

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 24th day of March, 2021, by and between **MORTON PROPERTIES, LLC, a Kentucky limited liability company**, 105 Cherrywood Drive, Nicholasville, Kentucky 40356, 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 **FOUR HUNDRED THIRTY-SEVEN DOLLARS AND 38/100 DOLLARS (\$437.38)**, 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, 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:

Permanent Sanitary Sewer Easement
Southeastern Hills Trunk Sewer Improvement Project
(a portion of 1340 Ox Hill Drive)

All that strip or parcel of land situated on the south side of Ox Hill Drive in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows:

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

BEGINNING at a point in the southerly right of way line of Ox Hill Drive, said point being a common corner between lots 36 and 37, Block " D" as shown on the Final Record Plan of Melody Village Unit 2 A-B, (Cabinet A, Slide 283);

Thence leaving the southerly right of way line of Ox Hill Drive and with the easterly property line of Lot 37, S 3 4° 04' 42" W, 68.69 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving the easterly property line of Lot 37, and with a new permanent sanitary sewer easement line through the lands of Lot 36 for five (5) calls:

- 1) S 69° 22' 49" E, 46.74 feet to a point;
- 2) S 11° 10' 59" W, 7.09 feet to a point;
- 3) S 69° 22' 49" E, 20.91 feet to a point;
- 4) N 11° 10' 59" E, 7.09 feet to a point; and
- 5) S 69° 22' 49" E, 22.74 feet to a point in the westerly property line of Lot 35;

Thence with the westerly property line of Lot 35, S 07° 56' 18" E, 16.58 feet to a point;

Thence leaving the westerly property line of Lot 35, and with an existing 60-foot WL. Drainage, Sanitary, Storm, and Utility Easement line through the lands of Lot 36, N 70° 26' 18" W, 102.26 feet to a point in the easterly property line of the aforesaid Lot 37;

Thence with the easterly property line of Lot 37, N 34° 04' 42" E, 16.91 feet the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 1,349 square feet (0.031 Acres) of permanent easement; and

Being a portion of the property conveyed to Morton Properties, LLC, a Kentucky limited liability company, by Deed dated May 22, 2013, of record in Deed Book 3154, Page 312, 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:

Temporary Construction Easement, Tract A
Southeastern Hills Trunk Sewer Improvement Project
(a portion of 1220 Appian Circle)

All that strip or parcel of land situated on the south side of Appian Circle in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows:

BEGINNING at a point in the southerly right of way line of Appian Circle, said point also being a common corner between lots 16 and 17, Block "E" as shown on the Amended Final Record Plat of Millcreek Subdivision, Unit 4, Section 3 (Cabinet H, Slide 642);

Thence leaving the southerly right of way line of Appian Circle and with the easterly property line of Lot 17, S 35° 28' 14" W, 53.99 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving the easterly property line of Lot 17, and with a new temporary construction easement line through the lands of Lot 16 for three (3) calls:

- 1) S 21° 32' 14" E, 6.84 feet to a point;
- 2) S 54° 31' 46" E, 5.53 feet to a point; and
- 3) S 18° 47' 42" W, 8.82 feet to a point in an existing 20-foot Sanitary Sewer Easement;

Thence continuing with the existing 20-foot Sanitary Sewer Easement, N 63° 49' 34" W, 13.98 feet to a point in the easterly property line of the aforesaid Lot 17;

Thence with the easterly property line of Lot 17, N 35° 28' 14" E, 14.43 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 132 sq. ft. (0.003 Acres) of temporary construction easement; and

Temporary Construction Easement, Tract B
Southeastern Hills Trunk Sewer Improvement Project
(a portion of 1220 Appian Circle)

All that strip or parcel of land situated on the south side of Appian Circle in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows:

BEGINNING at a point in the southerly right of way line of Appian Circle, said point also being a common corner between lots 15 and 16, Block " E" as shown on the Amended Final Record Plat of Millcreek Subdivision, Unit 4, Section 3 (Cabinet H, Slide 642);

Thence leaving the southerly right of way line of Appian Circle and with the westerly property line of Lot 15, S 02° 07' 11" W, 61.91 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing with the westerly property line of Lot 15, S 02° 07' 11" W, 14.98 feet to a point;

Thence leaving the westerly property line of Lot 15, and with an existing 20-foot Sanitary Sewer Easement line through the lands of Lot 16, N 63° 49' 34" W, 37.15 feet to a point;

Thence continuing with a new temporary construction easement line through the lands of Lot 16 for three (3) calls:

- 1) S 71° 12' 18" E, 19.41 feet to a point;
- 2) N 18° 47' 42" E, 11.36 feet to a point; and
- 3) S 63° 18' 34" E, 13.26 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 236 sq. ft. (0.005 Acres) of temporary construction easement; and

Both tracts A and B being a portion of the property conveyed to Morton Properties, LLC, a Kentucky limited liability company, by Deed dated March 30, 2012, of record in Deed Book 3065, Page 591 and by Affidavit to Correct or Supplement Deed, dated April 16, 2012, of record in Deed Book 3067, Page 303, both referenced in the Fayette County Clerk's Office.

Temporary Construction Easement, Tract C
Southeastern Hills Trunk Sewer Improvement Project
(a portion of 1340 Ox Hill Drive)

All that strip or parcel of land situated on the south side of Ox Hill Drive in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows:

BEGINNING at a point in the southerly right of way line of Ox Hill Drive, said point being a common corner between lots 36 and 37, Block "D" as shown on the Final Record Plan of Melody Village Unit 2 A-B, (Cabinet A, Slide 283);

Thence leaving the southerly right of way line of Ox Hill Drive and with the easterly property line of Lot 37, S 34° 04' 42" W, 58.41 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving the easterly property line of Lot 37, and with a new temporary construction easement line through the lands of Lot 36 for two (2) calls:

- 1) S 69° 22' 49" E, 17.28 feet to a point; and
- 2) S 11° 10' 59" W, 10.14 feet to a point in a new permanent sanitary sewer easement line;

Thence continuing with a new permanent sanitary sewer easement line, N 69° 22' 49" W, 21.34 feet to a point in the easterly property line of the aforesaid Lot 37;

Thence with the easterly property line of Lot 37, N 34° 04' 42" E, 10.28 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains a total area of 193 square feet (0.004 Acres) of temporary construction easement; and

Temporary Construction Easement, Tract D
Southeastern Hills Trunk Sewer Improvement Project
(a portion of 1340 Ox Hill Drive)

All that strip or parcel of land situated on the south side of Ox Hill Drive in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows:

BEGINNING at a point in the southerly right of way line of Ox Hill Drive, said point being a common corner between

lots 35 and 36, Block "D" as shown on the Final Record Plan of Melody Village Unit 2 A-B, (Cabinet A, Slide 283);

Thence leaving the southerly right of way line of Ox Hill Drive and with the westerly property line of Lot 35, S 07° 56' 18" E, 70.00 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing with the westerly property line of Lot 35, S 07° 56' 18" E, 11.39 feet to a point;

Thence leaving the westerly property line of Lot 35, and with a new permanent sanitary sewer easement line through the lands of Lot 36, N 69° 22' 49" W, 22.74 feet to a point;

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

- 1) N 11° 10' 59" E, 10.14 feet to a point; and
- 2) S 69° 22' 49" E, 18.96 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains a total area of 208 square feet (0.005 Acres) of temporary construction easement; and

Both tracts C and D being a portion of the property conveyed to Morton Properties, LLC, by Deed dated May 22, 2013, of record in Deed Book 3154, Page 312, 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 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.

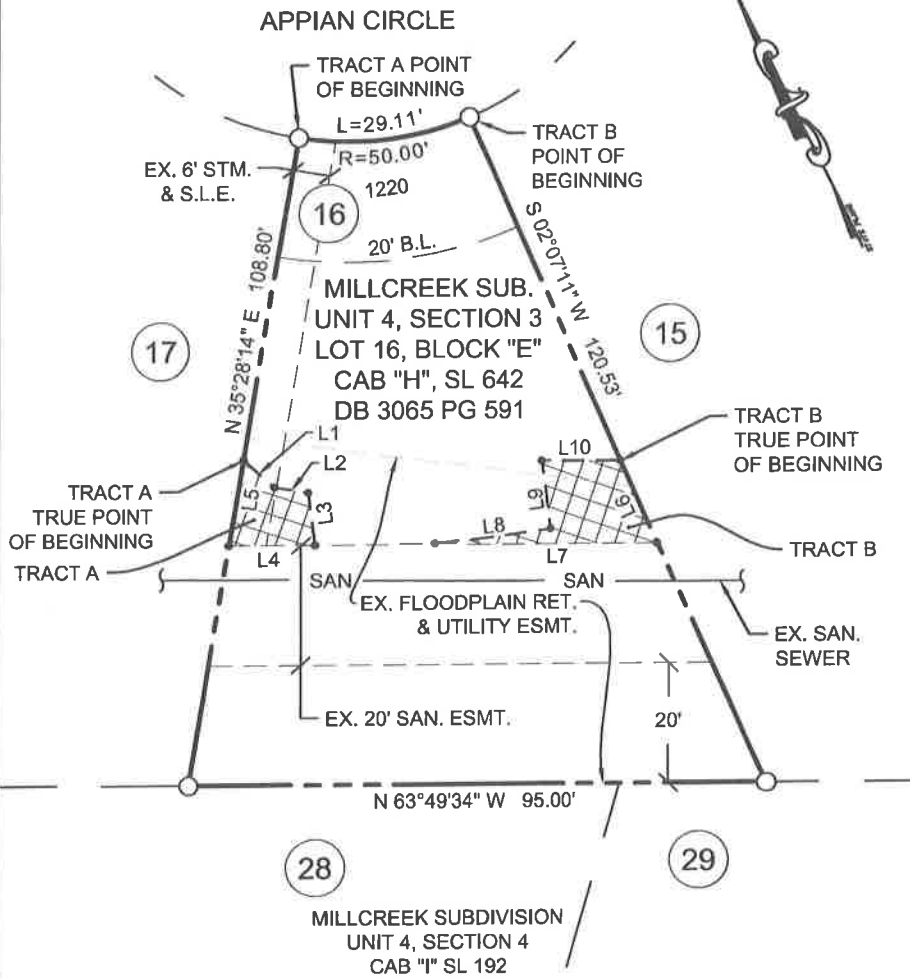
Grantor does hereby release and relinquish unto the Grantee, its successors and assigns forever, all of its right, title, and interest in and to the property to the extent of the interests conveyed herein, including all exemptions allowed by law, and do hereby covenant to and with the Grantee, its successors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

The obtaining of this easement was authorized by Resolution 456-2020, 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 Grantor has signed this Deed of Easement, this the day and year first above written.

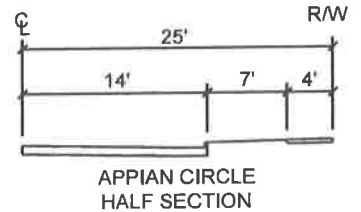
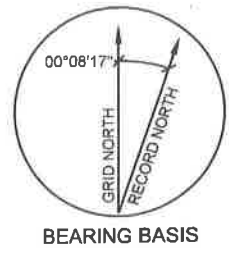
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EXHIBIT A

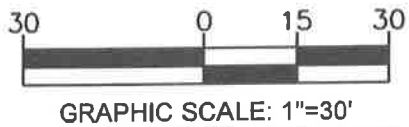


EASEMENT LINE TABLE

LINE #	LENGTH	BEARING
L1	6.84'	S 21°32'14" E
L2	5.53'	S 54°31'46" E
L3	8.82'	S 18°47'42" W
L4	13.98'	N 63°49'34" W
L5	14.43'	N 35°28'14" E
L6	14.98'	S 02°07'11" W
L7	37.15'	N 63°49'34" W
L8	19.41'	S 71°12'18" E
L9	11.36'	N 18°47'42" E
L10	13.26'	S 63°18'34" E



TEMP. ESMT. AREA
368 SQ. FT. (0.008 AC)



NOTES:

1. THE PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON ARE BASED ON THE RECORD DESCRIPTION (DEED BOOK 3065, PAGE 591) AND CORRESPONDING PLAT (CABINET H, SLIDE 642) OF RECORD IN THE FAYETTE COUNTY CLERK'S OFFICE. THE ORIGIN OF BEARINGS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN DATUM OF 1983, STATE PLANE KENTUCKY NORTH AS OBSERVED FROM KYCORS STATION "KYTG" USING A TRIMBLE R10, DUAL FREQUENCY RECEIVER.
2. THE PURPOSE OF THIS EXHIBIT IS TO DELINEATE A PROPOSED CONVEYANCE FOR 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
MORTON PROPERTIES, LLC
1220 APPIAN CIRCLE
SOUTHEASTERN HILLS TRUNK SEWER IMPROVEMENTS
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KENTUCKY**

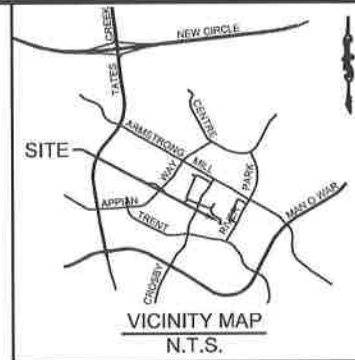
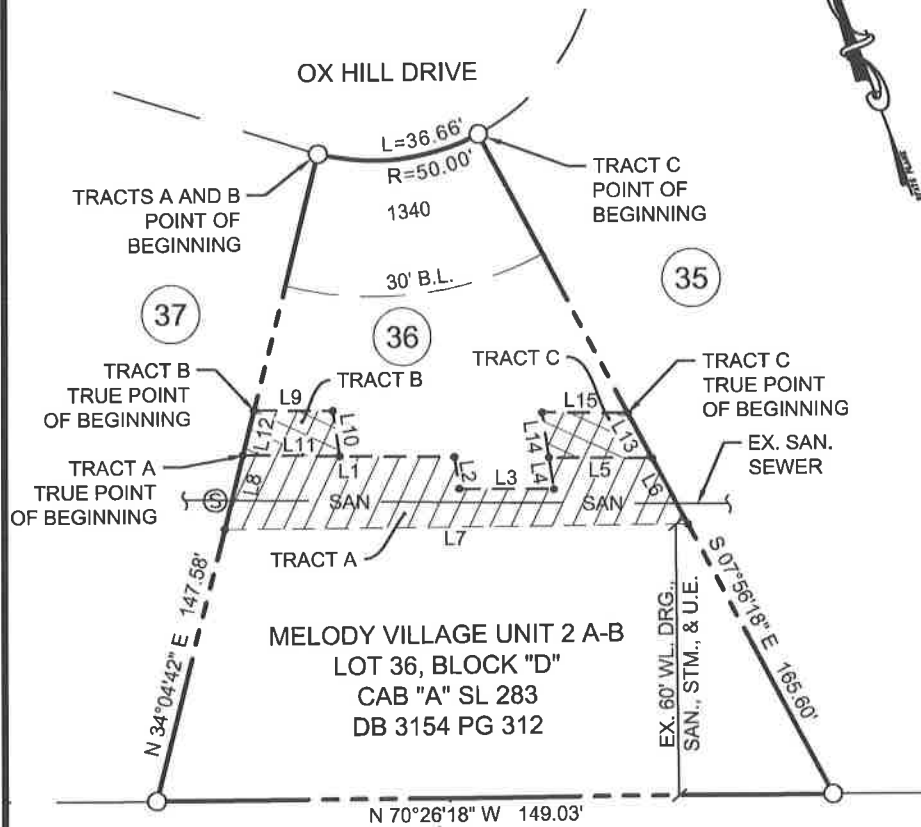


FIGURE 1

SEPTEMBER 2020

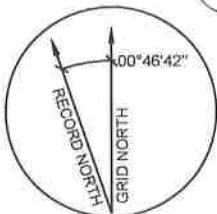
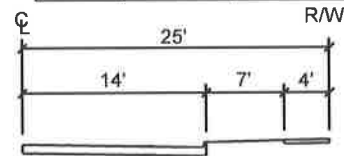
2815.046

EXHIBIT A

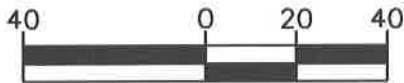
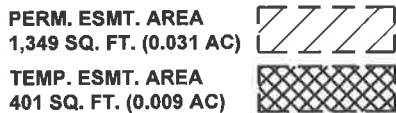


EASEMENT LINE TABLE

LINE #	LENGTH	BEARING
L1	46.74'	S 69°22'49" E
L2	7.09'	S 11°10'59" W
L3	20.91'	S 69°22'49" E
L4	7.09'	N 11°10'59" E
L5	22.74'	S 69°22'49" E
L6	16.58'	S 07°56'18" E
L7	102.26'	N 70°26'18" W
L8	16.91'	N 34°04'42" E
L9	17.28'	S 69°22'49" E
L10	10.14'	S 11°10'59" W
L11	21.34'	N 69°22'49" W
L12	10.28'	N 34°04'42" E
L13	11.39'	S 07°56'18" E
L14	10.14'	N 11°10'59" E
L15	18.96'	S 69°22'49" E



BEARING BASIS



GRAPHIC SCALE: 1"=40'

NOTES:

1. THE PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON ARE BASED ON THE RECORD DESCRIPTION (DEED BOOK 3154, PAGE 312) AND CORRESPONDING PLAT (CABINET A, SLIDE 283) OF RECORD IN THE FAYETTE COUNTY CLERK'S OFFICE. THE ORIGIN OF BEARINGS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN DATUM OF 1983, STATE PLANE KENTUCKY NORTH AS OBSERVED FROM KYCORS STATION "KYTG" USING A TRIMBLE R10, DUAL FREQUENCY RECEIVER.
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SANITARY SEWER EASEMENT EXHIBIT
MORTON PROPERTIES, LLC
1340 OX HILL DRIVE
SOUTHEASTERN HILLS TRUNK SEWER IMPROVEMENTS
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KENTUCKY



FIGURE 1

SEPTEMBER 2020

2815.046

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

202104080159

April 8, 2021

11:16:28 AM

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

519 - 529