

R 389-2013

7590

**GRANT OF EASEMENT**

This **EASEMENT** is made and entered into this 6 day of November, 2013, by and between **CAROLYN McCLELLAN (n/k/a CAROLYN McCLELLAN ROSE) and JAMES ROSE**, wife and husband, 3353 Valhalla Drive, 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 **Six Thousand Four Hundred Ninety-Four Dollars and 40/100 Cents (\$6,494.40)**, 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**  
**3353 Valhalla Drive**  
**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, 11<sup>th</sup> Floor

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 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**  
**3353 Valhalla Drive**  
**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 she is lawfully seized in fee simple of said property and has good right to sell and convey the easements conveyed herein, and that she 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:   
CAROLYN McCLELLAN (n/k/a  
CAROLYN McCLELLAN ROSE

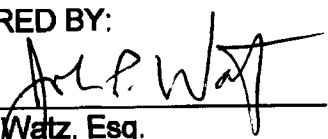
BY:   
JAMES ROSE

COMMONWEALTH OF KENTUCKY    )  
  )  
COUNTY OF FAYETTE                    )

The foregoing Easement was subscribed, sworn to and acknowledged before me by Carolyn McClellan (n/k/a Carolyn McClelland Rose) and James Rose, wife and husband, on this the 6<sup>th</sup> day of NOVEMBER, 2013.

My commission expires: DEC. 5, 2015

  
Notary Public, State-At-Large, Kentucky

PREPARED BY:  


John P. Watz, Esq.  
HENRY WATZ RAINE &  
MARINO, PLLC  
401 West Main Street, Suite 316  
Lexington, Kentucky 40507  
(859) 258-3500  
X:\Cases\WATER-AIR\13-RE0632\RE00411728.DOC

**EXHIBIT A**

20-FOOT PERMANENT SANITARY SEWER EASEMENT  
&  
10-FOOT TEMPORARY CONSTRUCTION EASEMENTS  
ON THE PROPERTY OF  
CAROLYN McCLELLAN AND JAMES ROSE  
(WIFE & HUSBAND)  
DEED BOOK 2474, PAGE 495  
LOT 38, BLOCK H, UNIT 4-A, SECTION 2 CENTURY HILLS SUBDIVISION  
PLAT CABINET C, SLIDE 17  
3353 VALHALLA DRIVE  
IN LEXINGTON, FAYETTE COUNTY, KENTUCKY

All those tracts or parcels of land situated on the southwesterly side of Valhalla Drive near its terminus, 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 38, Block H, Unit 4-A, Section 2 of Century Hills Subdivision (Plat Cabinet C, Slide 17) and Lot 73, Block H, Unit 4A, Section 1 of Century Hills Subdivision (Plat Cabinet B, Slide 776), said point being approximately 45.4 feet northeasterly from the rear common corner of said lots as measured along the common line; thence along the common line of Lots 38 and 73, N 48° 45' 20" E 20.11 feet; thence through Lot 38, S 47° 19' 25" E 72.48 feet to a point in the common line of Lot 38 aforesaid and Lot 37, Block H, Unit 4-A, Section 2 of Century Hills Subdivision (Plat Cabinet C, Slide 17); thence along said common line, S 73° 16' 33" W 23.24 feet; thence again through Lot 38, parallel with and twenty feet southwesterly from the second call cited above, N 47° 19' 25" W 62.79 feet to the beginning and containing 1353 square feet.

**EXHIBIT B**

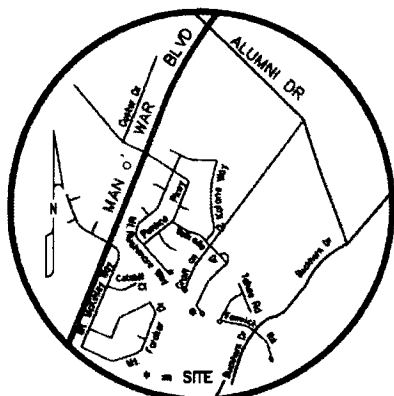
**Temporary Construction Easement - Tract 1:**

Beginning at the northeasterly corner of the above described permanent sanitary sewer easement, said point being in the common line of Lot 38, Block H, Unit 4-A, Section 2 of Century Hills Subdivision (Plat Cabinet C, Slide 17) and Lot 73, Block H, Unit 4A, Section 1 of Century Hills Subdivision (Plat Cabinet B, Slide 776); thence along said common line, N 48° 45' 20" E 10.06 feet; thence through Lot 38, parallel with and ten feet northeasterly from the northeasterly line of the above described permanent sanitary sewer easement, S 47° 19' 25" E 77.33 feet to a point in the common line of Lot 38 aforesaid and Lot 37, Block H, Unit 4-A, Section 2 of Century Hills Subdivision (Plat Cabinet C, Slide 17); thence along said common line, S 73° 16' 33" W 11.62 feet; thence again through Lot 38, along the northeasterly line of the above described permanent sanitary sewer easement, N 47° 19' 25" W 72.48 feet to the beginning and containing 749 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 Lot 38, Block H, Unit 4-A, Section 2 of Century Hills Subdivision (Plat Cabinet C, Slide 17) and Lot 73, Block H, Unit 4A, Section 1 of Century Hills Subdivision (Plat Cabinet B, Slide 776); thence through Lot 38 aforesaid, along the southwesterly line of the above described permanent sanitary sewer easement, S 47° 19' 25" E 62.79 feet to a point in the common line of Lot 38 aforesaid and Lot 37, Block H, Unit 4-A, Section 2 of Century Hills Subdivision (Plat Cabinet C, Slide 17); thence along said common line, S 73° 16' 33" W 11.62 feet; thence again through Lot 38, parallel with and ten feet southwesterly from the southwesterly line of the above described permanent sanitary sewer easement, N 47° 19' 25" W 57.94 feet to a point in the common line of Lots 38 and 73 aforesaid; thence along said common line, N 48° 45' 20" E 10.06 feet to the beginning and containing 604 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 Carolyn McClellan, a single person, by deed of correction dated July 9, 2004, and of record in Deed Book 2474, Page 495; being designated as Lot 38, Block H, Unit 4-A, Section 2 of Century Hills Subdivision as per the Final Record Plan of record in Plat Cabinet C, Slide 17. Carolyn McClellan is now married to James Rose. All of the above referenced instruments are of record in the Fayette County Clerk's office.



VICINITY MAP

Not To Scale

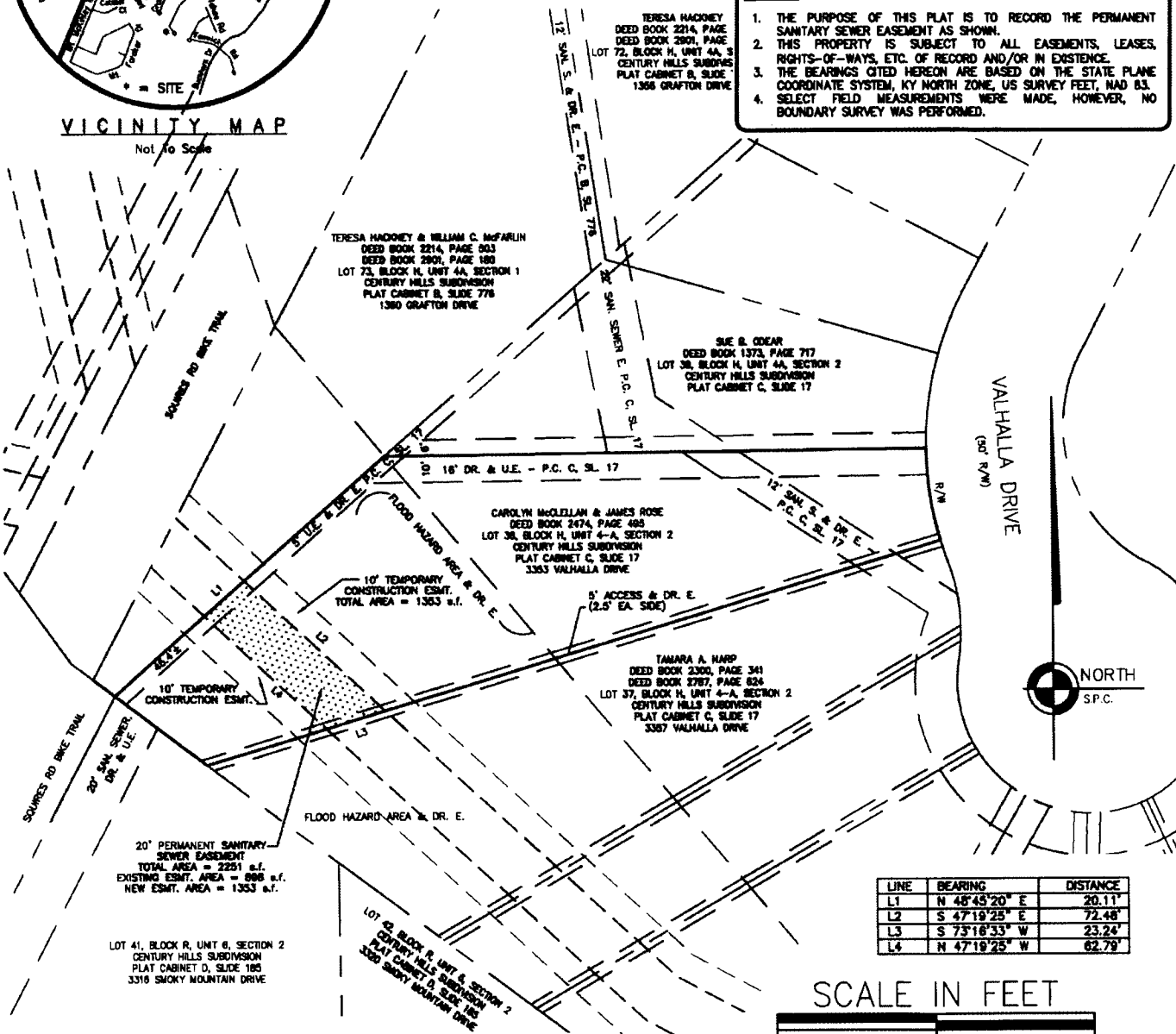
PROPERTY OWNERS' ADDRESS  
 CAROLYN McCLELLAN & JAMES ROSE  
 3353 VALHALLA DRIVE  
 LEXINGTON, KY 40515

LEGEND

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

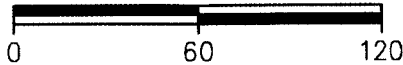
NOTES:

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



LINE	BEARING	DISTANCE
L1	N 48°45'20" E	20.11'
L2	S 47°19'25" E	72.48'
L3	S 73°16'33" W	23.24'
L4	N 47°19'25" W	62.79'

SCALE IN FEET



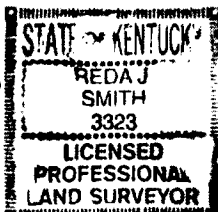
LAND SURVEYOR'S CERTIFICATION

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

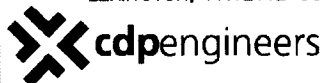
REDA J. SMITH, PLS # 3323  
 CDP ENGINEERS, INC.  
 3250 BLAZER PKWY  
 LEXINGTON, KY 40509

DATE



SANITARY SEWER EASEMENT PLAT

CAROLYN McCLELLAN & JAMES ROSE  
 (WIFE & HUSBAND)  
 PROPERTY  
 3353 VALHALLA DRIVE  
 LEXINGTON, FAYETTE COUNTY, KENTUCKY



3250 Blazer Parkway  
 Lexington KY 40509  
 T 859.284.7500 F 859.284.7501

SCALE: 1" = 60'

DATE: AUGUST 12, 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

201401290069

January 29, 2014                      10:09:55      AM

Fees                      \$26.00              Tax                      \$ .00

Total Paid                      \$26.00

**THIS IS THE LAST PAGE OF THE DOCUMENT**

7 Pages

622 - 628