

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 17TH day of May, 2021, by and between **SANTA BARBARA LAND CORPORATION**, a **Kentucky corporation**, 612 Lakeshore Drive, Kentucky 40502, 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 **THREE THOUSAND FOUR HUNDRED DOLLARS AND 00/100 DOLLARS (\$3,400.00)**, 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 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 Exhibit "B", and more particularly described as follows, to wit:

Permanent Sanitary Sewer Easement
Southeastern Hills Trunk Sewer Improvement Project
(a portion of 1121 Appian Crossing Way)

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

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All that strip or parcel of land situated south of Appian Crossing Way east of Lady Di Lane in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows:

BEGINNING at a point in the westerly boundary line of the Millcreek Subdivision, Unit 4, Section 1, Lot 1, Block "F" and Lot 2, Block "G" (Cabinet L, Slide 285), said point being a common corner between Lot 112 and Lot 123 as shown on the Final Record Plat of Glen Creek (Dove Creek), Unit 3-A, Lots 99-122 (Cabinet L, Slide 713);

Thence leaving Lot 112 and with the westerly boundary line of the Millcreek Subdivision, Unit 4, Section 1, Lot 1, Block "F" and Lot 2, Block "G" (Cabinet L, Slide 285), S 24° 04' 28" W, 84.38 feet to the **TRUE POINT OF BEGINNING**;

Thence with the westerly boundary line of Millcreek Subdivision, Unit 4, Section 1, Lot 1, Block "F" and Lot 2, Block "G" (Cabinet L, Slide 285), S 24° 04' 28" W, 20.02 feet to a point;

Thence leaving the westerly boundary line of the Millcreek Subdivision, Unit 4, Section 1, Lot 1, Block "F" and Lot 2, Block "G", (Cabinet L, Slide 285), and with a new permanent sanitary sewer easement line through the lands of Lot 123 for five (5) calls:

- 1) N 63° 21' 25" W, 316.44 feet to a point;
- 2) N 01° 32' 11" W, 116.31 feet to a point;
- 3) S 59° 37' 45" E, 23.56 feet to a point;
- 4) S 01° 32' 11" E, 91.88 feet to a point; and
- 5) S 63° 21' 25" E, 303.57 feet to the **TRUE POINT OF BEGINNING**;

The above-described parcel contains 8,282 square feet (0.190 Acres) of permanent easement; and

Being a portion of Lot 123 as shown on the Final Record Plat of Glen Creek (Dove Creek), Unit 3-A, Lots 99-122, recorded in Plat Cabinet L, Slide 713, and being a part of Tracts 11-16 of the Jones Subdivision, of record in Plat Cabinet E, Slide 60 of the same property conveyed to Santa Barbara Land Company, a Kentucky corporation, by deed dated July 12, 1993, of record in Deed Book 1682, Page 662, 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" and Exhibit "B" attached hereto, and more particularly described as follows:

Temporary Construction Easement
Southeastern Hills Trunk Sewer Improvement Project
(a portion of 1121 Appian Crossing Way)

Tract A

All that strip or parcel of land situated south of Appian Crossing Way east of Lady Di Lane in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows:

BEGINNING at a point in the westerly boundary line of the Millcreek Subdivision, Unit 4, Section 1, Lot 1, Block "F" and Lot 2, Block "G" (Cabinet L, Slide 285), said point being a common corner between Lot 112 and Lot 123 as shown on the Final Record Plat of Glen Creek (Dove Creek), Unit 3-A, Lots 99-122 (Cabinet L, Slide 713);

Thence leaving Lot 112 and with the westerly boundary line of the Millcreek Subdivision, Unit 4, Section 1, Lot 1, Block "F" and Lot 2, Block "G" (Cabinet L, Slide 285), S 24° 04' 28" W, 74.37 feet to the **TRUE POINT OF BEGINNING**;

Thence with the westerly boundary line of Millcreek Subdivision, Unit 4, Section 1, Lot 1, Block "F" and Lot 2, Block "G" (Cabinet L, Slide 285), S 24° 04' 28" W, 10.01 feet to a point;

Thence leaving the westerly boundary line of the Millcreek Subdivision, Unit 4, Section 1, Lot 1, Block "F" and Lot 2,

Block "G", (Cabinet L, Slide 285), and with a new permanent sanitary sewer easement line through the lands of Lot 123 for two (2) calls:

- 1) N 63° 21' 25" W, 303.57 feet to a point; and
- 2) N 01° 32' 11" W, 91.88 feet to a point;

Thence leaving a new permanent sanitary sewer easement line and continuing with a new temporary construction easement line for three (3) calls:

- 1) S 59° 37' 45" E, 11.78 feet to a point;
- 2) S 01° 32' 11" E, 79.67 feet to a point; and
- 3) S 63° 21' 25" E, 297.13 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains a total area of 3,861 square feet (0.089 Acres) of temporary construction easement;

Tract B

All that strip or parcel of land situated south of Appian Crossing Way east of Lady Di Lane in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows:

BEGINNING at a point in the westerly boundary line of the Millcreek Subdivision, Unit 4, Section 1, Lot 1, Block "F" and Lot 2, Block "G" (Cabinet L, Slide 285), said point being a common corner between Lot 112 and Lot 123 as shown on the Final Record Plat of Glen Creek (Dove Creek), Unit 3-A, Lots 99-122 (Cabinet L, Slide 713);

Thence leaving Lot 112 and with the westerly boundary line of the Millcreek Subdivision, Unit 4, Section 1, Lot 1, Block "F" and Lot 2, Block "G" (Cabinet L, Slide 285), S 24° 04' 28" W, 104.40 feet to the **TRUE POINT OF BEGINNING**;

Thence with the westerly boundary line of Millcreek Subdivision, Unit 4, Section 1, Lot 1, Block "F" and Lot 2, Block "G" (Cabinet L, Slide 285), S 24° 04' 28" W, 10.01 feet to a point;

Thence leaving the westerly boundary line of the Millcreek Subdivision, Unit 4, Section 1, Lot 1, Block "F" and Lot 2,

Block "G", (Cabinet L, Slide 285), and with a new temporary construction easement line through the lands of Lot 123 for three (3) calls:

- 1) N 63° 21' 25" W, 322.87 feet to a point;
- 2) N 01° 32' 11" W, 128.52 feet to a point; and
- 3) S 59° 37' 45" E, 11.78 feet to a point;

Thence leaving a new temporary construction easement line and continuing with a new permanent sanitary sewer easement line for two (2) calls:

- 1) S 01° 32' 11" E, 116.31 feet to a point; and
- 2) S 63° 21' 25" E, 316.44 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains a total area of 4,421 square feet (0.101 Acres) of temporary construction easement;

Both tracts being a portion of Lot 123 as shown on the Final Record Plat of Glen Creek (Dove Creek), Unit 3-A, Lots 99-122, recorded in Plat Cabinet L, Slide 713, and being a part of Tracts 11-16 of the Jones Subdivision, of record in Plat Cabinet E, Slide 60 of the same property conveyed to Santa Barbara Land Corporation, a Kentucky corporation, by deed dated July 12, 1993, of record in Deed Book 1682, Page 662, 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 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 do 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.

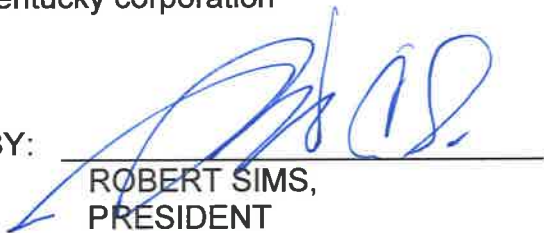
The obtaining of this easement was authorized by Resolution 456-2020, passed by the Lexington-Fayette Urban County Council on October 8, 2020. Pursuant to KRS 382.135(2)(a), this deed of easement, which pertains to a public utility, need not contain a statement of consideration.

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

GRANTOR:

SANTA BARBARA LAND CORPORATION, a
Kentucky corporation

BY:

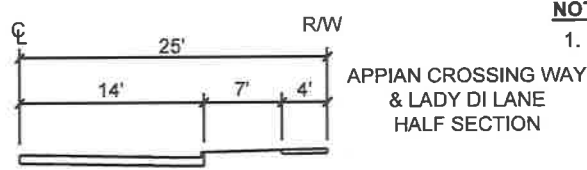
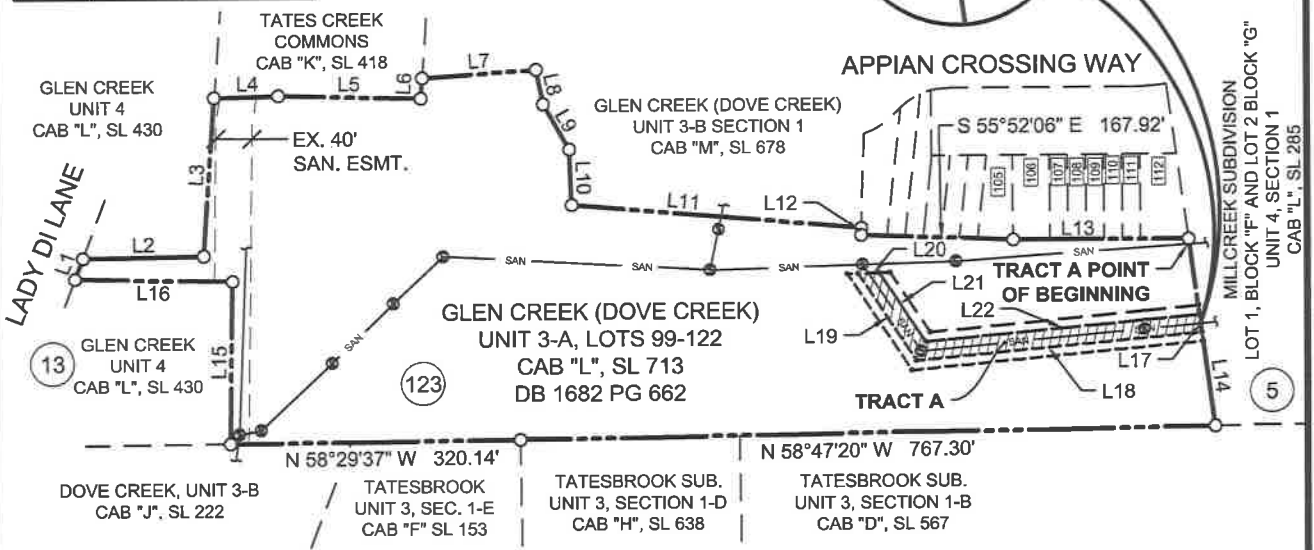
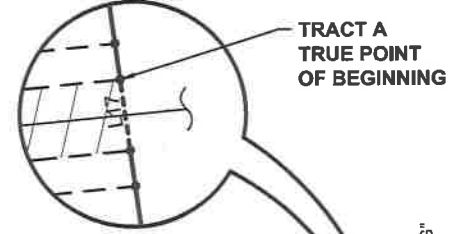
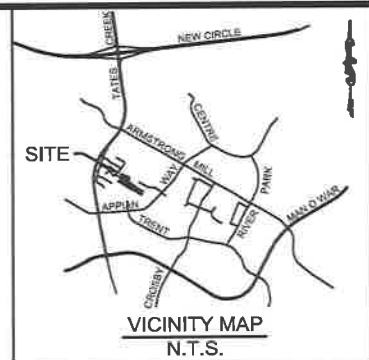
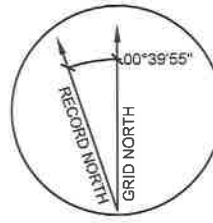


ROBERT SIMS,
PRESIDENT

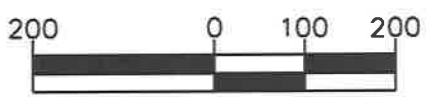
EXHIBIT A

LOT LINE TABLE		
LINE #	LENGTH	BEARING
L1	24.97'	N 52°54'14" E
L2	133.10'	S 58°52'45" E
L3	175.55'	N 35°54'53" E
L4	71.08'	S 59°15'19" E
L5	157.29'	S 56°34'02" E
L6	22.57'	N 36°08'56" E
L7	125.96'	S 61°54'21" E
L8	39.01'	S 20°47'34" W
L9	57.82'	S 02°01'01" W
L10	61.49'	S 29°46'01" W
L11	320.91'	S 53°05'24" E
L12	8.15'	S 33°56'47" W
L13	193.65'	S 57°56'26" E
L14	209.45'	S 24°04'28" W
L15	180.43'	N 32°55'38" E
L16	173.83'	N 57°00'55" W

EASEMENT LINE TABLE		
LINE #	LENGTH	BEARING
L17	20.02'	S 24°04'28" W
L18	316.44'	N 63°21'25" W
L19	116.31'	N 01°32'11" W
L20	23.56'	S 59°37'45" E
L21	91.88'	S 01°32'11" E
L22	303.57'	S 63°21'25" E



PERM. ESMT. AREA
8,282 SQ. FT. (0.190 AC)



NOTES:

1. THE PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON ARE BASED ON THE RECORD DESCRIPTION (DEED BOOK 1682, PAGE 662) AND CORRESPONDING PLAT (CABINET L, SLIDE 713) OF RECORD IN THE FAYETTE COUNTY CLERK'S OFFICE. THE ORIGIN OF BEARINGS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN DATUM OF 1983, STATE PLANE KENTUCKY NORTH AS OBSERVED FROM KYCORS STATION "KYTG" USING A TRIMBLE R10, DUAL FREQUENCY RECEIVER.
2. THE PURPOSE OF THIS EXHIBIT IS TO DELINEATE A PROPOSED CONVEYANCE FOR A PERMANENT SANITARY SEWER EASEMENT TO LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.
3. THIS INFORMATION DOES NOT CONSTITUTE A BOUNDARY SURVEY AND SHALL NOT BE USED FOR PURPOSES OF LAND TRANSFER.

SANITARY SEWER EASEMENT EXHIBIT
SANTA BARBARA LAND CORPORATION
1121 APPIAN CROSSING WAY
SOUTHEASTERN HILLS TRUNK SEWER IMPROVEMENTS
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KENTUCKY



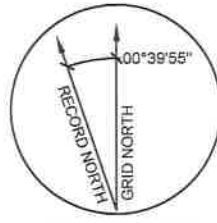
EXHIBIT A

APRIL 2021

2815.046

EXHIBIT B

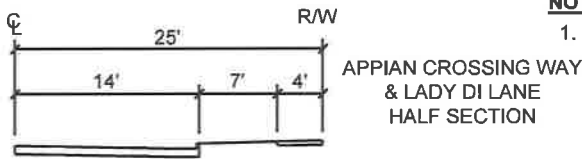
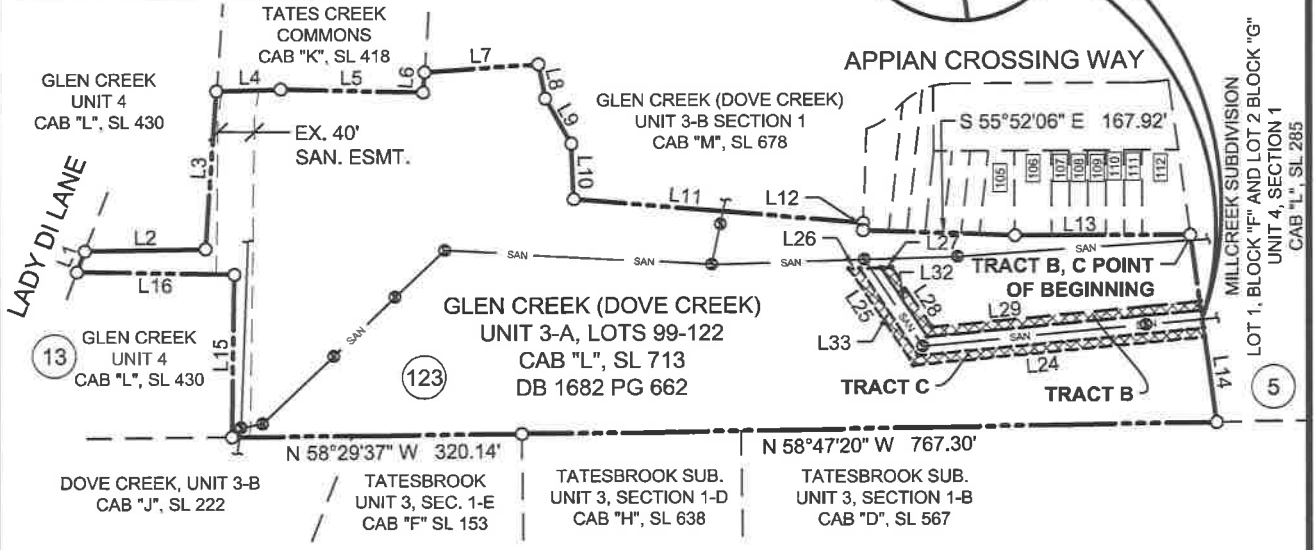
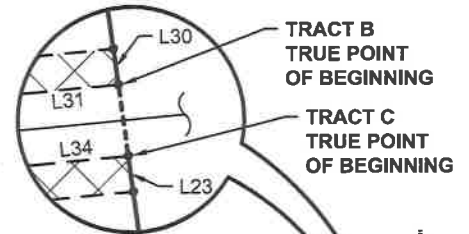
LOT LINE TABLE			EASEMENT LINE TABLE		
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L1	24.97'	N 52°54'14" E	L23	10.01'	S 24°04'28" W
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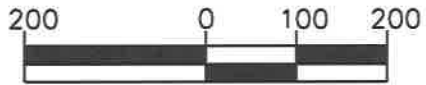
BEARING BASIS



VICINITY MAP
N.T.S.



TEMP. ESMT. AREA
8,282 SQ. FT. (0.190 AC)



GRAPHIC SCALE: 1"=200'

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**SANITARY SEWER EASEMENT EXHIBIT
SANTA BARBARA LAND CORPORATION
1121 APPIAN CROSSING WAY
SOUTHEASTERN HILLS TRUNK SEWER IMPROVEMENTS
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KENTUCKY**



EXHIBIT B

APRIL 2021

2815.046

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

202105200287

May 20, 2021 14:29:05 PM

Fees	\$62.00	Tax	\$0.00
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Total Paid	\$62.00
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10 Pages

120 - 129