

**GRANT OF EASEMENT**

This **EASEMENT** is made and entered into this 8 day of Nov, 2013, by and between **RUSSELL C. BEAM**, a single person, 1321 Fenwick Road, Lexington, Kentucky 40515 ("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 One Hundred Twenty-Nine Dollars and 65/100 Cents (\$7,129.65)**, 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**  
**1321 Fenwick Road**  
**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**  
**1321 Fenwick Road**  
**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 he is lawfully seized in fee simple of said property and has good right to sell and convey the easements conveyed herein, and that he 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:

BY: *Russell C. Beam*  
RUSSELL C. BEAM

COMMONWEALTH OF KENTUCKY    )  
  )  
COUNTY OF FAYETTE    )

The foregoing Easement was subscribed, sworn to and acknowledged before me by Russell C. Beam, a single person, on this the 8<sup>th</sup> day of NOVEMBER, 2013.

My commission expires: DEC. 5, 2015

*Reda J. Smith*  
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 316  
Lexington, Kentucky 40507  
X:\Cases\WATER-AIR\13-RE0632\RE00411271.DOC

**EXHIBIT A**

**20-FOOT PERMANENT SANITARY SEWER EASEMENT  
&  
20-FOOT TEMPORARY CONSTRUCTION EASEMENT  
ON THE PROPERTY OF  
RUSSELL C. BEAM  
(SINGLE)  
DEED BOOK 1490, PAGE 664  
DEED BOOK 2174, PAGE 399  
LOT 43, BLOCK W, UNIT 7, SECTION 4 EAST LAKE SUBDIVISION  
PLAT CABINET F, SLIDE 94  
1321 FENWICK ROAD  
IN LEXINGTON, FAYETTE COUNTY, KENTUCKY**

All those tracts or parcels of land situated on the southwesterly side of Fenwick Road near its terminus, easterly from Buckhorn Drive, 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 43 and Lot 42, Block W, Unit 7, Section 4 of East Lake Subdivision (Plat Cabinet F, Slide 94), said point being approximately 5.9 feet northeasterly from the common corner of said lots in the line of Lot 27, Block W, Unit 7, Section 1 of East Lake Subdivision (Plat Cabinet D, Slide 663) as measured along the aforesaid common line; thence along the common line of Lots 43 and 42, N 50° 54' 10" E 20.13 feet; thence through Lot 43 for four calls, S 45° 34' 25" E 3.79 feet, S 34° 31' 43" E 41.83 feet, S 42° 59' 13" E 32.37 feet and S 60° 45' 01" E 28.30 feet to a point in the common line of Lot 43 aforesaid and Lot 44, Block W, Unit 7, Section 4 of East Lake Subdivision (Plat Cabinet F, Slide 94); thence along said common line, S 15° 25' 09" W 20.60 feet; thence again through Lot 43, parallel with and twenty feet southwesterly from the fifth call cited above, N 60° 45' 01" W 36.35 feet to a point in the common line of Lot 43 aforesaid and Lot 27, Block W, Unit 7, Section 1 of East Lake Subdivision (Plat Cabinet D, Slide 663); thence along said common line, N 42° 59' 13" W 36.98 feet; thence again through Lot 43, parallel with and twenty feet southwesterly from the second and third calls cited above, in reverse order, N 34° 31' 43" W 41.38 feet and N 45° 34' 25" W 4.12 feet to the beginning and containing 2251 square feet.

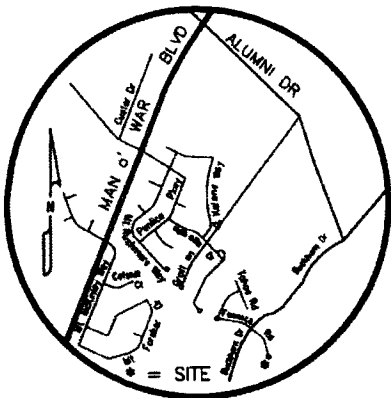
## EXHIBIT B

### **Temporary Construction Easement:**

Beginning at a corner of the above described permanent sanitary sewer easement, said point being in the common line of Lot 43 and Lot 42, Block W, Unit 7, Section 4 of East Lake Subdivision (Plat Cabinet F, Slide 94); thence along said common line, N 50° 54' 10" E 20.13 feet; thence through Lot 43, parallel with and twenty feet northeasterly from the northeasterly line of the above described permanent sanitary sewer easement, for four calls, S 45° 34' 25" E 3.45 feet, S 34° 31' 43" E 42.29 feet, S 42° 59' 13" E 27.77 feet and S 60° 45' 01" E 20.25 feet to a point in the common line of Lot 43 aforesaid and Lot 44, Block W, Unit 7, Section 4 of East Lake Subdivision (Plat Cabinet F, Slide 94); thence along said common line, S 15° 25' 09" W 20.60 feet; thence again through Lot 43, along the northeasterly line of the above described permanent sanitary sewer easement, for four calls, N 60° 45' 01" W 28.30 feet, N 42° 59' 13" W 32.37 feet, N 34° 31' 43" W 41.83 feet and N 45° 34' 25" W 3.79 feet to the beginning and containing a total area of 2000 square feet, inclusive of 292 square feet of existing easement, leaving a net area 1708 square feet of new temporary construction easement.

Being a twenty-foot wide permanent sanitary sewer easement and a twenty-foot wide temporary construction easement on a portion of the same property conveyed to Russell C. Beam, a single person, and William A. Blackburn, Jr., a single person, by deed dated September 20, 1988, and recorded in Deed Book 1490, Page 664; being designated as Lot 43, Block W, Unit 7, Section 4 of East Lake Subdivision as per the Corrected Amended Final Subdivision Plat recorded in Plat Cabinet F, Slide 94. By deed dated December 19, 2000, and recorded in Deed Book 2174, Page 399, William A. Blackburn, Jr. conveyed his interest in subject property to Russell C. Beam. All of the above referenced instruments are of record in the Fayette County Clerk's office.

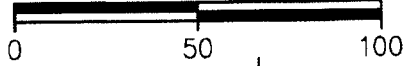
EXHIBIT "C"



VICINITY MAP  
Not To Scale

PROPERTY OWNER'S ADDRESS  
RUSSELL C. BEAM  
1321 FENWICK ROAD  
LEXINGTON, KY 40515

SCALE IN FEET

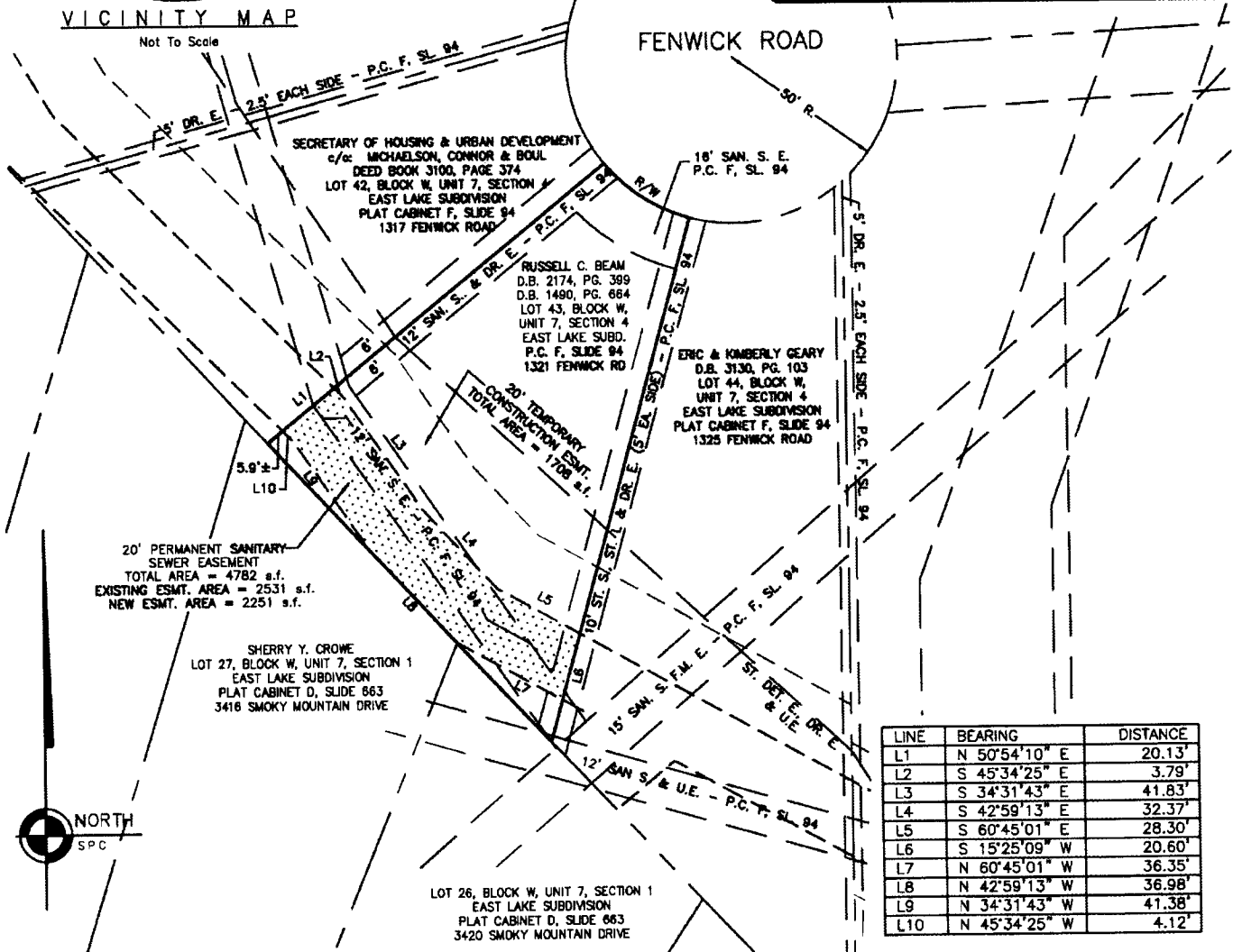


LEGEND

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

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.



LINE	BEARING	DISTANCE
L1	N 50°54'10" E	20.13'
L2	S 45°34'25" E	3.79'
L3	S 34°31'43" E	41.83'
L4	S 42°59'13" E	32.37'
L5	S 60°45'01" E	28.30'
L6	S 15°25'09" W	20.60'
L7	N 60°45'01" W	36.35'
L8	N 42°59'13" W	36.98'
L9	N 34°31'43" W	41.38'
L10	N 45°34'25" W	4.12'



**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

STATE OF KENTUCKY  
 REDA J. SMITH  
 3323  
 LICENSED PROFESSIONAL LAND SURVEYOR

**SANITARY SEWER EASEMENT PLAT**

RUSSELL C. BEAM  
 (SINGLE)  
 PROPERTY  
 1321 FENWICK ROAD  
 LEXINGTON, FAYETTE COUNTY, KENTUCKY

**cdpengineers** 3250 Blazer Parkway  
 Lexington KY 40509  
 T 859.264.7500 F 859.264.7501

SCALE: 1" = 50' DATE: AUGUST 13, 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

201401290037

January 29, 2014                      9:58:56      AM

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

395 - 401