

**DEED OF EASEMENT**

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 12<sup>th</sup> day of August, 2020, by and between **JOHN A. PALUMBO, II and RUTH ANN PALUMBO, husband and wife**, 828 Lane Allen Road, #200, Lexington, Kentucky 40504, which is the in-care of tax mailing address for the current year (hereinafter "Grantors"), 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 **FIVE THOUSAND NINE HUNDRED EIGHTY DOLLARS AND 23/100 DOLLARS (\$5,980.23)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, said Grantors have **BARGAINED** and **SOLD** and do 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:

**Permanent Sanitary Sewer Easement**  
**Wolf Run Trunks D & E Sewer Replacement Project**  
**(a portion of 1900 Garden Springs Drive)**

**BEGINNING**, at a point on the northern property line shared with LFUCG (866 Furlong Dr.), approximately 201' from the northwestern property corner, thence 20.00 feet at a bearing

Return to:  
Charles E. Edwards III  
LFUCG, Dept. of Law, 11<sup>th</sup> Floor  
200 East Main Street  
Lexington, KY 40507

S 53°36'22" E along the northern property line to a point, thence 60.13 feet at a bearing S 36°57'13" W to a point, thence 378.07 feet at a bearing S 53°05'09" E to a point, thence 145.23 feet at a bearing S 54°09'25" E to the eastern property line shared with Moberly Brothers Properties, thence 20.00 feet at a bearing S 34°33'49" W along the eastern property line to a point, thence 145.86 feet at a bearing N 54°09'25" W to a point, thence 385.94 feet at a bearing N 53°05'09" W to a point, thence 128.63 feet at a bearing N 79°14'16" W to a point, thence 80.15 feet at a bearing N 31°42'06" W to the western property line shared with Michael & Sonya Seyda, thence 24.21 feet at a bearing N 24°00'00" E along the western property line to a point, thence 84.98 feet at a bearing S 31°42'06" E to a point, thence 115.92 feet at a bearing S 79°14'16" E to a point, thence 63.71 feet at a bearing N 36°57'13" E to the northern property line back to the **POINT OF BEGINNING**; and,

The above described parcel contains 16,071.83 square feet of permanent easement; and

Being a portion of the property conveyed to John A. Palumbo, II, by Deed dated November 29, 1985, of record in Deed Book 1389, Page 428, 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, Grantors have **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 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 D & E Trunk Sewer Replacement Project**  
**(a portion of 1900 Garden Springs Drive)**

### Tract No. 1

**BEGINNING**, at a point on the northern property line shared with LFUCG (866 Furlong Dr.), approximately 191' from the northwestern property corner, thence 57.39 feet at a bearing S 36°57'13" W to a point, thence 105.29 feet at a bearing N 79°14'16" W to a point, thence 86.89 feet at a bearing N 31°42'06" W to the western property line shared with Michael & Sonya Seyda, thence 11.82 feet at a bearing S 26°03'29" W along the western property line to a point, thence 84.98 feet at a bearing S 31°42'06" E to a point, thence 115.92 feet at a bearing S 79°14'16" E to a point, thence 63.71 feet at a bearing N 36°57'13" E to the northern property line, thence 10.00 feet at a bearing N 53°36'22" W along the northern property line back to the **POINT OF BEGINNING**; and,

The above described parcel contains a total area of 2,570.96 square feet of temporary construction easement;

### Tract No. 2

**BEGINNING**, at a point on the western property line shared with Michael & Sonya Seyda, approximately 108' from the northwestern property corner, thence 12.10 feet at a bearing S 24°00'00" W along the western property line to a point, thence 77.73 feet at a bearing S 31°42'06" E to a point, thence 130.72 feet at a bearing S 79°14'16" E to a point, thence 383.71 feet at a bearing S 53°05'09" E to a point, thence 146.18 feet at a bearing S 54°09'25" E to the eastern property line shared with Moberly Brothers Properties, thence 10.00 feet at a bearing N 34°33'49" E along the eastern property line to a point, thence 145.86 feet at a bearing N 54°09'25" W to a point, thence 385.94 feet at a bearing N 53°05'09" W to a point, thence 128.63 feet at a bearing N 79°14'16" W to a point, thence 80.15 feet at a bearing N 31°42'06" W to the western property line shared with Michael & Sonya Seyda back to the **POINT OF BEGINNING**; and,

The above described parcel contains a total area of 7,394.60 square feet of temporary construction easement;

### Tract No. 3

**BEGINNING**, at a point on the eastern property line shared with Moberly Brothers Properties, approximately 52' from the

northeastern property corner, thence 144.91 feet at a bearing N 54°09'25" W to a point, thence 367.97 feet at a bearing N 53°05'09" W to a point, thence 50.22 at a bearing N 36°57'13" E to the northern property line shared with LFUCG (866 Furlong Dr.), thence 10.00 feet at a bearing N 53°36'22" W along the northern property line to a point, thence 60.13 feet at a bearing S 36°57'13" W to a point, thence 378.07 feet at a bearing S 53°05'09" E to a point, thence 145.23 feet at a bearing S 54°09'25" E to the eastern property line shared with Moberly Brothers Properties, thence 10.00 feet at a bearing N 34°33'49" E along the eastern property line back to the **POINT OF BEGINNING**; and,

The above described parcel contains a total area of 5,732.60 square feet of temporary construction easement;

Being a portion of the property conveyed to John A. Palumbo, II, by Deed dated November 29, 1985, of record in Deed Book 1389, Page 428, 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 Grantors. The above-described permanent easement runs with the land in perpetuity and is binding upon the successors and assigns of the Grantors. The temporary construction easement shall take effect upon the commencement of construction of the project and will expire upon completion of the project.

Grantors 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

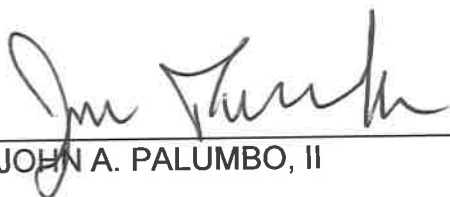
building or structure shall be erected upon, across, over or through said permanent easement without prior written consent of the Grantee.

Grantors do 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 that they will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 256-2020, passed by the Lexington-Fayette Urban County Council on June 11, 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 Grantors have signed this Deed of Easement, this the day and year first above written.


GRANTORS:

BY:   
JOHN A. PALUMBO, II


BY:   
RUTH ANN PALUMBO

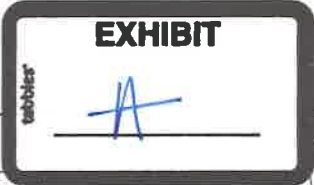
COMMONWEALTH OF KENTUCKY             )  
  )  
COUNTY OF FAYETTE    )

This instrument was acknowledged, subscribed and sworn to before me by John A. Palumbo, II and Ruth Ann Palumbo, husband and wife, on this the 12<sup>th</sup> day of August, 2020.

  
\_\_\_\_\_  
Notary Public, Kentucky, State-at-Large  
My Commission Expires: 06 / 01 / 2021  
Notary ID # 580388

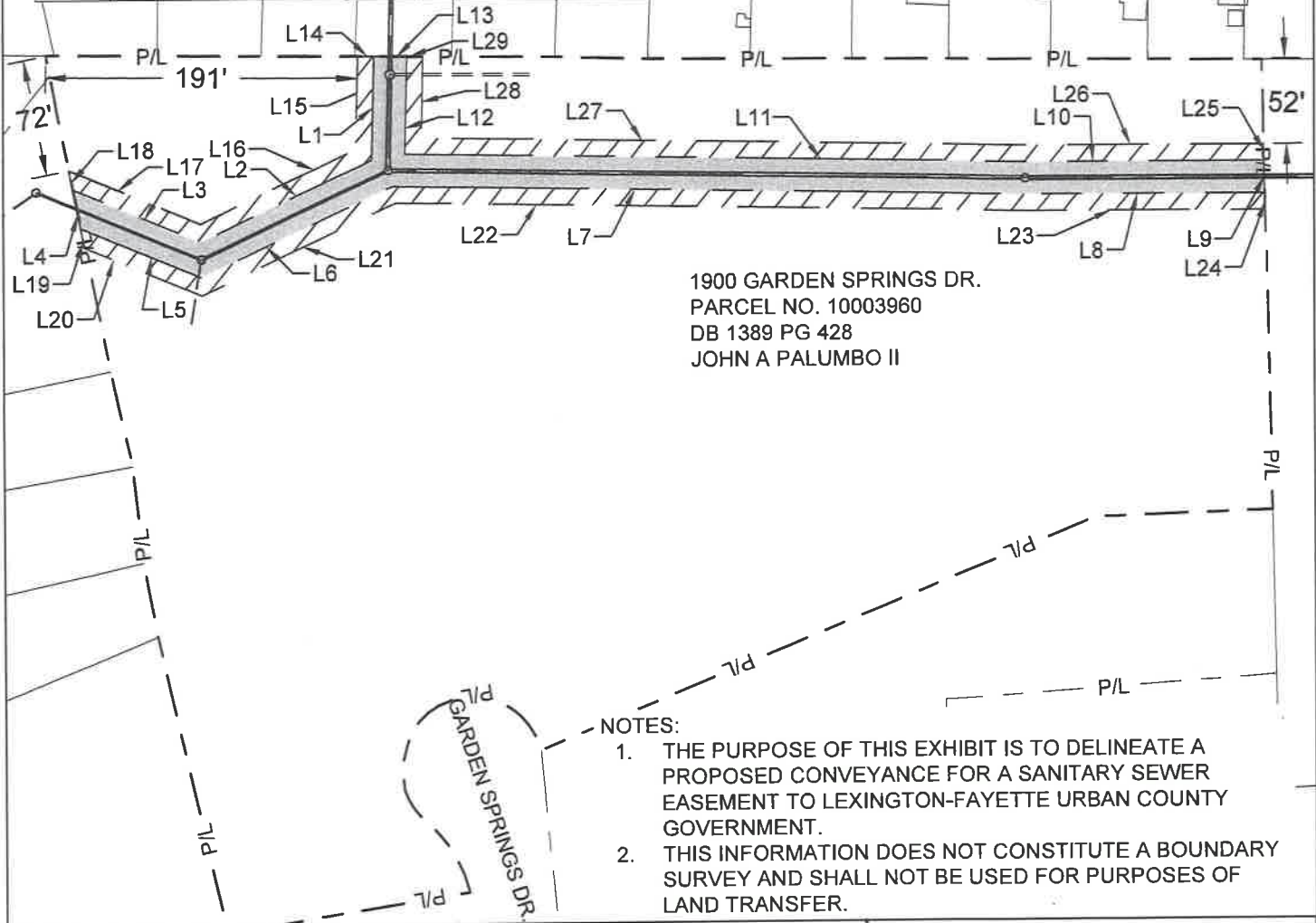
PREPARED BY:

  
\_\_\_\_\_  
CHARLES E. EDWARDS III  
Attorney  
Lexington-Fayette Urban  
County Government  
Department of Law, 11th Floor  
200 East Main Street  
Lexington, Kentucky 40507  
(859) 258-3500



PARCEL LINE DATA

LINE #	BEARING	DISTANCE	LINE #	BEARING	DISTANCE	LINE #	BEARING	DISTANCE
L1	N36°57'13"E	63.71'	L11	S53°05'09"E	378.07'	L21	S79°14'16"E	130.72'
L2	S79°14'16"E	115.92'	L12	S36°57'13"W	60.13'	L22	S53°05'09"E	383.71'
L3	S31°42'06"E	84.98'	L13	S53°36'22"E	20.00'	L23	S54°09'25"E	146.18'
L4	N24°00'00"E	24.21'	L14	N53°36'22"W	10.00'	L24	N34°33'49"E	10.00'
L5	N31°42'06"W	80.15'	L15	S36°57'13"W	57.39'	L25	N34°33'49"E	10.00'
L6	N79°14'16"W	128.63'	L16	N79°14'16"W	105.29'	L26	N54°09'25"W	144.91'
L7	N53°05'09"W	385.94'	L17	N31°42'06"W	86.89'	L27	N53°05'09"W	367.97'
L8	N54°09'25"W	145.86'	L18	S26°03'29"W	11.82'	L28	N36°57'13"E	50.22'
L9	S34°33'49"W	20.00'	L19	S24°00'00"W	12.10'	L29	N53°36'22"W	10.00'
L10	S54°09'25"E	145.23'	L20	S31°42'06"E	77.73'			



**LEGEND:**

- 20' PERMANENT UTILITY EASEMENT (16071.8302 SQ FT)
- 10' TEMPORARY CONSTRUCTION EASEMENT (15698.1596 SQ FT)
- PROPOSED SEWER LINE

**EXHIBIT "A"**  
 UTILITY EASEMENT EXHIBIT  
 MAY 11, 2020  
 JOHN PALUMBO II  
 PROPERTY  
 1900 GARDEN SPRINGS DR  
 LEXINGTON, KY 40504

SCALE: 1"= 100'

LFUCG  
 DIVISION OF WATER QUALITY  
 WOLF RUN TRUNK SEWER LINES D & E

200 E MAIN STREET  
 LEXINGTON, KY 40507

engineering | architecture | geospatial  
 www.grwinc.com

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.



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By: PATTY DAVIS ,dc

202008200140

August 20, 2020                      9:48:32    AM

Fees	\$56.00	Tax	\$ .00
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Total Paid	\$56.00
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8 Pages

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