

**DEED OF EASEMENT**

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 31<sup>st</sup> day of May, 2019, by and between **THOMAS W. OTT and JEANNA G. OTT, husband and wife**, 616 Pebble Creek Drive, Lexington, Kentucky 40517, 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 **FIVE THOUSAND AND 00/100 DOLLARS (\$5,000.00)**, 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 "A", and more particularly described as follows, to wit:

**Permanent Sanitary Sewer Easement**  
**Lansdowne South Trunk Sewer Replacement Project**  
**(a portion of 616 Pebble Creek Drive)**

All of that tract or parcel of land being a permanent sewer easement situated south of Wilson Downing Road in

Return to:  
Charles E. Edwards III  
LFUCG, Dept. of Law, 11<sup>th</sup> Floor  
200 East Main Street  
Lexington, KY 40507

(CC-F)

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Lexington, Fayette County, Kentucky and being more particularly described as follows, to wit:

Beginning at a point in the southwest corner of the property and being a common corner to 612 Pebble Creek Drive property (Deed Book 3277, Page 549), Belleau Wood Subdivision, Unit 1-A, Lot 8; thence N 32°19'56" E, a distance of 18.68 feet, more or less along the common property line with the 612 Pebble Creek Drive property to **THE POINT OF BEGINNING OF THE PROPOSED PERMANENT SANITARY SEWER EASEMENT**; thence N 32°19'56" E, a distance of 20.09 feet; thence S 52°13'37" E, a distance of 49.92 feet; thence S 69°17'04" E, a distance of 28.18 feet; thence S 69°33'00" E, a distance of 12.59 feet; thence S 71°39'46" E, a distance of 3.49 feet; thence S 32°19'56" W, a distance of 20.61 feet; thence N 71°39'46" W, a distance of 0.33 feet; thence N 69°17'04" W, a distance of 42.78 feet; thence N 52°13'37" W, a distance of 51.01 feet, more or less to the **POINT OF BEGINNING**; and,

The above described parcel contains 1,883.18 square feet of permanent easement; and

Included in the above described proposed permanent sanitary sewer easement area description is an existing sanitary sewer easement of 1,176.49 square feet, resulting in a net increase of 706.69 square feet of new easement area; and,

Being a portion of the property conveyed to Thomas W. Ott and Jeanna G. Ott, husband and wife, by deed dated March 31, 2006, of record in Deed Book 2634, Page 164, 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 "A" attached hereto, and more particularly described as follows:

**Temporary Construction Access Easement**  
**Lansdowne South Trunk Sewer Replacement Project**  
**(a portion of 616 Pebble Creek Drive)**

Three tracts or parcels of land being a temporary construction access easement situated south of Wilson Downing Road in Lexington, Fayette County, Kentucky and being more particularly described as follows, to wit:

**Tract No. 1**

Beginning at a point in the southwest corner of the property and being a common corner to 612 Pebble Creek Drive property (Deed Book 3277, Page 549) Belleau Wood Subdivision, Unit 1-A, Lot 8; thence N 32°19'56" E, a distance of 38.77 feet, more or less along the common property line with the 612 Pebble Creek Drive property to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; thence N 32°19'56" E, a distance of 10.05 feet; thence S 52°13'37" E, a distance of 5.82 feet; thence N 26°14'40" E, a distance of 24.14 feet; thence N 25°41'06" E, a distance of 19.79 feet; thence N 28°23'43" E, a distance of 11.93 feet; thence N 33°36'56" E, a distance of 22.36 feet; thence N 33°21'15" E, a distance of 22.98 feet; thence N 32°26'06" E, a distance of 16.91 feet; thence N 45°55'53" W, a distance of 0.49 feet; thence S 75°48'29" W, a distance of 0.86 feet; thence N 32°19'56" E, a distance of 107.14 feet; thence S 57°40'04" E, a distance of 14.03 feet; thence S 50°10'05" W, a distance of 2.02 feet; thence S 40°53'20" W, a distance of 1.69 feet; thence S 34°15'58" W, a distance of 10.90 feet; thence S 32°02'46" W, a distance of 19.21 feet; thence S 31°07'47" W, a distance of 20.17 feet; thence S 32°16'20" W, a distance of 22.50 feet; thence S 31°26'19" W, a distance of 20.74 feet; thence S 33°53'11" W, a distance of 12.14 feet; thence S 34°42'56" W, a distance of 20.99 feet; thence S 34°55'54" W, a distance of 21.42 feet; thence S 34°46'57" W, a distance of 13.53 feet; thence S 36°23'30" W, a distance of 3.02 feet; thence S 27°10'09" W, a distance of 6.21 feet; thence S 24°11'34" W, a distance of 7.62 feet;

thence S 24°11'34" W, a distance of 3.71 feet; thence S 20°42'58" W, a distance of 14.66 feet; thence S 11°21'57" W, a distance of 4.98 feet; thence S 02°06'29" W, a distance of 3.00 feet; thence S 10°58'06" E, a distance of 1.52 feet; thence S 38°48'23" E, a distance of 1.96 feet; thence 47°14'00" E, a distance of 2.47 feet; thence S 56°23'10" E, a distance of 3.20 feet; thence S 62°08'26" E, a distance of 3.36 feet; thence S 70°58'39" E, a distance of 2.21 feet; thence S 86°43'02" E, a distance of 1.26 feet; thence N 89°04'07" E, a distance of 1.21 feet; thence N 79°18'25" E, a distance of 0.64 feet; thence S 12°56'15" E, a distance of 18.53 feet; thence S 80°33'16" W, a distance of 11.64 feet; thence S 52°13'37" E, a distance of 8.99 feet; thence S 68°59'35" E, a distance of 29.75 feet; thence S 38°00'37" W, a distance of 10.32 feet; thence N 69°07'04" W, a distance of 28.18 feet; thence N 52°13'37" W, a distance of 49.92 feet, more or less to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; and,

The above described parcel contains 4,056.62 square feet of temporary construction access easement; and,

Tract No. 2

Beginning at a point in the southwest corner of the property and being a common corner to the 612 Pebble Creek Drive Property (Deed Book 3277, Page 549) Belleau Wood Subdivision, Unit 1-A, Lot 8; thence N 32°19'56" E, a distance of 38.77 feet, more or less along the common property line with the 612 Pebble Creek property; thence S 52°13'37" E, a distance of 49.92 feet, more or less along the propose permanent sanitary sewer easement; thence S 69°21'59" E, a distance of 40.77 feet, more or less along the proposed permanent sanitary sewer easement to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; thence N 38°00'37" E, a distance of 10.62 feet; thence S 71°39'46" E, a distance of 2.41 feet; thence S 32°19'56" W, a distance of 10.31 feet; thence N 71°39'46" W, a distance of 3.49 feet, more or less to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; and,

The above described parcel contains 29.47 square feet of temporary construction access easement; and,

Tract No. 3

Beginning at a point in the southwest corner of the property and being a common corner to the 612 Pebble Creek Drive property (Deed Book 3277, Page 549) Belleau Wood Subdivision, Unit 1-A, Lot 8; thence N 32°19'56" E, a distance of 8.63 feet, more or less along the common property line with the 612 Pebble Creek Drive property to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; thence N 32°19'56" E, a distance of 10.05 feet; thence S 52°13'37" E, a distance of 51.01 feet; thence S 69°18'09" E, a distance of 43.10 feet; thence S 32°19'56" W, a distance of 10.26 feet; thence N 69°14'29" W, a distance of 42.54 feet; thence N 52°13'37" W, a distance of 51.56 feet, more or less to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; and,

The above described parcel contains 942.02 square feet of temporary construction access easement; and,

All of the above tracts being a portion of the property conveyed to Thomas W. Ott and Jeanna G. Ott, husband and wife, by deed dated March 31, 2006, of record in Deed Book 2634, Page 164, 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 58-2019, passed by the Lexington-Fayette Urban County Council on February 7, 2019. 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.

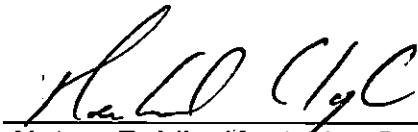
GRANTORS:

  
THOMAS W. OTT

  
JEANNA G. OTT

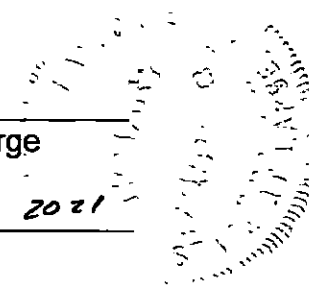
COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )

This instrument was acknowledged, subscribed and sworn to before me by  
Thomas W. Ott and Jeanna G. Ott, husband and wife, on this the 31<sup>st</sup> day of  
May, 2019.

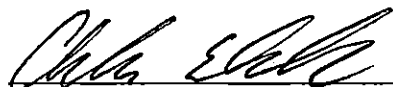
  
\_\_\_\_\_  
Notary Public, Kentucky, State-at-Large

My Commission Expires: 05 / 10 / 2021

Notary ID # 579097



PREPARED BY:

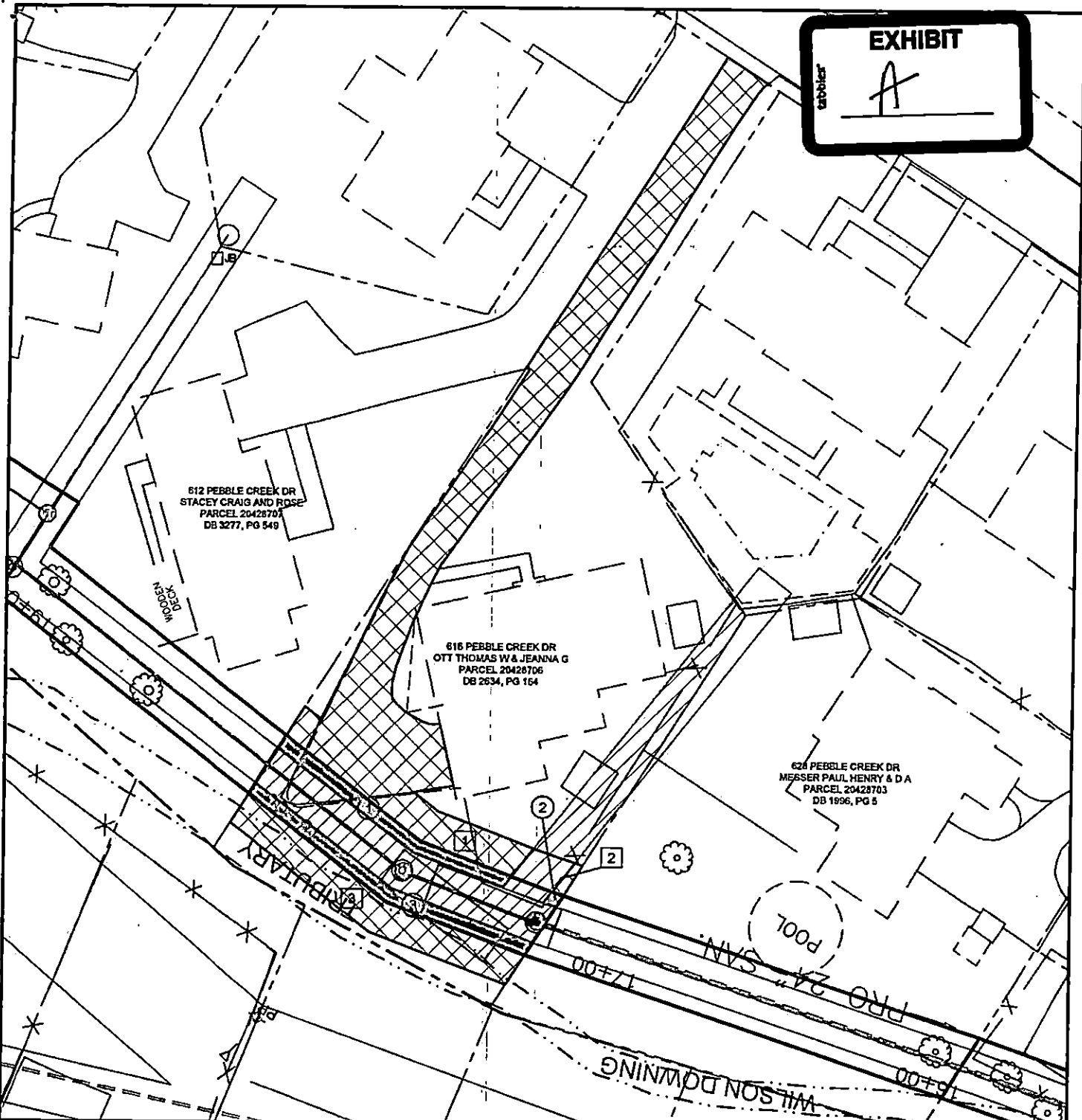
  
\_\_\_\_\_  
CHARLES E. EDWARDS III  
Attorney  
Lexington-Fayette Urban  
County Government  
Department of Law, 11th Floor  
200 East Main Street  
Lexington, Kentucky 40507  
(859) 258-3500

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EXHIBIT

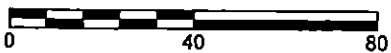
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BASIS OF BEARINGS:  
NAD 83 KY NORTH

GRAPHIC SCALE: 1" = 40'



- ① PERMANENT EASEMENT TRACT NO.
- 1 TEMPORARY CONSTRUCTION EASEMENT TRACT NO.
- △ EXISTING EASEMENT TO BE RELEASED TRACT NO.

- EXISTING EASEMENT AREA
- TEMPORARY CONSTRUCTION EASEMENT
- NEW PERMANENT EASEMENT AREA
- EX. EASEMENT AREA TO BE RELEASED



SANITARY SEWER EASEMENT 616 PEBBLE CREEK DRIVE



CIVIL & ENVIRONMENTAL & MINING

340 S BROADWAY & LEXINGTON, KY 40517 ☎ (859) 233-2103 ☎ fax (859) 259-3394

DATE - 4/22/2019 PROJECT NO. 1016-001

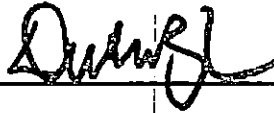
DRAWN - kmf

PROJECT NAME - LANSLOWNE SOUTH TRUNK SEWER REPLACEMENT

PROJECT LOCATION - LEXINGTON, KENTUCKY



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

201905310237

May 31, 2019 14:32:57 PM

Fees	\$32.00	Tax	\$ .00
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Total Paid	\$32.00
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9 Pages

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