

TEMPORARY CONSTRUCTION EASEMENT

This **TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 18th day of November, 2020, by and between **DeROSA CAPITAL 9, LLC**, a **Kentucky limited liability company**, c/o ProvCap 1, LLC, 354 S. Broad Street, Trenton, New Jersey 08608, which is the in-care of tax mailing address for the current year ("Grantor"), and **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky 40507, ("Grantee").

WITNESSETH:

That for and in consideration of the sum of **TWO THOUSAND THREE HUNDRED THIRTY-TWO DOLLARS AND 56/100 (\$2,332.56)**, 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, temporary 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:

Temporary Construction Easement
Wolf Run Trunks D & E Sewer Replacement Project
(a portion of 1021 Cross Keys Road)

Tract No. 1

Beginning at a point on the western property line, approximately 38' from the northwestern property corner,

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

thence 47.73' at a bearing of S 34°48'01" E to a point, thence 49.55' at a bearing of S 31°44'48" E to the eastern property line shared with Fayette County School District Financial Group, thence 11.57' at a bearing S 56°38'34" W along the eastern property line, thence 49.59' at a bearing of N 34°33'35" to a point, thence 46.42' at a bearing of N 34°48'01" W to the western property line, thence 14.03' at a bearing of N 51°27'26" E along the western property line back to **point of beginning**; and,

The above described parcel contains 1,292.84 sq. ft. of temporary construction easement; and

Tract No.2

Beginning at a point on the western property line, approximately 64' from the northwestern property corner, thence 45.37' at a bearing of S 34°48'01" E to a point, thence 49.56' at a bearing of S 34°33'38" E to the eastern property line shared with Fayette County School District Financial Group, thence 16.44' at a bearing of S 56°38'34" W along the eastern property line, thence 49.61' at a bearing of N 31°44'48" W to a point, thence 44.05' at a bearing of N 34°48'01" W to the western property line, thence 14.03' at a bearing of N 51°27'26" E along the western property line back to the **point of beginning**; and,

The above described parcel contains 1,380.48 sq. ft. of temporary construction easement; and

Temporary Construction Easement
Wolf Run Trunks D & E Sewer Replacement Project
(a portion of 1025 Cross Keys Road)

Tract No.1

Beginning at a point on the western property line, approximately 46' from the northwestern property corner, thence 88.29' at a bearing of S 34°48'01" E to the eastern property line, thence 14.03' at a bearing of S 51°32'32" W along the eastern property line, thence 87.67' at a bearing of N 34°48'01" W to the western property line, thence 14.08' at a bearing of N 49°01'27" E along the western property line back to the **point of beginning**; and,

The above described parcel contains 1,231.77 sq. ft. of temporary construction easement; and,

Tract No.2

Beginning at a point on the western property line, approximately 72' from the northwestern property corner, thence 87.14' at a bearing of S 34°48'01" E to the eastern property line, thence 14.03' at a bearing of S 51°32'32" W along the eastern property line, thence 86.52' at a bearing of N 34°48'01" W to the western property line, thence 14.08' at a bearing of N 49°01'27" E along the western property line back to the **point of beginning**; and,

The above described parcel contains 1,215.65 sq. ft. of temporary construction easement; and,

Temporary Construction Easement
Wolf Run Trunks D & E Sewer Replacement Project
(a portion of 1029 Cross Keys Road)

Tract No.1

Beginning at a point on the western property line, approximately 49' from the northwestern property corner, thence 96.20' at a bearing of S 34°48'01" E to the eastern property line, thence 19.11' at a bearing of S 49°00'55" W along the eastern property line, thence 94.82' at a bearing of N 34°48'01" W to the western property line, thence 19.31' at a bearing of N 44°55'32" E along the western property line back to the **point of beginning**; and,

The above described parcel contains 1,814.70 sq. ft. of temporary construction easement; and,

Tract No.2

Beginning at a point on the western property line, approximately 81' from the northwestern property corner, thence 93.94' at a bearing of S 34°48'01" E to the eastern property line, thence 9.05' at a bearing of S 49°00'55" W along the eastern property line, thence 83.76' at a bearing of N 34°48'01" W to a point, thence 204.65' at a bearing S 47°33'00" W to the intersection of the southern and western property lines, thence 215.28' at a bearing of N 44°55'32" E along the western property line back to the **point of beginning**; and,

The above described parcel contains 1,808.44 sq. ft. of temporary construction easement; and,

Temporary Construction Easement
Wolf Run Trunks D & E Sewer Replacement Project
(a portion of 1033 Cross Keys Road)

Tract No.1

Beginning at a point on the western property line, approximately 46' from the northwestern property corner, thence 44.82' at a bearing of S 31°00'23" E to a point, thence 60.65' at a bearing of S 34°48'01" E to the eastern property line, thence 19.31' at a bearing of S 44°55'32" W along the eastern property line, thence 64.73' at a bearing of N 34°48'01" W to a point, thence 38.73' at a bearing of N 31°00'23" W to the western property line, thence 20.15' at a bearing of N 39°30'44" E along the western property line back to the **point of beginning**; and,

The above described parcel contains 1,984.92 sq. ft. of temporary construction easement; and,

Tract No.2

Beginning at a point on the western property line, approximately 79' from the northwestern property corner, thence 34.88' at a bearing of S 31°00'23" E to a point, thence 67.30' at a bearing of S 34°48'01" E to the eastern property line, thence 215.28' at a bearing of S 44°55'32" W along the eastern property line to the southern property line, thence 12.26' at a bearing of N 43°12'28" W along the southern property line to a point, thence 176.84' at a bearing N 47°57'05" E to a point, thence 9.11' at a bearing of N 41°47'37" W to a point, thence 30.92' at a bearing of N 43°43'47" E to a point, thence 56.37' at a bearing of N 34°48'01" W to a point, thence 32.00' at a bearing of N 31°00'23" W to the western property line, thence 9.55' at a bearing of N 39°30'44" E along the western property line back to the **point of beginning**; and,

The above described parcel contains 2,615.41 sq. ft. of temporary construction easement; and,

Temporary Construction Easement
Wolf Run Trunks D & E Sewer Replacement Project
(a portion of 1037 Cross Keys Road)

Tract No.1

Beginning at a point on the western property line shared with LFUCG, approximately 34' south of the northwestern

property corner, thence 121.03' at a bearing of S 31°00'23" E to the eastern property line, thence 20.15' at a bearing of S 39°30'44" W along the eastern property line, thence 118.31' at a bearing of N 31°00'23" W to the western property line, thence 21.22' at a bearing of N 32°34'00" E along the western property line to the **point of beginning**; and,

The above described parcel contains 2,273.65 sq. ft. of temporary construction easement; and,

Tract No.2

Beginning at a point on the western property line shared with LFUCG, approximately 69' from the northwestern property corner, thence 116.59' at a bearing of S 31°00'23" E to the eastern property line, thence 9.55' at a bearing of S 39°30'44" W along the eastern property line, thence 115.30' at a bearing of N 31°00'23" W to the western property line, thence 10.05' at a bearing of N 32°34'00" E along the western property line back to the **point of beginning**; and,

The above described parcel contains 1,043.48 sq. ft. of temporary construction easement; and,

All of the abovementioned parcels being a portion of the property conveyed to DeRosa Capital 9, LLC, a Kentucky limited liability company, by Deed dated December 13, 2018, of record in Deed Book 3640, Page 606, in the Fayette County Clerk's Office.

TO HAVE AND TO HOLD said easement together with all rights, appurtenances, and improvements thereunto belonging unto said Grantee, its successors and assigns, 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 temporary construction easement shall take effect upon the commencement of construction of the project and will expire upon the completion of the project.

Grantor does 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 interest 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 same 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)(c), this temporary construction easement, which pertains to a public utility, need not contain a statement of consideration.

IN TESTIMONY WHEREOF, the Grantor has signed this Temporary Construction Easement, this the day and year first above written.

GRANTOR:

DeROSA CAPITAL 9, LLC, a
Kentucky limited liability company

By: ProvCap 1, LLC, a Pennsylvania limited liability
company, its managing member

By: 

MATTHEW FAIRCLOTH, MANAGING
MEMBER

STATE OF NEW JERSEY)
)
COUNTY OF MERCER)

This instrument was acknowledged, subscribed and sworn to before me by Matthew Faircloth, as a Managing Member of ProvCap 1, LLC, a Pennsylvania limited liability company, a managing member, for and on behalf of DeRosa Capital 9, LLC, a Kentucky limited liability company, on this the 18 day of November, 2020.



Notary Public, New Jersey, State at Large

My Commission Expires: 7/28/2021

Notary ID # 50042858

STACEY L. PARRISH
NOTARY PUBLIC OF NEW JERSEY
Comm. # 50042858
My Commission Expires 7/28/2021

PREPARED BY:



Keith Horn, Managing Attorney
Lexington-Fayette Urban
County Government
Department of Law, 11th Floor
200 East Main Street
Lexington, Kentucky 40507
(859) 258-3500

X:\Cases\WATER-AIR\20-RE0185\RE\00693314.DOC



PARCEL LINE DATA		
LINE #	BEARING	DISTANCE
L1	N51°27'26"E	14.03'
L2	S34°48'01"E	47.73'
L3	S31°44'48"E	49.55'
L4	S56°38'34"W	11.57'
L5	N34°33'35"W	49.59'
L6	N34°48'01"W	46.42'
L7	N51°27'26"E	14.03'
L8	S34°48'01"E	46.37'
L9	S34°33'38"E	49.56'
L10	S56°38'34"W	16.44'
L11	N31°44'48"W	49.61'
L12	N34°48'01"W	44.05'
L13	S51°27'26"W	12.03'
L14	N56°38'34"E	12.00'

1025 CROSS KEYS RD.
 PARCEL NO. 12780359
 DB 3640 PG 606
 DEROSA CAPITAL 9 LLC

1020 DELLA DR.
 PARCEL NO. 20223850
 DB 2783 PG 746
 JONATHAN & JANEL
 DEBOER

1021 CROSS KEYS RD.
 PARCEL NO. 12780360
 DB 3640 PG 608
 DEROSA CAPITAL 9 LLC

1901 APPOMATTOX RD.
 PARCEL NO. 94021450
 DB 1789 PG 001
 FAYETTE COUNTY SCHOOL
 DISTRICT FINANCE GROUP

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:





-  - 12' EXISTING PERMANENT UTILITY EASEMENT (1145.6014 SQ FT)
-  - TEMPORARY CONSTRUCTION EASEMENT (2673.3149 SQ FT)
-  - PROPOSED SEWER LINE

EXHIBIT "A"
 UTILITY EASEMENT EXHIBIT
 MARCH 10, 2020
 DEROSA CAPITAL 9 LLC
 PROPERTY
 1021 CROSS KEYS RD
 LEXINGTON, KY 40504
 SCALE: 1" = 40'


LFUCG
 DIVISION OF WATER QUALITY
 WOLF RUN TRUNK SEWER LINES D & E
 209 E MAIN STREET
 LEXINGTON, KY 40507

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PARCEL LINE DATA		
LINE #	BEARING	DISTANCE
L1	N49°01'27"E	14.08'
L2	S34°48'01"E	86.29'
L3	S51°32'32"W	14.03'
L4	N34°48'01"W	87.87'
L5	N49°01'27"E	14.08'
L6	S34°48'01"E	87.14'
L7	S51°32'32"W	14.03'
L8	N34°48'01"W	86.52'
L9	S49°01'27"W	12.07'
L10	N51°32'32"E	12.02'

1029 CROSS KEYS RD.
 PARCEL NO. 12780358
 DB 3640 PG 606
 DEROSA CAPITAL 9 LLC

1020 DELLA DR.
 PARCEL NO. 20223850
 DB 2783 PG 746
 JONATHAN & JANEL
 DEBOER

1025 CROSS KEYS RD.
 PARCEL NO. 12780359
 DB 3640 PG 606
 DEROSA CAPITAL 9 LLC

1021 CROSS KEYS RD.
 PARCEL NO. 12780360
 DB 3640 PG 606
 DEROSA CAPITAL 9 LLC

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LEGEND:

 - 12' EXISTING PERMANENT UTILITY EASEMENT (1048.8848 SQ FT)

 - TEMPORARY CONSTRUCTION EASEMENT (2447.4206 SQ FT)

 - PROPOSED SEWER LINE

EXHIBIT "A"
 UTILITY EASEMENT EXHIBIT

MARCH 10, 2020
 DEROSA CAPITAL 9 LLC
 PROPERTY
 1025 CROSS KEYS RD
 LEXINGTON, KY 40504

SCALE: 1"= 40'



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 WOLF RUN TRUNK SEWER LINES D & E

200 E MAIN STREET
 LEXINGTON, KY 40507



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PARCEL LINE DATA		
LINE #	BEARING	DISTANCE
L1	N44°55'32"E	19.31'
L2	S34°48'01"E	96.20'
L3	S49°00'55"W	19.11'
L4	N34°48'01"W	94.82'
L5	N44°55'32"E	215.28'
L6	S34°48'01"E	93.94'
L7	S49°00'55"W	9.05'
L8	N34°48'01"W	83.76'
L9	S47°33'00"W	204.65'
L10	S44°55'32"W	12.20'
L11	N49°00'55"E	12.07'



1024 DELLA DR
 PARCEL NO. 20616300
 DB 2541 PG 686
 WILLIAM V FREY JR

1033 CROSS KEYS RD.
 PARCEL NO. 13825801
 DB 3640 PG 608
 DEROSA CAPITAL 9 LLC

1029 CROSS KEYS RD.
 PARCEL NO. 12780358
 DB 3640 PG 606
 DEROSA CAPITAL 9 LLC

1025 CROSS KEYS RD.
 PARCEL NO. 12780359
 DB 3640 PG 606
 DEROSA CAPITAL 9 LLC

NOTES:

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LEGEND:




-  - 12' EXISTING PERMANENT UTILITY EASEMENT (1132.6673 SQ FT)
-  - TEMPORARY CONSTRUCTION EASEMENT (3622.1364 SQ FT)
-  - PROPOSED SEWER LINE

EXHIBIT "A"
 UTILITY EASEMENT EXHIBIT
 OCTOBER 16, 2020
 DEROSA CAPITAL 9 LLC
 PROPERTY
 1029 CROSS KEYS RD
 LEXINGTON, KY 40504

SCALE: 1" = 40'



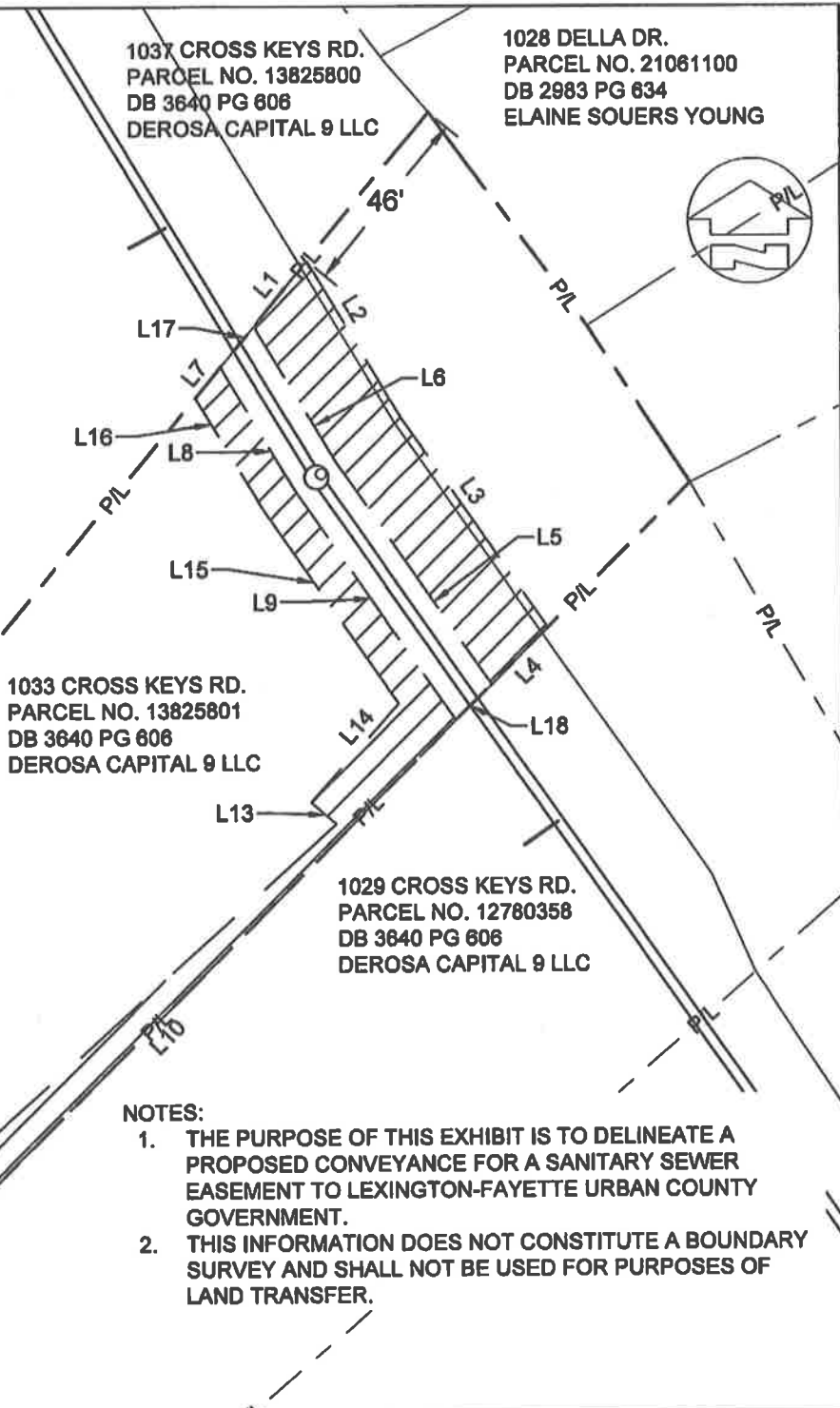
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 WOLF RUN TRUNK SEWER LINES D & E

200 E MAIN STREET
 LEXINGTON, KY 40507



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PARCEL LINE DATA		
LINE #	BEARING	DISTANCE
L1	N39°30'44"E	20.15'
L2	S31°00'23"E	44.82'
L3	S34°48'01"E	60.65'
L4	S44°55'32"W	19.31'
L5	N34°48'01"W	64.73'
L6	N31°00'23"W	38.73'
L7	N39°30'44"E	9.55'
L8	S31°00'23"E	34.88'
L9	S34°48'01"E	67.30'
L10	S44°55'32"W	215.28'
L11	N43°12'28"W	12.26'
L12	N47°57'05"E	176.84'
L13	N49°15'44"W	8.01'
L14	N41°47'59"E	32.07'
L15	N34°48'01"W	56.37'
L16	N31°00'23"W	32.00'
L17	S39°30'44"W	12.73'
L18	N44°55'32"E	12.20'



NOTES:

1. THE PURPOSE OF THIS EXHIBIT IS TO DELINEATE A PROPOSED CONVEYANCE FOR A SANITARY SEWER EASEMENT TO LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.
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LEGEND:




-  - 12' EXISTING PERMANENT UTILITY EASEMENT (1233.8729 SQ FT)
-  - TEMPORARY CONSTRUCTION EASEMENT (4600.3334 SQ FT)
-  - PROPOSED SEWER LINE

EXHIBIT "A"
UTILITY EASEMENT EXHIBIT
 OCTOBER 16, 2020
 DEROSA CAPITAL 9 LLC
 PROPERTY
 1033 CROSS KEYS RD
 LEXINGTON, KY 40504

SCALE: 1" = 40'



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

200 E MAIN STREET
 LEXINGTON, KY 40507



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PARCEL LINE DATA		
LINE #	BEARING	DISTANCE
L1	N32°34'00"E	21.22'
L2	S31°00'23"E	121.03'
L3	S39°30'44"W	20.15'
L4	N31°00'23"W	118.31'
L5	N32°34'00"E	10.05'
L6	S31°00'23"E	116.59'
L7	S39°30'44"W	9.55'
L8	N31°00'23"W	115.30'
L9	S32°34'00"W	13.40'
L10	N39°30'44"E	12.73'



1030 DELLA DR.
 PARCEL NO. 23084900
 DB 3484 PG 488
 KOREY A MORRIS

1616 MAYWICK VIEW LN.
 PARCEL NO. 94012270
 DB 855 PG 137
 LFUCG

1037 CROSS KEYS RD.
 PARCEL NO. 13825800
 DB 3640 PG 608
 DEROSA CAPITAL 9 LLC

1033 CROSS KEYS RD.
 PARCEL NO. 13825801
 DB 3640 PG 608
 DEROSA CAPITAL 9 LLC

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LEGEND:

- 12' EXISTING PERMANENT UTILITY EASEMENT (1409,3500 SQ FT)

- TEMPORARY CONSTRUCTION EASEMENT (3317,1306 SQ FT)

- PROPOSED SEWER LINE

EXHIBIT "A"
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 MARCH 10, 2020
 DEROSA CAPITAL 9 LLC
 PROPERTY
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 LEXINGTON, KY 40504

SCALE: 1" = 40'

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

200 E MAIN STREET
 LEXINGTON, KY 40507

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DEED BOOK 3807 PAGE 108

**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: PATTY DAVIS ,dc

202012280001

December 28, 2020 7:59:19 AM

Fees	\$71.00	Tax	\$.00
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Total Paid	\$71.00
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13 Pages

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