

FAYETTE CO, KY FEE \$53.00

SUSAN LAMB  
COUNTY CLERK

PRESENTED/LODGED: 03/06/2024 02:36:47 PM

HALLIE WOOSLEY, DEPUTY CLERK 202403060153

BK: DB 4061  
PG: 399-404



### DEED OF EASEMENT

This **PERMANENT STORM SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 13<sup>th</sup> day of February, 2024, by and between **JOAN B. GAINES, a single person**, 2957 Four Pines Drive, #1, Lexington, Kentucky 40502, 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 DOLLARS AND 00/100 CENTS (\$500.00)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, said Grantor has **BARGAINED** and **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 storm sewer improvements and construction,

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

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 Storm Sewer Easement**  
**Joyland Area**  
**Storm Drainage Improvement Project, Phase II**  
**(a portion of 583 Freeman Drive)**

All that tract or parcel of land situated on the north side of Freeman Drive, and adjacent to the easterly right-of-way of Allen Drive in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

**BEGINNING**, at a point on the existing easterly right-of-way of Allen Drive, said point being the northwesterly corner of subject property, thence with the northerly line of subject property, S 42°48'18" E – 30.00 feet to a point; thence leaving the northerly property line of subject property and traversing through the lands of 583 Freeman Drive, S 47°11'42" W – 6.00 feet to a point, thence N 42°48'18" W – 27.82 feet to a point on the easterly right-of-way of Allen Drive; thence with the easterly right-of-way of Allen Drive, N 27°11'37" E – 6.39 feet to the **POINT OF BEGINNING**; and,

The above-described parcel contains (173.4 sq. ft.) of permanent easement; and

Being a portion of the property conveyed to Joan B. Gaines, a single person, by Deed dated May 7, 2007, of record in Deed Book 2724, Page 417, 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 storm 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**  
**Joyland Area**  
**Storm Drainage Improvement Project, Phase II**  
**(a portion of 583 Freeman Drive)**

All that tract or parcel of land situated on the north side of Freeman Drive, and adjacent to the easterly right-of-way of Allen Drive in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows, to wit:

**BEGINNING**, at a point on the easterly right-of-way of Allen Drive, common corner to the above-described permanent storm sewer easement; thence with the common line of the above-described permanent storm sewer easement, S 42°48'18" E – 27.82 feet to a point; thence leaving the common line of the above-described permanent storm sewer easement, and traversing through the lands of subject property, S 47°11'42" W – 3.21 feet to a point; thence N 43°14'55" W – 26.57 feet to a point on the easterly right-of-way of Allen Drive; thence with the easterly right-of-way of Allen Drive, N 27°11'37" E – 3.63 feet to the **POINT OF BEGINNING**; and,

The above described parcel contains (90.1 sq. ft.) of temporary construction easement; and

Being a portion of the property conveyed to Joan B. Gaines, a single person, by Deed dated May 7, 2007, of record in Deed Book 2724, Page 417, 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 storm 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 the said project

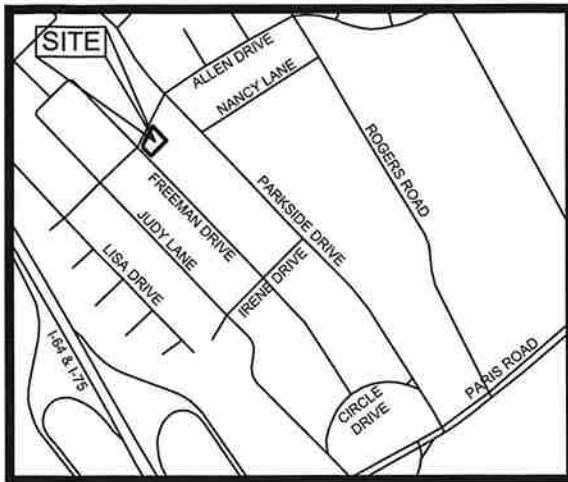
The above-described temporary construction easement runs with the land for the duration of the improvement project and is binding upon the successors and assigns of the Grantor. The above-described permanent easement runs with the land in perpetuity and is binding upon the successors and assigns of the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

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 his 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 he is lawfully seized in fee simple of said property and has good right to sell and convey the easements as herein done, and that he will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 358-2023, passed by the Lexington-Fayette Urban County Council on June 29, 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.



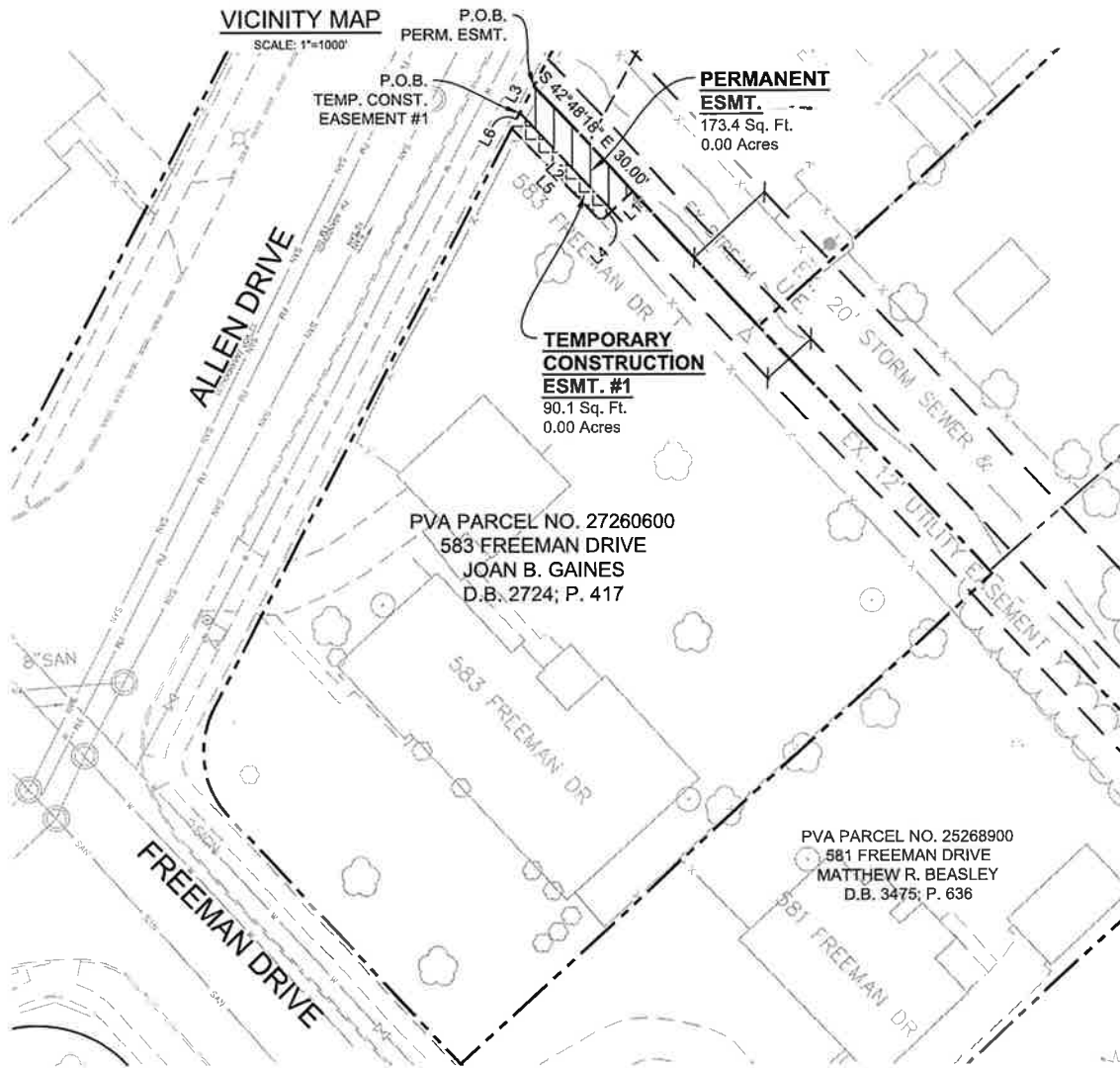


JASON D. BANKS, PLS  
 1211 JESSAMINE STATION | NICHOLASVILLE, KY  
 859.881.0020 | BANKSENGINEERING.NET



**NOTES**

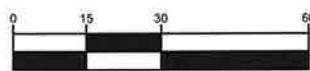
1. THE BEARINGS SHOWN HEREON ARE BASED ON THE KENTUCKY NORTH STATE PLANE COORDINATE SYSTEM DERIVED FROM A GPS SURVEY.
2. SELECT FIELD MEASUREMENTS WERE MADE, HOWEVER, NO BOUNDARY SURVEY WAS PERFORMED.
3. THIS SURVEY DOES NOT CONSTITUTE A BOUNDARY SURVEY OF THE FULL EXTERIOR BOUNDARIES OF THE PROPERTIES SHOWN AND DEPICTED HEREON.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 47°11'42" W	6.00'
L2	N 42°48'18" W	27.82'
L3	N 27°11'37" E	6.39'
L4	S 47°11'42" W	3.21'
L5	N 43°14'55" W	26.57'
L6	N 27°11'37" E	3.63'

- NEW PERM. ESMT.
- TEMP. CONST. ESMT.

**GRAPHIC SCALE**



PROJECT: 20230  
 DRAWN BY: CBS  
 DATE: Oct., 2023  
 DRAWING: 20230\_Easements.dwg

**EXHIBIT "A"**  
**STORM SEWER EASEMENT**  
**Lexington-Fayette Urban**  
**County Government**  
**THROUGH THE PROPERTY OF**

**Joan B. Gaines**  
 PARCEL 27260600  
 D.B. 2724; P. 417  
 583 Freeman Drive  
 Lexington, Kentucky