

FAYETTE CO, KY FEE \$71.00

SUSAN LAMB
COUNTY CLERK

PRESENTED/LODGED: 12/09/2024 02:04:33 PM

BOBBIE MARSTELLA, DEPUTY CLERK 202412090168

BK: DB 4107

PG: 173-184



DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 5 day of December, 2024, by and between **CS PATCHEN OAKS, LLC, a Delaware limited liability company**, 1525 Kautz Road, Suite 100, West Chicago, IL 60185, 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 FIVE HUNDRED DOLLARS AND 00/100 CENTS (\$7,500.00)**, 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

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

improvements and construction, installation, maintenance, 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
Plainview Trunk
Sewer Improvement Project
(a portion of 251 Chippendale Circle)

All those tract or parcels of land situated 0.6 mile south of the intersection of Richmond Road and New Circle Road, on the east side of New Circle Road, in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

Tract A

BEGINNING, at the common corner of CS Patchen Oaks, LLC (251 Chippendale Circle, Deed Book 3486, Page 541) and Tanner Wilkinson (2686 Tanner Court, Deed Book 2869, Page 669), said point being in the New Circle Road east right-of-way, having NAD 83 (2011) Kentucky State Plane North Zone coordinates of North 183,619.74 and East 1,579,616.65;

Thence, leaving said New Circle Road and through the lands of said CS Patchen Oaks, along a reference line, North 53°00'28" East, 52.07 feet to the **TRUE POINT OF BEGINNING**;

Thence, for six (6) new lines through the lands of said CS Patchen Oaks:

1. North 00°25'44" West, 117.95 feet to a point,
2. North 75°20'13" West, 8.76 feet to a point,
3. North 09°47'31" East, 20.07 feet to a point,
4. South 75°20'13" East, 25.78 feet to a point,
5. South 00°25'44" East, 133.59 feet to a point,
6. North 89°30'25" West, 20.00 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 2,861 square feet or 0.07 acres (gross and net) more or less of permanent easement; and

Tract B

BEGINNING, at the common corner of CS Patchen Oaks, LLC (251 Chippendale Circle, Deed Book 3486, Page 541) and Tanner Wilkinson (2686 Tanner Court, Deed Book 2869, Page 669), said point being in the New Circle Road east right-of-way, having NAD 83 (2011) Kentucky State Plane North Zone coordinates of North 183,619.74 and East 1,579,616.65;

Thence, leaving said New Circle Road and through the land of said CS Patchen Oaks, along a reference line, North 72°30'32" East, 37.40 feet to the **TRUE POINT OF BEGINNING**;

Thence, for three (3) new lines through the lands of said CS Patchen Oaks:

1. North 44°16'29" West, 11.47 feet to a point,
2. South 89°30'25" East, 60.97 feet to a point,
3. South 81°44'31" West, 53.52 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 248 square feet or 0.01 acres (gross and net) more or less of permanent easement; and

Tract C

BEGINNING, at the common corner of CS Patchen Oaks, LLC (251 Chippendale Circle, Deed Book 3486, Page 541), Connie W. Ellis (2695 Tanner Court, Deed Book 2502, Page 486), David Rudd (2699 Tanner Court, Deed Book 3883, Page 281) and LFUCG (405 Plainview Road, Deed Book 3017, Page 211), having NAD 83 (2011) Kentucky State Plane North Zone coordinates of North 183,624.65 and East 1,579,896.24;

Thence, leaving said Ellis and Rudd and with said LFUCG, North 67°34'01" East, 9.08 feet to the **TRUE POINT OF BEGINNING**;

Thence, leaving said LFUCG for two (2) new lines through the lands of said CS Patchen Oaks:

1. North 34°08'31" East, 10.62 feet to a point,
2. South 89°30'25" East, 15.01 feet to a point in the line with said LFUCG;

Thence, with said LFUCG, South 67°34'01" West, 22.69 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 66 square feet (gross and net) more or less of permanent easement; and

Tract A, B and C being a portion of the same property conveyed to CS Patchen Oaks, LLC, a Delaware limited liability company, by Deed dated April 20, 2017, of record in Deed Book 3486, Page 541, 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 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, maintenance, 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
Plainview Trunk
Sewer Improvement Project
(a portion of 251 Chippendale Circle)

All those tracts or parcels of land situated 0.6 mile south of the intersection of Richmond Road and New Circle Road, on the east side of New Circle Road, in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

Tract A

BEGINNING, at the common corner of CS Patchen Oaks, LLC (251 Chippendale Circle, Deed Book 3486, Page 541) and Tanner Wilkinson (2686 Tanner Court, Deed Book 2869, Page 669), said point being in the New Circle Road east right-of-way, having a NAD 83 (2011) Kentucky State Plane North Zone coordinates of North 183,619.74 and East 1,579,616.65;

Thence, leaving said New Circle Road and through the lands of said CS Patchen Oaks for two (2) lines:

1. Along a reference line, North 53°00'28" East, 52.07 feet to a point,
2. South 89°30'25" East, 20.00 feet to the **TRUE POINT OF BEGINNING**;

Thence, for nineteen (19) new lines through the lands of said CS Patchen Oaks:

1. North 00°25'44" West, 133.59 feet to a point,
2. North 75°20'13" West, 25.78 feet to a point,
3. North 09°47'31" East, 1.06 feet to a point,
4. North 12°30'24" East, 8.95 feet to a point,
5. South 75°20'13" East, 33.87 feet to a point,
6. South 00°25'44" East, 10.86 feet to a point,
7. South 73°50'33" East, 64.88 feet to a point,
8. South 00°00'00" East, 40.51 feet to a point,
9. North 90°00'00" East, 39.63 feet to a point,
10. North 00°00'00" West, 27.30 feet to a point,
11. South 78°59'49" East, 32.30 feet to a point,
12. South 03°09'21" West, 47.51 feet to a point,
13. South 76°58'14" East, 90.39 feet to a point,
14. South 38°51'35" East, 35.14 feet to a point,
15. North 89°30'25" West, 138.43 feet to a point,
16. North 00°29'35" East, 16.00 feet to a point,
17. North 89°30'25" West, 12.00 feet to a point,
18. South 00°29'35" West, 16.00 feet to a point,
19. North 89°30'25" West, 99.75 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 18,342 square feet or 0.42 acres (gross) and 16,769 square feet or 0.38 acre (net) more or less of temporary construction easement; and

Tract B

BEGINNING, at the common corner of CS Patchen Oaks, LLC (251 Chippendale Circle, Deed Book 3486, Page 541) and Tanner Wilkinson (2686 Tanner Court, Deed Book 2869, Page 669), said point being in the New Circle Road east right-of-way, having NAD 83 (2011) Kentucky State Plane North Zone coordinates of North 183,619.74 and 1,579,616.65;

Thence, leaving said New Circle Road and through the lands of said CS Patchen Oaks, along a reference line, North 53°00'28" East, 52.07 feet to the **TRUE POINT OF BEGINNING**;

Thence, for six (6) new lines through the lands of said CS Patchen Oaks:

1. North 89°30'25" West, 16.92 feet to a point,
2. North 09°56'29" East, 40.00 feet to a point,
3. North 80°29'15" West, 13.07 feet to a point,
4. North 09°47'31" East, 79.62 feet to a point,
5. South 75°20'13" East, 8.76 feet to a point,
6. South 00°25'44" East, 117.95 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 1,769 square feet or 0.04 acres (gross and net) more or less of temporary construction easement; and

Tracts A and B, being a portion of the same property conveyed to CS Patchen Oaks, LLC, a Delaware limited liability company, by Deed dated April 20, 2017, of record in Deed Book 3486, Page 541, 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.

TOGETHER with the right to use the above-described easements during the time the sanitary sewer is being constructed, repaired or reconstructed, with the right of

ingress and egress upon said easements as may be reasonably necessary for the construction and maintenance of said project.

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, or maintenance thereof.

Grantee shall reasonably restore the property to its original or near original condition after the construction project is completed. Grantee shall be responsible for any damages to the easement area caused by its operations throughout the existence of the permanent sanitary sewer easement.

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 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 they will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 006-2024, passed by the Lexington-Fayette Urban County Council on January 23, 2024. 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:

CS PATCHEN OAKS, LLC, a
Delaware limited liability company

BY:



CARL SCHIRTZINGER,
MANAGER

STATE OF ILLINIOS

)

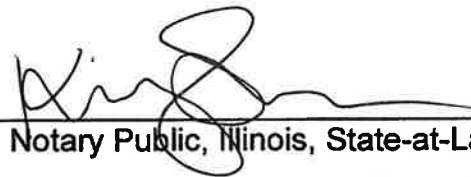
)

COUNTY OF DUPAGE

)

This instrument was acknowledged, subscribed and sworn to before me by Carl Schirtzinger, as Manager of and for and on behalf of CS Patchen Oaks LLC, a Delaware corporation, on this the 6th day of December, 2024.






Notary Public, Illinois, State-at-Large

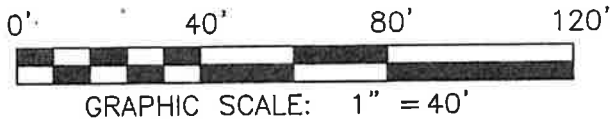
My Commission Expires: 2 / 22 / 2027

PREPARED BY:



EVAN P. THOMPSON,
Attorney Sr.
Lexington-Fayette Urban
County Government
Department of Law, 11th Floor
200 East Main Street
Lexington, Kentucky 40507
(859) 258-3500

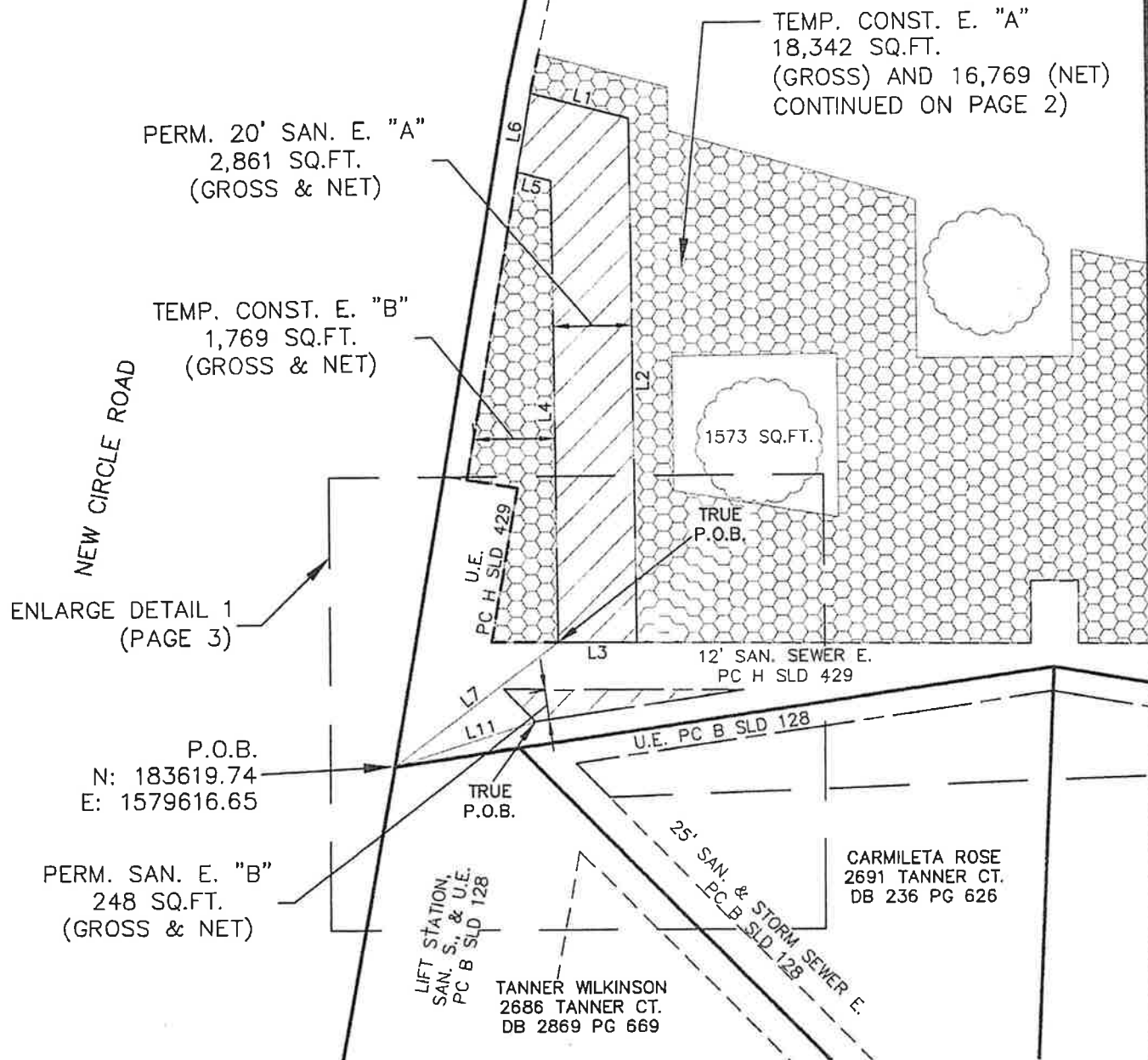
4881-7812-2962, v. 1



TEMP. CONST. ESMT.
 PERM. SAN. ESMT.
 L1 SEE LINE TABLE 1,
 PAGE 3

STATE PLANE

CS PATCHEN OAKS LLC
 251 CHIPPENDALE CIR.
 DB 3486 PG 541



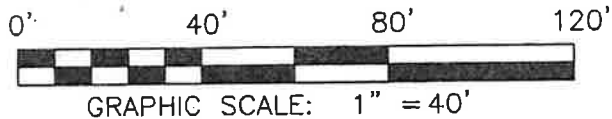
DATE: 07/12/24

PLAINVIEW TRUNK SANITARY SEWER PROJECT
 SANITARY SEWER EASEMENTS
 PATCHEN OAKS LLC
 251 CHIPPENDALE CIRCLE

LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 1 OF 3



1 Perimeter Drive Suite 300
 Lexington, KY 40517
 Phone (859) 368-0145
 www.primeeng.com



TEMP. CONST. ESMT.
 PERM. SAN. ESMT.



CS PATCHEN OAKS LLC
 251 CHIPPENDALE CIR.
 DB 3486 PG 541

TEMP. CONST. E. "A"
 18,342 SQ.FT. (GROSS)
 AND 16,769 (NET)
 CONTINUED FROM PAGE 1)

ENLARGE DETAIL 2
 (PAGE 3)

PERM. SAN. E. "C"
 66 SQ. FT.
 (GROSS & NET)

SAN. SEWER E. & U.E.
 PC H SLD 429
 TRUE
 P.O.B.

P.O.B.
 N: 183624.65
 E: 1579896.24

CONNIE W. ELLIS
 2695 TANNER CT.
 DB 2502 PG 486

DAVID RUDD
 2699 TANNER CT.
 DB 3883 PG 281

SAN. SEWER, ST. SEWER & U.E.
 PC H SLD 429

SAN. & ST. SEWER E.
 PC D SLD 168

LFUGG
 405 PLAINVIEW RD.
 DB 3017 PG 211

12' SAN. SEWER E.
 PC B SLD 128

U.E.
 PC B SLD 128

10' SLE.
 PC B SLD 128

30' SAN SEWER E.
 PC D SLD 168

DATE: 07/12/24

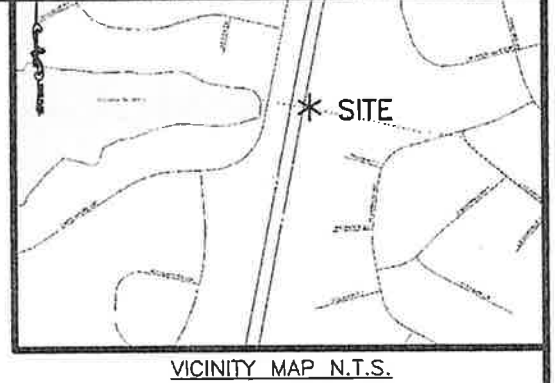
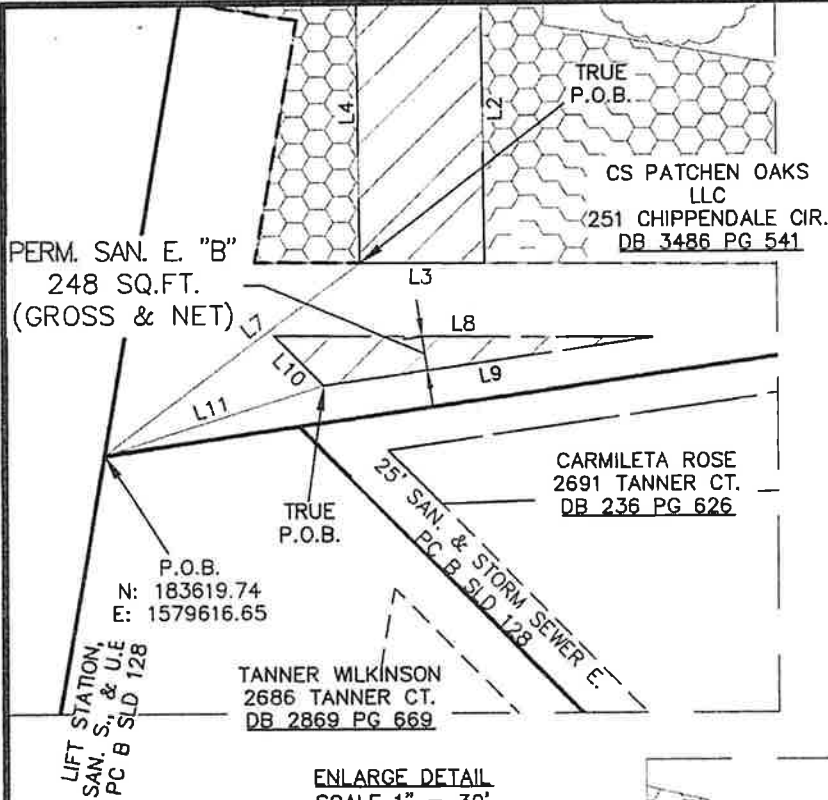
PLAINVIEW TRUNK SANITARY SEWER PROJECT
 SANITARY SEWER EASEMENTS
 PATCHEN OAKS LLC
 251 CHIPPENDALE CIRCLE

LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 2 OF 3



1 Perimeter Drive Suite 300
 Lexington, KY 40517
 Phone (859) 368-0145
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P:\2023\K01010-22468 Plainview Trunk Sanitary Sewer\500-CAD\500-Survey\504-Working\Drawings\Easements\22468 Proposed Easements.dwg
 Day & Turner
 July 12, 2024 - 7:10am
 jcanonias



LINE TABLE 1

LINE	BEARING	DISTANCE
L1	S 75°20'13" E	25.78'
L2	S 00°25'44" E	133.59'
L3	N 89°30'25" W	20.00'
L4	N 00°25'44" W	117.95'
L5	N 75°20'13" W	8.76'
L6	N 09°47'31" E	20.07'
L7	N 53°00'28" E	52.07'
L8	S 89°30'25" E	60.97'
L9	S 81°44'31" W	53.52'
L10	N 44°16'29" W	11.47'
L11	N 72°30'32" E	37.40'

EX. PERM ESMT.=N/A

PROP. PERM. ESMT.(GROSS)=3,175 SQ.FT.
PROP. PERM. ESMT.(NET)=3,175 SQ.FT.

PROP. TEMP. ESMT.(GROSS)=20,111 SQ.FT.
PROP. TEMP. ESMT.(NET)=18,538 SQ.FT.

LAND SURVEYOR'S CERTIFICATE:

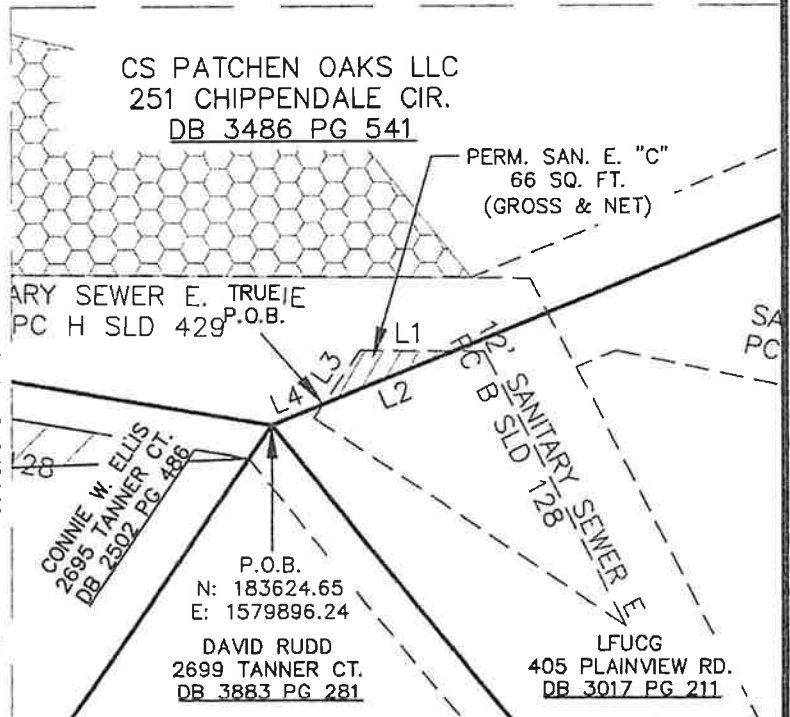
THE PROPERTY LINES SHOWN ON THIS EASEMENT EXHIBIT ARE BASED ON DEED AND/OR RECORD PLAT DATA FROM THE FAYETTE COUNTY CLERK'S OFFICE. THIS EXHIBIT DOES NOT REPRESENT A BOUNDARY SURVEY AS DEFINED IN 201 KAR 18:150 AND PRIME AE GROUP HAS NOT PERFORMED A BOUNDARY SURVEY FOR THE PURPOSES OF THIS EXHIBIT. THIS EXHIBIT IS NOT INTENDED TO BE USED FOR LAND TRANSFER.

James M. Chambliss,
PLS

Digitally signed by James M.
Chambliss, PLS
Date: 2024.07.12 07:41:27 -04'00'

JAMES M. CHAMBLISS, PLS 3185

DATE



ENLARGE DETAIL
SCALE 1" = 30'

LINE TABLE 2

LINE	BEARING	DISTANCE
L1	S 89°30'25" E	15.01'
L2	S 67°34'01" W	22.69'
L3	N 34°08'31" E	10.62'
L4	N 67°34'01" E	9.08'

REV. DATE:
07/12/24

651 Perimeter Drive Suite 300
Lexington, KY 40517
Phone (859) 368-0145
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PLAINVIEW TRUNK SANITARY SEWER PROJECT
SANITARY SEWER EASEMENTS
PATCHEN OAKS LLC
251 CHIPPENDALE CIRCLE

LEXINGTON, FAYETTE COUNTY, KENTUCKY- PAGE 3 OF 3