

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 7th day of December, 2020, by and between **SANTA BARBARA LAND CORPORATION**, a **Kentucky corporation**, 612 Lakeshore Drive, Lexington, Kentucky 40502, 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 **SEVEN THOUSAND FOUR HUNDRED SIXTY-SIX DOLLARS AND 25/100 DOLLARS (\$7,466.25)**, 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 Exhibit "B", and more particularly described as follows, to wit:

Permanent Sanitary Sewer Easement
Southeastern Hills Trunk Sewer Improvement Project
(a portion of 1121 Appian Crossing Way)

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

All that strip or parcel of land situated south of Appian Crossing Way east of Lady Di Lane in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows:

Tract A

BEGINNING, at a point in the northerly boundary line of Dove Creek, Unit 3-B (Cabinet J, Slide 222), said point being S 58° 29' 37" E, 20.29 feet from a common corner between Lot 123, as shown on the Final Record Plat of Glen Creek (Dove Creek), Unit 3-A, (Cabinet L, Slide 713) and Lot 13 as shown on the Final Record Plat of Glen Creek (Dove Creek), Unit 4 (Cabinet L, Slide 430);

Thence leaving the northerly boundary line of Dove Creek, Unit 3-B (Cabinet J, Slide 222), and with an existing sanitary sewer easement line through the lands of Lot 123, N 32° 49' 01" E, 15.71 feet to a point;

Thence continuing with a new permanent sanitary sewer easement line for two (2) calls:

- 1) N 78° 22' 32" E, 287.95 feet to a point; and
- 2) S 54° 47' 17" E, 6.68 feet to a point in an existing sanitary sewer easement line;

Thence with the existing sanitary sewer easement line, S 35° 12' 43" W, 15.00 feet to a point;

Thence continuing with a new permanent easement line for two (2) calls:

- 1) S 35° 12' 43" W, 7.12 feet to a point; and
- 2) S 78° 22' 32" W, 278.00 feet to a point in the northerly boundary line of the aforesaid Dove Creek, Unit 3-B (Cabinet J, Slide 222);

Thence with the northerly boundary line of Dove Creek, Unit 3-B (Cabinet J, Slide 222), N 58° 29' 37" W, 12.85 feet to the **TRUE POINT OF BEGINNING**;

The above-described parcel contains 5,834 square feet (0.134 Acres) of permanent easement; and

Tract B

BEGINNING, at a point in the westerly boundary line of the Millcreek Subdivision, Unit 4, Section 1 (Cabinet L, Slide 285), said point being a common corner between Lot 112 and Lot 123 as shown on the Final Record Plat of Glen Creek (Dove Creek), Unit 3-A, (Cabinet L, Slide 713);

Thence with the westerly boundary line of the Millcreek Subdivision, Unit 4, Section 1 (Cabinet L, Slide 285), S 24° 04' 30" W, 15.89 feet to a point;

Thence leaving the westerly boundary line of the Millcreek Subdivision, Unit 4, Section 1 (Cabinet L, Slide 285), and with a new permanent sanitary sewer easement line through the lands of Lot 123 for three (3) calls:

- 1) N 61° 47' 58" W, 259.20 feet to a point;
- 2) N 59° 37' 45" W, 263.85 feet to a point; and
- 3) N 44° 06' 53" E, 1.82 feet to a point in an existing sanitary sewer easement line;

Thence with the existing sanitary sewer easement line, N 44° 06' 53" E, 18.77 feet to a point;

Thence continuing with a new permanent sanitary sewer easement line for two (2) calls:

- 1) S 59° 37' 45" E, 258.58 feet to a point; and
- 2) S 61° 47' 58" E, 196.20 feet to a point in the southerly line of Lot 111;

Thence with the southerly line of Lot 111 and continuing with Lot 112, S 57° 56' 26" E, 61.62 feet to the **POINT OF BEGINNING**; and,

The above-described parcel contains 10,263 square feet (0.236 Acres) of permanent easement; and

Both tracts being a portion of the property conveyed to Santa Barbara Land Company, a Kentucky corporation, by deed dated July 12, 1993, of record in Deed Book 1682, Page 662, 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" and Exhibit "B" attached hereto, and more particularly described as follows:

Temporary Construction Easement
Southeastern Hills Trunk Sewer Improvement Project
(a portion of 1121 Appian Crossing Way)

All that strip or parcel of land situated south of Appian Crossing Way east of Lady Di Lane in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows:

Tract C

BEGINNING, at a common corner between Lot 123, as shown on the Final Record Plat of Glen Creek (Dove Creek), Unit 3-A, (Cabinet L, Slide 713) and Lot 13 as shown on the Final Record Plat of Glen Creek (Dove Creek), Unit 4 (Cabinet L, Slide 430), said point also being in the northerly boundary line of Dove Creek, Unit 3-B (Cabinet J, Slide 222);

Thence leaving Lot 13, and with the northerly boundary line of Dove Creek, Unit 3-B (Cabinet J, Slide 222), S 58° 29' 37" E, 20.29 feet to a point;

Thence leaving the northerly boundary line of Dove Creek, Unit 3-B (Cabinet J, Slide 222), and with an existing sanitary sewer easement line through the lands of Lot 123, N 32° 49' 01" E, 29.71 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving the line of the existing sanitary sewer easement, and continuing with a new temporary construction easement line for two (2) calls:

- 1) N 78° 22' 32" E, 285.90 feet to a point; and
- 2) S 54° 47' 17" E, 297.11 feet to a point in an existing sanitary sewer easement line;

Thence with the existing sanitary sewer easement line for two (2) calls:

- 1) S 44° 06' 53" W, 12.65 feet to a point; and
- 2) N 54° 47' 17" W, 286.49 feet to a point;

Thence leaving the line of the existing sanitary sewer easement, and continuing with a new permanent sanitary sewer easement line for two (2) calls:

- 1) N 54° 47' 17" W, 6.68 feet to a point; and
- 2) S 78° 22' 32" W, 287.95 feet to a point in an existing sanitary sewer easement line;

Thence with existing sanitary sewer easement line, N 32° 49' 01" E, 14.01 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains a total area of 6,558 square feet (0.151 Acres) of temporary construction easement;

Tract D

BEGINNING, at a point in the northerly boundary line of Dove Creek, Unit 3-B (Cabinet J, Slide 222), said point being S 58° 29' 37" E, 33.14 feet from a common corner between Lot 123, as shown on the Final Record Plat of Glen Creek (Dove Creek), Unit 3-A, (Cabinet L, Slide 713) and Lot 13 as shown on the Final Record Plat of Glen Creek (Dove Creek), Unit 4 (Cabinet L, Slide 430);

Thence leaving the northerly boundary line of Dove Creek, Unit 3-B (Cabinet J, Slide 222), and continuing with a new permanent sanitary sewer easement line through the lands of Lot 123 for two (2) calls:

- 1) N 78° 22' 32" E, 278.00 feet to a point; and

2) N 35° 12' 43" E, 7.12 feet to a point in an existing sanitary sewer easement line;

Thence with the existing sanitary sewer easement line, S 54° 47' 17" E, 304.39 feet to a point;

Thence leaving the line of the existing sanitary sewer easement, and continuing with a new permanent easement line for three (3) calls:

- 1) S 44° 06' 53" W, 1.82 feet to a point;
- 2) S 59° 37' 45" E, 263.85 feet to a point; and
- 3) S 61° 47' 58" E, 260.20 feet to a point in the westerly boundary line of the Millcreek Subdivision, Unit 4, Section 1 (Cabinet L, Slide 285);

Thence with the westerly boundary line of the Millcreek Subdivision, Unit 4, Section 1 (Cabinet L, Slide 285), S 24° 05' 14" W, 10.03 feet to a point;

Thence leaving the westerly boundary line of the Millcreek Subdivision, Unit 4, Section 1 (Cabinet L, Slide 285), and with a new temporary construction easement line through the lands of Lot 123 for four (4) calls:

- 1) N 61° 47' 58" W, 260.11 feet to a point;
- 2) N 59° 37' 45" W, 272.73 feet to a point;
- 3) N 54° 47' 17" W, 287.62 feet to a point; and
- 4) S 78° 22' 32" W, 269.32 feet to a point in the northerly boundary line of the aforesaid Dove Creek, Unit 3-B (Cabinet J, Slide 222);

Thence with the northerly boundary line of Dove Creek, Unit 3-B (Cabinet J, Slide 222), N 58° 29' 37" W, 14.63 feet to the **POINT OF BEGINNING**; and,

The above-described parcel contains a total area of 11,752 square feet (0.270 Acres) of temporary construction easement;

Tract E

BEGINNING, at a common corner between Lot 105, Lot 106, and Lot 123 as shown on the Final Record Plat of Glen Creek (Dove Creek), Unit 3-A, (Cabinet L, Slide 713);

Thence with the southerly property line of Lot 106, Lot 107, Lot 108, Lot 109, Lot 110, and Lot 111, S 57° 56' 26" E, 132.03 feet to a point;

Thence leaving the southerly property line of Lot 111, and with a new permanent sanitary sewer easement line through the lands of Lot 123 for two (2) calls:

- 1) N 61° 47' 58" W, 196.20 feet to a point; and
- 2) N 59° 37' 45" W, 258.58 feet to a point in an existing sanitary sewer easement line;

Thence with the existing sanitary sewer easement line, N 44° 06' 53" E, 10.30 feet to a point;

Thence leaving the line of the existing sanitary sewer easement, and continuing with a new temporary construction easement line for two (2) calls:

- 1) S 59° 37' 45" E, 255.94 feet to a point; and
- 2) S 61° 47' 58" E, 53.55 feet to a point in the southerly line of the aforesaid Lot 105;

Thence with the southerly line of Lot 105, S 55° 52' 06" E, 10.79 feet to the **POINT OF BEGINNING**; and,

The above-described parcel contains a total area of 3,796 square feet (0.087 Acres) of temporary construction easement;

All tracts being a portion of the property conveyed to Santa Barbara Land Corporation, a Kentucky corporation, by deed dated July 12, 1993, of record in Deed Book 1682, Page 662, 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 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.

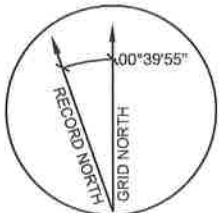
The obtaining of this easement was authorized by Resolution 456-2020, passed by the Lexington-Fayette Urban County Council on October 8, 2020. Pursuant to KRS 382.135(2)(a), this deed of easement, which pertains to a public utility, need not contain a statement of consideration.

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

GRANTOR:

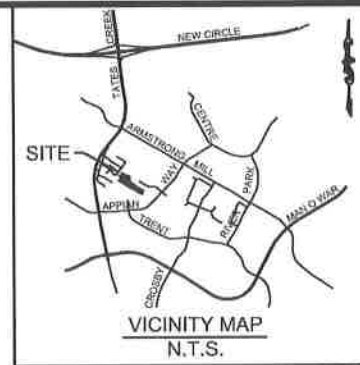
SANTA BARBARA LAND CORPORATION, a
Kentucky corporation

EXHIBIT A

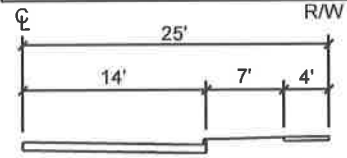


BEARING BASIS

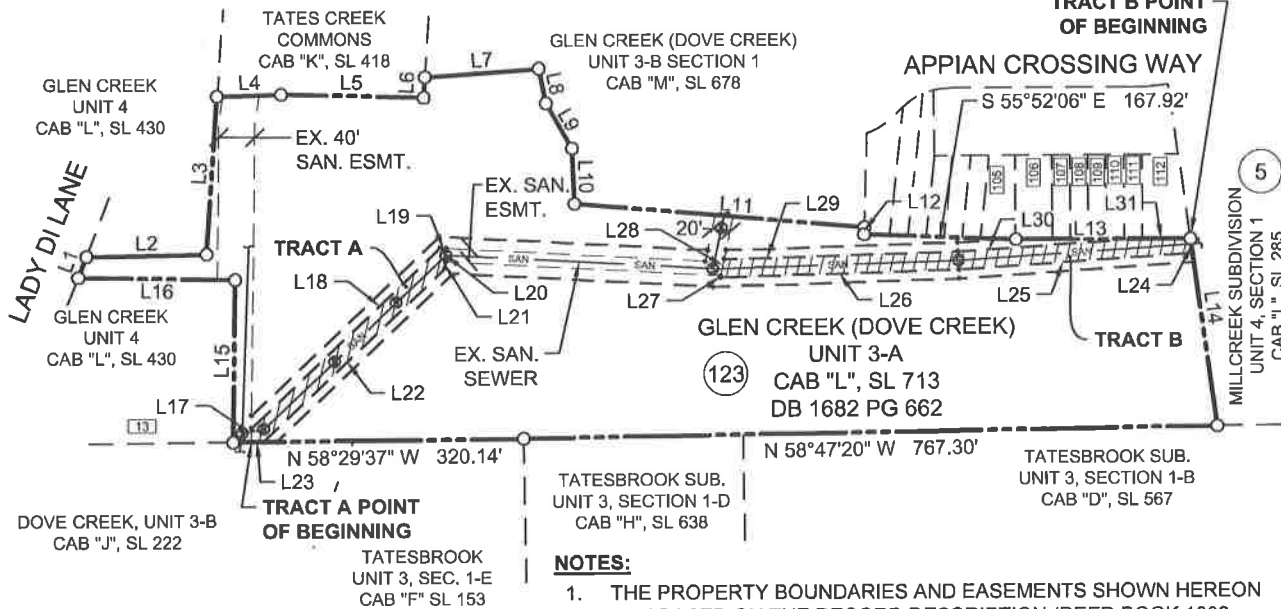
LOT LINE TABLE			EASEMENT LINE TABLE		
LINE #	LENGTH	BEARING	LINE #	LENGTH	BEARING
L1	24.97'	N 52°54'14" E	L17	15.71'	N 32°49'01" E
L2	133.10'	S 58°52'45" E	L18	287.95'	N 78°22'32" E
L3	175.55'	N 35°54'53" E	L19	6.68'	S 54°47'17" E
L4	71.08'	S 59°15'19" E	L20	15.00'	S 35°12'43" W
L5	157.29'	S 56°34'02" E	L21	7.12'	S 35°12'43" W
L6	22.57'	N 36°08'56" E	L22	278.00'	S 78°22'32" W
L7	126.95'	S 61°54'21" E	L23	12.85'	N 58°29'37" W
L8	38.99'	S 20°47'34" W	L24	15.89'	S 24°04'30" W
L9	57.82'	S 02°01'01" W	L25	259.20'	N 61°47'58" W
L10	61.49'	S 29°46'01" W	L26	263.85'	N 59°37'45" W
L11	320.91'	S 53°05'24" E	L27	1.82'	N 44°06'53" E
L12	8.15'	S 33°56'47" W	L28	18.77'	N 44°06'53" E
L13	193.65'	S 57°56'26" E	L29	258.58'	S 59°37'45" E
L14	209.60'	S 24°04'30" W	L30	196.20'	S 61°47'58" E
L15	180.43'	N 32°55'38" E	L31	61.62'	S 57°56'26" E
L16	173.83'	N 57°00'55" W			



VICINITY MAP
N.T.S.



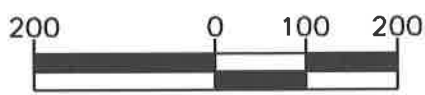
APPIAN CROSSING WAY
& LADY DI LANE
HALF SECTION
TRACT B POINT
OF BEGINNING



NOTES:

1. THE PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON ARE BASED ON THE RECORD DESCRIPTION (DEED BOOK 1682, PAGE 662) AND CORRESPONDING PLAT (CABINET L, SLIDE 713) OF RECORD IN THE FAYETTE COUNTY CLERK'S OFFICE. THE ORIGIN OF BEARINGS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN DATUM OF 1983, STATE PLANE KENTUCKY NORTH AS OBSERVED FROM KYCORS STATION "KYTG" USING A TRIMBLE R10, DUAL FREQUENCY RECEIVER.
2. THE PURPOSE OF THIS EXHIBIT IS TO DELINEATE A PROPOSED CONVEYANCE FOR A PERMANENT SANITARY SEWER EASEMENT TO LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.
3. THIS INFORMATION DOES NOT CONSTITUTE A BOUNDARY SURVEY AND SHALL NOT BE USED FOR PURPOSES OF LAND TRANSFER.

PERM. ESMT. AREA
16,097 SQ. FT. (0.370 AC)



GRAPHIC SCALE: 1"=200'

**SANITARY SEWER EASEMENT EXHIBIT
SANTA BARBARA LAND CORPORATION
1121 APPIAN CROSSING WAY
SOUTHEASTERN HILLS TRUNK SEWER IMPROVEMENTS
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KENTUCKY**



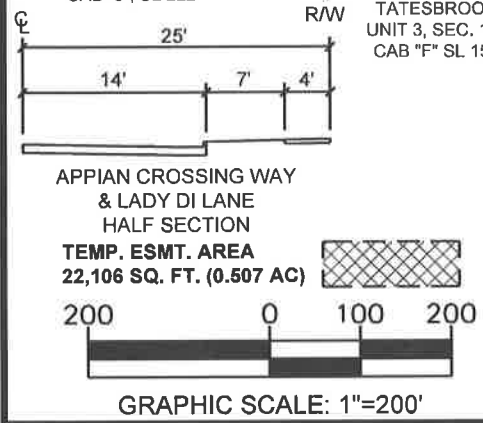
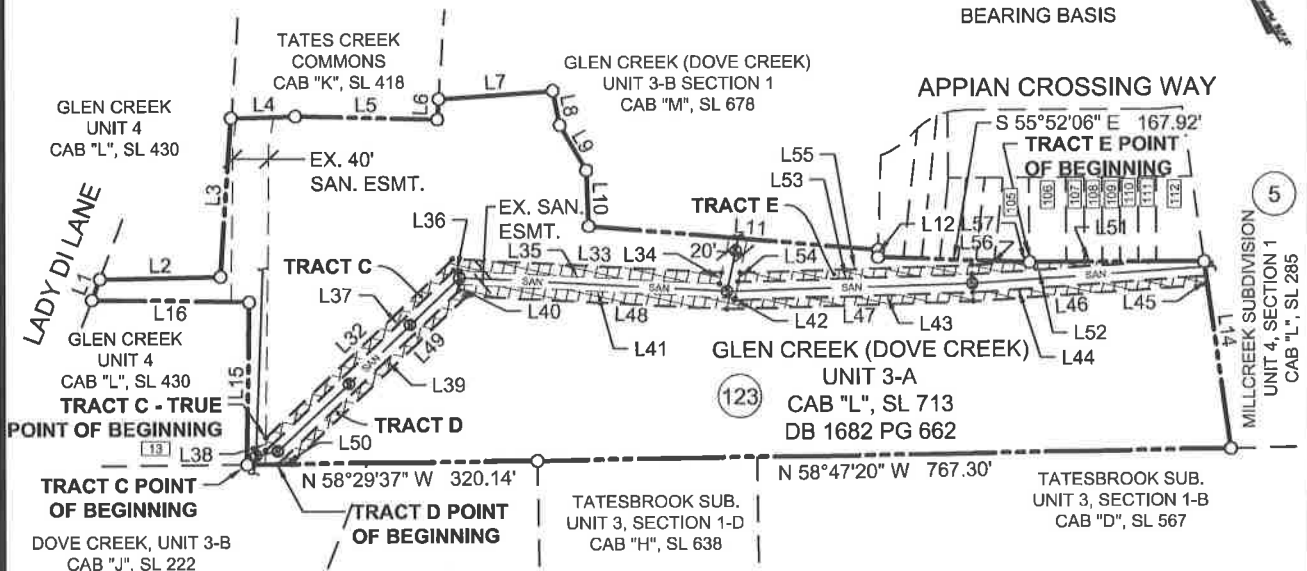
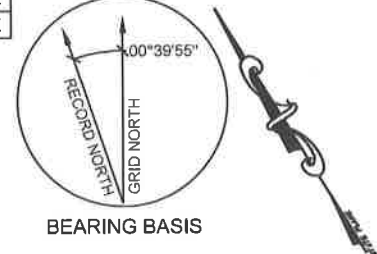
EXHIBIT A

SEPTEMBER 2020

2815.046

EXHIBIT B

LOT LINE TABLE			EASEMENT LINE TABLE			EASEMENT LINE TABLE		
LINE #	LENGTH	BEARING	LINE #	LENGTH	BEARING	LINE #	LENGTH	BEARING
L1	24.97'	N 52°54'14" E	L32	285.90'	N 78°22'32" E	L48	287.62'	N 54°47'17" W
L2	133.10'	S 58°52'45" E	L33	297.11'	S 54°47'17" E	L49	269.32'	S 78°22'32" W
L3	175.55'	N 35°54'53" E	L34	12.65'	S 44°06'53" W	L50	14.63'	N 58°29'37" W
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L9	57.82'	S 02°01'01" W	L40	7.12'	N 35°12'43" E	L56	53.55'	S 61°47'58" E
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L13	193.65'	S 57°56'26" E	L44	259.20'	S 61°47'58" E			
L14	209.60'	S 24°04'30" W	L45	10.03'	S 24°05'14" W			
L15	180.43'	N 32°55'38" E	L46	260.11'	N 61°47'58" W			
L16	173.83'	N 57°00'55" W	L47	272.73'	N 59°37'45" W			



- NOTES:**
1. THE PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON ARE BASED ON THE RECORD DESCRIPTION (DEED BOOK 1682, PAGE 662) AND CORRESPONDING PLAT (CABINET L, SLIDE 713) OF RECORD IN THE FAYETTE COUNTY CLERK'S OFFICE. THE ORIGIN OF BEARINGS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN DATUM OF 1983, STATE PLANE KENTUCKY NORTH AS OBSERVED FROM KYCORS STATION "KYTG" USING A TRIMBLE R10, DUAL FREQUENCY RECEIVER.
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SANITARY SEWER EASEMENT EXHIBIT
SANTA BARBARA LAND CORPORATION
1121 APPIAN CROSSING WAY
SOUTHEASTERN HILLS TRUNK SEWER IMPROVEMENTS
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KENTUCKY

EXHIBIT B
 SEPTEMBER 2020
 2815.046

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

202012210116

December 21, 2020 9:13:33 AM

Fees	\$68.00	Tax	\$.00
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Total Paid	\$68.00
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THIS IS THE LAST PAGE OF THE DOCUMENT

12 Pages

571 - 582