

**DEED OF EASEMENT**

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 26 day of February, 2025, by and between **MOSTAFA SEYED SADER REVOCABLE LIVING TRUST, MOSTAFA SEYED SADER TRUSTEE U/T/A DATED THE 17TH DAY OF APRIL, 2020**, c/o Mostafa Seyed Sader, Trustee, 3514 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 **TWENTY THOUSAND SIX HUNDRED SEVENTY-TWO DOLLARS AND 00/100 CENTS (\$20,672.00)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby

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

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, 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 3514 Tates Creek Road)

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

BEGINNING, at the southwest corner of Mostafa Seyed Sader Revocable Living Trust (3514 Tates Creek Road, Deed Book 3763, Page 445) at the common corner with Sandra Lynn Morrow (3440 Tates Creek Lane, Deed Book 3273, Page 396), said point being in the Tates Creek Road east right-of-way;

Thence leaving said Tates Creek Road and with said Morrow and continuing with Gainesway Floodplain Area Maintenance Association, Inc. (Deed Book 1238, Page 103), South 89°09'30" East, 206.39 feet to the **TRUE POINT OF BEGINNING**, having NAD 83 (2011) Kentucky State Plane North Zone Coordinates, U.S. Survey Feet, of North 176,696.38 and East 1,570,360.18;

Thence leaving said Gainesway Floodplain Area Maintenance Association, Inc. for a new line through the lands of said Sader Trust, North 20°45'41" West, 111.49 feet to a point in the west line of an existing 12-foot wide sanitary sewer and utility easement (Plat Cabinet D, Slide 590);

Thence with said sanitary sewer and utility easement, South 30°31'51" East, 58.93 feet to a point;

Thence leaving said sanitary sewer and utility easement for a new line through the lands of said Sader Trust, South 20°45'41" East, 57.37 feet to a point in the line with said Gainesway Floodplain Area Maintenance Association, Inc.;

Thence with said Gainesway Floodplain Area Maintenance Association, Inc., North 89°09'30" West, 10.76 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 5,159 square feet (gross and net), more or less of permanent easement; and

Being a portion of the same property conveyed to Mostafa Seyed Sader Revocable Living Trust U/T/A dated the 17th day of April, 2020, by Deed dated April 17, 2020, of record in Deed Book 3763, Page 445, 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 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 3514 Tates Creek Road)

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

Tract A

BEGINNING, at the southwest corner of Mostafa Seyed Sader Revocable Living Trust (3514 Bates Creek Road, Deed Book 3763, Page 445) at the common corner with Sandra Lynn Morrow (3440 Bates Creek Lane, Deed Book 3273, Page 396), said point being in the Bates Creek Road east right-of-way;

Thence leaving said Bates Creek Road and with said Morrow and continuing with Gainesway Floodplain Area Maintenance Association, Inc. (Deed Book 1238, Page 103), South 89°09'30" East, 174.12 feet to the **TRUE POINT OF BEGINNING**, having NAD 83 (2011) Kentucky State Plane North Zone Coordinates, U.S. Survey Feet, of North 176,696.85 and East 1,570,327.92;

Thence leaving said Gainesway Floodplain Area Maintenance Association, Inc. for two (2) new lines through the lands of said Sader Trust:

1. North 20°45'41" West, 137.09 feet to a point,
2. North 00°49'28" West, 156.73 feet to a point in the south line of an existing 12-foot wide utility easement (Plat Cabinet D, Slide 590);

Thence with said utility easement, South 86°32'33" East, 10.03 feet to a point;

Thence leaving said utility easement for two (2) new lines through the lands of said Sader Trust:

1. South 00°49'28" East, 154.22 feet to a point,
2. South 20°45'41" East, 139.29 feet to a point in the line with said Gainesway Floodplain Area Maintenance Association, Inc.;

Thence with said Gainesway Floodplain Area Maintenance Association, Inc., North 89°09'30" West, 10.76 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 2,937 square feet (gross and net), more or less of temporary construction easement; and

Tract B

BEGINNING, at the northwest corner of Mostafa Seyed Sader Revocable Living Trust (3514 Bates Creek Road, Deed Book 3763, Page 445), said point being in the Bates Creek Road east right-of-way;

Thence leaving said Bates Creek Road and through the lands of said Sader Trust along a reference line South $85^{\circ}05'55''$ East, 189.23 feet to the **TRUE POINT OF BEGINNING**, in the south line of an existing 12-foot wide utility easement at the intersection with the east line of an existing 12-foot sanitary sewer and utility easement (Both in Plat Cabinet D, Slide 590), having NAD 83 (2011) Kentucky State Plane Coordinates, U.S. Survey Feet, of North 176,980.03 and East 1,570,305.53;

Thence leaving said sanitary sewer and utility easement and with said utility easement, South $86^{\circ}32'33''$ East, 11.60 feet to a point;

Thence leaving said utility easement for a new line through the lands of said Sader Trust, South $00^{\circ}49'28''$ East, 85.63 feet to a point in the east line said sanitary sewer and utility easement;

Thence with said sanitary sewer and utility easement, North $08^{\circ}26'41''$ West, 87.26 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 495 square feet (gross and net), more or less of temporary construction easement; and

Tract C

BEGINNING, at the northwest corner of Mostafa Seyed Sader Revocable Living Trust (3514 Bates Creek Road, Deed Book 3763, Page 445), said point being in the Bates Creek Road east right-of-way;

Thence leaving said Bates Creek Road and through the lands of said Sader Trust along a reference line, South $62^{\circ}59'11''$ East, 226.00 feet to the **TRUE POINT OF BEGINNING**, said point being in the west line of an existing

12-foot wide sanitary sewer and utility easement (Plat Cabinet D, Slide 590), having NAD 83 (2011) Kentucky State Plane North Zone Coordinates, U.S. Survey feet, of North 176,877.82 and East 1,570,308.57;

Thence with said sanitary sewer and utility easement, South 08°26'41" East, 75.26 feet to a point;

Thence leaving said sanitary sewer and utility easement for two (2) new lines through the lands of said Sader Trust:

1. North 20°45'41" West, 29.27 feet to a point,
2. North 00°49'28" West, 47.08 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 235 square feet, more or less of temporary construction easement; and

Tract D

BEGINNING, at the southwest corner of Mostafa Seyed Sader Revocable Living Trust (3514 Bates Creek Road, Deed Book 3763, Page 445) at the common corner with Sandra Lynn Morrow (3440 Bates Creek Lane, Deed Book 3273, Page 396), said point being in the Bates Creek Road east right-of-way;

Thence leaving said Bates Creek Road and with said Morrow and continuing with Gainesway Floodplain Area Maintenance Association, Inc. (Deed Book 1238, Page 103), South 89°09'30" East, 206.39 feet to the **TRUE POINT OF BEGINNING**, having NAD 83 (2011) Kentucky State Plane North Zone Coordinates, U.S. Survey Feet, of North 176,696.38 and East 1,570,360.18;

Thence leaving said Gainesway Floodplain Area Maintenance Association, Inc. for a new line through the lands of said Sader Trust, North 20°45'41" West, 111.49 feet to a point in the west line of an existing 12-foot wide sanitary sewer and utility easement (Plat Cabinet D, Slide 590);

Thence with said sanitary sewer and utility easement, South 30°31'51" East, 58.93 feet to a point;

Thence leaving said sanitary sewer and utility easement for a new line through the lands of said Sader Trust, South

20°45'41" East, 57.37 feet to a point in the line with said Gainesway Floodplain Area Maintenance Association, Inc.;

Thence with said Gainesway Floodplain Area Maintenance Association, Inc., North 89°09'30" West, 10.76 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 844 square feet, more or less of temporary construction easement; and

Tracts A, B, C, and D, being a portion of the same property conveyed to Mostafa Seyed Sader Revocable Living Trust U/T/A dated the 17th Day of April, 2020, by Deed dated April 17, 2020, of record in Deed Book 3763, Page 445, 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.

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.

To the extent permitted by Law, and without waiving the defense of sovereign immunity, Grantee and its successors and assigns shall indemnify, defend and hold harmless Grantor and its agents, employees and/or representatives from liability or responsibility arising directly from the installation, construction, maintenance, repair, renewal, replacement or removal of the sanitary sewer line, unless arising or resulting from the negligence of Grantor, its agents, employees and/or representatives.

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 interests conveyed herein, including all exemptions allowed by law, and do hereby covenant to and with the Grantee, its successors and assigns forever, that they are lawfully seized in fee simple of said property and have good right to sell and convey the easements as herein done, and they 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.

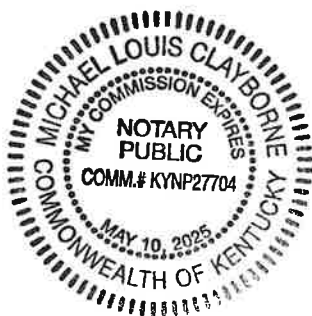
GRANTOR:

MOSTAFA SEYED SADER REVOCABLE
LIVING TRUST U/T/A DATED THE 17TH
DAY OF APRIL, 2020

BY: 
MOSTAFA SEYED SADER, TRUSTEE

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by
Mostafa Seyed Sader, as Trustee of and for and on behalf of Mostafa Seyed Sader
Revocable Living Trust U/T/A dated the 17th day of April, 2020, on this the 26 day of
FEBRUARY, 2025.




Notary Public, Kentucky, State-at-Large

My Commission Expires: 05 / 10 / 2025

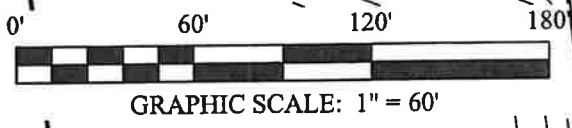
Notary ID# KYNP27704



PREPARED BY:



**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**

4859-9854-2803, v. 1



 NEW PERM. ESMT.
 TEMP. CONST. ESMT.



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

JENNIFER CHRISTMANN
1010 CASTLETON WY
DB 2773 PG 104

EVAN AND MOLLY VINCENT
1012 CASTLETON WAY
DB 3983 PG 9

TATES CREEK LN.

TEMP. CONST. E. "A"
2,937 SQ.FT.
(GROSS & NET)

12' U.E. CAB D SL 590
TEMP. CONST. E. "B"
495 SQ.FT.
(GROSS & NET)

12' SAN. & U.E. CAB D SL 590

MOSTAFA SEYED SADER
REVOCABLE LIVING TRUST
3514 TATES CREEK ROAD
DB 3763 PG 445

TEMP. CONST. E. "C"
235 SQ.FT.
(GROSS & NET)

TEMP. CONST. E. "D"
844 SQ.FT.
(GROSS & NET)

20' PERM. SAN. E.
5,159 SQ.FT.
(GROSS & NET)

TRUE P.O.B.
N 176696.70
E 1570338.68

P.O.B.

25' STM. & U. E.
CAB B SL 508
SANDRA LYNN MORROW
3440 TATES CREEK LN.
DB 3273 PG 396

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

MICHELLE TRACY TURNER
1001 WINDING CIR.
DB 3972 PG 112

**SCOTT A. GRALHEER &
DON DELUCA**
1000 WINDING CIR.
DB 2240 PG 339

SAN. & U.E.
CAB B SL 508

SAN. & U.E.
CAB B SL 508

SAN. & U.E.
CAB B SL 508

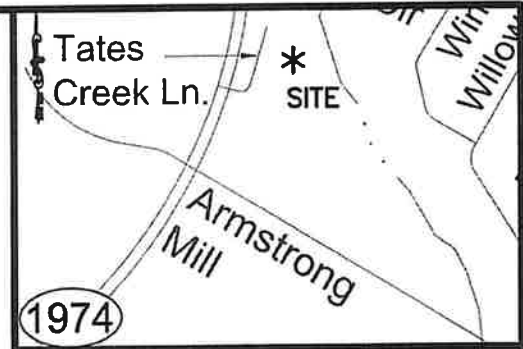
REV. DATE: 12/17/24
651 Perimeter Drive Suite 300
Lexington, KY 40517
Phone (859) 368-0145
www.primeeng.com



MERRICK TRUNK SEWER PROJECT
SANITARY SEWER EASEMENTS
MOSTAFA SEYED SADER, TRUSTEE
3514 TATES CREEK ROAD
LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 1 OF 2

K:\200126 - West Hickman Trunk Sewers\Survey Info\Working Drawings\Casementa\200126 Casementa - Kurt_SSM Tates Creek.dwg
Day & Time: Dec 17, 2024 - 9:46am
Login Name: jchamb/iss

LINE	BEARING	DISTANCE
L1	S 86°32'33" E	6.21'
L2	S 08°26'41" E	104.08'
L3	S 00°49'28" E	47.08'
L4	S 20°45'41" E	143.69'
L5	N 89°09'30" W	21.51'
L6	N 20°45'41" W	139.29'
L7	N 00°49'28" W	154.22'



VICINITY MAP N.T.S.

PROP. PERM. ESMT.(GROSS)=5,159 SQ.FT.
 PROP. PERM. ESMT. (NET)=5,159 SQ. FT.

PROP. TEMP. ESMT. (GROSS)=4,511 SQ.FT.
PROP. TEMP. ESMT. (NET)=4,511 SQ. FT.

LAND SURVEYOR'S CERTIFICATE:

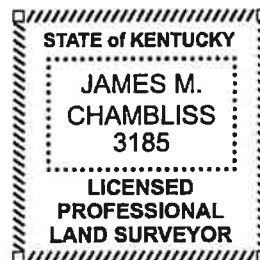
THE PROPERTY LINES SHOWN ON THIS EASEMENT EXHIBIT ARE BASED ON DEED AND/OR RECORD PLAT DATA FROM THE FAYETTE COUNTY CLERK'S OFFICE. THIS EXHIBIT DOES NOT REPRESENT A BOUNDARY SURVEY AS DESCRIBED IN 201 KAR 18:150 AND PRIME AE GROUP HAS NOT PERFORMED A BOUNDARY SURVEY FOR THE PURPOSES OF THIS EXHIBIT. THIS EXHIBIT IS NOT INTENDED TO BE USED FOR LAND TRANSFER.

James M. Chambliss, PLS

Digitally signed by James M. Chambliss,
 PLS
 Date: 2024.12.17 10:17:37 -05'00'

JAMES M. CHAMBLISS, PLS 3185

DATE



REV. DATE: 12/17/24

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

MERRICK TRUNK SEWER PROJECT
 SANITARY SEWER EASEMENTS
 MOSTAFA SEYED SADER, TRUSTEE
 3514 TATES CREEK ROAD

LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 2 OF 2