

FAYETTE CO, KY FEE \$53.00

SUSAN LAMB  
COUNTY CLERK

PRESENTED/LODGED: 07/17/2024 10:03:51 AM

HALLIE WOOSLEY, DEPUTY CLERK 202407170167

BK: DB 4083  
PG: 162-167



**TEMPORARY CONSTRUCTION EASEMENT**

This **TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 15<sup>TH</sup> day of JULY, 2024, by and between **COLIN E. PEETS and TRACY L. PEETS, husband and wife**, 1008 Castleton Way, Lexington, Kentucky 40517, which is the in-care of tax mailing address for the current year ("Grantors"), and **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky 40507, ("Grantee").

**WITNESSETH:**

That for and in consideration of the sum of **FIVE HUNDRED DOLLARS AND 00/100 (\$500.00)**, 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, temporary right to excavate, grade, construct, alter, re-grade and perform

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

related work for the purpose of sanitary sewer improvements and construction, 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:

**Temporary Construction Easement**  
**Merrick Trunk Sewer**  
**Improvement Project**  
**(a portion of 1008 Castleton Way)**

All that tract or parcel of land situated at the rear of 1008 Castleton Way in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to-wit:

**BEGINNING**, at the common corner at the rear of Colin E. Peets and Tracy L. Peets (1008 Castleton Way, Deed Book 2272, Page 35) and Jennifer Christmann (1010 Castleton Way, DB 2773, Page 104), said point having NAD 83 Kentucky State Plane North Zone (2011) coordinates of North 177,047.81 and East 1,570,291.76; thence with said Christmann, North 43°55'27" East, 7.67 feet to the **TRUE POINT OF BEGINNING**; thence leaving said Christmann for three (3) new lines through the lands of said Peets:

1. North 07°32'33" West, 98.52 feet to a point,
2. South 61°42'28" East, 13.16 feet to a point,
3. South 08°14'46" East, 81.53 feet to a point in the line with said Christmann;

Thence with said Christmann, South 43°55'27" West, 14.91 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 1,006 square feet or 0.02 Acre, more or less of temporary construction easement; and

Being a portion of the property conveyed to Colin E. Peets and Tracy L. Peets, husband and wife, by Deed dated March 29, 2002, of record in Deed Book 2272, Page 35, 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 Grantors. The temporary construction easement shall take effect upon the commencement of construction of the project and will expire upon the completion of the project, or maintenance thereof.

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 interest conveyed herein, including all exemptions allowed by law, and does 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 same as herein done, and that it will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 312-2023, passed by the Lexington-Fayette Urban County Council on June 15, 2023. Pursuant to KRS 382.135(2)(a), this temporary construction easement, which pertains to a public utility, need not contain a statement of consideration.

**IN TESTIMONY WHEREOF**, the Grantors have signed this Temporary Construction Easement, this the day and year first above written.

GRANTORS.

*Colin Peets*

COLIN E. PEETS

*Tracy L. Peets*

TRACY L. PEETS

COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )

This instrument was acknowledged, subscribed and sworn to before me by Colin E. Peets and Tracy L. Peets, husband and wife, on this the 15<sup>th</sup> day of July, 2024.

*Melena Tracy Mattox*

Notary Public, Kentucky, State-at-Large

My Commission Expires: 7/20/27

Notary ID # 76089

PREPARED BY:

*Evan P. Thompson*

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



0' 40' 80' 120'



GRAPHIC SCALE: 1" = 40'

TEMP. CONST. ESMT.

STATE PLANE

GRANT CAMERON REA  
WHITTY REA  
1006 CASTLETON WY  
DB 3782 PG 483

CASTLETON WAY

PAUL R. FOUSER  
3506 TATES CREEK ROAD  
DB 2319 PG 324

COLIN E & TRACY L PEETS  
1008 CASTLETON WAY  
DB 2272 PG 35

10' SAN. E.  
CAB. C. SL 110

12' U.E. CAB C SL 110

TEMP. CONST. E.  
1006 SQ.FT.  
(GROSS & NET)

B & D INVESTMENTS LLC  
3508 TATES CREEK ROAD  
DB 3601 PG 5

JENNIFER CHRISTMANN  
1010 CASTLETON WAY  
DB 2773 PG 104

P.O.B.  
N:177047.81  
E:1570291.76

TRUE  
P.O.B.

12' U.E. CAB D SL 590

REV. DATE: 5/30/24

MERRICK TRUNK SEWER PROJECT  
SANITARY SEWER EASEMENTS  
COLIN E & TRACY L PEETS  
1008 CASTLETON WAY

LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 1 OF 2

K:\200126 - West Hickman Trunk Sewers\Survey Info\Working Drawings\Easements\200126 Easements - Kurt\_SSM Tates Creek.dwg  
Day & Time: May 30, 2024 - 12:54pm  
Login Name: jchombias



651 Perimeter Drive Suite 300  
Lexington, KY 40517  
Phone (859) 368-0145  
www.primeeng.com

LINE	BEARING	DISTANCE
L1	N 07°32'33" W	98.52'
L2	S 61°42'28" E	13.16'
L3	S 08°14'46" E	81.53'
L4	S 43°55'27" W	14.91'
L5	N 43°55'27" E	7.67'



VICINITY MAP N.T.S.

EX. PERM ESMT.=N/A  
 PROP. PERM. ESMT.=N/A

PROP. TEMP. ESMT.(GROSS)=1,006 SQ.FT.  
PROP. TEMP. ESMT.(NET)=1,006 SQ.FT.

**LAND SURVEYOR'S CERTIFICATE:**

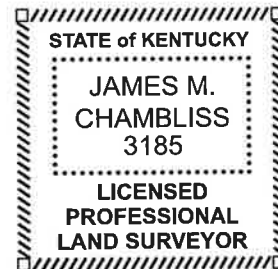
THE PROPERTY LINES SHOWN ON THIS EASEMENT EXHIBIT ARE BASED ON DEED AND/OR RECORD PLAT DATA FROM THE FAYETTE COUNTY CLERK'S OFFICE. THIS EXHIBIT DOES NOT REPRESENT A BOUNDARY SURVEY AS DESCRIBED IN 201 KAR 18:150 AND PRIME AE GROUP HAS NOT PERFORMED A BOUNDARY SURVEY FOR THE PURPOSES OF THIS EXHIBIT.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

**James M. Chambliss, PLS**

Digitally signed by James M. Chambliss,  
 PLS  
 Date: 2024.05.30 12:43:52 -04'00'

**JAMES M. CHAMBLISS, PLS 3185**

**DATE**



REV. DATE: 5/30/24



651 Perimeter Drive Suite 300  
 Lexington, KY 40517  
 Phone (859) 368-0145  
 www.primeeng.com

MERRICK TRUNK SEWER PROJECT  
 SANITARY SEWER EASEMENTS  
 COLIN E & TRACY L PEETS  
 1008 CASTLETON WAY  
 LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 2 OF 2