

**DEED OF EASEMENT**

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 20<sup>th</sup> day of January, 2021, by and between **TOMMY D. FIELDS, a single person**, 3652 Crosby Drive, Lexington, Kentucky 40517, 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 **THREE HUNDRED EIGHTY-FOUR DOLLARS AND 13/100 DOLLARS (\$384.13)**, 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:

**Permanent Sanitary Sewer Easement**  
**Southeastern Hills Trunk Sewer Improvement Project**  
**(a portion of 3652 Crosby Drive)**

All that strip or parcel of land situated on the southeast corner of Stephen Foster Drive and Crosby Drive in

Return to:  
Cynthia Cannon-Ferguson  
LFUCG, Dept. of Law, 11<sup>th</sup> Floor  
200 East Main Street  
Lexington, KY 40507

Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows:

**BEGINNING** at a point in the easterly right of way line of Crosby Drive, said point being N 22° 53' 42" E, 56.53 feet from a common corner between Lot 45, Block "D", as shown on the Amended Final Record Plat of Melody Village, Unit One (Plat Cabinet B, Slide 90) and Lot 1, Block "C", as shown on the Final Record Plan of Melody Village, Unit 3-A (Cabinet A, Slide 421);

Thence leaving the easterly right of way line of Crosby Drive, and with a new permanent sanitary sewer easement line through the lands of Lot 45, S 64° 03' 25" E, 90.13 feet to a point in the westerly property line of Lot 44;

Thence with the westerly property line of Lot 44, S 22° 53' 42" W, 12.38 feet to a point;

Thence leaving the westerly property line of Lot 44, and with an existing 40-foot Sanitary, Storm, and Utility Easement line through the lands of Lot 45, N 65° 09' 18" W, 90.05 feet to a point in the easterly right of way line of Crosby Drive;

Thence with the easterly right of way line of Crosby Drive, N 22° 53' 42" E, 14.11 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 1,192 square feet (0.027 Acres) of permanent easement; and

Being a portion of the property conveyed to Tommy D. Fields and Mary S. Fields, husband and wife, by Deed dated December 1, 1978, of record in Deed Book 1215, Page 343, in the Fayette County Clerk's Office. Said Mary S. Fields died intestate a resident of Lexington, Fayette County, Kentucky on October 28, 2002. Title to the property vests to Tommy D. Fields, her husband, by right-of-survivorship in the aforementioned deed.

**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**  
**Southeastern Hills Trunk Sewer Improvement Project**  
**(a portion of 3652 Crosby Drive)**

All that strip or parcel of land situated on the southeast corner of Stephen Foster Drive and Crosby Drive in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows:

**BEGINNING** at a point in the easterly right of way line of Crosby Drive, said point being N 22° 53' 42" E, 56.53 feet from a common corner between Lot 45, Block "D", as shown on the Amended Final Record Plan of Melody Village, Unit One (Plat Cabinet B, Slide 90) and Lot 1, Block "C", as shown on the Final Record Plat of Melody Village, Unit 3-A (Cabinet A, Slide 421);

Thence with the easterly right of way line of Crosby Drive, N 22° 53' 42" E, 10.01 feet to a point;

Thence leaving the easterly right of way line of Crosby Drive, and with a new temporary construction easement line through the lands of Lot 45 for five (5) calls:

- 1) S 64° 03' 25" E, 25.07 feet to a point;
- 2) S 24° 50' 58" W, 4.45 feet to a point;
- 3) S 65° 09' 02" E, 54.05 feet to a point;
- 4) N 24° 50' 58" E, 3.42 feet to a point; and
- 5) S 64° 03' 25" E, 11.01 feet to a point in the westerly property line of Lot 44;

Thence with the westerly property line of Lot 44, S 22° 53' 42" W, 10.01 feet to a point;

Thence leaving the westerly property line of Lot 44, and with a new permanent sanitary sewer easement line through the

lands of Lot 45, N 64° 03' 25" W, 90.13 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains a total area of 689 square feet (0.016 Acres) of temporary construction easement;

Being a portion of the property conveyed to Tommy D. Fields and Mary S. Fields, husband and wife, by Deed dated December 1, 1978, of record in Deed Book 1215, Page 343, in the Fayette County Clerk's Office. Said Mary S. Fields died intestate a resident of Lexington, Fayette County, Kentucky on October 28, 2002. Title to the property vests to Tommy D. Fields, her husband, by right-of-survivorship in the aforementioned deed.

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

The obtaining of this easement was authorized by Resolution 456-2020, passed by the Lexington-Fayette Urban County Council on October 8, 2020. 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:   
\_\_\_\_\_  
TOMMY D. FIELDS

[Intentionally Left Blank]

COMMONWEALTH OF KENTUCKY            )  
  )  
COUNTY OF FAYETTE                    )

This instrument was acknowledged, subscribed and sworn to before me by Tommy D. Fields, a single person, on this the 20<sup>th</sup> day of January, 2021.

  
\_\_\_\_\_  
Notary Public, Kentucky, State-at-Large

My Commission Expires: 7/10/2023

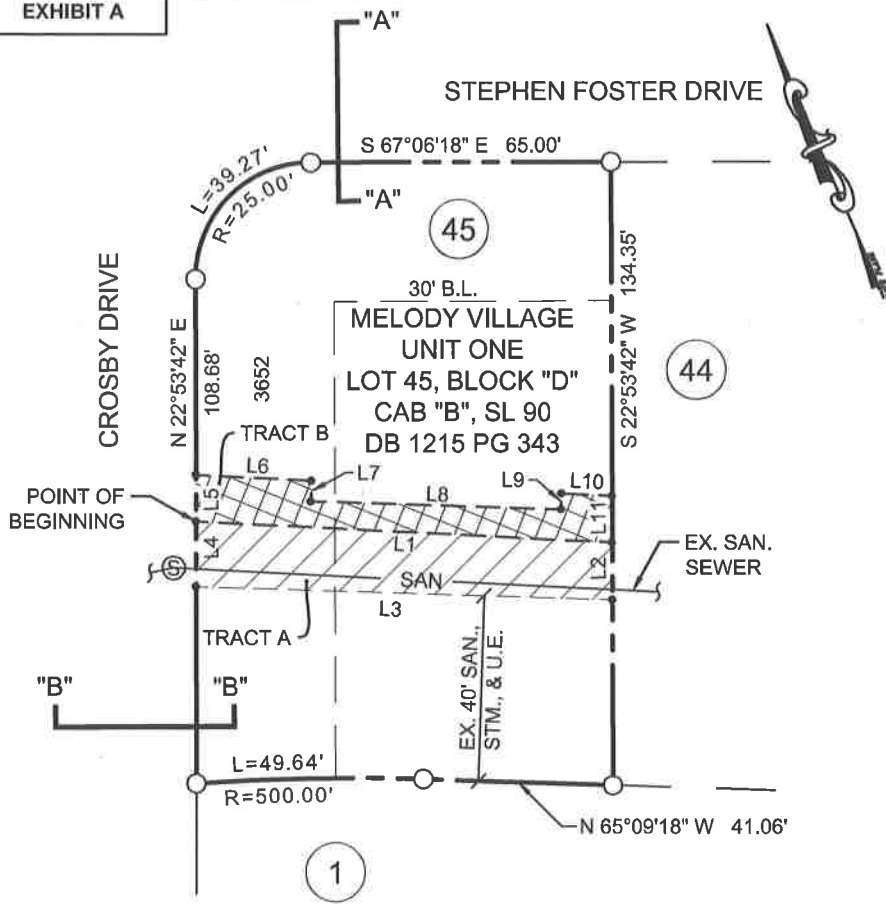
Notary ID # 626440

PREPARED BY:

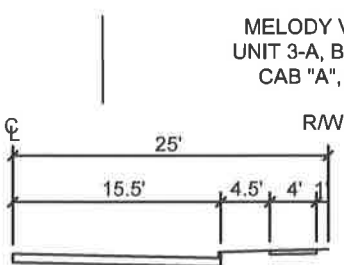


\_\_\_\_\_  
EVAN P. THOMPSON  
Attorney  
Lexington-Fayette Urban  
County Government  
Department of Law, 11th Floor  
200 East Main Street  
Lexington, Kentucky 40507  
(859) 258-3500

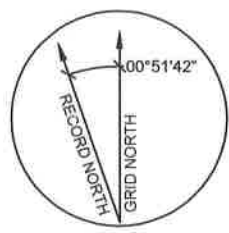
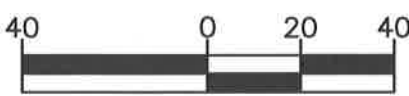
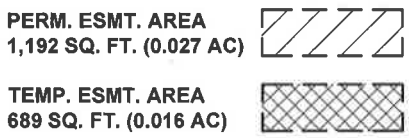
EXHIBIT A



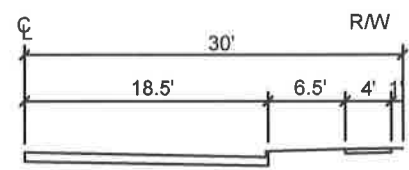
EASEMENT LINE TABLE		
LINE #	LENGTH	BEARING
L1	90.13'	S 64°03'25" E
L2	12.38'	S 22°53'42" W
L3	90.05'	N 65°09'18" W
L4	14.11'	N 22°53'42" E
L5	10.01'	N 22°53'42" E
L6	25.07'	S 64°03'25" E
L7	4.45'	S 24°50'58" W
L8	54.05'	S 65°09'02" E
L9	3.42'	N 24°50'58" E
L10	11.01'	S 64°03'25" E
L11	10.01'	S 22°53'42" W



SECTION "A"-"A"  
NILES DRIVE  
HALF SECTION



BEARING BASIS



SECTION "B"-"B"  
CROSBY DRIVE  
HALF SECTION

**NOTES:**

1. THE PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON ARE BASED ON THE RECORD DESCRIPTION (DEED BOOK 1215, PAGE 343) AND CORRESPONDING PLAT (CABINET B, SLIDE 90) OF RECORD IN THE FAYETTE COUNTY CLERK'S OFFICE. THE ORIGIN OF BEARINGS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN DATUM OF 1983, STATE PLANE KENTUCKY NORTH AS OBSERVED FROM KYCORS STATION "KYTG" USING A TRIMBLE R10, DUAL FREQUENCY RECEIVER.
2. THE PURPOSE OF THIS EXHIBIT IS TO DELINEATE A PROPOSED CONVEYANCE FOR A PERMANENT SANITARY SEWER EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT TO LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.
3. THIS INFORMATION DOES NOT CONSTITUTE A BOUNDARY SURVEY AND SHALL NOT BE USED FOR PURPOSES OF LAND TRANSFER.

**SANITARY SEWER EASEMENT EXHIBIT**  
**TOMMY D. & MARY S. FIELDS**  
**3652 CROSBY DRIVE**  
**SOUTHEASTERN HILLS TRUNK SEWER IMPROVEMENTS**  
**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
**LEXINGTON, KENTUCKY**



**FIGURE 1**

AUGUST 2020

2815.046

**DEED BOOK 3815 PAGE 286**

**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**

**202101260145**

**January 26, 2021                      9:30:54      AM**

**Fees                      \$56.00      Tax                      \$ .00**

**Total Paid                      \$56.00**

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

**8      Pages**

**279      -      286**