

R 408 - 2013
-609

GRANT OF EASEMENT

This **EASEMENT** is made and entered into this 23rd day of January, 2014, by and between **DELONG ESTATES DEVELOPMENT, LLC**, a Kentucky limited liability company, 3445 Richmond Road, Lexington, Kentucky 40509-2515 ("Grantor"), which is also the in-care of tax mailing address for the current tax year, and the **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky 40507 ("Grantee");

WITNESSETH:

That for and in consideration of the sum of **THREE THOUSAND FIFTY DOLLARS AND 00/100 CENTS (\$3,050.00)**, and other good and valuable consideration, 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 permanent right to lay, construct, operate, repair, reconstruct and remove sanitary sewer improvements and appurtenances thereto, which sanitary sewer improvements and appurtenances 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 Sanitary Sewer Easement
(A Portion of 3973 Tatton Place)
Blue Sky Force Main
Sanitary Sewer Improvement Project

Described on Exhibit A attached hereto and incorporated herein by reference.

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, regrade and perform related work

Mail to: L.F.U.C.G.
Dept. of Law
200 E. Main St.
Lex., KY 40507

(CC-F)

for the purpose of sanitary sewer construction, repair, 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 CE-1
(A Portion of 3973 Tatton Park)
Blue Sky Force Main
Sanitary Sewer Improvement Project

All temporary construction easements, if any, are described on Exhibit B attached hereto and incorporated herein by reference.

Temporary Construction Easement CE-2
(A Portion of 3973 Tatton Place)
Blue Sky Force Main
Sanitary Sewer Improvement Project

All temporary construction easements, if any, are described on Exhibit C attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the above-described easement together with all rights, privileges, 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 will expire upon completion of the construction of the improvement project on the land adjacent to this easement, runs with the land for the duration of the improvement project on the adjacent land, and is 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 are lawfully seized in fee simple of said property and has good right to sell and convey the easements conveyed 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 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 the prior written consent of the Grantee.

The obtaining of this easement was authorized by Resolution No. 408-2013 passed by the Lexington-Fayette Urban County Council on July 9, 2013. 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, the day and year first above written.

GRANTOR:

DELONG ESTATES DEVELOPMENT, LLC

BY: John D. Bolar

ITS: Manager

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing Easement was subscribed, sworn to and acknowledged before me by John D. Bolar as manager on behalf of DELONG ESTATES DEVELOPMENT, LLC a Kentucky limited liability company, on this the 23rd day of February, 2013.



Notary Public, Kentucky
State At Large
My Commission Expires
January 12, 2017
Notary ID# 479936

My commission expires

Beth L. Evans
Notary Public, State-At-Large, Kentucky

PREPARED BY: John P. Watz

John P. Watz, Esq.
HENRY WATZ RAINE & MARINO, PLLC
401 West Main Street, Suite 314
Lexington, Kentucky 40507
(859) 258-3500
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EXHIBIT A

FORCE MAIN PERMANENT EASEMENT

(a portion of 3973 Tatton Park)

Blue Sky Force Main

Sanitary Sewer Improvement Project

Beginning at the northeast corner of the Force Main Permanent Easement in the Grantor's east property line in the west right of way line of Richmond Road, said point being S14°13'16"E.

84.24 feet from the Grantor's northeast property corner;

Thence, with said property line, S14°13'46"E, 15.07 feet;

Thence, leaving said property line, S81°06'28"W, 13.00 feet;

Thence, S14°48'27"E, 101.91 feet to the Grantor's south property line;

Thence, with said property line, S75°46'14"W, 15.00 feet;

Thence, leaving said property line, N14°48'27"W, 118.39 feet;

Thence, N81°06'28"E, 28.23 feet to the Point of Beginning and containing

1,961 square feet, 0.045 acres.

Being a part of that property conveyed to DeLong Estates Development, LLC, a Kentucky limited liability company, by deed dated March 28, 2005 in Deed Book 2538, Page 291, in the Fayette County Clerk's Office.

EXHIBIT B

TEMPORARY CONSTRUCTION EASEMENT CE-1

(a portion of 3973 Tatton Park)

Blue Sky Force Main

Sanitary Sewer Improvement Project

A fifteen foot wide Temporary Construction Easement north and west of and adjoining the fifteen foot wide Force Main Permanent Easement along its north and west sides and described as follows:

Beginning at a the northeast corner of the Force Main Permanent Easement;

Thence, S81°06'28"W, 28.23 feet;

Thence, S14°48'27"E, 118.39 feet;

Thence, S75°46'14"W, 15.00 feet;

Thence, N14°48'27"W, 134.88 feet;

Thence, N81°06'28"E, 43.46 feet to the Grantor's east property line;

Thence, with said line, S14°13'46"E, 15.07 feet to the Point of Beginning

and containing 2,437 square feet, 0.056 acres.

Being a part of that property conveyed to Delong Estates Development, LLC, a Kentucky limited liability company, by deed dated March 28, 2005 in Deed Book 2538, Page 291, in the Fayette County Clerk's Office.

EXHIBIT C

TEMPORARY CONSTRUCTION EASEMENT CE-2

(a portion of 3973 Tatton Park)

Blue Sky Force Main

Sanitary Sewer Improvement Project

A fifteen foot wide Temporary Construction Easement south and east of and adjoining the fifteen foot wide Force Main Permanent Easement along its south and east sides and described as follows:

Beginning at the southeast corner of the Permanent Force Main Easement in the Grantor's east property line and being the west right of way line of Richmond Road;

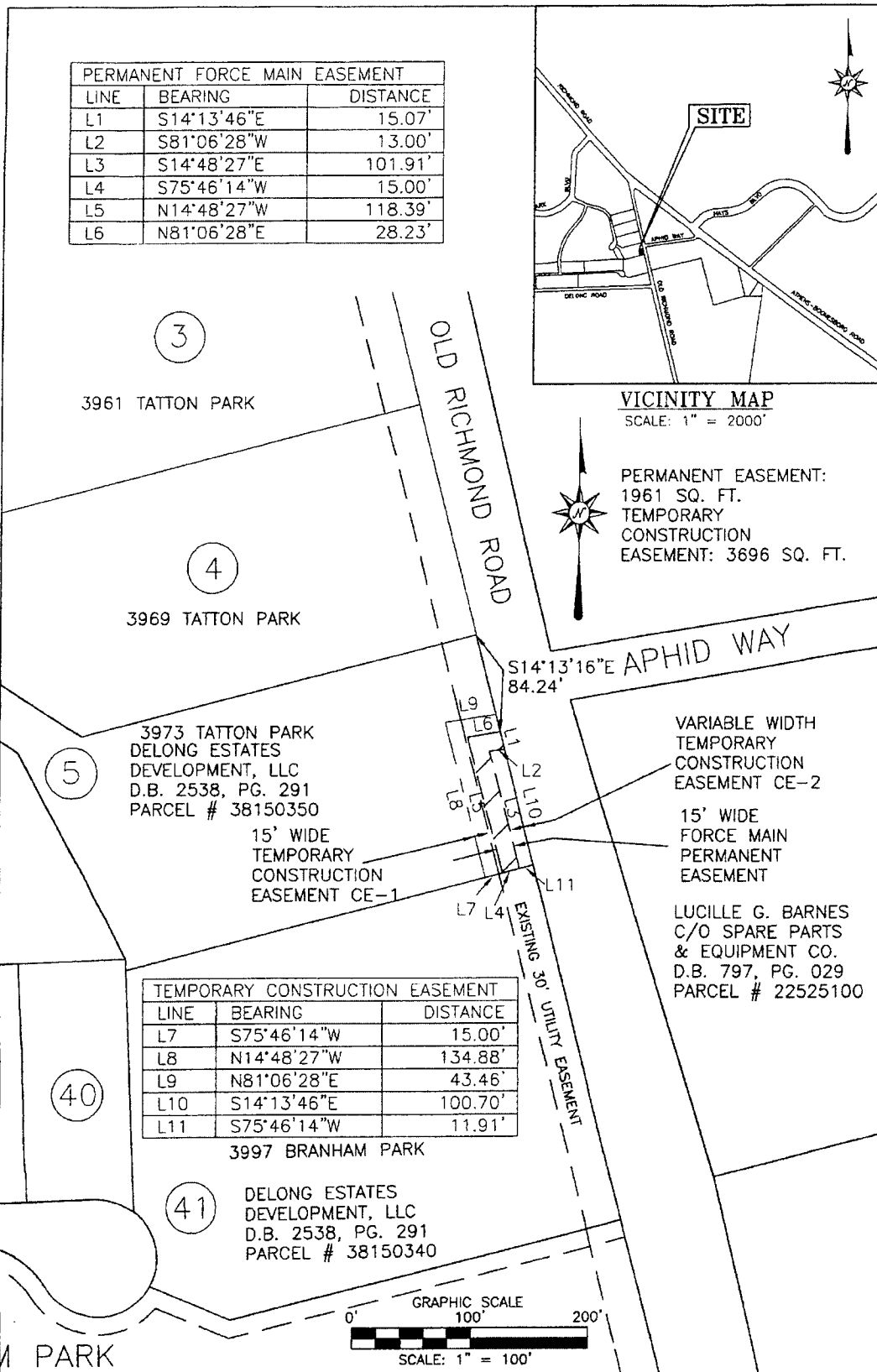
Thence, with said line, S14°13'46"E, 100.70 feet to the grantors south property line;

Thence, with said property line S75°46'14"W, 11.91 feet to the Permanent Force Main Easement;

Thence, leaving said property line, N14°48'27"W, 101.91 feet and N81°06'28"E, 13.00 feet to the Point of Beginning and containing 1,259 square feet, 0.029 acres.

Being a part of that property conveyed to Delong Estates Development, LLC, a Kentucky limited liability company, by deed dated March 28, 2005 in Deed Book 2538, Page 29, in the Fayette County Clerk's Office.

EXHIBIT "D"



VE VISION ENGINEERING

Environmental, Civil Engineering Consultants, Land Surveying
3399 Tates Creek Road Suite 250
Lexington, KY 40502
Ph: (859)333-8015
Fax: (859)359-0523
www.visionengr.com
06/06/11

**EXHIBIT SHOWING
FORCE MAIN EASEMENT
TO BE ACQUIRED FROM
DELONG ESTATES DEVELOPMENT, LLC
3973 TATTON PARK
LEXINGTON, KENTUCKY**

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: DOUG BRADLEY ,dc

201401270209

January 27, 2014 15:09:31 PM

Fees	\$29.00	Tax	\$0.00
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Total Paid	\$29.00
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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: February 05, 2014

Re: Easements and Asset Acquisition Forms
(200, 201, 250, 251, and 5676 Canebrake Drive;
3997, 3952, 3956, 3825, 3805, 3758, and 3896 Branham Park;
and 3973 Tatton Place)
Log No. 13-RE0641

Enclosed are the original recorded easements conveying permanent easements across the above-referenced properties to the Urban County Government for the Blue Sky Force Main Sanitary Sewer Improvement Project. Please file the easements with the authorizing legislation, Resolution No. 408-2013.

Also enclosed are the completed Asset Acquisition forms for the properties. After you have signed and dated the forms, please forward them to Kim Bryan in the Department of Finance.

If you have any questions, please let me know.

Keith Horn
Managing Attorney

Enclosures

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

VariousProperties(Memo to Nelson)/00426093