

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY**

CONSTRUCTION EASEMENT is made and entered into this the 22 day of January, ~~2019~~²⁰²⁰, by and between **TRANSYLVANIA UNIVERSITY, a Kentucky non-profit corporation**, 300 N. Broadway, Lexington, Kentucky 40508, 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 **FIVE THOUSAND FORTY-FOUR AND 00/100 DOLLARS (\$5,044.00)**, 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", more particularly described as follows, to wit:

25' Permanent Sanitary Sewer Easement
Sharon Village Pump Station and
Force Main Project
(a portion of 450 Radcliffe Road)

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

(CC-F)

All that tract or parcel of land situated southeast of Radcliffe Road approximately 850 feet northeast of the intersection with Haggard Lane in Lexington, Fayette County, Kentucky, and being more particularly described and bounded as follows:

BEGINNING at a point in the southerly right-of-way line of I-64/I-75, said point being a common corner with BW RRI I, LLC (Deed Book 3313, Page 732); thence leaving the southerly right-of-way line of I-64/I-75 with the northerly property line of BW RRI I, LLC, S 53°12'18" W, 37.00 feet to the **TRUE POINT OF BEGINNING**; thence leaving the northerly property line of BW RRI I, LLC with a new sanitary sewer easement line through the lands of Transylvania University for three (3) calls: N 37°17'42" W, 311.53 feet to a point; thence N 06°53'42" W, 225.71 feet to a point; thence N 81°43'41" W, 138.27 feet to a point, said point being in the line of an existing 12-foot sanitary sewer and utility easement; thence with the existing 12-foot sanitary sewer and utility easement line for two (2) calls: N 28°05'18" E, 4.27 feet to a point; thence N 23°50'18" E, 27.62 feet to a point, said point being in the line of an existing 12-foot utility easement; thence leaving the 12-foot sanitary sewer and utility easement line with the line of the aforesaid existing 12-foot utility easement for three (3) calls: S 75°50'42" E, 152.03 feet to a point; thence S 06°53'42" E, 227.72 feet to a point; thence S 37°17'42" E, 304.96 feet to a point in the northerly property line of BW RRI I, LLC; thence with the northerly property line of BW RRI I, LLC, S 53°12'18" W, 25.00 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 0.386 Acres or 16,794 square feet of permanent easement; and

Being a portion of the same property conveyed to Transylvania University, a Kentucky non-profit corporation, by deed dated January 16, 1998, of record in Deed Book 1957, Page 578, 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:

15' Temporary Construction Easement
Sharon Village Pump Station and
Force Main Project
(a portion of 450 Radcliffe Road)

All that tract or parcel of land situated southeast of Radcliffe Road approximately 850 feet northeast of the intersection with Haggard Lane in Lexington, Fayette County, Kentucky, and being more particularly described and bounded as follows, to wit:

BEGINNING at a point in the southerly right-of-way line of I-64/I-75, said point being a common corner with BW RRI I, LLC (Deed Book 3313, Page 732); thence leaving the southerly right-of-way line of I-64/I-75 with the northerly property of BW RRI I, LLC, S 53°12'18" W, 52.00 feet to the **TRUE POINT OF BEGINNING**; thence leaving the northerly property line of BW RRI I, LLC with a temporary construction easement line through the lands of Transylvania University for three (3) calls: N 37°17'42" W, 315.47 feet to a point; thence N 06°53'42" W, 218.31 feet to a point; thence N 81°43'42" W, 132.20 feet to a point in the line of an existing 12-foot sanitary sewer and utility easement; thence with the line of the existing 12-foot sanitary sewer and utility easement, N 28°05'18" E, 15.94 feet to a point; thence leaving the 12-foot sanitary sewer and utility easement line with a new sanitary sewer easement for three (3) calls: S 81°43'42" E, 138.27 feet to a point; thence S 06°53'42" E, 225.71 feet to a point; thence S 37°17'42" E, 311.53 feet to a point in the northerly property line of BW RRI I, LLC; thence with the northerly property line of BW RRI I, LLC, S 53°12'18" E, 15.00 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 0.231 Acres or 10,061 square feet of temporary construction easement; and,

Being a portion of the same property conveyed to Transylvania University, a Kentucky non-profit corporation, by deed dated January 16, 1998, of record in Deed Book 1957, Page 578, 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 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 does 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 GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 520-2019, passed by the Lexington-Fayette Urban County Council on September 26, 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 Grantor has signed this Deed of Easement, this the day and year first above written.

GRANTOR:

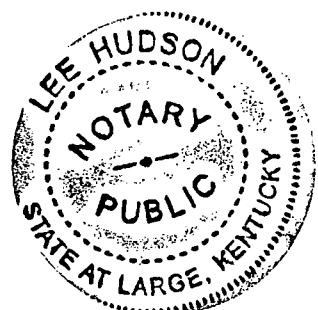
TRANSYLVANIA UNIVERSITY, a
Kentucky non-profit corporation

BY: Marc A. Mathews
MARC A. MATHEWS,
VICE PRESIDENT FOR FINANCE
AND BUSINESS

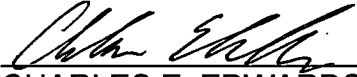
COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by Marc A. Mathews, in his capacity as Vice President for Finance and Business for and on behalf of Transylvania University, a Kentucky non-profit corporation, on this the 22 day of January, 2019.
2020

[Signature]
Notary Public, Connecticut, State-at-Large
My Commission Expires: 7/10/2023
Notary ID # 6006440



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

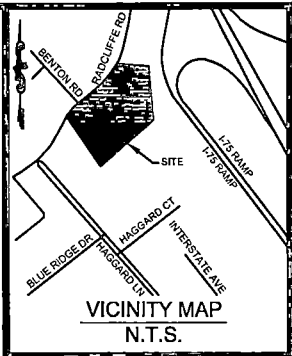
X:\Cases\WATER-AIR\19-RE0524\RE\00673338.DOC

EXHIBIT

EXHIBIT A

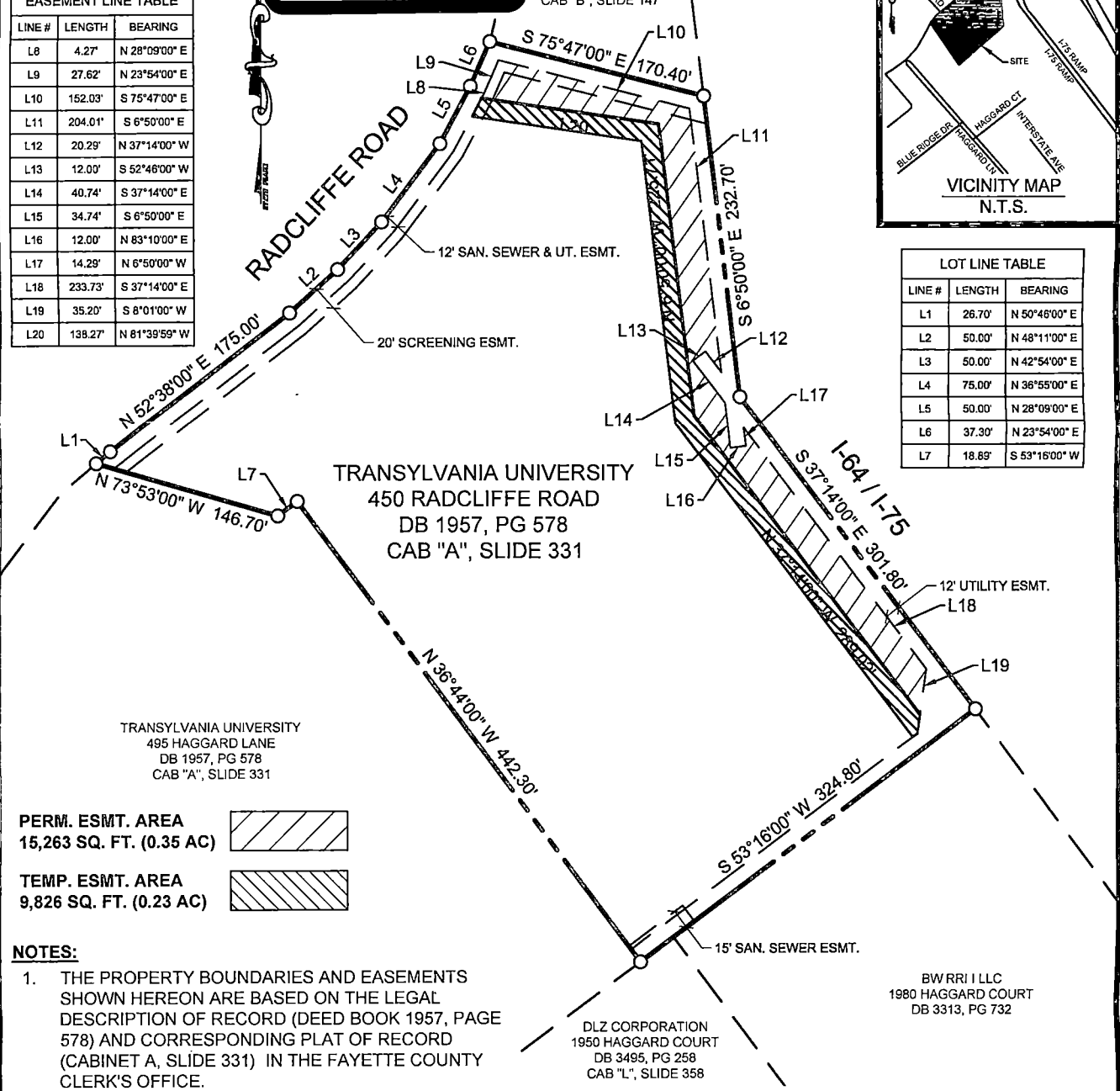
MICHAEL SCEARCE
400 RADCLIFFE ROAD
DB 1450, PG 777
CAB "B", SLIDE 147

LINE #	LENGTH	BEARING
L8	4.27'	N 28°09'00" E
L9	27.62'	N 23°54'00" E
L10	152.03'	S 75°47'00" E
L11	204.01'	S 6°50'00" E
L12	20.29'	N 37°14'00" W
L13	12.00'	S 52°46'00" W
L14	40.74'	S 37°14'00" E
L15	34.74'	S 6°50'00" E
L16	12.00'	N 83°10'00" E
L17	14.29'	N 6°50'00" W
L18	233.73'	S 37°14'00" E
L19	35.20'	S 8°01'00" W
L20	139.27'	N 81°39'59" W



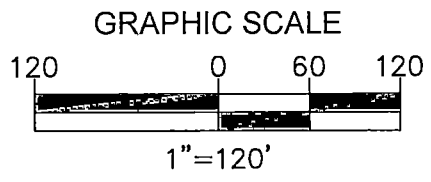
LINE #	LENGTH	BEARING
L1	26.70'	N 50°48'00" E
L2	50.00'	N 48°11'00" E
L3	50.00'	N 42°54'00" E
L4	75.00'	N 36°55'00" E
L5	50.00'	N 28°09'00" E
L6	37.30'	N 23°54'00" E
L7	18.89'	S 53°16'00" W

File: S:\LEX\2800---2899\2815\272\Drawings\CAD\Easement Exhibits\450 Radcliffe Road.dwg Time: Jun 14, 2018 - 11:14am



NOTES:

1. THE PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON ARE BASED ON THE LEGAL DESCRIPTION OF RECORD (DEED BOOK 1957, PAGE 578) AND CORRESPONDING PLAT OF RECORD (CABINET A, SLIDE 331) IN THE FAYETTE COUNTY CLERK'S OFFICE.
2. THE PURPOSE OF THIS EXHIBIT IS TO DELINEATE A PROPOSED CONVEYANCE FOR A SANITARY SEWER 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
TRANSYLVANIA UNIVERSITY
450 RADCLIFFE ROAD
SHARON VILLAGE PUMP STATION
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KENTUCKY



FIGURE 1
2815.272

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: PATTY DAVIS ,dc

202001230152

January 23, 2020 10:43:27 AM

Fees	\$56.00	Tax	\$.00
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Total Paid	\$56.00
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THIS IS THE LAST PAGE OF THE DOCUMENT

8 Pages

84 - 91

MAYOR LINDA GORTON



LEXINGTON

SUSAN B. SPECKERT
COMMISSIONER
DEPARTMENT OF LAW

To: Abigail Allan, Council Clerk
Council Clerk's Office

From: Department of Law

Date: January 29, 2020

Re: Permanent Sanitary Sewer and
Temporary Construction Easement
450 Radcliffe Road

Our File No. 19-RE0524
Sharon Village Pump Station and
Force Main Project

Enclosed is the original recorded Permanent Sanitary Sewer and Temporary Construction Easement for the above property to the Urban County Government for the Sharon Village Pump Station and Force Main Project. Please file the easement with the authorizing legislation, Resolution No. 520-2019.

Please note that the attached asset acquisition form is only for the permanent easements acquired.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Edwards, III".

Charles E. Edwards, III
Attorney

Enclosure

X:\Cases\WATER-AIR\19-RE0524\MEMO\00678018.DOC

