

**DEED OF EASEMENT**

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 25<sup>TH</sup> day of AUGUST, 2022, by and between **GARDNER L. TURNER TESTAMENTARY TRUST U/T/W** dated **September 30, 2011**, **MARILYN R. TURNER, TRUSTEE**, 227 Chenault Road, Lexington, Kentucky 40502, 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 **FOUR THOUSAND FIVE HUNDRED DOLLARS AND 00/100 CENTS (\$4,500.00)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, said

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

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**  
**Wolf Run Trunk F**  
**Sewer Improvement Project**  
**(a portion of 1946 Harrodsburg Road)**

**Tract A**

All that strip or parcel of land situated on the southeast side of Harrodsburg Road (US Highway 68) south of Blue Ash Drive in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

**BEGINNING**, at a common corner with Carol L. Jones (Deed Book 3338, Page 706), said point being in the southerly property line of John William Cole (Deed Book 3450, Page 117);

Thence leaving the common corner with Carol L. Jones and the southerly property line of John William Cole, with a reference line through the lands of the Marilyn R. Turner Marital Trust, S 66°48'11" W, 34.38 feet to a point in an existing storm flume and sanitary sewer easement line (Deed Book 1506, Page 463), said point being the **TRUE POINT OF BEGINNING**;

Thence with the existing storm flume and sanitary sewer easement line, S 58°22'29" W, 20.06 feet to a point;

Thence with a new permanent sanitary sewer easement line, N 27°08'43" W, 97.30 feet to a point in the southerly property line of the aforesaid John William Cole (Deed Book 3450, Page 117);

Thence with the southerly property line of John William Cole, S 56°01'31" E, 41.41 feet to a point;

Thence leaving the southerly property line of John William Cole, with a new permanent sanitary sewer easement line through the lands of the Marilyn R. Turner Marital Trust, S 27°08'43" E, 59.47 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 0.036 Acres (1,568 sq. ft.) of permanent easement; and

Tract A, being a portion of the property conveyed to Kathleen Y. Turner, a married person (Henry L. Turner, spouse) in fee simple, her heirs and assigns, forever, by Deed dated April 5, 1962, of record in Deed Book 748, Page 607, in the Fayette County Clerk's Office. Said Kathleen Y. Turner, died testate, a resident of Lexington, Fayette County, Kentucky, on or about July 15, 1988. By the terms of said Will recorded in Will Book 124, Page 231, in the Fayette County Clerk's Office, title to the property vests to her husband, Henry L. Turner, for life, with remainder to her son, Gardner L. Turner, in fee simple. Said Henry L. Turner predeceased Kathleen Y. Turner and title to 1946 Harrodsburg Road is now vested in Gardner L. Turner. Said Gardner L. Turner died testate, a resident of Lexington, Fayette County, Kentucky on September 13, 2016. By the terms of said Will and Codicil, Item VII, of record in Will Book 350, Page 597, in the Fayette County Clerk's Office, the property is vested into a marital trust, namely, Gardner L. Turner Testamentary Trust u/t/w dated September 30, 2011, Marilyn R. Turner, Trustee. See also Affidavit Pursuant to KRS 382.135 In Re: The Estate of Gardner L. Turner, Deceased, dated November 10, 2017, of record in Deed Book 3539, Page 406, in the Fayette County Clerk's Office.

**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**  
**Wolf Run Trunk F**  
**Sewer Improvement Project**  
**(a portion of 1946 Harrodsburg Road)**

**Tract B**

All that strip or parcel of land situated on the southeast side of Harrodsburg Road (US Highway 68) south of Blue Ash Drive in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows, to wit:

**BEGINNING**, at a common corner with Carol L. Jones (Deed Book 3338, Page 706), said point being in the southerly property line of John William Cole (Deed Book 3450, Page 117);

Thence leaving the common corner with Carol L. Jones and the southerly property line of John William Cole, with a reference line through the lands of Marilyn R. Turner Marital Trust, S 66°48'11" W, 34.38 feet to a point in an existing storm flume and sanitary sewer easement line (Deed Book 1506, Page 463);

Thence with the existing storm flume and sanitary sewer easement line, S 58°22'29" W, 20.06 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing with the existing storm flume and sanitary sewer easement, S 58°22'29" W, 33.30 feet to a point;

Thence with a new temporary construction easement line for two (2) calls:

- 1) N 37°32'34" W, 12.64 feet to a point; and
- 2) N 55°02'29" E, 35.81 feet to a point;

Thence with a new permanent sanitary sewer easement line, S 27°08'43" E, 14.70 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 0.011 Acres (470 sq. ft.) of temporary construction easement; and

Tract B, being a portion of the property conveyed to Kathleen Y. Turner, a married person (Henry L. Turner, spouse) in fee simple, her heirs and assigns, forever, by Deed dated April 5, 1962, of record in Deed Book 748, Page 607, in the Fayette County Clerk's Office. Said Kathleen Y. Turner, died testate, a resident of Lexington, Fayette County, Kentucky, on or about July 15, 1988. By the terms of said Will recorded in Will Book 124, Page 231, in the Fayette County Clerk's Office, title to the property vests to her husband, Henry L. Turner, for life, with remainder to her son, Gardner L. Turner, in fee simple. Said Henry L. Turner predeceased Kathleen Y. Turner and title to 1946 Harrodsburg Road is now vested in Gardner L. Turner. Said Gardner L. Turner died testate, a resident of Lexington, Fayette County, Kentucky on September 13, 2016. By the terms of said Will and Codicil, Item VII, of record in Will Book 350, Page 597, in the Fayette County Clerk's Office, the property is vested into a marital trust, namely, Gardner L. Turner Testamentary Trust u/t/w dated September 30, 2011, Marilyn R. Turner, Trustee. See also Affidavit Pursuant to KRS 382.135 In Re: The Estate of Gardner L. Turner, Deceased, dated November 10, 2017, of record in Deed Book 3539, Page 406, in the Fayette County Clerk's Office.

**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 its right, title, and interest in and to the property to the extent of the interests conveyed herein, including all exemptions allowed by law, and does hereby covenant to and with the 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 easements as herein done, and that it will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 042-2022, passed by the Lexington-Fayette Urban County Council on February 10, 2022. 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.

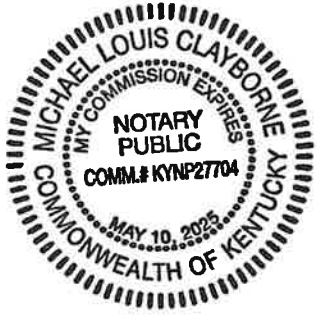
GRANTOR:

GARDNER L. TURNER TESTAMENTARY TRUST  
U/T/W DATED SEPTEMBER 30, 2011, MARILYN R.  
TURNER, AS TRUSTEE

BY:   
MARILYN R. TURNER, AS  
TRUSTEE

COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )

This instrument was acknowledged, subscribed and sworn to before me by Marilyn R. Turner, as Trustee, for and on behalf of the Gardner L. Turner Testamentary Trust u/t/w dated September 30, 2011, Marilyn R. Turner, as Trustee, on this the 25<sup>TH</sup> day of August, 2022.



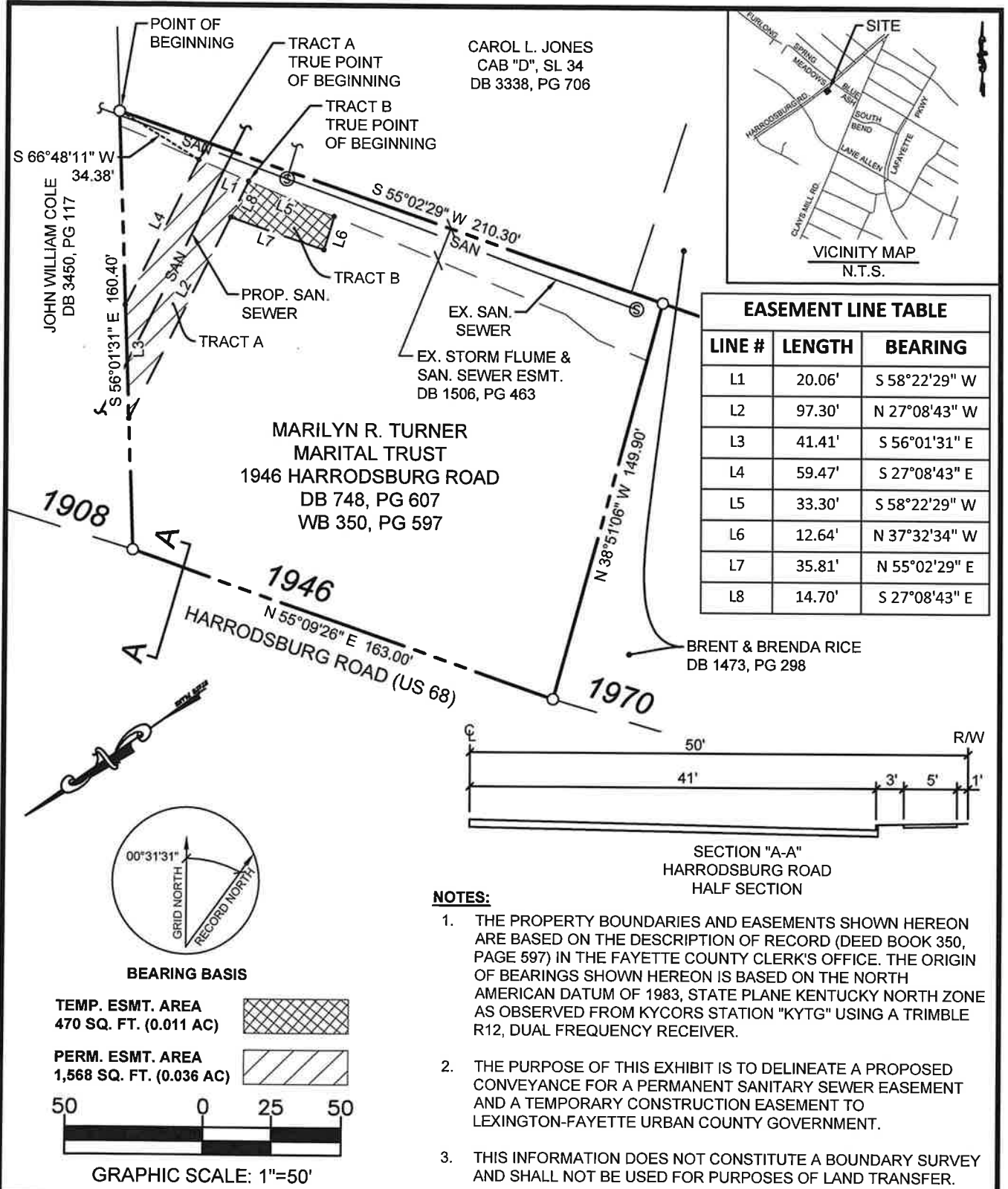
[Signature]  
Notary Public, Kentucky, State-at-Large

My Commission Expires: 05 / 10 / 2025

Notary ID # KYNP27704

PREPARED BY:  
[Signature]

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



**EASEMENT LINE TABLE**

LINE #	LENGTH	BEARING
L1	20.06'	S 58°22'29" W
L2	97.30'	N 27°08'43" W
L3	41.41'	S 56°01'31" E
L4	59.47'	S 27°08'43" E
L5	33.30'	S 58°22'29" W
L6	12.64'	N 37°32'34" W
L7	35.81'	N 55°02'29" E
L8	14.70'	S 27°08'43" E

**SANITARY SEWER EASEMENT EXHIBIT**  
**MARILYN R. TURNER MARITAL TRUST**  
**1946 HARRODSBURG ROAD**  
**WOLF RUN TRUNK F SEWER IMPROVEMENTS**  
**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
**LEXINGTON, KENTUCKY**



**FIGURE 1**

JULY 2022

2815.298



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.



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By: BOBBIE MARSTELLA ,dc

202208290037

August 29, 2022                      9:13:09      AM

Fees                      \$59.00      Tax                      \$ .00

Total Paid                      \$59.00

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

9 Pages

289 - 297