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FAYETTE CO, KY FEE \$59.00

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RECORDED: 08-21-2023

SUSAN LAMB

CLERK

BY: BOBBIE MARSTELLA

DEPUTY CLERK

BK: DB 4032

PG: 619-626

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 17th day of August, 2023, by and between **RACHEL MOBLEY, a single person**, 1860 Pershing Road, Lexington, Kentucky 40504, 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 **FIVE HUNDRED SEVENTY-EIGHT DOLLARS AND 63/100 CENTS (\$578.63)**, 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, permanent right to excavate, grade, construct,

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

alter, re-grade and perform related work for the purpose of sanitary sewer improvements and construction, installation, 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
Wolf Run Trunk F
Sewer Improvement Project
(a portion of 1860 Pershing Road)

Tract A

All that strip or parcel of land situated on the north side of Pershing Road, north of Lane Allen Road in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at a common corner between Lots 2 and 3, Unit 2, as shown on the Amended Plat of Gardner Subdivision, Unit One and Unit Two (Plat Cabinet D, Slide 62), said point being in the southerly property line of Chance and Abigail Timm (f/k/a Abigail Spalding, Deed Book 3173, Page 679);

Thence leaving the southerly property line of Chance and Abigail Timm, with the easterly property line of Lot 2, S 30°15'09" W, 49.60 feet to the **TRUE POINT OF BEGINNING;**

Thence with the easterly property line of Lot 2, N 30°15'09" E, 20.06 feet to a point;

Thence leaving the easterly property line of Lot 2, with a new permanent sanitary sewer easement line through the lands of Lot 3, S 55°17'17" E, 75.66 feet to a point;

Thence with an existing utility easement line, S 30°25'54" W, 20.06 feet to a point;

Thence with a new permanent sanitary sewer easement line, N 55°17'17" W, 75.60 feet to the **TRUE POINT OF BEGINNING;** and,

The above-described parcel contains 0.035 Acres (1,513 sq. ft.) of permanent easement; and

Being a portion of the property conveyed to Billy C. Mobley and Rachel Mobley, husband and wife, by Deed dated December 15, 1981, of record in Deed Book 1285, Page 669, in the Fayette County Clerk's Office. Said Billy C. Mobley, died testate, a resident of Lexington, Fayette County, Kentucky, on October 13, 2015. By the terms of said Will recorded in Will Book 343, Page 72, in the Fayette County Clerk's Office, title to the property vests to his wife, Rachel Mobley, in fee simple.

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 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
Wolf Run Trunk F
Sewer Improvement Project
(a portion of 1860 Pershing Road)

Tract B

All that strip or parcel of land situated on the north side of Pershing Road, north of Lane Allen Road in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at a common corner between Lots 2 and 3, Unit 2, as shown on the Amended Plat of Gardner Subdivision, Unit One and Unit Two (Plat Cabinet D, Slide 62), said point being in the southerly property line of Chance

and Abigail Timm (f/k/a Abigail Spalding, Deed Book 3173, Page 679);

Thence leaving the southerly property line of Chance and Abigail Timm, with the easterly property line of Lot 2, S 30°15'09" W, 10.02 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving the easterly property line of Lot 2, with an existing utility easement line through the lands of Lot 3, S 56°01'31" E, 9.73 feet to a point;

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

- 1) S 33°00'35" W, 9.59 feet to a point; and
- 2) S 55°17'17" E, 66.42 feet to a point;

Thence with an existing utility easement line, S 30°25'54" W, 10.03 feet to a point;

Thence with a new permanent sanitary sewer easement line, N 55°17'17" W, 75.66 feet to a point in the easterly property line of the aforesaid Lot 2;

Thence with the easterly property line of Lot 2, N 30°15'09" E, 19.52 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 0.020 Acres (847 sq. ft.) of temporary construction easement; and

Tract C

All that strip or parcel of land situated on the north side of Pershing Road, north of Lane Allen Road in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at a common corner between Lots 2 and 3, Unit 2, as shown on the Amended Plat of Gardner Subdivision, Unit One and Unit Two (Plat Cabinet D, Slide 62), said point being in the southerly property line of Chance and Abigail Timm (f/k/a Abigail Spalding, Deed Book 3173, Page 679);

Thence leaving the southerly property line of Chance and Abigail Timm, with the easterly property line of Lot 2, S

30°15'09" W, 49.60 feet to the TRUE POINT OF BEGINNING;

Thence leaving the easterly property line of Lot 2, with a new permanent sanitary sewer easement line through the lands of Lot 3, S 55°17'17" E, 75.60 feet to a point;

Thence with an existing utility easement line, S 30°25'54" W, 10.03 feet to a point;

Thence with a new temporary construction easement line, N 55°17'17" W, 75.57 feet to a point in the easterly property line of the aforesaid Lot 2;

Thence with the easterly property line of Lot 2, N 30°15'09" E, 10.03 feet to the TRUE POINT OF BEGINNING; and,

The above described parcel contains 0.017 Acres (756 sq. ft.) of temporary construction easement; and

Tract B and C being a portion of the property conveyed to Billy C. Mobley and Rachel Mobley, husband and wife, by Deed dated December 15, 1981, of record in Deed Book 1285, Page 669, in the Fayette County Clerk's Office. Said Billy C. Mobley, died testate, a resident of Lexington, Fayette County, Kentucky, on October 13, 2015. By the terms of said Will recorded in Will Book 343, Page 72, in the Fayette County Clerk's Office, title to the property vests to his wife, Rachel Mobley, in fee simple.

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 sanitary sewer 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.

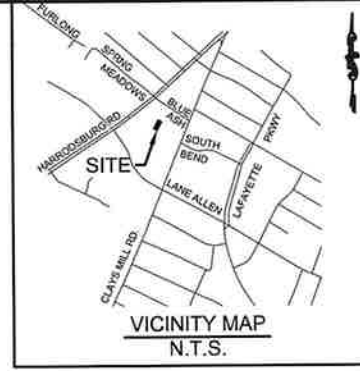
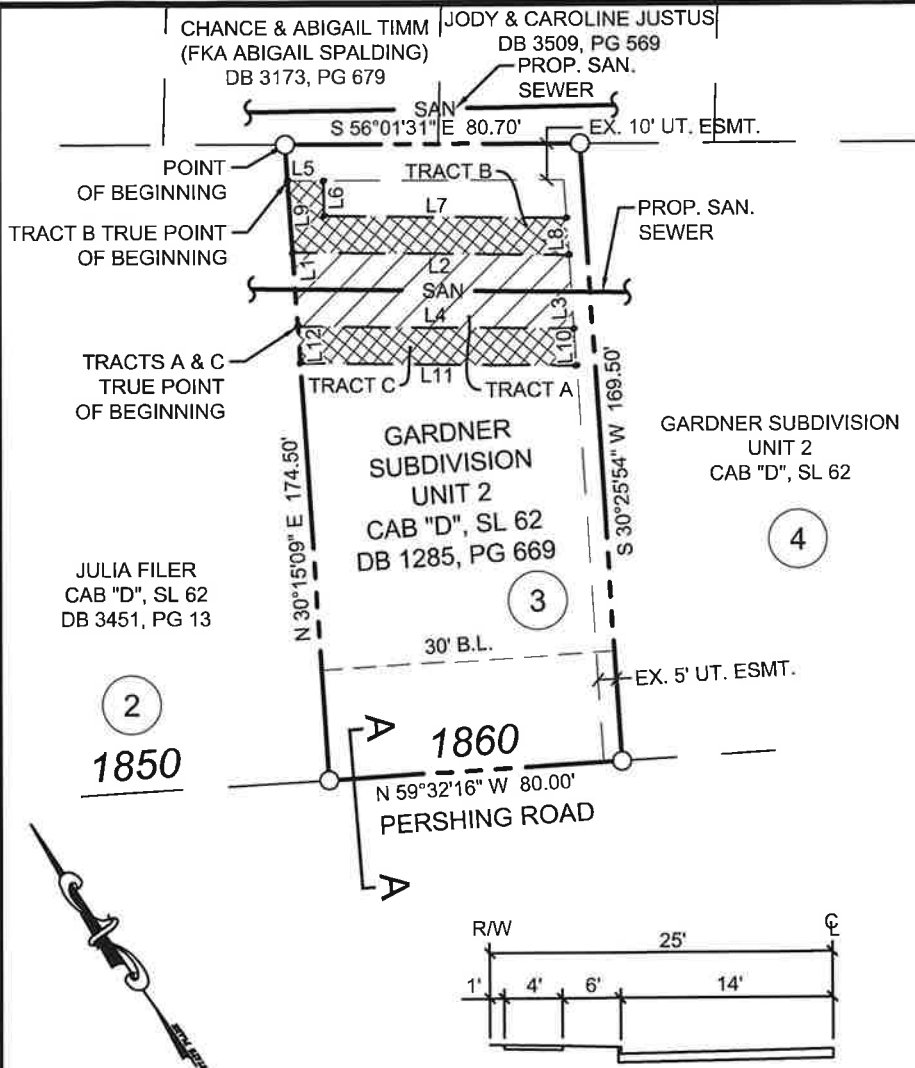
The above-described temporary construction easement runs with the land for the duration of the improvement project and is binding upon the successors and assigns of the Grantor. The above-described permanent easement runs with the land in perpetuity and is binding upon the successors and assigns of the 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.

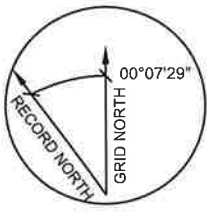
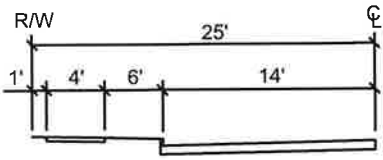
Grantor does hereby release and relinquish unto the Grantee, its successors and assigns forever, all of her right, title, and interest in and to the property to the extent of the interests conveyed herein, including all exemptions allowed by law, and does hereby covenant to and with the Grantee, its successors and assigns forever, that she is lawfully seized in fee simple of said property and has good right to sell and convey the easements as herein done, and that she 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.

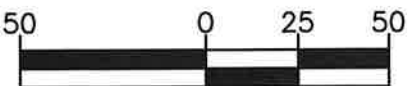


EASEMENT LINE TABLE		
LINE #	LENGTH	BEARING
L1	20.06'	N 30°15'09" E
L2	75.66'	S 55°17'17" E
L3	20.06'	S 30°25'54" W
L4	75.60'	N 55°17'17" W
L5	9.73'	S 56°01'31" E
L6	9.59'	S 33°00'35" W
L7	66.42'	S 55°17'17" E
L8	10.03'	S 30°25'54" W
L9	19.52'	N 30°15'09" E
L10	10.03'	S 30°25'54" W
L11	75.57'	N 55°17'17" W
L12	10.03'	N 30°15'09" E



TEMP. ESMT. AREA
1,603 SQ. FT. (0.037 AC)

PERM. ESMT. AREA
1,513 SQ. FT. (0.035 AC)



NOTES:

1. THE PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON ARE BASED ON THE RECORD DESCRIPTION (DEED BOOK 1285, PAGE 669) AND CORRESPONDING PLAT (CABINET "D" SLIDE 62) IN THE FAYETTE COUNTY CLERK'S OFFICE. THE ORIGIN OF BEARINGS SHOWN HEREON IS BASED ON THE NORTH AMERICAN DATUM OF 1983, STATE PLANE KENTUCKY NORTH ZONE AS OBSERVED FROM KYCORS STATION "KYTG" USING A TRIMBLE R12, DUAL FREQUENCY RECEIVER.
2. THE PURPOSE OF THIS EXHIBIT IS TO DELINEATE A PROPOSED CONVEYANCE FOR A PERMANENT SANITARY SEWER EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT TO LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.
3. THIS INFORMATION DOES NOT CONSTITUTE A BOUNDARY SURVEY AND SHALL NOT BE USED FOR PURPOSES OF LAND TRANSFER.

SANITARY SEWER EASEMENT EXHIBIT
BILLY & RACHEL MOBLEY
1860 PERSHING ROAD
WOLF RUN TRUNK F SEWER IMPROVEMENTS
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KENTUCKY



FIGURE 1

JULY 2023

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