

GRANT OF EASEMENT

This **EASEMENT** is made and entered into this 25 day of October, 2013, by and between **JAY P. SWACKER, a single person, and RUTH A. KOEHLER, a single person**, 366 Bob-O-Link Drive, Lexington, Kentucky 40503 ("Grantors"), 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");

W I T N E S S E T H:

That for and in consideration of the sum of **Two Thousand Two Hundred Thirty-Nine and 60/100 Cents (\$2,239.60)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantors have **BARGAINED** and **SOLD** and do 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
366 Bob-O-Link Drive
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, Grantors have **BARGAINED** and **SOLD** and do hereby **GIVE, GRANT** and **CONVEY** unto the Grantee, its successors and assigns, the

Michael Keith Horn
 LFUCG Department of Law
 200 East Main Street, 11th Floor
 Lexington, Kentucky 40507

temporary right to excavate, grade, construct, alter, regrade and perform related work 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
366 Bob-O-Link Drive
Sanitary Sewer Improvement Project

All temporary construction easements, if any, are described on Exhibit B 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.

Grantors do hereby covenant to and with said Grantee, its successors and assigns forever, that they are lawfully seized in fee simple of said property and have good right to sell and convey the easements conveyed herein, and that they will **WARRANT GENERALLY** said title.


Grantors 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. ~~721-13~~³⁹¹⁻¹³ 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 parties have signed this Easement, the day and year first above written.

GRANTORS:

BY: 

 JAY P. SWACKER


BY: 

 RUTH A. KOEHLER


COMMONWEALTH OF KENTUCKY)
)
 COUNTY OF FAYETTE)

The foregoing Easement was subscribed, sworn to and acknowledged before me by JAY P. SWACKER, a single person, and RUTH A. KOEHLER, a single person, on this the 25 day of October, 2013.

My commission expires: 5/4/2015



 Notary Public, State-At-Large, Kentucky

PREPARED BY:


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

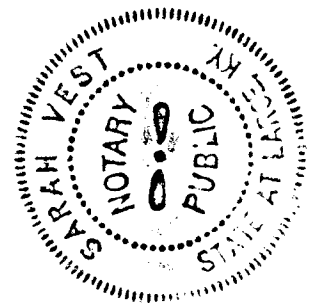


EXHIBIT A

Permanent Sanitary Sewer Easement
366 Bob-O-Link Drive
Lexington, Fayette County, Kentucky

All that tract of land near the southeast end of Bob-O-Link Drive and east of Vaughn's Branch in Lexington, Fayette County, Kentucky and being more fully described as follows:

BEGINNING at a point in the line of J. Robert Clark III & Myrtle W. Clark (Deed Book 2989 Page 348), said point being 5.73' northeast from the rear corner of J. Robert Clark III & Myrtle W. Clark; thence with said line, N 53°58'16" E a distance of 20.05' to a point; thence S 40°00'11" E a distance of 50.12' to a point in the line of Beverly L. James (Deed Book 2899 Page 193); thence with the line of James, S 53°58'16" W a distance of 20.05' to a point; thence N 40°00'11" W a distance of 50.12' to the point of BEGINNING, having an area of 1,002 square feet, of which 414 square feet of said easement previously conveyed in Deed Book 745 Page 419, leaving 588 square feet of new easement area.

Being a part of the property conveyed to Jay P. Swacker & Ruth A. Koehler of record in Deed Book 2935 Page 296 in the Fayette County Clerk's Office, Fayette County, Kentucky.

Permanent Sanitary Sewer Easement
366 Bob-O-Link Drive

EXHIBIT B

TEMPORARY CONSTRUCTION EASEMENTS

TRACT 1:

All that tract of land adjacent to and north of the permanent sanitary sewer easement described above and being more fully described as follows:

BEGINNING at a point in the line of J. Robert Clark III & Myrtle W. Clark (Deed Book 2989 Page 348), said point being 25.78' northeast from the rear corner of J. Robert Clark III & Myrtle W. Clark; thence N 53°58'16" E a distance of 15.04'; thence S 40°00'11" E a distance of 50.12'; thence S 53°58'16" W a distance of 15.04'; thence N 40°00'11" W a distance of 50.12' to the point of BEGINNING, having an area of 752 square feet.

TRACT 2:

All that tract of land adjacent to and south of the permanent sanitary sewer easement described above and being more fully described as follows:

BEGINNING at a point in the line of J. Robert Clark III & Myrtle W. Clark (Deed Book 2989 Page 348), said point being 5.73' northeast from the rear corner of J. Robert Clark III & Myrtle W. Clark; thence S 40°00'12" E a distance of 50.12'; thence S 53°58'16" W a distance of 10.04'; thence N 35°04'00" W a distance of 50.01'; thence N 53°58'16" E a distance of 5.73' to the point of BEGINNING, having an area of 394 square feet.

Being a part of the property conveyed to Jay P. Swacker & Ruth A. Koehler of record in Deed Book 2935 Page 296 in the Fayette County Clerk's Office, Fayette County, 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

201311070183

November 7, 2013 13:15:38 PM

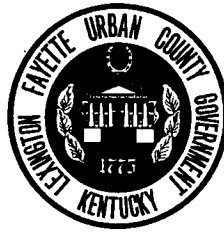
Fees	\$23.00	Tax	\$0.00
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Total Paid	\$23.00
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6 Pages

297 - 302



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: November 19, 2013

Re: Easements and Asset Acquisition Forms
(500, 586, 366, 345 372, 370, 364, 380, 362, 374, and 368 Bob-O-Link Drive;
1451, 1608, 1604, 1610, 1618, 1600, and 1614-1616 Harrodsburg Road;
431, and 427 Springhill Drive; and 420 Lafayette Parkway)
Log No. 13-RE0190

Enclosed are the original recorded easements conveying permanent easements across the above-referenced properties to the Urban County Government for the Bob-O-Link Sanitary Sewer Improvement Project. Please file the easements with the authorizing legislation, Resolution No. ~~721-2013~~.

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Also enclosed are the completed Asset Acquisition forms for the properties. After you have signed and dated the form, 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)/00416306