

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 1st day of Dec., 2021, by and between **KATHERINE VANCE DALTON, TRUSTEE OF THE NAOMI ESTILL VANCE RESIDUARY GENERATION SKIPPING EXEMPT TRUST**, c/o Block + Lot Real Estate, LLC, 133 W. Short Street, Lexington, Kentucky 40507, 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 **SIX HUNDRED THIRTY-NINE DOLLARS AND 25/100 CENTS (\$639.25)**, 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, 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:

Variable Permanent Sanitary Sewer Easement
New Circle Road Trunk
Sewers A & B Improvement Project
(a portion of 295 W. New Circle Road)

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

All that tract or parcel of land situated northeast of West New Circle Road between Russell Cave Road and North Broadway in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at the northwest corner of Katherine Dalton (295 W. New Circle Road, Deed Book 2985 Page 414, Tract 3), at the northeast corner of Withers Interests No. 4, LLC (1500 Russell Cave Road, Deed Book 3423, Page 211, Parcel 1), in the south line of LFUCG (444 Cane Run Road, Deed Book 894, Page 206); thence leaving said LFUCG and with said Withers, South 46°28'42" West, 30.21 feet to a point in the south line of an existing 30-foot wide access and utility easement (Cabinet H, Slide 100) at the **TRUE POINT OF BEGINNING**; thence leaving said Withers and with said access and utility easement, South 36°46'26" East, 227.27 feet to a point in the west line of Withers Interests No. 4, LLC (281 W. New Circle Road, Deed Book 3423, Page 211, Parcel 2); thence with said Withers, South 45°58'30" West, 5.73 feet to a point; thence leaving said Withers for two (2) new lines through the lands of said Dalton:

- 1) North 37°02'44" West, 203.98 feet to a point,
- 2) North 38°36'11" West, 23.15 feet to a point in the line with said Withers (1500 Russell Cave Road)

Thence with said Withers, North 46°28'42" East, 7.44 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 1,421 sq. ft. (gross and net) of permanent easement; and

Being a portion of the property conveyed to Katherine Vance Dalton, Trustee of the Naomi Estill Vance Residuary Generation Skipping Exempt Trust, by Deed dated December 28, 2010, of record in Deed Book 2985, Page 414, 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:

10' Temporary Construction Easement
New Circle Road Trunk
Sewers A & B Improvement Project
(a portion of 295 W. New Circle Road)

BEGINNING, at the northwest corner of Katherine Dalton (295 W. New Circle Road, Deed Book 2985 Page 414, Tract 3), at the northeast corner of Withers Interests No. 4, LLC (1500 Russell Cave Road, Deed Book 3423, Page 211, Parcel 1), in the south line of LFUCG (444 Cane Run Road, Deed Book 894, Page 206); thence leaving said LFUCG and with said Withers, South 46°28'42" West, 37.65 feet to the **TRUE POINT OF BEGINNING**; thence leaving said Withers for two (2) new lines through the lands of said Dalton:

- 1) South 38°36'11" East, 23.15 feet to a point,
- 2) South 37°02'44" East, 203.98 feet to a point in the line with Withers Interests No. 4, LLC (281 W. New Circle Road, Deed Book 3423, Page 211, Parcel 2);

Thence with said Withers, South 45°58'30" West, 10.07 feet to a point; thence leaving said Withers for two (2) new lines through the lands of said Dalton:

- 1) North 37°02'44" West, 205.07 feet to a point,
- 2) North 38°36'11" West, 22.15 feet to a point in the line with said Withers (1500 Russell Cave Road);

Thence with said Withers, North 46°28'42" East, 10.04 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 2,272 sq. ft. (gross and net) of temporary construction easement; and

Being a portion of the property conveyed to Katherine Vance Dalton, Trustee of the Naomi Estill Vance Residuary Generation Skipping Exempt Trust, by Deed dated

December 28, 2010, of record in Deed Book 2985, Page 414, 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 may use the Easement for all purposes not inconsistent with, or interfering with, the full enjoyment of the easement. Grantee shall not block access to Grantor's parking area or drive aisles except temporarily during initial construction and, thereafter, only for temporary periods when necessary for repairs, maintenance, or replacement of the pipeline and/or manholes. Grantee will be responsible for any pipe or manholes located in the permanent easement along with any damages caused by its operations of those pipes/manholes. Maintenance of the surface improvements (asphalt, curb, gutter, and sidewalk) remains with the Grantor.

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 do 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 457-2020, passed by the Lexington-Fayette Urban County Council on October 8, 2020. 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 NAOMI ESTILL VANCE RESIDUARY
GENERATION SKIPPING EXEMPT TRUST

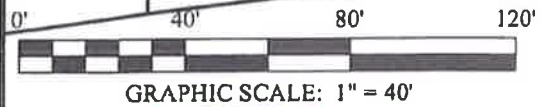
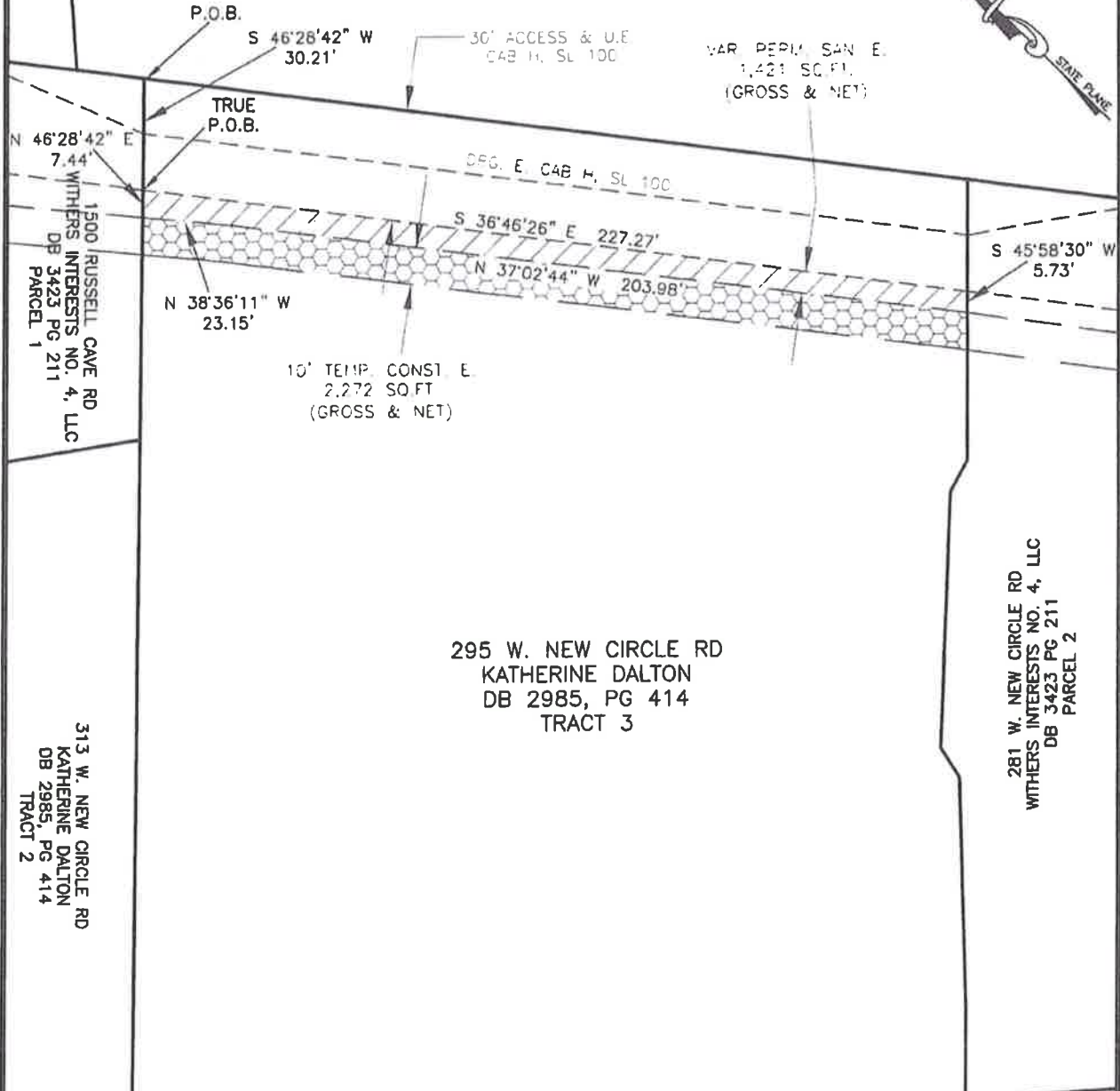
BY:



KATHERINE VANCE DALTON,
TRUSTEE

 NEW PERM. ESMT.
 TEMP. CONST. ESMT.

444 CANE RUN ROAD
 LFUCG
 DB 894 PG 206

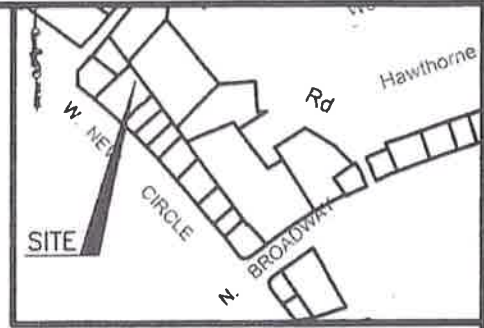


W. NEW CIRCLE ROAD

VARIABLE PERMANENT SANITARY SEWER EASEMENT
 KATHERINE DALTON
 295 W. NEW CIRCLE ROAD
 LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 1 OF 2



1. 2022, 295 W. New Circle Road, L.F.U.C.G. Survey (with/without/without) 10/25/22, 295 W. New Circle Road, L.F.U.C.G. Survey
 2. 2022, 295 W. New Circle Road, L.F.U.C.G. Survey (with/without/without) 10/25/22, 295 W. New Circle Road, L.F.U.C.G. Survey
 3. 2022, 295 W. New Circle Road, L.F.U.C.G. Survey (with/without/without) 10/25/22, 295 W. New Circle Road, L.F.U.C.G. Survey



VICINITY MAP 1" = 1000'

EX. PERM ESMT.=N/A

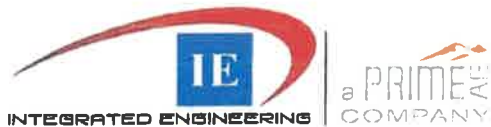
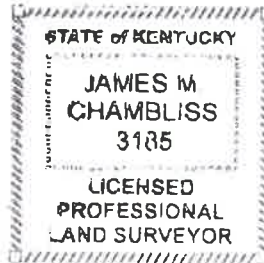
PROP. PERM. ESMT.(GROSS)=1,421 SQ.FT.
 PROP. PERM. ESMT. (NET)=1,421 SQ. FT.

PROP. TEMP. ESMT.(GROSS)=2,272 SQ.FT.
 PROP. TEMP. ESMT.(NET)=2,272 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 INTEGRATED ENGINEERING 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 6/15/21
 JAMES M. CHAMBLISS, PLS 3185 DATE



VARIABLE PERMANENT SANITARY SEWER EASEMENT
 KATHERINE DALTON
 295 W. NEW CIRCLE ROAD
 LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 2 OF 2

11/15/21 - New Circle Road, PLS 3185 - Variable Sanitary Sewer Easement Exhibit
 James M. Chambliss, PLS 3185
 Integrated Engineering, Inc.

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: PATTY DAVIS ,dc

202112060225

December 6, 2021 12:31:28 PM

Fees	\$59.00	Tax	\$.00
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Total Paid	\$59.00
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9 Pages

452 - 460