

PERMANENT SANITARY SEWER EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT** is made and entered into this the 10th day of September, 2021, by and between **NEW CIRCLE ROAD PROPERTIES, LLC, a Kentucky limited liability company**, 299 W. New Circle Road, Lexington, Kentucky 40505, which is the in-care of tax mailing address for the current year ("Grantor"), and **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 FIVE HUNDRED DOLLARS AND 00/100 CENTS (\$3,500.00)**, 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, the permanent to 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:

Variable Width Permanent Sanitary Sewer Easement
New Circle Road Trunk
Sewers A & B Improvement Project
(a portion of 275 W. New Circle Road)

All that tract or parcel of land situated northeast of West New Circle Road between Russell Cave Road and North

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

Broadway in Lexington, Fayette County, Kentucky and being more fully described and bounded as follows, to wit:

BEGINNING, at the northwest corner of New Circle Road Properties, LLC (275 W. New Circle Road, Deed Book 3381, Page 108), at the northeast corner of Withers Interests No. 4, LLC (281 W. New Circle Road, Deed Book 3423, Page 211, Parcel 2), in the south line of LFUCG (444 Cane Run, Deed Book 894, Page 206); thence leaving said LFUCG and with said Withers Interests No. 4, LLC, South 48°02'46" West, 12.05 feet to the **TRUE POINT OF BEGINNING**, being in the south line of an existing 12-foot wide utility easement (Cabinet B, Slide 342); thence leaving said Withers Interests No. 4, LLC, and with said utility easement, South 36°49'09" East, 102.30 feet to a point in the line with Maria Conner (265 W. New Circle Road, Deed Book 1396, Page 155); thence with said Conner, South 46°46'01" West, 23.49 feet to a point; thence leaving said Conner for a new line through the lands of said New Circle Road Properties, LLC, North 36°03'17" West, 102.97 feet to a point in the line of said Withers Interests No. 4, LLC; thence with said Withers Interests No. 4, LLC, North 48°02'46" East, 22.05 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 2,323 sq. ft. gross and net of permanent sanitary sewer easement; and

Being a portion of the property conveyed to New Circle Road Properties, LLC, a Kentucky limited liability company, by deed dated March 7, 2016, of record in Deed Book 3381, Page 108, in the Fayette County Clerk's Office.

TO HAVE AND TO HOLD said easement together with all rights, appurtenances, and improvements thereunto belonging unto said Grantee, its successors and assigns, for the purposes and uses herein designated.

The above-described permanent easement runs with the land in perpetuity and is binding upon the successors and assigns of the Grantor.

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 as 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 interest conveyed herein, including all exemptions allowed by law, and does 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 same as herein done, and that it will **WARRANT SPECIALLY** said title.

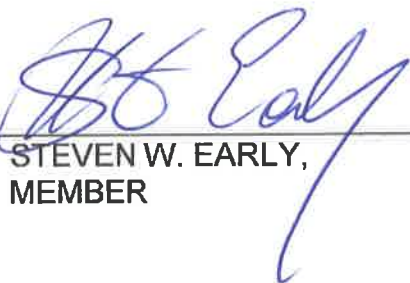
The obtaining of this easement was authorized by Resolution 457-2020, passed by the Lexington-Fayette Urban County Council on October 8, 2020. Pursuant to KRS 382.135(2)(a), this deed of easement, which pertains to a public utility, need not contain a statement of consideration.

IN TESTIMONY WHEREOF, the Grantor has signed this Permanent Sanitary Sewer Easement, this the day and year first above written.

GRANTOR:

NEW CIRCLE ROAD PROPERTIES, LLC, a
Kentucky limited liability company

BY:



STEVEN W. EARLY,
MEMBER

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by Steven W. Early, as a Member, for and on behalf of New Circle Road Properties, LLC, a Kentucky limited liability company, on this the 10th day of September, 2021.

Sherrita A. Lee, NP
Notary Public, Kentucky, State-at-Large
My Commission Expires: 3 / 12 / 2025
Notary ID # 24414

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

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 NEW PERM. ESMT.

 TEMP. CONST. ESMT.

444 CANE RUN
LFUCG
DB 894 PG 206

12' SAN. SEW. E.
CAB B, SL 342

P.O.B.
S 48°02'46" W
12.05'

TRUE
P.O.B.

30' ACCESS & U.E. CAB N, SL 517

N 48°02'46" E
22.05'

VAR. PERM. SAN. E.
2,323 SQ.FT.
(GROSS & NET)

281 W. NEW CIRCLE RD
WITHERS INTERESTS NO. 4, LLC
DB 3423 PG 211
PARCEL 2

275 W NEW CIRCLE ROAD
NEW CIRCLE ROAD
PROPERTIES, LLC
DB 3381, PG 108

265 W NEW CIRCLE ROAD
MARIA CONNER
DB 1396, PG 155

12' U.E. CAB B, SL 342
S 36°49'09" E 102.30'

N 36°03'17" W 102.97'

12' SAN. SEW. E
CAB B, SL 342

S 46°46'01" W
23.49'

W. NEW CIRCLE ROAD

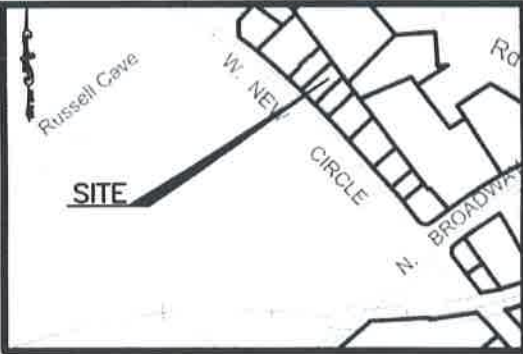


GRAPHIC SCALE: 1" = 40'



VARIABLE PERMANENT SANITARY SEWER EASEMENT
NEW CIRCLE ROAD PROPERTIES, LLC
275 W. NEW CIRCLE ROAD
LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 1 OF 2

11/19/23 - The City of Lexington, KY, is the owner of the information shown on this plan. The City of Lexington, KY, is not responsible for any errors or omissions on this plan.



VICINITY MAP 1" = 1000'

EX. PERM ESMT.=N/A

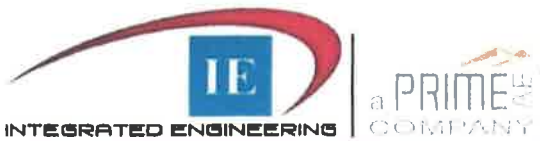
PROP. PERM. ESMT.(GROSS)=2,323 SQ.FT.
 PROP. PERM. ESMT. (NET)=2,323 SQ. FT.

PROP. TEMP. ESMT.(GROSS)=N/A
PROP. TEMP. ESMT.(NET)=N/A

LAND SURVEYOR'S CERTIFICATE:

THE PROPERTY LINES SHOWN ON THIS EASEMENT EXHIBIT ARE BASED ON DEED AND/OR RECORD PLAT DATA FROM THE FAYETTE COUNTY CLERK'S OFFICE. THIS EXHIBIT DOES NOT REPRESENT A BOUNDARY SURVEY AS DESCRIBED IN 201 KAR 18:150 AND INTEGRATED ENGINEERING HAS NOT PERFORMED A BOUNDARY SURVEY FOR THE PURPOSES OF THIS EXHIBIT. THIS EXHIBIT IS NOT INTENDED TO BE USED FOR LAND TRANSFER.

James M. Chambliss PLS 6/3/21
 JAMES M. CHAMBLISS, PLS 3185 DATE



18-000001 - 2020 State of Kentucky Professional Land Surveyor License - 3185 James M. Chambliss
 State of Kentucky
 Board of Professional Land Surveyors

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: EMILY GENTRY ,dc

202109150161

September 15, 2021 10:32:31 AM

Fees	\$53.00	Tax	\$.00
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Total Paid	\$53.00
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7 Pages

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