

GRANT OF EASEMENT

This **EASEMENT** is made and entered into this 8TH 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");

WITNESSETH:

That for and in consideration of the sum of **Three Thousand, Six Hundred Twenty-One Dollars and 60/100 Cents (\$3,621.60)**, 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
1173 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

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

do 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 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
1173 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 are 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 pursuant to KRS 142.050.

IN TESTIMONY WHEREOF, the Grantors have signed this Easement, the day and year first above written.

GRANTORS:

BY: James Jeffrey Maggard BY: Tina Maggard
 JAMES JEFFREY MAGGARD TINA MAGGARD

COMMONWEALTH OF KENTUCKY)
)
 COUNTY OF FAYETTE)

The foregoing Easement was subscribed, sworn to and acknowledged before me by James Jeffrey Maggard and Tina Maggard, husband and wife, on this the 8th day of NOVEMBER, 2013.

My commission expires: DEC. 5, 2015

Reda J. Smith
 Notary Public, State-At-Large, Kentucky

PREPARED BY:
John F. Watz

John F. Watz, Esq.
 HENRY WATZ RAINE &
 MARINO, PLLC
 401 West Main Street, Suite 314
 Lexington, Kentucky 40507
 (859) 258-3500
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EXHIBIT A

20-FOOT PERMANENT SANITARY SEWER EASEMENT
&
20-FOOT TEMPORARY CONSTRUCTION EASEMENT
ON THE PROPERTY OF
JAMES JEFFERY MAGGARD AND TINA MAGGARD
(HUSBAND & WIFE)
DEED BOOK 2492, PAGE 579
LOT 28, BLOCK D, UNIT 2-B CENTURY HILLS SUBDIVISION
PLAT CABINET D, SLIDE 330
1173 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 28, Block D, Unit 2-B of Century Hills Subdivision (Plat Cabinet D, Slide 330) and Lot 27, Block D, Unit 2-B of Century Hills Subdivision (Plat Cabinet B, Slide 547), said point being approximately 10.3 feet northeasterly from the rear common corner of said lots as measured along said common line; thence along the common line of Lots 28 and 27, N 60° 09' 32" E 20.00 feet; thence through Lot 28, S 30° 20' 08" E 36.98 feet to a point in the common line of Lot 28 aforesaid and Lot 28A, 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 28, parallel with and twenty feet southwesterly from the second call cited above, N 30° 20' 08" W 39.22 feet to the beginning and containing 762 square feet.

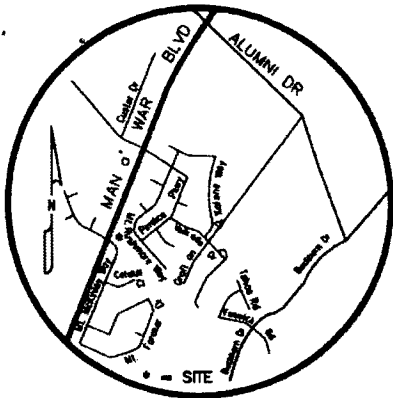
EXHIBIT B

Temporary Construction Easement:

Beginning at the northeasterly corner of the above described permanent sanitary sewer easement, said point being in the common line of Lot 28, Block D, Unit 2-B of Century Hills Subdivision (Plat Cabinet D, Slide 330) and Lot 27, Block D, Unit 2-B of Century Hills Subdivision (Plat Cabinet B, Slide 547); thence along said common line, N 60° 09' 32" E 20.00 feet; thence through Lot 28, parallel with and twenty feet northeasterly from the northeasterly line of the above described permanent sanitary sewer easement, S 30° 20' 08" E 34.73 feet to a point in the common line of Lots 28 and 28A, 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 28, along the northeasterly line of the aforesaid permanent sanitary sewer easement, N 30° 20' 08" W 36.98 feet to the beginning and containing 717 square feet.

Being a twenty-foot wide permanent sanitary sewer easement and a twenty-foot wide temporary construction easement 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 28, 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

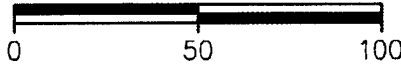
Not To Scale

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

LEGEND

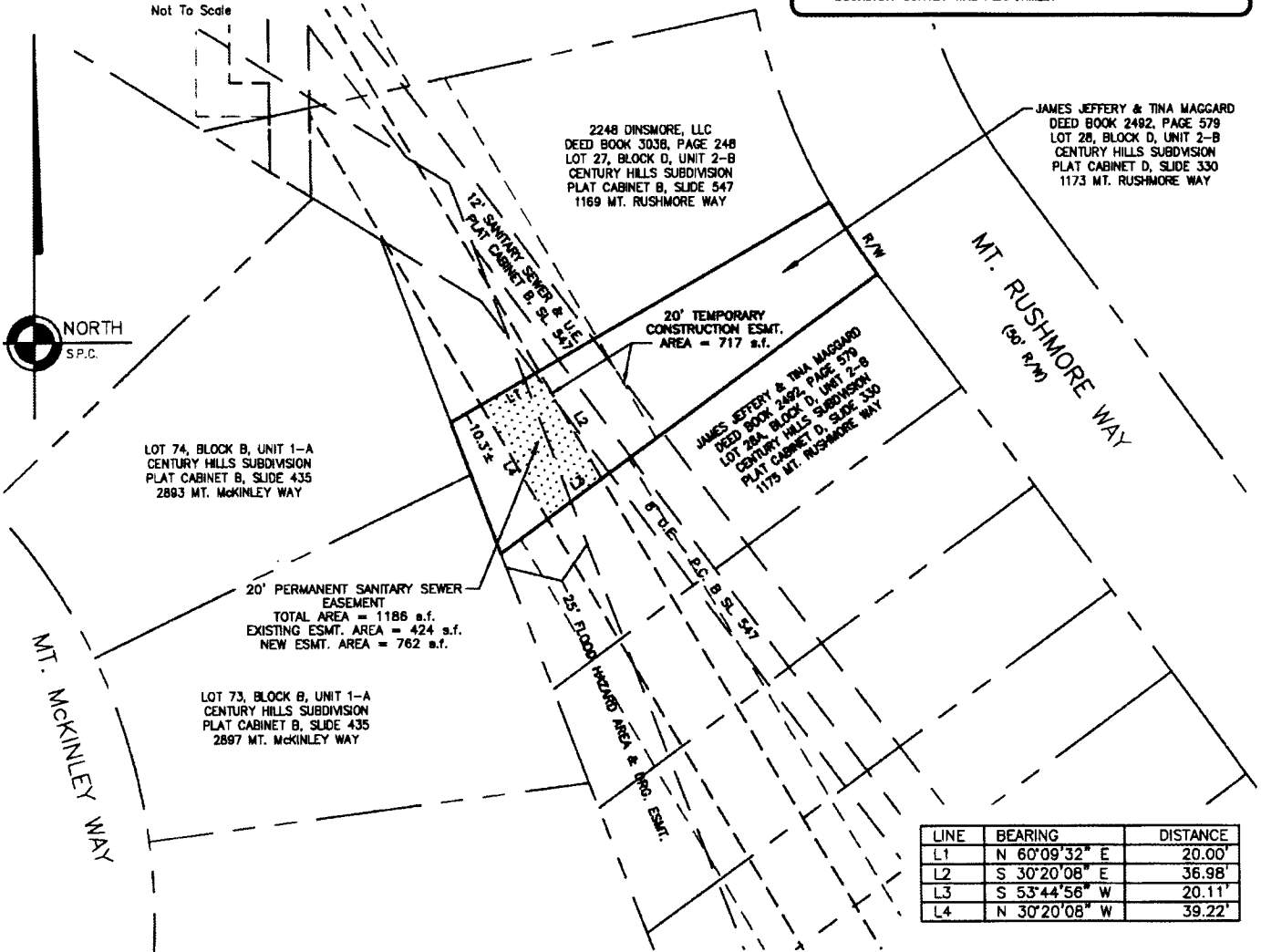
- APPROXIMATE SUBJECT PROPERTY LINE
- APPROXIMATE ADJOINING PROPERTY LINE
- PROPOSED SANITARY SEWER EASEMENT LINE
- EXISTING EASEMENT LINE
- TEMPORARY CONSTRUCTION EASEMENT LINE

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, MAD 83.
4. SELECT FIELD MEASUREMENTS WERE MADE, HOWEVER, NO BOUNDARY SURVEY WAS PERFORMED.



LINE	BEARING	DISTANCE
L1	N 60°09'32" E	20.00'
L2	S 30°20'08" E	36.98'
L3	S 53°44'56" W	20.11'
L4	N 30°20'08" W	39.22'

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 DATE
 CDP ENGINEERS, INC.
 3250 BLAZER PKWY
 LEXINGTON, KY 40509

STATE OF KENTUCKY

REDA J SMITH
 3323

LICENSED PROFESSIONAL
 LAND SURVEYOR

SANITARY SEWER EASEMENT PLAT

JAMES JEFFERY MAGGARD & TINA MAGGARD
 (HUSBAND & WIFE)
 PROPERTY
 1173 MT. RUSHMORE WAY
 LEXINGTON, FAYETTE COUNTY, KENTUCKY

cdpengineers 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.



By: DOUG BRADLEY ,dc

201401290046

January 29, 2014 10:02:15 AM

Fees	\$26.00	Tax	\$.00
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Total Paid	\$26.00
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7 Pages

460 - 466