

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 9th day of May, 2022, by and between **MONA FAYE HUBER (a/k/a MONA TURNER HUBER)**, a single person, **AND WILLIAM ASHLEY TURNER and SHARON D. TURNER**, husband and wife, **AND HUGH DAVID TURNER**, a single person, 1280 McKee Gin Road, Watkinsville, GA 30677, 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 **EIGHT HUNDRED SEVENTY-EIGHT DOLLARS AND 01/100 CENTS (\$878.01)**, and other good and valuable consideration,

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

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 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
East Hickman Force
Main Replacement Project
(a portion of 2060 Armstrong Mill Road)

BEGINNING, at a corner on the southeast property line shared with Shoofly Properties, LLC, approximately 79.4 feet northeast of the southern property corner; thence 38.37 feet at a bearing of N 34°08'50" E, along the southeast property line; thence 139.51 feet at a bearing of S 65°28'31" W, to the southwest property line; thence 23.25 feet at a bearing of S 55°10'22" E; thence 94.89 feet at a bearing of N 65°26'40" E, to the **POINT OF BEGINNING**; and,

The above-described parcel contains 2,340.73 sq. ft. of permanent easement; and

Being a portion of the property conveyed to (i) Mona Huber (a/k/a Mona Faye Huber) and Thomas Huber, wife and husband and (ii) Hugh J. Turner, II and Janice Turner, husband and wife, each couple having in undivided ½ interest, jointly, with right-of-survivorship, his or her heirs and assigns, in fee simple, by Deed dated July 1, 2002, of record in Deed Book 2290, Page 120, in the Fayette County Clerk's Office. Said Thomas Huber (a/k/a Thomas Lee Huber) died intestate a resident of Watkinsville, Oconee County, Georgia on February 4, 2021. His interest in the property vests to his wife, Mona Turner Huber (a/k/a Mona Faye Huber) by right-of-survivorship. Further, Hugh J. Turner, II died testate a resident to Lexington, Fayette County, Kentucky on October 13, 2017, by the terms of his Will recorded in Will Book 362, Page 640, in the Fayette County Clerk's Office, the property

was devised to his wife, Janice H. Turner (a/k/a Janice Louise Turner). Said Janice H. Turner, died intestate, a resident of Lexington, Fayette County, Kentucky on August 11, 2020. Her interest in the property vests to two (2) sons: (i) William Ashley Turner and Sharon D. Turner, his wife and (ii) Hugh David Turner, a single person, both equally.

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
East Hickman Force
Main Replacement Project
(a portion of 2060 Armstrong Mill Road)

Tract No. 1

BEGINNING, at a point on the southeast property line shared with Timothy & Kristen Obrien, approximately 60.3 feet northeast of the southern property corner; thence 5.96 feet at a bearing of N 32°44'13" E, along the southeast property line; thence 13.13 feet at a bearing of N 34°08'50" E, along the southeast property line; thence 94.89 feet at a bearing of S 65°28'31" W, to the southwest property line; thence 11.71 feet at a bearing of S 55°51'30" E; thence 72.57 feet, at a bearing of N 65°28'31" E, to the **POINT OF BEGINNING**; and,

Tract No. 2

BEGINNING, at a point on the southeast property line shared with Shoofly Properties, LLC, approximately 117.8 feet northeast of the southern property corner; thence 19.23 feet at a bearing of N 34°08'50" E, along the southeast property line; thence 161.72 feet at a bearing of S 65°28'31" W, to the southwest property line; thence 11.55 feet at a bearing of S 54°33'28" E; thence 139.51 feet at a bearing of N 65°28'31" E, to the **POINT OF BEGINNING**; and,

The above described Tract No. 1 and 2 contains 2,342.61 sq. ft. of temporary construction easement; and

Being a portion of the property conveyed to (i) Mona Huber (a/k/a Mona Faye Huber) and Thomas Huber, wife and husband and (ii) Hugh J. Turner, II and Janice Turner, husband and wife, each couple having in undivided ½ interest, jointly, with right-of-survivorship, his or her heirs and assigns, in fee simple, by Deed dated July 1, 2002, of record in Deed Book 2290, Page 120, in the Fayette County Clerk's Office. Said Thomas Huber (a/k/a Thomas Lee Huber) died intestate a resident of Watkinsville, Oconee County, Georgia on February 4, 2021. His interest in the property vests to his wife, Mona Turner Huber (a/k/a Mona Faye Huber) by right-of-survivorship. Further, Hugh J. Turner, II died testate a resident to Lexington, Fayette County, Kentucky on October 13, 2017, by the terms of his Will recorded in Will Book 362, Page 640, in the Fayette County Clerk's Office, the property was devised to his wife, Janice H. Turner (a/k/a Janice Louise Turner). Said Janice H. Turner, died intestate, a resident of Lexington, Fayette County, Kentucky on August 11, 2020. Her interest in the property vests to two (2) sons: (i) William Ashley Turner and Sharon D. Turner, his wife and (ii) Hugh David Turner, a single person, both equally.

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 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 that they will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 153-2022, passed by the Lexington-Fayette Urban County Council on March 17, 2022. 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: MONA Faye HuBER
MONA Turner HuBER
MONA FAYE HUBER (a/k/a
MONA TURNER HUBER)

STATE OF GEORGIA)
)
COUNTY OF OCONEE)

This instrument was acknowledged, subscribed and sworn to before me by Mona Faye Huber (a/k/a Mona Turner Huber), a single person, on this the 9th day of May, 2022.

Amy Hagin
Notary Public, Georgia, State-at-Large

My Commission Expires: 8/10/23



GRANTORS:

BY: *William A. Turner*
WILLIAM ASHLEY TURNER

BY: *Sharon Turner*
SHARON D. TURNER

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

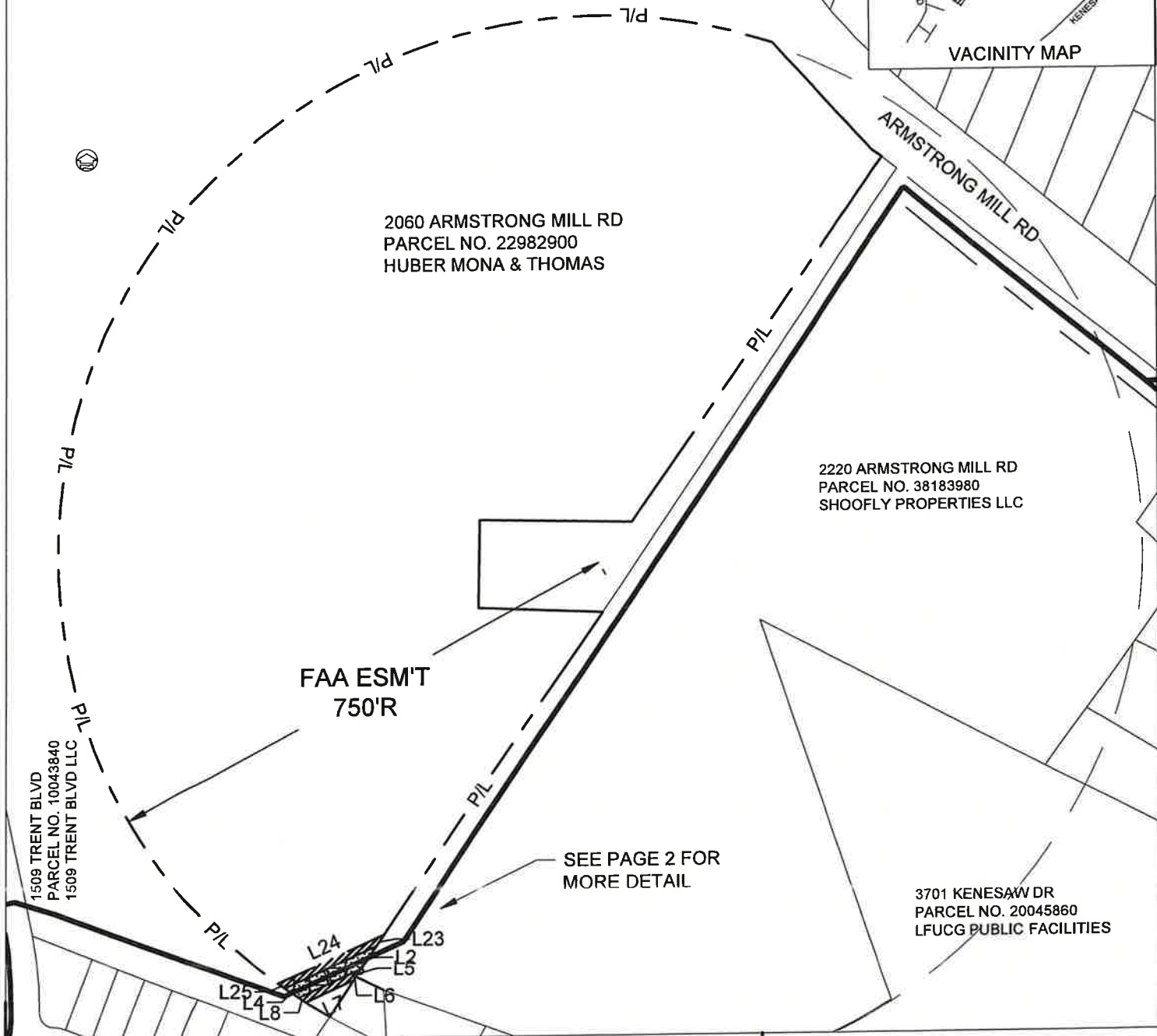
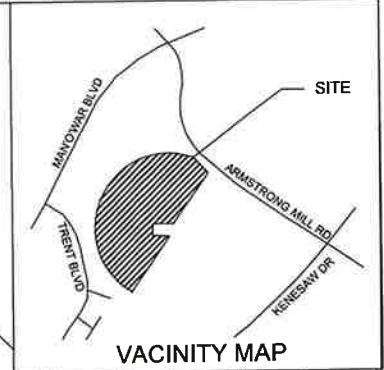
This instrument was acknowledged, subscribed and sworn to before me by William Ashley Turner and Sharon D. Turner, husband and wife, on this the 16th day of JUNE, 2022.



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

NOTES:

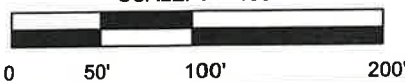
1. THE PURPOSE OF THIS EXHIBIT IS TO DELINEATE A PROPOSED CONVEYANCE FOR A SANITARY SEWER EASEMENT TO LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.
2. THIS INFORMATION DOES NOT CONSTITUTE A BOUNDARY SURVEY AND SHALL NOT BE USED FOR PURPOSES OF LAND TRANSFER.



LEGEND:

- NEW PERMANENT UTILITY EASEMENT (2340.73 SQ FT)
- TEMPORARY CONSTRUCTION EASEMENT (2342.61 SQ FT)
- PROPOSED SEWER LINE

SCALE: 1"= 100'



**SANITARY SEWER
EASEMENT EXHIBIT**

SEPT 14, 2021
MONA & THOMAS HUBER
2060 ARMSTRONG MILL RD
LEXINGTON, KY 40515

**LFUCG
DIVISION OF WATER QUALITY
EAST HICKMAN FORCE MAIN
RMP PROJECT NO. EH-01**

200 E MAIN STREET
LEXINGTON, KY 40507



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.

PARCEL LINE DATA

LINE #	BEARING	DISTANCE
L1	S65°28'31"W	139.51'
L2	N34°08'50"E	38.37'
L3	N65°26'40"E	94.89'
L4	S55°10'22"E	23.25'
L5	N34°08'50"E	13.13'
L6	N32°44'13"E	5.96'
L7	N65°28'31"E	72.57'
L8	N55°51'30"W	11.71'
L23	N34°08'50"E	19.23'
L24	N65°28'31"E	161.72'
L25	N54°33'28"W	11.55'

2060 ARMSTRONG MILL RD
 PARCEL NO. 22982900
 HUBER MONA & THOMAS




2220 ARMSTRONG MILL RD
 PARCEL NO. 38183980
 SHOOFLY PROPERTIES LLC

1509 TRENT BLVD
 PARCEL NO. 10043840
 1509 TRENT BLVD LLC

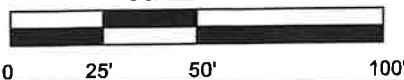
2544 ABBEYWOOD PL
 PARCEL NO. 20085010
 OBRIEN TIMOTHY J & KRISTEN B

2540 ABBEYWOOD PL
 PARCEL NO. 20085020
 LANG ANGELA MARIE

LEGEND:

-  - NEW PERMANENT UTILITY EASEMENT (2340.73 SQ FT)
-  - TEMPORARY CONSTRUCTION EASEMENT (2342.61 SQ FT)
-  - PROPOSED SEWER LINE

SCALE: 1"= 50'



**SANITARY SEWER
 EASEMENT EXHIBIT**

SEPT 14, 2021
 MONA & THOMAS HUBER
 2060 ARMSTRONG MILL RD
 LEXINGTON, KY 40515

**LFUCG
 DIVISION OF WATER QUALITY
 EAST HICKMAN FORCE MAIN
 RMP PROJECT NO. EH-01**

200 E MAIN STREET
 LEXINGTON, KY 40507



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: MELISSA STELTER ,dc

202206220124

June 22, 2022 13:38:52 PM

Fees	\$65.00	Tax	\$.00
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Total Paid	\$65.00
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11 Pages

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