

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 15th day of August, 2022, by and between **LEIGHWAY PROPERTIES, LLC**, a Kentucky **limited liability company**, 1300 Corona Drive, Lexington, Kentucky 40514, 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 **ONE HUNDRED DOLLARS AND 00/100 CENTS (\$100.00)**, 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

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

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 Trunk F
Sewer Improvement Project
(a portion of 842 Spring Meadows Drive)

Tract A

All that strip or parcel of land situated northwest of the intersection of Spring Meadows Drive and Harrodsburg Road (US Highway 68) in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at a common corner between Lots 4S and 4T, as shown on the Amended Final Record Plan of the H & E Property (Harrod's Park) Unit 3, Lot 4, Block "B" (Plat Cabinet H, Slide 194), said point being in the northeasterly boundary line of the Allendale Subdivision (Plat Cabinet E, Slide 721 and Slide 691);

Thence with the southeasterly property line of Lot 4S, N 41°26'37" E, 30.71 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing with the southeasterly property line of Lot 4S, N 41°26'37" E, 22.03 feet to a point;

Thence leaving the southeasterly property line of Lot 4S, with an existing sanitary sewer easement line through the lands of Lot 4T for two (2) calls:

- 1) S 56°58'08" E, 38.91 feet to a point; and
- 2) N 33°01'52" E, 6.36 feet to a point;

Thence with a new permanent sanitary sewer easement line for three (3) calls:

- 1) S 51°13'57" E, 11.27 feet to a point;
- 2) S 41°26'37" W, 10.01 feet to a point; and
- 3) S 51°13'57" E, 300.22 feet to a point;

Thence with an existing sanitary sewer easement line, S 43°51'23" W, 20.08 feet to a point;

Thence with a new permanent sanitary sewer easement line for two (2) calls:

- 1) N 51°13'57" W, 299.37 feet to a point; and
- 2) S 41°26'37" W, 6.88 feet to a point;

Thence with an existing sanitary sewer easement line, N 45°46'26" W, 48.87 feet to the TRUE POINT OF BEGINNING; and,

The above-described parcel contains 0.169 Acres (7,368 sq. ft.) of permanent easement; and

Tract B

All that strip or parcel of land situated northwest of the intersection of Spring Meadows Drive and Harrodsburg Road (US Highway 68) in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows, to wit:

BEGINNING, at a common corner between Lot 4T, as shown on the Amended Final Record Plan of the H & E Property (Harrod's Park) Unit 3, Lot 4, Block "B" (Plat Cabinet H, Slide 194) and Lot 2H, as shown on the Amended Final Record Plan of the H & E Property (Harrod's Park), Unit 3, Lots 1 and 2 (Plat Cabinet F, Slide 520), said point being in the northeasterly property line of Stephen D. Prater (Deed Book 2226, Page 262);

Thence with the northwesterly property line of Lot 2H, N 41°26'37" E, 56.82 feet to the TRUE POINT OF BEGINNING;

Thence leaving the northwesterly property line of Lot 2H, with a new permanent sanitary sewer easement line through the lands of Lot 4T, N 38°23'23" W, 103.60 feet to a point;

Thence with an existing sanitary sewer easement line, N 43°51'23" E, 20.18 feet to a point;

Thence with a new permanent sanitary sewer easement line, S 38°23'23" E, 102.74 feet to a point in the northwesterly line of the aforesaid Lot 2H;

Thence with the northwesterly line of Lot 2H, S 41°26'37" W, 20.32 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 0.047 Acres (2,063 sq. ft.) of permanent easement; an

Tract A and B, being a portion of the property conveyed to Leighway Properties, LLC, a Kentucky limited liability company, by Deed dated May 17, 2021, of record in Deed Book 3844, Page 509, 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 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 Trunk F
Sewer Improvement Project
(a portion of 842 Spring Meadows Drive)

Tract C

All that strip or parcel of land situated northwest of the intersection of Spring Meadows Drive and Harrodsburg Road (US Highway 68) in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows, to wit:

BEGINNING, at a common corner between Lots 4S and 4T, as shown on the Amended Final Record Plan of the H & E Property (Harrod's Park) Unit 3, Lot 4, Block "B" (Plat

Cabinet H, Slide 194), said point being in the northeasterly boundary line of the Allendale Subdivision (Plat Cabinet E, Slide 721 and Slide 691);

Thence with the southeasterly property line of Lot 4S, N 41°26'37" E, 30.71 feet to a point;

Thence leaving the southeasterly property line of Lot 4S, with an existing sanitary sewer easement line through the lands of Lot 4T, S 45°46'26" E, 48.87 feet to the **TRUE POINT OF BEGINNING**;

Thence with a new permanent sanitary sewer easement line for two (2) calls:

- 1) N 41°26'37" E, 6.88 feet to a point; and
- 2) S 51°13'57" E, 299.37 feet to a point;

Thence with an existing sanitary sewer easement line, S 43°51'23" W, 10.04 feet to a point;

Thence with a new temporary construction easement line, N 51°13'57" W, 266.09 feet to a point;

Thence with an existing sanitary sewer easement line, N 45°46'26" W, 32.86 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 0.067 Acres (2,940 sq. ft.) of temporary construction easement; and

Tract D

All that strip or parcel of land situated northwest of the intersection of Spring Meadows Drive and Harrodsburg Road (US Highway 68) in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows, to wit:

BEGINNING, at a common corner between Lots 4T and 4U, as shown on the Amended Final Record Plan of the H & E Property (Harrod's Park) Unit 3, Lot 4, Block "B" (Plat Cabinet H, Slide 194), said point being the westernmost corner of Lot 4U;

Thence with the southwesterly property line of Lot 4U, S 48°33'23" E, 44.61 feet to a point;

Thence leaving the southwesterly property line of Lot 4U, with a new temporary construction easement line through the lands of Lot 4T for two (2) calls:

- 1) S 03°33'23" E, 16.96 feet to a point; and
- 2) S 51°13'57" E, 243.98 feet to a point;

Thence with an existing sanitary sewer easement line, S 43°51'23" W, 10.04 feet to a point;

Thence with a new permanent sanitary sewer easement line for three (3) calls:

- 1) N 51°13'57" W, 300.22 feet to a point;
- 2) N 41°26'37" E, 10.01 feet to a point; and
- 3) N 51°13'57" W, 11.27 feet to a point;

Thence with an existing sanitary sewer easement line, and continuing with a new temporary construction easement line for two (2) calls:

- 1) N 33°01'52" E, 17.15 feet to a point; and
- 2) N 03°33'23" W, 44.43 feet to a point;

Thence with an existing access easement line, S 62°42'24" E, 46.59 feet to a point in the northwesterly property line of the aforesaid Lot 4U;

Thence with the northwesterly property line of Lot 4U, S 41°26'37" W, 44.61 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 0.117 Acres (5,078 sq. ft.) of temporary construction easement; and

Tract E

All that strip or parcel of land situated northwest of the intersection of Spring Meadows Drive and Harrodsburg Road (US Highway 68) in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows, to wit:

BEGINNING, at a common corner between Lot 4T, as shown on the Amended Final Record Plan of the H & E Property (Harrod's Park) Unit 3, Lot 4, Block "B" (Plat Cabinet H, Slide 194) and Lot 2H, as shown on the

Amended Final Record Plan of the H & E Property (Harrod's Park), Unit 3, Lots 1 and 2 (Plat Cabinet F, Slide 520), said point being in the northeasterly property line of Stephen D. Prater (Deed Book 2226, Page 262);

Thence with the northwesterly property line of Lot 2H, N 41°26'37" E, 56.82 feet to the **TRUE POINT OF BEGINNING;**

Thence with the northwesterly property line of Lot 2H, S 41°26'37" W, 10.16 feet to a point;

Thence leaving the northwesterly property line of Lot 2H, with a new temporary construction easement line through the lands of Lot 4T, N 38°23'23" W, 104.04 feet to a point;

Thence with an existing sanitary sewer easement line, N 43°51'23" E, 10.09 feet to a point;

Thence with a new permanent sanitary sewer easement line, S 38°23'23" E, 103.60 feet to the **TRUE POINT OF BEGINNING;** and,

The above described parcel contains 0.024 Acres (1,038 sq. ft.) of temporary construction easement; and

Tract F

All that strip or parcel of land situated northwest of the intersection of Spring Meadows Drive and Harrodsburg Road (US Highway 68) in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows, to wit:

BEGINNING, at a common corner between Lot 4T, as shown on the Amended Final Record Plan of the H & E Property (Harrod's Park) Unit 3, Lot 4, Block "B" (Plat Cabinet H, Slide 194) and Lot 2H, as shown on the Amended Final Record Plan of the H & E Property (Harrod's Park), Unit 3, Lots 1 and 2 (Plat Cabinet F, Slide 520), said point being in the northeasterly property line of Stephen D. Prater (Deed Book 2226, Page 262);

Thence with the northwesterly property line of Lot 2H, N 41°26'37" E, 77.14 feet to the **TRUE POINT OF BEGINNING;**

Thence leaving the northwesterly property line of Lot 2H, with a new permanent sanitary sewer easement line through the lands of Lot 4T, N 38°23'23" W, 102.74 feet to a point;

Thence with an existing sanitary sewer easement line, N 43°51'23" E, 10.09 feet to a point;

Thence with a new temporary construction easement line, S 38°23'23" E, 102.31 feet to a point in the northwesterly property line of the aforesaid Lot 2H;

Thence with the northwesterly property line of Lot 2H, S 41°26'37" W, 10.16 feet to the TRUE POINT OF BEGINNING; and,

The above described parcel contains 0.024 Acres (1,025 sq. ft.) of temporary construction easement; and

Tract C, D, E and F, being a portion of the property conveyed to Leighway Properties, LLC, a Kentucky limited liability company, by Deed dated May 17, 2021, of record in Deed Book 3844, Page 509, 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 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.

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 its 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 it is lawfully seized in fee simple of said property and has good right to sell and convey the easements as herein done, and that it will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 042-2022, passed by the Lexington-Fayette Urban County Council on February 10, 2022. 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:

LEIGHWAY PROPERTIES, LLC, a
Kentucky limited liability company

BY:



KAREN L. WHITMER,
MEMBER

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by Karen L. Whitmer, as a Member, for and on behalf of Leighway Properties, LLC, a Kentucky limited liability company, on this the 15th day of August, 2022.

Amy Nicole Webb
Notary Public, Kentucky, State-at-Large

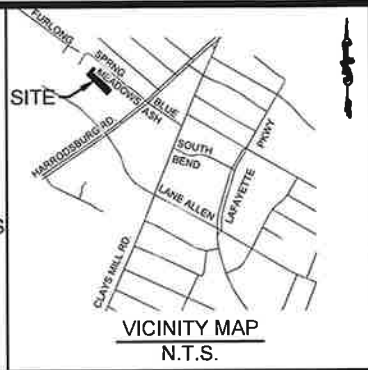
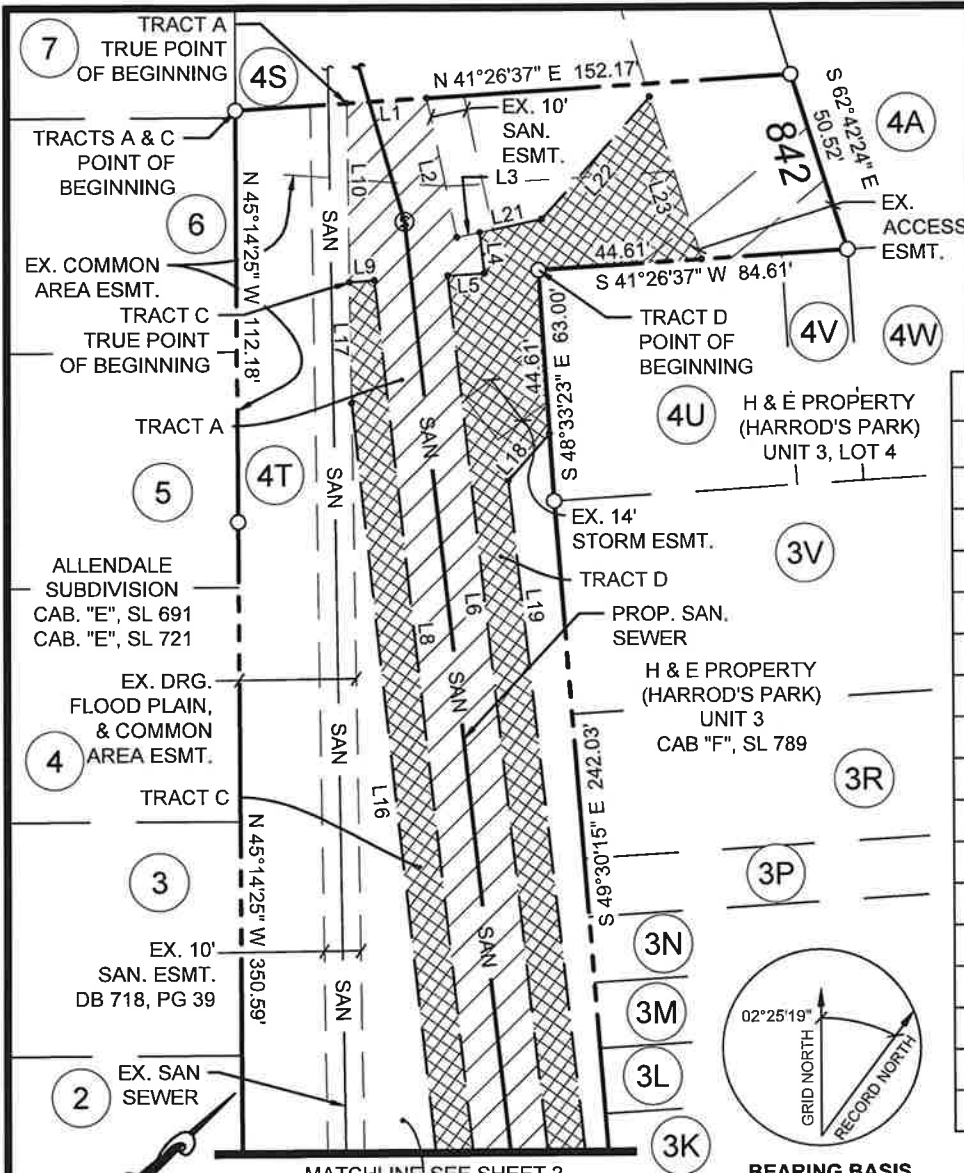
My Commission Expires: 11/22/2024

Notary ID # KYNP 16558

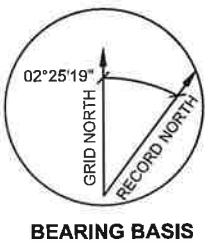


PREPARED BY:

[Signature]
EVAN P. THOMPSON,
Attorney Sr.
Lexington-Fayette Urban
County Government
Department of Law, 11th Floor
200 East Main Street
Lexington, Kentucky 40507
(859) 258-3500



EASEMENT LINE TABLE		
LINE #	LENGTH	BEARING
L1	22.03'	N 41°26'37" E
L2	38.91'	S 56°58'08" E
L3	6.36'	N 33°01'52" E
L4	11.27'	S 51°13'57" E
L5	10.01'	S 41°26'37" W
L6	300.22'	S 51°13'57" E
L8	299.37'	N 51°13'57" W
L9	6.88'	S 41°26'37" W
L10	48.87'	N 45°46'26" W
L16	266.09'	N 51°13'57" W
L17	32.86'	N 45°46'26" W
L18	16.96'	S 03°33'23" E
L19	243.98'	S 51°13'57" E
L21	17.15'	N 33°01'52" E
L22	44.43'	N 03°33'23" W
L23	46.59'	S 62°42'24" E



NOTES:

1. THE PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON ARE BASED ON THE RECORD DESCRIPTION (DEED BOOK 3844, PAGE 509) AND CORRESPONDING PLAT (CABINET "H" SLIDE 194) OF RECORD IN THE FAYETTE COUNTY CLERK'S OFFICE. THE ORIGIN OF BEARINGS SHOWN HEREON IS BASED ON THE NORTH AMERICAN DATUM OF 1983, STATE PLANE KENTUCKY NORTH ZONE AS OBSERVED FROM KYCORS STATION "KYTG" USING A TRIMBLE R12, DUAL FREQUENCY RECEIVER.
2. THE PURPOSE OF THIS EXHIBIT IS TO DELINEATE A PROPOSED CONVEYANCE FOR A PERMANENT SANITARY SEWER EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT TO LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.
3. THIS INFORMATION DOES NOT CONSTITUTE A BOUNDARY SURVEY AND SHALL NOT BE USED FOR PURPOSES OF LAND TRANSFER.

TEMP. ESMT. AREA
10,081 SQ. FT. (0.232 AC)

PERM. ESMT. AREA
9,431 SQ. FT. (0.216 AC)

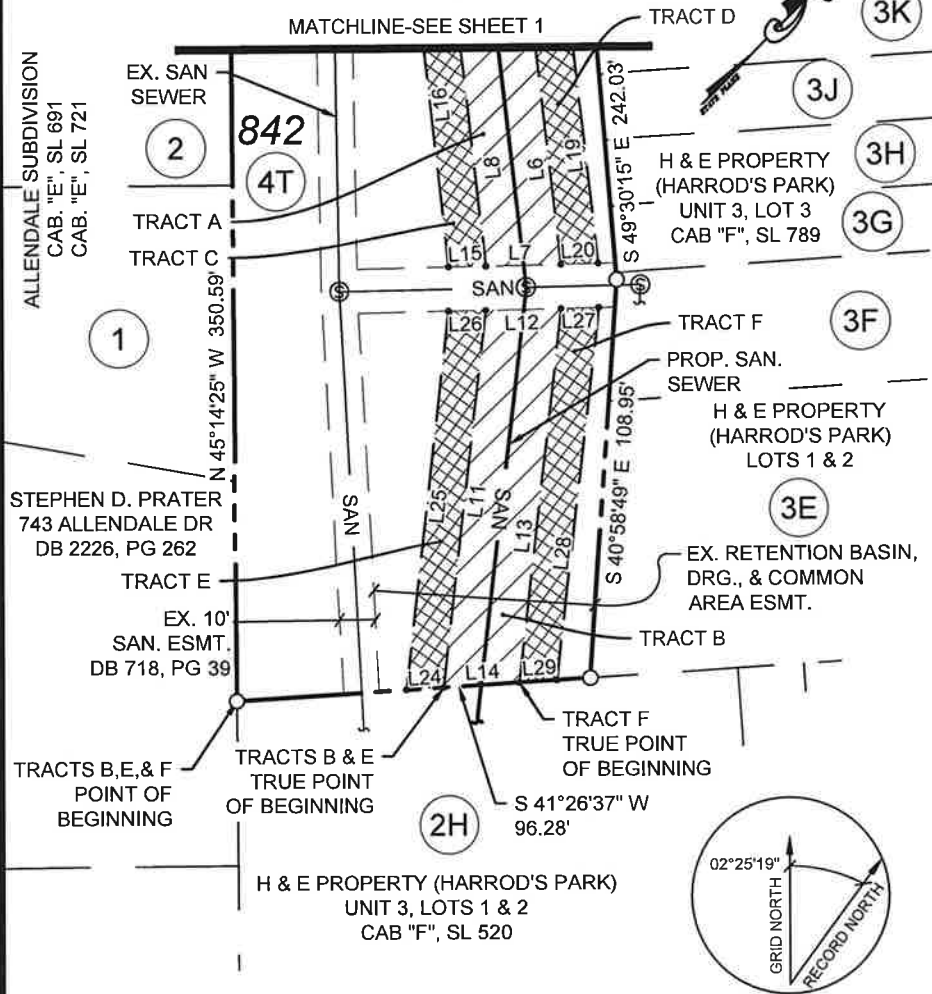
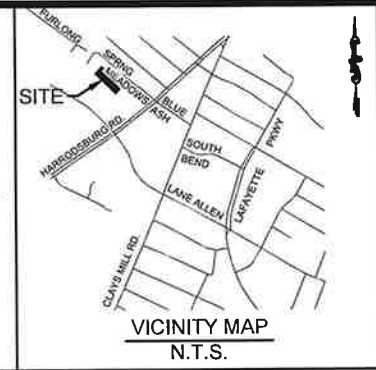
50 0 25 50
GRAPHIC SCALE: 1"=50'

H&E PROPERTY
UNIT 3, LOT 4T
CAB "H", SL 194
DB 3844, PG 509

**SANITARY SEWER EASEMENT EXHIBIT
LEIGHWAY PROPERTIES LLC
842 SPRING MEADOWS DRIVE
WOLF RUN TRUNK F SEWER IMPROVEMENTS
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KENTUCKY**

SHEET 1 OF 2
JUNE 2022
2815.298

H&E PROPERTY
UNIT 3, LOT 4T
CAB "H", SL 194
DB 3844, PG 509



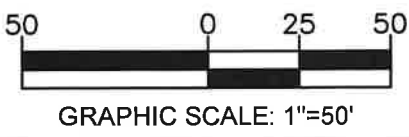
EASEMENT LINE TABLE		
LINE #	LENGTH	BEARING
L6	300.22'	S 51°13'57" E
L7	20.08'	S 43°51'23" W
L8	299.37'	N 51°13'57" W
L11	103.60'	N 38°23'23" W
L12	20.18'	N 43°51'23" E
L13	102.74'	S 38°23'23" E
L14	20.32'	S 41°26'37" W
L15	10.04'	S 43°51'23" W
L16	266.09'	N 51°13'57" W
L19	243.98'	S 51°13'57" E
L20	10.04'	S 43°51'23" W
L24	10.16'	S 41°26'37" W
L25	104.04'	N 38°23'23" W
L26	10.09'	N 43°51'23" E
L27	10.09'	N 43°51'23" E
L28	102.31'	S 38°23'23" E
L29	10.16'	S 41°26'37" W

NOTES:

1. THE PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON ARE BASED ON THE RECORD DESCRIPTION (DEED BOOK 3844, PAGE 509) AND CORRESPONDING PLAT (CABINET "H" SLIDE 194) OF RECORD IN THE FAYETTE COUNTY CLERK'S OFFICE. THE ORIGIN OF BEARINGS SHOWN HEREON IS BASED ON THE NORTH AMERICAN DATUM OF 1983, STATE PLANE KENTUCKY NORTH ZONE AS OBSERVED FROM KYCORS STATION "KYTG" USING A TRIMBLE R12, DUAL FREQUENCY RECEIVER.
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TEMP. ESMT. AREA
10,081 SQ. FT. (0.232 AC)

PERM. ESMT. AREA
9,431 SQ. FT. (0.216 AC)



SANITARY SEWER EASEMENT EXHIBIT
LEIGHWAY PROPERTIES LLC
842 SPRING MEADOWS DRIVE
WOLF RUN TRUNK F SEWER IMPROVEMENTS
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KENTUCKY

SA STRAND ASSOCIATES*

SHEET 2 OF 2

JUNE 2022
2815.298

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: BOBBIE MARSTELLA ,dc

202208240043

August 24, 2022

9:14:18

AM

Fees

\$71.00

Tax

\$.00

Total Paid

\$71.00

THIS IS THE LAST PAGE OF THE DOCUMENT

13 Pages

125 - 137