

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 17th day of June, 2019, by and between **BRENDA PENNINGTON, a single person**, 604 Pebble Creek Drive, Lexington, Kentucky 40517, 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 **FIVE THOUSAND AND 00/100 DOLLARS (\$5,000.00)**, 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:

Permanent Sanitary Sewer Easement
Lansdowne South Trunk Sewer Replacement Project
(a portion of 604 Pebble Creek Drive)

All that tract or parcel of land being a permanent sewer easement situated south of Wilson Downing Road in

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

(C-E)

Lexington, Fayette County, Kentucky and being more particularly described as follows, to wit:

Beginning at a point in the southwest corner of the property and being a common corner to the Belleau Wood Drive right-of-way and 3700 Forest Green Drive property (Deed Book 2999, Page 399), Belleau Wood Subdivision, Unit 1-B, Lot 12; thence N 18°26'36" E, a distance of 8.75 feet, more or less along the Belleau Wood Drive right-of-way to **THE POINT OF BEGINNING OF THE PROPOSED PERMANENT SANITARY SEWER EASEMENT**; thence N 18°26'36" E, a distance of 21.16 feet; thence S 52°30'26" E, a distance of 45.40 feet; thence N 32°43'00" E, a distance of 8.21 feet; thence S 57°28'12" E, a distance of 70.19 feet; thence S 32°19'56" W, a distance of 34.70 feet; thence N 52°13'37" W, a distance of 54.67 feet; thence S 41°42'19" W, a distance of 11.12 feet; thence N 49°23'26" W, a distance of 20.00 feet; thence N 41°42'19" E, a distance of 10.07 feet; thence N 52°30'26" W, a distance of 36.14 feet, more or less to the **POINT OF BEGINNING**; and,

The above described parcel contains 3,280.36 square feet of permanent easement; and

Included in the above described **PROPOSED PERMANENT SANITARY SEWER EASEMENT** area description is an existing sanitary sewer easement of 1,485.02 square feet, resulting in a net increase of 1,795.34 square feet of new easement area; and,

Being a portion of the property conveyed to Brenda Pennington, a single person, by deed dated March 19, 2013, of record in Deed Book 3139, Page 529, 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 Access Easement
Lansdowne South Trunk Sewer Replacement Project
(a portion of 604 Pebble Creek Drive)

Three tracts or parcels of land being a temporary construction access easement situated south of Wilson Downing Road in Lexington, Fayette County, Kentucky and being more particularly described as follows, to wit:

Tract No. 1

Beginning at a point in the southwest corner of the property and being a common corner to the Belleau Wood Drive right-of-way and 3700 Forest Green Drive property (Deed Book 2999, Page 399) Belleau Wood Subdivision, Unit 1-B, Lot 12; thence N 18°26'36" E, a distance of 29.91 feet, more or less along the Belleau Wood Drive right-of-way to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; thence N18°26'36" E, a distance of 9.13 feet; thence S 53°50'03" E, a distance of 45.04 feet; thence S 32°30'27" W, a distance of 1.75 feet; thence S 58°06'45" E, a distance of 2.53 feet; thence S 32°43'00" W, a distance of 8.21 feet; thence N 52°30'26" W, a distance of 45.40 feet, more or less along the **PROPOSED PERMANENT SANITARY SEWER EASEMENT** to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; and,

The above described parcel contains 423.52 square feet of temporary construction easement;

Tract No. 2

Beginning at a point in the southwest corner of the property and being a common corner to the Belleau Wood Drive right-of-way and 3700 Forest Green Drive property (Deed Book 2999, Page 399) Belleau Wood Subdivision, Unit 1-B, Lot 12; said point being **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; thence N 18°26'36" E, a distance of 8.75 feet; thence S 52°30'26" E, a distance of 36.14 feet; thence S 41°42'19" W, a distance of 10.07 feet; thence N 49°23'26" W, a distance of 32.59 feet, more or less to **THE**

**POINT OF BEGINNING OF THE PROPOSED
TEMPORARY CONSTRUCTION ACCESS EASEMENT;
and,**

The above described parcel contains 313.53 square feet of temporary construction easement;

Tract No. 3

Beginning at a point in the southwest corner of the property and being a common corner to the Belleau Wood Drive right-of-way and 3700 Forest Green Drive property (Deed Book 2999, Page 399) Belleau Wood Subdivision, Unit 1-B, Lot 12; thence S 49°23'26" E, a distance of 52.59 feet, more or less along the common property line with the 3700 Forest Green Drive property to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; thence N 41°42'19" E, a distance of 11.00 feet; thence S 52°20'44" E, a distance of 54.68 feet; thence S 32°19'56" W, a distance of 11.21 feet; thence N 51°13'45" W, a distance of 46.43 feet; thence S 41°42'19" W, a distance of 1.24 feet; thence N 49°23'26" W, a distance of 10.00 feet, more or to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; and,

The above described parcel contains 600.14 square feet of temporary construction easement;

The above tracts or parcels being a portion of the property conveyed to Brenda Pennington, a single person, by deed dated March 19, 2013, of record in Deed Book 3139, Page 529, 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 her 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 she is lawfully seized in fee simple of said property and has good right to sell and convey the easements as herein done, and that she will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 58-2019, passed by the Lexington-Fayette Urban County Council on February 7, 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.

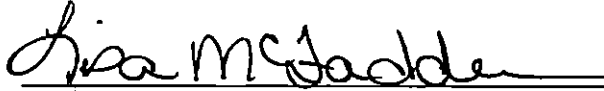
IN TESTIMONY WHEREOF, the Grantor has signed this Deed of Easement, this the day and year first above written.

GRANTOR:


BRENDA PENNINGTON

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by
Brenda Pennington, a single person, on this the 17th day of June, 2019.



Notary Public, Kentucky, State-at-Large

My Commission Expires: 6/20/2020

Notary ID # 558448

PREPARED BY:



CHARLES E. EDWARDS III

Attorney

Lexington-Fayette Urban

County Government

Department of Law, 11th Floor

200 East Main Street

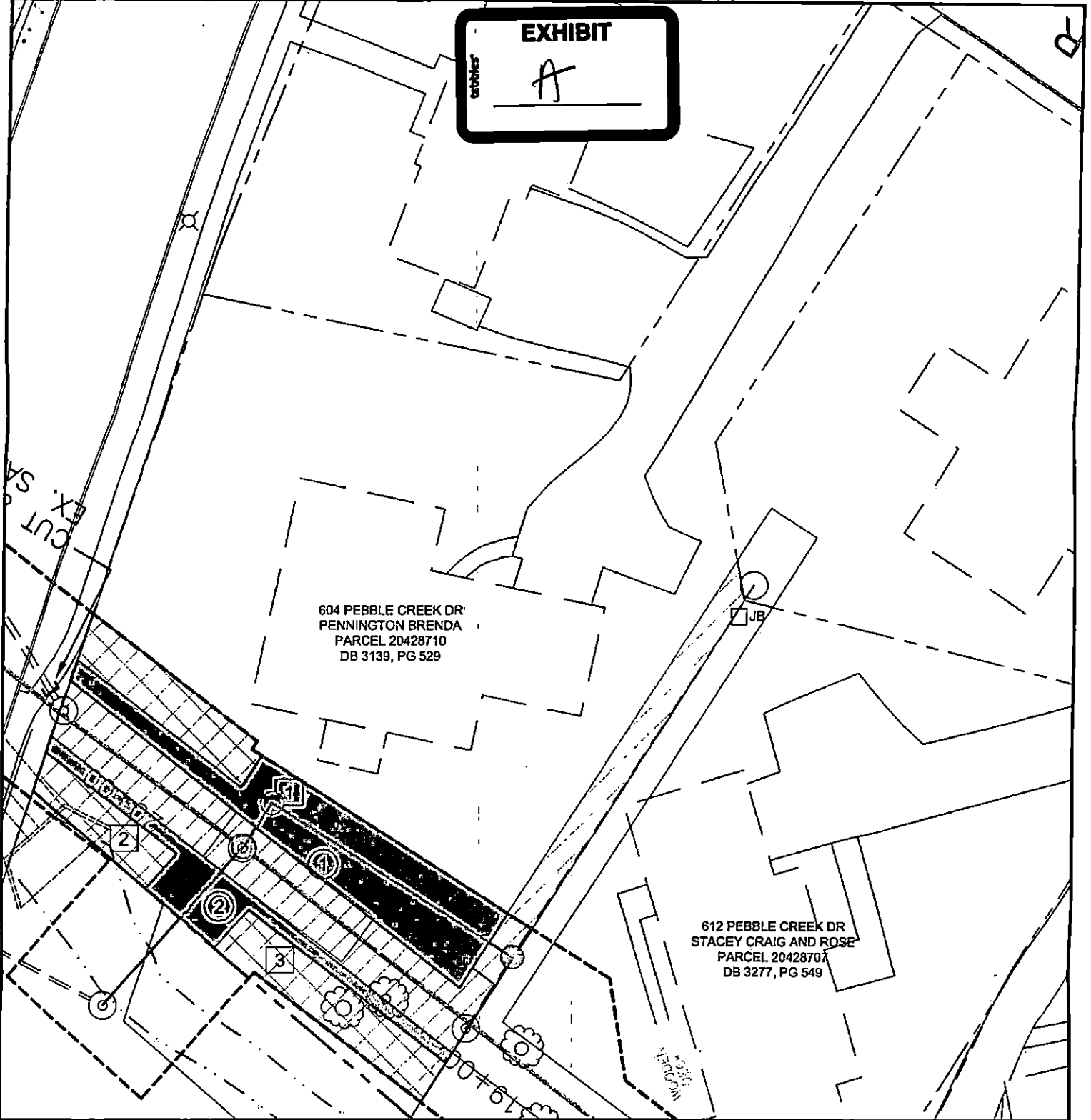
Lexington, Kentucky 40507

(859) 258-3500

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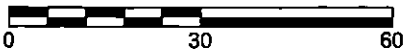
EXHIBIT

A



BASIS OF BEARINGS:
NAD 83 KY NORTH

GRAPHIC SCALE: 1" = 30'



- ① PERMANENT EASEMENT TRACT NO.
- ① TEMPORARY CONSTRUCTION EASEMENT TRACT NO.
- ⚠ EXISTING EASEMENT TO BE RELEASED TRACT NO.

- EXISTING EASEMENT AREA
- TEMPORARY CONSTRUCTION EASEMENT
- NEW PERMANENT EASEMENT AREA
- EX. EASEMENT AREA TO BE RELEASED



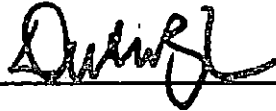
SANITARY SEWER EASEMENT 604 PEBBLE CREEK DRIVE



340 S BROADWAY LEXINGTON, KY 40517 ☎ (859) 233-2103 ☎ fax (859) 259-3394

DATE - 12/13/2018	PROJECT NO. 1016-001
DRAWN - kmf	
PROJECT NAME - LANSDOWNE SOUTH TRUNK SEWER REPLACEMENT	
PROJECT LOCATION - LEXINGTON, KENTUCKY	

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

201906190248

June 19, 2019

13:05:01 PM

Fees	\$29.00	Tax	\$0.00
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Total Paid	\$29.00
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