

FAYETTE CO, KY FEE \$59.00

SUSAN LAMB
COUNTY CLERK

PRESENTED/LODGED: 04/10/2024 09:38:17 AM

BOBBIE MARSTELLA, DEPUTY CLERK 202404100029

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PG: 366-373



DEED OF PERMANENT SANITARY SEWER EASEMENT
AND TEMPORARY CONSTRUCTION EASEMENT
OF THE MASTER COMMISSIONER

WHEREAS, in the action of Lexington-Fayette Urban County Government, Plaintiff v. Lowell Todd Moore, et al., Defendants, being Civil Action No. 23-CI-02469, now pending before the Ninth Division of the Fayette Circuit Court, an Interlocutory Order and Judgment Pursuant to KRS 416.610 was entered on February 8, 2024, directing the Master Commissioner of said Court to execute a deed of permanent sanitary sewer easement and temporary construction easement on behalf of all the parties to the above-referenced action conveying a permanent sanitary sewer easement and a temporary construction easement across the subject property as identified herein to the Lexington-Fayette Urban County Government, its successors and assigns forever;

NOW, THEREFORE, this Deed of Permanent Sanitary Sewer and Temporary Construction Easement is made and entered into this 21st day of March, 2024, by and between **JAMES H. FRAZIER, III, MASTER COMMISSIONER OF THE FAYETTE CIRCUIT COURT**, 201 East Main Street, Suite 770, Chase Tower, Lexington, Kentucky 40507, for and on behalf of Lowell Todd Moore and Dana White Moore, husband and wife, et al., ("Grantors"), and the **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**,

Return to:
Evan P. Thompson, Attorney Sr.
LFUCG Department of Law
200 East Main Street, 11th Floor
Lexington, Kentucky 40507

200 East Main Street, Lexington, Kentucky 40507, which is also the in-care of tax mailing address for the current year ("Grantee").

WITNESSETH:

That for and in consideration of the sum of **THIRTY-ONE THOUSAND SIX HUNDRED DOLLARS AND NO CENTS (\$31,600.00)**, and other good and valuable consideration, 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 forever, permanent right to excavate, grade, construct, alter, re-grade and perform related work for the purpose of sanitary sewer improvements and construction, installation, repair, maintenance and relocation through and across, a certain 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
Wolf Run Trunk F
Sewer Improvement Project
(a portion of 287 Lafayette Parkway)

Tract A

All that strip or parcel of land situated southwest of the intersection of Lafayette Parkway and Southbend Drive in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows, to wit:

BEGINNING at the intersection of the westerly right-of-way line of Lafayette Parkway and the southerly right-of-way line of Southbend Drive, said point being the northeasterly corner of Lot 1, Block "D" as shown on the Plat of the Lafayette Subdivision (Plat Cabinet E, Slide 569);

Thence leaving the southerly right-of-way line of Southbend Drive, with the westerly right-of-way line of Lafayette Parkway, S 17°16'51" W, 61.00 feet to a common corner with Lot 2;

Thence leaving the westerly right-of-way line of Lafayette Parkway, with the northerly property line of Lot 2, N 67°33'52" W, 7.88 feet to a point;

Thence leaving the northerly property line of Lot 2, with a new permanent sanitary sewer easement line through the lands of Lot 1, N 17°07'49" E, 61.77 feet to a point in the southerly right-of-way line of Southbend Drive;

Thence with the southerly right-of-way line of Southbend Drive, S 62°16'35" E, 8.15 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 0.011 Acres (488 sq. ft.) of permanent easement; and,

Tract B

All that strip or parcel of land situated southwest of the intersection of Lafayette Parkway and Southbend Drive in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows, to wit:

BEGINNING at a common corner between Lot 1, Block "D," as shown on the Plat of the Lafayette Subdivision (Plat Cabinet E, Slide 569) and Lot 26, Block "D," as shown on the Final Plat of a Section of the Lafayette Subdivision (Plat Cabinet E, Slide 730), said point being in the southerly right-of-way line of Southbend Drive;

Thence leaving the easterly property line of Lot 26, with the southerly right-of-way line of Southbend Drive, S 62°16'35" E, 4.54 feet to a point;

Thence leaving the southerly right-of-way line of Southbend Drive, with a new permanent sanitary sewer easement line through the lands of Lot 1, S 78°18'55" W, 5.44 feet to a point in the easterly property line of the aforesaid Lot 26;

Thence with the easterly property line of Lot 26, N 22°12'07" E, 3.47 feet to the **TRUE POINT OF BEGINNING**; and

The above-described parcel contains 0.0002 Acres (8 sq. ft.) of permanent easement; and,

Tracts A and B, being a portion of Lot 1, Block "D," of the Lafayette Subdivision, of record in Plat Cabinet E, Slide 569, and a portion of the same property conveyed to Lowell Todd Moore and Dana White Moore, his wife, by deed dated September 30, 1999, of record in Deed Book 2086, Page 87, in the Fayette County Clerk's Office.

FURTHER, for and in consideration of the foregoing sum, 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, the temporary right to excavate, grade, construct, alter, re-grade and perform related work for the purpose of sanitary sewer improvements and construction, installation, repair, maintenance and relocation through and across the following tract of land located within the confines of Lexington, Fayette County, Kentucky, depicted on the attached Exhibit "A", and more particularly described as follows, to-wit:

Temporary Construction Easement
Wolf Run Trunk F
Sewer Improvement Project
(a portion of 287 Lafayette Parkway)

Tract C

All that strip or parcel of land situated southwest of the intersection of Lafayette Parkway and Southbend Drive in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows, to wit:

BEGINNING at the intersection of the westerly right-of-way line of Lafayette Parkway and the southerly right-of-way line of Southbend Drive, said point being the northeasterly corner of Lot 1, Block "D", as shown on the Plat of the Lafayette Subdivision (Plat Cabinet E, Slide 569);

Thence leaving the westerly right-of-way line of Lafayette Parkway, with the southerly right-of-way line of Southbend Drive, N 62°16'35" W, 8.15 feet to the **TRUE POINT OF BEGINNING;**

Thence leaving the southerly right-of-way line of Southbend Drive, with a new permanent sanitary sewer easement line through the lands of Lot 1, S 17°07'49" W, 61.77 feet to a point in the northerly property line of Lot 2;

Thence with the northerly property line of Lot 2, N 67°33'52" W, 10.04 feet to a point;

Thence leaving the northerly property line of Lot 2, with a new temporary construction easement line through the lands of Lot 1 for three (3) calls:

- 1) N 17°07'49' E, 53.30 feet to a point;
- 2) N 60°47'57' W, 124.54 feet to a point; and
- 3) S 78°18'55' W, 14.78 feet to a point in the easterly property line of Lot 26, Block "D", as shown on the Final

Plat of a Section of the Lafayette Subdivision (Plat Cabinet E, Slide 730);

Thence with the easterly property line of Lot 26, N 22°12'07" E, 12.05 feet to a point;

Thence leaving the easterly property line of Lot 26, with a new permanent sanitary sewer easement line through the lands of Lot 1, N 78°18'55" E, 5.44 feet to a point in the southerly right-of-way line of Southbend Drive;

Thence with the southerly right-of-way line of Southbend Drive, S 62°16'35" E, 141.31 feet to the **POINT OF BEGINNING**; and,

The above-described parcel contains 0.039 Acres (1,688 sq. ft.) of temporary construction easement; and,

Tract C, being a portion of Lot 1, Block "D," of the Lafayette Subdivision, of record in Plat Cabinet E, Slide 569, and a portion of the same property conveyed to Lowell Todd Moore and Dana White Moore, his wife, by deed dated September 30, 1999, of record in Deed Book 2086, Page 87, 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.

TOGETHER with the right to use the above-described easements during the time the sanitary sewer is being constructed, repaired or reconstructed, with the right to ingress and egress upon said easements as may be reasonably necessary for the construction and maintenance of the said project.

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 the construction of the project and will expire upon completion of the project or maintenance thereof.

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.

The obtaining of this easement was authorized by Resolution 391-2023, passed by the Lexington-Fayette Urban County Council on July 11, 2023.

The property interests conveyed hereby are conveyed "as is," "where is," without warranty. This conveyance is made by the Master Commissioner only in his official capacity, without any personal liability therefore. Pursuant to KRS 382.135(2)(c), this Deed of Permanent Sanitary Sewer Easement and Temporary Construction Easement, which pertains to a public utility, is exempt from the requirement to contain a statement of consideration. Pursuant to KRS 142.050, this deed of easement is exempt from real estate transfer tax.

IN TESTIMONY WHEREOF, the said James H. Frazier, III, as Master Commissioner, has hereunto subscribed his name this, the 21 day of March, 2024.


JAMES H. FRAZIER, III
MASTER COMMISSIONER
FAYETTE CIRCUIT COURT

Examined and approved this,
The 21 day of March, 2024.


Judge Kimberly Bunnell
Fayette Circuit Court, Ninth Division

COMMONWEALTH OF KENTUCKY
FAYETTE CIRCUIT COURT

DATED: 3/27/24

The Master Commissioner produced to the Court the foregoing Deed of Easement to the Lexington-Fayette Urban County Government, which was examined and approved by the Court, and the said Commissioner acknowledged the same to be its act and deed, whereupon the same was ordered to be and is hereby certified to the proper office for record.

ATTEST:
VINCENT RIGGS, CLERK
FAYETTE CIRCUIT COURT

BY: 
DEPUTY CLERK

PREPARED BY:



Evan P. Thompson, Attorney Sr.
Lexington-Fayette Urban
County Government
Department of Law
200 East Main Street, 11th Floor
Lexington, Kentucky 40507
(859) 258-3500

4870-7214-5326, v. 2

LAFAYETTE SUBDIVISION
CAB "E", SL 730

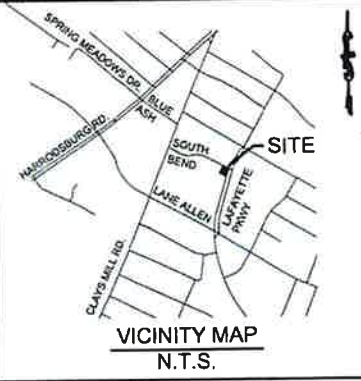
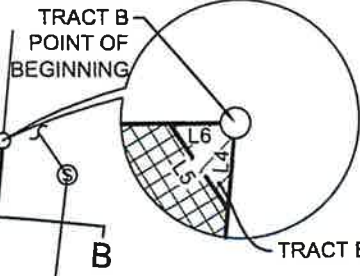
26

LAFAYETTE SUBDIVISION
CAB "E", SL 569

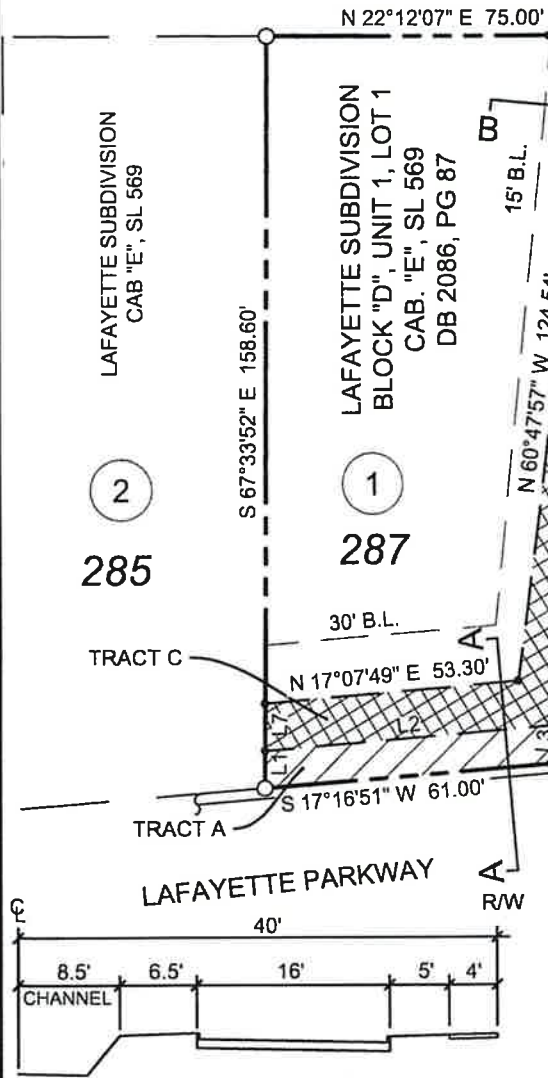
LAFAYETTE SUBDIVISION
BLOCK "D", UNIT 1, LOT 1
CAB. "E", SL 569
DB 2086, PG 87

2
285

1
287

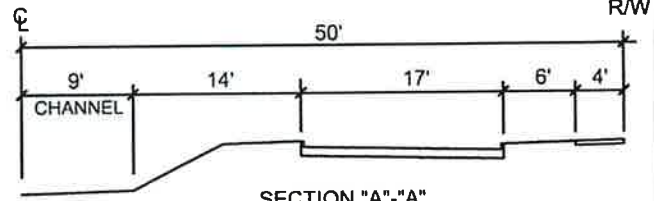
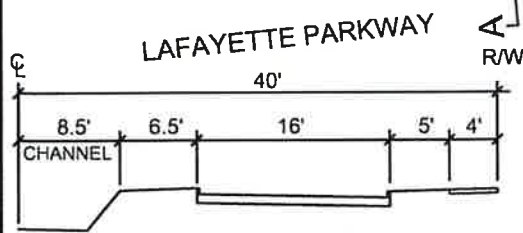


EASEMENT LINE TABLE		
LINE #	LENGTH	BEARING
L1	7.88'	N 67°33'52" W
L2	61.77'	N 17°07'49" E
L3	8.15'	S 62°16'35" E
L4	4.54'	S 62°16'35" E
L5	5.44'	S 78°18'55" W
L6	3.47'	N 22°12'07" E
L7	10.04'	N 67°33'52" W
L8	14.78'	S 78°18'55" W
L9	12.05'	N 22°12'07" E
L10	141.31'	S 62°16'35" E



SOUTHBEND DR
SAN

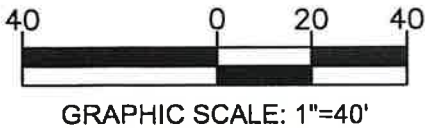
EX. SAN. SEWER
TRACT C TRUE POINT OF BEGINNING
TRACTS A & C POINT OF BEGINNING



SECTION "B"-"B"
SOUTHBEND DRIVE
HALF SECTION

PERM. ESMT. AREA
496 SQ. FT. (0.011 AC)

TEMP. ESMT. AREA
1,688 SQ. FT. (0.039 AC)



- NOTES:**
1. THE PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON ARE BASED ON THE RECORD DESCRIPTION (DEED BOOK 2086, PAGE 87) AND CORRESPONDING PLAT (CABINET E, SLIDE 569) OF RECORD IN THE FAYETTE COUNTY CLERK'S OFFICE. THE ORIGIN OF BEARINGS SHOWN HEREON IS BASED ON THE NORTH AMERICAN DATUM OF 1983, STATE PLANE KENTUCKY NORTH AS OBSERVED FROM KYCORS STATION "KYTG" USING A TRIMBLE R12, 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.

STATE OF KENTUCKY
6-7-23
MATTHEW J. MCMACKIN
4494
LISCENSED
PROFESSIONAL
LAND SURVEYOR

SANITARY SEWER EASEMENT EXHIBIT
LOWELL & DANA MOORE
287 LAFAYETTE PARKWAY **Exhibit A**

WOLF RUN TRUNK F SEWER IMPROVEMENTS
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KENTUCKY

SA STRAND ASSOCIATES

FIGURE 1
2815.298

JUNE 2023