

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 28TH day of OCTOBER, 2021, by and between (i) **SHARYN ISAAC CLEMENTS, TRUSTEE OF THE SHARYN ISAAC CLEMENTS TRUST ESTATE CREATED THROUGH ARTICLE III OF THE EDNA ALBERTA BOGGS ISAAC FAMILY TRUST UNDER AGREEMENT DATED SEPTEMBER 30, 2019**, 300 Mariemont Drive, Lexington, Kentucky 40505, (ii) **JOSEPH E. ISAAC, III, TRUSTEE OF THE JOSEPH E. ISAAC, III TRUST ESTATE CREATED THROUGH ARTICLE III OF THE EDNA ALBERTA BOGGS ISAAC FAMILY TRUST UNDER AGREEMENT DATED SEPTEMBER 30, 2019**, 10502 South Collina Avenue, Portland, Oregon 97219, (iii) **SHEILA R. ISAAC (a/k/a SHEILA ISAAC PAISLEY), TRUSTEE OF THE SHEILA R. ISAAC TRUST ESTATE CREATED THROUGH ARTICLE III OF THE EDNA ALBERTA BOGGS ISAAC FAMILY TRUST UNDER AGREEMENT DATED SEPTEMBER 30, 2019**, 936 Turkey Foot Road, Lexington, Kentucky 40502, 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 **TEN THOUSAND DOLLARS AND 00/100 CENTS (\$10,000.00)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, said Grantors have **BARGAINED** and

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

SOLD and do 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:

20' Wide Permanent Sanitary Sewer Easement
New Circle Road Trunk
Sewers A & B Improvement Project
(a portion of 131 W. New Circle Road)

All that tract or parcel of land situated at the northeast corner of the intersection of West New Circle Road and CSX/R.J. Corman Railroad in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at the northwest corner of Joseph E. Isaac III, Trustee, et al (131 W. New Circle Road, Deed Book 3789, Pages 712, 717 and 721) at the intersection of the West New Circle Road northeast right-of-way and the CSX/R.J. Corman south right-of-way; thence leaving said West New Circle Road and with said CSX/R.J. Corman railroad for two (2) lines:

- 1) North 80°17'25" East, 36.22 feet to a point,
- 2) North 71°27'22" East, 82.39 feet to the **TRUE POINT OF BEGINNING;**

Thence continuing with said CSX/R.J. Corman, North 71°27'22" East, 20.47 feet to a point; thence leaving said CSX/R.J. Corman for two (2) new lines through the lands of said Joseph E. Isaac, III, Trustee, et al:

- 1) South 30°47'01" East, 70.36 feet to a point,
- 2) South 44°56'46" West, 111.42 feet to a point in said West New Circle Road;

Thence with said West New Circle Road, North 42°00'39" West, 20.03 feet to a point; thence leaving said West New

Circle Road for two (2) new lines through the lands of said Joseph E. Isaac, III, Trustee, et al:

- 1) North 44°56'46" East, 94.81 feet to a point,
- 2) North 30°47'01" West, 59.15 feet to the POINT OF BEGINNING; and,

The above-described parcel contains 3,357 sq. ft. (gross and net) of permanent easement; and

Being a portion of the property conveyed to (i) Sharyn Isaac Clements, Trustee of the Sharyn Isaac Clements Trust Estate created through Article III of the Edna Alberta Boggs Isaac Family Trust Under Agreement dated September 30, 2019; (ii) Joseph E. Isaac, III, Trustee of the Joseph E. Isaac III Trust Estate created through Article III the Edna Alberta Boggs Isaac Family Trust Under Agreement dated September 30, 2019; and (iii) Sheila R. Isaac (a/k/a Sheila Isaac Paisley) Trustee of the Sheila R. Isaac Trust Estate created through Article III of the Edna Alberta Boggs Isaac Family Trust Under Agreement dated September 30, 2019, by Deed dated August 27, 2020, of record in Deed Book 3789, Page 721; by Deed dated August 27, 2020, of record in Deed Book 3789, Page 717; and by Deed dated August 20, 2020, of record in Deed Book 3789, Page 712, respectively, all 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:

10' Wide Temporary Construction Easement "A"
New Circle Road Trunk
Sewers A & B Improvement Project
(a portion of 131 W. New Circle Road)

BEGINNING, at the northwest corner of Joseph E. Isaac III, Trustee, et al (131 W New Circle Road, Deed Book 3789, Pages 712, 717 and 721) at the intersection of the West New Circle Road northeast right-of-way and the CSX/R.J. Corman south right-of-way; thence leaving said West New Circle Road and with said CSX/R.J. Corman railroad for two (2) lines:

- 1) North 80°17'25" East, 36.22 feet to a point,
- 2) North 71°27'22" East, 72.16 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing with said CSX/R.J. Corman railroad, North 71°27'22" East, 10.23 feet to a point; thence leaving said CSX/R.J. Corman railroad for two (2) new lines through the lands of said Joseph E. Isaac III, Trustee, et al:

- 1) South 30°47'01" East, 59.15 feet to a point,
- 2) South 44°56'46" West, 94.81 feet to a point in said West New Circle Road;

Thence with said West New Circle Road, North 42°00'39" West, 10.01 feet to a point; thence leaving said West New Circle Road for two (2) new lines through the lands of said Joseph E. Isaac III, Trustee, et al:

- 1) North 44°56'46" East, 86.50 feet to a point,
- 2) North 30°47'01" West, 53.54 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 1,470 sq. ft. (gross and net) of temporary construction easement; and

Being a portion of the property conveyed to (i) Sharyn Isaac Clements, Trustee of the Sharyn Isaac Clements Trust Estate created through Article III of the Edna Alberta Boggs Isaac Family Trust Under Agreement dated September 30, 2019; (ii) Joseph E. Isaac, III, Trustee of the Joseph E. Isaac III Trust Estate created through Article III the Edna Alberta Boggs Isaac Family Trust Under Agreement dated

September 30, 2019; and (iii) Sheila R. Isaac (a/k/a Sheila Isaac Paisley) Trustee of the Sheila R. Isaac Trust Estate created through Article III of the Edna Alberta Boggs Isaac Family Trust Under Agreement dated September 30, 2019, by Deed dated August 27, 2020, of record in Deed Book 3789, Page 721; by Deed dated August 27, 2020, of record in Deed Book 3789, Page 717; and by Deed dated August 20, 2020, of record in Deed Book 3789, Page 712, respectively, all referenced in the Fayette County Clerk's Office.

10' Wide Temporary Construction Easement "B"
New Circle Road Trunk
Sewers A & B Improvement Project
(a portion of 131 W. New Circle Road)

BEGINNING, at the northwest corner of Joseph E. Isaac III, Trustee, et al (131 W. New Circle Road, Deed Book 3789, Pages 712, 717 and 721) at the intersection of the West New Circle Road northeast right-of-way and the CSX/R.J. Corman south right-of-way; thence leaving said West New Circle Road and with said CSX/R.J. Corman railroad for two (2) lines: North 80°17'25" East, 36.22 feet to a point, North 71°27'22" East, 102.85 feet to the **TRUE POINT OF BEGINNING**; thence continuing with said CSX/R.J. Corman railroad, North 71°27'22" East, 10.23 feet to a point; thence leaving said CSX/R.J. Corman railroad for two (2) new lines through the lands of said Joseph E. Isaac III, Trustee, et al:

- 1) South 30°47'01" East, 75.96 feet to a point,
- 2) South 44°56'46" West, 119.73 feet to a point in said West New Circle Road;

Thence with said West New Circle Road, North 42°00'39" West, 10.01 feet to a point; thence leaving said West New Circle Road for two new lines through the lands of said Joseph E. Isaac III, Trustee, et al:

- 1) North 44°56'46" East, 111.42 feet to a point,
- 2) North 30°47'01" West, 70.36 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 1,887 sq. ft. (gross and net) of temporary construction easement; and

Being a portion of the property conveyed to (i) Sharyn Isaac Clements, Trustee of the Sharyn Isaac Clements Trust Estate created through Article III of the Edna Alberta Boggs Isaac Family Trust Under Agreement dated September 30, 2019; (ii) Joseph E. Isaac, III, Trustee of the Joseph E. Isaac III Trust Estate created through Article III the Edna Alberta Boggs Isaac Family Trust Under Agreement dated September 30, 2019; and (iii) Sheila R. Isaac (a/k/a Sheila Isaac Paisley) Trustee of the Sheila R. Isaac Trust Estate created through Article III of the Edna Alberta Boggs Isaac Family Trust Under Agreement dated September 30, 2019, by Deed dated August 27, 2020, of record in Deed Book 3789, Page 721; by Deed dated August 27, 2020, of record in Deed Book 3789, Page 717; and by Deed dated August 20, 2020, of record in Deed Book 3789, Page 712, respectively, all referenced in the Fayette County Clerk's Office.

30' Wide Temporary Access Easement
New Circle Road Trunk
Sewers A & B Improvement Project
(a portion of 131 W. New Circle Road)

BEGINNING, at the northwest corner of Joseph E. Isaac III, Trustee, et al (131 W. New Circle Road, Deed Book 3789, Pages 712, 717 and 721) at the intersection of the West New Circle Road northeast right-of-way and the CSX/R.J. Corman south right-of-way; thence leaving said CSX/R.J. Corman railroad and with said West New Circle Road, South 42°00'39" East, 145.25 feet to the **TRUE POINT OF BEGINNING**; thence leaving said West New Circle Road for three (3) new lines through the lands of said Joseph E. Isaac III, Trustee, et al:

- 1) North 44°56'46" East, 30.42 feet to a point,
- 2) South 41°06'39" East, 99.85 feet to a point,
- 3) South 48°53'24" West, 30.00 feet to a point in said West New Circle Road;

Thence with said West New Circle Road for two (2) lines:

- 1) North 41°06'39" West, 75.58 feet to a point,
- 2) North 42°00'39" West, 22.18 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 2,968 sq. ft. (gross and net) of temporary access easement; and

Being a portion of the property conveyed to (i) Sharyn Isaac Clements, Trustee of the Sharyn Isaac Clements Trust Estate created through Article III of the Edna Alberta Boggs Isaac Family Trust Under Agreement dated September 30, 2019; (ii) Joseph E. Isaac, III, Trustee of the Joseph E. Isaac III Trust Estate created through Article III the Edna Alberta Boggs Isaac Family Trust Under Agreement dated September 30, 2019; and (iii) Sheila R. Isaac (a/k/a Sheila Isaac Paisley) Trustee of the Sheila R. Isaac Trust Estate created through Article III of the Edna Alberta Boggs Isaac Family Trust Under Agreement dated September 30, 2019, by Deed dated August 27, 2020, of record in Deed Book 3789, Page 721; by Deed dated August 27, 2020, of record in Deed Book 3789, Page 717; and by Deed dated August 20, 2020, of record in Deed Book 3789, Page 712, respectively, all 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 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.

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 it will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 457-2020, passed by the Lexington-Fayette Urban County Council on October 8, 2020. Pursuant to KRS 382.135(2)(a), this deed of easement, which pertains to a public utility, need not contain a statement of consideration.

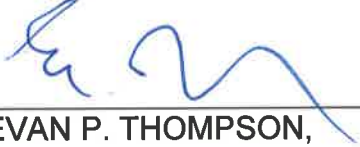
IN TESTIMONY WHEREOF, the Grantors have signed this Deed of Easement, this the day and year first above written.

GRANTORS:

SHARYN ISAAC CLEMENTS, TRUSTEE OF THE
SHARYN ISAAC CLEMENTS TRUST ESTATE CREATED
THROUGH ARTICLE III OF THE EDNA ALBERTA BOGGS
ISAAC FAMILY TRUST UNDER AGREEMENT DATED SEPTEMBER 30, 2019

BY: 
SHARYN ISAAC CLEMENTS, TRUSTEE

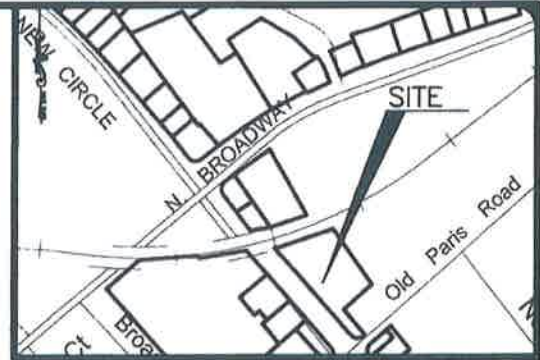
PREPARED BY:



EVAN P. THOMPSON,
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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LINE	BEARING	DISTANCE
L37	N 80°17'25" E	36.22'
L38	N 71°27'22" E	82.39'
L39	N 71°27'22" E	20.47'
L40	S 30°47'01" E	70.36'
L41	S 44°56'46" W	111.42'
L42	N 42°00'39" W	20.03'
L43	N 44°56'46" E	94.81'
L44	N 30°47'01" W	59.15'
L45	S 41°06'39" W	99.85'
L46	S 48°53'21" W	30.00'
L47	N 41°06'39" E	85.58'
L48	N 42°00'39" W	22.18'
L49	N 44°56'46" E	30.42'
L50	N 42°00'39" W	10.01'



VICINITY MAP 1" = 1000'

EX. PERM ESMT.=N/A

PROP. PERM. ESMT.(GROSS)=3,357 SQ.FT.
 PROP. PERM. ESMT. (NET)=3357 SQ. FT.

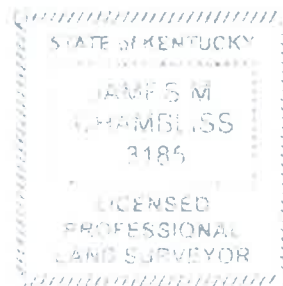
PROP. TEMP. ESMT.(GROSS)=3,357 SQ.FT.
 PROP. TEMP. ESMT.(NET)=3,357 SQ.FT.

PROP. TEMP. ACCESS ESMT.(GROSS & NET)=2,968 SQ.FT.

LAND SURVEYOR'S CERTIFICATE:

THE PROPERTY LINES SHOWN ON THIS EASEMENT EXHIBIT ARE BASED ON DEED AND/OR RECORD PLAT DATA FROM THE FAYETTE COUNTY CLERK'S OFFICE. THIS EXHIBIT DOES NOT REPRESENT A BOUNDARY SURVEY AS DESCRIBED IN 201 KAR 18:150 AND INTEGRATED ENGINEERING HAS NOT PERFORMED A BOUNDARY SURVEY FOR THE PURPOSES OF THIS EXHIBIT. THIS EXHIBIT IS NOT INTENDED TO BE USED FOR LAND TRANSFER.

James M. Chambliss PLS 3185 3/18/21
 JAMES M. CHAMBLISS, PLS 3185 DATE



20' PERMANENT SANITARY SEWER EASEMENT
 JOSEPH E. ISAAC III, TRUSTEE, ET AL
 131 W. NEW CIRCLE ROAD
 LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 2 OF 2

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: MELISSA STELTER ,dc

202111010101

November 1, 2021 11:20:37 AM

Fees	\$77.00	Tax	\$.00
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Total Paid	\$77.00
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15 Pages

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