

**GRANT OF EASEMENT**

This **EASEMENT** is made and entered into this 8<sup>TH</sup> day of November, 2013, by and between **JAMES JEFFREY MAGGARD and TINA MAGGARD**, husband and wife, 1175 Mt. Rushmore Way, Lexington, Kentucky 40515 ("Grantor"), which is also the in-care of tax mailing address for the current tax year, and the **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky 40507 ("Grantee");

**W I T N E S S E T H:**

That for and in consideration of the sum of **Four Thousand Twenty-Two Dollars and 40/100 Cents (\$4,022.40)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantors have **BARGAINED** and **SOLD** and does hereby **GIVE, GRANT** and **CONVEY** unto the Grantee, its successors and assigns, the permanent right to lay, construct, operate, repair, reconstruct and remove sanitary sewer improvements and appurtenances thereto, which sanitary sewer improvements and appurtenances shall be of such dimension, character, construction and use determined by Grantee, along, through, under and across the following tract of land located in the confines of Lexington-Fayette County, Kentucky, and more particularly described as follows:

**Permanent Sanitary Sewer Easement**  
**1175 Mt. Rushmore Way**  
**Century Hills Sanitary Sewer Improvement Project**

Described on Exhibit A attached hereto and incorporated herein by reference.

**FURTHER**, for and in consideration of the foregoing sum, the receipt and sufficiency of which is hereby acknowledged, Grantors have **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, regrade and perform related work

Mail to Grantee  
c/o Department of Law, 11<sup>th</sup> Floor

for the purpose of sanitary sewer construction, repair, installation and relocation through and across the following tract of land located within the confines of Lexington-Fayette County, Kentucky, to-wit:

**Temporary Construction Easement**  
**1175 Mt. Rushmore Way**  
**Century Hills Sanitary Sewer Improvement Project**

All temporary construction easements, if any, are described on Exhibit B attached hereto and incorporated herein by reference.

**TO HAVE AND TO HOLD** the above-described easement together with all rights, privileges, 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 will expire upon completion of the construction of the improvement project on the land adjacent to this easement, runs with the land for the duration of the improvement project on the adjacent land, and is binding upon the heirs and assigns of the Grantors.

Grantors do hereby covenant to and with said Grantee, its successors and assigns forever, that he is lawfully seized in fee simple of said property and has good right to sell and convey the easements conveyed herein, and that they will **WARRANT GENERALLY** said title.

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 the prior written consent of the Grantee.

The obtaining of this easement was authorized by Resolution No. 389-2013 passed by the Lexington-Fayette Urban County Council on July 9, 2013. Pursuant to KRS 382.135(2)(a), this public utility easement is exempt from the requirements related to certificate of consideration. This conveyance is exempt from real estate transfer tax



**EXHIBIT A**

20-FOOT PERMANENT SANITARY SEWER EASEMENT  
&  
10-FOOT TEMPORARY CONSTRUCTION EASEMENTS  
ON THE PROPERTY OF  
JAMES JEFFERY MAGGARD AND TINA MAGGARD  
(HUSBAND & WIFE)  
DEED BOOK 2492, PAGE 579  
LOT 28A, BLOCK D, UNIT 2-B CENTURY HILLS SUBDIVISION  
PLAT CABINET D, SLIDE 330  
1175 MT. RUSHMORE WAY  
IN LEXINGTON, FAYETTE COUNTY, KENTUCKY

All those tracts or parcels of land situated on the southwesterly side of Mt. Rushmore Way, between its intersection with Baird Court and Pimlico Parkway, in Lexington, Fayette County, Kentucky, and more fully described and bounded as follows, to-wit:

**Permanent Sanitary Sewer Easement:**

Beginning at a point in the common line of Lot 28A and Lot 28, Block D, Unit 2-B of Century Hills Subdivision (Plat Cabinet D, Slide 330), said point being approximately 17.3 feet northeasterly from the rear common corner of said lots as measured along said common line; thence along the common line of Lots 28A and 28, N 53° 44' 56" E 20.11 feet; thence through Lot 28A, S 30° 20' 08" E 41.90 feet to a point in the common line of Lot 28A aforesaid and Lot 29, Block D, Unit 2-B of Century Hills Subdivision (Plat Cabinet D, Slide 330); thence along said common line, S 53° 44' 56" W 20.11 feet; thence again through Lot 28A, parallel with and twenty feet southwesterly from the second call cited above, N 30° 20' 08" W 41.90 feet to the beginning and containing 838 square feet.

## EXHIBIT B

### **Temporary Construction Easement - Tract 1:**

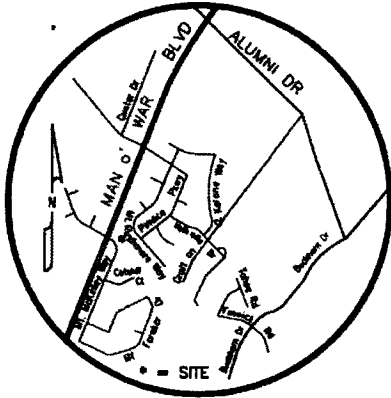
Beginning at the northeasterly corner of the above described permanent sanitary sewer easement, said point being in the common line of Lots 28A and 28, Block D, Unit 2-B of Century Hills Subdivision (Plat Cabinet D, Slide 330); thence along said common line, N 53° 44' 56" E 10.05 feet; thence through Lot 28A, parallel with and ten feet northeasterly from the northeasterly line of the above described permanent sanitary sewer easement, S 30° 20' 08" E 41.90 feet to a point in the common line of Lots 28A and 29, Block D, Unit 2-B of Century Hills Subdivision (Plat Cabinet D, Slide 330); thence along said common line, S 53° 44' 56" W 10.05 feet; thence again through Lot 28A, along the northeasterly line of the above described permanent easement, N 30° 20' 08" W 41.90 feet to the beginning and containing 419 square feet.

### **Temporary Construction Easement - Tract 2:**

Beginning at the northwesterly corner of the above described permanent sanitary sewer easement, said point being in the common line of Lots 28A and 28, Block D, Unit 2-B of Century Hills Subdivision (Plat Cabinet D, Slide 330); thence through Lot 28A, along the southwesterly line of the aforesaid permanent sanitary sewer easement, S 30° 20' 08" E 41.90 feet to a point in the common line of Lots 28A and 29, Block D, Unit 2-B of Century Hills Subdivision (Plat Cabinet D, Slide 330); thence along said common line, S 53° 44' 56" W 10.05 feet; thence again through Lot 28A, parallel with and ten feet southwesterly from the southwesterly line of the above described permanent sanitary sewer easement, N 30° 20' 08" W 41.90 feet to a point in the common line of Lots 28A and 28 aforesaid; thence along said common line, N 53° 44' 56" E 10.05 feet to the beginning and containing 419 square feet.

Being a twenty-foot wide permanent sanitary sewer easement and ten-foot wide temporary construction easements on a portion of the same property conveyed to James Jeffery Maggard by deed dated September 10, 2004, and of record in Deed Book 2492, Page 579; being designated as Lot 28A, Block D, Unit 2-B of Century Hills Subdivision as per the Amended Final Record Plat of record in Plat Cabinet D, Slide 330. All of the above referenced instruments are of record in the Fayette County Clerk's office.

EXHIBIT "C"



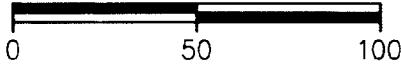
VICINITY MAP  
Not To Scale

PROPERTY OWNER'S ADDRESS  
JAMES JEFFERY & TINA MAGGARD  
1175 MT. RUSHMORE WAY  
LEXINGTON, KY 40515

LEGEND

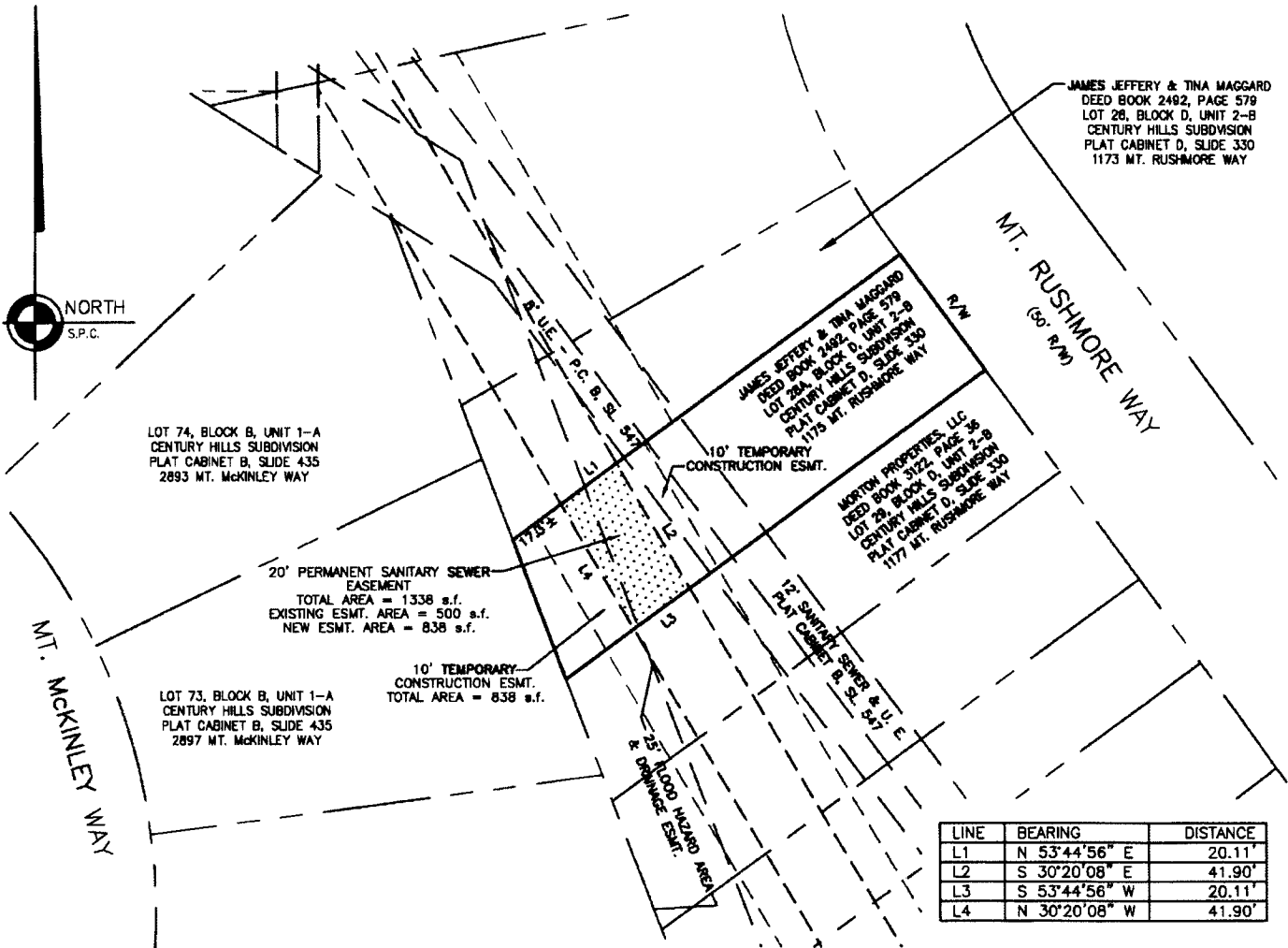
- APPROXIMATE SUBJECT PROPERTY LINE
- APPROXIMATE ADJOINING PROPERTY LINE
- PROPOSED SANITARY SEWER EASEMENT LINE
- EXISTING EASEMENT LINE
- TEMPORARY CONSTRUCTION EASEMENT LINE

SCALE IN FEET



NOTES:

1. THE PURPOSE OF THIS PLAT IS TO RECORD THE PERMANENT SANITARY SEWER EASEMENT AS SHOWN.
2. THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, LEASES, RIGHTS-OF-WAYS, ETC. OF RECORD AND/OR IN EXISTENCE.
3. THE BEARINGS CITED HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, KY NORTH ZONE, US SURVEY FEET, NAD 83. SELECT FIELD MEASUREMENTS WERE MADE, HOWEVER, NO BOUNDARY SURVEY WAS PERFORMED.
- 4.



LINE	BEARING	DISTANCE
L1	N 53°44'56" E	20.11'
L2	S 30°20'08" E	41.90'
L3	S 53°44'56" W	20.11'
L4	N 30°20'08" W	41.90'

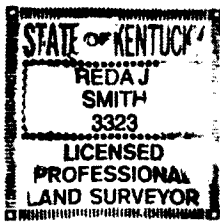
LAND SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS RECORD PLAT WAS PREPARED UNDER MY DIRECTION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE BEARINGS AND DISTANCES AS SHOWN ON THIS PLAT ARE TRUE AND ACCURATE.

*Reda J. Smith* 8/15/13

REDA J. SMITH, PLS # 3323  
CDP ENGINEERS, INC.  
3250 BLAZER PKWY  
LEXINGTON, KY 40509

DATE



SANITARY SEWER EASEMENT PLAT

JAMES JEFFERY MAGGARD & TINA MAGGARD  
(HUSBAND & WIFE)

PROPERTY

1175 MT. RUSHMORE WAY  
LEXINGTON, FAYETTE COUNTY, KENTUCKY



3250 Blazer Parkway  
Lexington KY 40509  
T 859.264.7500 F 859.264.7501

SCALE: 1" = 50'

DATE: AUGUST 7, 2013

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.

  
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By: DOUG BRADLEY ,dc

201401290047

January 29, 2014                      10:02:33      AM

Fees	\$26.00	Tax	\$0.00
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Total Paid	\$26.00
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7 Pages

467 - 473