

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 14 day of Oct., 2019, by and between **WLEX COMMUNICATIONS, LLC, a Kentucky limited liability company**, 1065 Russell Cave Road, Lexington, Kentucky 40505, 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 **TWO THOUSAND EIGHT HUNDRED TWO DOLLARS AND 25/100 DOLLARS (\$2,802.25)**, 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:

20' Permanent Sanitary Sewer Easement
Lexmark Trunk A & B Sanitary
Sewer Improvement Project
(a portion of 1065 Russell Cave Road)

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

(CCF)

All that tract or parcel of land situated west of Russell Cave Road and north of Loudon Avenue in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at a found iron pin at the northwest corner of WLEX Communications, LLC (1065 Russell Cave Road, Deed Book 2079, Page 259, Tract 1), said point being a common corner with Lexmark International, Inc. (740 W. New Circle Road, Deed Book 1571, Page 329, Tract 1); thence with said Lexmark International, Inc., South 50°00'12" West, 87.17 feet to the **TRUE POINT OF BEGINNING**; thence leaving said Lexmark International, Inc. for two (2) new lines through the lands of said WLEX Communications, LLC; thence South 00°21'03" East, 497.70 feet to a point; thence South 09°34'27" East, 128.43 feet to a point in the north line of the R. J. Corman and CSX Railroad right-of-way; thence with said R. J. Corman and CSX Railroad, South 73°28'39" West, 20.15 feet to a point; thence leaving said R. J. Corman and CSX Railroad for two (2) new lines through the lands of WLEX Communications, LLC; thence North 09°34'27" West, 132.49 feet to a point; thence North 00°21'03" West, 482.74 feet to a point in the line with said Lexmark International, Inc.; thence with said Lexmark International, Inc., North 50°00'12" East, 25.97 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 12,413 square feet (gross) and 9,646 square feet or 0.28 acre (net) more or less of permanent easement; and

Being a portion of the same property conveyed to WLEX Communications, LLC, a Kentucky limited liability company, by deed dated September 1, 1999, of record in Deed Book 2079, Page 259, 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:

Temporary Construction Easement
Lexmark Trunk A & B Sanitary
Sewer Improvement Project
(a portion of 1065 Russell Cave Road)

BEGINNING, at a found iron pin at the northwest corner of WLEX Communications, LLC (1065 Russell Cave Road, Deed Book 2079, Page 259, Tract 1), said point being a common corner with Lexmark International, Inc. (740 W. New Circle Road, Deed Book 1571, Page 329, Tract 1); thence with said Lexmark International, Inc., South 50°00'12" West, 74.18 feet to the **TRUE POINT OF BEGINNING**; thence leaving said Lexmark International, Inc., for four (4) new lines through the lands of said WLEX Communications, LLC; thence South 00°21'03" East, 46.08 feet to a point; thence North 89°38'57" East, 10.00 feet to a point; thence South 00°21'03" East, 458.29 feet to a point; thence South 09°34'27" East, 124.38 feet to a point in the north line of the R. J. Corman and CSX Railroad right-of-way; thence with said R. J. Corman and CSX Railroad, South 73°28'39" West, 50.37 feet to a point; thence leaving said R. J. Corman and CSX Railroad for six (6) new lines through the lands of said WLEX Communications, LLC; thence North 09°34'27" West, 68.61 feet to a point; thence North 80°25'33" East, 10.00 feet to a point; thence North 09°34'27" West, 65.10 feet to a point; thence North 00°21'03" West, 461.52 feet to a point; thence South 89°38'57" West, 10.00 feet to a point; thence North 00°21'03" West, 12.93 feet to a point in the line with said Lexmark International, Inc.; thence with said Lexmark International, Inc., North 50°00'12" East, 51.95 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 25,394 square feet (gross) and 9,696 square feet or 0.30 acre (net), more or less of temporary construction access easement; and,

Being a portion of the same property conveyed to WLEX Communications, LLC, a Kentucky limited liability company,

by deed dated September 1, 1999, of record in Deed Book 2079, Page 259, 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 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 388-2019, passed by the Lexington-Fayette Urban County Council on July 9, 2019. 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.

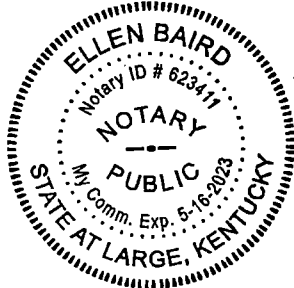
GRANTOR:

WLEX COMMUNICATIONS, LLC, a
Kentucky limited liability company

BY: *Patrick Dalbey*
PATRICK DALBEY, MANAGER

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by Patrick Dalbey, as its Manager, for and on behalf of WLEX Communications, LLC, a Kentucky limited liability company, for and on behalf of the limited liability company, on this the 14 day of Oct., 2019.



Ellen Baird
Notary Public, Kentucky, State-at-Large
My Commission Expires: 5/16/23
Notary ID # 623411

PREPARED BY:



CHARLES E. EDWARDS III

Attorney

Lexington-Fayette Urban

County Government

Department of Law, 11th Floor

200 East Main Street

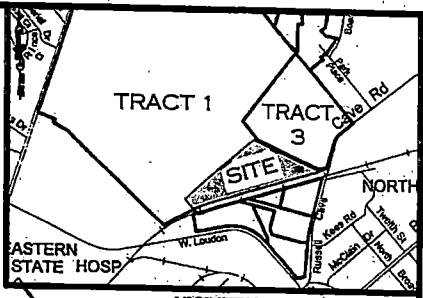
Lexington, Kentucky 40507

(859) 258-3500

X:\Cases\WATER-AIR\19-RE0360\RE\00668254.DOC

EXHIBIT
A

**20' PERMANENT SANITARY SEWER EASEMENT
 EXHIBIT FOR LFUGC
 WLEX COMMUNICATIONS, LLC PROPERTY
 1065 RUSSELL CAVE ROAD
 LEXINGTON, FAYETTE COUNTY, KENTUCKY**



LEXMARK INTERNATIONAL, INC
 740 W. NEW CIRCLE ROAD
 DB 1571, PG 329, TRACT 3

LEXMARK INTERNATIONAL, INC
 740 W. NEW CIRCLE ROAD
 DB 1571, PG 329, TRACT 1

P.O.B. FND
 IRON PIN
 20' SAN. E.
 9,646 SQ.FT. (NET)
 0.22 AC. (NET)

L7
 TEMP. CONST. E. (40')
 9,696 SQ.FT. (NET)
 0.22 AC. (NET)

RELEASE PARCEL
 3,285 SQ.FT.
 0.07 AC.

10' SAN.E. DB 698, PG 573
 NEW PERM. ESMT.
 EASEMENT TO BE
 RELEASED

WLEX COMMUNICATIONS, LLC
 1065 RUSSELL CAVE RD
 DB 2079, PG 259, TRACT 1

20' SAN. E.
 9,646 SQ.FT. (NET)
 0.22 AC. (NET)

RETAINED PARCEL
 2,767 SQ.FT.
 0.06 AC.

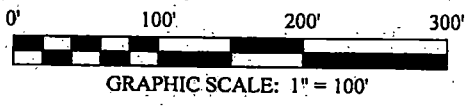
LINE	BEARING	DISTANCE
L1	S 00°21'03" E	497.70'
L2	S 09°34'27" E	104.86'
L3	S 73°28'39" W	20.15'
L4	N 09°34'27" W	132.49'
L5	N 00°21'03" W	482.74'
L6	N 50°00'12" E	25.97'
L7	S 00°35'38" E	169.21'
L8	S 00°06'52" E	336.79'
L9	S 04°51'11" W	20.26'
L10	N 09°34'27" W	23.57'
L11	N 00°21'03" W	497.70'
L12	N 50°00'12" E	8.17'

TEMP. CONST. E. (50')
 9,696 SQ.FT. (NET)
 0.22 AC. (NET)

R.J. GORMAN/CSX RAILROAD

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 AND FIELD LOCATED PROPERTY CORNERS. THIS EXHIBIT DOES NOT REPRESENT A BOUNDARY SURVEY AS DESCRIBED IN 201 KAR 18:150 AND INTEGRATED SURVEY 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 11/17/10
 JAMES M. CHAMBLISS, PLS 3185 DATE



STATE OF KENTUCKY
 JAMES M.
 CHAMBLISS
 3185
 LICENSED
 PROFESSIONAL
 LAND SURVEYOR

IE
 INTEGRATED ENGINEERING
 Integrated Engineering, PLLC
 166 Prosperous Place, Suite 220
 Lexington, KY, 40509

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: SHEA BROWN ,dc

201910170230

October 17, 2019 15:28:37 PM

Fees	\$29.00	Tax	\$.00
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Total Paid	\$29.00
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8 Pages

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MAYOR LINDA GORTON



LEXINGTON

SUSAN B. SPECKERT
COMMISSIONER
DEPARTMENT OF LAW

To: Abigail Allan, Council Clerk
Council Clerk's Office

From: Department of Law

Date: October 22, 2019

Re: Permanent Sanitary Sewer and
Temporary Construction Easement
1065 Russell Cave Road

Our File No. 19-RE0360
Lexmark Trunk A & B Sanitary Sewer Improvement Project

Enclosed is the original recorded Permanent Sanitary Sewer and Temporary Construction Easement for the above property to the Urban County Government for the Lexmark Trunk A & B Sanitary Sewer Improvement Project. Please file the easement with the authorizing legislation, Resolution No. 388-2019.

Please note that the attached asset acquisition form is only for the permanent easement acquired.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Edwards, III".

Charles E. Edwards, III
Attorney

Enclosure

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