

**GRANT OF EASEMENT**

This **EASEMENT** is made and entered into this 8<sup>th</sup> day of NOVEMBER, 2013, by and between **BALL REALTY, LLC**, a Kentucky limited liability company, P. O. Box 12950, Lexington, Kentucky 40583 ("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 consideration of the sum of **Seven Thousand Nine Hundred and Dollars 80/100 Cents (\$7,900.80)**, 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, and more particularly described as follows:

**Permanent Sanitary Sewer Easement**  
**1167 Mt. Rushmore Way**  
**Century Hills Sanitary Sewer Improvement Project**

Described on Exhibit A attached hereto and incorporated herein by reference.

**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, regrade and perform related work

Mail to Grantee  
c/o Department of Law, 11<sup>th</sup> Floor

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, to-wit:

**Temporary Construction Easement**  
**1167 Mt. Rushmore Way**  
**Century Hills Sanitary Sewer Improvement Project**

All temporary construction easements, if any, are described on Exhibit B attached hereto and incorporated herein by reference.

**TO HAVE AND TO HOLD** the above-described easement 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 temporary construction easement will expire upon completion of the construction of the improvement project on the land adjacent to this easement, runs with the land for the duration of the improvement project on the adjacent land, and is binding upon the heirs and assigns of the Grantor.

Grantor does hereby covenant to and with said Grantee, its successors and assigns forever, that it is are 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.

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 the prior written consent of the Grantee.

The obtaining of this easement was authorized by Resolution No. 389-2013 passed by the Lexington-Fayette Urban County Council on July 9, 2013. Pursuant to

KRS 382.135(2)(a), this public utility easement is exempt from the requirements related to certificate of consideration. This conveyance is exempt from real estate transfer tax pursuant to KRS 142.050.

IN TESTIMONY WHEREOF, the Grantor has signed this Easement, the day and year first above written.

GRANTOR:

**BALL REALTY, LLC, a  
Kentucky limited liability company**

BY: Mira Ball

ITS: Sec.

COMMONWEALTH OF KENTUCKY )

COUNTY OF FAYETTE )

The foregoing Easement was subscribed, sworn to and acknowledged before me by Mira Ball as Secretary / Member on behalf of BALL REALTY, LLC, a Kentucky limited liability company, on this the 8<sup>th</sup> day of November, 2013.

My commission expires: 2/29/16

Sail Daniel  
Notary Public, State-At-Large, Kentucky

PREPARED BY: J.P. Watz

John P. Watz, Esq.  
HENRY WATZ RAINE &  
MARINO, PLLC  
401 West Main Street, Suite 314  
Lexington, Kentucky 40507  
(859) 258-3500  
X:\Cases\WATER-AIR\13-RE0632\RE\00411264.DOC

**EXHIBIT A**

PERMANENT SANITARY SEWER EASEMENT  
&  
10-FOOT TEMPORARY CONSTRUCTION EASEMENTS  
ON THE PROPERTY OF  
BALL REALTY, LLC  
(A KY LIMITED LIABILITY COMPANY)  
DEED BOOK 2710, PAGE 272 - PARCEL 2  
LOT 26A, BLOCK D, UNIT 2-B CENTURY HILLS SUBDIVISION  
PLAT CABINET D, SLIDE 533  
1167 MT. RUSHMORE WAY  
IN LEXINGTON, FAYETTE COUNTY, KENTUCKY

All those tracts or parcels of land situated on the westerly side of Mt. Rushmore Way, between its intersection with Baird Court and Pimlico Parkway, and on the easterly side of Man O' War Boulevard, in Lexington, Fayette County, Kentucky, and more fully described and bounded as follows, to-wit:

**Permanent Sanitary Sewer Easement:**

Beginning at a point in the common line of Lot 26A and Lot 26, Block D, Unit 2-B of Century Hills Subdivision (Plat Cabinet D, Slide 533), said point being approximately 70.9 feet northeasterly from the rear common corner of said lots in the easterly right-of-way of Man O' War Boulevard, as measured along said common line; thence along the common line of Lots 26A and 26, N 87° 36' 33" E 38.53 feet to a point in the easterly line of an existing 12' sanitary sewer easement (Plat Cabinet B, Slide 547); thence through Lot 26A, along the easterly line of said existing easement and that line extended, S 17° 12' 01" W 12.44 feet; thence continuing through Lot 26A for two calls, S 40° 07' 51" E 2.28 feet and S 30° 20' 08" E 45.25 feet to a point in the common line of Lot 26A and Lot 27, Block D, Unit 2-B of Century Hills Subdivision (Plat Cabinet B, Slide 547); thence along said common line, S 77° 48' 49" W 32.33 feet to a point in the westerly line of an existing 12' sanitary sewer easement (Plat Cabinet B, Slide 547); thence again through Lot 26A, along the westerly line of said existing easement, N 00° 46' 32" W 10.10 feet; thence continuing through Lot 26A for five calls, S 89° 58' 54" W 11.71 feet, N 00° 01' 06" W 20.00 feet, N 89° 58' 54" E 6.67 feet, N 30° 20' 08" W 4.87 feet and N 40° 07' 51" W 30.86 feet to the beginning and containing 1711 square feet.

## EXHIBIT B

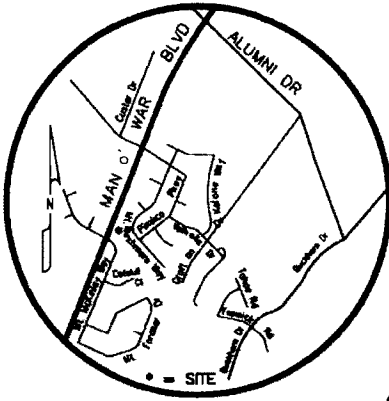
### **Temporary Construction Easement - Tract 1:**

Beginning at the southeasterly corner of the above described permanent sanitary sewer easement, said point being in the common line of Lot 26A, Block D, Unit 2-B of Century Hills Subdivision (Plat Cabinet D, Slide 533) and Lot 27, Block D, Unit 2-B of Century Hills Subdivision (Plat Cabinet B, Slide 547); thence through Lot 26A, along the northerly line of the above described permanent easement, for three calls, N 30° 20' 08" W 45.25 feet, N 40° 07' 51" W 2.28 feet and N 17° 12' 01" E 11.88 feet; thence continuing through Lot 26A, parallel with and ten feet northeasterly from the northeasterly line of the above described permanent easement, for two calls, S 40° 07' 51" E 9.55 feet and S 30° 20' 08" E 49.39 feet to a point in the common line of Lots 26A and 27 aforesaid; thence along said common line, S 77° 48' 49" W 10.52 feet to the beginning and containing 532 square feet.

### **Temporary Construction Easement - Tract 2:**

Beginning at the northwesterly corner of the above described permanent sanitary sewer easement, said point being in the common line of Lot 26A and Lot 26, Block D, Unit 2-B of Century Hills Subdivision (Plat Cabinet D, Slide 533); thence through Lot 26A, along the southerly line of the above described permanent easement, for six calls, S 40° 07' 51" E 30.86 feet, S 30° 20' 08" E 4.87 feet, S 89° 58' 54" W 6.67 feet, S 00° 01' 06" E 20.00 feet, N 89° 58' 54" E 11.71 feet and S 00° 46' 32" E 10.00 feet; thence again through Lot 26A, parallel with and ten feet southerly and westerly from the southerly line of the aforesaid permanent easement, for three calls, S 89° 58' 54" W 21.85 feet, N 00° 01' 06" W 35.55 feet and N 40° 07' 51" W 28.42 feet to a point in the common line of Lots 26A and 26 aforesaid; thence along said common line, N 87° 36' 33" E 12.65 feet to the beginning and containing 789 square feet.

Being a permanent sanitary sewer easement and ten-foot wide temporary construction easements on a portion of the same property conveyed to Grantor by deed dated February 20, 2007, and of record in Deed Book 2710, Page 272 (Parcel 2); being designated as Lot 26A, Block D, Unit 2-B of Century Hills Subdivision as per the Amended Final Record Plan of record in Plat Cabinet D, Slide 533. All of the above referenced instruments are of record in the Fayette County Clerk's office.



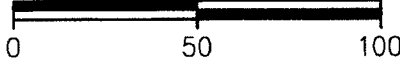
VICINITY MAP  
Not To Scale

PROPERTY OWNER'S ADDRESS  
BALL REALTY, LLC  
3609 WALDEN DRIVE  
LEXINGTON, KY 40517

**LEGEND**

- APPROXIMATE SUBJECT PROPERTY LINE
- APPROXIMATE ADJOINING PROPERTY LINE
- - - PROPOSED SANITARY SEWER EASEMENT LINE
- - - EXISTING EASEMENT LINE
- - - TEMPORARY CONSTRUCTION EASEMENT LINE

SCALE IN FEET

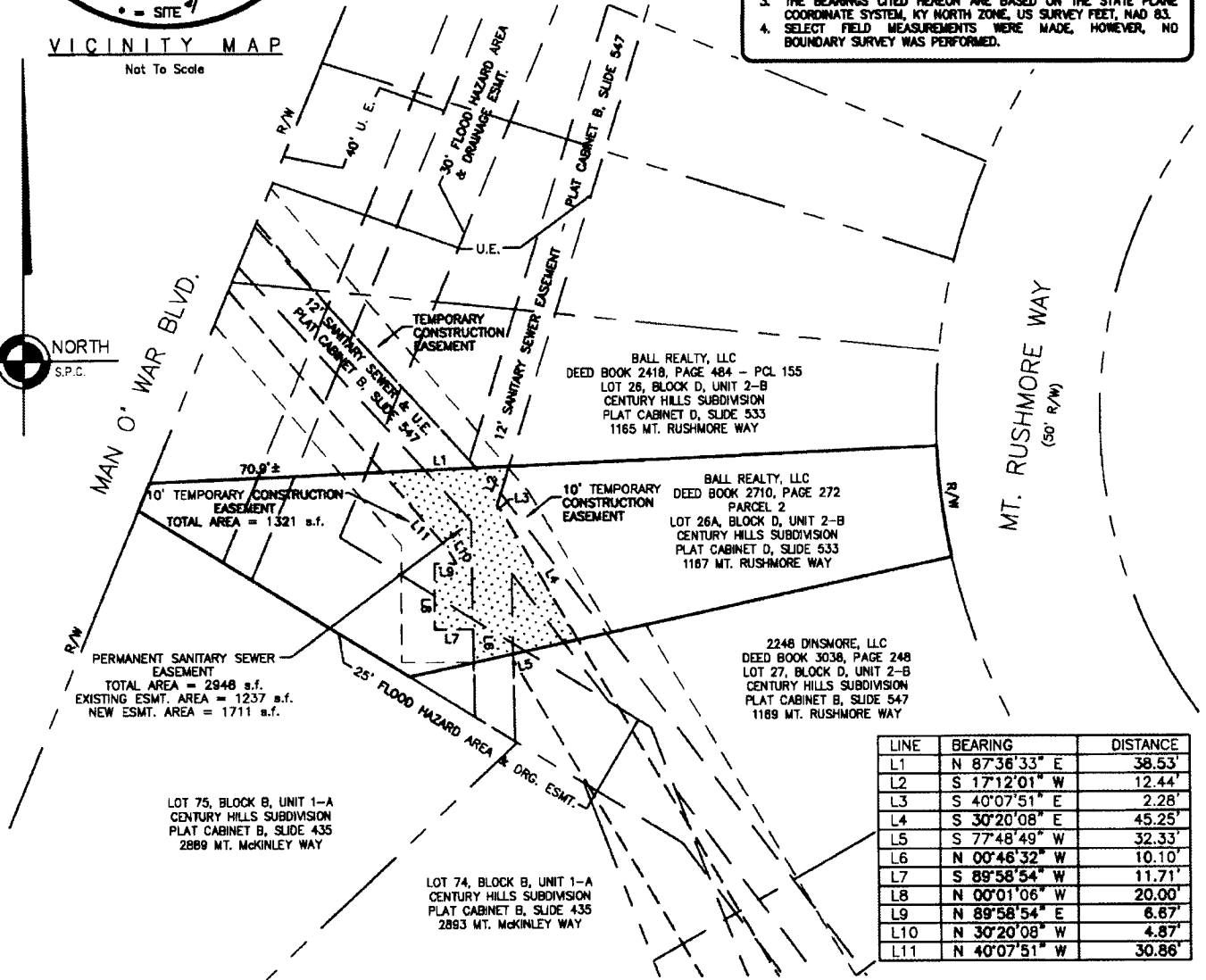


**NOTES:**

1. THE PURPOSE OF THIS PLAT IS TO RECORD THE PERMANENT SANITARY SEWER EASEMENT AS SHOWN.
2. THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, LEASES, RIGHTS-OF-WAYS, ETC. OF RECORD AND/OR IN EXISTENCE.
3. THE BEARINGS CITED HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, KY NORTH ZONE, US SURVEY FEET, NAD 83.
4. SELECT FIELD MEASUREMENTS WERE MADE, HOWEVER, NO BOUNDARY SURVEY WAS PERFORMED.



NORTH  
S.P.C.



BALL REALTY, LLC  
DEED BOOK 2418, PAGE 484 - PCL 155  
LOT 28, BLOCK D, UNIT 2-B  
CENTURY HILLS SUBDIVISION  
PLAT CABINET D, SLIDE 533  
1165 MT. RUSHMORE WAY

BALL REALTY, LLC  
DEED BOOK 2710, PAGE 272  
PARCEL 2  
LOT 26A, BLOCK D, UNIT 2-B  
CENTURY HILLS SUBDIVISION  
PLAT CABINET D, SLIDE 533  
1187 MT. RUSHMORE WAY

2248 D'NSMOR, LLC  
DEED BOOK 3038, PAGE 248  
LOT 27, BLOCK D, UNIT 2-B  
CENTURY HILLS SUBDIVISION  
PLAT CABINET B, SLIDE 547  
1189 MT. RUSHMORE WAY

10' TEMPORARY CONSTRUCTION EASEMENT  
TOTAL AREA = 1,321 s.f.

PERMANENT SANITARY SEWER EASEMENT  
TOTAL AREA = 2948 s.f.  
EXISTING ESMT. AREA = 1237 s.f.  
NEW ESMT. AREA = 1711 s.f.

LOT 75, BLOCK B, UNIT 1-A  
CENTURY HILLS SUBDIVISION  
PLAT CABINET B, SLIDE 435  
2889 MT. MCKINLEY WAY

LOT 74, BLOCK B, UNIT 1-A  
CENTURY HILLS SUBDIVISION  
PLAT CABINET B, SLIDE 435  
2883 MT. MCKINLEY WAY

LINE	BEARING	DISTANCE
L1	N 87°36'33" E	38.53'
L2	S 17°12'01" W	12.44'
L3	S 40°07'51" E	2.28'
L4	S 30°20'08" E	45.25'
L5	S 77°48'49" W	32.33'
L6	N 00°46'32" W	10.10'
L7	S 89°58'54" W	11.71'
L8	N 00°01'06" W	20.00'
L9	N 89°58'54" E	6.87'
L10	N 30°20'08" W	4.87'
L11	N 40°07'51" W	30.86'

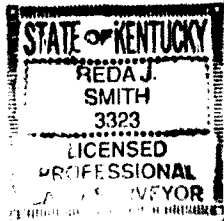
**LAND SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT THIS RECORD PLAT WAS PREPARED UNDER MY DIRECTION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE BEARINGS AND DISTANCES AS SHOWN ON THIS PLAT ARE TRUE AND ACCURATE.

*Reda J. Smith* 8/15/13

REDA J. SMITH, PLS # 3323  
CDP ENGINEERS, INC.  
3250 BLAZER PKWY  
LEXINGTON, KY 40509

DATE



**SANITARY SEWER EASEMENT PLAT**

BALL REALTY, LLC  
(A KY LIMITED LIABILITY COMPANY)  
PROPERTY  
1167 MT. RUSHMORE WAY  
LEXINGTON, FAYETTE COUNTY, KENTUCKY



3250 Blazer Parkway  
Lexington KY 40509  
T 659.264.7600 F 659.264.7601

SCALE: 1" = 50'

DATE: AUGUST 7, 2013

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.

  
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By: DOUG BRADLEY ,dc

201401290044

January 29, 2014                      10:01:31    AM

Fees	\$26.00	Tax	\$0.00
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Total Paid	\$26.00
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7 Pages

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