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FAYETTE CO, KY FEE \$71.00
PRESENTED / LODGED: 08-21-2023 10:01:56 AM

RECORDED: 08-21-2023

SUSAN LAMB
CLERK

BY: BOBBIE MARSTELLA
DEPUTY CLERK

BK: DB 4032

PG: 607-618

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 16TH day of AUGUST, 2023, by and between **THE PRESBYTERY OF TRANSYLVANIA (U.S.A.), INC.**, a Kentucky non-profit corporation, as successor in interest to **CHAPEL HILL PRESBYTERIAN CHURCH, INC.**, a dissolved Kentucky non-profit corporation, P.O. Box 23580, Lexington, Kentucky 40523, 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 **TWO THOUSAND FIVE HUNDRED DOLLARS AND 00/100 CENTS (\$2,500.00)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, said

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

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, 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 3534 Tates Creek Road)

All that tract or parcel of land situated on the northeast corner of the intersection of Armstrong Mill Road and Tates Creek Road in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at the northeast corner of the Presbytery of Transylvania (U.S.A.), Inc., (3534 Tates Creek Road, Deed Book 3280, Page 746) at the common corner with Whitney P. Hines (3545 Winding Drive, Deed Book 2869, Page 6), Ryan and Catherine Deely (3541 Winding Drive, Deed Book 3722, Page 72) and Gainesway Floodplain Area Maintenance Association, Inc., (Deed Book 1238, Page 103);

Thence leaving said Deely and Gainesway Floodplain and with said Hines, South 28°02'46" West, 39.32 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing with said Hines and Timothy David Magee (1967 Armstrong Mill Road, Deed Book 1703, Page 137) for two (2) lines:

- 1) South 28°02'46" West, 10.99 feet to a point,
- 2) South 29°17'48" West, 9.29 feet to a point:

Thence leaving said Magee for two (2) new lines through the lands of said Presbytery:

- 1) North 70°55'43" West, 81.03 feet to a point,

- 2) North 25°44'19" West, 250.08 feet to a point
in the line with said Gainesway Floodplain;

Thence with said Gainesway Floodplain, South 68°18'44" East,
29.56 feet to a point;

Thence leaving said Gainesway Floodplain for two (2) new lines
through the lands of said Presbytery:

- 1) South 25°44'19" East, 219.99 feet to a point,
- 2) South 70°55'43" East, 76.07 feet to the **TRUE
POINT OF BEGINNING**; and,

The above-described parcel contain 6,273 square feet (gross and
net), more or less of permanent easement; and

Being a portion of the same property conveyed to Chapel Hill
Presbyterian Church, Inc., a Kentucky non-profit corporation by
Deed dated February 6, 1988, of record in Deed Book 1503, Page
410 and by Quitclaim Deed dated December 10, 2014, of record in
Deed Book 3280, Page 746, both referenced in the Fayette County
Clerk's Office. Said Chapel Hill Presbyterian Church, Inc. was
dissolved by the Coordinating Commission of the Presbytery of
Transylvania (U.S.A.), Inc., a Kentucky non-profit corporation, on
November 2, 2018. Further, said Chapel Hill Presbyterian Church,
Inc. was administratively dissolved as a corporation by the
Secretary of State on October 16, 2019, and succeeded in interest
by The Presbytery of Transylvania (U.S.A.), Inc., a Kentucky non-
profit corporation.

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 3534 Tates Creek Road)

All that tract or parcel of land situated on the northeast corner of the intersection of Armstrong Mill Road and Tates Creek Road in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

Tract A

BEGINNING, at the the northeast corner of Presbytery of Transylvania (U.S.A.), Inc., (3534 Tates Creek Road, Deed Book 3280, Page 746) at the common corner with Whitney P. Hines (3545 Winding Drive, Deed Book 2869, Page 6), Ryan and Catherine Deely (3541 Winding Drive, Deed Book 3722, Page 72) and Gainesway Floodplain Area Maintenance Association, Inc., (Deed Book 1238, Page 103);

Thence leaving said Deely and Gainesway Floodplain and with said Hines, South 28°02'46" West, 50.31 feet to the northwest corner with Timothy David Magee (1967 Armstrong Mill Road, Deed Book 1703, Page 137);

Thence leaving said Hines and continuing with said Magee, South 29°17'48" West, 9.29 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing with said Magee South 29°17'48" West, 10.16 feet;

Thence leaving said Magee for two (2) new lines through the lands of said Presbytery:

- 1) North 70°55'43" West, 83.38 feet to a point,
- 2) North 25°44'19" West, 265.13 feet to a point
in the line with said Gainesway Floodplain;

Thence with said Gainesway Floodplain, South 68°18'44" East, 14.78 feet to a point;

Thence leaving said Gainesway Floodplain for two (2) new lines through the lands of said Presbytery:

- 1) South 25°44'19" East, 250.08 feet to a point,

- 2) South 70°55'43" East, 81.03 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 3,398 square feet (gross and net), more or less of temporary construction easement; and

Tract B

BEGINNING, at the northeast corner of Presbytery of Transylvania (U.S.A.), Inc., (3534 Tates Creek Road, Deed Book 3280, Page 746) at the common corner with Whitney P. Hines (3545 Winding Drive, Deed Book 2869, Page 6), Ryan and Catherine Deely (3541 Winding Drive, Deed Book 3722, Page 72) and Gainesway Floodplain Area Maintenance Association, Inc., (Deed Book 1238, Page 103);

Thence leaving said Deely and Gainesway Floodplain and with said Hines, South 28°02'46" West, 29.19 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing with said Hines, South 28°02'46" West, 10.12 feet to a point; thence leaving said Hines for two (2) new lines through the lands of said Presbytery:

- 1) North 70°55'43" West, 76.07 feet to a point,
- 2) North 25°44'19" West, 219.99 feet to a point in the line with said Gainesway Floodplain;

Thence with said Gainesway Floodplain, South 68°18'44" East, 14.78 feet to a point;

Thence leaving said Gainesway Floodplain for two (2) new lines through the lands of said Presbytery:

- 1) South 25°44'19" East, 204.94 feet to a point,
- 2) South 70°55'43" East, 73.48 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 2,872 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 Chapel Hill Presbyterian Church, Inc., a Kentucky non-profit corporation by Deed dated February 6,

1988, of record in Deed Book 1503, Page 410 and by Quitclaim Deed dated December 10, 2014, of record in Deed Book 3280, Page 746, both referenced in the Fayette County Clerk's Office. Said Chapel Hill Presbyterian Church, Inc. was dissolved by the Coordinating Commission of the Presbytery of Transylvania (U.S.A.), Inc., a Kentucky non-profit corporation, on November 2, 2018. Further, said Chapel Hill Presbyterian Church, Inc. was administratively dissolved as a corporation by the Secretary of State on October 16, 2019, and succeeded in interest by The Presbytery of Transylvania (U.S.A.), Inc., a Kentucky non-profit corporation.

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.

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 it 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:

THE PRESBYTERY OF TRANSYLVANIA (U.S.A.) INC., a
Kentucky non-profit corporation, as successor in interest to
CHAPEL HILL PRESBYTERIAN CHURCH, INC., a dissolved
Kentucky non-profit corporation

BY:



REV. JERRY L. UTT, II, STATED CLERK/
SECRETARY

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by Rev. Jerry L. Utt, II, as Stated Clerk/Secretary, for The Presbytery of Transylvania (U.S.A.), Inc., a Kentucky non-profit corporation, as successor in interest to Chapel Hill Presbyterian Church, Inc., a dissolved Kentucky non-profit corporation, on this the 16TH day of August, 2023.



Handwritten signature of Michael Louis Clayborne in blue ink.

Notary Public, Kentucky, State-at-Large

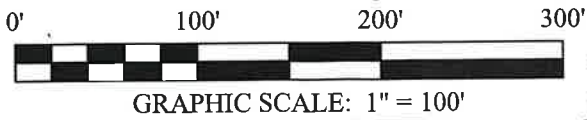
My Commission Expires: 05/10/2025



Notary ID# KYNP27704

PREPARED BY:

Handwritten signature of Evan P. Thompson in blue ink.

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



 NEW PERM. ESMT.
 TEMP. CONST. ESMT.



WINDING CIR.

TATES CREEK ROAD

FORREST J DAY
3470 TATES CREEK LN.
DB 3234 PG 546

10' U.E. CAB B
SL 508

12 U. E. CAB B
SL 508

GAINESWAY FLOODPLAIN
AREA MAINTENANCE
ASSOCIATION, INC.
DB 1238 PG 103

12' U.E. CAB B SL 508

12' SAN. & U.E. CAB
B SL 508

12' SAN. & U.E. CAB
B SL 508

TEMP. CONST. E "B".
2,872 SQ.FT.
(GROSS & NET)

PERM. SAN. E.
6,273 SQ.FT.
(GROSS & NET)

TRUE
P.O.B.

RYAN DEELY &
CATHERINE R. DEELY
3541 WINDING DR.
DB 3722 PG 72

WHITNEY P. HINES
3545 WINDING DR.
DB 2869 PG 6

THE PRESBYTERY OF TRANSYLVANIA (U.S.A.), INC.
3534 TATES CREEK ROAD
DB 3280 PG 746

TEMP. CONST. E. "A"
3,398 SQ.FT.
(GROSS & NET)

ARMSTRONG MILL ROAD

TIMOTHY DAVID MAGEE
1967 ARMSTRONG MILL RD.
DB 1703 PG 137

30' DRG. E. CAB D
SL 605

WINDING DR.



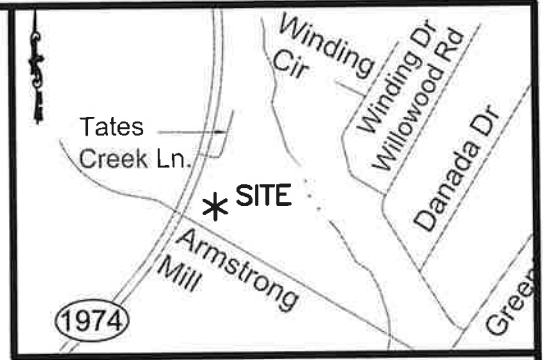
REV. DATE: 06/28/23

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

MERRICK TRUNK SEWER PROJECT
SANITARY SEWER EASEMENTS
THE PRESBYTERY OF TRANSYLVANIA (U.S.A.), INC.
3534 TATES CREEK ROAD
LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 1 OF 2

K:\200126 - West Hickmon Trunk Sewers\Survey Info\Working Drawings\Easements\200126 Easements - Kurt_SSM Tates Creek.dwg
 Day & Time: Jun 28, 2023 - 1:26pm
 Login Name: jchombless

LINE	BEARING	DISTANCE
L1	S 68°18'44" E	29.56'
L2	S 25°44'19" E	219.99'
L3	S 70°55'43" E	76.07'
L4	S 29°17'48" W	9.29'
L5	N 70°55'43" W	81.03'
L6	N 25°44'19" W	250.08'
L7	S 28°02'46" W	10.99'



VICINITY MAP N.T.S.

EX. PERM ESMT.=N/A

PROP. PERM. ESMT.(GROSS)=6,273 SQ.FT.
 PROP. PERM. ESMT. (NET)=6,273 SQ. FT.

PROP. TEMP. ESMT.(GROSS)=6,270 SQ.FT.
 PROP. TEMP. ESMT.(NET)=6,270 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 DEFINED 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: 2023.07.05 14:18:57 -04'00'



JAMES M. CHAMBLISS, PLS 3185 DATE



REV. DATE: 06/28/23
 651 Perimeter Drive Suite 300
 Lexington, KY 40517
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 SANITARY SEWER EASEMENTS
 THE PRESBYTERY OF TRANSYLVANIA (U.S.A.), INC.
 3534 TATES CREEK ROAD
 LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 2 OF 2



 NEW PERM. ESMT.
 TEMP. CONST. ESMT.

WINDING CIR.

STATE PLANE

TATES CREEK ROAD

FORREST J DAY
3470 TATES CREEK LN.
DB 3234 PG 546

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DB 2869 PG 6

THE PRESBYTERY OF PENNSYLVANIA (U.S.A.), INC.
3534 TATES CREEK ROAD
DB 3280 PG 746

TEMP. CONST. E. "A"
3,398 SQ.FT.
(GROSS & NET)

TRUE
P.O.B.

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ARMSTRONG MILL ROAD

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50' DRG. E. CAB D SL 605

REV. DATE: 06/28/23

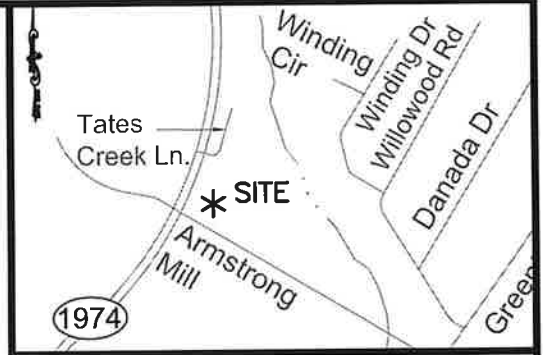
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LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 1 OF 2



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James M. Chambliss, PLS

Digitally signed by James M.
Chambliss, PLS
Date: 2023.07.05 14:18:57 -04'00'

JAMES M. CHAMBLISS, PLS 3185

DATE



REV. DATE: 06/28/23

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3534 TATES CREEK ROAD
LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 2 OF 2