

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 5th day of February, 2019, by and between **DMCGL, LLC, a Kentucky limited liability company**, 1910 Old Paris 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 TWO HUNDRED FORTY-SEVEN AND 38/100 DOLLARS (\$2,247.38)**, 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", more particularly described as follows, to wit:

20' Permanent Sanitary Sewer Easement
Sharon Village Pump Station and
Force Main Project
(a portion of 1910 Old Paris Road)

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

(CC-F)

All that tract or parcel of land situated southeast of Old Paris Road approximately 120 feet southwest of the intersection with Laclede Avenue in Lexington, Fayette County, Kentucky, and being more particularly described and bounded as follows:

BEGINNING at a point in the southerly right-of-way line of Old Paris Road, said point being a common corner with Lot 10, of the Pinehurst Subdivision (Plat Cabinet E, Slide 190) and also being a corner to DMCGL, LLC, Tract 6 (Deed Book 3579, Page 549); thence leaving Lot 10, with the southerly right-of-way line of Old Paris Road, S 49°45'16" W, 68.17 feet to the **TRUE POINT OF BEGINNING**; thence leaving the southerly right-of-way line of Old Paris Road, with a new sanitary sewer easement line through the lands of DMCGL, LLC, Tract 5, Lot 9 (Deed Book 3579, Page 549) for five (5) calls: S 57°13'49" E, 65.86 feet to a point; thence S 22°18'16" E, 237.02 feet to a point; thence S 67°41'44" W, 20.00 feet to a point; thence N 22°18'16" W, 230.73 feet to a point; thence N 57°13'49" W, 65.67 feet to a point in the southerly right-of-way line of Old Paris Road; thence with the southerly right-of-way line of Old Paris Road, N 49°45'16" E, 20.91 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 0.138 Acres or 5,993 square feet of permanent easement; and

Being a portion of the same property conveyed to DMCGL, LLC, a Kentucky limited liability company, by deed dated January 1, 2018, of record in Deed Book 3579, Page 549, 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
Sharon Village Pump Station and
Force Main Project
(a portion of 1910 Old Paris Road)

Parcel A

All that tract or parcel of land situated southeast of Old Paris Road approximately 120 feet southwest of the intersection with Laclede Avenue in Lexington, Fayette County, Kentucky, and being more particularly described and bounded as follows:

BEGINNING at a point in the southerly right-of-way line of Old Paris Road, said point being a common corner with Lot 10, of the Pinehurst Subdivision (Plat Cabinet E, Slide 190) and being a corner to DMCG, LLC, Tract 6 (Deed Book 3579, Page 549); thence leaving Lot 10, with the southerly right-of-way line of Old Paris Road, S 49°45'16" W, 89.70 feet to the **TRUE POINT OF BEGINNING**; thence leaving the southerly right-of-way line of Old Paris Road, with a new sanitary sewer easement line through the lands of DMCG, LLC, Tract 5, Lot 9 (Deed Book 3579, Page 549) for two (2) calls: S 57°13'49" E, 65.67 feet to a point; thence S 22°18'16" E, 230.73 feet to a point in the new temporary construction easement line; thence leaving the line of the new sanitary sewer line easement, with a temporary construction easement line for three (3) calls: S 67°41'44" W, 10.00 feet to a point; N 22°18'16" W, 227.58 feet to a point; thence N 57°13'49" W, 65.58 feet to a point in the southerly right-of-way line of Old Paris Road; thence with the southerly right-of-way line of Old Paris Road, N 49°45'16" E, 10.46 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 0.068 Acres or 2,948 square feet of temporary construction easement; and,

Parcel B

All that tract or parcel of land situated southeast of Old Paris Road approximately 120 feet southwest of the intersection with Laclede Avenue in Lexington, Fayette County,

Kentucky, and being more particularly described and bounded as follows:

BEGINNING at a point in the southerly right-of-way line of Old Paris Road, said point being a common corner with Lot 10, of the Pinehurst Subdivision (Plat Cabinet E, Slide 190) and also being a corner to DMCGL, LLC, Tract 6 (Deed Book 3579, Page 549); thence leaving Lot 10, with the southerly right-of-way line of Old Paris Road, S 49°45'16" W, 58.33 feet to **THE POINT OF BEGINNING**; thence leaving the southerly right-of-way line of Old Paris Road, with a new temporary construction easement line through the lands of DMCGL, LLC, Tract 5, Lot 9 (Deed Book 3579, Page 549) for three (3) calls: S 57°13'49" E, 65.95 feet to a point; thence S 22°18'16" E, 240.16 feet to a point; thence S 67°41'44" W, 10.00 feet to a point, said point being in the line of a new sanitary sewer easement; thence continuing with the new sanitary sewer easement line, through the lands of DMCGL, LLC, Tract 5, Lot 9 (Deed Book 3579, Page 549), for two (2) calls: N 22°18'16" W, 237.02 feet to a point; thence N 57°13'49" W, 65.86 feet to a point in the southerly right-of-way line of Old Paris Road; thence with the southerly right-of-way line of Old Paris Road, N 49°45'16" E, 10.46 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 0.070 Acres or 3,045 square feet of temporary construction easement; and,

Both parcels being a portion of the same property conveyed to DMCGL, LLC, a Kentucky limited liability company, by deed dated January 1, 2018, of record in Deed Book 3579, Page 549, 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.

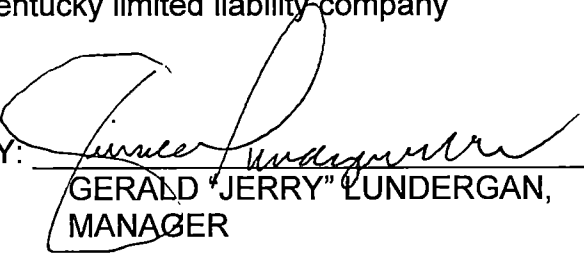
Grantor does hereby release and relinquish unto the Grantee, its successors and assigns forever, all of its right, title, and interest in and to the property to the extent of the interests conveyed herein, including all exemptions allowed by law, and does hereby covenant to and with the Grantee, its 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 520-2019, passed by the Lexington-Fayette Urban County Council on September 26, 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:

DMCGL, LLC, a
Kentucky limited liability company

BY: 
GERALD "JERRY" LUNDERGAN,
MANAGER


COMMONWEALTH OF KENTUCKY)

)

)

COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by Gerald "Jerry" Lundergan, in his capacity as Manager, for and on behalf of DMCGL, LLC, a Kentucky limited liability company, on this the 5th day of February, ~~2020~~ 2020.

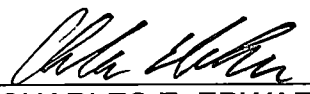


Notary Public, Kentucky, State-at-Large

My Commission Expires: 7/10/2023

Notary ID # 626440

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

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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

202002060490

February 6, 2020 10:57:58 AM

Fees \$53.00 Tax \$.00

Total Paid \$53.00

THIS IS THE LAST PAGE OF THE DOCUMENT

7 Pages

406 - 412

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: February 12, 2020

Re: Permanent Sanitary Sewer and
Temporary Construction Easement
1910 Old Paris Road

Our File No. 19-RE0524
Sharon Village Pump Station and
Force Main Project

Enclosed is the original recorded Permanent Sanitary Sewer and Temporary Construction Easement for the above property to the Urban County Government for the Sharon Village Pump Station and Force Main Project. Please file the easement with the authorizing legislation, Resolution No. 520-2019.

Please note that the attached asset acquisition form is only for the permanent easements 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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