

GRANT OF EASEMENT

This **EASEMENT** is made and entered into this 27th day of March, 2014, by and between JFG Enterprises, Inc., 131 Prosperous Place, Suite 20-B, Lexington, Kentucky 40509 ("Grantor"), which is also the in-care of tax mailing address for the current tax year, and the **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky 40507 ("Grantee");

WITNESSETH:

That for and in consideration of the sum of **SIX THOUSAND SIX HUNDRED TEN and 00/100 Cents (\$6,610.00)**, and other good and valuable consideration, 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, subject to the provisions hereof, the permanent right to lay, construct, operate, repair, reconstruct and remove a sanitary sewer force main and appurtenances thereto, which sanitary sewer force main and appurtenances shall be of such dimension, character, construction and use determined by Grantee, along, through, under and across the following tract of land located in the confines of Lexington-Fayette County, Kentucky, and more particularly described as follows:

Force Main Permanent Easement
(A Portion of 5191 Athens Boonesboro Road)
Blue Sky Force Main
Sanitary Sewer Improvement Project

Described on Exhibit A-1 and Exhibit A-2 attached hereto and incorporated herein by reference.

FURTHER, for and in consideration of the foregoing sum, 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, the temporary right to excavate, grade, construct, alter, regrade and perform related work for the purpose of sanitary sewer construction, repair and installation through and across the following tract of land located within the confines of Lexington-Fayette County,

Mail to: L.F.U.C.G.
Dept. of Law
200 E. Main St.
Lex., KY 40507
(C-F)

Kentucky, to-wit:

Temporary Construction Easement-CE1
(A Portion of 5191 Athens Boonesboro Road)
Blue Sky Force Main
Sanitary Sewer Improvement Project

This temporary construction easement is described on Exhibit A-2 and Exhibit B attached hereto and incorporated herein by reference.

Temporary Construction Easement-CE2
(A Portion of 5191 Athens Boonesboro Road)
Blue Sky Force Main
Sanitary Sewer Improvement Project

This temporary construction easement is described on Exhibit A-2 and Exhibit C attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the above-described easement together with all rights, privileges, appurtenances and improvements thereunto belonging unto Grantee, its successors and assigns forever, for the purposes and uses herein designated.

The above-described temporary construction easements will expire upon completion of the construction of the improvement project on the land adjacent to this easement, runs with the land for the duration of the improvement project on the adjacent land, and is binding upon the heirs and assigns of the Grantor.

Grantor does hereby covenant to and with said 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 conveyed herein, and that it will **WARRANT GENERALLY** said title.

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 the prior written consent of the Grantee.

Notwithstanding anything to the contrary contained herein, (i) Grantor shall have, in addition to the rights referenced above, the right to pave all or any portion of the surface of the land lying over said permanent easement for use as a roadway, parking lot, sidewalk or similar uses, (ii) the force main shall be at least 4 ft. deep, with the depth being measured from top of ground to top of the force main, (iii) after construction, the existing paved and gravel access road on Grantor's property will be restored to a condition as good as or better than that which existed prior to construction, (iv) all work will be conducted in a manner so that good access will at all times be maintained to the Grantor's wastewater treatment plant and (v) all property that is disturbed during construction shall be restored to its original contours in a condition as good as or better than that which existed prior to construction.

After the force main is placed in service, if odor is detected, Grantee shall investigate any air release valves located in the force main on Grantor's property or within 500 ft. of any property line of Grantor's property, and Grantee shall thereafter make every effort to mitigate said odor problem.


The obtaining of this easement was authorized by Resolution No. 408-2013 passed by the Lexington-Fayette Urban County Council on July 9, 2013. Pursuant to KRS 382.135(2)(a), this public utility easement is exempt from the requirements related to certificate of consideration. This conveyance is exempt from real estate transfer tax pursuant to KRS 142.050.

Payment of the consideration reflected herein by Grantee to Grantor, shall acknowledge Grantee's acceptance of this easement upon the terms and conditions contained herein.

IN TESTIMONY WHEREOF, the Grantor has signed this Easement, the day and year first above written.

GRANTOR:

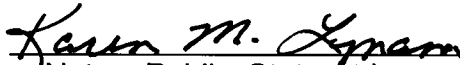
JFG ENTERPRISES, INC., a Kentucky corporation

BY: 
Philip E. Wilson, Vice President

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing Easement was subscribed, sworn to and acknowledged before me by Philip E. Wilson, as Vice President, on behalf of JFG Enterprises, Inc., a Kentucky corporation on this the 27th day of March, 2014.

My commission expires: April 1, 2017


Notary Public, State-At-Large, Kentucky
Certificate #: 309575

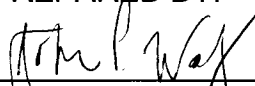
PREPARED BY:

John P. Watz, Esq.
HENRY WATZ RAINE &
MARINO, PLLC
401 West Main Street, Suite 314
Lexington, Kentucky 40507
(859) 258-3500

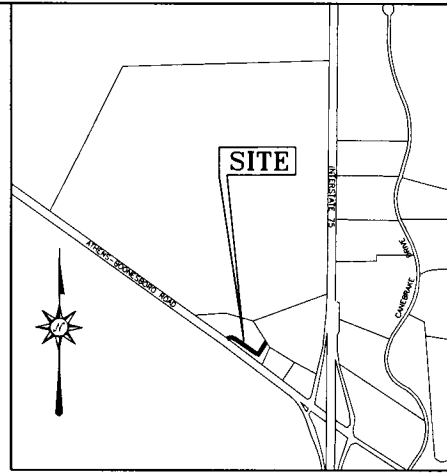
EXHIBIT A-1

PERMANENT FORCE MAIN EASEMENT
(a portion of 5191 Athens Boonesboro Road)
Blue Sky Force Main
Sanitary Sewer Improvement Project

Beginning in the Grantor's northeast property line, S20°26'54"E, 30.42 feet from a corner of the Grantor's property;
Thence, with said property line, S20°26'54"E, 16.32 feet;
Thence, leaving said property line, S46°21'56"W, 25.71 feet;
Thence, S32°38'04"W, 242.31 feet;
Thence, N68°13'17"W, 48.10 feet;
Thence, N53°47'07"W, 156.92 feet;
Thence, N53°47'07"W, 142.36 feet;
Thence, N62°28'25"W, 95.14 feet;
Thence, N56°28'57"W, 196.57 feet;
Thence, S84°12'26"W, 13.59 feet to a point in the northeast right of way line of Athens Boonesboro Road;
Thence with said right of way line N50°29'26" W 21.10 feet;
Thence, N84°12'26" E, 33.79 feet;
Thence, S56°28'57" E, 201.92 feet;
Thence, S62°32'14"E, 94.56 feet;
Thence S53°47'07" E 143.65 feet;
Thence S53°47'07" E 155.02 feet;
Thence, S68°13'17"E, 33.81 feet;
Thence, N32°38'04"E, 231.72 feet;
Thence, N46°21'56"E, 33.94 feet to the Point of Beginning and containing 13,866 square feet, 0.318 acres.

Being a part of that property conveyed to JFG Enterprises, Inc. by deed dated February 21, 2003 in Deed Book 2343, Page 256 and by deed dated October 2, 2003 in Deed Book 2405, Page 493 in the Fayette County Clerk's office.

PERMANENT FORCE MAIN EASEMENT		
LINE	BEARING	DISTANCE
L1	S20°26'54"E	16.32'
L2	S46°21'56"W	25.71'
L3	S32°38'04"W	242.31'
L4	N68°13'17"W	48.10'
L5	N53°47'07"W	156.92'
L6	N53°47'07"W	142.36'
L7	N62°28'25"W	95.14'
L8	N56°28'57"W	196.57'
L9	S84°12'26"W	13.59'
L10	N50°29'26"W	21.10'
L11	N84°12'26"E	33.79'
L12	S56°28'57"E	201.92'
L13	S62°32'14"E	94.56'
L14	S53°47'07"E	143.65'
L15	S53°47'07"E	155.02'
L16	S68°13'17"E	33.81'
L36	N32°38'04"E	231.72'
L37	N46°21'56"E	33.94'

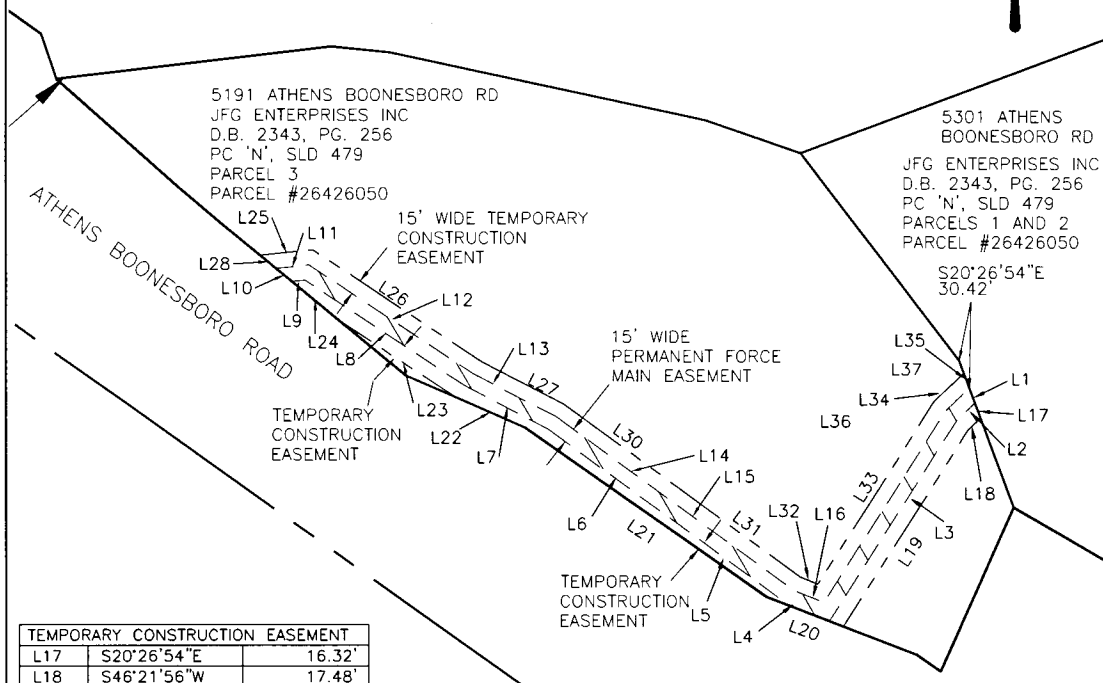


VICINITY MAP
SCALE: 1" = 2000'

PERMANENT FORCE
MAIN EASEMENT: 13866 SQ.FT.
TEMPORARY CONSTRUCTION
EASEMENTS: 24692 SQ.FT.

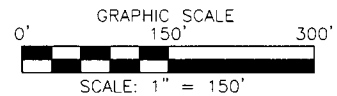
5085 ATHENS-BOONESBORO ROAD

J & G HOLDINGS, LLC
D.B. 3064, PG. 025
PARCEL #23828600



TEMPORARY CONSTRUCTION EASEMENT		
LINE	BEARING	DISTANCE
L17	S20°26'54"E	16.32'
L18	S46°21'56"W	17.48'
L19	S32°38'04"W	238.21'
L20	N68°57'17"W	84.10'
L21	N54°55'07"W	300.00'
L22	N66°13'42"W	77.90'
L23	N56°28'57"W	143.07'
L24	N50°29'26"W	61.20'
L25	N84°12'26"E	53.99'
L26	S56°28'57"E	207.28'
L27	S62°36'07"E	93.98'

L28	N50°29'26"W	21.10'
L29	DELETED	
L30	S53°47'07"E	144.95'
L31	S53°47'07"E	153.13'
L32	S68°13'17"E	19.51'
L33	N32°38'04"E	221.13'
L34	N46°21'56"E	42.17'
L35	S20°26'54"E	16.32'



VE VISION ENGINEERING

Environmental, Civil Engineering Consultants, Land Surveying
3399 Tates Creek Road Suite 250
Lexington, KY 40502
Ph: (859)333-8015
Fax: (859)559-0523
www.visionengr.com

EXHIBIT A-2
EXHIBIT SHOWING
FORCE MAIN EASEMENT
TO BE ACQUIRED FROM
JFG ENTERPRISES, INC.
5191 ATHENS-BOONESBORO ROAD
LEXINGTON, KENTUCKY

EXHIBIT B

TEMPORARY CONSTRUCTION EASEMENT CE-1

(a portion of 5191 Athens Boonesboro Road)

Blue Sky Force Main

Sanitary Sewer Improvement Project

A variable width Temporary Construction Easement south and west of and adjoining the fifteen foot wide Permanent Force Main Easement along its south and west sides and described as follows:

Beginning at the southeast corner of the permanent force main easement in the Grantor's northeast property line;

Thence, with said property line, S20°26'54"E, 16.32 feet;

Thence, leaving said property line. S46°21'56"W, 17.48 feet;

Thence, S32°38'04"W, 238.21 feet to the northeast right of way line of Athens Boonesboro Road;

Thence, with said right of way line for three calls:

N68°57'17"W, 84.10 feet;

N54°55'07"W, 300.00 feet;

N66°13'42"W, 77.90 feet;

Thence, leaving said right of way line, N56°28'57"W, 143.07 feet to the northeast right of way line of Athens Boonesboro Road;

Thence, with said right of way line, N50°29'26"W, 61.20;

Thence, N84°12'26"E, 13.59 feet;

Thence, S56°28'57"E, 196.57 feet;

Thence, S62°28'25"E, 95.14 feet;

Thence, S53°47'07"E, 142.36 feet;

Thence, S53°47'07"E, 156.92 feet;

Thence, S68°13'17"E, 48.10 feet;

Thence, N32°38'04"E, 242.31 feet;

Thence, N46°21'56"E, 25.71 feet;

to the Point of Beginning and containing 10,711 square feet, 0.246 acres.

Being a part of that property conveyed to JFG Enterprises, Inc. by deed dated February 21, 2003 in Deed Book 2343, Page 256 and by deed dated October 2, 2003 in Deed Book 2405, Page 493 in the Fayette County Clerk's office.

EXHIBIT C

TEMPORARY CONSTRUCTION EASEMENT CE-2

(a portion of 5191 Athens Boonesboro Road)

Blue Sky Force Main

Sanitary Sewer Improvement Project

A fifteen foot wide Temporary Construction Easement north and east of and adjoining the fifteen foot wide Permanent Force Main Easement along its north and east sides and described as follows:

Beginning at the northeast corner of the permanent force main easement in the Grantor's northeast property line;

Thence, leaving said property line, S46°21'56"W, 33.94 feet;

Thence, S32°38'04"W, 231.72 feet;

Thence, N68°13'17"W, 33.81 feet;

Thence, N53°47'07"W, 155.02 feet;

Thence, N53°47'07"W, 143.65 feet;

Thence, N62°32'14"W, 94.56 feet;

Thence, N56°28'57"W, 201.92 feet;

Thence, S84°12'26" W, 33.79 feet to a point in the northeast right of way line of Athens Boonesboro Road;

Thence with said right of way line N50°29'26"W, 21.10 feet;

Thence N84°12'26"E 53.99 feet;

Thence, S56°28'57"E, 207.28 feet;

Thence, S62°36'07"E, 93.98 feet;

Thence, S53°47'07"E, 144.95 feet;

Thence, S53°47'07"E, 153.13 feet;

Thence, S68°13'17"E, 19.15 feet;

Thence, N32°38'04"E, 221.13 feet;

Thence, N46°21'56"E, 42.17 feet to the Grantor's northeast property line;

Thence, with said property line, S20°26'54"E, 16.32 feet to the Point of Beginning and containing 13,981 square feet, 0.321 acres.

Being a part of that property conveyed to JFG Enterprises, Inc. by deed dated February 21, 2003 in Deed Book 2343, Page 256 and by deed dated October 2, 2003 in Deed Book 2405, Page 493 in the Fayette County Clerk's office.

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: DOUG BRADLEY ,dc

201403310016

March 31, 2014 9:35:44 AM

Fees	\$32.00	Tax	\$.00
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Total Paid	\$32.00
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THIS IS THE LAST PAGE OF THE DOCUMENT

9 Pages

673 - 681



Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Gray
Mayor

Janet M. Graham
Commissioner

To: Meredith Nelson, Council Clerk
Council Clerk's Office

From: Department of Law

Date: April 08, 2014

Re: Easements and Asset Acquisition Forms
(300 Canebrake Drive; 5085, 5191, and 5301 Athens Boonesboro Road;
647, and 697 Delong Road; 3720 Richmond Road; and 331, and 351 United
Court)
Log No. 13-RE0641

Enclosed are the original recorded easements conveying permanent easements across the above-referenced properties to the Urban County Government for the Blue Sky Force Main Sanitary Sewer Improvement Project. Please file the easements with the authorizing legislation, Resolution No. 408-2013.

Also enclosed are the completed Asset Acquisition forms for the properties. After you have signed and dated the forms, please forward them to Kim Bryan in the Department of Finance.

If you have any questions, please let me know.

Keith Horn
Managing Attorney

Enclosures

cc: Kim Bryan, Department of Finance
Beth Florence, Department of Finance

VariousProperties(Memo to Nelson)/00435368