

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 10th day of November, 2020, by and between **KATHRYN M. DeMERS and MATTHEW S. DeMERS, wife and husband**, 989 Holly Springs Drive, Lexington, Kentucky 40504, 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 **SEVEN HUNDRED FOUR DOLLARS AND 60/100 DOLLARS (\$704.60)**, 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 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 "B", and more particularly described as follows, to wit:

Permanent Sanitary Sewer Easement
Wolf Run Trunks D & E Sewer Replacement Project
(a portion of 989 Holly Springs Drive)

BEGINNING, at a point on the western property line, said property line being the right of way of Appomattox Rd, approximately 5 feet from the northwest property corner,

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

thence 64.80 feet at a bearing of S 51°00'00" E to the eastern property line shared with John & Susan Skillman, thence 21.58 feet at a bearing of S 32°18'40"W along the eastern property line to a point, thence 70.37 feet at a bearing of N 49°00'38" W to the right of way of Appomattox Rd, thence 19.23 feet along the right of way of Appomattox Rd back to the **POINT OF BEGINNING**; and,

The above-described parcel contains 1,365.85 square feet of permanent easement; and

Being a portion of the property conveyed to Kathryn M. DeMers and Matthew S. DeMers, wife and husband by Deed dated February 15, 2019, of record in Deed Book 3648, Page 566, 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 "B" attached hereto, and more particularly described as follows:

Temporary Construction Easement
Wolf Run D & E Trunk Sewer Replacement Project
(a portion of 989 Holly Springs Drive)

BEGINNING, at a point on the western property line, said property line being the right of way of Appomattox Rd, approximately 25 feet from the northwest property corner, thence 15.20 feet towards the property shared with David James Living Trust, along the right of way of Appomattox Rd, thence 30.90 feet at a bearing of S 49°00'38" E, thence 30.57 feet at a bearing of S 71°45'06" W, thence 23.83 feet at a bearing of N 67°00'45" W to the right of way of Appomattox Rd, thence 18.61 feet towards the property

shared with David James Living Trust, along the right of way of Appomattox Rd, thence 39.83 feet at a bearing of S 67°40'11" E, thence 45.14 feet at a bearing of N 71°45'06" E, thence 26.77 feet at a bearing of S 49°00'38" E to the eastern property line shared with John & Susan Skillman, thence 15.17 feet at a bearing of N 32°18'40" E along the eastern property line, thence 70.37 feet at a bearing of N 49°00'38" W to the right of way of Appomattox Rd back to the **POINT OF BEGINNING**; and,

The above-described parcel contains a total area of 2,143.20 square feet of temporary construction easement;

Being a portion of the property conveyed to Kathryn M. DeMers and Matthew S. DeMers, wife and husband by Deed dated February 15, 2019, of record in Deed Book 3648, Page 566, 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 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 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 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 GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 256-2020, passed by the Lexington-Fayette Urban County Council on June 11, 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 Grantors have signed this Deed of Easement, this the day and year first above written.

GRANTORS:


BY: 
KATHRYN M. DeMERS

BY: 
MATTHEW S. DeMERS

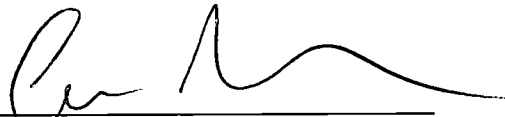
[Intentionally Left Blank]

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by Kathryn M. DeMers and Matthew S. DeMers, wife and husband, on this the 10th day of NOVEMBER, 2020.

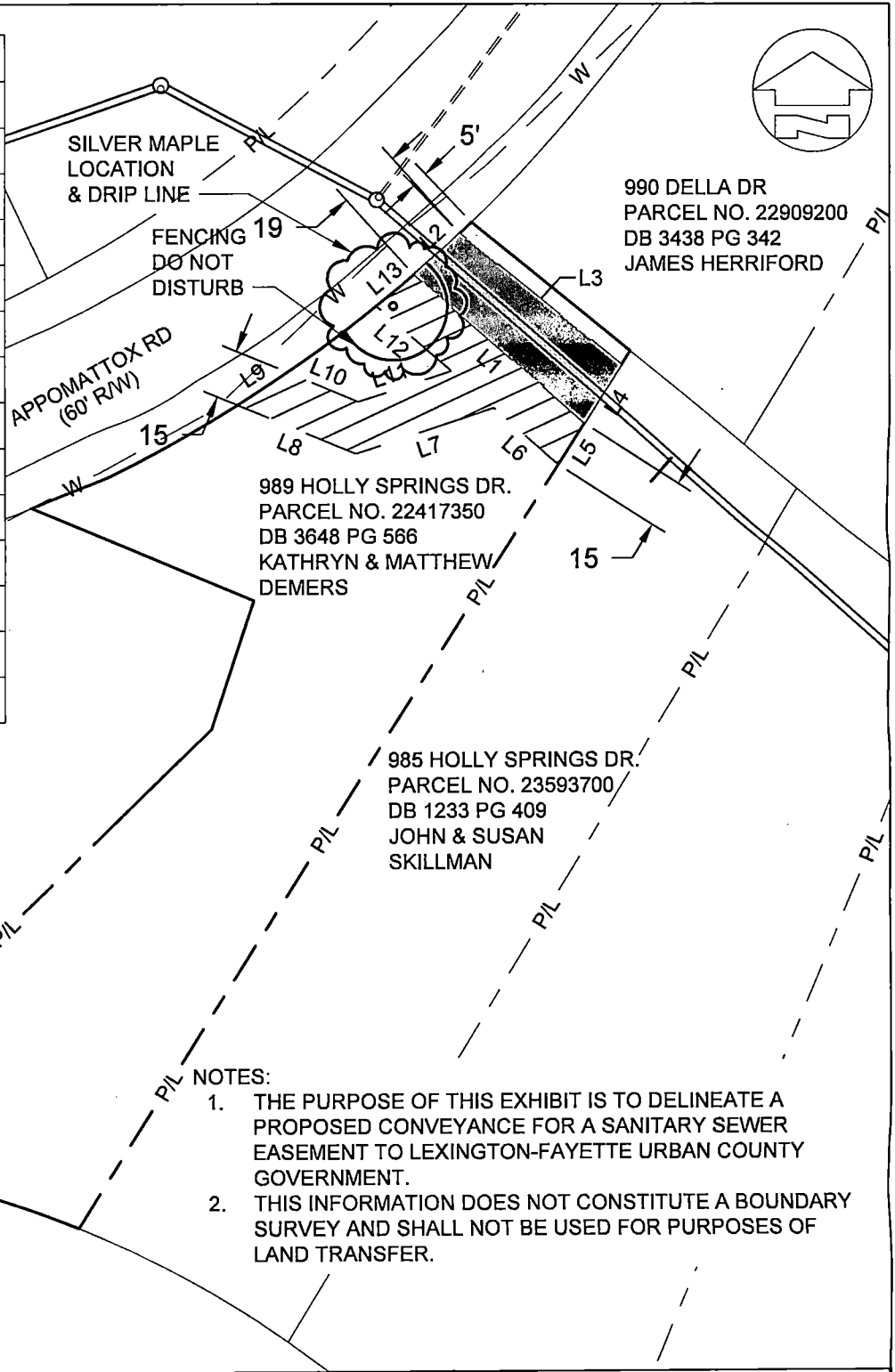
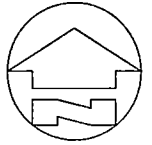


Notary Public, Kentucky, State-at-Large
My Commission Expires: 7/10/2023
Notary ID # 626440

PREPARED BY:


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

PARCEL LINE DATA		
LINE #	BEARING	DISTANCE
L1	N49°00'38"W	70.37'
L2	N47°59'53"E	19.23'
L3	S51°00'00"E	64.80'
L4	S32°18'40"W	21.58'
L5	N32°18'40"E	15.17'
L6	S49°00'38"E	26.77'
L7	N71°45'06"E	45.14'
L8	S67°40'11"E	39.83'
L9	S56°48'26"W	18.61'
L10	N67°00'45"W	23.83'
L11	S71°45'06"W	30.57'
L12	S49°00'38"E	30.90'
L13	S50°20'18"W	15.20'



990 DELLA DR
 PARCEL NO. 22909200
 DB 3438 PG 342
 JAMES HERRIFORD

989 HOLLY SPRINGS DR.
 PARCEL NO. 22417350
 DB 3648 PG 566
 KATHRYN & MATTHEW
 DEMERS

985 HOLLY SPRINGS DR.
 PARCEL NO. 23593700
 DB 1233 PG 409
 JOHN & SUSAN
 SKILLMAN

993 HOLLY SPRINGS DR.
 PARCEL NO. 26943200
 DB 3452 PG 544
 DAVID F JAMES LIVING TRUST

- NOTES:**
1. THE PURPOSE OF THIS EXHIBIT IS TO DELINEATE A PROPOSED CONVEYANCE FOR A SANITARY SEWER EASEMENT TO LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.
 2. THIS INFORMATION DOES NOT CONSTITUTE A BOUNDARY SURVEY AND SHALL NOT BE USED FOR PURPOSES OF LAND TRANSFER.

LEGEND:

- EXISTING PERMANENT UTILITY EASEMENT (321,8113 SQ FT)
- TEMPORARY CONSTRUCTION EASEMENT (2143,2039 SQ FT)
- NEW 20' PERMANENT UTILITY EASEMENT (1365,8491 SQ FT)
- PROPOSED SEWER LINE

EXHIBIT "B"
 UTILITY EASEMENT EXHIBIT
 AUGUST 20, 2020
 KATHRYN & MATTHEW DEMERS
 PROPERTY
 989 HOLLY SPRINGS DR
 LEXINGTON, KY 40504

SCALE: 1"= 50'

LFUCG
 DIVISION OF WATER QUALITY
 WOLF RUN TRUNK SEWER LINES D & E

200 E MAIN STREET
 LEXINGTON, KY 40507

engineering | architecture | geospatial
 www.gwinc.com

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

202011190232

November 19, 2020 11:26:30 AM

Fees \$53.00 Tax \$0.00

Total Paid \$53.00

THIS IS THE LAST PAGE OF THE DOCUMENT

7 Pages

503 - 509