

**DEED OF EASEMENT**

This **DEED OF EASEMENT** is made and entered into this 28<sup>th</sup> day of August, 2019, by and between **CERVANTES & ASSOCIATES, LLC**, a Kentucky limited liability company, 1304 Smyrna Lane, Lexington, Kentucky 40513 ("Grantor"), 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");

**WITNESSETH:**

That for and in nominal consideration of the sum of **THREE HUNDRED FIFTY-SEVEN DOLLARS AND 08/100 CENTS (\$357.08)**, and other good and valuable consideration, 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, 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, depicted on the attached Exhibit "A", and more particularly described as follows:

**Permanent Sanitary Sewer Easement**  
**(a portion of 1400 Alexandria Drive)**  
**Wolf Run Trunks B & C Sanitary**  
**Sewer Improvement Project**

**COMMENCING**, at a point in the south right-of-way of Devonport Drive, being a common corner with 2200 Devonport Drive (King Henry Apartments, LLC, Deed Book 3419, Page 708) and 1400 Alexandria Drive (Cervantes &

Mail to:  
 Lexington-Fayette Urban County Government  
 200 E. Main Street  
 Department of Law, 11<sup>th</sup> Floor  
 Lexington, Kentucky 40507

(CC-F)

Associates, LLC, Deed Book 3316, Page 467); thence along the south right-of-way of Devonport Drive, S 84°28'12" W, a distance of 37.57 feet, to the **TRUE POINT OF BEGINNING**; thence leaving said right-of-way and with a permanent easement, S 04°55'34" E, a distance of 6.46 feet; thence S 49°55'34" E, a distance of 53.06 feet, to a point in the common line of 2220 Devonport Drive and 1400 Alexandria Drive; thence along said common line, S 04°52'01" E, a distance of 28.26 feet; thence leaving said common line and with a permanent easement, N 49°55'34" W, a distance of 81.30 feet; thence N 04°55'34" W, a distance of 14.53 feet, to a point in the north right-of-way of Devonport Drive; thence along said right-of-way, N 84°28'12" E, a distance of 20.00 feet, to the **POINT OF BEGINNING**; and

The above described parcel contains 1,553.42 square feet of permanent easement; and,

Being a portion of the property conveyed to Cervantes & Associates, LLC, a Kentucky limited liability company, by deed dated June 1, 2015, of record in Deed Book 3316, Page 467, in the Fayette County Clerk's Office.

**FURTHER**, for and in consideration of the foregoing sum, 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, the temporary right to excavate, grade, construct, alter, re-grade 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, depicted on Exhibit "A" attached hereto, and more particularly described as follows:

**Temporary Construction Easement**  
**(a portion of 1400 Alexandria Drive)**  
**Wolf Run Trunks B & C Sanitary**  
**Sewer Improvement Project**

**BEGINNING**, at a point being in the south right-of-way of Devonport Drive, being a common corner with 2220 Devonport Drive (King Henry Apartments, LLC, Deed Book 3419, Page 708) and 1400 Alexandria Drive (Cervantes & Associates, LLC, Deed Book 3316, Page 467); thence along the south right-of-way of Devonport Drive, S 84°28'12" W, a

distance of 27.56 feet, to the **TRUE POINT OF BEGINNING**; thence leaving said right-of-way and with a temporary easement, S 04°55'34" E, a distance of 2.42 feet; thence S 49°55'34" E, a distance of 38.93 feet, to a point in the common line of 2220 Devonport Drive and 1400 Alexandria Drive; thence along said common line S 04°52'01" E, a distance of 56.51 feet; thence leaving said common line and with a temporary easement, N 49°55'34" W, a distance of 95.42 feet; thence N 04°55'34" W, a distance of 18.57 feet, to a point in the south right-of-way of Devonport Drive; thence along said right-of-way, N 84°28'12" E, a distance of 40.00 feet, to the **POINT OF BEGINNING**; and

The above described parcel contains 1,553.42 square feet of temporary construction easement (excepting an area covered by permanent easement 1,553.42 square feet); and,

Being a portion of the property conveyed to Cervantes & Associates, LLC, a Kentucky limited liability company, by deed dated June 1, 2015, of record in Deed Book 3316, Page 467, in the Fayette County Clerk's Office.

**TO HAVE AND TO HOLD** the above-described easements 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 easements run with the land and are 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 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 easements 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.

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 said 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 conveyed herein, and that it will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution No. 59-2019 passed by the Lexington-Fayette Urban County Council on February 7, 2019. 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, the day and year first above written.

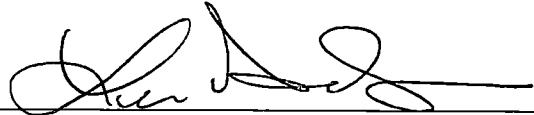
GRANTOR:

CERVANTES & ASSOCIATES, LLC, a  
Kentucky limited liability company

BY:   
ARACELI CERVANTES, MEMBER

COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )

The foregoing Easement was subscribed, sworn to and acknowledged before me by Araceli Cervantes, as a member of Cervantes & Associates, LLC, a Kentucky limited liability company, on this the 28<sup>th</sup> day of August, 2019.



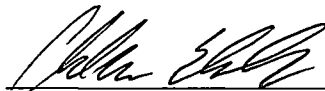
\_\_\_\_\_  
Notary Public, State-At-Large, Kentucky

Notary ID # 626440

My Commission Expires: 7/10/2022



PREPARED BY:



\_\_\_\_\_  
Charles E. Edwards, III  
Attorney  
Lexington-Fayette Urban County  
Government  
200 West Main Street, 11<sup>th</sup> Floor  
Lexington, Kentucky 40507  
(859) 258-3500

X:\Cases\WATER-AIR\18-RE0835\RE\00662558.DOC

**EXHIBIT**  
 tabbles  
 A



DEVONPORT DRIVE

S 84°28'12" W  
 31.66'  
 37.56'

1400

1424

ALEXANDRIA DRIVE

**SURVEY EXHIBIT**

1400 ALEXANDRIA DRIVE  
 LEXINGTON FAYETTE CO., KY  
 VILEY HEIGHTS 3-D  
 PLAT CABINET A SLIDE 561  
 DATE JAN-2018

STATE of KENTUCKY  
 JUSTIN D. DRURY  
 3843  
 LICENSED PROFESSIONAL LAND SURVEYOR

2020  
 LAND SURVEYING  
 2216 YOUNG DRIVE  
 SUITE 7B  
 LEXINGTON KY, 40505  
 PHONE 859-268-1044  
 FAX 859-268-1049  
 MOBILE 229-2278



**SURVEY NOTES**

- 1- THE BASIS OF BEARINGS FOR THIS SURVEY IS KENTUCKY STATE PLANE NORTH (NAD83). GEOID MODEL 12-B.
- 2- THIS SURVEY IS SUITABLE AS AN URBAN CLASS SURVEY.

**LEGEND**

- NEW SEWER LINE
- EASEMENT (PERMANENT)
- EASEMENT (TEMPORARY)
- EASEMENT (RELEASED)
- PROPERTY LINE

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: EMILY GENTRY ,dc

201908290104

August 29, 2019                      9:16:27    AM

Fees	\$26.00	Tax	\$ .00
------	---------	-----	--------

Total Paid	\$26.00
------------	---------

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

7 Pages

451 - 457