

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 9th day of December, 2019, by and between **CHARLES T. CREECH, INC., a Kentucky Corporation**, 4100 Heraldry Court, 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 **ONE THOUSAND SEVEN HUNDRED NINETY-THREE DOLLARS AND 26/100 DOLLARS (\$1,793.26)**, 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:

20' Permanent Sanitary Sewer Easement
Lexmark Trunk A & B Sanitary
Sewer Improvement Project
(a portion of 1025 Russell Cave Road)

Return to:
Charles E. Edwards III
LFUCG, Dept. of Law, 11th Floor
200 East Main Street
Lexington, KY 40507

(CCF)

All that tract or parcel of land situated west of Russell Cave Road, south of the R.J. Corman/CSX Railroad and north of W. Loudon Avenue in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

Parcel "A"

BEGINNING, at a common corner of Charles T. Creech, Inc. (1025 Russell Cave Road, Deed Book 3077, Page 354) and the United States of America (1051 Russell Cave Road, Deed Book 985, Page 425) said point being in the south line of the R.J. Corman/CSX Railroad; thence leaving said R.J. Corman/CSX Railroad, and with said United States of America, South 75°53'54" East, 56.76 feet to the **TRUE POINT OF BEGINNING**; thence continuing with said United States of America, South 75°53'54" East, 23.52 feet to a point; thence leaving said United States of America for a new line through the lands of said Charles T. Creech, Inc., South 17°39'21" East, 76.45 feet to a point in the north line of ASM Real Estate, LLC (201 W. Loudon Avenue, Deed Book 3590, Page 351); thence with said ASM Real Estate, LLC, North 75°53'54" West, 23.52 feet to a point; thence leaving said ASM Real Estate, LLC, for a new line through the lands of said Charles T. Creech, Inc., North 17°39'21" West, 76.45 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 1,529 square feet or 0.03 acre (net) more or less of permanent easement; and

Parcel "B"

BEGINNING, at a common corner of Charles T. Creech, Inc. (1025 Russell Cave Road, Deed Book 3077, Page 354) and the United States of America (1051 Russell Cave Road, Deed Book 985, Page 425) said point being in the south line of R.J. Corman/CSX Railroad; thence leaving said R.J. Corman/CSX Railroad, and with said United States of America, South 75°53'54" East, 154.39 feet to the **TRUE POINT OF BEGINNING**; thence continuing with said United States of America, South 75°53'54" East, 20.00 feet to a point; thence leaving said United States of America for a new line through the lands of said Charles T. Creech, Inc., South 13°32'19" West, 65.00 feet to a point in the north line of ASM Real Estate, LLC (201 W. Loudon Avenue, Deed

Book 3590, Page 351); thence with said ASM Real Estate, LLC, North 75°53'54" West, 20.00 feet to a point; thence leaving said ASM Real Estate, LLC, for a new line through the lands of said Charles T. Creech, Inc., North 13°32'19" East, 65.00 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 1,300 square feet 0.03 acre (net) more or less of permanent easement; and

Both parcels being a portion of the same property conveyed to Charles T. Creech, Inc., a Kentucky corporation, by deed dated June 5, 2012, of record in Deed Book 3077, Page 354, 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
Lexmark Trunk A & B Sanitary
Sewer Improvement Project
(a portion of 1025 Russell Cave Road)

Parcel "A"

BEGINNING, at a common corner of Charles T. Creech, Inc. (1025 Russell Cave Road, Deed Book 3077, Page 354) and the United States of America (1051 Russell Cave Road, Deed Book 985, Page 425), said point being in the south line of the R.J. Corman/CSX Railroad; thence leaving said R.J. Corman/CSX Railroad, and with said United States of America, South 75°53'54" East, 45.00 feet to the **TRUE POINT OF BEGINNING**; thence continuing with said United States of America, South 75°53'54" East, 47.04 feet to a

point; thence leaving said United States of America for a new line through the lands of said Charles T. Creech, Inc., South 17°39'21" East, 76.45 feet to a point in the north line of ASM Real Estate, LLC (201 W. Loudon Avenue, Deed Book 3590, Page 351); thence with said ASM Real Estate, LLC, North 75°53'54" West, 47.04 feet to a point; thence leaving said ASM Real Estate, LLC for a new line through the lands of said Charles T. Creech, Inc., North 17°39'21" West, 76.45 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 3,058 square feet (gross) and 1,529 square feet or 0.03 acre (net), more or less of temporary construction easement; and,

Parcel "B"

BEGINNING, at a common corner of Charles T. Creech, Inc. (1025 Russell Cave Road, Deed Book 3077, Page 354) and the United States of America (1051 Russell Cave Road, Deed Book 985, Page 425), said point being in the south line of the R.J. Corman/CSX Railroad; thence leaving said R.J. Corman/CSX Railroad, and with the said United States of America, South 75°53'54" East, 144.39 feet to the **TRUE POINT OF BEGINNING**; thence continuing with said United States of America, South 75°53'54" East, 40.00 feet to a point; thence leaving said United States of America for a new line through the lands of said Charles T. Creech, Inc., South 13°32'19" West, 65.00 feet to a point in the north line of ASM Real Estate, LLC (201 W. Loudon Avenue, Deed Book 3590, Page 351); thence with said ASM Real Estate, LLC, North 75°53'54" West, 40.00 feet to a point; thence leaving said ASM Real Estate, LLC for a new line through the lands of said Charles T. Creech, Inc., North 13°32'19" East, 65.00 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 2,600 square feet (gross) and 1,300 square feet or 0.03 acre (net), more or less of temporary construction easement; and,

Both parcels being a portion of the same property conveyed to Charles T. Creech, Inc., a Kentucky corporation, by deed dated June 5, 2012, of record in Deed Book 3077, Page 354, in the Fayette County Clerk's Office.

Temporary 25' Access Easement
Lexmark Trunk A & B Sanitary
Sewer Improvement Project
(a portion of 1025 Russell Cave Road)

BEGINNING, in the north line of Charles T. Creech, Inc. (1025 Russell Cave Road, Deed Book 3077, Page 354) at the common corner of the two (2) parcels of the United States of America (1051 Russell Cave Road, Deed Book 985, Page 425 and Deed Book 596, Page 432); thence leaving said common corner and with the south line of said United States of America (Deed Book 985, Page 425) North 75°53'54" West, 32.16 feet to the **TRUE POINT OF BEGINNING**; thence leaving said United States of America for a new line through the lands of said Creech, South 14°06'06" West, 350.00 feet to a point in the line with ASM Real Estate, LLC (201 W. Loudon Avenue, Deed Book 3590, Page 351); thence with said ASM Real Estate, LLC for two (2) lines; thence North 25°42'14" West, 39.05 feet to a found rebar with cap (PLS 2115); thence North 14°06'06" East, 255.00 feet to a found rebar; thence leaving said ASM Real Estate, LLC for a new line through the lands of said Creech, North 14°06'06" East, 65.00 feet to a point in the south line of said United States of America (Deed Book 985, Page 425); thence with said United States of America, South 75°53'54" East, 25.00 feet to the **POINT OF BEGINNING**; and,

The above described parcel contains 8,375 square feet or 0.19 acre, more or less of temporary access easement; and,

Being a portion of the same property conveyed to Charles T. Creech, Inc., a Kentucky corporation, by deed dated June 5, 2012, of record in Deed Book 3077, Page 354, 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 access easements run with the land for the duration of the improvement project and are 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 access easements 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 its 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 it is lawfully seized in fee simple of said property and has good right to sell and convey the easements as herein done, and that it will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 388-2019, passed by the Lexington-Fayette Urban County Council on July 9, 2019. 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:

CHARLES T. CREECH, INC., a
Kentucky corporation

BY: Charles T. Creech
CHARLES T. CREECH,
PRESIDENT

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by Charles T. Creech, as its President, for and on behalf of Charles T. Creech, Inc., a Kentucky corporation, for and on behalf of the limited liability company, on this the 9th day of December, 2019.

[Signature]
Notary Public, Kentucky, State-at-Large

My Commission Expires: 7/10/2023

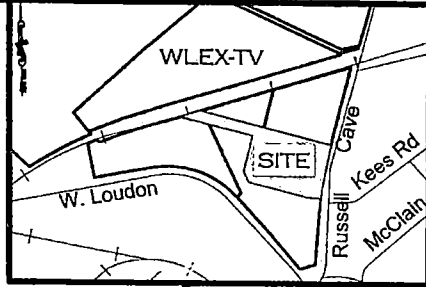
Notary ID # 626440

PREPARED BY:

[Signature]
CHARLES E. EDWARDS III
Attorney
Lexington-Fayette Urban
County Government
Department of Law, 11th Floor
200 East Main Street
Lexington, Kentucky 40507
(859) 258-3500

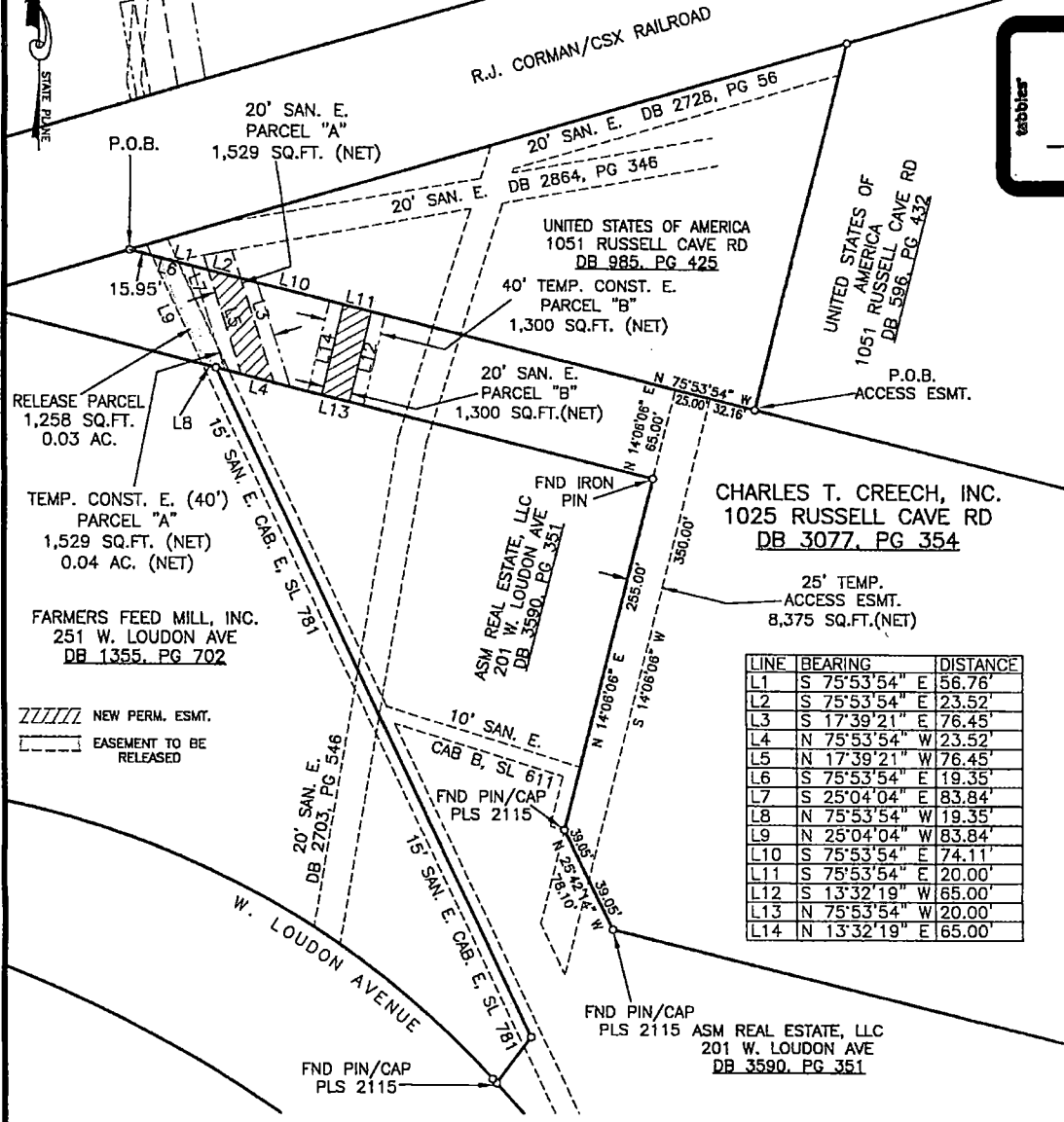
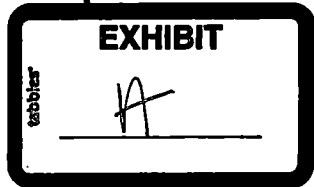
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20' PERMANENT SANITARY SEWER EASEMENT
& TEMPORARY 25' ACCESS EASEMENT EXHIBIT
FOR LFUCG
CHARLES T. CREECH, INC. PROPERTY
1025 RUSSELL CAVE ROAD
LEXINGTON, FAYETTE COUNTY, KENTUCKY



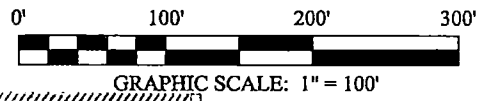
VICINITY MAP 1" = 1000'

WLEX COMMUNICATIONS, LLC
1065 RUSSELL CAVE RD
DB 2079, PG 259, TRACT 1



LINE	BEARING	DISTANCE
L1	S 75°53'54" E	56.76'
L2	S 75°53'54" E	23.52'
L3	S 17°39'21" E	76.45'
L4	N 75°53'54" W	23.52'
L5	N 17°39'21" W	76.45'
L6	S 75°53'54" E	19.35'
L7	S 25°04'04" E	83.84'
L8	N 75°53'54" W	19.35'
L9	N 25°04'04" W	83.84'
L10	S 75°53'54" E	74.11'
L11	S 75°53'54" E	20.00'
L12	S 13°32'19" W	65.00'
L13	N 75°53'54" W	20.00'
L14	N 13°32'19" E	65.00'

////// NEW PERM. ESMT.
----- EASEMENT TO BE RELEASED



LAND SURVEYOR'S CERTIFICATE:

THE PROPERTY LINES SHOWN ON THIS EASEMENT EXHIBIT ARE BASED ON DEED AND/OR RECORD PLAT DATA FROM THE FAYETTE COUNTY CLERK'S OFFICE AND FIELD LOCATED PROPERTY CORNERS. THIS EXHIBIT DOES NOT REPRESENT A BOUNDARY SURVEY AS DESCRIBED IN 201 KAR 18:150 AND INTEGRATED ENGINEERING HAS NOT PERFORMED A BOUNDARY SURVEY FOR THE PURPOSES OF THIS EXHIBIT. THIS EXHIBIT IS NOT INTENDED TO BE USED FOR LAND TRANSFER.

James M. Chambliss 11/7/19
JAMES M. CHAMBLISS, PLS 3185 DATE

STATE OF KENTUCKY
JAMES M. CHAMBLISS
3185
LICENSED PROFESSIONAL LAND SURVEYOR



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: EMILY GENTRY ,dc

201912110325

December 11, 2019 9:14:32 AM

Fees	\$32.00	Tax	\$.00
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Total Paid	\$32.00
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9 Pages

629 - 637