

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 15TH day of JUNE, 2022, by and between **GARY A. ECKLAR and SANDRA H. ECKLAR, husband and wife**, P.O. Box 6, Cynthiana, Kentucky 41031, 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 **FORTY THOUSAND DOLLARS AND 00/100 CENTS (\$40,000.00)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, said Grantors have **BARGAINED** and **SOLD** and do hereby **GIVE, GRANT** and **CONVEY** unto the Grantee, its successors

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

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' Permanent Sanitary Sewer Easement
New Circle Road Trunk
Sewers A & B Improvement Project
(a portion of 1634 N. Broadway)

All that tract or parcel of land situated northeast of West New Circle Road and southeast of North Broadway in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at the northwest corner of Gary Ecklar and Sandra Ecklar (1634 North Broadway, Deed Book 1836, Page 721, Tract 3), said point being the northeast corner of Duff's Service Station, Inc., (175 West New Circle Road, Deed Book 1609, Page 584, Tract II), and being in the North Broadway southeast right-of-way; thence leaving said Duff's Service Station, Inc. and with said North Broadway, North 54°39'26" East, 55.36 feet to the **TRUE POINT OF BEGINNING**; thence continuing with said North Broadway, North 54°39'26" East, 20.07 feet to a point; thence leaving said North Broadway for two (2) new lines through the lands of said Ecklar:

- 1) South 40°05'52" East, 139.32 feet to a point,
- 2) South 30°47'01" East, 229.98 feet to a point in the line with the CSX and R.J. Corman Railroad;

Thence with said CSX and R.J. Corman Railroad, South 72°16'35" West, 20.53 feet to a point; thence leaving said CSX and R.J. Corman Railroad for two (2) new lines through the lands of said Ecklar:

- 1) North 30°47'01" West, 223.72 feet to a point,
- 2) North 40°05'52" West, 139.35 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 7,324 sq. ft. (gross and net) of permanent easement; and

Being a portion of the property conveyed to Gary A. Ecklar and Sandra H. Eckler, husband and wife, by Deed dated March 14, 1996, of record in Deed Book 1836, Page 721, 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, Grantors have **BARGAINED** and **SOLD** and do 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' Temporary Construction Easement "A"
New Circle Road Trunk
Sewers A & B Improvement Project
(a portion of 1634 N. Broadway)

BEGINNING, at the northwest corner of Gary Ecklar and Sandra Ecklar (1634 North Broadway, Deed Book 1836, Page 721, Tract 3), said point being the northeast corner of Duff's Service Station, Inc., (175 West New Circle Road, Deed Book 1609, Page 584, Tract II), and being in the North Broadway southeast right-of-way; thence leaving said Duff's Service Station, Inc. and with said North Broadway southeast right-of-way, North 54°39'26" East, 75.43 feet to the **TRUE POINT OF BEGINNING**; thence continuing with said North Broadway, North 54°39'26" East, 10.03 feet to a point; thence leaving said North Broadway for five (5) new lines through the lands of said Ecklar:

- 1) South 40°05'52" East, 139.30 feet to a point,
- 2) South 30°47'01" East, 173.41 feet to a point,
- 3) South 88°11'31" West, 11.43 feet to a point,
- 4) North 30°47'01" West, 167.06 feet to a point,

- 5) North 40°05'52" West, 139.32 feet to a point in said North Broadway;

Thence with said North Broadway, North 54°39'26" East, 10.03 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 3,095 sq. ft. (gross and net) of temporary construction easement; and

Temporary Construction Easement "B"
New Circle Road Trunk
Sewers A & B Improvement Project
(a portion of 1634 N. Broadway)

BEGINNING, at the northwest corner of Gary Ecklar and Sandra Ecklar (1634 North Broadway, Deed Book 1836, Page 721, Tract 3), said point being the northeast corner of Duff's Service Station, Inc., (175 West New Circle Road, Deed Book 1609, Page 584, Tract II), and being in the North Broadway southeast right-of-way; thence leaving said Duff's Service Station, Inc. and with said North Broadway, North 54°39'26" East, 28.00 feet to the **TRUE POINT OF BEGINNING**, in the north line of an existing 10-foot wide sanitary sewer easement (Deed Book 694, Page 213); thence leaving said sanitary sewer easement and continuing with said North Broadway, North 54°39'26" East, 27.36 feet to a point; thence leaving said North Broadway for four (4) new lines through the lands of said Ecklar:

- 1) South 40°05'52" East, 139.35 feet to a point,
- 2) South 30°47'01" East, 25.32 feet to a point,
- 3) South 54°54'35" West, 37.62 feet to a point in said sanitary easement,
- 4) With said sanitary easement, North 35°05'29" West, 163.95 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 5,614 sq. ft. (gross and net) of temporary construction easement; and

Temporary Access Easement
New Circle Road Trunk
Sewers A & B Improvement Project
(a portion of 1634 N. Broadway)

BEGINNING, at the northwest corner of Gary Ecklar and Sandra Ecklar (1634 North Broadway, Deed Book 1836, Page 721, Tract 3), said point being the northeast corner of Duff's Service Station, Inc. (175 West New Circle Road, Deed Book 1609, Page 584, Tract II), and being in the North Broadway southeast right-of-way; thence leaving said Duff's Service Station, Inc. and with said North Broadway, North 54°39'26" East, 85.46 feet to the **TRUE POINT OF BEGINNING**; thence continuing with said North Broadway, North 54°39'26" East, 94.76 feet to a point; thence leaving said North Broadway for three (3) new lines through the lands of said Ecklar:

- 1) South 35°20'34" East, 30.00 feet to a point,
- 2) South 17°14'46" West, 109.21 feet to a point,
- 3) North 40°05'52" West, 96.68 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 5,866 sq. ft. (gross and net) of temporary access easement; and

All of the above parcels being a portion of the property conveyed to Gary A. Ecklar and Sandra H. Eckler, husband and wife, by Deed dated March 14, 1996, of record in Deed Book 1836, Page 721, 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 and temporary access 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 and temporary access 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 if 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 they will **WARRANT SPECIALLY** 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 and by amended Resolution 162-2022, passed by the Lexington-Fayette Urban County Council on March 17, 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 Grantors have signed this Deed of Easement, this the day and year first above written.

PREPARED BY:



EVAN P. THOMPSON,
Attorney Sr.
Lexington-Fayette Urban
County Government
Department of Law, 11th Floor
200 East Main Street
Lexington, Kentucky 40507
(859) 258-3500

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TEMP. ACCESS ESMT.

NEW PERM. ESMT.

TEMP. CONST. ESMT.

VAR. TEMP. ACCESS E.
5,866 SQ.FT. (GROSS)
5,866 SQ.FT. (NET)

NORTH BROADWAY

TRUE P.O.B.

N 54°39'26" E
20.07'

1634 N BROADWAY
GARY &
SANDRA ECKLAR
DB 1836 PG 721
TRACT 3

1634 N BROADWAY
GARY & SANDRA ECKLAR
DB 1836 PG 721
TRACT 1

10' TEMP. CONST. E. "A"
3,095 SQ.FT. (GROSS)
3,095 SQ.FT. (NET)

20' PERM. SAN. E.
7,324 SQ.FT. (GROSS)
7,324 SQ.FT. (NET)

VAR. TEMP. CONST. E. "B"
5,614 SQ.FT. (GROSS)
5,614 SQ.FT. (NET)

175 W NEW CIRCLE
DUFF'S SERVICE STATION, INC
DB 1609 PG 584, TRACT II

10' SAN. ESMT.
DB 694 PG 213

20' CHANNEL ESMT
DB 642 PG 308

175 W NEW CIRCLE
DUFF'S SERVICE STATION, INC
DB 1609 PG 584, TRACT I

EXIST. SAN.
CLEANOUT

COLUMBIA GAS
REGULATOR LOT
DB 642 PG 308

30' DRIVEWAY ESMT.
DB 642 PG 308

N 30°47'01" W
223.72'

S 30°47'01" E
229.98'

S 72°16'35" W
20.53'

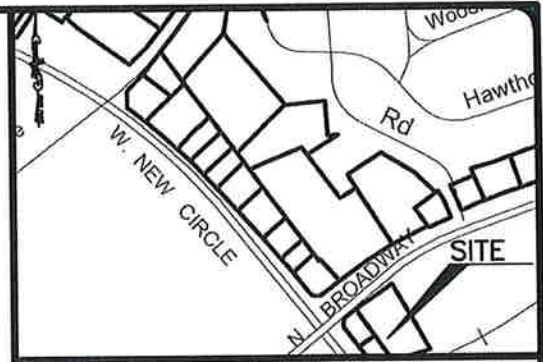
CSX/R.J. CORMAN R.R.



GRAPHIC SCALE: 1" = 60'



20' PERMANENT SANITARY SEWER EASEMENT
GARY ECKLAR & SANDRA ECKLAR
1634 NORTH BROADWAY
LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 1 OF 2



VICINITY MAP 1" = 1000'

EX. PERM ESMT.=NONE

PROP. PERM. ESMT.(GROSS)=7,324 SQ.FT.
 PROP. PERM. ESMT. (NET)=7,324 SQ. FT.

PROP. TEMP. ESMT.(GROSS)=8,709 SQ.FT.
 PROP. TEMP. ESMT.(NET)=8,709 SQ.FT.

PROP. TEMP. ACCESS E.(GROSS)=5,866 SQ. FT.
PROP. TEMP. ACCESS E.(NET)=5,866 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 per *ster/kz*

JAMES M. CHAMBLISS, PLS 3185

DATE



20' PERMANENT SANITARY SEWER EASEMENT
 GARY ECKLAR & SANDRA ECKLAR
 1634 NORTH BROADWAY

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

202206220123

June 22, 2022 13:38:21 PM

Fees	\$65.00	Tax	\$.00
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Total Paid	\$65.00
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11 Pages

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