

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 6th day of June, 2019, by and between **PAUL HENRY MESSER and DEBBIE A. MESSER, husband and wife**, 628 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 **EIGHT HUNDRED TWENTY-ONE AND 95/100 DOLLARS (\$821.95)**, 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 628 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, 11th Floor
200 East Main Street
Lexington, KY 40507

(CC-F)

060

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 616 Pebble Creek Drive property (Deed Book 2634, Page 164), Belleau Wood Subdivision, Lot 7; thence N 32°19'56" E, a distance of 17.95 feet, more or less along the common property line with the 616 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 20.61 feet; thence S 71°39'46" E, a distance of 128.82 feet; thence S 32°19'56" W, a distance of 20.61 feet; thence N 71°39'46" W, a distance of 128.82 feet, more or less to the **POINT OF BEGINNING**; and,

The above described parcel contains 2,576.48 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 1,545.58 square feet, resulting in a net increase of 1,030.90 square feet of new easement area; and,

Being a portion of the property conveyed to Paul Henry Messer and Debbie A. Messer, husband and wife, by deed dated July 30, 1998, of record in Deed Book 1996, Page 005, 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 Easement
Lansdowne South Trunk Sewer Replacement Project
(a portion of 628 Pebble Creek Drive)

Three tracts or parcels of land being a temporary construction 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 616 Pebble Creek Drive property (Deed Book 2634, Page 164) Belleau Wood Subdivision, Lot 7; thence N 32°19'56" E, a distance of 38.57 feet, more or less along the common property line with the 616 Pebble Creek Drive property to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION EASEMENT**; thence N 32°19'56" E, a distance of 10.31 feet; thence S 71°39'46" E, a distance of 8.67 feet; thence S 19°33'16" W, a distance of 10.00 feet; thence N 71°39'46" W, a distance of 10.95 feet, more or less along **THE PROPOSED PERMENANT SANITARY SEWER EASEMENT** to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION EASEMENT**; and,

The above described parcel contains 98.10 square feet of temporary construction easement; and,

Tract No. 2

Beginning at a point in the southwest corner of the property and being a common corner to the 616 Pebble Creek Drive Property (Deed Book 2634, Page 164) Belleau Wood Subdivision, Lot 7; thence N 32°19'56" E, a distance of 38.57 feet, more or less along the common property line with the 616 Pebble Creek property; thence S 71°39'46" E, a distance of 84.46 feet, more or less along the proposed Tract No. 1 permanent sanitary sewer easement to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION EASEMENT**; thence N 18°59'38" E, a distance of 10.00 feet; thence S 71°39'46" E, a distance of 46.74 feet; thence S 32°19'56" W, a distance of

10.31 feet; thence N 71°39'46" W, a distance of 44.36 feet, more or less along the **PROPOSED PERMANENT SANITARY SEWER EASEMENT** to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION EASEMENT**; and,

The above described parcel contains 455.51 square feet of temporary construction easement; and,

Tract No. 3

Beginning at a point in the southwest corner of the property and being a common corner to the 616 Pebble Creek Drive property (Deed Book 2634, Page 164) Belleau Wood Subdivision, Lot 7; thence N 32°19'56" E, a distance of 7.70 feet, more or less along the common property line with the 616 Pebble Creek Drive property to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION EASEMENT**; thence N 32°19'56" E, a distance of 10.26 feet; thence S 71°39'46" E, a distance of 15.51 feet; thence S 19°33'16" W, a distance of 10.00 feet; thence N 71°39'46" W, a distance of 15.64 feet; thence 70°20'58" W, a distance of 2.13 feet, more or less to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION EASEMENT**; and,

The above described parcel contains 166.45 square feet of temporary construction easement; and,

Temporary Construction Access Easement
Lansdowne South Trunk Sewer Replacement Project
(a portion of 628 Pebble Creek Drive)

Beginning at a point in the north corner of the property and being a common corner to the 624 Pebble Creek Drive property (Deed Book 3213, Page 308) Belleau Wood Subdivision, Lot 5 and also a common corner with the Pebble Creek Drive right-of-way line; said point being **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; thence S 12°40'04" E, a distance of 20.00 feet; thence S 77°19'56" W, a distance of 32.69 feet; thence S 39°35'24" W, a distance of 71.06 feet; thence N 71°39'46" W, a distance of 21.46 feet; thence N 39°35'24" E, a distance of 85.67 feet; thence N 77°19'56" E, a distance of 39.52 feet, more or less to **THE POINT OF BEGINNING OF THE**

PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT; and,

The above described parcel contains 2,289.41 square feet of temporary construction access easement;

All of the above tracts being a portion of the property conveyed to Paul Henry Messer and Debbie A. Messer, husband and wife, by deed dated July 30, 1998, of record in Deed Book 1996, Page 005, 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.

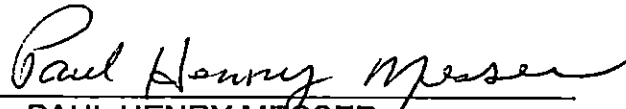
Grantors do hereby release and relinquish unto the Grantee, its successors and assigns forever, all of their right, title, and interest in and to the property to the extent of the interests conveyed herein, including all exemptions allowed by law, and do hereby

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:



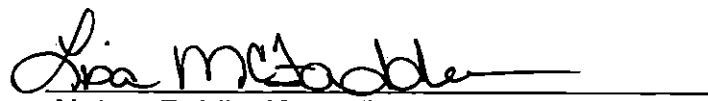
PAUL HENRY MESSER



DEBBIE A. MESSER

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by Paul Henry Messer and Debbie A. Messer, husband and wife, on this the 6th day of June, 2019.



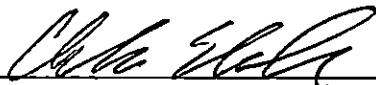
Notary Public, Kentucky, State-at-Large

My Commission Expires: 6/20/2020

Notary ID # 558448



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

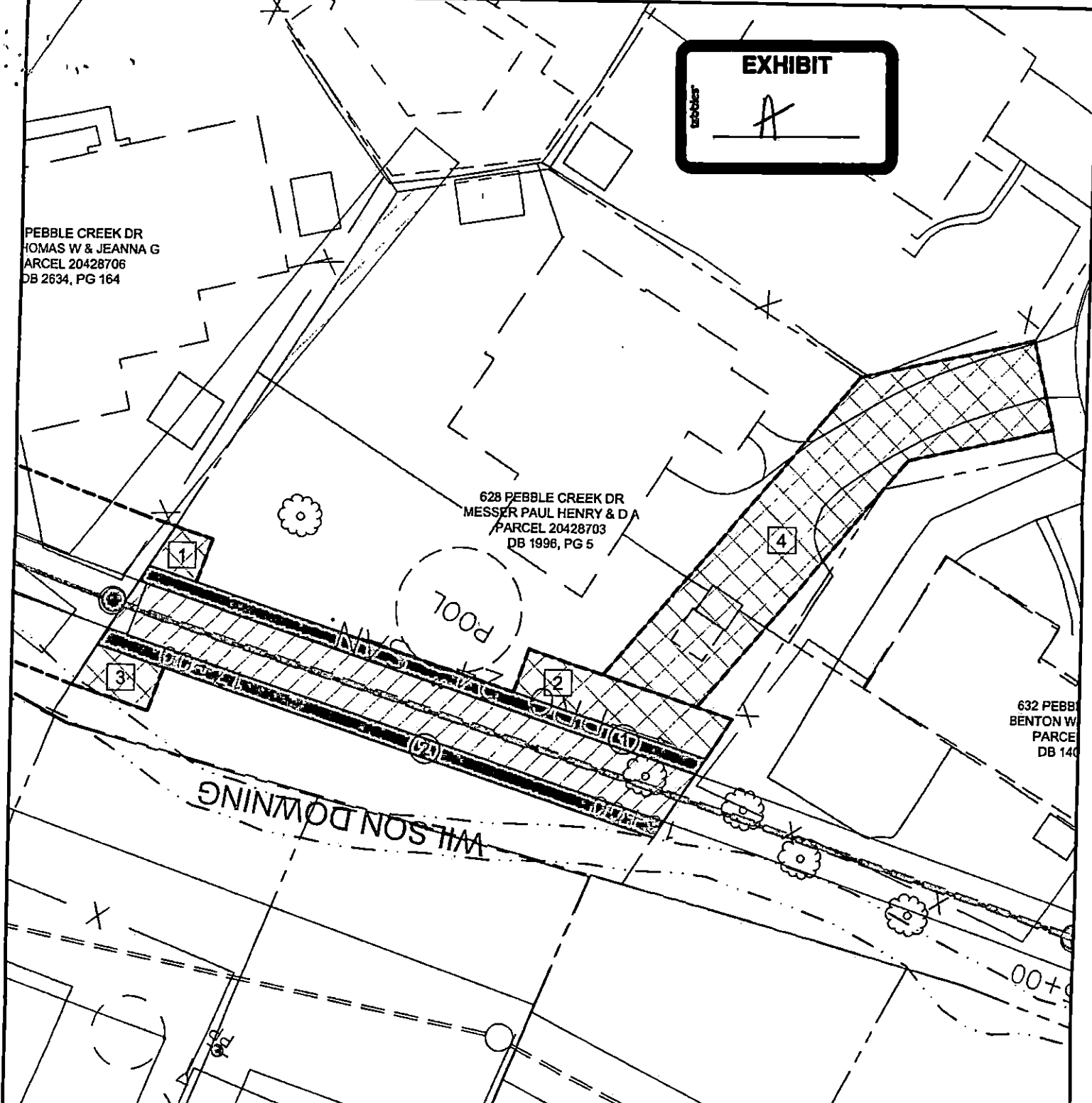
tabbies

A

PEBBLE CREEK DR
 THOMAS W & JEANNA G
 PARCEL 20428706
 DB 2634, PG 164

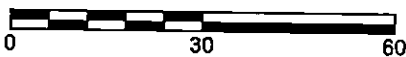
628 PEBBLE CREEK DR
 MESSER PAUL HENRY & D A
 PARCEL 20428703
 DB 1996, PG 5

632 PEBBLE
 BENTON W
 PARCEL
 DB 140



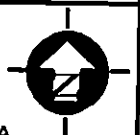
BASIS OF BEARINGS:
 NAD 83 KY NORTH

GRAPHIC SCALE: 1" = 30'



- 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 628 PEBBLE CREEK DRIVE

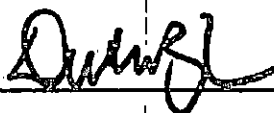


CIVIL & ENVIRONMENTAL & MINING

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

DATE - 10/30/2018	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: PATTY DAVIS ,dc

201906120265

June 12, 2019

14:52:28 PM

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

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