

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 27th day of April, 2022, by and between **ROBERT O. ATKINSON and MARY TYNG ATKINSON, husband and wife**, 620 Blue Ash Drive, 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 **ONE HUNDRED EIGHTY-ONE DOLLARS AND 13/100 CENTS (\$181.13)**, 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

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

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
Wolf Run Trunks F
Sewer Improvement Project
(a portion of 620 Blue Ash Drive)

Tract A

All that strip or parcel of land situated on the south side of Blue Ash Drive west of Clays Mill Road in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at a common corner with Evan Baileys (Deed Book 3626, Page 212), said point being the northerly property line of LFUCG (Deed Book 2039, Page 222); thence with the easterly property line of Evan Baileys, N 35°31'29" E, 7.27 feet to a point; thence leaving the easterly property line of Evan Baileys, with an existing sanitary sewer easement line through the lands of Robert O. and Mary Tyng Atkinson for two (2) calls:

- 1) S 56°59'25" E, 14.27 feet to a point; and,
- 2) S 10°18'18" E, 10.49 feet to a point in the northern property line of the aforesaid LFUCG;

Thence with the northerly property line of LFUCG, N 56°01'31" W, 21.79 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 0.003 Acres (134 sq. ft.) of permanent easement; and

Tract B

All that strip or parcel of land situated on the south side of Blue Ash Drive west of Clays Mill Road in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows, to wit:

BEGINNING, at a common corner with Evan Baileys (Deed Book 3626, Page 212), said point being in the northerly property line of LFUCG (Deed Book 2039, Page 222); thence with the easterly property line of Evan Baileys, N 35°31'29" E, 20.01 feet to the **TRUE POINT OF BEGINNING**; thence leaving the easterly property line of Evan Baileys, with a new permanent easement line through the lands of Robert O. and Mary Tyng Atkinson for two (2) calls:

- 1) S 56°01'31" E, 22.70 feet to a point; and,
- 2) S 10°18'18" E, 27.94 feet to a point in the northerly property line of the aforesaid LFUCG;

Thence with the northern property line of LFUCG, N 56°01'31" W, 6.98 feet to a point; thence leaving the northerly property line of LFUCG, with an existing sanitary sewer easement line through the lands of Robert O. and Mary Tyng Atkinson for two (2) calls:

- 1) N 10°18'18" W, 24.56 feet to a point; and
- 2) N 56°59'25" W, 18.15 feet to a point in the easterly property line of the aforesaid Evan Baileys;

Thence with the easterly property line of Evan Baileys, N 35°31'29" E, 2.73 feet to the **TRUE POINT OF BEGINNING**; and

The above-described parcel contains 0.004 Acres (183 sq. ft.) of permanent easement; and

The above Tracts A and B being a portion of the property conveyed to Robert O. Atkinson and Mary Tyng Atkinson, husband and wife, by Deed dated June 23, 1976, of record in Deed Book 1148, Page 400, 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 Easement
Wolf Run Trunks F
Sewer Improvement Project
(a portion of 620 Blue Ash Drive)

All that strip or parcel of land situated on the south side of Blue Ash Drive west of Clays Mill Road in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows, to wit:

BEGINNING, at a common corner with Evan Baileys (Deed Book 3626, Page 212), said point being in the northerly property line of LFUCG (Deed Book 2039, Page 222); thence with the easterly property line of Evan Baileys, N 35° 31'29" E, 20.01 feet to the **TRUE POINT OF BEGINNING**; thence continuing with the easterly property line of Evan Baileys, N 35°31'29" E, 20.01 feet to a point; thence leaving the easterly property line of Evan Baileys with a new temporary easement line through the lands of Robert O. and Mary Tyng Atkinson for two (2) calls:

- 1) S 56°01'31" E, 16.62 feet to a point; and
- 2) S 10°18'18" E, 55.87 feet to a point in the northerly property line of the aforesaid LFUCG;

Thence with the northerly property line of LFUCG, N 56°01'31" W, 13.97 feet to a point; thence leaving the northerly property line of LFUCG, with a new permanent easement line through the lands of Robert O. and Mary Tyng Atkinson for two (2) calls:

- 1) N 10°18'18" W, 27.94 feet to a point; and
- 2) N 56°01'31" W 22.70 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 0.019 Acres (812 sq. ft.) of temporary construction easement; and

Being a portion of the property conveyed to Robert O. Atkinson and Mary Tyng Atkinson, husband and wife, by Deed dated June 23, 1976, of record in Deed Book 1148, Page 400, 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 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.

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 that they will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 042-2022, passed by the Lexington-Fayette Urban County Council on February 10, 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 Grantors have signed this Deed of Easement, this the day and year first above written.

GRANTORS:

Robert O. Atkinson
ROBERT O. ATKINSON

Mary Tyng Atkinson
MARY TYNG ATKINSON

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by Robert O. Atkinson and Mary Tyng Atkinson, husband and wife, on this the 27th day of April, 2022.

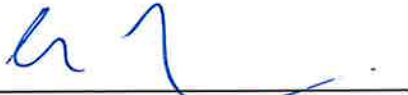


Michael Louis Clayborne
Notary Public, Kentucky, State-at-Large

My Commission Expires: 5 / 10 / 2025

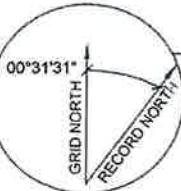
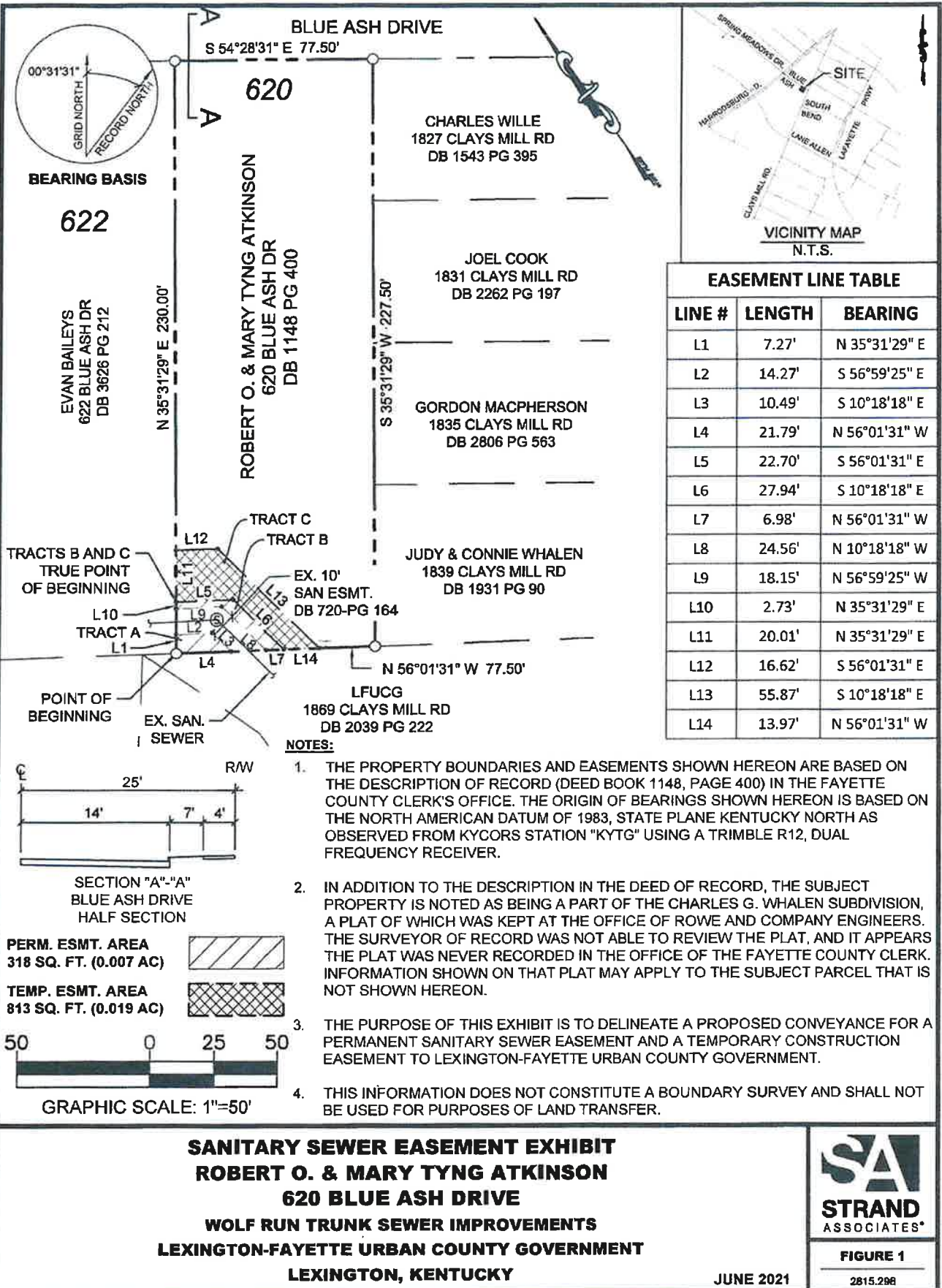
Notary ID # KYNP 27704

PREPARED BY:

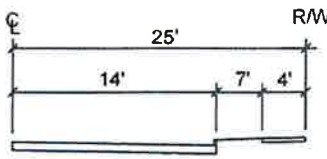
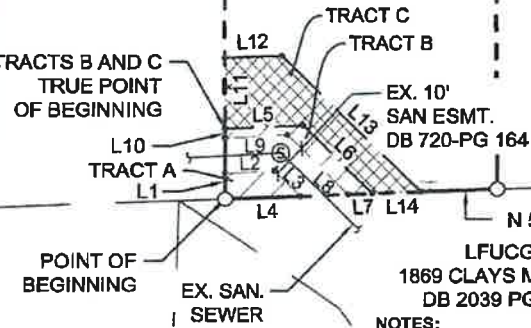


EVAN P. THOMPSON,
Attorney
Lexington-Fayette Urban
County Government
Department of Law, 11th Floor
200 East Main Street
Lexington, Kentucky 40507
(859) 258-3500

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EASEMENT LINE TABLE		
LINE #	LENGTH	BEARING
L1	7.27'	N 35°31'29" E
L2	14.27'	S 56°59'25" E
L3	10.49'	S 10°18'18" E
L4	21.79'	N 56°01'31" W
L5	22.70'	S 56°01'31" E
L6	27.94'	S 10°18'18" E
L7	6.98'	N 56°01'31" W
L8	24.56'	N 10°18'18" W
L9	18.15'	N 56°59'25" W
L10	2.73'	N 35°31'29" E
L11	20.01'	N 35°31'29" E
L12	16.62'	S 56°01'31" E
L13	55.87'	S 10°18'18" E
L14	13.97'	N 56°01'31" W



PERM. ESMT. AREA
318 SQ. FT. (0.007 AC)

TEMP. ESMT. AREA
813 SQ. FT. (0.019 AC)



NOTES:

1. THE PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON ARE BASED ON THE DESCRIPTION OF RECORD (DEED BOOK 1148, PAGE 400) 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 AS OBSERVED FROM KYCORS STATION "KYTG" USING A TRIMBLE R12, DUAL FREQUENCY RECEIVER.
2. IN ADDITION TO THE DESCRIPTION IN THE DEED OF RECORD, THE SUBJECT PROPERTY IS NOTED AS BEING A PART OF THE CHARLES G. WHALEN SUBDIVISION, A PLAT OF WHICH WAS KEPT AT THE OFFICE OF ROWE AND COMPANY ENGINEERS. THE SURVEYOR OF RECORD WAS NOT ABLE TO REVIEW THE PLAT, AND IT APPEARS THE PLAT WAS NEVER RECORDED IN THE OFFICE OF THE FAYETTE COUNTY CLERK. INFORMATION SHOWN ON THAT PLAT MAY APPLY TO THE SUBJECT PARCEL THAT IS NOT SHOWN HEREON.
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
ROBERT O. & MARY TYNG ATKINSON
620 BLUE ASH DRIVE
WOLF RUN TRUNK SEWER IMPROVEMENTS
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KENTUCKY



FIGURE 1

JUNE 2021

2815.298

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: MELISSA STELTER ,dc

202204290106

April 29, 2022 15:34:09 PM

Fees	\$59.00	Tax	\$.00
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Total Paid	\$59.00
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9 Pages

416 - 424