

**GRANT OF EASEMENT**

This **EASEMENT** is made and entered into this 20<sup>th</sup> day of April, 2015, by and between **HOME DEPOT U.S.A., INC.**, a Delaware corporation, 2455 Paces Ferry Road, C-20, Atlanta, Georgia 30339 ("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 NINE HUNDRED FIVE DOLLARS AND EIGHTY-FIVE CENTS (\$1,905.85)**, 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-PE1**  
**(a portion of 2397 Richmond Road)**  
**Woodhill Trunk Sewer**  
**Replacement Project**

Beginning at a point in the west right of way of New Circle Road, said point being in the east property line of 2397 Richmond Road as recorded in Deed Book 1900, Page 267 and Deed Book 1900, Page 273 in the Fayette County, Kentucky, Clerk's office, said point also being 1,203.15 feet north of the intersection of the west right of way of New

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

Circle Road and the north right of way of Richmond Road; thence with west right of way of New Circle Road, South 24°51'26" West, 20.60 feet to a point; thence leaving said right of way and through the property for four (4) calls: thence North 79°01'02" West, 22.40 feet to a point; thence South 67°04'18" West, 151.10 feet to a point; thence North 67°54'06" West, 255.37 feet to a point; thence North 53°52'54" West, 168.66 feet to a point in the west property line, said line being common to 2349 Richmond Road; thence with the west property line, North 36°00'49" East, 20.00 feet to a point; thence leaving the west property line and through the property for four (4) calls: South 53°52'54" East, 166.24 feet to a point; thence South 67°54'06" East, 244.63 feet to a point; thence North 67°04'18" East, 148.90 feet to a point; thence South 79°01'02" East, 33.44 feet to the Point of Beginning and containing 11,907 square feet or 0.273 acres; and,

Being a portion of the property conveyed to Home Depot U.S.A., Inc., a Delaware corporation, by deed dated March 5, 1997, of record in Deed Book 1900, Page 267 and Deed Book 1900, Page 273, both referenced in the Fayette County Clerk's Office.

See attached Exhibit A.

**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 Easement-CE1**  
**(a portion of 2397 Richmond Road**  
**Woodhill Trunk Sewer**  
**Replacement Project**

Beginning at a point in the west right of way of New Circle Road, said point being in the east property line of 2397 Richmond Road as recorded in Deed Book 1900, Page 267 and Deed Book 1900, Page 273 in the Fayette County,

Kentucky, Clerk's Office, said point also being 1,182.55 feet north of the intersection of the west right of way of New Circle Road and the north right of way of Richmond Road; thence with west right of way of New Circle Road, South 24°51'26" West, 10.30 feet to a point; thence leaving the west right of way and being ten (10) feet offset and parallel to the proposed sanitary sewer easement through the property for four (4) calls: thence North 79°01'02" West, 16.88 feet to a point; thence South 67°04'18" West, 152.19 feet to a point; thence North 67°54'06" West, 260.75 feet to a point; thence North 53°52'54" West, 169.87 feet to a point in the west property line, said line being common to 2349 Richmond Road; thence with the west property line, North 36°00'49" East, 10.00 feet to a point, said point being in the proposed sanitary sewer easement; thence leaving the west property line and with the proposed sanitary sewer easement for four (4) calls: South 53°52'54" East, 168.66 feet to a point; thence South 67°54'06" East, 255.37 feet to a point; thence North 67°04'18" East, 151.10 feet to a point; thence South 79°01'02" East, 22.40 feet to the Point of Beginning and containing 5,986 square feet or 0.137 acres; and,

Being a portion of the property conveyed to Home Depot U.S.A., Inc., a Delaware corporation, by deed dated March 5, 1997, of record in Deed Book 1900, Page 267 and Deed Book 1900, Page 273, both referenced in the Fayette County Clerk's Office.

See attached Exhibit A.

**Temporary Construction Easement-CE2**  
**(a portion of 2397 Richmond Road**  
**Woodhill Trunk Sewer**  
**Replacement Project**

Beginning at a point in the west property line of 2397 Richmond Road as recorded in Deed Book 1900, Page 267 and Deed Book 1900, Page 273 in the Fayette County, Kentucky, Clerk's office, said point being in the common property line with 2349 Richmond Road, said point also being 553.56 feet north of the southwest property corner of 2397 Richmond Road; thence with west property line, North 36°00'49" East, 10.00 feet to a point; thence leaving the west property line and being ten (10) feet offset and parallel to the proposed sanitary sewer easement for three (3) calls: South 53°52'54" East, 165.03 feet to a point; thence South 67°54'06" East, 239.25 feet to a point; thence North 67°04'18" East, 45.16 feet to a point; thence through the property for two (2) calls: North 18°03'25" East, 60.00 feet to

a point; thence South 71°56'35" East, 80.00 feet to a point in an existing sanitary sewer easement; thence with the existing sanitary sewer easement, South 18°03'25" West, 3.74 feet to a point in the proposed sanitary sewer easement; thence with the proposed sanitary sewer easement for three (3) calls: South 67°04'18" West, 146.60 feet to a point; thence North 67°54'06" West, 244.63 feet to a point; thence North 53°52'54" West, 166.24 feet to the Point of Beginning and containing 7,584 square feet or 0.174 acres; and,

Being a portion of the property conveyed to Home Depot, U.S.A., Inc., a Delaware corporation, by deed dated March 5, 1997, of record in Deed Book 1900, Page 267 and Deed Book 1900, Page 273, both referenced in the Fayette County Clerk's Office.

See attached Exhibit A.

**Temporary Construction Easement-CE3**  
**(a portion of 2397 Richmond Road**  
**Woodhill Trunk Sewer**  
**Replacement Project**

Beginning at a point in the south property line of 2397 Richmond Road as recorded in Deed Book 1900, Page 267 and Deed Book 1900, Page 273 in the Fayette County, Kentucky, Clerk's office, said line being common to 2401 Richmond Road, said point being 352.39 from the southeast property corner; thence with the south property line, North 41°59'04" West, 21.76 feet to a point; thence leaving the south property line and through the property for three (3) calls: North 24°48'21" East, 213.25 feet to a point; thence South 65°11'39" East, 20.00 feet to a point; thence South 24°48'21" West, 221.82 feet to the Point of Beginning and containing 4,351 square feet or 0.100 acres; and,

Being a portion of the property conveyed to Home Depot U.S.A., Inc., a Delaware corporation, by deed dated March 5, 1997, of record in Deed Book 1900, Page 267 and Deed Book 1900, Page 273, both referenced in the Fayette County Clerk's Office.

See attached Exhibit A.

**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 these easements, and shall 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 it is lawfully seized in fee simple of said property and has good right to sell and convey the easement herein, and that it will **WARRANT GENERALLY** said title.

Grantor shall have the full right to use the surface of the land lying over said permanent and temporary easements 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.

Grantee acknowledges that Grantor will continue to operate its home improvement store on the property throughout the course of construction. To that end, Grantee agrees to use due care in connection with any entry onto Grantor's property and the performance of work thereon so as to cause the least possible inconvenience, interference, and/or disruption to Grantor's property, including, but not limited to, Grantor's business activities.

Prior to commencing work, Grantee shall schedule a pre-construction meeting on-site the Grantors' representative, Mr. Keith King or his designated representative, at a mutually convenient date and time to discuss the construction schedule for the work to be performed on Grantor's property. Mr. King may be reached at 847-630-4682 and keith\_king@homedepot.com. Any questions during construction should be directed to Mr. King.

Grantee and its contractor shall not restrict driveway access for customer traffic, emergency vehicles and delivery trucks on the Grantor's property.

Grantee agrees to repair any damage to Grantor's property resulting from Grantee's work and leave the property in a good, safe and sightly condition upon the completion of Grantee's work.

The obtaining of this easement was authorized by Resolution No. 24-2015 passed by the Lexington-Fayette Urban County Council on January 29, 2015. 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 Grant of Easement, this the day and year first above written.

**GRANTOR:**

HOME DEPOT U.S.A., INC., a  
Delaware corporation

BY:

  
SUZANNE RUSSO, JESSICA BORGERT  
SENIOR CORPORATE COUNSEL

STATE OF GEORGIA )  
COUNTY Cobb )

The foregoing Grant of Easement was subscribed, sworn to and acknowledged before me by ~~Suzanne Russe~~ <sup>Jessica Borau</sup> as Senior Corporate Counsel, for and on behalf of Home Depot U.S.A., Inc., a Delaware corporation, on this the 20<sup>th</sup> day of April, 2015.

My commission expires: 8-17-15

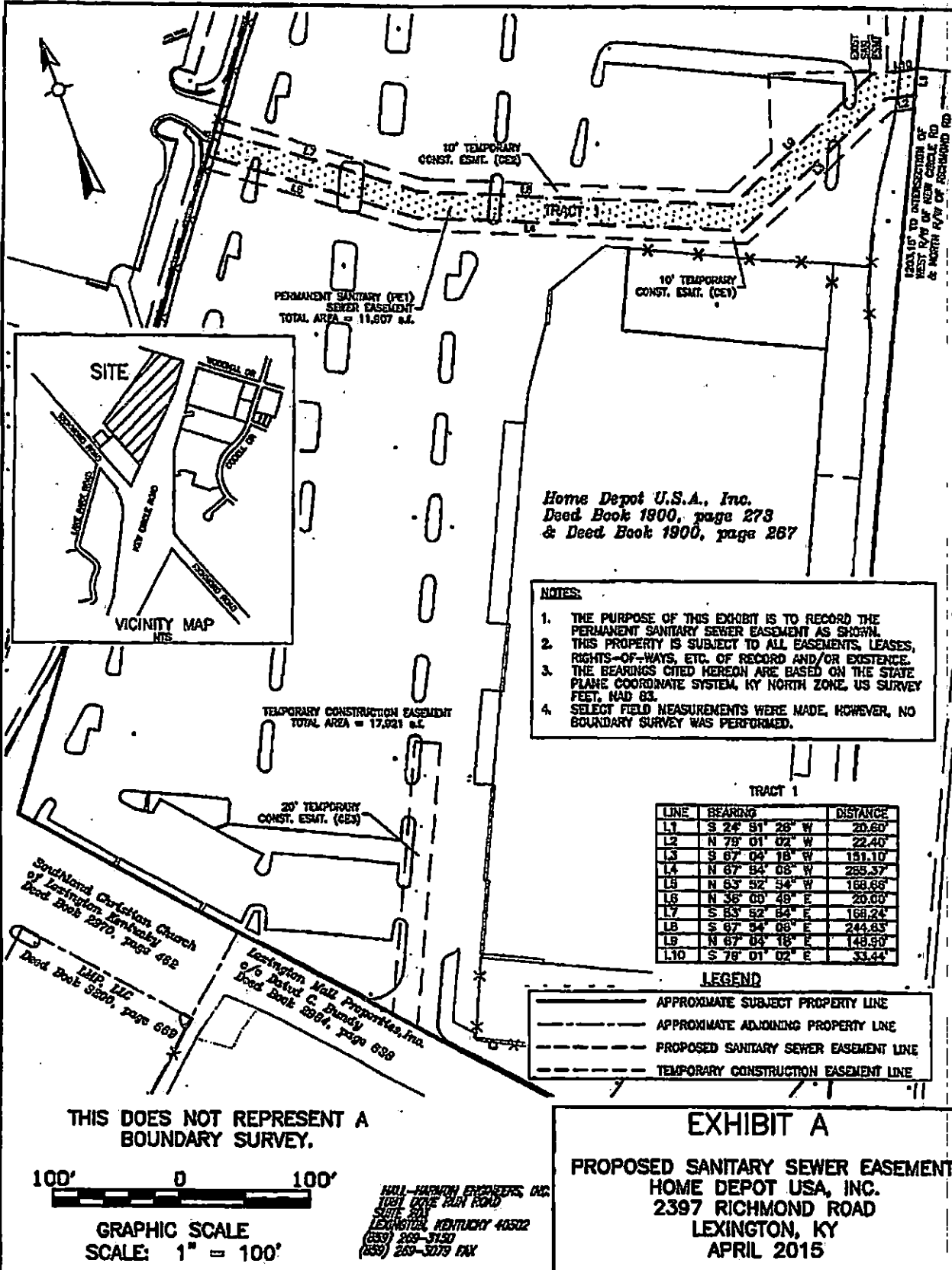
Evelyn R. Clayton   
Notary Public, State-at-Large

PREPARED BY:

Michael Keith Horn

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

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Home Depot U.S.A., Inc.  
 Deed Book 1900, page 273  
 & Deed Book 1900, page 287

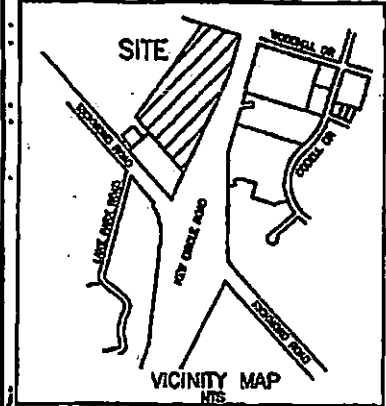
- NOTES:**
1. THE PURPOSE OF THIS EXHIBIT IS TO RECORD THE PERMANENT SANITARY SEWER EASEMENT AS SHOWN. THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, LEASES, RIGHTS-OF-WAYS, ETC. OF RECORD AND/OR EXISTENCE.
  2. THE BEARINGS CITED HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, KY NORTH ZONE, US SURVEY FEET, NAD 83.
  3. SELECT FIELD MEASUREMENTS WERE MADE, HOWEVER, NO BOUNDARY SURVEY WAS PERFORMED.

TRACT 1

LINE	BEARING	DISTANCE
L1	S 24° 51' 26" W	20.60
L2	N 78° 01' 02" W	22.40
L3	S 67° 04' 18" W	151.10
L4	N 67° 54' 08" W	289.37
L5	N 63° 52' 54" W	168.66
L6	N 36° 00' 49" E	20.00
L7	S 83° 52' 54" E	168.24
L8	S 67° 54' 08" E	244.83
L9	N 67° 04' 18" E	149.90
L10	S 78° 01' 02" E	33.44

**LEGEND**

	APPROXIMATE SUBJECT PROPERTY LINE
	APPROXIMATE ADJOINING PROPERTY LINE
	PROPOSED SANITARY SEWER EASEMENT LINE
	TEMPORARY CONSTRUCTION EASEMENT LINE



Southwood Christian Church  
 of Lexington, Kentucky  
 Deed Book 2870, page 482

LMP, LLC  
 Deed Book 3000, page 669

Lexington Mall Properties, Inc.  
 c/o David C. Bundy  
 Deed Book 2884, page 639

THIS DOES NOT REPRESENT A BOUNDARY SURVEY.



HULL-HARMON ENGINEERS, INC.  
 1051 DUNE RUN ROAD  
 SUITE 204  
 LEXINGTON, KENTUCKY 40502  
 (606) 269-3120  
 (606) 269-3079 FAX

**EXHIBIT A**  
 PROPOSED SANITARY SEWER EASEMENT  
 HOME DEPOT USA, INC.  
 2397 RICHMOND ROAD  
 LEXINGTON, KY  
 APRIL 2015







Lexington-Fayette Urban County Government  
DEPARTMENT OF LAW

Jim Gray  
Mayor

Janet M. Graham  
Commissioner

To: Meredith Nelson, Council Clerk  
Council Clerk's Office

From: Department of Law

Date: April 30, 2015

Re: Grant of Easement and Asset Acquisition Form  
2397 Richmond Road  
(Woodhill Trunk Sewer Replacement Project)

Enclosed is the original recorded Grant of Easement conveying an easement across the above referenced property to the Urban County Government for the Woodhill Trunk Sewer Replacement Project. Please file the easement with the authorizing legislation, Resolution No. 24-2015.

Also enclosed is the completed Asset Acquisition form for this property. After you have signed and dated the form, please forward it to the Department of Finance.

If you have any questions, please let me know.

Sincerely,

Keith Horn  
Managing Attorney

Enclosures

cc: Kim Bryan, Department of Finance  
Beth Florence, Department of Finance

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