

**GRANT OF EASEMENT**

This **EASEMENT** is made and entered into this 21<sup>st</sup> day of April, 2016, by and between **DON E. BIBERSTINE AND DONNA R. BIBERSTINE, a husband and wife**, 553 Cane Run Road, Lexington, Kentucky 40505, ("Grantors"), which is also the in-care of tax mailing address for the current year, and the **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky 40507 ("Grantee");

**WITNESSETH:**

That for and in nominal consideration of the sum of **One Dollar and 00/100 Cents (\$1.00)**, 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 storm sewer improvements and appurtenances thereto, which storm 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 Storm Sewer Easement**  
**(a portion of 553 Cane Run Road)**  
**Cane Run Road Stormwater**  
**Improvement Project**

Depicted on Exhibit A attached hereto and more particularly described as follows:

Charles E. Edwards, III  
 Department of Law  
 200 E. Main Street, 11<sup>th</sup> Floor  
 Lexington, Ky. 40507

**BEGINNING at the southeast corner of Lot 35, Block 6, Elkhorn Parks Subdivision (Don E. Biberstine and Donna R. Biberstine, DB 1793 PG 68, Plat Cabinet "E" Slide 571), a corner common with Lot 34 (Malinda de Burrett, DB 2294 PG 719), Lot 10 (Donald Alan Palmer and Donna Louise Palmer, DB 1354 PG 489) and Lot 11 (Lexington Fayette Urban County Government, DB 2173 PG 111):**

**Thence with the line common to Lot 34 and Lot 35, South 84 degrees 37 minutes 11 seconds West a distance of 10.00 feet to a point;**

**Thence leaving the line common to Lot 34 and Lot 35 and crossing Lot 35, North 05 degrees 22 minutes 49 seconds West a distance of 70.00 feet to a point;**

**Thence South 84 degrees 37 minutes 11 seconds West a distance of 155.24 feet to a point;**

**Thence South 49 degrees 09 minutes 07 seconds West a distance of 30.40 feet to a point in the line common to the right-of-way of Cane Run Road and Lot 35;**

**Thence with the line common to the right-of-way of Cane Run Road and Lot 35, North 05 degrees 22 minutes 49 seconds West a distance of 12.28 feet to a point;**

**Thence leaving the line common to the right-of-way of Cane Run Road and Lot 35 and crossing Lot 35, North 49 degrees 09 minutes 07 seconds East a distance of 26.48 feet to a point in the line common to Lot 35 and Lot 36 (Floyd D. Kendrick and Sherry Kendrick, DB 2232 PG 693);**

**Thence with the line common to Lot 35 and 36, North 84 degrees 37 minutes 11 seconds East a distance of 168.44 feet to a corner common to Lot 35, Lot 36, Lot 10 and Lot 9;**

**Thence with the line common to Lot 35 and Lot 10, South 05 degrees 22 minutes 49 seconds East a distance of 80.00 feet to a point of beginning. The above described parcel having an area of 2,652.77 square feet, 0.061 Acres; and,**

**Being a portion of the same property conveyed to Don E. Biberstine and Donna R. Biberstine, husband and wife, by Deed dated June 23, 1995, of record in Deed Book 1793, Page 68, in the Fayette County Clerk's Office.**

**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.

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.

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 seil and convey the easement herein, and that they will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution No. 62-2016 passed by the Lexington-Fayette Urban County Council on February 18, 2016. 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.

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

GRANTORS:

  
\_\_\_\_\_  
DON E. BIBERSTINE

Donna R. Biberstine  
DONNA R. BIBERSTINE

COMMONWEALTH OF KENTUCKY   )  
  )  
COUNTY OF FAYETTE                    )

The foregoing Easement was subscribed, sworn to and acknowledged before me by Don E. Biberstine and Donna R. Biberstine, husband and wife, on this the 21<sup>st</sup> day of April, 2016.

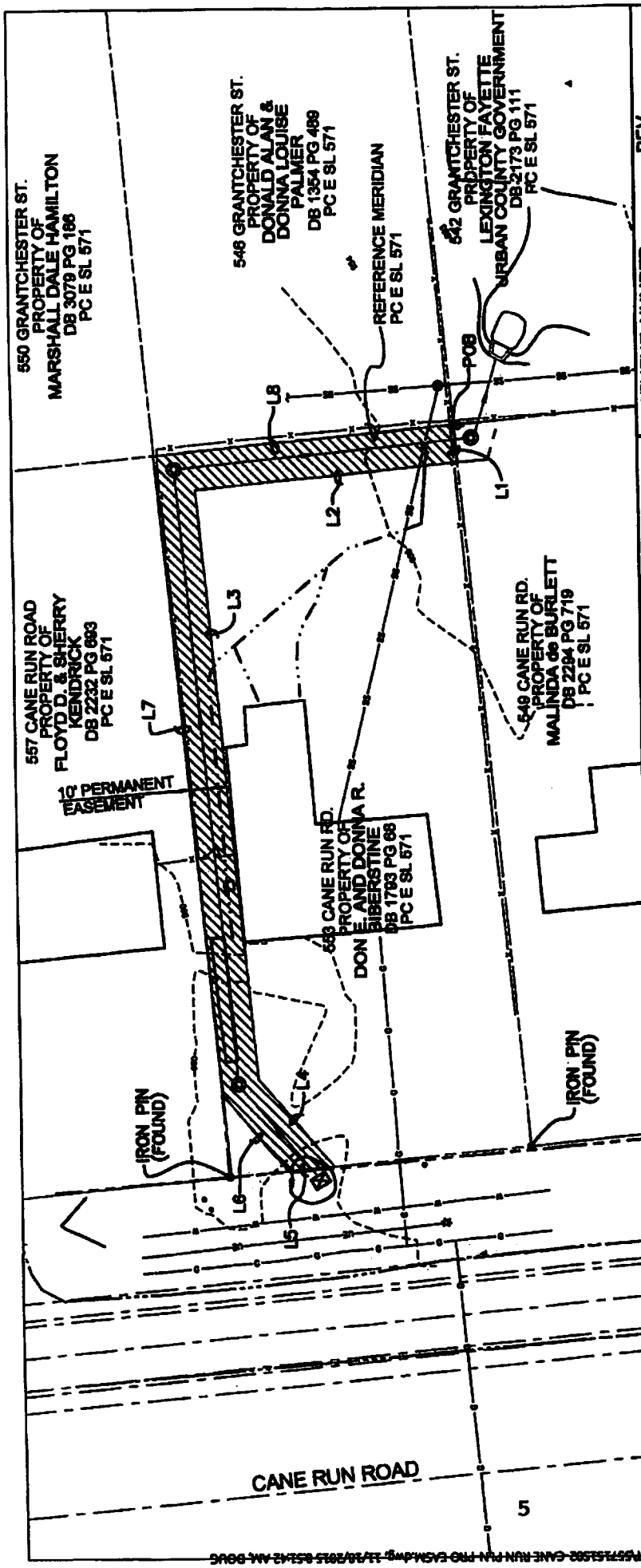
My commission expires: May 3 2017

Heath Ayl  
Notary Public, State-at-Large, Kentucky

PREPARED BY:

Charles E. Edwards, III      Charles E. Edwards, III

Charles E. Edwards, III,  
Attorney  
Lexington-Fayette Urban  
County Government  
Department of Law  
200 East Main Street, 11<sup>th</sup> Floor  
Lexington, Kentucky 40507  
(859) 258-3500



LINE LEGEND		DISTANCE		BEARING		ACRE	
LINE	L1	10.00'	W	S 84° 37' 11"	10.00'	0.081	2,652.77
	L2	70.00'	W	N 05° 22' 49"	70.00'		
	L3	155.24'	W	S 84° 37' 11"	155.24'		
	L4	30.40'	W	S 49° 08' 07"	30.40'		
	L5	12.26'	W	N 05° 22' 49"	12.26'		
	L6	26.48'	E	N 49° 08' 07"	26.48'		
	L7	168.44'	E	N 84° 37' 11"	168.44'		
	L8	80.00'	E	S 05° 22' 49"	80.00'		
						0.081	

STATE OF KENTUCKY	JAMES K. ROBERTS	3010	LICENSED PROFESSIONAL LAND SURVEYOR
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SURVEYOR: JAMES K. ROBERTS, PE, PLS	
DATE: NOVEMBER 15, 2015	
SCALE: 1" = 30'	0 30
FIRM: BELL ENGINEERING 2480 FORTUNE DRIVE, SUITE 350 LEXINGTON, KENTUCKY 40509	

CLIENT: LFJCG 200 EAST MAIN STREET LEXINGTON, KENTUCKY 40507	EASEMENT NUMBER	REV.
OWNER: DON E. AND DONNA R. BIBERSTINE 553 CANE RUN ROAD LEXINGTON, KENTUCKY 40505		
TITLE: CANE RUN RD AND HAVEN CT STORMWATER IMPROVEMENTS CONTRACT 557-15-01		

EXHIBIT "A"

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.



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By: PATTY DAVIS ,dc

201604210260

April 21, 2016                      15:23:46    PM

Fees	\$23.00	Tax	\$ .00
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Total Paid	\$23.00
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6 Pages

332 - 337