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original document presented

**GRANT OF EASEMENT**

This **EASEMENT** is made and entered into this 31<sup>st</sup> day of July 2014, by and between **AILEEN E. FOLEY, a single person**, 216 St. Ann Drive, Lexington, Fayette County, Kentucky 40502 ("Grantor"), which is the in-care of tax mailing address for the current year, and the **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky 40507, ("Grantee");

**W I T N E S S E T H:**

That for and in consideration of the sum of **One Thousand Five Hundred Dollars and 00/100 Cents (\$1,500.00)**, and other good and valuable consideration, 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, the permanent right to lay, construct, operate, repair, reconstruct and remove a sanitary sewer line and appurtenances thereto, which sanitary sewer line and facilities 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 Easement**  
**(a portion of 216 St. Ann Drive)**  
**Idle Hour Sanitary Sewer Trunk**  
**Replacement Project**

Beginning at a pinched pipe found along the southern right-of-way of St. Ann Drive, at the northeast corner of Lot 139, thence south along the eastern property line 213.32 feet to the Point of Beginning (POB 1), being an extension of a twenty foot wide permanent sanitary sewer easement; thence N 74°07'24" W a distance of

Hon. Keith Horn  
LFUCG Dept. of Law  
200 E. Main Street, 11<sup>th</sup> Floor  
Lexington, KY 40507

27.68 feet to a point; thence N 04°42'24" W a distance of 16.02 feet to a point; thence S 74°07'24" E feet a distance of 30.91 feet to a point; thence S 06°47'36" W a distance of 15.19 feet to a point; which is the point of beginning, having an area of 439 square feet, 0.010 acres and,

Being a portion of the same property conveyed to Lowell Foley and Aileen E. Foley, husband and wife, by Deed dated January 17, 1968, of record in Deed Book 922, Page 210, in the Fayette County Clerk's Office. Said Lowell Foley died testate a resident of Lexington, Fayette County, Kentucky on July 10, 1998, property vests to his wife, Aileen E. Foley, by right-of-survivorship.

**FURTHER**, for and in consideration of the foregoing sum, 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, the temporary right to excavate, grade, construct, alter, re-grade and perform related work for the purpose of sanitary sewer construction, installation and relocation through and across the following tract of land located within the confines of Lexington, Fayette County, Kentucky, to wit:

**Temporary Construction Easements**  
**(a portion of 216 St. Ann Drive)**  
**Idle Hour Sanitary Sewer Trunk**  
**Replacement Project**

Being two construction easements for sanitary sewer improvements located at 216 St. Ann Drive and being more particularly described as follows:

**Temporary Construction Easement - CE1**

Beginning at a pinched pipe found along the southern right-of-way of St. Ann Drive, at the northeast corner of Lot 139; thence south along the eastern property line 185.92 feet; thence west along the northern line of the existing easement N 74°06'29" W a distance of 16.54 feet to the Point of Beginning (POB 2), being a temporary construction easement of varying width; thence N 74°06'29" W a distance of 16.98 feet to a point; thence N 04°42'24" W a distance

of 16.69 feet to a point; thence S 39°45'11" E a distance of 27.68 feet to a point; which is the point of beginning, having an area of 133 square feet, 0.003 acres; and,

**Temporary Construction Easement – CE2**

Beginning at a pinched pipe found along the southern right-of-way of St. Ann Drive, at the northeast corner of Lot 139; thence south along the eastern property line 213.32 feet to the Point of Beginning (POB 1), being a temporary construction easement of varying width; thence S 06°47'36" W a distance of 14.18 feet to a point; thence N 73°29'08" W a distance of 4.84 feet to a point; thence N 18°23'36" E a distance of 3.95 feet to a point; thence N 74°07'24" W a distance of 21.49 feet to a point; thence N 04°42'24" W a distance of 10.68 feet to a point; thence S 74°07'24"E a distance of 27.68 feet to a point; which is the point of beginning, having and area of 284 square feet, 0.007 acres; and,

Being a portion of the same property conveyed to Lowell Foley and Aileen E. Foley, husband and wife, by Deed dated January 17, 1968, of record in Deed Book 922, Page 210, in the Fayette County Clerk's Office. Said Lowell Foley died testate a resident of Lexington, Fayette County, Kentucky on July 10, 1998, property vests to his wife, Aileen E. Foley, by right-of-survivorship.

**TO HAVE AND TO HOLD** the above described easements together with all rights, privileges, appurtenances and improvements thereunto belonging unto Grantee, its successors and assigns, for the purposes and uses herein designated.

The above-described temporary construction easements will expire upon completion of the construction of the improvement project on the land adjacent to this easement, run with the land for the duration of the improvement project on the adjacent land and, are binding upon the heirs and assigns of the Grantor.


Grantor does hereby covenant to and with said 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 easement herein, and that she will **WARRANT GENERALLY** said title.

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 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 written consent of the Grantee.

The obtaining of this easement was authorized by Resolution No. 406-2014 passed by the Lexington-Fayette Urban County Council on July 8, 2014. Pursuant to KRS 382.135(2)(a), this public utility easement is exempt from the requirements related to certificate of consideration. This conveyance is exempt from real estate transfer tax pursuant to KRS 142.050.

**IN TESTIMONY WHEREOF**, the Grantor has signed this Easement, this the day and year first above written.

GRANTOR:


BY:   
AILEEN E. FOLEY

COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )


The foregoing Deed of Easement was subscribed, sworn to and acknowledged before me by Aileen E. Foley, a single person, on this the 31<sup>st</sup> day of July, 2014.

My commission expires: 8/26/2017



  
Notary Public, Kentucky, State-at-Large

PREPARED BY:

  
Michael Keith Horn,  
Managing Attorney  
Lexington-Fayette Urban  
County Government  
Department of Law, 11<sup>th</sup> Floor  
200 East Main Street  
Lexington, Kentucky 40507  
(859) 258-3500

X:\Cases\WATER-AIR\14-RE0430\RE\00446474.DOC

EXHIBIT "A"

**PERMANENT SANITARY SEWER EASEMENT:**  
 BEGINNING AT A PINCHED PIPE FOUND ALONG THE SOUTHERN RIGHT OF WAY OF ST ANN DR, AT THE NORTHEAST CORNER OF LOT 139, THENCE SOUTH ALONG THE EASTERN PROPERTY LINE 213.32' TO THE POINT OF BEGINNING (POB1); THENCE N 74°07'24" W A DISTANCE OF 27.68'; THENCE N 04°42'24" W A DISTANCE OF 16.02'; THENCE S 74°07'24" E A DISTANCE OF 30.91'; THENCE S 06°47'36" W A DISTANCE OF 15.19'; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 439 SQUARE FEET, 0.01 ACRES

**TEMPORARY SANITARY SEWER EASEMENT:**  
 BEGINNING AT A PINCHED PIPE FOUND ALONG THE SOUTHERN RIGHT OF WAY OF ST ANN DR, AT THE NORTHEAST CORNER OF LOT 139, THENCE SOUTH ALONG THE EASTERN PROPERTY LINE 185.92', THENCE WEST ALONG THE NORTHERN LINE OF THE EXISTING EASEMENT N 74°08'29" W A DISTANCE OF 16.54' TO THE POINT OF BEGINNING (POB2); THENCE N 74°06'29" W A DISTANCE OF 16.98'; THENCE N 04°42'24" W A DISTANCE OF 16.69'; THENCE S 39°45'11" E A DISTANCE OF 27.68'; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 133 SQUARE FEET, 0.003 ACRES

N 04°42'24" W 16.02'  
 N 04°42'24" W 10.68'

N 74°06'29" W 16.98'  
 N 04°42'24" W 16.69'  
 S 39°45'11" E 27.68'  
 N 74°08'29" W 16.54'  
 S 74°07'24" E 30.91'  
 S 06°47'36" W 15.19'

18°23'36" E 3.95'  
 N 73°29'08" W 4.84'  
 S 06°47'36" W 14.18'

**TEMPORARY SANITARY SEWER EASEMENT:**  
 BEGINNING AT A PINCHED PIPE FOUND ALONG THE SOUTHERN RIGHT OF WAY OF ST ANN DR, AT THE NORTHEAST CORNER OF LOT 139, THENCE SOUTH ALONG THE EASTERN PROPERTY LINE 213.32' TO THE POINT OF BEGINNING (POB1); THENCE S 06°47'36" W A DISTANCE OF 14.18'; THENCE N 73°29'08" W A DISTANCE OF 4.84'; THENCE N 18°23'36" E A DISTANCE OF 3.95'; THENCE N 74°07'24" W A DISTANCE OF 21.49'; THENCE N 04°42'24" W A DISTANCE OF 10.88'; THENCE S 74°07'24" E A DISTANCE OF 27.68'; WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 284 SQUARE FEET, 0.01 ACRES

STEWART, JERRY L & BARBARA B  
 208 ST ANN DR  
 LEXINGTON, KY 40502  
 DB 2148 PG 416  
 P.C. C-061  
 PARCEL 11121450

LFUCG  
 136 WALNUT ST  
 LEXINGTON, KY 40507  
 DB 1027 PG 88  
 P.C. C-103  
 PARCEL 0A012560

FOLEY, LOWELL & AILEEN  
 216 ST ANN DR  
 LEXINGTON, KY 40502  
 DB 922 PG 210  
 P.C. C-103  
 PARCEL 12170900

RAINES, BRIAN K & ERIN L  
 220 ST ANN DR  
 LEXINGTON, KY 40502  
 DB 922 PG 210  
 P.C. C-103  
 PARCEL 16943400

SUMMERS, KATHLEEN M  
 224 ST ANN DR  
 LEXINGTON, KY 40502  
 DB 2675 PG 419  
 P.C. C-103  
 PARCEL 111020600

SMITH, CAROL T  
 228 ST ANN DR  
 LEXINGTON, KY 40502  
 DB 2558 PG 261  
 P.C. C-103  
 PARCEL 16846300

NOTES:



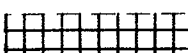
1. THE PURPOSE OF THIS PLAT IS TO RECORD THE PERMANENT SANITARY SEWER EASEMENT AS SHOWN.
2. THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, LEASES, RIGHTS-OF-WAY, ETC OF RECORD AND/OR IN DISTANCE.
3. THE BEARINGS CITED HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, KY NORTH ZONE, US SURVEY FEET, NAD 83.

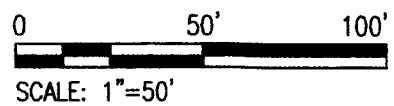
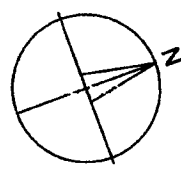
SURVEYOR'S CERTIFICATION

I HEREBY DO CERTIFY THAT THIS RECORD PLAT WAS PREPARED BY ME OR UNDER MY DIRECTION; AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE INFORMATION SHOWN HEREON IS ACCURATE.

*Abbie Jones* 6/4/14

ABBIE JONES, KY PLS 3963 DATE

-  NEW PERM ESMT AREA
-  FX PFRM FSMT USFD
-  NEW TEMP ESMT AREA



XRefs:

*Abbie Jones*  
 consulting  
 ABBIE JONES CONSULTING  
 1022 FONTAINE RD  
 LEXINGTON, KY 40502  
 WWW.ABBIE-JONES.COM  
 859.559.3443

PROPERTY ADDRESS:  
 216 ST ANN DR  
 LEXINGTON KY 40502  
 FAYETTE COUNTY

FOLEY EASEMENTS  
 Lexington-Fayette Urban County Govt  
 Idle Hour Trunk Sewer Replacement  
 RPM ID NO. WH-13

Dwg: Exhibit-Easements  
 Date: 06/04/2014  
 Project Number  
 2013-67  
**EXHIBIT**

**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**

**201410070113**

**October 7, 2014                      10:40:56    AM**

**Fees                      \$26.00            Tax                      \$ .00**

**Total Paid                      \$26.00**

**THIS IS THE LAST PAGE OF THE DOCUMENT**

**7    Pages**

**535    -    541**