16 feet; thence S 20°07'09" W, a distance of 40.00 feet; thence N 69°52'51" W, a distance of 72.16 feet; thence S 20°07'09" W, a distance of 223.57 feet; thence S 69°52'51" E, a distance of 23.92 feet; thence S 20°07'09" W, a distance of 40.00 feet; thence N 69°52'51" W, a distance of 19.93 feet; thence S 09°44'50" W, a distance of 115.18 feet; thence S 23°25'30" W, a distance of 49.79 feet; thence S 81°58'52" E, a distance of 83.39 feet; thence S 08°01'08" W, a distance of 34.29 feet, to a point in the north right-of-way of Cambridge Drive; thence along said right-of-way, N 79°28'18" W, a distance of 36.91 feet; thence N 76°40'53" W, a distance of 110.25 feet, to the **POINT OF BEGINNING**, excepting the area covered by permanent easement (11,398.60 square feet); and,

The above described parcel contains a total area of 11,370.40 square feet of temporary construction easement; and,

Tract 2

BEGINNING, at a common corner with 2104 Deauville Drive (Lot 4, Block "D" of Viley Heights Subdivision, Plat Cabinet A, Slide 636) 2045 Cambridge Drive (Cambridge Park Apartments, LLC, Deed Book 3290, Page 145) and 2077 Cambridge Drive (LFUCG "Valley Park", Deed Book 1440, Page 432) recorded in the Office of the Fayette County Clerk; thence along the common line of 2045 Cambridge Drive and 2104 Deauville Drive, S 66°50'16" E, a distance of 41.08 feet; thence leaving said common line and with a temporary construction easement, S 23°58'08" W, a distance of 28.48 feet; thence N 66°01'52" W, a distance of 40.36 feet, to a point in the common line of 2045 and 2077 Cambridge Drive; thence along said common line, N 22°30'32" E, a distance of 27.91 feet, to the **POINT OF BEGINNING**, excepting the area covered by permanent easement (558.97 square feet); and,

The above described parcel contains a total area of 588.99 square feet of temporary construction easement; and,

Both tracts being a portion of the same property conveyed to Cambridge Park Apartments, LLC, a Kentucky limited liability company, by Deed dated January 30, 2015, of record in Deed Book 3290, Page 145, in the Fayette County Clerk's Office.

Temporary Construction Access Easement
Wolf Run Trunks B & C Sanitary
Sewer Improvement Project
(a portion of 2045 Cambridge Drive)

COMMENCING, at a point in the north right-of-way of Cambridge Drive, being a common corner of 2045 Cambridge Drive (Cambridge Park Apartments, LLC, Deed Book 3290, Page 145) and 2017 Cambridge Drive (Shane Investment Properties, LLC, Deed Book 2591, Page 607) recorded in the Office of the Fayette County Clerk; thence along the north right-of-way of Cambridge Drive, N 79°20'51" W, a distance of 82.47 feet, to the **TRUE POINT OF BEGINNING**; thence leaving said right-of-way and with a new access easement, N 10°27'12" W, a distance of 494.78 feet; thence with a curve turning to the left with an arc length of 62.23 feet, with a radius of 60.00 feet, with a chord bearing of N 40°10'02" W, with a chord length of 59.48 feet; thence N 69°52'51" W, a distance of 104.06 feet; thence S 20°07'09" W, a distance of 20.00 feet; thence S 69°52'51" E, a distance of 104.06 feet; thence with a curve turning to the right with an arc length of 41.49 feet, with a radius of 40.00 feet, with a chord bearing of S 40°10'02" E, with a chord length of 39.65 feet; thence S 10°27'12" E, a distance of 492.06 feet; thence N 87°16'53" E, a distance of 20.18 feet, to the **POINT OF BEGINNING**; and,

The above described parcel contains a total area of 12,986.72 square feet (0.298 Acres) of temporary construction access easement; and,

Being a portion of the same property conveyed to Cambridge Park Apartments, LLC, a Kentucky limited liability company, by Deed dated January 30, 2015, of record in Deed Book 3290, Page 145, 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 and temporary construction access easement run with the land for the duration of the improvement project and are 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 and temporary construction access 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 does 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 59-2019, passed by the Lexington-Fayette Urban County Council on February 7, 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.

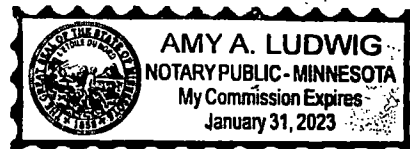
GRANTOR:

CAMBRIDGE PARK APARTMENTS, LLC, a
Kentucky limited liability company

By: LEXINGTON INVESTORS, LLC, a Kentucky limited
liability company, its sole Member

By: 
TODD DEXHEIMER, MANAGING
MEMBER AND CEO

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)



This instrument was acknowledged, subscribed and sworn to before me by Todd Dexheimer as its Managing Member and CEO, for and on behalf of Lexington Investors, LLC, a Kentucky limited liability company, as its sole Member of Cambridge Park Apartments, LLC, a Kentucky limited liability company, for and on behalf of the limited liability company, on this the 22nd day of September, 2019.


Notary Public, Minnesota, State-at-Large

My Commission Expires: 1 / 31 / 2023

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\18-RE0835RE\00661508.DOC

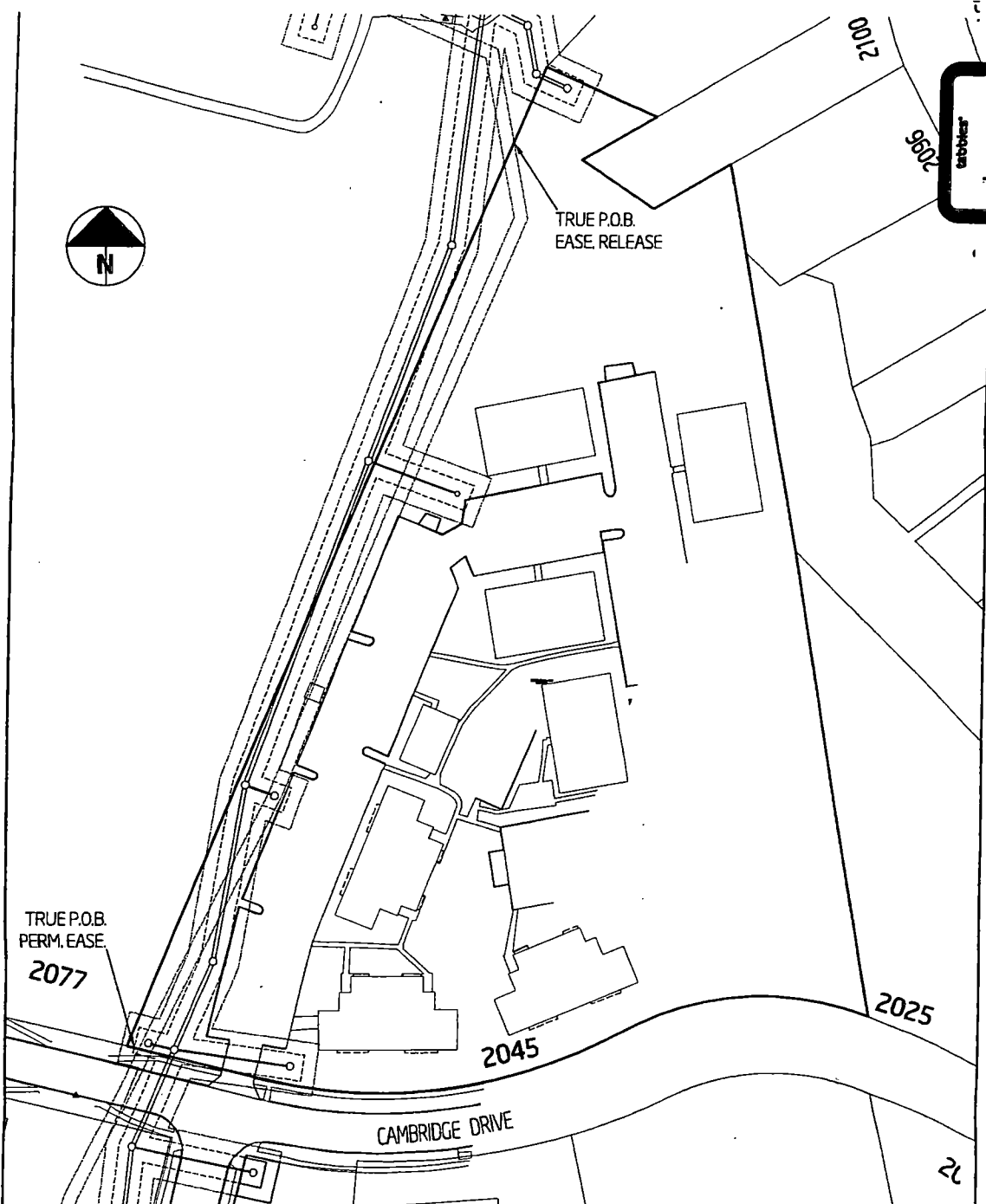


EXHIBIT
A

SURVEY EXHIBIT

2045 CAMBRIDGE DRIVE
 LEXINGTON FAYETTE CO., KY
 CAMBRIDGE PARK APARTMENTS
 D.B. 3290 PAGE 145
 DATE JAN-2018

0 100 200 300

STATE of KENTUCKY

JUSTIN D.
DRURY
3843

LICENSED
PROFESSIONAL
LAND SURVEYOR

2020
LAND
SURVEYING

2216 YOUNG DRIVE
SUITE 7B
LEXINGTON KY, 40505
PHONE 859-268-1044
FAX 859-268-1049
MOBILE 229-2278

SURVEY NOTES

1- THE BASIS OF BEARINGS FOR THIS SURVEY IS KENTUCKY STATE PLANE NORTH (NAD83). GEOID MODEL 12-B.

2- THIS SURVEY IS SUITABLE AS AN URBAN CLASS SURVEY.

LEGEND

NEW SEWER LINE

EASEMENT (PERMANENT)

EASEMENT (TEMPORARY)

EASEMENT (RELEASED)

PROPERTY LINE

EXHIBIT

b

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	62.23'	60.00'	59°25'39"	N 40°10'02" W	59.48'
C2	41.49'	40.00'	59°25'39"	S 40°10'02" E	39.65'



VALLEY PARK

2077

2045

2017

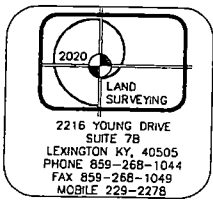
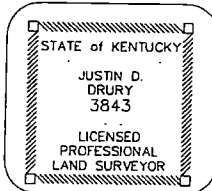
CAMBRIDGE DRIVE

VILLAGE DR

2017

SURVEY EXHIBIT

2045 CAMBRIDGE DRIVE
 LEXINGTON FAYETTE CO., KY
 CAMBRIDGE PARK APARTMENTS
 D.B. 3290 PAGE 145
 DATE MAR-2018



SURVEY NOTES

- 1- THE BASIS OF BEARINGS FOR THIS SURVEY IS KENTUCKY STATE PLANE NORTH (NAD83). GEOID MODEL 12-B.
- 2- THIS SURVEY IS SUITABLE AS AN URBAN CLASS SURVEY.

LEGEND

- NEW SEWER LINE
- EASEMENT (PERMANENT)
- EASEMENT (TEMPORARY)
- EASEMENT (RELEASED)
- PROPERTY LINE

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: SHEA BROWN ,dc

201910020105

October 2, 2019 9:35:27 AM

Fees	\$38.00	Tax	\$.00
------	---------	-----	--------

Total Paid	\$38.00
------------	---------

THIS IS THE LAST PAGE OF THE DOCUMENT

11 Pages

336 - 346

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: October 17, 2019

Re: Permanent Sanitary Sewer and
Temporary Construction Easement
2045 Cambridge Drive

Our File No. 18-RE0835
Wolf Run B & C Trunk Sewer Project

Enclosed is the original recorded Permanent Sanitary Sewer and Temporary Construction Easement for the above property to the Urban County Government for the Wolf Run B & C Trunk Sewer Project. Please file the easement with the authorizing legislation, Resolution No. 59-2019.

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

If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Edwards, III".

Charles E. Edwards, III
Attorney

Enclosure

X:\Cases\jWATER-AIR\18-RE00835\MEMO\00669989.DOC

