

FAYETTE CO, KY FEE \$65.00

SUSAN LAMB
COUNTY CLERK

PRESENTED/LODGED: 04/03/2025 02:27:17 PM

BOBBIE MARSTELLA, DEPUTY CLERK 202504030126

BK: DB 4123

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DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 3rd day of APRIL, 2025, by and between **M. THEODORE VALENTINE, a married person**, 3502 Tates Creek Road, Lexington, Kentucky 40517, which is the mailing and also 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 **NINE THOUSAND DOLLARS AND 00/100 CENTS (\$9,000.00)**, 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, repair, 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 3502 Tates Creek Road)

All that tract or parcel of land situated east of Tates Creek Road, north of Armstrong Mill Road and south of Gainesway Drive, in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at the common corner of M. Theodore Valentine (3502 Tates Creek Road, Deed Book 1920, Page 530, of record in the Fayette County Clerk's Office) and Warren E. Lacefield (3504 Tates Creek Road, Deed Book 1337, Page 845, of record in the Fayette County Clerk's Office), said point being in the Tates Creek Road east right-of-way;

Thence leaving said Tates Creek Road along a reference line through the lands of said Valentine, North $77^{\circ}35'17''$ East, 38.91 feet a point in the north line of an existing 12-foot wide sanitary sewer easement (Plat Cabinet C, Slide 264, of record in the Fayette County Clerk's Office) at the **TRUE POINT OF BEGINNING**, having NAD 83 (2011) Kentucky State Plane North Zone Coordinates, U.S. Survey Feet, of North 177,388.28 and East 1,570,103.90;

Thence leaving said sanitary sewer easement for a new line through the lands of said Valentine, North $36^{\circ}10'50''$ West, 80.21 feet to a point in said Tates Creek Road;

Thence with said Tates Creek Road, North $07^{\circ}32'33''$ West, 23.60 feet to a common corner with Edwin Hanson Sanders, III (3500 Tates Creek Road, Deed Book 3103, Page 174, of record in the Fayette County Clerk's Office);

Thence leaving said Tates Creek Road and with said Sanders, North $82^{\circ}27'27''$ East, 9.90 feet to a point;

Thence leaving said Sanders for two (2) new lines through the lands of said Valentine:

1. South 36°10'50" East, 107.10 feet to a point in said sanitary sewer easement,
2. With said sanitary sewer easement, South 82°27'27" West, 22.79 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 1,990 square feet (gross and net), more or less of permanent easement; and

Being a portion of the same property conveyed to Mack T. Valentine and Agnes Harmon Valentine, husband and wife, jointly, for and during their lives with remainder to the survivor of them, his or her heirs and assigns, in fee simple, forever, by Deed dated October 1, 1971, of record in Deed Book 1029, Page 14, in the Fayette County Clerk's Office. Said Mack T. Valentine died testate a resident of Lexington, Fayette County, Kentucky on July 5, 1990. Title to the property vests to his wife, Agnes Harmon Valentine, in fee simple, by right-of-survivorship clause in the aforementioned deed. Said Agnes Harmon Valentine died testate a resident of Lexington, Fayette County, Kentucky on January 21, 1997. By the terms of her Will recorded in Will Book 184, Page 467 and by Affidavit recorded in Deed Book 1920, Page 530, both referenced in the Fayette County Clerk's Office, title vest to her son, M. Theodore Valentine, in fee simple.

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 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, repair and 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 3502 Bates Creek Road)

All that tract or parcel of land situated east of Bates Creek Road and south of Gainesway Drive, in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

Tract A

BEGINNING, at the common corner of M. Theodore Valentine (3502 Bates Creek Road, Deed Book 1920, Page 530, of record in the Fayette County Clerk's Office) and Warren E. Lacefield (3504 Bates Creek Road, Deed Book 1337, Page 845, of record in the Fayette County Clerk's Office), said point being in the Bates Creek Road east right-of-way;

Thence leaving said Bates Creek Road along a reference line through the lands of said Valentine, North $76^{\circ}51'40''$ East, 61.52 feet a point in the north line of an existing 12-foot wide sanitary sewer easement (Plat Cabinet C, Slide 264, of record in the Fayette County Clerk's Office) at the **TRUE POINT OF BEGINNING**, having NAD 83 (2011) Kentucky State Plane North Zone Coordinates, U.S. Survey Feet, of North 177,391.27 and East 1,570,126.48;

Thence leaving said sanitary sewer easement for four (4) new lines through the lands of said Valentine:

1. North $36^{\circ}10'50''$ West, 67.06 feet to a point,
2. North $81^{\circ}53'56''$ East, 41.48 feet to a point,
3. South $09^{\circ}55'39''$ East, 59.31 feet to a point in said sanitary sewer easement,
4. With said sanitary sewer easement, South $82^{\circ}27'27''$ West, 11.81 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 1,577 square feet (gross and net), more or less of temporary construction easement; and

Tract B

BEGINNING, at the common corner of M. Theodore Valentine (3502 Tate Creek Road, Deed Book 1920, Page 530, of record in the Fayette County Clerk's Office) and Warren E. Lacefield (3504 Tate Creek Road, Deed Book 1337, Page 845, of record in the Fayette County Clerk's Office), said point being in the Tate Creek Road east right-of-way;

Thence leaving said Tate Creek Road along a reference line through the lands of said Valentine, North 55°43'16" East, 13.34 feet a point in the north line of an existing 12-foot wide sanitary sewer easement (Plat Cabinet C, Slide 264, of record in the Fayette County Clerk's Office) at the **TRUE POINT OF BEGINNING**, having NAD 83 (2011) Kentucky State Plane North Zone Coordinates, U.S. Survey Feet, of North 177,384.80 and East 1,570,077.59;

Thence leaving said sanitary sewer easement for three (3) new lines through the lands of said Valentine:

1. North 07°53'21" West, 49.14 feet to a point,
2. South 36°10'53" East, 55.99 feet to a point in said sanitary sewer easement,
3. With said sanitary sewer easement, South 82°27'27" West, 26.54 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 652 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 Mack T. Valentine and Agnes Harmon Valentine, husband and wife, jointly, for and during their lives with remainder to the survivor of them, his or her heirs and assigns, in fee simple, forever, by Deed dated October 1, 1971, of record in Deed Book 1029, Page 14, in the Fayette County Clerk's Office. Said Mack T. Valentine died testate a resident of Lexington, Fayette County, Kentucky on July 5, 1990. Title to the property vests to his wife, Agnes Harmon Valentine, in fee simple, by right-of-survivorship clause in the aforementioned deed. Said Agnes Harmon Valentine died

testate a resident of Lexington, Fayette County, Kentucky on January 21, 1997. By the terms of her Will recorded in Will Book 184, Page 467 and by Affidavit recorded in Deed Book 1920, Page 530, both referenced in the Fayette County Clerk's Office, title vest to her son, M. Theodore Valentine, in fee simple.

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 their right, title, and interest in and to the property to the extent of

The obtaining of this easement was authorized by Resolution 312-2023, passed by the Lexington-Fayette Urban County Council on June 15, 2023, and by Amended Resolution 584-2024, passed by the Lexington-Fayette Urban County Council on November 21, 2024. Pursuant to KRS 382.135(2)(a), this deed of easement, which pertains to a public utility, need not contain a statement of consideration.

GRANTOR:

BY:

M. THEODORE VALENTINE

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Theodore Valentine, a married person, on this the 3rd day of APRIL, 2025.



My Commission Expires: 05 / 10 / 2025

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PREPARED BY:



TIFFANY AMBER HOLSKEY,
Attorney
Lexington-Fayette Urban
County Government
Department of Law, 11th Floor
200 East Main Street
Lexington, Kentucky 40507
(859) 258-3500

4931-6463-6453, v. 1



 NEW PERM. ESMT.
 TEMP. CONST. ESMT.

GAINESWAY DR.

STATE PLANE

EDWIN HANSON SANDERS, III
 3500 TATES CREEK ROAD
 DB 3103 PG 174

M. THEODORE VALENTINE
 3502 TATES CREEK ROAD
 DB 1920 PG 530 (AFFIDAVIT)
 DB 902 PG 117
 WB 184 PG 467

TEMP. CONST. A.
 1577 SQ.FT.
 (GROSS & NET)

PERM. SAN. A.
 1990 SQ.FT.
 (GROSS & NET)

PATRICK BRIAN METZGER
 1002 CASTLETON WY
 DB 3687 PG 730

BENJAMIN CHASE SMITH
 1004 CASTLETON WY
 DB 3732 PG 644

TATES CREEK RD.

TEMP. CONST. B.
 652 SQ.FT.
 (GROSS & NET)

P.O.B.

TRUE P.O.B.
 N:177388.28
 E:1570103.90

12' SAN. E. CAB C SL 264

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

REV. DATE: 2/04/25

MERRICK TRUNK SEWER PROJECT
 SANITARY SEWER EASEMENTS
 M. THEODORE VALENTINE
 3502 TATES CREEK ROAD

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LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 1 OF 2

