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FAYETTE CO, KY FEE \$59.00
PRESENTED / LODGED: 08-07-2023 08:58:28 AM

RECORDED: 08-07-2023
SUSAN LAMB
CLERK
BY: EMILY GENTRY
DEPUTY CLERK

BK: DB 4030
PG: 241-248

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 31st day of July, 2023, by and between **KIMBERLY K. HEERSCHE and DAVID B. TEMPLAR, husband and wife**, 298 Rosemont Garden, 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 THOUSAND DOLLARS AND 00/100 CENTS (\$1,000.00)**, 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 Grantee, its successors and assigns, permanent right to excavate, grade, construct, alter, re-grade and perform

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

related work for the purpose of sanitary sewer improvements and construction, installation, repair, maintenance 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 Trunk G
Sewer Improvement Project
(a portion of 298 Rosemont Garden)

Tract A

All that strip or parcel of land situated on the south side of Rosemont Garden, southeast of its intersection with Southport Drive in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at a point in the southerly right-of-way line of Rosemont Garden, said point being a common corner with Tract II as shown in the Final Record Plat for a division of a portion of the W. U. Turner Estate Property (Plat Cabinet D, Slide 675);

Thence leaving the southerly right-of-way line of Rosemont Garden, with the easterly property line of Tract II, South 31°22'40" West, a distance of 109.87 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving the easterly property line of Tract II, with a new permanent sanitary sewer easement line through the lands of David B. Templar and Kimberly K. Heersche, husband and wife, South 42°55'10" East, a distance of 38.37 feet to a point in the northerly property line of Lexington-Fayette Urban County Government (Plat Cabinet H, Slide 783);

Thence with the northerly property line of Lexington-Fayette Urban County Government, North 58°13'20" West, a distance of 36.94 feet to a common corner with the aforesaid Tract II;

Thence with the easterly property line of Tract II, North 31°22'40" East, a distance of 10.13 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 0.004 Acres (187 sq. ft.) of permanent easement; and

Tract A, being a portion of the same property conveyed to Kimberly K. Heersche and David B. Templar, wife and husband, by Deed dated March 2, 2020, of record in Deed Book 3740, Page 560, 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, Grantors have **BARGAINED** and **SOLD** and do 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, repair, maintenance 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 Trunk G
Sewer Improvement Project
(a portion of 298 Rosemont Garden)

Tract B

All that strip or parcel of land situated on the south side of Rosemont Garden, southeast of its intersection with Southport Drive in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows, to wit:

BEGINNING, at a point in the southerly right-of-way line of Rosemont Garden, said point being a common corner with Tract II as shown in the Final Record Plat for a division of a portion of the W. U. Turner Estate Property (Plat Cabinet D, Slide 675);

Thence leaving the southerly right-of-way line of Rosemont Garden, with the easterly property line of Tract II, South 31°22'40" West, a distance of 109.87 feet to the **TRUE POINT OF BEGINNING**;

Thence with the easterly property line of Tract II, North 31°22'40" East, a distance of 10.39 feet to a point;

Thence leaving the easterly property line of Tract II, with a new temporary construction easement line through the lands of David B. Templar and Kimberly K. Heersche, husband and wife, South 42°55'10" East, a distance of 62.32 feet to a point in the westerly property line of Amber L. Spencer (Deed Book 3955, Page 97);

Thence with the westerly property line of Amber L. Spencer, South 31°22'40" West, a distance of 4.07 feet to a point in the northerly property line of Lexington-Fayette Urban County Government (Plat Cabinet H, Slide 783);

Thence with the northerly property line of Lexington-Fayette Urban County Government, North 58°13'20" West, a distance of 23.06 feet to a point;

Thence leaving the northerly property line of Lexington-Fayette Urban County Government, with a new permanent sanitary sewer easement line through the lands of David B. Templar and Kimberly K. Heersche, husband and wife, North 42°55'10" West, a distance of 38.37 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 0.013 Acres (550 sq. ft.) of temporary construction easement; and

Tract B, being a portion of the same property conveyed Kimberly K. Heersche and David B. Templar, wife and husband, by Deed dated March 2, 2020, of record in Deed Book 3740, Page 560, 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.

TOGETHER with the right to use the above-described easements during the time the sanitary sewer is being constructed, repaired or reconstructed, with the right of

ingress and egress upon said easements as may be reasonably necessary for the construction and maintenance of said project.

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 they will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 308-2023, passed by the Lexington-Fayette Urban County Council on June 15, 2023. 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:

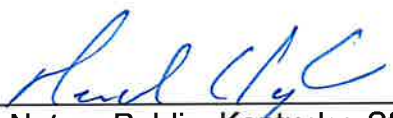
BY: 
KIMBERLY K. HEERSCHÉ

BY: 
DAVID B. TEMPLAR

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by
Kimberly K. Heersche and David B. Templar, wife and husband, on this the 31st day of
July, 2023.



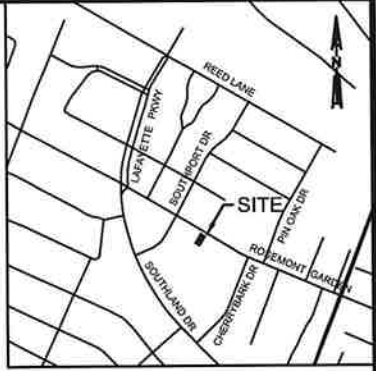
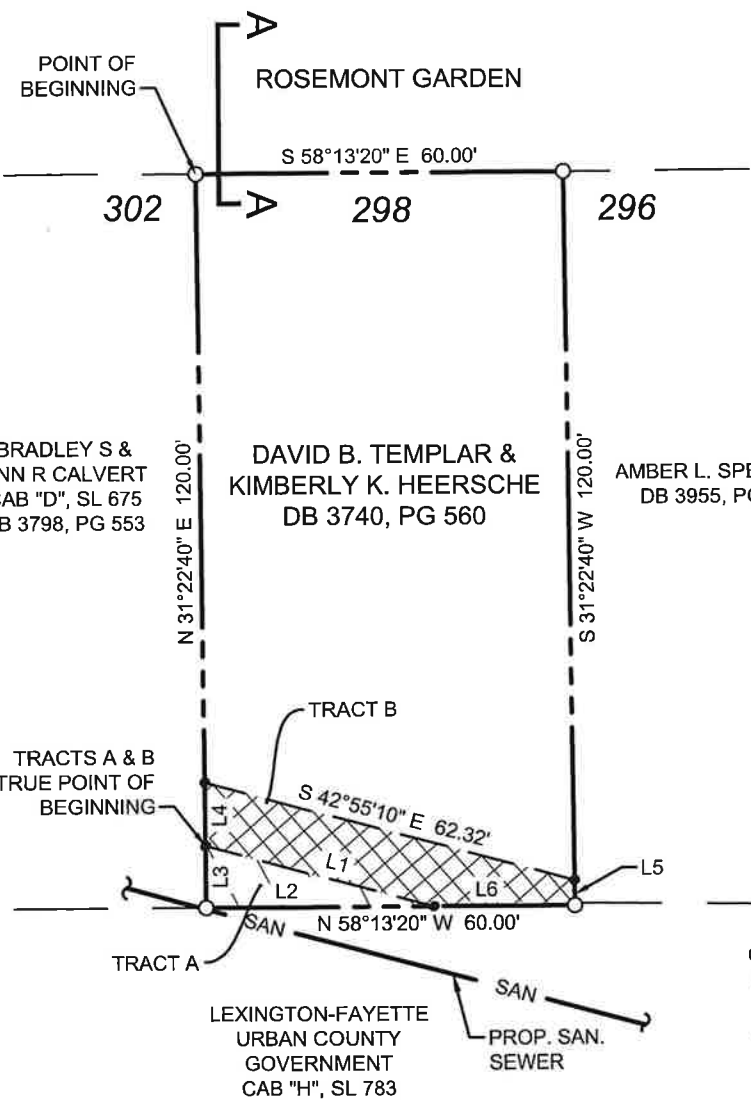

Notary Public, Kentucky, State-at-Large
My Commission Expires: 05/10/2025
Notary ID # KYNP27704

PREPARED BY:



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

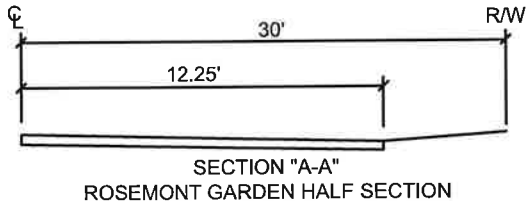
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EASEMENT LINE TABLE		
LINE #	LENGTH	BEARING
L1	38.37'	S 42°55'10" E
L2	36.94'	N 58°13'20" W
L3	10.13'	N 31°22'40" E
L4	10.39'	N 31°22'40" E
L5	4.07'	S 31°22'40" W
L6	23.06'	N 58°13'20" W

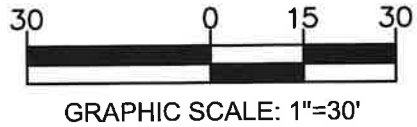
TEMP. ESMT. AREA
550 SQ. FT. (0.013 AC)

PERM. ESMT. AREA
187 SQ. FT. (0.004 AC)



NOTES:

1. THE PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON ARE BASED ON THE RECORD DESCRIPTION (DEED BOOK 3740, PAGE 560) 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 ZONE AS OBSERVED FROM KYCORS STATION "KYTG" USING A TRIMBLE MODEL R12, DUAL FREQUENCY RECEIVER.
2. 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.
3. THIS INFORMATION DOES NOT CONSTITUTE A BOUNDARY SURVEY AND SHALL NOT BE USED FOR PURPOSES OF LAND TRANSFER.



SANITARY SEWER EASEMENT EXHIBIT
DAVID B. TEMPLAR & KIMBERLY K. HEERSCHKE
298 ROSEMONT GARDEN
WOLF RUN TRUNK G SEWER IMPROVEMENTS
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KENTUCKY

SA STRAND ASSOCIATES

FIGURE 1

2815.298

MAY 2023