

GRANT OF EASEMENT

This **EASEMENT** is made and entered into this 8th 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 **One Thousand Two Hundred Twenty-Two Dollars and 40/100 Cents (\$1,222.40)**, 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
1163 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 for the purpose of sanitary sewer construction, repair, installation and relocation through

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

and across the following tract of land located within the confines of Lexington-Fayette County, Kentucky, to-wit:

Temporary Construction Easement
1163 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.

EXHIBIT A

PERMANENT SANITARY SEWER EASEMENT
&
TEMPORARY CONSTRUCTION EASEMENT
ON THE PROPERTY OF
BALL REALTY, LLC
(A KY LIMITED LIABILITY COMPANY)
DEED BOOK 2710, PAGE 272 - PARCEL 1
LOT 25A, BLOCK D, UNIT 2-B CENTURY HILLS SUBDIVISION
PLAT CABINET D, SLIDE 533
1163 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:

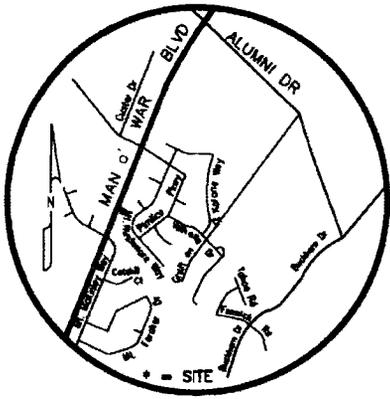
Beginning at the rear common corner of Lot 25A and Lot 26, Block D, Unit 2-B of Century Hills Subdivision (Plat Cabinet D, Slide 533), said point being in the easterly right-of-way of Man O' War Boulevard; thence along said right-of-way, N 22° 35' 26" E 19.62 feet; thence through Lot 25A, S 40° 07' 51" E 27.02 feet to a point in the common line of Lots 25A and 26 aforesaid; thence along said common line, N 84° 09' 54" W 25.08 feet to the beginning and containing 236 square feet.

EXHIBIT B

Temporary Construction Easement:

Beginning at the most northerly corner of the above described permanent sanitary sewer easement, said point being in the easterly right-of-way of Man O' War Boulevard; thence along said right-of-way, N 22° 35' 26" E 11.25 feet; thence through Lot 25A, Block D, Unit 2-B of Century Hills Subdivision (Plat Cabinet D, Slide 533), parallel with and ten feet northeasterly from the northeasterly line of the above described permanent easement, S 40° 07' 51" E 42.52 feet to a point in the common line of Lot 25A aforesaid and Lot 26, Block D, Unit 2-B of Century Hills Subdivision (Plat Cabinet D, Slide 533); thence along said common line, N 84° 09' 54" W 14.39 feet to the most easterly corner of the above described permanent easement; thence again through Lot 25A, along the northeasterly line of said permanent easement, N 40° 07' 51" W 27.02 feet to the beginning and containing 348 square feet.

Being a permanent sanitary sewer easement and a ten-foot wide temporary construction easement 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 1); being designated as Lot 25A, 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

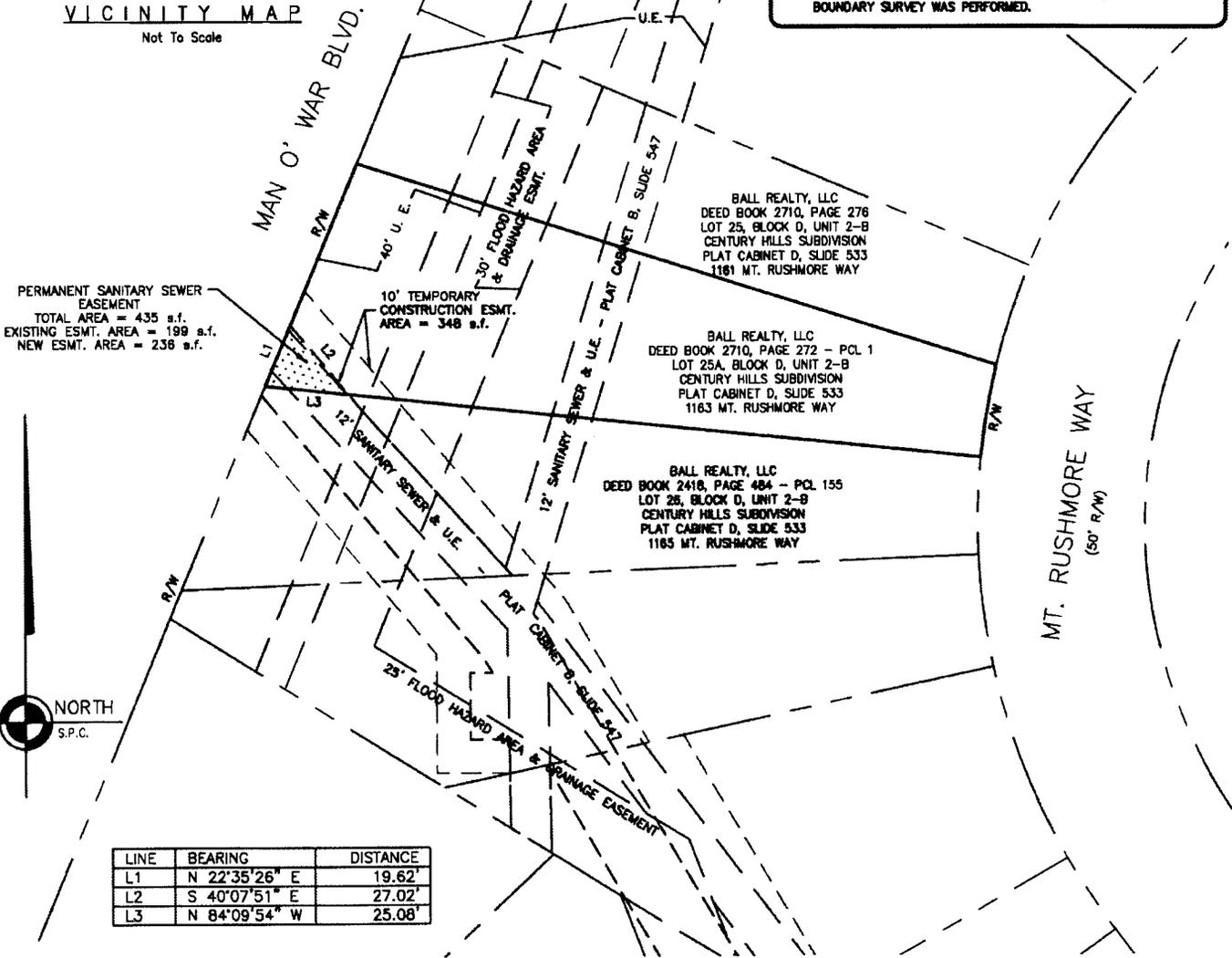
- APPROXIMATE SUBJECT PROPERTY LINE
- APPROXIMATE ADJOINING PROPERTY LINE
- PROPOSED SANITARY SEWER EASEMENT LINE
- EXISTING EASEMENT LINE
- TEMPORARY CONSTRUCTION EASEMENT LINE

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. SELECT FIELD MEASUREMENTS WERE MADE, HOWEVER, NO BOUNDARY SURVEY WAS PERFORMED.



PERMANENT SANITARY SEWER EASEMENT
 TOTAL AREA = 435 s.f.
 EXISTING ESMT. AREA = 199 s.f.
 NEW ESMT. AREA = 236 s.f.

10' TEMPORARY CONSTRUCTION EASEMENT.
 AREA = 348 s.f.

BALL REALTY, LLC
 DEED BOOK 2710, PAGE 276
 LOT 25, BLOCK D, UNIT 2-B
 CENTURY HILLS SUBDIVISION
 PLAT CABINET D, SLIDE 533
 1161 MT. RUSHMORE WAY

BALL REALTY, LLC
 DEED BOOK 2710, PAGE 272 - PCL 1
 LOT 25A, BLOCK D, UNIT 2-B
 CENTURY HILLS SUBDIVISION
 PLAT CABINET D, SLIDE 533
 1163 MT. RUSHMORE WAY

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



LINE	BEARING	DISTANCE
L1	N 22°35'26" E	19.62'
L2	S 40°07'51" E	27.02'
L3	N 84°09'54" W	25.08'

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

1163 MT. RUSHMORE WAY
 LEXINGTON, FAYETTE COUNTY, KENTUCKY



3250 Blazer Parkway
 Lexington KY 40509
 T 859.264.7500 F 859.264.7501

SCALE: 1" = 50'

DATE: JULY 22, 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.



By: DOUG BRADLEY ,dc

201401290042

January 29, 2014 10:00:53 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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