

DEED OF EASEMENT

This **PERMANENT STORMWATER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 14TH day of DECEMBER, 2022, by and between **DIANE H. BERKLEY, a single person**, 3475 Lyon Drive, Unit 71, Lexington, Kentucky 40513, 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 HUNDRED DOLLARS AND 00/100 CENTS (\$500.00)**, 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

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

related work for the purpose of stormwater 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 Stormwater Easement
Lyon Drive
Stormwater Improvement Project
(a portion of 3475 Lyon Drive, Unit 71)

Drainage easements for a certain tract or parcel of land located on Lyon Drive in Lexington, Fayette County, Kentucky approximately 567 feet from the intersection of Lyon Drive and Ft. Harrods Drive and being more particularly described and bounded as follows:

Tract 71B

BEGINNING, at a nail and washer set in the east line of a parcel owned by Quail Run Townhouses Association, Inc. (formerly Harrods Hill Estates HOA) HOA Lot (Deed Book 1446, Page 43), Unit 2-H, Section 1-A (Plat Cabinet D, Slide 492), having a coordinate of N: 186674.67 E:1548405.91;

Thence a tie bearing of N 65° 21' 46" W, a distance of 69.99 feet to the northeastern corner of Lot 71, being common corner of Quail Run Townhouses Association, Inc.; thence with the line between Lot 71 and Quail Run Townhouses Association, Inc., S 24°38'08" W, a distance of 5.53 feet (L1) to a point in said line, which is the **TRUE POINT OF BEGINNING**, having a coordinate of N:186698.82, E:1548339.99; thence the following four calls:

- 1) Thence continuing with the line between Lot 71 and Quail Run Association, Inc., S 24°38'08" W, a distance of 15.00 feet (L5) to a point in said line;
- 2) Thence leaving the line of Quail Run Association, Inc. and crossing Lot 71, N 64°38'43" W, a distance of 61.88 feet (L6) to a point in the line between Lot 70 (Nancye Hughes Smith, DB 1418 PG 708) and Lot 71;

- 3) Thence with said line N 24°38'17" E, a distance of 15.00 feet (L7) to another point in said line;
- 4) Thence leaving Lot 70 and crossing Lot 71, S 64°38'43" E, a distance of 61.88 feet (L8) to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 0.0213 Acres (928 sq. ft.) of permanent easement; and

Tract 71B, being a portion of the same property conveyed to Diane H. Berkley, a single person, by Deed dated May 31, 2005, of record in Deed Book 2557, Page 389, 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 stormwater 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 Exhibit "A" attached hereto, and more particularly described as follows:

Temporary Construction Easement
Lyon Drive
Stormwater Improvement Project
(a portion of 3475 Lyon Drive, Unit 71)

Tract 71A

BEGINNING, at a nail and washer set in the east line of a parcel owned by Quail Run Townhouses Association, Inc. (formerly Harrods Hill Estates HOA) HOA Lot (Deed Book 1446, Page 43), Unit 2-H, Section 1-A (Plat Cabinet D, Slide 492), having a coordinate of N: 186674.67 E:1548405.91;

Thence a tie bearing of N 65° 21' 46" W, a distance of 69.99 feet to the northeastern corner of Lot 71, being common

corner of Quail Run Townhouses Association, Inc., which is the **TRUE POINT OF BEGINNING**, having a coordinate of N:186703.84, E:1548342.30; thence the following four calls:

- 1) Thence with the line between Lot 70 and Quail Run Townhouses Association, Inc., S 24°38'08" W, a distance of 5.53 feet (L1) to a point in said line;
- 2) Thence leaving the line of Quail Run Townhouses Association, Inc. and crossing Lot 71, N 64°38'43" W, a distance of 61.88 feet (L2) to a point in the line between Lot 70 (Nancye Hughes Smith, Deed Book 1418, Page 708) and Lot 71;
- 3) Thence with said line N 24°38'17" E, a distance of 4.76 feet (L3) to a point in the southern line of Lot 17 (Lauren Maupin, Deed Book 3597, Page 1);
- 4) Thence with Lot 17, S 65°21'46" E, a distance of 49.86 feet, leaving Lot 17 and continuing along the same bearing with the line of Quail Run Townhouses Association, Inc. for an additional 12.01 feet to the point of beginning, a total distance of 61.87 feet (L4) to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 0.0073 Acres (318 sq. ft.) of temporary construction easement; and

Tract 71C

BEGINNING, at a nail and washer set in the east line of a tract owned by Quail Run Townhouses Association, Inc. (formerly Harrods Hill Estates HOA) HOA Lot (Deed Book 1446, Page 43), Unit 2-H, Section 1-A (Plat Cabinet D, Slide 492), having a coordinate of N: 186674.67 E:1548405.91;

Thence a tie bearing of N 65° 21' 46" W, a distance of 69.99 feet to the northeastern corner of Lot 71, being common corner of Quail Run Townhouses Association, Inc.; thence with the line between Lot 71 and Quail Run Townhouses Association, Inc., S 24°38'08" W, a distance of 5.53 feet (L1) to a point in said line; thence continuing with said line along the same bearing an additional distance of 15.00 feet (L5) to

another point in said line, which is the **TRUE POINT OF BEGINNING**, having a coordinate of N:186685.18, E:1548333.74; thence the following four calls:

- 1) Thence continuing with the line between Lot 71 and Quail Run Townhouses Association, Inc., S 24°38'08" E, a distance of 5.00 feet (L9) to a point in said line;
- 2) Thence leaving the line of Quail Run Townhouses Association, Inc. and crossing Lot 71, S 64°38'43" E, a distance of 61.88 feet (L10) to a point in the line between Lot 70 (Nancye Hughes Smith, Deed Book 1418, Page 708) and Lot 71;
- 3) Thence with said line N 24°38'17" E, a distance of 5.00 feet (L11) to another point in said line;
- 4) Thence leaving Lot 70 and crossing Lot 71, S 64°38'43" E, a distance of 61.88 feet (L12) back to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 0.007 Acres (309 sq. ft.) of temporary construction easement; and

Tract 71A and Tract 71C, being a portion of the same property conveyed to Diane H. Berkley, a single person, by Deed dated May 31, 2005, of record in Deed Book 2557, Page 389, 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.

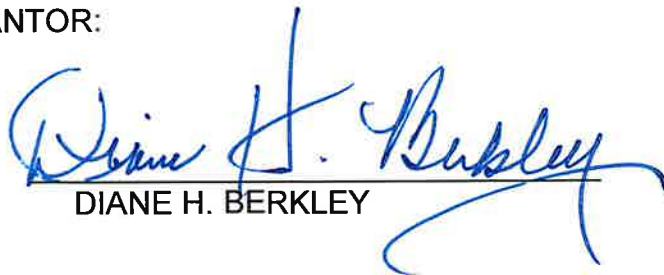
Grantor does hereby release and relinquish unto the Grantee, its successors and assigns forever, all of her right, title, and interest in and to the property to the extent of the interests conveyed herein, including all exemptions allowed by law, and does hereby covenant to and with the Grantee, its 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 she will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 458-2022, passed by the Lexington-Fayette Urban County Council on August 30, 2022. 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:

BY:


DIANE H. BERKLEY

SURVEY NOTES

1. THE PURPOSE OF THIS PLAT IS TO ESTABLISH EASEMENT TRACTS 71A, 71B, & 71C ON LOT 71.
2. KENTUCKY STATE PLANE NORTH ZONE COORDINATE SYSTEM AND NORTH AMERICAN VERTICAL DATUM 1988.
3. THIS IS NOT A BOUNDARY SURVEY PER KAR 18:150.
4. NO PROPERTY CORNERS WERE SET FOR THIS PROPERTY
5. PROPERTY SHOWN IS NOT INCLUDED IN THE FLOODPLAIN AS SHOWN ON NFIP PANEL 2100670114E, DATED MARCH 3, 2014.

LAND SURVEYOR'S CERTIFICATION:

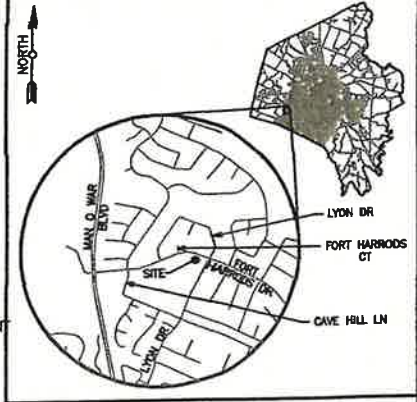
I DO HEREBY CERTIFY THAT THIS EASEMENT PLAT WAS PREPARED UNDER MY DIRECTION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE BOUNDARIES OF THE PROPERTY BEING TRANSFERRED ARE TRUE AND ACCURATE.

Timothy D. Woodcock

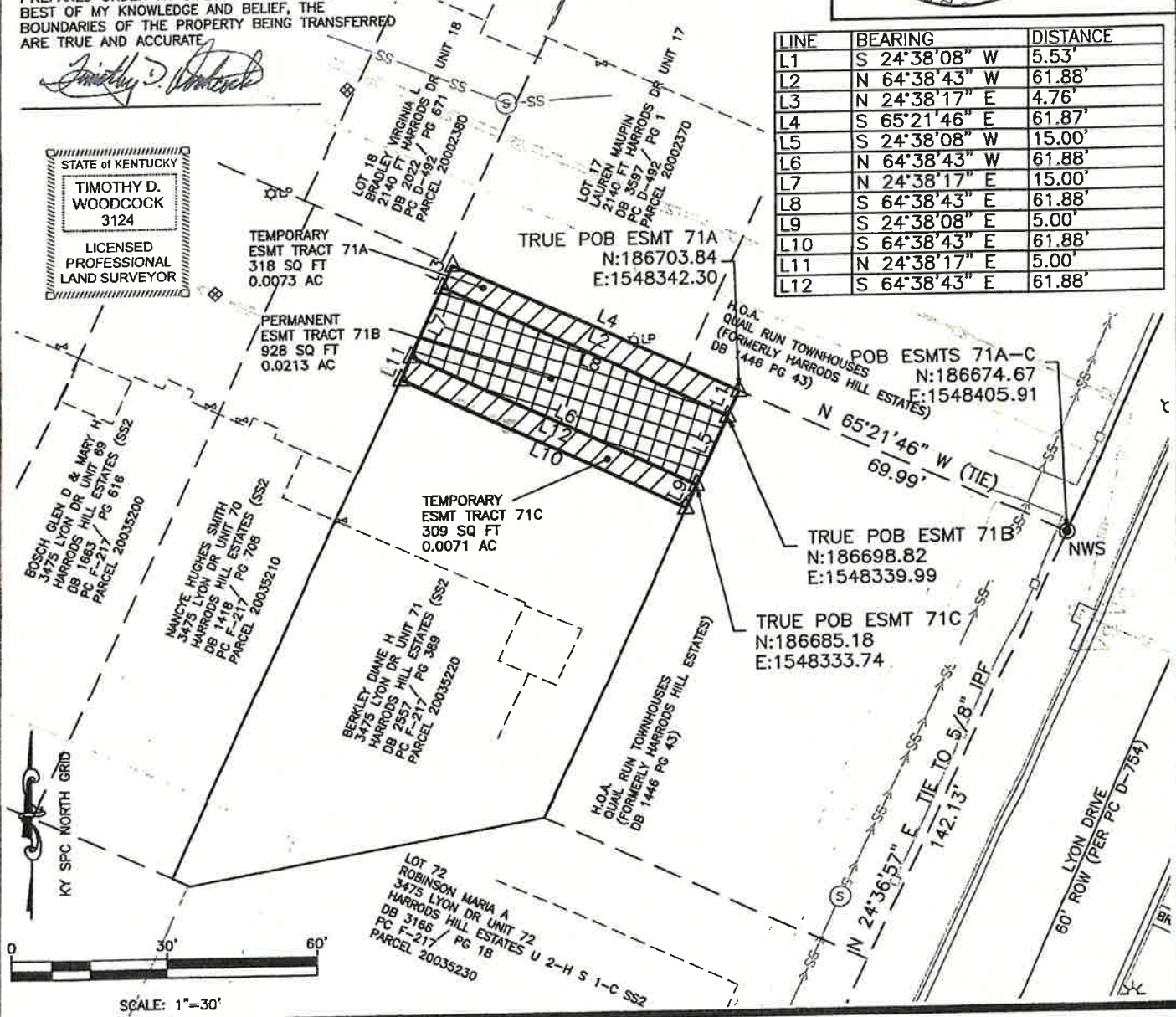
STATE OF KENTUCKY
TIMOTHY D. WOODCOCK
 3124
 LICENSED PROFESSIONAL LAND SURVEYOR

LEGEND:

- DB PG DEED BOOK & PAGE
- PC PG PLAT CABINET & PAGE
- ▲ CALCULATED CORNER
- IRON PIN FOUND
- IRON PIN SET
- PFND PINCHED PIPE FOUND
- NWS MAG NAIL & WASHER SET
- PPF POWER POLE FOUND
- ROW RIGHT-OF-WAY
- PROPERTY LINE
- PROPERTY LINE: ADJOINING
- - - EASEMENT LINE
- - - MINIMUM BUILDING SETBACK LINE
- - - SANITARY SEWER
- - - STORM DRAIN LINE & STRUCTURE
- - - TEMPORARY CONSTRUCTION EASEMENT
- ▨ PERMANENT DRAINAGE EASEMENT



LINE	BEARING	DISTANCE
L1	S 24°38'08" W	5.53'
L2	N 64°38'43" W	61.88'
L3	N 24°38'17" E	4.76'
L4	S 65°21'46" E	61.87'
L5	S 24°38'08" W	15.00'
L6	N 64°38'43" W	61.88'
L7	N 24°38'17" E	15.00'
L8	S 64°38'43" E	61.88'
L9	S 24°38'08" E	5.00'
L10	S 64°38'43" E	61.88'
L11	N 24°38'17" E	5.00'
L12	S 64°38'43" E	61.88'



2022-007 Lyon Dr Easements lot 71 v3 tdw.dwg

TEMPORARY CONSTRUCTION AND PERMANENT DRAINAGE EASEMENT EXHIBIT TRACTS 71A, 71B, & 71C



ABBIE JONES CONSULTING
 PROFESSIONAL LAND SURVEYING & ENGINEERING
 1022 FONTAINE RD.
 LEXINGTON, KY 40502
 859.559.3443
 www.abbie-jones.com

LOCATED AT: LOT 71 HARROD HILLS ESTATES, UNIT 2-H, SECTION 1-C
 3475 LYON DRIVE, UNIT 71, LEXINGTON, KY, FAYETTE COUNTY
 CLIENT: BELL ENGINEERING, 2480 FORTUNE DRIVE SUITE 350, LEXINGTON, KY 40509
 OWNER: DIANE H BERKLEY, 3475 LYON DRIVE LEXINGTON, KY 40513
 PROJECT: 2022-007, SCALE: 1"=30', DATE: 08/25/2022, SIZE: 8.5x11, SHT: 1 OF 1
 CAD: JME, PLS: TDW, PLS QC: AMJ

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: BOBBIE MARSTELLA ,dc

202212190074

December 19, 2022 11:01:56 AM

Fees \$59.00 Tax \$.00

Total Paid \$59.00

THIS IS THE LAST PAGE OF THE DOCUMENT

9 Pages

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