

**DEED OF EASEMENT**

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 14<sup>th</sup> day of December 2017, by and between **WEINGARTEN REALTY INVESTORS**, a Texas real estate investment trust, 2600 Citadel Plaza Drive, Suite 125, Houston, Texas 77008, 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 **TWO THOUSAND TWO HUNDRED EIGHTY DOLLARS AND 00/100 DOLLARS (\$2,280.00)**, 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, the permanent right to lay, construct, operate, repair, reconstruct and remove a sanitary sewer, improvements and appurtenances thereto, which sanitary sewer 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, depicted on Exhibit "A" attached hereto, and more particularly described as follows:

**Permanent Sanitary Sewer Easement**  
**(a portion of 4191 Tates Creek Centre Drive)**  
**West Hickman Trunk Line B and C**

Return to:  
Charles E. Edwards III  
LFUCG, Dept. of Law, 11<sup>th</sup> Floor  
200 East Main Street  
Lexington, KY 40507  
(CC-F)

Beginning at a point 60.00 feet from the centerline and in the northern right-of-way line of Man-'O-War Boulevard, said point being North 82°38'25" East 127.15 feet from the southeast corner of Lot 10 of Belleau Wood Subdivision as depicted in Plat Cabinet F, Slide 93 of the Fayette County Clerk's records, said southeast corner of Lot 10 being the southwest corner of the Parent Tract; thence with said northern right-of-way line for one (1) call:

North 82°38'25" East 40.01 feet; thence with a new severance line for eight (8) calls:

North 06°19'30" West 16.26 feet; thence North 33°06'21" East 159.02 feet; thence North 11°59'22" East 30.46 feet; thence South 77°55'59" East 20.00 feet; thence South 77°55'59" East 43.11 feet; thence North 12°04'01" East 40.00 feet; thence North 77°55'59" West 43.13 feet; thence North 77°55'59" West 20.00 feet; thence North 12°05'52" East 68.63 feet to a point on the line of the parcel conveyed to LFUCG in Deed Book 1347, Page 78 and depicted on Public Acquisition Minor Subdivision Plat for Unit 5 of Belleau Wood Subdivision recorded in Plat Cabinet D, Slide 759; thence with the line of LFUCG for one (1) call:

South 77°22'47" West 44.03 feet; thence with a new severance line for three (3) calls:

South 12°05'52" West 113.50 feet; thence South 33°06'21" West 165.67 feet; thence South 06°19'30" East 31.32 feet to the Point of Beginning.

The above described parcel contains 0.345 Acres of permanent easement; and

Being a portion of the same property conveyed to Weingarten Realty Investors, a Texas real estate investment trust, by deed dated May 12, 2004, of record in Deed Book 2463, Page 471 and by deed dated March 1, 2004, of record in Deed Book 2439, Page 48, both referenced 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  
(a portion of 4191 Tates Creek Centre Drive)  
West Hickman Trunk Line 8 and C**

Easement "A"

Beginning at a point 60.00 feet from the centerline and in the northern right-of-way line of Man-'O-War Boulevard, said point being North 82°38'25" East 107.15 feet from the southeast corner of Lot 10 of Belleau Wood Subdivision as depicted in Plat Cabinet F, Slide 93, of the Fayette County Clerk's records, said southeast corner of Lot 10 being the southwest corner of the Parent Tract; thence with a new severance line for three (3) calls:

North 06°19'30" West 38.84 feet; thence North 33°06'21" East 169.13 feet; thence North 12°05'52" East 100.59 feet to a point on the line of the parcel conveyed to LFUCG in Deed Book 1347, Page 78 and depicted on Public Acquisition Minor Subdivision Plat for Unit 5 of Belleau Wood Subdivision recorded in Plat Cabinet D, Slide 759; thence with the line of LFUCG for one (1) call:

North 77°22'47" East 20.02 feet to the northwest corner of the 40.00 foot Permanent Easement described herein; thence with said easement line for three (3) calls:

South 12°05'52" West 113.50 feet; thence South 33°06'21" West 165.67 feet; thence South 06°19'30" East 31.32 feet to a point on the north right-of-way line of said Man-'O-War Boulevard; thence with said right-of-way line for one (1) call:

South 82°38'25" West 20.00 feet to the Point of Beginning.

The above described parcel contains 0.142 Acres of temporary construction easement; and

Easement "B"

Beginning at a point 60.00 feet from the centerline and in the northern right-of-way line of Man-'O-War Boulevard and being the southeast corner of the 40.00 foot Permanent Easement described herein; thence with the southern line of said Permanent Easement for seven (7) calls:

North 06°19'30" West 16.26 feet; thence North 33°06'21" East 159.02 feet; thence North 11°59'22" East 30.46 feet; thence South 77°55'59" East 20.00 feet; thence South 11°59'22" West 34.16 feet; thence South 33°06'21" West 155.58 feet; thence South 06°19'30" West 8.73 feet to a point on said northern right-of-way line of Man-'O-War Boulevard; thence with said right-of-way for one (1) call:

South 82°38'25" West 20.00 feet to the Point of Beginning.

The above described parcel contains 0.093 Acres of temporary construction easement; and,

Easement "C"

Beginning at a point in the line of the parcel conveyed to LFUCG in Deed Book 1347, Page 78 and depicted on Public Acquisition Minor Subdivision Plat for Unit 5 of Belleau Wood Subdivision recorded in Plat Cabinet D, Slide 759; and being the northeast corner of the 40.00 foot Permanent Easement described herein; thence with the line of LFUCG for one (1) call:

North 77°22'47" East 22.02 feet; thence with a new severance line for one (1) call:

South 12° 05'52" West 77.82 feet to a point in the line of said 40.00 foot Permanent Easement; thence with said Easement for two (2) calls:

North 77°55'59' West 20.00 feet; thence North 12°05'52" East 68.63 feet to the Point of Beginning.

The above described parcel contains 0.034 Acres of temporary construction easement; and, The above Temporary Constructions Easements "A", "B" and "C" are from a portion of the same property conveyed to Weingarten Realty Investors, a Texas real estate investment trust, by deed dated May 12, 2004, of record in Deed Book 2463, Page 471 and by deed dated March 1, 2004, of record in Deed Book 2439, Page 48, both referenced 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 No. 262-2017 passed by the Lexington-Fayette Urban County Council on May 11, 2017.

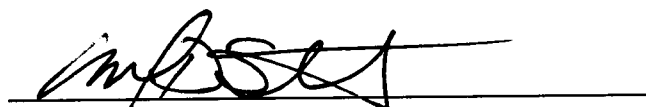
Pursuant to KRS 382.135(2)(a), this Deed of Easement, which conveys public utility easements, need not contain a certificate of consideration. Pursuant to KRS 142.050, this public utility easement is exempt from real estate transfer tax.

**IN TESTIMONY WHEREOF**, the Grantor has signed this Deed of Easement, the day and year first above written.

GRANTOR:

WEINGARTEN REALTY INVESTORS,  
a Texas real estate investment trust

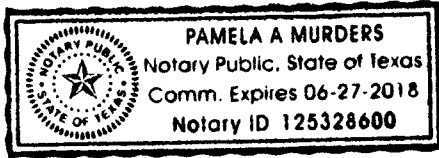
BY:

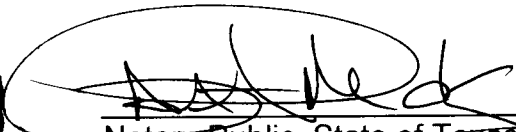


Mark D. Stout  
Sr. Vice President / General Counsel

STATE OF TEXAS )  
 )  
COUNTY OF HARRIS )

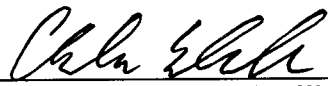
This instrument was acknowledged, subscribed and sworn to before me by Mark D. Stout, in his capacity as Sr. Vice President / General Counsel on behalf Weingarten Realty Investors, a Texas real estate investment trust, on this the 11<sup>th</sup> day of December, 2017.



  
\_\_\_\_\_  
Notary Public, State of Texas

My Commission Expires: 06/27/2018

PREPARED BY:

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

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EXHIBIT "A"

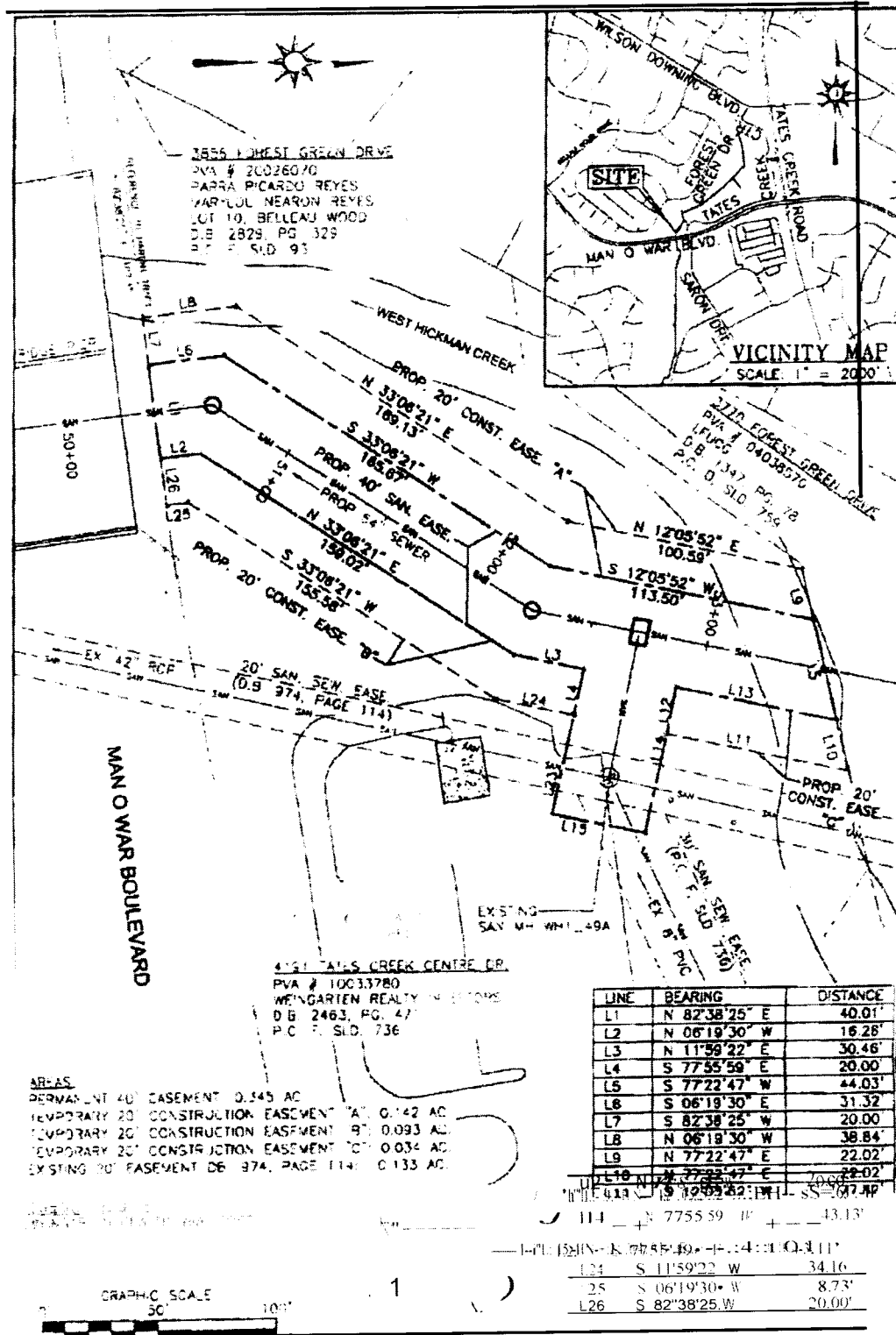


EXHIBIT SHOWING SANITARY SEWER EASEMENT TO BE ACQUIRED FROM WEINGARTEN REALTY INVESTORS 4191 TATES CREEK CENTRE DRIVE LEXINGTON, KENTUCKY



VISION ENGINEERING  
1111...  
Lexington, KY 40503



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: PATTY DAVIS ,dc

201712140015

December 14, 2017                      10:04:09      AM

Fees	\$32.00	Tax	\$ .00
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Total Paid	\$32.00
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9 Pages

622 - 630