

FAYETTE CO, KY FEE \$59.00

SUSAN LAMB  
COUNTY CLERK

PRESENTED/LODGED: 05/12/2025 09:01:25 AM

EMILY GENTRY, DEPUTY CLERK 202505120023

BK: DB 4130

PG: 259-266



### DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 5<sup>TH</sup> day of MAY, 2025 by and between **OLDE TOWNE OF LEXINGTON, PHASE IV, LIMITED PARTNERSHIP**, an Ohio limited partnership, 1055 St. Paul Place, Cincinnati, Ohio 45202, which is the correct mailing address and 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 (\$2,500.00)**, 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

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

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 3380 Bates Creek Road)**

All that tract or parcel of land situated on the southeast corner of the intersection of Bates Creek Road and Dove Run Road in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows, to wit:

**BEGINNING**, at the southeast corner of the intersection of the Bates Creek Road east right-of-way and the Dove Run Road south right-of-way, said point being the northwest corner of Olde Towne of Lexington, Phase IV (3380 Bates Creek Road, Deed Book 1054, Page 279, Plat Cabinet A, Slide 240), having NAD 83 Kentucky State Plane North Zone (2011) coordinates of North 180,458.52 and East 1,569,725.27;

Thence, leaving said Bates Creek Road and with said Dove Run Road along a curve to the left having a radius of 561.65 feet, an arc length of 45.91 feet and a chord North 80°05'25" East, 45.90 feet;

Thence, leaving said Dove Run Road for a new line through the lands of said Olde Towne of Lexington, Phase IV, South 23°41'49" West, 89.86 feet to a point in said Bates Creek Road;

Thence, with said Bates Creek Road, North 06°58'33" West, 74.94 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 1,703 square feet or 0.04 Acres, more or less, of permanent easement; and,

Being a portion of the property conveyed to Olde Towne of Lexington, Phase IV, Limited Partnership, an Ohio limited partnership, by deed dated July 21, 1971, of record in Deed Book 1054, Page 279, 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, repair, 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 3380 Tates Creek Road)**

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

**BEGINNING**, at the southeast corner of the intersection of the Tates Creek Road east right-of-way and the Dove Run Road south right-of-way, said point being the northwest corner of Olde Towne of Lexington, Phase IV (3380 Tates Creek Road, Deed Book 1054, Page 279, Plat Cabinet A, Slide 240), having NAD 83 Kentucky State Plane North Zone (2011) coordinates of North 180,458.52 and East 1,569,725.27;

Thence, leaving said Tates Creek Road and with said Dove Run Road along a curve to the left having a radius of 561.65 feet, an arc length of 45.91 feet and a chord North 80°05'25" East, 45.90 feet to the **TRUE POINT OF BEGINNING**;

Thence, continuing with said Dove Run Road along a curve to the left having a radius of 561.65 feet, an arc length of 12.45 feet and a chord North 77°06'48" East, 12.45 feet to a point;

Thence, leaving said Dove Run Road for two (2) new lines through the lands of said Olde Town of Lexington:

1. South 23°41'49" West, 97.17 feet to a point,
2. South 06°42'58" East, 400.48 feet to a point in said Tates Creek Road;

Thence with said Tates Creek Road for two (2) lines:

1. South 82°38'57" West, 6.84 feet to a point,
2. North 06°58'33" West, 405.53 feet to a point;

Thence leaving said Bates Creek Road for a new line through the lands of said Olde Towne of Lexington, Phase IV, North 23°41'49" East, 89.86 feet to the **TRUE POINT OF BEGINNING**, and,

The above-described parcel contains 4,059 square feet or 0.09 Acres, more or less, of temporary construction easement; and,

Being a portion of the property conveyed to Olde Towne of Lexington, Phase IV, Limited Partnership, an Ohio limited partnership, by deed dated July 21, 1971, of record in Deed Book 1054, Page 279, 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 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 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 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:

OLDE TOWNE OF LEXINGTON,  
PHASE IV, LIMITED PARTNERSHIP, an  
Ohio limited partnership

BY: OLDE TOWNE OF LEXINGTON,  
PHASE IV OPLC LLC, an Ohio  
limited liability company, its General  
Partner

BY:

  
\_\_\_\_\_  
NEIL K. BORTZ,  
MANAGER

STATE OF OHIO

COUNTY OF HAMILTON

)  
)  
)

This instrument was acknowledged, subscribed and sworn to before me by Neil K. Bortz, as Manager of Olde Towne of Lexington, Phase IV OPLC LLC, an Ohio limited liability company, a General Partner of Olde Towne of Lexington, Phase IV, Limited Partnership, an Ohio limited partnership, for and behalf of said limited partnership and limited liability company, on this the 5<sup>th</sup> day of MAY, 2025.

Robert Bybee

Notary Public, Ohio, State-at-Large

My Commission Expires: 12 / 12 / 29



ROBERT W BYBEE  
Notary Public, State of Ohio  
My Commission Expires:  
12-12-2029

PREPARED BY:

Tiffany Amber Holskey  
TIFFANY AMBER HOLSKEY,

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

0' 200' 400' 600'

GRAPHIC SCALE: 1" = 200'

NEW PERM. ESMT.  
TEMP. CONST. ESMT.

STATE PLANE

JW, LLC  
1025 DOVE RUN RD.  
DB 2768 PG 722

JAMES E & MARTHA J HOWARD  
3367-3369 MOUNDVIEW PL  
DB 2722 PG 647  
CAB M SLIDE 636

JAMES E & MARTHA J HOWARD  
3375 MOUNDVIEW PL  
DB 2310 PG 118  
CAB A SLIDE 341

MCGUIRE SHARON AND  
WALTER GIBBS  
3379 MOUNDVIEW PL  
DB 3262 PG 307  
CAB A SLIDE 341

MARCIA WIREMAN  
1000 MOUNDVIEW PL  
DB 3611 PG 407  
CAB M SLIDE 936

LINDA S. COOK  
3371 MOUNDVIEW PL  
DB 2609 PG 711  
CAB A SLIDE 341

CITIZEN'S UNION NATIONAL  
BANK & TRUST COMPANY  
3368 TATES CREEK RD  
DB 1192 PG 649

C2  
L7  
L3

SEE ENLARGE DETAIL  
PG 2 OF 2

L6  
L4  
L5  
TATES CREEK RD.

OLDE TOWN OF LEXINGTON, PHASE IV  
3380 TATES CREEK ROAD  
DB 1054 PG 279  
CAB A SLIDE 240

TEMP. CONST. E.  
4,059 SQ.FT.  
(GROSS & NET)

OLDE TOWN OF LEXINGTON, PHASE V  
3380 TATES CREEK ROAD  
DB 1054 PG 281  
CAB A SLIDE 240

OLDE TOWN OF LEXINGTON PHASE III, LLC  
3380 TATES CREEK ROAD  
DB 2086 PG 160  
CAB A SLIDE 240

KKST PROPERTIES, LLC  
3399 TATES CREEK RD  
DB 3822 PG 136

OLDE TOWN OF LEXINGTON, PHASE II  
3380 TATES CREEK ROAD  
DB 1523 PG 674  
PARCEL 1-PHASE II & PARCEL 2-PHASE II

**PRIME** AE

REV. DATE: 03/20/25

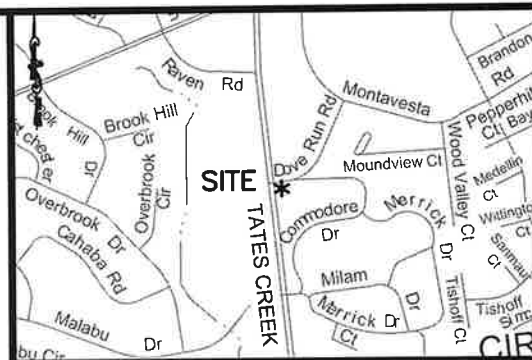
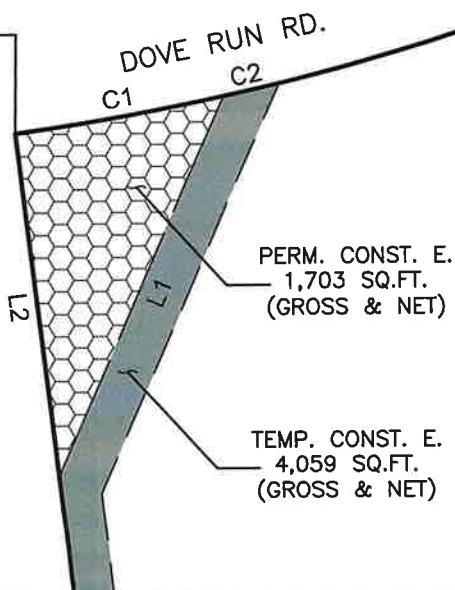
651 Perimeter Drive Suite 300  
Lexington, KY 40517  
Phone (859) 368-0145  
www.primeeng.com

MERRICK TRUNK SEWER PROJECT  
SANITARY SEWER EASEMENTS  
OLDE TOWNE OF LEXINGTON, PHASE IV  
3380 TATES CREEK ROAD  
LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 1 OF 2



P.O.B.  
N: 180458.52  
E: 1569725.27

TATES CREEK RD.



VICINITY MAP N.T.S.

ENLARGE DETAIL  
SCALE: 1"= 40'

### CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD	DELTA ANGLE
C1	45.91'	561.65'	N80°05'25"E 45.90'	004°41'01"
C2	12.45'	561.65'	N77°06'48"E 12.45'	001°16'14"

EX. PERM ESMT.= N/A

PROP. PERM. ESMT.(GROSS & NET)=1,703 SQ.FT.

EX. TEMP ESMT.= N/A

PROP. TEMP. ESMT.(GROSS & NET)=4,059 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.

### LINE TABLE

LINE	BEARING	DISTANCE
L1	S23° 41' 49"W	89.86'
L2	N06° 58' 33"W	74.94'
L3	S23° 41' 49"W	97.17'
L4	S06° 42' 58"E	400.48'
L5	S82° 38' 57"W	6.84'
L6	N06° 58' 33"W	405.53'
L7	N23° 41' 49"E	89.86'

JAMES M. CHAMBLISS, PLS 3185

DATE



REV. DATE: 03/20/25

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

MERRICK TRUNK SEWER PROJECT  
SANITARY SEWER EASEMENTS  
OLDE TOWNE OF LEXINGTON, PHASE IV  
3380 TATES CREEK ROAD  
LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 2 OF 2