

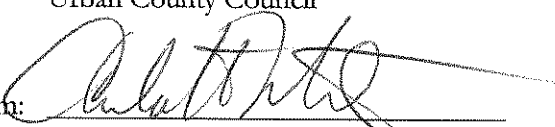


Lexington-Fayette Urban County Government
DEPARTMENT OF PUBLIC WORKS & ENVIRONMENTAL QUALITY

Jim Gray
Mayor

Richard Moloney
Commissioner

To: Mayor Jim Gray
Urban County Council

From: 
Charles H. Martin, P.E., Director
Division of Water Quality

Date: February 25, 2013

RE: Grant of a Permanent Ingress and Egress Easement at 3316 Buckhorn Drive to Kentucky American Water Company (KAWC)

The purpose of this memorandum is to request approval of a permanent ingress and egress easement granted to KAWC for the purpose of accessing KAWC's Jacobson Pumping Station.

In valuable consideration for this easement, LFUCG receives:

- A permanent sanitary sewer easement crossing KAWC property and serving the proposed Blue Sky force main.
- KAWC commitment to assist LFUCG in the relocation of an existing sanitary sewer easement serving LFUCG's Eastlake sanitary trunk sewer. Replacement of this trunk sewer is required by the Consent Decree and the relocation of the existing easement should reduce overall project costs substantially.

Questions regarding this agreement should be directed to Charles Martin at 425-2455.

INGRESS & EGRESS EASEMENT

KNOW ALL MEN BY THESE PRESENTS, on this _____ day of _____, 20____, that the undersigned Lexington-Fayette Urban County Government, a/k/a LFUCG, an urban county government of the Commonwealth of Kentucky pursuant to Chapter 67A of the Kentucky revised Statutes, with a mailing address of 200 E. Main Street, Lexington, KY 40507 (“GRANTOR”), owner of Parcel B of the Public Acquisition Minor Plat of record in Plat Cabinet I Slide 313 in the Fayette County Clerk’s Office and certain real estate described in Deed Book 1195 Page 653, having acquired title to the aforementioned real estate by deeds recorded in Deed Book 1589 Page 238 and Deed Book 1195, Page 653 of the Fayette County Recorder’s Office, for and in consideration of the sum of One Dollar (\$1.00) to them in hand paid by the Kentucky-American Water Company, a Kentucky corporation with offices located at 2300 Richmond Road, Lexington, KY 40502 (“GRANTEE”), the receipt of which is hereby acknowledged, and for other good and valuable considerations do by these presents grant, sell, convey, and confirm, unto GRANTEE, its successors and assigns, an easement for the purpose of ingress and egress on the strip or strips of ground described as shown hachured ///// on the attached "Easement Plat," marked Exhibit A (“Ingress & Egress Easement”), which is initialed by the undersigned and made a part hereof.

GRANTEE, its agents and contractors, shall have the right to use GRANTOR’S paved access road located within the limits of this Ingress & Egress Easement, with or without vehicles and equipment. GRANTEE, its agents and contractors, shall also have the right to install and maintain a driveway consisting of gravel, rock and/or pavement within the limits of this Ingress & Egress Easement that will connect and extend from said GRANTOR’S paved access road and will extend into GRANTEE’S property.

IN WITNESS WHEREOF, this instrument has been executed on this _____ day of _____, 20____.

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

BY: _____
Jim Gray, Mayor

ATTEST:

Susan Lamb, County Council Clerk

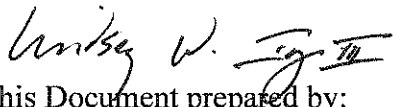
STATE OF KENTUCKY)
) SS
COUNTY OF _____)

On this _____ day of _____, 20____, before me appeared _____, to me known, who, being by me duly sworn did say that he is the Mayor of Lexington-Fayette Urban County Government, and that and that said instrument was signed in behalf of the Lexington-Fayette Urban County Government by authority of Ordinance/Resolution No. _____ passed _____, 20__.

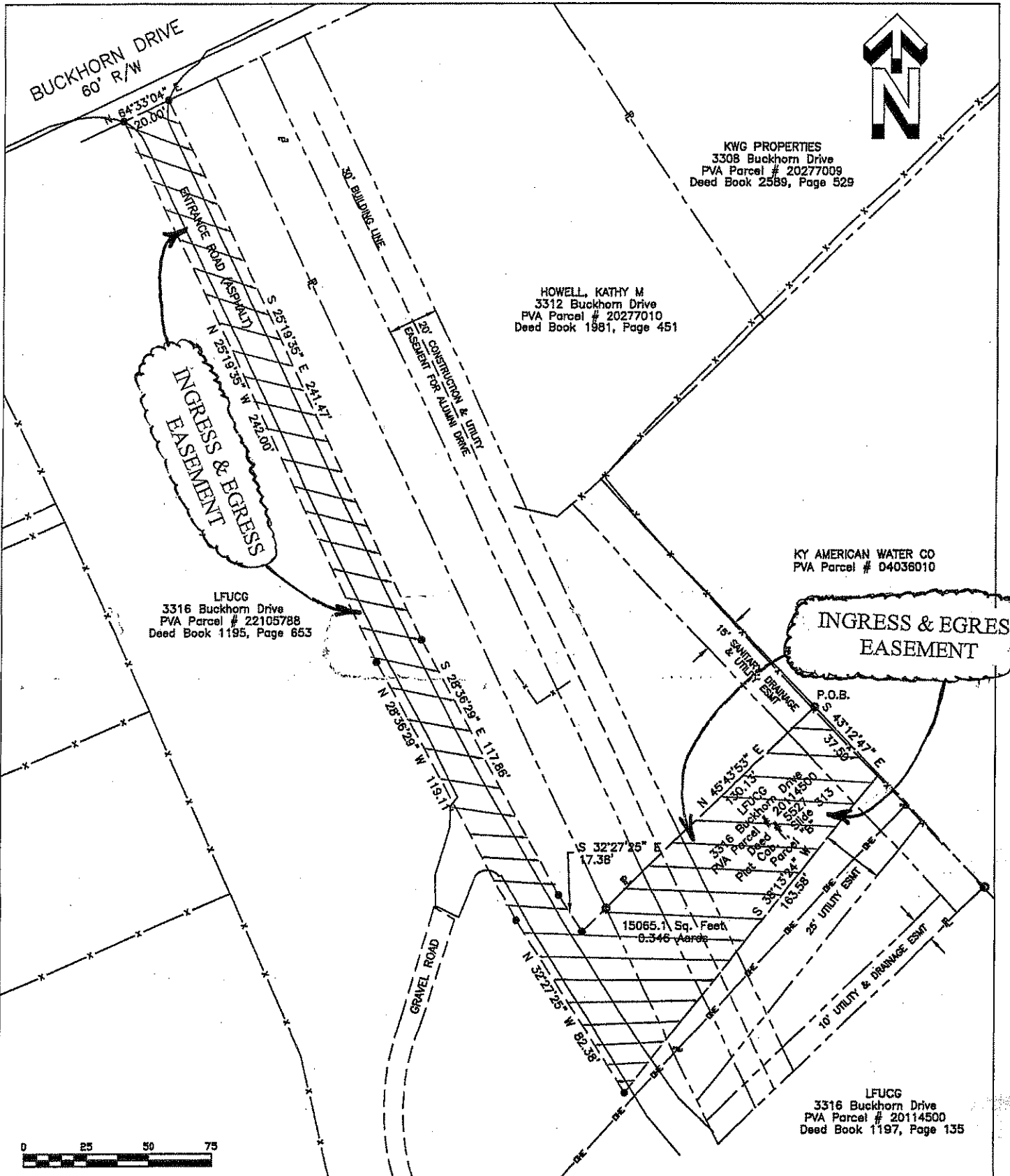
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

My commission expires _____

Notary Public


This Document prepared by:
Lindsey W. Ingram III
Stoll Keenon Ogden PLLC
300 W. Vine St. Suite 2100
Lexington, KY 40507

Reasonable care has been taken to redact any Social Security Numbers in this document.
When recorded please return to Zachery Dukes, 2300 Richmond Road, Lexington, KY 40502.



KWG PROPERTIES
 3308 Buckhorn Drive
 PVA Parcel # 20277009
 Deed Book 2589, Page 529

HOWELL, KATHY M
 3312 Buckhorn Drive
 PVA Parcel # 20277010
 Deed Book 1981, Page 451

LFUGG
 3316 Buckhorn Drive
 PVA Parcel # 22105788
 Deed Book 1195, Page 653

KY AMERICAN WATER CO
 PVA Parcel # 04036010

INGRESS & EGRESS
 EASEMENT

P.O.B.

15065.11 Sq. Feet
 0.346 Acres

LFUGG
 3316 Buckhorn Drive
 PVA Parcel # 20114500
 Deed Book 1197, Page 135

GRW PROJECT NO. 2078-837		CLIENT PROJECT NO. XXXX		DESIGNED: JWM
REVISIONS				DRAWN: JWM
NO.	DESCRIPTION	DATE	BY	REVIEWED: LER
				APPROVED: LER
SCALE CHECK: THIS MARK SHOULD MEASURE EXACTLY 1/2" WHEN PLOTTED				

PERMANENT-AGCESS-EASEMENT
 LFUGG TO KENTUCKY
 AMERICAN WATER CO.
 3316 BUCKHORN DRIVE
 LEXINGTON, KENTUCKY

ENGINEERS - ARCHITECTS - PLANNERS
 www.grwinc.com

ALL RIGHTS RESERVED
 THIS DOCUMENT IS THE PROPERTY OF GRW ENGINEERS, INC. AND SHALL
 NOT BE REPRODUCED IN WHOLE OR IN PART OR USED FOR CONSTRUCTION
 OF OTHER THAN THIS SPECIFIC PROJECT WITHOUT WRITTEN PERMISSION

DATE: FEB-5-2013
SCALE: 1" = 50'
SHEET NO.

EXHIBIT "A"

EXHIBIT "A"
EASEMENT DESCRIPTION
PERMANENT ACCESS EASEMENT
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
TO
KENTUCKY AMERICAN WATER COMPANY
3316 BUCKHORN DRIVE
LEXINGTON, KENTUCKY

The herein described Permanent Access Easement is approximately 555.5 feet in length with variable width from 20 to 59 feet. The easement commences at the southeastern right-of-way of Buckhorn Drive, approximately 50 feet northeast of the intersection of Buckhorn Drive and Alumni Drive, then crosses the Lexington-Fayette Urban County Government (LFUCG) property (D.B.1195, P.653), being centered along an existing asphalt access road to a pump station and then across a parcel acquired by LFUCG by Deed # 5527 (Plat Cab. I, Slide 313 Parcel "B").

Beginning at the northeastern property corner of the LFUCG property, a common corner to LFUCG and Kathy Howell (D.B. 1981, P.451), a found rebar and cap stamped "LFUCG" in the property line with Kentucky American Water Company property, having Kentucky North Zone Coordinates NAD83 (NSRS 2007) of N: 174,455.61 (USFt), E: 1,582,081.27 (USFt);

Thence with the said common property line of LFUCG and Kentucky American Water Company, South 43 degrees 12 minutes 47 seconds East a distance of 37.50 feet to the northwest line of an existing 25-foot utility easement across the LFUCG property (Parcel "B") ;

Thence with the northwestern line of the existing 25-foot utility easement and crossing the existing access road, South 38 degrees 13 minutes 24 seconds West a distance of 163.58 feet to a point in southwestern line of the new permanent access easement;

Thence with the southwestern line of the permanent access easement, being southwest of the existing access road, for three calls:

1. North 32 degrees 27 minutes 25 seconds West a distance of 82.38 feet to a point;
2. North 28 degrees 36 minutes 29 seconds West a distance of 119.11 feet to a point;
3. North 25 degrees 19 minutes 35 seconds West a distance of 242.00 feet to a point in the southeastern right-of-way of Buckhorn Drive;

Thence with the right-of-way of Buckhorn Drive, North 64 degrees 33 minutes 04 seconds East a distance of 20.00 feet to a point;

Thence with the northeastern line of the permanent access easement, being northeast of the existing access road for three calls:

1. South 25 degrees 19 minutes 35 seconds East a distance of 241.47 feet to a point;
2. South 28 degrees 36 minutes 29 seconds East a distance of 117.86 feet to a point;
3. South 32 degrees 27 minutes 25 seconds East a distance of 17.38 feet to a point along the extended common property line of LFUCG and Kathy Howell (D.B. 1981, P.451);

Thence along the extended common property line of LFUCG and Kathy Howell (D.B. 1981, P.451), North 45 degrees 43 minutes 53 seconds East, passing a found rebar at 13.50 feet, a common corner to LFUCG and Kathy Howell (D.B. 1981, P.451), then continuing a total distance of 130.13 feet to a found rebar and cap, the true point of beginning, containing 15,065.11 square feet or 0.346 acres, more or less.

Subject to all legal easements, rights of way, and restrictions of record.