

R-408-213

GRANT OF EASEMENT

This **EASEMENT** is made and entered into this 22nd day of January, 2014, by and between **ALICE DUDLEY BAESLER and SCOTTY BAESLER**, wife and husband, and **ROBERT D. WOODS, II and JUDY WOODS**, husband and wife, 5676 Canebrake Drive, Lexington, Kentucky 40509 ("Grantors"), which is also the in-care of tax mailing address for the current tax year, and the **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky 40507 ("Grantee");

WITNESSETH:

That for and in consideration of the sum of **Two Thousand Seven Hundred Fifty Dollars 00/100 Cents (\$2,750.00)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantors have **BARGAINED** and **SOLD** and do hereby **GIVE, GRANT** and **CONVEY** unto the Grantee, its successors and assigns, the permanent right to lay, construct, operate, repair, reconstruct and remove sanitary sewer improvements and appurtenances thereto, which sanitary sewer improvements and appurtenances shall be of such dimension, character, construction and use determined by Grantee, along, through, under and across the following tract of land located in the confines of Lexington-Fayette County, Kentucky, and more particularly described as follows:

Permanent Force Main Easement
(A Portion of 5676 Canebrake Drive)
Blue Sky Force Main
Sanitary Sewer Improvement Project

Described on Exhibit A attached hereto and incorporated herein by reference.

FURTHER, for and in consideration of the foregoing sum, the receipt and sufficiency of which is hereby acknowledged, Grantors have **BARGAINED** and **SOLD** and do hereby **GIVE, GRANT** and **CONVEY** unto the Grantee, its successors and assigns, the temporary right to excavate, grade, construct, alter, regrade and perform related work for

Mail to: L.F.U.C.G.
Dept. of Law
200 E. Main St.
Lex., KY 40507

(L-F)

the purpose of sanitary sewer construction, repair, installation and relocation through and across the following tract of land located within the confines of Lexington-Fayette County, Kentucky, to-wit:

Temporary Construction Easement CE-1
(A Portion of 5676 Canebrake Drive)
Blue Sky Force Main
Sanitary Sewer Improvement Project

All temporary construction easements, if any, are described on Exhibit B attached hereto and incorporated herein by reference.

Temporary Construction Easement CE-2
(A Portion of 5676 Canebrake Drive)
Blue Sky Force Main
Sanitary Sewer Improvement Project

All temporary construction easements, if any, are described on Exhibit C attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the above-described easement together with all rights, privileges, 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 will expire upon completion of the construction of the improvement project on the land adjacent to this easement, runs with the land for the duration of the improvement project on the adjacent land, and is binding upon the heirs and assigns of the Grantors.

Grantors do hereby covenant to and with said 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 conveyed herein, and that they will **WARRANT GENERALLY** said title.

Grantors 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 the prior written consent of the Grantee.

The obtaining of this easement was authorized by Resolution No. 408-2013 passed by the Lexington-Fayette Urban County Council on July 9, 2013. Pursuant to KRS 382.135(2)(a), this public utility easement is exempt from the requirements related to certificate of consideration. This conveyance is exempt from real estate transfer tax pursuant to KRS 142.050.

Furthermore, it is the expressed intent of the Grantors and the Grantee that Construction activity shall not interrupt the continuous operation of cattle operations or access to grazing land and water sources throughout the construction period. The contractor shall be made aware, prior to construction, of the owners' intent to accept some excavated material for use as fill material on lots 18 & 19 of the Canebrake subdivision, and the contractor shall provide the Grantor with all of the excess excavated material the Grantor may want.

IN TESTIMONY WHEREOF, the Grantors have signed this Easement, the day and year first above written.

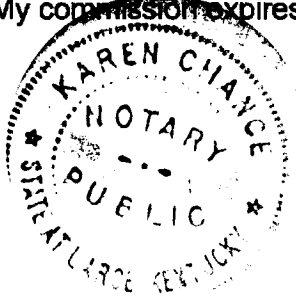
GRANTORS:

BY: Alice Dudley Baesler BY: Scotty Baesler
ALICE DUDLEY BAESLER SCOTTY BAESLER

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing Easement was subscribed, sworn to and acknowledged before me by Alice Dudley Baesler and Scotty Baesler, wife and husband, on this the 22 day of January, 2014.

My commission expires: 10-29-16



Karen Chance
Notary Public, State-At-Large, Kentucky

BY: [Signature]
ROBERT D. WOODS, II

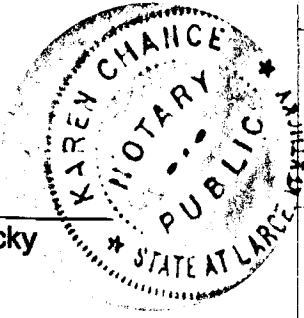
BY: [Signature]
JUDY WOODS

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing Easement was subscribed, sworn to and acknowledged before me by Robert D. Woods, II and Judy Woods, husband and wife, on this the 17 day of January, 2013.14

My commission expires: 10-29-16

Karen Chance
Notary Public, State-At-Large, Kentucky



PREPARED BY:
[Signature]
John P. Watz, Esq.
HENRY WATZ RAINE &
MARINO, PLLC
401 West Main Street, Suite 314
Lexington, Kentucky 40507

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EXHIBIT A

FORCE MAIN PERMANENT EASEMENT

(a portion of 5676 Canebrake Drive)

Blue Sky Force Main

Sanitary Sewer Improvement Project

Beginning in the Grantors' east property line N03°17'01"E, 7.84 feet
From a corner in said property line ;
Thence, leaving said property line, N62°18'47"W, 9.78 feet;
Thence, N89°59'43"W, 267.68 feet;
Thence, S84°45'22"W, 88.00 feet;
Thence, S52°29'44"W, 118.82 feet;
Thence, S70°07'59"W, 52.43 feet;
Thence, S81°33'55"W, 42.49 feet;
Thence, N86°35'49"W, 188.18 feet to the Grantors' west property line;
Thence, with said property line, N00°34'38"W, 15.04 feet
Thence, leaving said property line, S86°35'49"E, 187.66 feet;
Thence, N81°33'55"E, 39.43 feet;
Thence, N70°07'59"E, 48.60 feet;
Thence, N52°29'44"E, 120.83 feet;
Thence, N84°45'22"E, 93.03 feet;
Thence, S89°59'43"E, 272.07 feet;
Thence, S62°18'47"E, 6.67 feet to said east property line;
Thence, with said property line, S03°17'01"W, 16.47 feet
to the Point of Beginning and containing 11,518 square feet,
0.264 acres

Being a part of that property conveyed to Scotty and Alice Baesler in Deed Book 1316, Page 637 dated June 15, 1983, Robert and Judy Woods by deed dated March 29, 1985 and recorded in Deed Book 1366, Page 430; Robert D. Woods, II by deed dated March 29, 1985 of record in Deed Book 1366, Page 428; and Scotty Baesler by deed dated March 29, 1985 of record in Deed Book 1366, Page 532, all references in the Fayette County Clerk's Office.

EXHIBIT B

TEMPORARY CONSTRUCTION EASEMENT CE-1

(a portion of 5676 Canebrake Drive)

Blue Sky Force Main

Sanitary Sewer Improvement Project

A fifteen foot wide Temporary Construction Easement south of and adjoining the fifteen foot wide Permanent Force Main Easement along its south side and described as follows:

Beginning at the southeast corner of the permanent force main easement in the Grantors' east property line;

Thence, with said property line for two calls:

03°17'01"W, 7.84 feet;

S08°31'54"W, 8.33 feet;

Thence, leaving said property line, N62°18'47"W, 12.05 feet;

Thence, N89°59'43"W, 263.30 feet;

Thence, S84°45'22"W, 82.98 feet;

Thence, S52°29'44"W, 116.81 feet;

Thence, S70°07'59"W, 56.26 feet;

Thence, S81°33'55"W, 45.54 feet;

Thence, N86°35'49"W, 188.69 feet to the Grantors' west property line;

Thence, with said property line, N00°34'38"W, 15.04 feet;

Thence, leaving said property line S86°35'49"E, 188.18 feet;

Thence, N81°33'55"E, 42.49 feet;

Thence, N70°07'59"E, 52.43 feet;

Thence, N52°29'44"E, 118.82 feet;

Thence, N84°45'22"E, 88.00 feet;

Thence, S89°59'43"E, 267.68 feet;

Thence, S62°18'47"E, 9.78 feet;

to the Point of Beginning and containing 11,501 square feet, 0.264 acres.

Being a part of that property conveyed to Scotty and Alice Baesler in Deed Book 1316, Page 637 dated June 15, 1983, Robert and Judy Woods by deed dated March 29, 1985 and recorded in Deed Book 1366, Page 430; Robert D. Woods, II by deed dated March 29, 1985 of record in Deed Book 1366, Page 428; and Scotty Baesler by deed dated March 29, 1985 of record in Deed Book 1366, Page 532, all references in the Fayette County Clerk's Office.

EXHIBIT C

TEMPORARY CONSTRUCTION EASEMENT CE-2

(a portion of 5676 Canebrake Drive)

Blue Sky Force Main

Sanitary Sewer Improvement Project

A fifteen foot wide Temporary Construction Easement north of and adjoining the fifteen foot wide Permanent Force Main Easement along its north side and described as follows:

Beginning at the northeast corner of the permanent force main easement in the Grantors' east property line;

Thence, leaving said property line; N62°18'47"W, 6.67 feet;

Thence, N89°59'43"W, 272.07 feet;

Thence, S84°45'22"W, 93.03 feet;

Thence, S52°29'44"W, 120.83 feet;

Thence, S70°07'59"W, 48.60 feet;

Thence, S81°33'55"W, 39.43 feet;

Thence, N86°35'49"W, 187.66 feet to the Grantors' west property line;

Thence, with said west property line, N00°34'38"W, 15.04 feet;

Thence, S86°35'49"E, 187.15 feet;

Thence, N81°33'55"E, 36.37 feet;

Thence, N70°07'59"E, 44.77 feet;

Thence, N52°29'44"E, 122.84 feet;

Thence, N84°45'22"E, 98.06 feet;

Thence, S89°59'43"E, 276.45 feet;

Thence, S62°18'47"E, 4.06 feet to the Grantors' east property line;


Thence, with said east property line for two calls:

S06°54'28"W, 7.13 feet;

S03°17'01"W, 9.15 feet to the Point of Beginning and containing 11,533 square feet, 0.265 acres.

Being a part of that property conveyed to Scotty and Alice Baesler in Deed Book 1316, Page 637 dated June 15, 1983, Robert and Judy Woods by deed dated March 29, 1985 and recorded in Deed Book 1366, Page 430; Robert D. Woods, II by deed dated March 29, 1985 of record in Deed Book 1366, Page 428; and Scotty Baesler by deed dated March 29, 1985 of record in Deed Book 1366, Page 532, all references in the Fayette County Clerk's Office.

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: DOUG BRADLEY ,dc

201401270201

January 27, 2014 15:06:54 PM

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

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Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Gray
Mayor

Janet M. Graham
Commissioner

To: Meredith Nelson, Council Clerk
Council Clerk's Office

From: Department of Law

Date: February 05, 2014

Re: Easements and Asset Acquisition Forms
(200, 201, 250, 251, and 5676 Canebrake Drive;
3997, 3952, 3956, 3825, 3805, 3758, and 3896 Branham Park;
and 3973 Tatton Place)
Log No. 13-RE0641

Enclosed are the original recorded easements conveying permanent easements across the above-referenced properties to the Urban County Government for the Blue Sky Force Main Sanitary Sewer Improvement Project. Please file the easements with the authorizing legislation, Resolution No. 408-2013.

Also enclosed are the completed Asset Acquisition forms for the properties. After you have signed and dated the forms, please forward them to Kim Bryan in the Department of Finance.

If you have any questions, please let me know.

Keith Horn
Managing Attorney

Enclosures

cc: Kim Bryan, Department of Finance
Beth Florence, Department of Finance

VariousProperties(Memo to Nelson)/00426093