

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 15th day of January, 2021, by and between **JOSEPH BRAUCHER FUGATE and MARY JUDITH FUGATE, his wife, BY JOSEPHINE MARIANNE FOX, appointed as her EMERGENCY FIDUCIARY, 973 Holly Springs Drive, Lexington, Kentucky 40504, 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 **ONE THOUSAND TWO HUNDRED FORTY-FIVE DOLLARS AND 95/100 DOLLARS (\$1,245.95)**, 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
Wolf Run Trunks D & E Sewer Replacement Project
(a portion of 973 Holly Springs Drive)

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

BEGINNING, at a point on the western property line shared with Alan & Beth Ross, approximately 69' from the northwest property corner, thence 20.00 feet at a bearing S 36°23'37" W along the western property line to a point, thence 74.46 feet at a bearing S 43°08'34" E to a point, thence 48.36 feet at a bearing S 33°13'01" E to the eastern property line shared with David Powell, thence 20.33 feet at a bearing N 46°54'00" E along the eastern property line to a point, thence 46.43 feet at a bearing N 33°13'01" W to a point, thence 79.89 feet at a bearing N 43°08'34" W to the western property line back to the **POINT OF BEGINNING**; and,

The above-described parcel contains 2,491.45 square feet of permanent easement; and

Being a portion of the property conveyed to the Grantors by Deed dated November 28, 1973, of record in Deed Book 1096, Page 421, 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
Wolf Run D & E Trunk Sewer Replacement Project
(a portion of 973 Holly Springs Drive)

Tract No. 1

BEGINNING, at a point on the western property line shared with Alan & Beth Ross, approximately 59' from the northwest property corner, thence 82.61 feet at a bearing S 43°08'34" E to a point, thence 45.74 feet at a bearing S 33°13'01" E to

the eastern property line shared with David Powell, thence 10.63 feet at a bearing S 44°56'12" W along the eastern property line to a point, thence 46.43 feet at a bearing N 33°13'01" W to a point, thence 79.89 feet at a bearing N 43°08'34" W to the western property line, thence 10.17 feet at a bearing N 36°23'37" E along the western property line back to the **POINT OF BEGINNING**; and,

The above-described parcel contains a total area of 1,273.35 square feet of temporary construction easement;

Tract No. 2

BEGINNING, at a point on the western property line shared with Alan & Beth Ross, approximately 89' from the northwest property corner, thence 74.46 feet at a bearing S 43°08'34" E to a point, thence 48.36 feet at a bearing S 33°13'01" E to the eastern property line shared with David Powell, thence 10.15 feet at a bearing S 46°54'00" W along the eastern property line to a point, thence 49.23 feet at a bearing N 33°13'01" W to a point, thence 71.75 feet at a bearing N 43°08'34" W to the western property line, thence 10.17 feet at a bearing N 36°23'37" E along the western property line back to the **POINT OF BEGINNING**; and,

The above-described parcel contains a total area of 1,218.99 square feet of temporary construction easement;

Being a portion of the property conveyed to the Grantors by Deed dated November 28, 1973, of record in Deed Book 1096, Page 421, 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 256-2020, passed by the Lexington-Fayette Urban County Council on June 11, 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 Grantors have signed this Deed of Easement, this the day and year first above written.

GRANTORS:


BY: 
JOSEPH BRAUCHER FUGATE

BY: Josephine Marianne Fox
as her emergency fiduciary
MARY JUDITH FUGATE, BY
JOSEPHINE MARIANNE FOX,
AS HER EMERGENCY FIDUCIARY

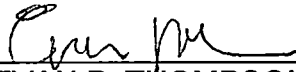
Appointed by Court Order
Attached hereto

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by Joseph Braucher Fugate and Mary Judith Fugate, his wife, by Josephine Marianne Fox, as her appointed Emergency Fiduciary by Court Order of the Fayette District Court, Mental Health Division, attached hereto, this the 15th day of January, 2021.


Notary Public, Kentucky, State-at-Large
My Commission Expires: 7 / 10 / 2023
Notary ID # 626440

PREPARED BY:



EVAN P. THOMPSON

Attorney

Lexington-Fayette Urban

County Government

Department of Law, 11th Floor

200 East Main Street

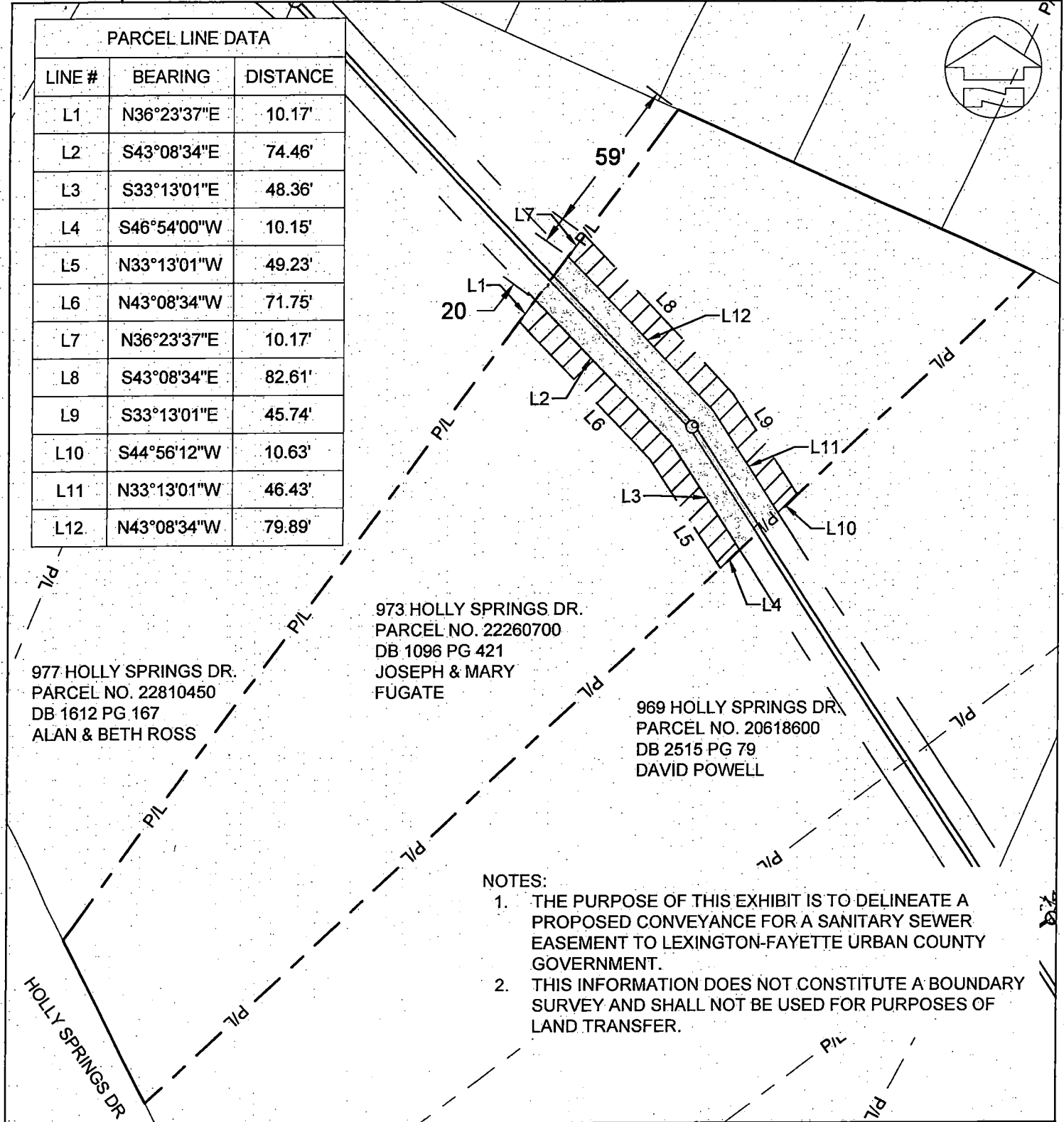
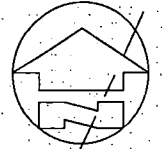
Lexington, Kentucky 40507

(859) 258-3500

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PARCEL LINE DATA

LINE #	BEARING	DISTANCE
L1	N36°23'37"E	10.17'
L2	S43°08'34"E	74.46'
L3	S33°13'01"E	48.36'
L4	S46°54'00"W	10.15'
L5	N33°13'01"W	49.23'
L6	N43°08'34"W	71.75'
L7	N36°23'37"E	10.17'
L8	S43°08'34"E	82.61'
L9	S33°13'01"E	45.74'
L10	S44°56'12"W	10.63'
L11	N33°13'01"W	46.43'
L12	N43°08'34"W	79.89'



973 HOLLY SPRINGS DR.
 PARCEL NO. 22260700
 DB 1096 PG 421
 JOSEPH & MARY
 FUGATE

977 HOLLY SPRINGS DR.
 PARCEL NO. 22810450
 DB 1612 PG 167
 ALAN & BETH ROSS

969 HOLLY SPRINGS DR.
 PARCEL NO. 20618600
 DB 2515 PG 79
 DAVID POWELL

NOTES:

1. THE PURPOSE OF THIS EXHIBIT IS TO DELINEATE A PROPOSED CONVEYANCE FOR A SANITARY SEWER EASEMENT TO LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.
2. THIS INFORMATION DOES NOT CONSTITUTE A BOUNDARY SURVEY AND SHALL NOT BE USED FOR PURPOSES OF LAND TRANSFER.

LEGEND:




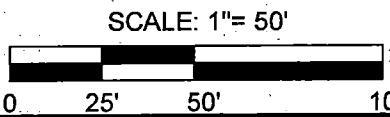
-  - NEW 20' PERMANENT UTILITY EASEMENT (2491.4509 SQ FT)
-  - TEMPORARY CONSTRUCTION EASEMENT (2492.3392 SQ FT)
-  - PROPOSED SEWER LINE

EXHIBIT "A"
 UTILITY EASEMENT EXHIBIT
 MARCH 10, 2020
 JOSEPH & MARY FUGATE
 PROPERTY
 973 HOLLY SPRINGS DR
 LEXINGTON, KY 40504



LFUCG
 DIVISION OF WATER QUALITY
 WOLF RUN TRUNK SEWER LINES D & E

200 E MAIN STREET
 LEXINGTON, KY 40507



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 www.grwinc.com



**ORDER FOR EMERGENCY
APPOINTMENT OF FIDUCIARY**

Case No. 20-H-00021-001

Court District

County **Fayette**

Division **MENTAL HEALTH**

COMMONWEALTH OF KENTUCKY ex rel

JOSEPHINE MARIANNE FOX

PETITIONER

VS.

MARY JUDITH FUGATE

RESPONDENT

Upon motion of the Petitioner, the Court being sufficiently advised finds as follows:

1. A proceeding for a determination of partial disability or disability, or an appeal therefrom, is pending.
2. If immediate action is not taken, there is an imminent danger of (a) serious impairment to the health or safety of the above-named Respondent or (b) damage or dissipation to the Respondent's property. Specifically, said danger consists of:
RESPONDENT SUFFERING FROM PARANOID, SUBSTANCE ABUSE ISSUES AND OUTWARD DISPLAY OF AGGRESSIVE VIOLENCE. RESPONDENT IS CURRENTLY IN HOSPITAL AFTER SUICIDE THREAT.
3. The above finding of danger is based on the following source(s):
LETTER FROM DR VAN BUSEM OF BAPTIST HEALTH AND LETTER FROM FAMILY.
4. The above finding of danger requires the provision to Respondent of the following assistance:

ENTERED
ATTEST VINCENT RIGGS, CLERK
JAN 21 2020
FAYETTE CIRCUIT CLERK
BY <u>SC</u> DEPUTY

Based on the above findings, **IT IS HEREBY ORDERED:**

1. That the following individual agency is appointed Emergency Limited Guardian (for the purpose of managing Respondent's personal affairs) Conservator (for the purpose of managing Respondent's financial resources):
Name: JOSEPHINE MARIANNE FOX
Address: 953 HOLLY SPRINGS DRIVE
LEXINGTON, KY 40504
Phone: 859-684-1400
2. That bond is fixed at the sum of \$ 3,000,000
3. That the emergency fiduciary shall perform all orders and decrees of this Court, including:
 - a. The filing of reports and/or inventories as required by KRS Chapter 387.
 - b. The filing of a report of the personal status and condition of the Respondent and the initial inventory of the Respondent's assets within _____ days of this appointment.

c. Other:

4. That the emergency fiduciary's powers and duties are LIMITED to: disposing of property, executing instruments, entering into contractual relationships, determining living arrangements, consenting to medical procedures, handling financial responsibilities, and other:

5. That unless otherwise ordered by this Court, this order remains in effect until such time as the pending action or appeal therefrom has been resolved.

6. That a final hearing is scheduled for 9:30 a.m. p.m., MARCH 4, 2020

Date JANUARY 21, 2020

Judge's Signature [Signature]
JUDGE'S NAME (Print or Type) LINDSAY HUGHES THURSTON

To Be Completed On Copies Only
[Signature] Clerk of the Fayette
District Court, do hereby certify that this is a true and correct copy of the Order for Emergency Appointment of Fiduciary as recorded in my office. This Order and Qualification is in full force and effect.
Date JAN 21 2020, 2
[Signature] Circuit Clerk
By: [Signature], D.C.

- Copy Distribution:
Petitioner/Attorney
County Attorney
Respondent/Attorney
All persons named in Petition
Facility where or person with whom respondent resides

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

202101190220

January 19, 2021 11:57:14 AM

Fees	\$62.00	Tax	\$0.00
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Total Paid	\$62.00
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10 Pages

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