

**DEED OF EASEMENT**

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 5<sup>th</sup> day of MAY, 2021, by and between **CENTRAL BANK & TRUST COMPANY**, a Kentucky banking corporation, 300 W. Vine Street, Lexington, Kentucky 40507, 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 **NINE HUNDRED EIGHTY-SEVEN DOLLARS AND 38/100 DOLLARS (\$987.38)**, 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**  
**New Circle Road Trunk**  
**Sewers A & B Improvement Project**  
**(a portion of 515 W. New Circle Road)**

All that tract or parcel of land situated north of West New Circle Road and east of Colesbury Circle in Lexington,

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

Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

**BEGINNING** at the common corner of Central Bank and Trust (DB 1050, PG 280) and WMM Properties, LLC (DB 2833, PG 206), said point being in the West New Circle Road north right of way; thence leaving said West New Circle Road north right of way and with said WMM Properties, LLC, North 20°08'23" East, 22.42 feet to a point; thence leaving said WMM Properties, LLC for two (2) new lines through the lands of said Central Bank and Trust:

- 1) South 73°11'51" East, 83.66 feet to a point,
- 2) South 71°17'26" East, 67.05 feet to a point in the line with Cervantes & Associates, LLC (DB 3698, PG 653);

Thence with said Cervantes & Associates, LLC, South 22°02'05" West, 18.92 feet to a point in said West New Circle Road north right of way; thence leaving said Cervantes & Associates, LLC and with said West New Circle Road north right of way, North 73°41'55" West, 150.25 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 3,195 square feet of permanent easement; and

Being a portion of the property conveyed to Central Bank & Trust Company, a Kentucky banking corporation, by Deed dated June 27, 1972, of record in Deed Book 1050, Page 280, 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**  
**New Circle Road Trunk**  
**Sewers A & B Improvement Project**  
**(a portion of 515 W. New Circle Road)**

**BEGINNING** at the common corner of Central Bank and Trust (DB 1050, PG 280) and WMM Properties, LLC (DB 2833, PG 206), said point being in the West New Circle Road north right of way; thence leaving said West New Circle Road north right of way and with said WMM Properties, LLC, North 20°08'23" East, 22.42 feet to the **TRUE POINT OF BEGINNING**; thence continuing with said WMM Properties, LLC, North 20°08'23" East, 10.02 feet to a point; thence leaving said WMM Properties, LLC for two (2) new lines through the lands of said Central Bank and Trust:

- 1) South 73°11'51" East, 83.24 feet to a point,
- 2) South 71°17'26" East, 67.79 feet to a point in the line with Cervantes & Associates, LLC (DB 3698, PG 653);

Thence with said Cervantes & Associates, LLC, South 22°02'05" West, 10.02 feet to a point; thence leaving said Cervantes & Associates, LLC for two (2) new lines through the lands of said Central Bank and Trust:

- 1) North 71°17'26" West, 67.05 feet to a point,
- 2) North 73°11'51" West, 83.66 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 1,509 sq. ft. of temporary construction easement; and

Being a portion of the property conveyed to Central Bank & Trust Company, a Kentucky banking corporation, by Deed dated June 27, 1972, of record in Deed Book 1050, Page 280, 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, or upon July 1, 2023, whichever shall come first.

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 its 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 it is lawfully seized in fee simple of said property and has good right to sell and convey the easements as herein done, and that it will **WARRANT SPECIALLY** said title.

The obtaining of this easement was authorized by Resolution 457-2020, passed by the Lexington-Fayette Urban County Council on October 8, 2020. Pursuant to KRS



**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**

**X:\Cases\WATER-AIR\21-RE0052\REV00723007.DOC**



NEW PERM. ESMT.

TEMP. CONST. ESMT.



531 W NEW CIRCLE RD  
WMM PROPERTIES, LLC  
DB 2833 PG 206

515 W NEW CIRCLE RD  
CENTRAL BANK AND TRUST  
DB 1050 PG 280

VARIABLE PERM. SAN. E.  
3,195 SQ.FT. (GROSS)  
3,195 SQ.FT. (NET)

10' TEMP. CONST. E. "A"  
1,509 SQ.FT. (NET)

505 W NEW CIRCLE RD  
CERVANTES & ASSOCIATES, LLC  
DB 3698 PG 653

N 20°08'23" E  
22.42'

S 73°11'51" E  
83.66'

S 71°17'26" E  
67.05'

N 73°41'55" W  
150.25'

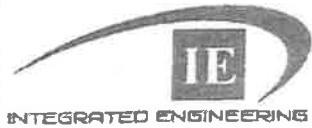
S 22°02'05" W  
18.92'

NEW CIRCLE ROAD 140' R/W

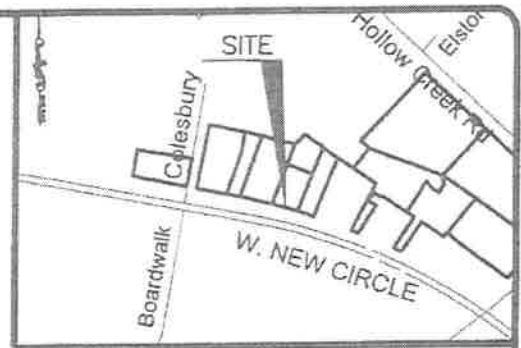


GRAPHIC SCALE: 1" = 30'

P:\190225 - New Circle Road Truck A & B Survey Info\Working Drawings\190225 NCR Truck A&B Easements.dwg  
Dg, & Title: Jan 15, 2020 11:11am  
Login Name: Jamessc



VARIABLE PERMANENT SANITARY SEWER EASEMENT  
CENTRAL BANK AND TRUST  
515 W. NEW CIRCLE ROAD  
LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 1 OF 2



VICINITY MAP 1" = 1000'

EX. PERM ESMT.=0 SQ.FT.

PROP. PERM. ESMT.(GROSS)=3,195 SQ.FT.  
 PROP. PERM. ESMT. (NET)=3,195 SQ. FT.

PROP. TEMP. ESMT.(GROSS)=1,509 SQ.FT.  
 PROP. TEMP. ESMT.(NET)=1,509 SQ.FT.

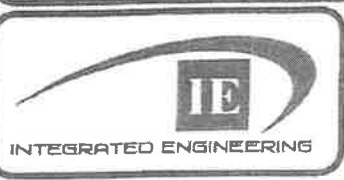
**LAND SURVEYOR'S CERTIFICATE:**

THE PROPERTY LINES SHOWN ON THIS EASEMENT EXHIBIT ARE BASED ON DEED AND/OR RECORD PLAT DATA FROM THE FAYETTE COUNTY CLERK'S OFFICE. THIS EXHIBIT DOES NOT REPRESENT A BOUNDARY SURVEY AS DESCRIBED IN 201 KAR 18:150 AND INTEGRATED ENGINEERING HAS NOT PERFORMED A BOUNDARY SURVEY FOR THE PURPOSES OF THIS EXHIBIT. THIS EXHIBIT IS NOT INTENDED TO BE USED FOR LAND TRANSFER.

*James M. Chambliss* PLS 3185 7/16/20  
 JAMES M. CHAMBLISS, PLS 3185 DATE



P:\190225 - New Circle Road Truck A & B\Survey info\Working Drawings\190225 NCR Trunk A&B Easements.dwg  
 Day & Time: Jul 15, 2020 - 10:15am  
 Login Name: jchambliss



VARIABLE PERMANENT SANITARY SEWER EASEMENT  
 CENTRAL BANK AND TRUST  
 515 W. NEW CIRCLE ROAD  
 LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 2 OF 2



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

202105100325

May 10, 2021                      10:28:21    AM

Fees	\$59.00	Tax	\$ .00
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Total Paid	\$59.00
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9 Pages

529 - 537