

FAYETTE CO, KY FEE \$59.00

SUSAN LAMB
COUNTY CLERK

PRESENTED/LODGED: 03/15/2024 09:13:05 AM

HALLIE WOOSLEY, DEPUTY CLERK 202403150019

BK: DB 4062

PG: 583-590



DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 12TH day of MARCH, 2024, by and between **MICHAEL J. SPEAKS and ANNETTA SPEAKS, husband and wife**, 513 Applegrove Drive, Nicholasville, Kentucky 40356, which is the in-care of tax mailing address for the current year (hereinafter "Grantors"), 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 **TWENTY THOUSAND DOLLARS AND 00/100 CENTS (\$20,000.00)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, said Grantors have **BARGAINED and SOLD** and do hereby **GIVE, GRANT and CONVEY** unto the

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

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, repair, maintenance 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
Floyd Drive Trunk
Sewer Improvement Project
(a portion of 617 E. New Circle Road)

A certain parcel of land near East New Circle Road, within the city of Lexington, County of Fayette, Commonwealth of Kentucky, and more particularly described as follows:

Commencing at the northwest corner of the property conveyed to Michael J. and Annetta Speaks in Deed Book 2487, Page 300, in the Fayette County Clerk's records and in the eastern right-of-way line of East New Circle Road; thence with the eastern right-of-way line of East New Circle Road for one (1) call:

1. S 37°00'31" E, a distance of 160.80 feet to the **TRUE POINT OF BEGINNING**; thence with a new easement line for one (1) call:
2. N 61°15'37" E, a distance of 123.70 feet to a point on the southwestern line of the property conveyed to Rayyan Properties, LLC in Deed Book 4045, Page 568; thence with the line of said Rayyan Properties, LLC, or one (1) call:
3. S 71°26'12" E, a distance of 25.90 feet to a point in the line of the Rookwood Subdivision, Lot 52, Block "P", Unit 1-Q, of record at Plat Cabinet C, Slide 697 as conveyed to Lexington-Fayette Urban County Government in Deed Book 2320, Page 228, in the Fayette County Clerk's records; thence with the southwest line of said Lot 52 for one (1) call:

4. S 37°00'31" E, a distance of 0.97 feet, to a point in the line of said Lot 52; thence with a new easement line for one (1) call:
5. S 61°15'37" W, a distance of 138.50 feet to a point in the eastern right-of-way line of East New Circle Road; thence with the eastern right-of-way of East New Circle Road for one (1) call:
6. N 37°00'31" W, a distance of 20.21 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 2,629.06 sq. ft. of permanent easement; and,

Being a portion of the same property conveyed to Michael J. Speaks and Annetta Speaks, husband and wife, by Deed dated January 16, 1997, of record in Deed Book 1892, Page 229, 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, Grantors have **BARGAINED** and **SOLD** and do 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, repair, maintenance 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
Floyd Drive Trunk
Sewer Improvement Project
(a portion of 617 E. New Circle Road)

Tract A

Commencing at the northwest corner of the property conveyed to Michael J. and Annetta Speaks in Deed Book 2487, Page 300 of the Fayette County Clerk's records and in the eastern right-of-way

line of East New Circle Road; thence with the eastern right-of-way line of East New Circle Road for one (1) call:

1. S 37°00'31" E, a distance of 150.69 feet to the **TRUE POINT OF BEGINNING**; thence with a new easement line for one (1) call:
2. N 61°15'37" E, a distance of 115.92 feet to a point a on the southwestern line of the property conveyed to Rayyan Properties, LLC in Deed Book 4045, Page 568; thence with the line of said Rayyan Properties, LLC, for one (1) call:
3. S 71°26'12" E, a distance of 13.61 feet; thence with the northwestern line of the above-described permanent sewer line easement for one (1) call:
4. S 61°15'37" W, a distance of 123.70 feet to a point in eastern right-of-way line of East New Circle Road; thence with the eastern right-of-way of East New Circle Road for one (1) call:
5. N 37°00'31" W, a distance of 10.11 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 1,198.11 sq. ft. of temporary construction easement; and

Tract B

Commencing at the northwest corner of the property conveyed to Michael J. and Annetta Speaks in Deed Book 2487, Page 300 of the Fayette County Clerk's records and in the eastern right-of-way line of East New Circle Road; thence with the eastern right-of-way line of East New Circle Road for one (1) call:

1. S 37°00'31" E, a distance of 181.01 feet to the **TRUE POINT OF BEGINNING**; thence with the southeastern line of the above-described permanent sewer line easement for one (1) call:
2. N 61°15'37" E, a distance of 138.50 feet to a point in the line of the Rookwood Subdivision, Lot 52, Block "P", Unit 1-Q of record at Plat Cabinet C, Slide 697, as conveyed to Lexington-Fayette Urban County Government in Deed Book 2320, Page 228, in the Fayette County Clerk's records; thence with the southwest line of said Lot 52, for one (1) call:

3. S 37°00'31" E, a distance of 10.11 feet; thence with a new easement line for one (1) call:
4. S 61°15'37" W, a distance of 138.50 feet to a point in eastern right-of-way line of East New Circle Road; thence with the eastern right-of-way of East New Circle Road for one (1) call:
5. N 37°00'31" W, a distance of 10.11 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 1,384.97 sq. ft of temporary construction easement; and

Tract A and Tract B, being a portion of the same property conveyed to Michael J. Speaks and Annetta Speaks, husband and wife, by Deed dated January 16, 1997, of record in Deed Book 1892, Page 229, 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.

TOGETHER with the right to use the above-described easements during the time the sewer easement is being constructed, repaired or reconstructed, with the right of ingress and egress upon said easements as may be reasonably necessary for the construction and maintenance of said project.

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 Grantors. The above-described permanent easement runs with the land in perpetuity and is binding upon the successors and assigns of the Grantors. The temporary construction easement shall take effect upon the commencement of construction of the project and will expire upon completion of the project or maintenance thereof.

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 prior written consent of the Grantee.

Grantors do hereby release and relinquish unto the Grantee, its successors and assigns forever, all of their 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 they are lawfully seized in fee simple of said property and have good right to sell and convey the easements as herein done, and that they will **WARRANT GENERALLY** said title.

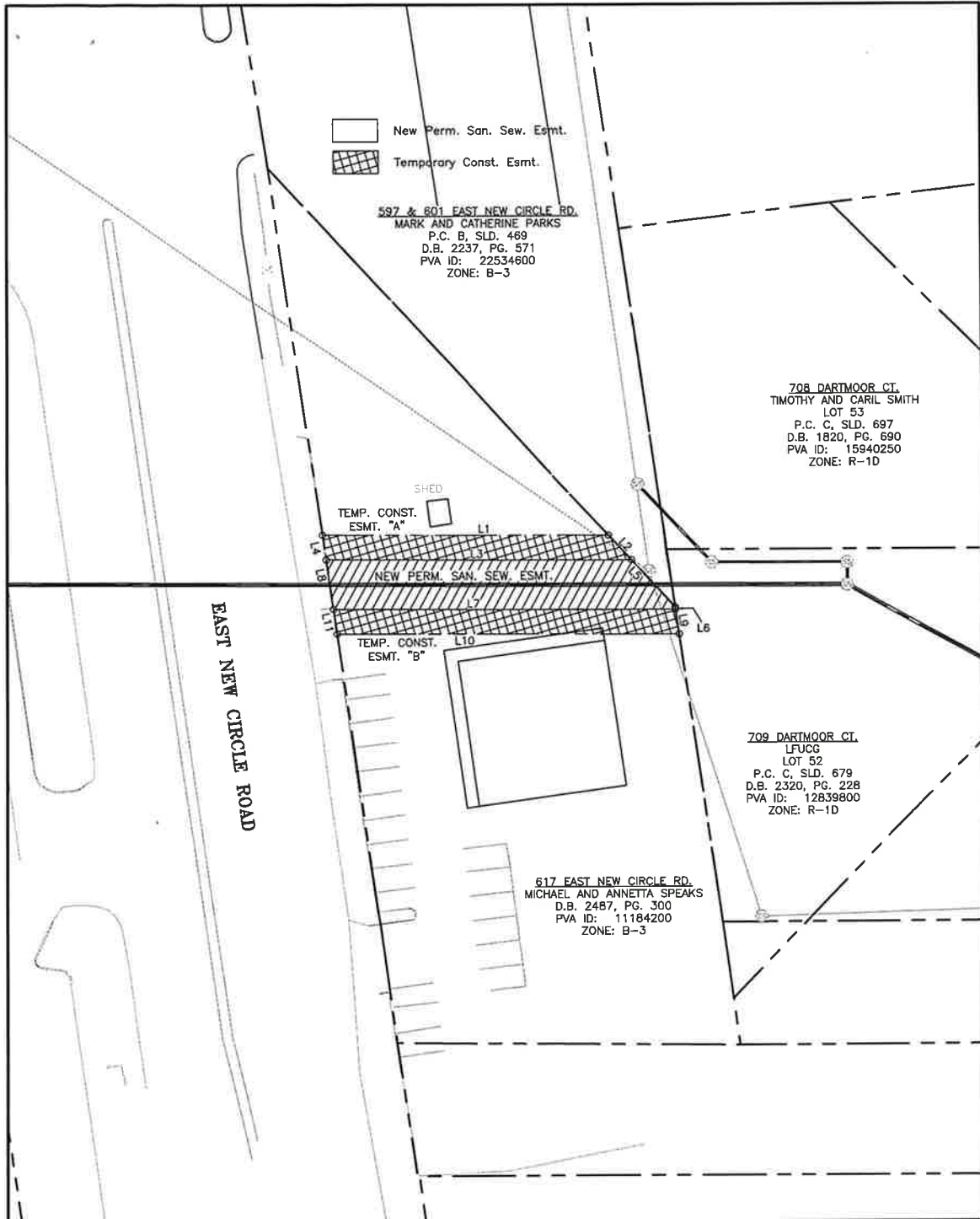
The obtaining of this easement was authorized by Resolution 629-2023, passed by the Lexington-Fayette Urban County Council on December 5, 2023. Pursuant to KRS 382.135(2)(a), this deed of easement, which pertains to a public utility, need not contain a statement of consideration.



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

GRANTORS:

BY: 
MICHAEL J. SPEAKS

BY: 
ANNETTA SPEAKS



 New Perm. San. Sew. Esmt.
 Temporary Const. Esmt.

597 & 601 EAST NEW CIRCLE RD.
 MARK AND CATHERINE PARKS
 P.C. B. SLD. 469
 D.B. 2237, PG. 571
 PVA ID: 22534600
 ZONE: B-3

708 DARTMOOR CT.
 TIMOTHY AND CARIL SMITH
 LOT 53
 P.C. C. SLD. 697
 D.B. 1820, PG. 690
 PVA ID: 15940250
 ZONE: R-1D

SHED
 TEMP. CONST.
 ESMT. "A"

NEW PERM. SAN. SEW. ESMT.

TEMP. CONST.
 ESMT. "B"

709 DARTMOOR CT.
 LFJCG
 LOT 52
 P.C. C. SLD. 679
 D.B. 2320, PG. 228
 PVA ID: 12839800
 ZONE: R-1D

617 EAST NEW CIRCLE RD.
 MICHAEL AND ANNETTA SPEAKS
 D.B. 2487, PG. 300
 PVA ID: 11184200
 ZONE: B-3

EAST NEW CIRCLE ROAD

LINE	BEARING	DISTANCE
L1	N 61°15'37" E	115.92'
L2	S 71°26'12" E	13.81'
L3	S 61°15'37" W	123.70'
L4	N 37°00'31" W	10.11'
L5	S 71°26'12" E	25.90'
L6	S 37°00'31" E	0.97'
L7	S 61°15'37" W	138.50'
L8	S 37°00'31" E	20.27'
L9	S 37°00'31" E	10.11'
L10	S 61°15'37" W	138.50'
L11	N 37°00'31" W	10.11'



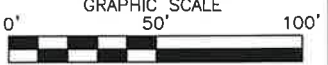
NOTES:
 1. SOURCE OF TITLE: MICHAEL AND ANNETTA SPEAKS, DEED BOOK 2487, PAGE 300.
 2. THE BASIS OF BEARINGS ARE KENTUCKY STATE PLANE GRID NORTH ZONE (NAD 83), U.S. SURVEY FEET.

AREAS:
 NEW PERMANENT EASEMENT: 2629.06 S.F.
 EX. SEWER EASEMENT TO BE RETAINED: 0.00 S.F.
 TOTAL PERMANENT EASEMENTS: 2629.06 S.F.
 TOTAL NEW PERMANENT EASEMENTS: 2629.06 S.F.
 TEMP. CONSTRUCTION EASEMENT "A": 1198.11 S.F.
 TEMP. CONSTRUCTION EASEMENT "B": 1384.97 S.F.
 TOTAL CONSTRUCTION EASEMENTS: 2583.08 S.F.



Environmental, Civil Engineering Consultants, Land Surveying
 128 E. Reynolds Rd, Suite 150, Lexington, KY 40517
 Ph.(859) 559-0516 - Fax: (859) 523-0095
 www.visionengr.com

OWNER:
 MICHAEL AND ANNETTA SPEAKS
 513 APPLGROVE DRIVE
 NICHOLASVILLE, KY 40356

GRAPHIC SCALE

 SCALE: 1" = 50'

FLOYD DRIVE TRUNK SEWER IMPROVEMENTS
EXHIBIT SHOWING SANITARY SEWER EASEMENT TO BE ACQUIRED FROM MICHAEL AND ANNETTA SPEAKS 617 EAST NEW CIRCLE ROAD LEXINGTON, KENTUCKY 40505
 09/12/2023
 SHEET 1 OF 1