

**DEED OF EASEMENT**

THIS DEED OF EASEMENT, made and entered into this 18 day of December, 2013, by and between **THE COMMONWEALTH OF KENTUCKY FOR THE USE AND BENEFIT OF THE UNIVERSITY OF KENTUCKY**, Lexington, Kentucky, 40506, ("Grantor"), and **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky 40507, ("Grantee"); The Grantor's address is the in-care address.

**WITNESSETH:**

That for and in consideration of the sum of TEN DOLLARS AND NO CENTS (\$10.00) 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 regarding sidewalks, improvements and utilities, which 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 based upon Lexington-Fayette Urban County Control Survey Monuments:

**Permanent Easement – PE1**  
 (a portion of 402 Rose Street)  
**ROSE STREET BIKE LANE**

Beginning at a point in the south right of way line of Rose Street, said point being the northwest property corner of 400 Rose Street and listed as Lot 15 in the Aylesford Addition (Third Amended Plot) as recorded in Plat Cabinet E, Slide 141 in the Fayette County, Kentucky, Clerk's office, said point also being the northeast property corner of Lot 14 in said Aylesford Addition (Third Amended Plot); thence with the south right of way line of Rose Street, North 48° 38' 16" East, 50.00 feet to the northeast property corner of Lot 15, said point also being the northwest property corner of Lot 16 in said Aylesford Addition (Third Amended Plot); thence with the common lot line of Lot 15 and Lot 16, South 41° 21' 44" East, 6.56 feet to a point, said point being common to the proposed permanent easement; thence leaving the common lot line of Lot 15 and Lot 16, and with the proposed permanent easement through Lot 15, South 48° 35' 28" West, 50.00 feet to a

point in the west lot line of Lot 15, said point also being in the east lot line of Lot 14; thence with the common lot line of Lot 15 and Lot 14, North 41° 21' 44" West, 6.60 feet to the Point of Beginning and containing 329 square feet or 0.008 acres.

Being a portion of the property conveyed to The Commonwealth of Kentucky for the use and benefit of the University of Kentucky by deed dated August 19, 1948 of record in Deed Book 446, Page 376, in the Fayette County Clerk's Office.

**Permanent Easement – PE1**  
(a portion of 404 Rose Street)  
ROSE STREET BIKE LANE

Beginning at a point in the south right of way line of Rose Street, said point being the northwest property corner of 404 Rose Street and listed as Lot 14 in Aylesford Addition (Third Amended Plot) as recorded in Plat Cabinet E, Slide 141 in the Fayette County, Kentucky, Clerk's office, said point also being the northeast corner of Lot 13 in said Aylesford Addition (Third Amended Plot); thence with the south right of way line of Rose Street, North 48° 38' 16" East, 50.00 feet to the northeast property corner of Lot 14, said point also being the northwest property corner of Lot 15 in said Aylesford Addition (Third Amended Plot); thence with the common lot line of Lot 14 and Lot 15, South 41° 21' 44" East, 6.60 feet to a point, said point being common to the proposed permanent easement; thence leaving the common lot line of Lot 14 and Lot 15, and with the proposed permanent easement through Lot 14, South 48° 35' 28" West, 50.00 feet to a point in the west lot line of Lot 14, said point also being in the east lot line of Lot 13; thence with the common lot line of Lot 14 and Lot 13, North 41° 21' 44" West, 6.64 feet to the Point of Beginning and containing 331 square feet or 0.008 acres.

Being a portion of the property conveyed to The Commonwealth of Kentucky for the use and benefit of the University of Kentucky by deed dated June 29, 1961 of record in Deed Book 718, Page 20, in the Fayette County Clerk's Office.

This easement runs with the land and is binding upon the heirs and assigns of the Grantor herein.

**FURTHER**, for and in consideration of the foregoing sum and other good and valuable consideration, the receipt of all of which is hereby acknowledged, Grantor does hereby grant and convey unto the Grantee, its successors and assigns, the temporary right to excavate, grade, construct, alter, regrade and perform related work for the purpose of sidewalk

improvements, through, under and across the following tract of land located in the confines of Lexington, Fayette County Kentucky, to wit:

**Temporary Construction Easement – CE1**

(a portion of 402 Rose Street)  
ROSE STREET BIKE LANE

See attached Exhibit A.

Being a portion of the property conveyed to The Commonwealth of Kentucky for the use and benefit of the University of Kentucky by deed dated August 19, 1948 of record in Deed Book 446, Page 376, in the Fayette County Clerk's Office.

**Temporary Construction Easement – CE1**

(a portion of 404 Rose Street)  
ROSE STREET BIKE LANE

See attached Exhibit B.

Being a portion of the property conveyed to The Commonwealth of Kentucky for the use and benefit of the University of Kentucky by deed dated June 29, 1961 of record in Deed Book 718, Page 20, in the Fayette County Clerk's Office.

**TO HAVE AND TO HOLD** said easement unto said Grantee, its successors and assigns, for the purposes and uses herein designated until the construction project within the permanent easement on this land is completed or as otherwise specified above.

The just-before-described temporary construction easement will expire upon completion of the improvement project on this land and this easement runs with the land for the duration of the improvement project on this land and is binding upon the successors and assigns of the Grantors.

Said Grantors shall have the full right to use the surface of the land lying over said easements for any purpose desired, provided such use will not interfere with Grantee's free use of the easements 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 agrees to replace said property, affected by the easements herein granted, in as good condition as it was when Grantee began construction of the project.

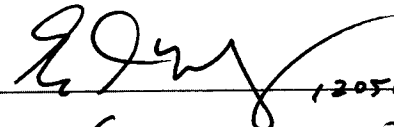
And the Grantor does hereby release and relinquish unto the Grantee, its successors and assigns, all of her right, title and interest in and to the above-described property, including all exemptions allowed by law, and does hereby covenant to and with said Grantee, its successors and assigns forever, that it is lawfully seized in fee simple of said property and has good right to sell and convey the same as herein done, and that it will **WARRANT GENERALLY** said title.

The parties do hereby certify pursuant to KRS 382.135 that the consideration stated herein is the full actual consideration paid for the property transferred herein and that the estimated fair cash value of the property conveyed is \$ 4,303.00. Grantee joins in this Deed for the sole purpose of certifying the consideration, as authorized by Resolution No. 242-2013 passed by the Lexington-Fayette Urban County Council on May 23, 2013. This conveyance is exempt from real estate transfer tax pursuant to KRS 142.050.

**IN TESTIMONY WHEREOF**, the said Grantors have hereunto signed this Deed of Easement, this the day and year first above written.

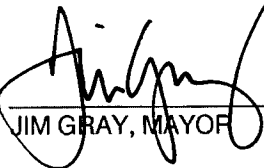
**GRANTOR:**

THE COMMONWEALTH OF KENTUCKY  
FOR THE USE AND BENEFIT OF THE  
UNIVERSITY OF KENTUCKY

  
\_\_\_\_\_  
120513  
TITLE: Ex. VP for Finance  
or Admin.

**GRANTEE:**

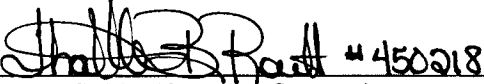
LEXINGTON-FAYETTE URBAN  
COUNTY GOVERNMENT

BY:   
\_\_\_\_\_  
JIM GRAY, MAYOR

COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )

The foregoing consideration certificate was subscribed, sworn to and acknowledged before me, by Eric N. Monday, as EVPFA, for and on behalf of the Commonwealth of Kentucky for the use and Benefit of the University of Kentucky, on this 5<sup>th</sup> day of Dec., 2013.

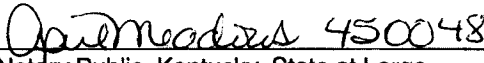
My commission expires: 9-8-2015

  
Notary Public, Kentucky, State at Large

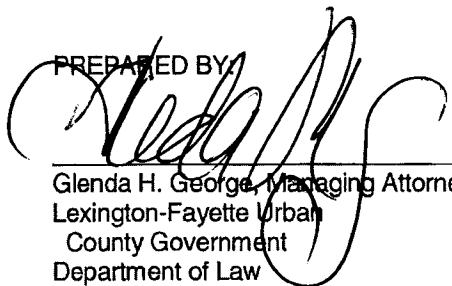
COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )

The foregoing consideration certificate was subscribed, sworn to and acknowledged before me, by JIM GRAY, as Mayor of the Lexington-Fayette Urban County Government, for and on behalf of the Government, on this 18 day of Dec., 2013.

My commission expires: 9.16.15

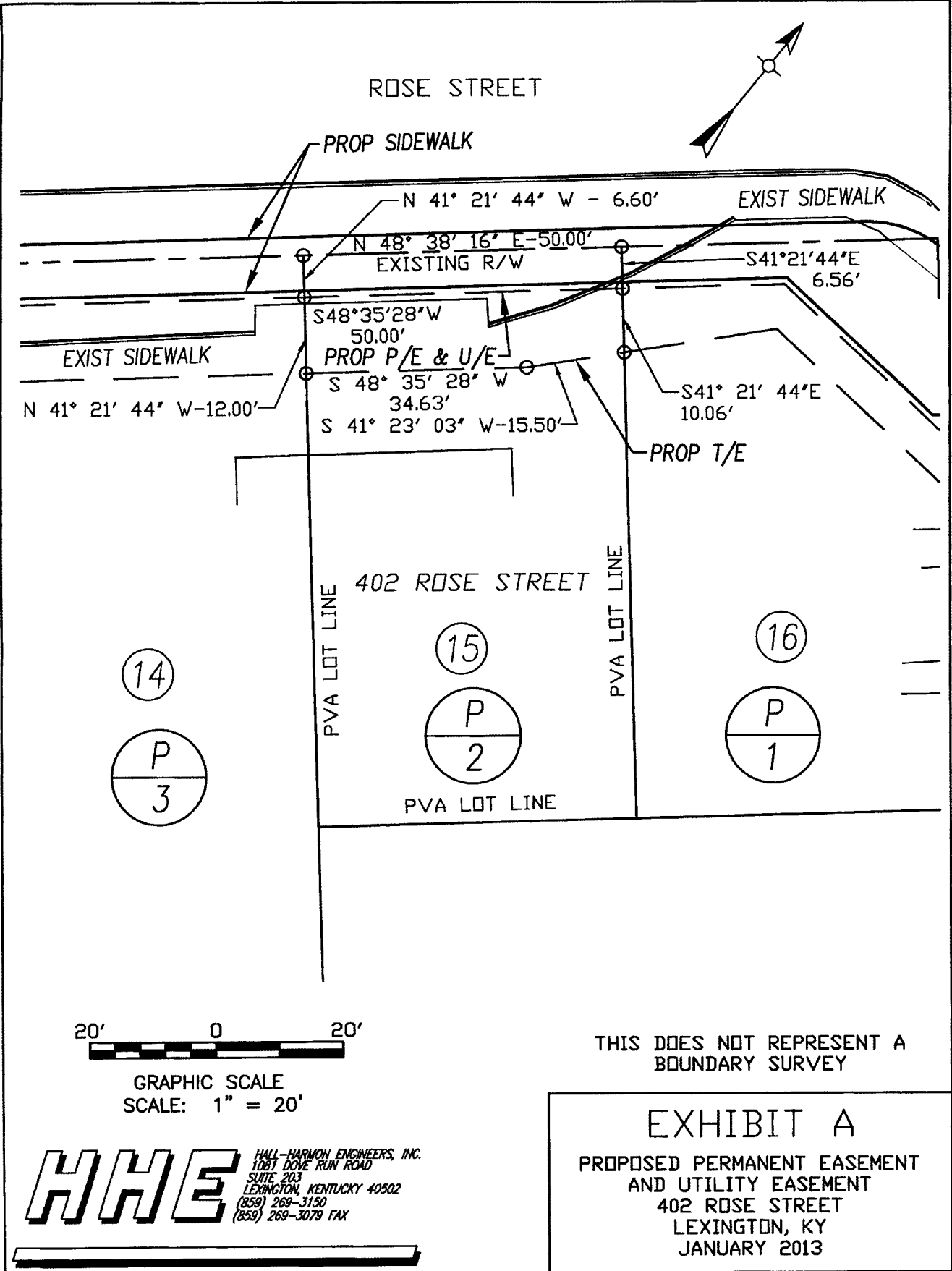
  
Notary Public, Kentucky, State at Large

PREPARED BY:

  
Glenda H. George, Managing Attorney  
Lexington-Fayette Urban  
County Government  
Department of Law  
200 East Main Street  
Lexington, Kentucky 40507  
(859) 258-3500  
X:\Cases\LAW\13-RE0300\RE\00395295.DOC

EXAMINED FOR FORM & LEGALITY  
OFFICE OF LEGAL COUNSEL  
UNIVERSITY OF KENTUCKY

BY:   
ATTORNEY AT LAW

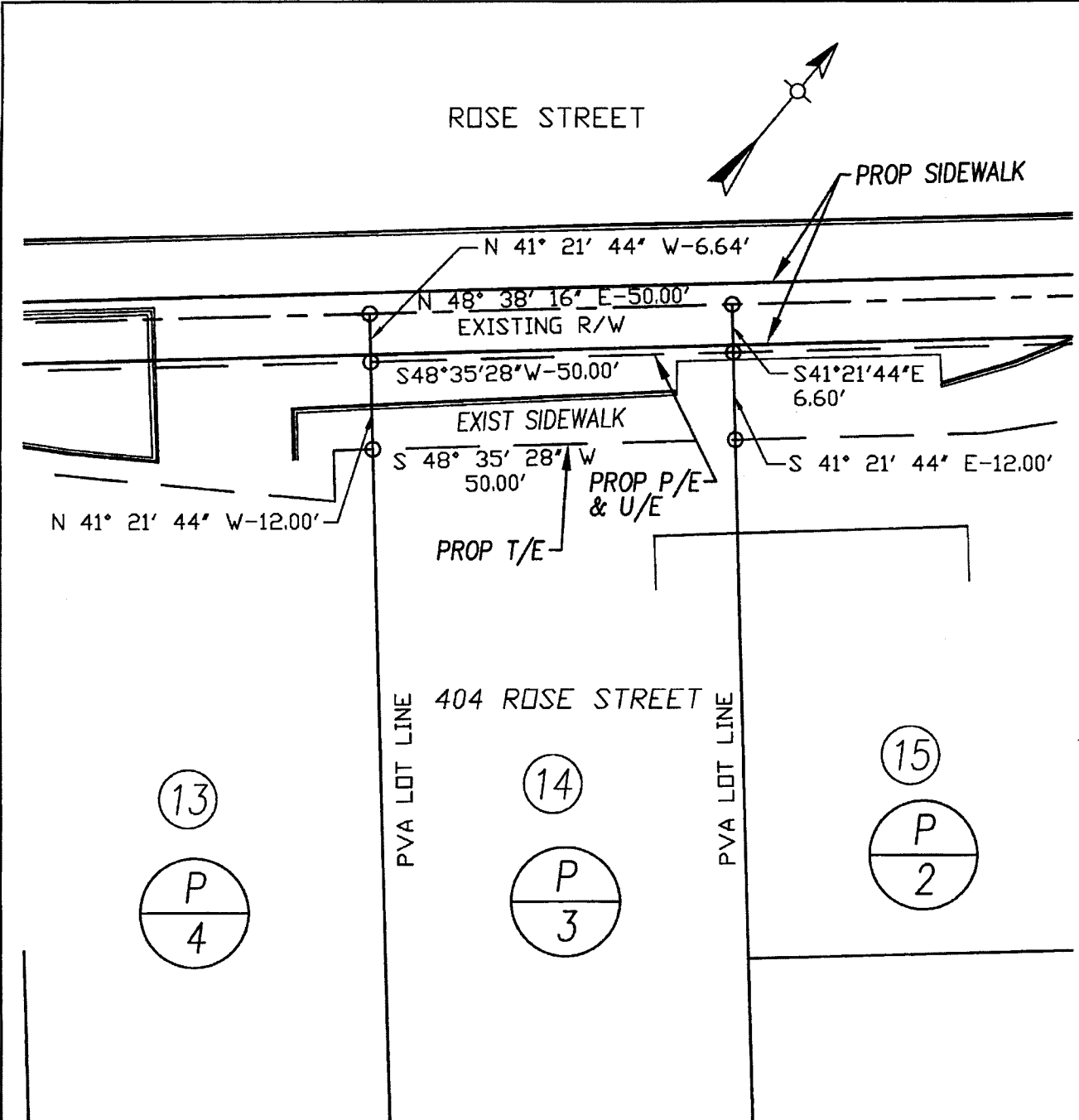


GRAPHIC SCALE  
SCALE: 1" = 20'

**HHE** HALL-HARMON ENGINEERS, INC.  
1021 DOVE RUN ROAD  
SUITE 203  
LEXINGTON, KENTUCKY 40502  
(859) 269-3150  
(859) 269-3079 FAX

THIS DOES NOT REPRESENT A  
BOUNDARY SURVEY

EXHIBIT A  
PROPOSED PERMANENT EASEMENT  
AND UTILITY EASEMENT  
402 ROSE STREET  
LEXINGTON, KY  
JANUARY 2013



GRAPHIC SCALE  
SCALE: 1" = 20'

THIS DOES NOT REPRESENT A  
BOUNDARY SURVEY.

**HHE** HALL-HARMON ENGINEERS, INC.  
1081 DOVE RUN ROAD  
SUITE 203  
LEXINGTON, KENTUCKY 40502  
(859) 269-3150  
(859) 269-3079 FAX

**EXHIBIT B**  
PROPOSED PERMANENT EASEMENT  
AND UTILITY EASEMENT  
404 ROSE STREET  
LEXINGTON, KY  
JANUARY 2013

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

201312200076

December 20, 2013                      10:17:57    AM

Fees	\$29.00	Tax	\$ .00
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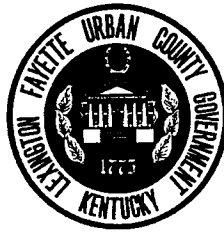
Total Paid	\$29.00
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8    Pages

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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: January 2, 2014

Re: Deed of Easement and Asset Acquisition Form  
402 and 404 Rose Street  
Log No. 13-RE0300

Enclosed is the original recorded Deed of Easement conveying the properties located at 402 and 404 Rose Street to the Urban County Government. Please file the Deed of Easement with the authorizing legislation, Resolution No. 242-2013.

Lastly, also enclosed is the completed Asset Acquisition form for these properties. 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.

Glenda Humphrey George, Attorney Sr.

Enclosures

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