

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 17th day of May, 2021, by and between **MARTY LOWE, a single person**, 3681 Appian Way, Lexington, Kentucky 40517, 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 **ONE HUNDRED NINETY-FIVE DOLLARS AND 38/100 DOLLARS (\$195.38)**, 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 3681 Appian Way)

All that strip or parcel of land situated on the west side of Appian Way 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 westerly right of way line of Appian Way, said point being a common corner with Lot 5 of the Millcreek Subdivision, Unit 4, Section 1, Lot 1, Block "F" and Lot 2, Block "G" (Cabinet L, Slide 285);

Thence leaving the westerly right of way line of Appian Way, and with the southerly boundary line of Lot 5, N 58° 47' 20" W, 81.70 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving the southerly boundary line of Lot 5, and through the lands of Lot 4 of the Millcreek Subdivision, Unit 4, Section 1, Lot 1, Block "F" and Lot 2, Block "G" (Cabinet K, Slide 785) with a new permanent sanitary sewer easement line for two (2) calls:

- 1) S 58° 06' 11" W, 3.95 feet to a point; and
- 2) N 71° 38' 06" W, 40.68 feet to a point in the easterly boundary line of Lot 5;

Thence with the easterly boundary line of Lot 5, N 45° 17' 43" E, 12.96 feet to a point, said point also being a common corner; located in the aforesaid southerly boundary line of Lot 5;

Thence with the same southerly line of Lot 5, S 58° 47' 20" E, 38.30 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 302 square feet (0.007 Acres) of permanent easement; and

Being a portion of the property conveyed to Marty Lowe, a single person, by Deed dated July 28, 2005, of record in Deed Book 2572, Page 94, 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
Southeastern Hills Trunk Sewer Improvement Project
(a portion of 3681 Appian Way)

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

BEGINNING at a point in the westerly right of way line of Appian Way, said point being a common corner with Lot 5 of the Millcreek Subdivision, Unit 4, Section 1, Lot 1, Block "F" and Lot 2, Block "G" (Cabinet L, Slide 285);

Thence leaving the westerly right of way line of Appian Way, and with the southerly boundary line of Lot 5, N 58° 47' 20" W, 70.49 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving the southerly boundary line of Lot 5, and through the lands of Lot 4 of the Millcreek Subdivision, Unit 4, Section 1, Lot 1, Block "F" and Lot 2, Block "G" (Cabinet K, Slide 785) with a temporary construction easement line for four (4) calls:

- 1) S 58° 06' 11" W, 13.71 feet to a point;
- 2) N 71° 38' 06" W, 9.39 feet to a point;
- 3) S 40° 46' 16" W, 10.82 feet to a point; and
- 4) N 71° 38' 06" W, 42.02 feet to a point in the easterly boundary line of Lot 5;

Thence with the easterly boundary line of Lot 5, N 45° 17' 43" E, 22.43 feet to a point;

Thence leaving the easterly boundary line of Lot 5, and through the lands of Lot 4 with a new permanent sanitary sewer easement line for two (2) calls:

- 1) S 71° 38' 06" E, 40.68 feet to a point; and
- 2) N 58° 06' 11" E, 3.95 feet to a point in the southerly boundary line of Lot 5;

Thence with the southerly boundary line of Lot 5, S 58° 47' 20" E, 11.21 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains a total area of 959 square feet (0.022 Acres) of temporary construction easement;

Being a portion of the property conveyed to Marty Lowe, a single person, by Deed dated July 28, 2005, of record in Deed Book 2572, Page 94, 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 his 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 he is lawfully seized in fee simple of said property and has good right to sell and convey the easements as herein done, and that he 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.

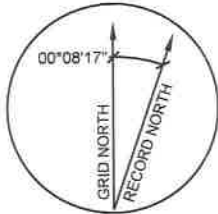
IN TESTIMONY WHEREOF, the Grantor has signed this Deed of Easement, this the day and year first above written.

GRANTOR:

BY: 
MARTY LOWE

[Intentionally Left Blank]

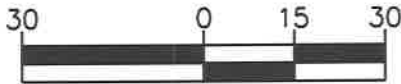
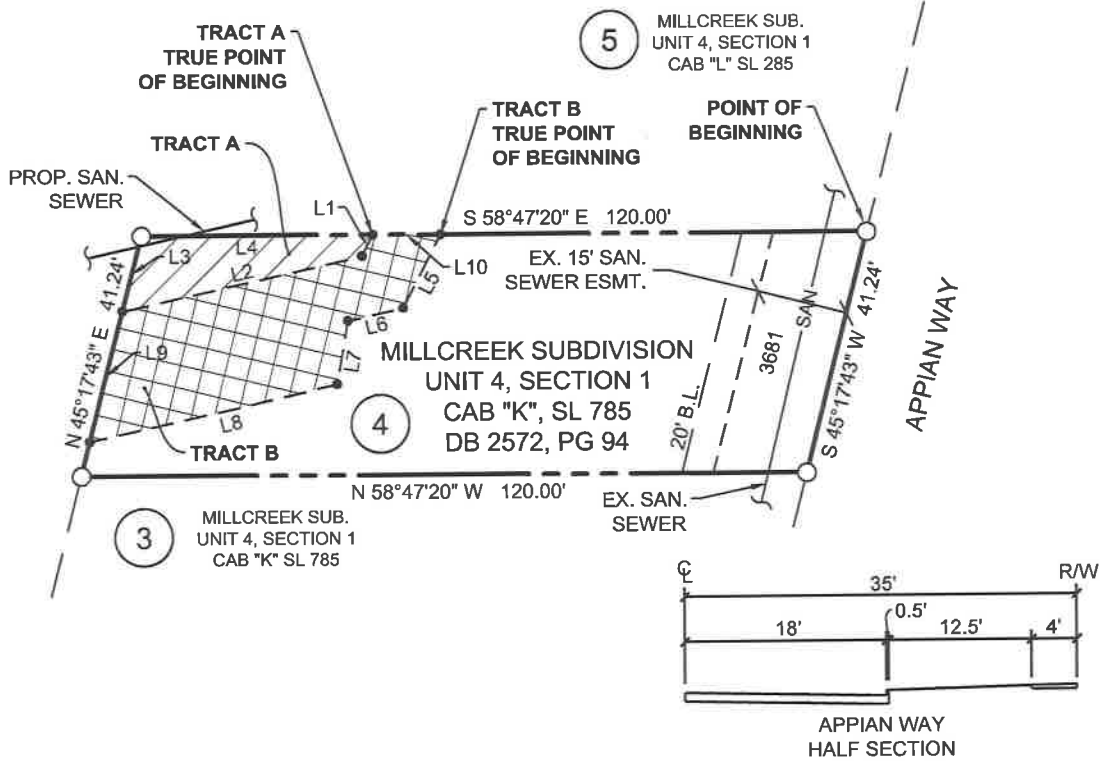
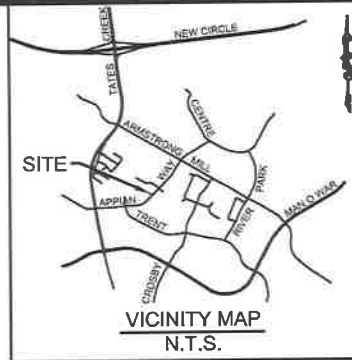
EXHIBIT A



BEARING BASIS

EASEMENT LINE TABLE

LINE #	LENGTH	BEARING
L1	3.95'	S 58°06'11" W
L2	40.68'	N 71°38'06" W
L3	12.96'	N 45°17'43" E
L4	38.30'	S 58°47'20" E
L5	13.71'	S 58°06'11" W
L6	9.39'	N 71°38'06" W
L7	10.82'	S 40°46'16" W
L8	42.02'	N 71°38'06" W
L9	22.43'	N 45°17'43" E
L10	11.21'	S 58°47'20" E



GRAPHIC SCALE: 1"=30'

NOTES:

1. THE PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON ARE BASED ON THE RECORD DESCRIPTION (DEED BOOK 2572, PAGE 94) AND CORRESPONDING PLAT (CABINET K, SLIDE 785) 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 PERMANENT SANITARY SEWER EASEMENT AND 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
MARTY LOWE
3681 APPIAN WAY
SOUTHEASTERN HILLS TRUNK SEWER IMPROVEMENTS
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KENTUCKY



FIGURE 1

2815.046

MARCH 2021

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

202105270199

May 27, 2021

13:15:36 PM

Fees	\$56.00	Tax	\$0.00
------	---------	-----	--------

Total Paid	\$56.00
------------	---------

THIS IS THE LAST PAGE OF THE DOCUMENT

8 Pages

547 - 554