

**DEED OF EASEMENT**

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 6<sup>th</sup> day of October, 2020, by and between **DAVID K. POWELL, a single person**, 969 Holly Springs Drive, Lexington, Kentucky 40504, 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 **ONE THOUSAND FORTY DOLLARS AND 24/100 DOLLARS (\$1,040.24)**, 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 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 D & E Sewer Replacement Project**  
**(a portion of 969 Holly Springs Drive)**

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

**BEGINNING**, at a point on the eastern property line shared with Lori Laufenburger & Trust Gretchen Black, approximately 91' at a bearing S 53°15'00" W from the northeast property corner shared with Nathaniel Blankenship, thence 105.15 feet at a bearing N 33°13'01" W to the western property line shared with Joseph & Mary Fugate, thence 20.30 feet at a bearing S 46°54'00" W along the western property line to a point, thence 102.90 feet at a bearing S 33°13'01" E to eastern property line, thence 20.00 feet at a bearing N 53°15'00" E along the eastern property line back to the **POINT OF BEGINNING**; and,

The above-described parcel contains 2,080.47 square feet of permanent easement; and

Being a portion of the property conveyed to David K. Powell, a single person, by Deed dated December 8, 2004, of record in Deed Book 2515, Page 79, 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 D & E Trunk Sewer Replacement Project**  
**(a portion of 969 Holly Springs Drive)**

**Tract No. 1**

**BEGINNING**, at a point on the eastern property line shared with Lori Laufenburger & Trust Gretchen Black, approximately 81' at a bearing S 53°15'00" W from the northeast property corner shared with Nathaniel

Blankenship, thence 10.02 feet at a bearing S 53°15'00" W along the eastern property line to a point, thence 105.15 feet at a bearing N 33°13'01" W to the western property line shared with Joseph & Mary Fugate, thence 10.15 feet at a bearing N 46°54'00" E along the western property line to a point, thence 106.27 feet at a bearing S 33°13'01" E to the eastern property line back to the **POINT OF BEGINNING**; and,

The above-described parcel contains a total area of 1,057.11 square feet of temporary construction easement;

**Tract No. 2**

**BEGINNING**, at a point on the eastern property line shared with Lori Laufenburger & Trust Gretchen Black, approximately 111' at a bearing S 53°15'00" W from the northeast property corner shared with Nathaniel Blankenship, thence 10.02 feet at a bearing S 53°15'00" W along the eastern property line to a point, thence 101.77 feet at a bearing N 33°13'01" W to the western property line shared with Joseph & Mary Fugate, thence 10.15 feet at a bearing N 46°54'00" E along the western property line to a point, thence 102.90 feet at a bearing S 33°13'01" E to eastern property line back to the **POINT OF BEGINNING**; and,

The above-described parcel contains a total area of 1,023.36 square feet of temporary construction easement;

Both tracts being a portion of the property conveyed to David K. Powell, a single person, by Deed dated December 8, 2004, of record in Deed Book 2515, Page 79, 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 his 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 he is lawfully seized in fee simple of said property and has good right to sell and convey the easements as herein done, and that he will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 256-2020, passed by the Lexington-Fayette Urban County Council on June 11, 2020. Pursuant to KRS 382.135(2)(a), this deed of easement, which pertains to a public utility, need not contain a statement of consideration.

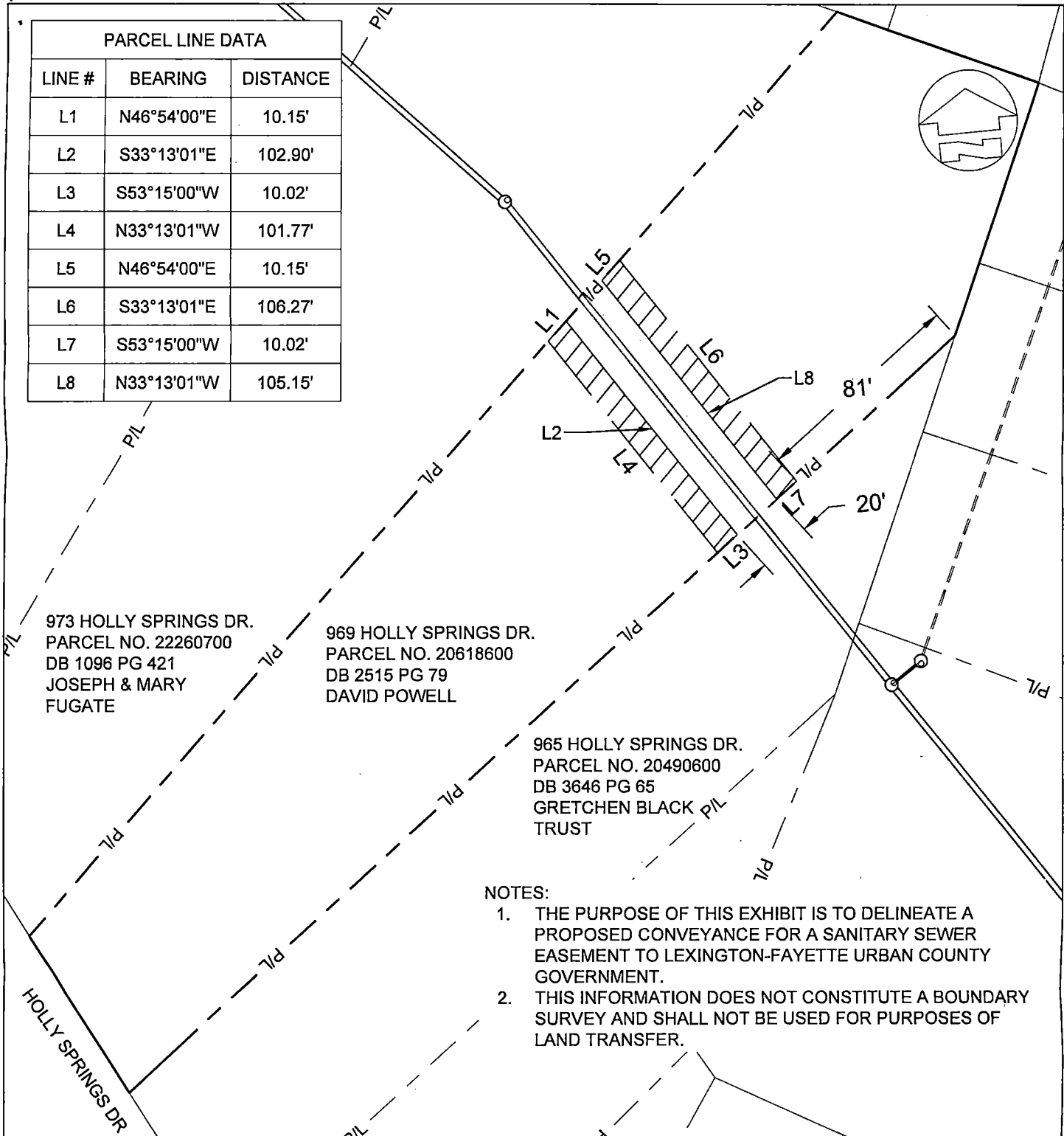
**IN TESTIMONY WHEREOF**, the Grantor has signed this Deed of Easement, this the day and year first above written.

GRANTOR:

BY:   
DAVID K. POWELL



PARCEL LINE DATA		
LINE #	BEARING	DISTANCE
L1	N46°54'00"E	10.15'
L2	S33°13'01"E	102.90'
L3	S53°15'00"W	10.02'
L4	N33°13'01"W	101.77'
L5	N46°54'00"E	10.15'
L6	S33°13'01"E	106.27'
L7	S53°15'00"W	10.02'
L8	N33°13'01"W	105.15'



973 HOLLY SPRINGS DR.  
 PARCEL NO. 22260700  
 DB 1096 PG 421  
 JOSEPH & MARY  
 FUGATE




969 HOLLY SPRINGS DR.  
 PARCEL NO. 20618600  
 DB 2515 PG 79  
 DAVID POWELL

965 HOLLY SPRINGS DR.  
 PARCEL NO. 20490600  
 DB 3646 PG 65  
 GRETCHEN BLACK  
 TRUST

**NOTES:**

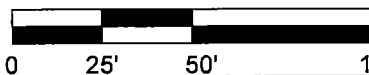
1. THE PURPOSE OF THIS EXHIBIT IS TO DELINEATE A PROPOSED CONVEYANCE FOR A SANITARY SEWER EASEMENT TO LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.
2. THIS INFORMATION DOES NOT CONSTITUTE A BOUNDARY SURVEY AND SHALL NOT BE USED FOR PURPOSES OF LAND TRANSFER.

**LEGEND:**

-  - NEW 20' PERMANENT UTILITY EASEMENT (2080.4717 SQ FT)
-  - TEMPORARY CONSTRUCTION EASEMENT (2080.4717 SQ FT)
-  - PROPOSED SEWER LINE

**EXHIBIT "A"**  
 UTILITY EASEMENT EXHIBIT  
 MARCH 10, 2020  
 DAVID POWELL  
 PROPERTY  
 969 HOLLY SPRINGS DR  
 LEXINGTON, KY 40504

SCALE: 1"= 50'



LFUCG  
 DIVISION OF WATER QUALITY  
 WOLF RUN TRUNK SEWER LINES D & E

200 E MAIN STREET  
 LEXINGTON, KY 40507



engineering | architecture | geospatial  
 www.gwinc.com

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: SHEA BROWN ,dc

202010150286

October 15, 2020                      14:08:20    PM

Fees	\$53.00	Tax	\$0.00
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Total Paid	\$53.00
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7 Pages

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