

PRESENTED/LODGED: 12/18/2024 02:40:59 PM

MELISSA STELTER, DEPUTY CLERK 202412180131

BK: DB 4108

PG: 699-707

R-312-2023
Deed #8607

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 12TH day of DECEMBER, 2024, by and between **PAUL R. FOUSER, a single person**, 3506 Tates Creek Road, Lexington, Kentucky 40517, which is the in-care of tax mailing address for the current year (hereinafter "Grantor"), 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 **SIX THOUSAND DOLLARS AND 00/100 CENTS (\$6,000.00)**, 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, permanent right to excavate, grade, construct, alter, re-grade and perform related work for the purpose of sanitary sewer improvements and construction,

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

installation, maintenance, 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
Merrick Trunk
Sewer Improvement Project
(a portion of 3506 Tate Creek Road)

All that tract or parcel of land situated on the east side of Tate Creek Road, approximately 320 feet south of Gainesway Drive in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at the northwest corner of Paul R. Fouser (3506 Tate Creek Road, Deed Book 2319, Page 324) at the common corner with Warren E. Lacefield (3504 Tate Creek Road, Deed Book 1337, Page 845), said point being in the Tate Creek Road east right-of-way and having NAD 83 (2011) Kentucky State Plane North Zone coordinates of North 177,278.15 and East 1,570,079.69;

Thence leaving said Tate Creek Road and with said Lacefield, North 82°27'27" East, 43.20 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing with said Lacefield, North 82°27'27" East, 19.88 feet to a point; Thence leaving said Lacefield for four (4) new lines through the lands of said Fouser:

1. South 07°32'33" East, 75.27 feet to a point,
2. South 57°32'37" East, 7.37 feet to a point in the north line of an existing utility easement (Plat Cabinet C, Slide 264),
3. With said utility easement, South 82°27'27" West, 25.52 feet to a point,
4. Leaving said utility easement, North 07°32'33" West, 80.00 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel containing 1,604 square feet (gross and net), more or less of permanent easement; and

Being a portion of the same property conveyed to Paul R. Fouser, a single person and Charles E. Fouser, III, a single person, by Deed dated July 14, 2000, of record in Deed Book 2143, Page 708, in the Fayette County Clerk's Office. Said Charles E. Fouser, III and Shelby Fouser, husband and wife, conveyed their interest to Paul R. Fouser, a single person, by Deed dated October 7, 2002, of record in Deed Book 2319, Page 324, 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, Grantor has **BARGAINED** and **SOLD** and does 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, maintenance, 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
Merrick Trunk
Sewer Improvement Project
(a portion of 3506 Tates Creek Road)

All that tract or parcel of land situated on the east side of Tates Creek Road, approximately 320 feet south of Gainesway Drive in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

Tract A

BEGINNING, at the northwest corner of Paul R. Fouser (3506 Tates Creek Road, Deed Book 2319, Page 324) at the common corner with Warren E. Lacefield (3504 Tates Creek Road, Deed Book 1337, Page 845), said point being in the Tates Creek Road east right-of-way and having NAD 83 (2011) Kentucky State Plane North Zone coordinates of North 177,278.15 and East 1,570,079.69;

Thence leaving said Tates Creek Road and with said Lacefield, North 82°27'27" East, 33.20 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing with said Lacefield, North 82°27'27" East, 10.00 feet to a point; Thence leaving said Lacefield for three (3) new lines through the lands of said Fouser:

1. South 07°32'33" East, 80.00 feet to a point in the north line of an existing utility easement (Plat Cabinet C, Slide 264),
2. With said utility easement, South 82°27'27" West, 10.00 feet to a point,
3. Leaving said utility easement, North 07°32'33" West, 80.00 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 800 square feet (gross and net), more or less of temporary construction easement; and,

Tract B

BEGINNING, at the northwest corner of Paul R. Fouser (3506 Bates Creek Road, Deed Book 2319, Page 324) at the common corner with Warren E. Lacefield (3504 Bates Creek Road, Deed Book 1337, Page 845), said point being in the Bates Creek Road east right-of-way and having NAD 83 (2011) Kentucky State Plane North Zone coordinates of North 177,278.15 and East 1,570,079.69;

Thence leaving said Bates Creek Road and with said Lacefield, North 82°27'27" East, 64.88 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing with said Lacefield, North 82°27'27" East, 10.00 feet to a point;

Thence leaving said Lacefield for six (6) new lines through the lands of said Fouser:

1. South 07°32'33" East, 70.60 feet to a point,
2. South 57°34'57" East, 8.40 feet to a point,
3. South 61°44'11" East, 6.85 feet to a point in the line with an existing utility easement (Plat Cabinet C, Slide 264),
4. With said utility easement, South 82°27'27" West, 16.35 feet to a point,
5. Leaving said utility easement, North 57°32'37"

West, 7.37 feet to a point,
6. North 07°32'33" West, 75.27 feet to the **TRUE**
POINT OF BEGINNING; and,

The above-described parcel contains 841 square feet (gross and net), more or less of temporary construction easement; and

Tracts A and B, being a portion of the same property conveyed to Paul R. Fouser, a single person and Charles E. Fouser, III, a single person, by Deed dated July 14, 2000, of record in Deed Book 2143, Page 708, in the Fayette County Clerk's Office. Said Charles E. Fouser, III and Shelby Fouser, husband and wife, conveyed their interest to Paul R. Fouser, a single person, by Deed dated October 7, 2002, of record in Deed Book 2319, Page 324, 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.

TOGETHER with the right to use the above-described easements during the time the sanitary sewer is being constructed, repaired or reconstructed, with the right of ingress and egress upon said easements as may be reasonably necessary for the construction and maintenance of said project.

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 Grantor. The above-described permanent easement runs with the land in perpetuity and is binding upon the successors and assigns of the Grantor. The temporary construction easement shall take effect upon the commencement of construction of the project and will expire upon completion of the project, or maintenance thereof.

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 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 his right, title, and interest in and to the property to the extent of the interests conveyed herein, including all exemptions allowed by law, and does hereby covenant to and with the 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 as herein done, and he will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 312-2023, passed by the Lexington-Fayette Urban County Council on June 15, 2023. 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 Deed of Easement, this the day and year first above written.

GRANTOR:

BY: 

PAUL R. FOUSER



GRAPHIC SCALE: 1" = 40'

 NEW PERM. ESMT.
 TEMP. CONST. ESMT.



WARREN E. LACEFIELD
3504 TATES CREEK ROAD
DB 1337 PG 845

P.O.B.
N:177278.15
E:1570079.69

TRUE
P.O.B.

PAUL R. FOUSER
3506 TATES CREEK ROAD
DB 2319 PG 324

TEMP. CONST. E. "A"
800 SQ.FT.
(GROSS & NET)

TEMP. CONST. E. "B"
841 SQ.FT.
(GROSS & NET)

PERM. SAN. E.
1,604 SQ.FT.
(GROSS & NET)

TATES CREEK RD.

CAMERON & WHITTY REA GRANT
1006 CASTLETON WY
DB 3782 PG 483

COLIN E & TRACY L PEETS
1008 CASTLETON WY
DB 2272 PG 35

B & D INVESTMENTS LLC
3508 TATES CREEK ROAD
DB 3601 PG 5

10' U.E. CAB C SL 264
 10' SAN. E. CAB C SL 110
 10' SAN. E. CAB C SL 110
 12' U.E. CAB C SL 110
 12' U.E. CAB C SL 110

K:\200126 - West Hickman Trunk Sewers\Survey Info\Working Drawings\Easements\200126 Easements - 3506Tates Creek_REV 110624.dwg
 Day & Time: Nov 12, 2024 - 11:33am
 Login Name: jchambless

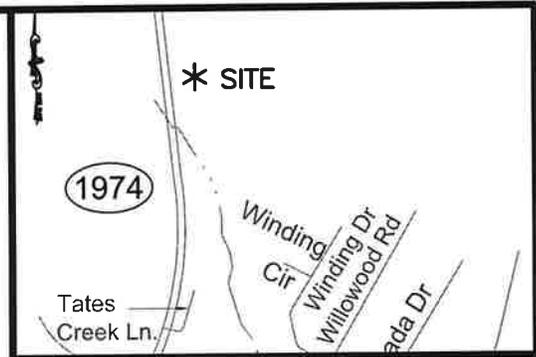


REV. DATE: 11/06/24

651 Perimeter Drive Suite 300
Lexington, KY 40517
Phone (859) 368-0145
www.primeeng.com

MERRICK TRUNK SEWER PROJECT
 SANITARY SEWER EASEMENTS
 PAUL R. FOUSER
 3506 TATES CREEK ROAD
 LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 1 OF 2

LINE	BEARING	DISTANCE
L1	N 82°27'27" E	19.88'
L2	S 07°32'33" E	75.27'
L3	S 57°32'37" E	7.37'
L4	S 82°27'27" W	25.52'
L5	N 7°32'33" W	80.00'
L6	N 82°27'27" E	43.20'



VICINITY MAP N.T.S.

EX. ESMT.=N/A

PROP. PERM. ESMT.(GROSS)=1,604 SQ.FT.
 PROP. PERM. ESMT. (NET)=1,604 SQ. FT.

PROP. TEMP. ESMT. (GROSS)=1,641 SQ.FT.
PROP. TEMP. ESMT. (NET)=1,641 SQ. FT.

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 PRIME AE GROUP 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

Digitally signed by James M. Chambliss,
 PLS
 Date: 2024.11.12 13:02:02 -05'00'

JAMES M. CHAMBLISS, PLS 3185

DATE



REV. DATE: 10/28/24

651 Perimeter Drive Suite 300
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 Phone (859) 368-0145
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MERRICK TRUNK SEWER PROJECT
 SANITARY SEWER EASEMENTS
 PAUL R. FOUSER
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 LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 2 OF 2