

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 26th day of May, 2021, by and between **FOREST CREEK APARTMENTS, LLC**, a Kentucky limited liability company (f/k/a **PLUMMERS LANDING APARTMENTS, LLC**, a Kentucky limited liability company), 2549 Richmond Road, Suite 100, Lexington, Kentucky 40509, 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 DOLLARS AND 00/100 DOLLARS (\$5,000.00)**, 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", and more particularly described as follows, to wit:

Permanent Sanitary Sewer Easement
Southeastern Hills Trunk Sewer Improvement Project
(a portion of 1176-1196 Appian Crossing Way)

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

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

Tract A

BEGINNING at a point in the westerly right of way line of Appian Way, said point being a common corner with Lot 4 of the Millcreek Subdivision, Unit 4, Section 1, Lot 1, Block "F" and Lot 2, Block "G" (Cabinet K, Slide 785);

Thence leaving the westerly right of way line of Appian Way and with the northeasterly boundary line of Lot 4, N 58° 47' 20" W, 120.00 feet to a common corner with Lot 4, said point also being the **TRUE POINT OF BEGINNING**;

Thence continuing with the northwesterly boundary line of Lot 4, S 45° 17' 43" W, 12.97 feet to a point;

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

- 1) N 71° 38' 06" W, 93.19 feet to a point; and
- 2) N 63° 21' 25" W, 282.15 feet to a point in the easterly boundary line of Lot 123 as shown on the Final Record Plat of Glen Creek (Dove Creek), Unit 3-A, Lots 99-122 (Cabinet L, Slide 713);

Thence with the easterly boundary line of Glen Creek (Dove Creek), Unit 3-A (Cabinet L, Slide 713), N 24° 04' 30" E, 20.02 feet to a point;

Thence leaving the easterly boundary line of Glen Creek (Dove Creek), Unit 3-A (Cabinet L, Slide 713), and through the lands of Lot 5 with a new permanent sanitary sewer easement line for two (2) calls:

- 1) S 63° 21' 25" E, 281.60 feet to a point; and
- 2) S 71° 38' 06" E, 60.62 feet to a point in the southerly line of an existing 80-foot Sanitary Sewer and Drainage Easement;

Thence with the existing 80-foot Sanitary Sewer and Drainage Easement line, S 58° 47' 20" E, 37.94 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 7,414 square feet (0.170 Acres) of permanent easement; and

Tract B

BEGINNING at a point in the westerly right of way line of Appian Way, said point being a common corner with Lot 4 of the Millcreek Subdivision, Unit 4, Section 1, Lot 1, Block "F" and Lot 2, Block "G" (Cabinet K, Slide 785);

Thence leaving Lot 4, and through the lands of Lot 5, N 34° 30' 23" E, 80.13 feet to a point at the intersection of the northerly line of an existing 80-foot Sanitary Sewer and Drainage Easement and an existing 15-foot Sanitary Sewer Easement line, said point also being the **TRUE POINT OF BEGINNING**;

Thence leaving the existing 15-foot Sanitary Sewer Easement line, and through the lands of Lot 5 with a new permanent sanitary sewer easement line for three (3) calls:

- 1) N 58° 47' 20" W, 67.21 feet to a point;
- 2) N 58° 42' 51" E, 40.57 feet to a point; and
- 3) S 46° 40' 38" E, 55.81 feet to a point in an existing 15-foot Sanitary Sewer Easement line;

Thence with the existing 15-foot Sanitary Sewer Easement line, S 45° 17' 43" W, 25.03 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 1,907 square feet (0.044 Acres) of permanent easement; and

Both tracts being a portion of the property conveyed to Plummers Landing Apartments, LLC, a Kentucky limited liability company, now known as Forest Creek Apartments, LLC, a Kentucky limited liability company, by deed dated September 29, 1997, of record in Deed Book 1938, Page 588, 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" and Exhibit "B" attached hereto, and more particularly described as follows:

Temporary Construction Easement
Southeastern Hills Trunk Sewer Improvement Project
(a portion of 1176-1196 Appian Crossing Way)

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

Tract C

BEGINNING at a point in the westerly right of way line of Appian Way, said point being a common corner with Lot 4 of the Millcreek Subdivision, Unit 4, Section 1, Lot 1, Block "F" and Lot 2, Block "G" (Cabinet K, Slide 785);

Thence leaving the westerly right of way of Appian Way and with the northeasterly boundary line of Lot 4, N 58° 47' 20" W, 120.00 feet to a point, said point also being a common corner with Lot 4;

Thence leaving said corner and continuing with the northwesterly boundary line of Lot 4, S 45° 17' 43" W, 12.97 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing with the northwesterly boundary line of Lot 4, S 45° 17' 43" W, 11.22 feet to a point;

Thence leaving the northwesterly boundary line of Lot 4, and through the lands of Lot 5 with a new temporary construction easement line for two (2) calls:

- 1) N 71° 38' 06" W, 88.83 feet to a point; and
- 2) N 63° 21' 25" W, 282.43 feet to a point in the easterly boundary line of Lot 123 as shown on the Final Record Plat of Glen Creek (Dove Creek), Unit 3-A, Lots 99-122 (Cabinet L, Slide 713);

Thence with the easterly boundary line of Glen Creek (Dove Creek), Unit 3-A (Cabinet L, Slide 713), N 24° 04' 30" E, 10.01 feet to a point;

Thence leaving the easterly boundary line of Glen Creek (Dove Creek), Unit 3-A (Cabinet L, Slide 713), and through the lands of Lot 5 with a new permanent sanitary sewer easement line for two (2) calls:

- 1) S 63° 21' 25" E, 282.15 feet to a point; and
- 2) S 71° 38' 06" E, 93.19 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains a total area of 3,733 square feet (0.086 Acres) of temporary construction easement;

Tract D

BEGINNING at a point in the westerly right of way line of Appian Way, said point being a common corner with Lot 4 of the Millcreek Subdivision, Unit 4, Section 1, Lot 1, Block "F" and Lot 2, Block "G" (Cabinet K, Slide 785);

Thence leaving the westerly right of way of Appian Way with the northeasterly boundary line of Lot 4, N 58° 47' 20" W, 120.00 feet to a point, said point also being a common corner with Lot 4;

Thence leaving Lot 4, and through the lands of Lot 5 with the southerly line of an existing 80-foot Sanitary Sewer and Drainage Easement, N 58° 47' 20" W, 37.94 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving the existing 80-foot Sanitary Sewer and Drainage Easement line with a new permanent sanitary sewer easement line for two (2) calls:

- 1) N 71° 38' 06" W, 60.62 feet to a point; and
- 2) N 63° 21' 25" W, 281.60 feet to a point in the easterly boundary line of Lot 123 as shown on the Final Record Plat of Glen Creek (Dove Creek), Unit 3-A, Lots 99-122 (Cabinet L, Slide 713);

Thence with the easterly boundary line of Glen Creek (Dove Creek), Unit 3-A (Cabinet L, Slide 713), N 24° 04' 30" E, 10.01 feet to a point;

Thence leaving the easterly boundary line of Glen Creek (Dove Creek), Unit 3-A (Cabinet L, Slide 713), and through the lands of Lot 5 with a new temporary construction easement line for two (2) calls:

- 1) S 63° 21' 25" E, 281.33 feet to a point; and
- 2) S 71° 38' 06" E, 33.92 feet to a point in an existing 80-foot Sanitary Sewer and Drainage Easement line;

Thence with the existing 80-foot Sanitary Sewer and Drainage Easement line for two (2) calls:

- 1) S 24° 04' 30" W, 4.00 feet to a point; and
- 2) S 58° 47' 20" E, 27.06 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains a total area of 3,234 square feet (0.074 Acres) of temporary construction easement;

Tract E

BEGINNING at a point in the westerly right of way line of Appian Way, said point being a common corner with Lot 4 of the Millcreek Subdivision, Unit 4, Section 1, Lot 1, Block "F" and Lot 2, Block "G" (Cabinet K, Slide 785);

Thence leaving Lot 4, and through the lands of Lot 5, N 34° 30' 23" E, 80.13 feet to a point at the intersection of the northerly line of an existing 80-foot Sanitary Sewer and Drainage Easement and an existing 15-foot Sanitary Sewer Easement line;

Thence continuing with the existing 15-foot Sanitary Sewer Easement line, N 45° 17' 43" E, 25.03 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving the existing 15-foot Sanitary Sewer Easement line, and with a new permanent sanitary sewer easement for two (2) calls:

- 1) N 46° 40' 38" W, 55.81 feet to a point; and
- 2) S 58° 42' 51" W, 40.57 feet to a point in the northerly line of an existing 80-foot Sanitary Sewer and Drainage Easement;

Thence with the existing 80-foot Sanitary Sewer and Drainage Easement line, N 58° 47' 20", 11.27 feet to a point;

Thence leaving the existing 80-foot Sanitary Sewer and Drainage Easement line, and with a new temporary construction easement line for three (3) calls:

- 1) N 58° 42' 51" E, 8.71 feet to a point;
- 2) N 43° 19' 22" E, 43.09 feet to a point; and
- 3) S 46° 40' 38" E, 75.64 feet to a point in an existing 15-foot Sanitary Sewer Easement line;

Thence with the existing 15-foot Sanitary Sewer Easement line, S 45° 17' 43" W, 10.01 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains a total area of 1,323 square feet (0.030 Acres) of temporary construction easement;

All of the above tracts being a portion of the property conveyed to Plummers Landing Apartments, LLC, a Kentucky limited liability company, now known as Forest Creek Apartments, LLC, a Kentucky limited liability company, by deed dated September 29, 1997, of record in Deed Book 1938, Page 588, 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 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 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

PREPARED BY:



EVAN P. THOMPSON

Attorney

Lexington-Fayette Urban

County Government

Department of Law, 11th Floor

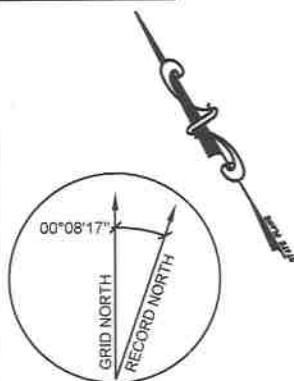
200 East Main Street

Lexington, Kentucky 40507

(859) 258-3500

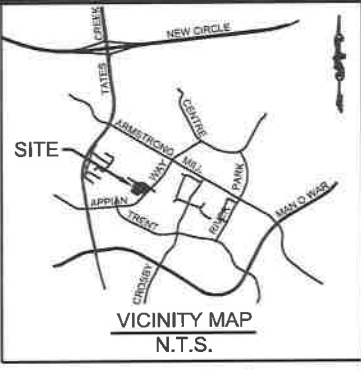
X:\Cases\WATER-AIR\20-RE0295\RE\00725851.DOC

EXHIBIT A

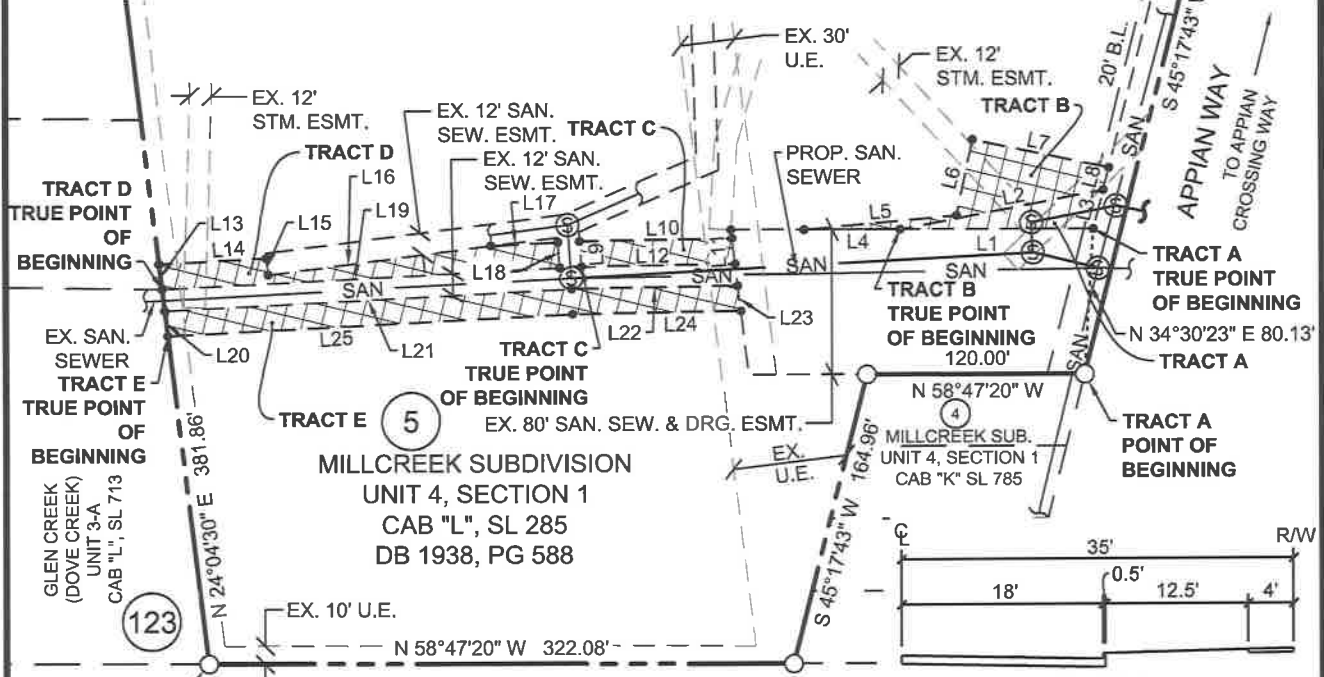


EASEMENT LINE TABLE		
LINE #	LENGTH	BEARING
L1	106.45'	N 58°47'20" W
L2	113.90'	S 69°40'53" E
L3	22.19'	S 45°17'43" W
L4	52.92'	N 58°47'20" W
L5	84.36'	S 63°58'10" E
L6	42.93'	N 43°01'21" E
L7	76.71'	S 46°58'39" E
L8	12.80'	S 45°17'43" W
L9	14.02'	N 26°54'51" E
L10	84.01'	S 59°42'31" E
L11	14.08'	S 24°04'30" W
L12	84.71'	N 59°42'31" W
L13	14.04'	N 24°04'30" E

EASEMENT LINE TABLE		
LINE #	LENGTH	BEARING
L14	59.01'	S 61°47'58" E
L15	9.20'	S 23°56'38" W
L16	123.64'	S 66°03'22" E
L17	36.89'	S 61°47'58" E
L18	14.00'	S 26°54'51" W
L19	219.19'	N 61°47'58" W
L20	14.04'	N 24°04'30" E
L21	224.35'	S 61°47'58" E
L22	91.57'	S 59°42'31" E
L23	14.08'	S 24°04'30" W
L24	92.84'	N 59°42'31" W
L25	223.08'	N 61°47'58" W



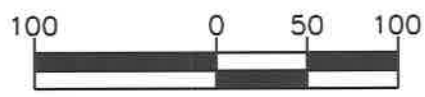
BEARING BASIS



TRACTS C,D,E POINT OF BEGINNING

PERM. ESMT. AREA
1,146 SQ. FT. (0.026 AC)

TEMP. ESMT. AREA
10,528 SQ. FT. (0.242 AC)



GRAPHIC SCALE: 1"=100'

NOTES:

1. THE PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON ARE BASED ON THE RECORD DESCRIPTION (DEED BOOK 1938, PAGE 588) AND CORRESPONDING PLAT (CABINET L, SLIDE 285) 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
PLUMMERS LANDING APARTMENTS, LLC
1176 & 1196 APPIAN CROSSING WAY
SOUTHEASTERN HILLS TRUNK SEWER IMPROVEMENTS
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KENTUCKY**



FIGURE 1

JANUARY 2021

2815.046

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: SHEA BROWN ,dc

202106030226

June 3, 2021

14:27:56 PM

Fees	\$68.00	Tax	\$.00
------	---------	-----	--------

Total Paid	\$68.00
------------	---------

THIS IS THE LAST PAGE OF THE DOCUMENT

12 Pages

341 - 352