

FAYETTE CO, KY FEE \$59.00

SUSAN LAMB
COUNTY CLERK

PRESENTED/LODGED: 01/10/2024 02:11:58 PM

EMILY GENTRY, DEPUTY CLERK

202401100111

BK: DB 4054

PG: 225-232



DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 20TH day of DECEMBER, 2023, by and between **BRADLEY S. CALVERT and ANN R. CALVERT, husband and wife**, 304 Rosemont Garden, Lexington, Kentucky 40503, which is the in-care of tax mailing address for the current year (hereinafter "Grantors"), 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 DOLLARS AND 00/100 CENTS (\$2,000.00)**, 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

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

related work for the purpose of sanitary sewer improvements and construction, installation, repair, 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
Wolf Run Trunk G
Sewer Improvement Project
(a portion of 302 Rosemont Garden)

Tract A

All that strip or parcel of land situated on the south side of Rosemont Garden, southeast of its intersection with Southport Drive in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at a point in the southerly right-of-way line of Rosemont Garden, said point being a common corner with David B. Templar and Kimberly K. Heersche (Deed Book 3740, Page 560);

Thence with the southerly right-of-way line of Rosemont Garden, North 58°13'20" West, a distance of 20.00 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving the southerly right-of-way line of Rosemont Garden, with a new permanent sanitary sewer easement line through the lands of Bradley S. and Ann R. Calvert for two (2) calls:

- 1) South 31°22'40" West, a distance of 104.39 feet to a point, and
- 2) South 42°55'10" East, a distance of 20.77 feet to a point in the westerly property line of the aforesaid David B. Templar and Kimberly K. Heersche;

Thence with the westerly property line of David B. Templar and Kimberly K Heersche, South 31°22'40" West, a distance of 10.13 feet to a point in the northwesterly property line of Lexington-Fayette Urban County Government (Cabinet H, Slide 783);

Thence with the northerly property line of Lexington-Fayette Urban County Government, North 58°13'20" West, a distance of 50.00 feet to a point;

Thence leaving the northerly property line of Lexington-Fayette Urban County Government, with a new permanent sanitary sewer easement line through the lands of Bradley S. and Ann R. Calvert, North 31°22'40" East, a distance of 120.00 feet to a point in the southerly right-of-way line of Rosemont Garden;

Thence with the southerly right-of-way line of Rosemont Garden, South 58°13'20" East, a distance of 30.00 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 0.089 Acres (3,857 sq. ft.) of permanent easement; and

Tract A, being a portion of the same property conveyed to Bradley S. Calvert and Ann R. Calvert, husband and wife, by Deed dated November 11, 2020, of record in Deed Book 3798, Page 553, 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, Grantors have **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, repair, 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
Wolf Run Trunk G
Sewer Improvement Project
(a portion of 302 Rosemont Garden)

Tract B

All that strip or parcel of land situated on the south side of Rosemont Garden, southeast of its intersection with Southport Drive in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows, to wit:

BEGINNING, at a point in the southerly right-of-way line of Rosemont Garden, said point being a common corner with David B. Templar and Kimberly K. Heersche (Deed Book 3740, Page 560);

Thence with the southerly right-of-way line of Rosemont Garden, North 58°13'20" West, a distance of 20.00 feet to the **TRUE POINT OF BEGINNING**;

Thence with the southerly right of way line of Rosemont Garden, South 58°13'20" East, a distance of 10.00 feet to a point;

Thence leaving the southerly right-of-way line of Rosemont Garden, with a new temporary construction easement line through the lands of Bradley S. and Ann R. Calvert for two (2) calls:

- 1) South 31°22'40" West, a distance of 96.74 feet to a point, and
- 2) South 42°55'10" East, a distance of 10.38 feet to a point in the westerly property line of the aforesaid David B. Templar and Kimberly K. Heersche;

Thence with the westerly property line of David B. Templar and Kimberly K. Heersche, South 31°22'40" West, a distance of 10.39 feet to a point;

Thence leaving the westerly property line of David B. Templar and Kimberly K. Heersche, with a new permanent sanitary sewer easement line through the lands of Lot II, for two (2) calls:

- 1) North 42°55'10" West, a distance of 20.77 feet to a point, and
- 2) North 31°22'40" East, a distance of 104.39 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 0.027 Acres (1,161 sq. ft.) of temporary construction easement; and

Tract B, being a portion of the same property conveyed to Bradley S. Calvert and Ann R. Calvert, husband and wife, by Deed dated November 11, 2020, of record in Deed Book 3798, Page 553, 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 Grantors. The above-described permanent easement runs with the land in perpetuity and is binding upon the successors and assigns of the Grantors. 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.

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 prior written consent of the Grantee.

Grantors do 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 308-2023, passed by the Lexington-Fayette Urban County Council on June 15, 2023. 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 Grantors have signed this Deed of Easement, this the day and year first above written.

GRANTORS:

BY: 
BRADLEY S. CALVERT

BY: 
ANN R. CALVERT

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by
Bradley S. Calvert and Ann R. Calvert, husband and wife, on this the 20th day of
DECEMBER, 2023.



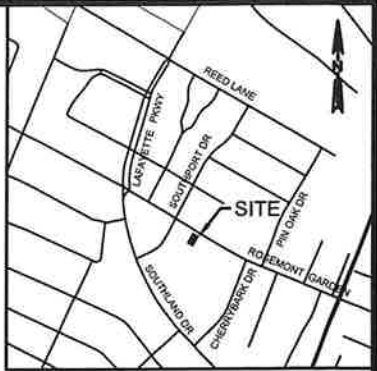
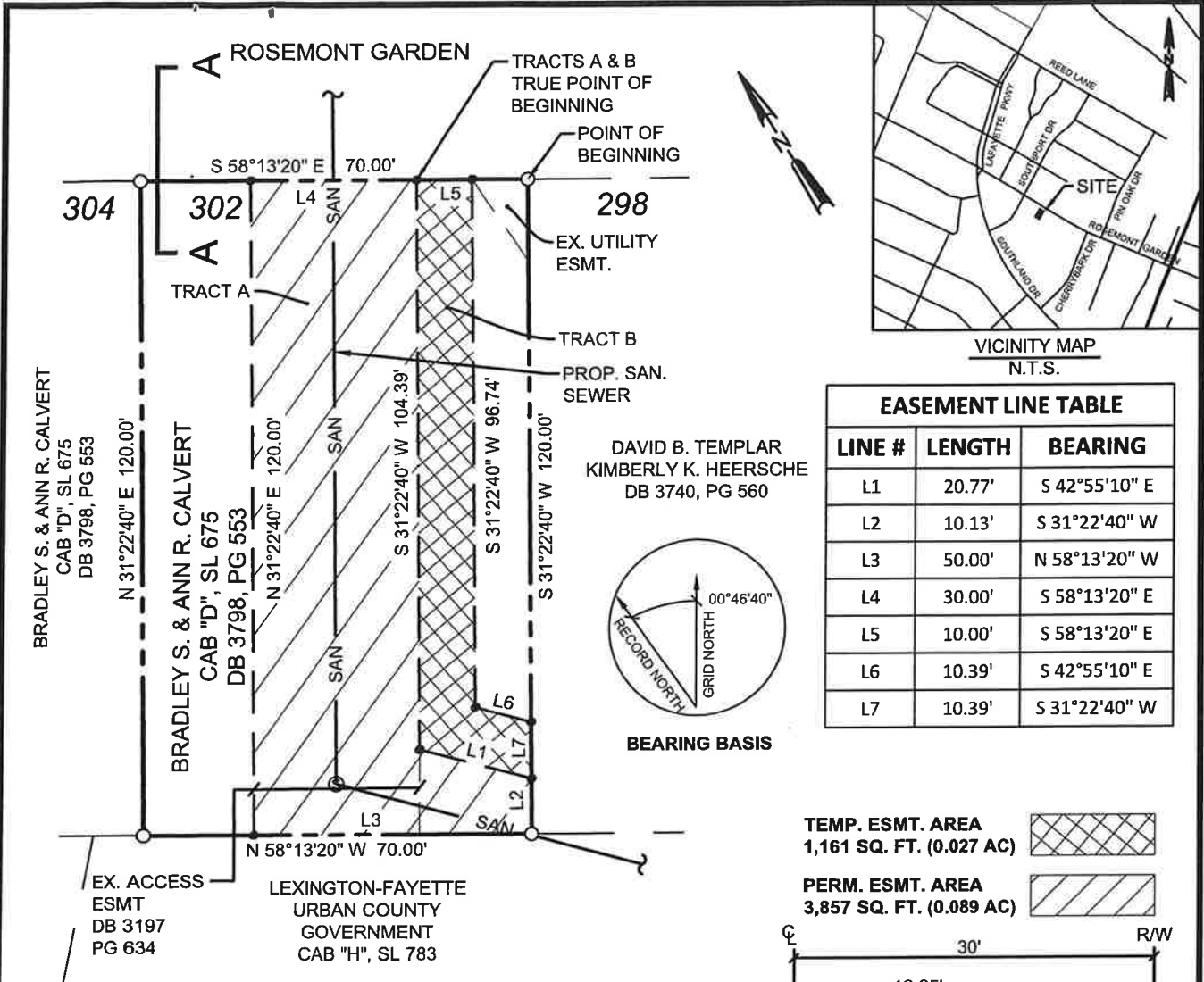
Michael Clayborne
Notary Public, Kentucky, State-at-Large
My Commission Expires: 05 / 10 / 2025
Notary ID # KYNP27704

PREPARED BY:

[Signature]

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

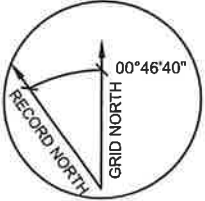
X:\Cases\WATER-AIR\22-RE0049\RE\00800963.DOC



VICINITY MAP
N.T.S.

EASEMENT LINE TABLE		
LINE #	LENGTH	BEARING
L1	20.77'	S 42°55'10" E
L2	10.13'	S 31°22'40" W
L3	50.00'	N 58°13'20" W
L4	30.00'	S 58°13'20" E
L5	10.00'	S 58°13'20" E
L6	10.39'	S 42°55'10" E
L7	10.39'	S 31°22'40" W

DAVID B. TEMPLAR
KIMBERLY K. HEERSCHKE
DB 3740, PG 560

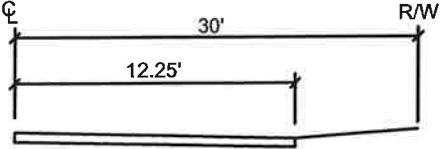
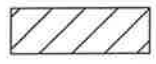


BEARING BASIS

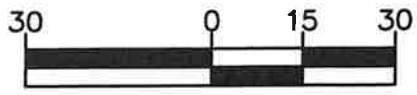
TEMP. ESMT. AREA
1,161 SQ. FT. (0.027 AC)



PERM. ESMT. AREA
3,857 SQ. FT. (0.089 AC)



SECTION "A-A"
ROSEMONT GARDEN
HALF SECTION



GRAPHIC SCALE: 1"=30'

NOTES:

1. THE PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON ARE BASED ON THE RECORD DESCRIPTION (DEED BOOK 3798, PAGE 553) AND CORRESPONDING PLAT (CABINET "D" SLIDE 675) OF RECORD IN THE FAYETTE COUNTY CLERK'S OFFICE. THE ORIGIN OF BEARINGS SHOWN HEREON IS BASED ON THE NORTH AMERICAN DATUM OF 1983, STATE PLANE KENTUCKY NORTH ZONE AS OBSERVED FROM KYCORS STATION "KYTG" USING A TRIMBLE MODEL R12, DUAL FREQUENCY RECEIVER.
2. THIS PROPERTY IS SUBJECT TO OPEN SPACE RESTRICTIONS FOR NATURAL FLOODPLAIN FUNCTIONS AS DESCRIBED IN DEED BOOK 3197, PAGE 629, OF RECORD IN THE FAYETTE COUNTY CLERK'S OFFICE.
3. THE PURPOSE OF THIS EXHIBIT IS TO DELINEATE A PROPOSED CONVEYANCE FOR A PERMANENT SANITARY SEWER EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT TO LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.
4. THIS INFORMATION DOES NOT CONSTITUTE A BOUNDARY SURVEY AND SHALL NOT BE USED FOR PURPOSES OF LAND TRANSFER.

**SANITARY SEWER EASEMENT EXHIBIT
BRADLEY S. AND ANN R. CALVERT
302 ROSEMONT GARDEN
WOLF RUN TRUNK G SEWER IMPROVEMENTS
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KENTUCKY**



FIGURE 1

NOVEMBER 2023

2B15.298