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FAYETTE CO, KY FEE \$68.00

PRESENTED / LODGED: 03-01-2023 08:59:54 AM

RECORDED: 03-01-2023

SUSAN LAMB
CLERK

BY: HALLIE WOOSLEY
DEPUTY CLERK

BK: DB 4004

PG: 67-77

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 21ST day of FEBRUARY, 2023, by and between **SQUIRE MILL TOWNHOMES, LLC**, a Kentucky **limited liability company**, 3399 Tates Creek Road, Suite 209, Lexington, 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 **SEVEN THOUSAND NINTEY-EIGHT DOLLARS AND 80/100 CENTS (\$7,098.80)**, 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**

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

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 3550 Kenesaw Drive)

Tract No. 1

BEGINNING, at a point on the northwest property line, approximately 6.63 feet northeast of where the existing sanitary sewer crosses the property line; thence 93.64 feet at a bearing of S 55°54'49" E; thence, 19.84 feet at a bearing of N 11°13'59" W; thence 76.59 feet at a bearing of N 55°43'15" W to a point on the northwest property line; thence, 14.51 feet along the property northwest property line at a bearing of S 45°47'32" W to the **POINT OF BEGINNING**; and,

Tract No. 2

BEGINNING, at a point on the southern boundary of the existing sanitary sewer easement, approximately 79.82 feet southeast from where the easement intersects with the northwest property line; thence, 20.71 feet at a bearing of S 11°13'59" E; thence, 203.39 feet at a bearing of 55°50'44" E; thence, 474.93 feet at a bearing of S 56°43'09" E; thence, 121.62 feet at a bearing of S 58°16'22" E; thence, 12.63 feet at a bearing of S 71°52'13" W to a point along the southern boundary of the existing sanitary sewer easement; thence, 133.09 feet along the southern boundary of the existing sanitary sewer easement at a bearing of N 58°13'02" W; thence, 474.91 feet along the southern boundary of the existing sanitary sewer easement at a bearing of N 56°37'02" W; thence, 217.73 feet along the southern boundary of the existing sanitary sewer easement at a bearing of N 55°55' 22" W to the **POINT OF BEGINNING**; and,

Tract No. 3

BEGINNING, a point on the northern boundary of the existing sanitary sewer easement, approximately 873.47 feet southeast of where the easement intersects with the northwest property line; thence, 26.09 feet along the northern boundary of the existing sanitary sewer easement at a bearing of S 58°13'02" E; thence, 29.38 feet at a bearing of N 71°44'19" E to a point of the eastern boundary of the existing sanitary sewer easement; thence, 28.54 feet along the eastern boundary of the existing sanitary sewer easement at a bearing of N 27°15'00" E; thence, 66.50 feet at a bearing of S 71°44'19" W to the **POINT OF BEGINNING**; and,

Tract No. 4

BEGINNING, at a point on the eastern boundary of the existing sanitary sewer easement, approximately 93.81 feet southwest of where the easement intersects with the northeastern property line; thence 28.47 feet along the eastern boundary of the existing sanitary sewer easement at a bearing of N 27°15'00" E; thence 12.59 feet at a bearing of N 71°52'13" E to a point on the southeastern property line; thence 28.44 feet along the southeastern property line at a bearing of S 27°11'32" W; thence, 12.63 feet at a bearing of S 71°52'13" W to the **POINT OF BEGINNING**; and,

The above-described Tract No. 1, 2, 3 and 4 contains 14,128.52 sq. ft. of permanent easement; and

Being a portion of the property conveyed to Squire Mill Townhomes, LLC, a Kentucky limited liability company, by Deed dated June 4, 2021, of record in Deed Book 3848, Page 625, 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 "B" and Exhibit "C", attached hereto, and more particularly described as follows:

Temporary Construction Easement
East Hickman Force
Main Replacement Project
(a portion of 3550 Kenesaw Drive)

Tract No. 1

BEGINNING, at a point on the northwest property line approximately 21.16 feet northeast of where the existing sanitary sewer intersects the northwest property line; thence, 10.13 feet at a bearing of N 48°45'33" E; thence, 78.14 feet at a bearing of S 55°52'23" E; thence, 34.06 feet at a bearing of S 11°13'59" E to a point on the northern boundary of the existing sanitary sewer easement; thence, 14.22 feet along the northern boundary of the existing sanitary sewer easement at a bearing of N 55°54'49" W; thence, 19.84 feet at a bearing of N 11°13'59" W; thence, 76.59 feet at a bearing of N 55°43'15" W to the **POINT OF BEGINNING**; and,

Tract No. 2

BEGINNING, at a point on the southern boundary of the existing sanitary sewer easement, approximately 65.60 feet southeast from where the easement intersects with the northwest property line; thence, 28.18 feet at a bearing of S 11°13'59" E to a point on the southwestern property line; thence, 814.57 feet along the southwestern property line at a bearing of S 56°28'04" E; thence, 29.90 feet at a bearing of N 71°44'19" E to a point on the southern boundary of the existing sanitary sewer easement; thence, 13.05 feet along the southern boundary of the existing sanitary sewer easement at a bearing of N 58°13'02" W; thence, 18.11 feet at a bearing of S 71°44'19" W; thence, 121.62 feet at a bearing of N 58°16'22" W; thence, 474.93 feet at a bearing of N 56°43'09" W; thence, 203.39 feet at a bearing of N 55°50'44" W; thence, 20.71 feet at a bearing of N 11°13'59" W to a point on the southern boundary of the existing sanitary sewer easement; thence, 14.22 feet along the southern boundary of the existing sanitary easement at a

bearing of N 55°55'22" W to the POINT OF BEGINNING;
and,

Tract No. 3

BEGINNING, at a point on the northern boundary of the existing sanitary sewer easement, approximately 873.47 feet away from the intersection of the easement and the northwestern property line; thence, 85.05 feet at a bearing of N 71°44'19" E to a point on the western boundary of the existing sanitary sewer easement; thence, 14.27 feet along the western boundary of the existing sanitary sewer easement at a bearing of S 27°15'00" W; thence, 66.50 feet at a bearing of S 77°44'19" W to a point on the northern boundary of the existing sanitary sewer easement; thence, 13.05 feet along the northern boundary of the existing sanitary sewer easement at a bearing of N 58°13'02" W to the POINT OF BEGINNING; and,

Tract No. 4

BEGINNING, at a point on the northern boundary of the existing sanitary sewer easement, approximately 912.45 feet away from the intersection of the easement and the northwestern property line; thence, 29.38 feet at a bearing of N 71°44'19" E to a point on the western boundary of the existing sanitary sewer easement; thence, 14.27 feet along the western boundary of the existing sanitary sewer easement at a bearing of S 27°15'00" W; thence, 10.85 feet at a bearing of S 71°41'29" W to a point on the northern boundary of the existing sanitary sewer easement; thence, 13.03 feet along the northern boundary of the existing sanitary sewer easement at a bearing of N 58°13'02" W to the POINT OF BEGINNING; and,

Tract No. 5

BEGINNING, at a point on the eastern boundary of the existing sanitary sewer easement, approximately 136.52 feet away from the intersection of the easement and the northeastern property line; thence, 14.24 feet along the eastern boundary of the existing sanitary sewer at a bearing of N 27°15'00" E; thence, 12.59 feet at a bearing of N 71°52'13" E to a point on the southeastern property line; thence, 14.23 feet along the southeastern property line at a bearing

of S 27°14'18" W; thence, 12.59 feet at a bearing of S 71°52' 13" W to the **POINT OF BEGINNING**; and,

Tract No. 6

BEGINNING, at a point on the eastern boundary of the existing sanitary sewer easement, approximately 93.81 feet away from the intersection of the easement and the northeastern property line; thence, 14.24 feet along the eastern boundary of the existing sanitary sewer at a bearing of N 27°15'00" E; thence, 12.59 feet at a bearing of N 71°52' 13" E to a point on the southeastern property line; thence, 14.23 feet along the southeastern property line at a bearing of S 27°14'18" W; thence, 12.59 feet at a bearing of S 71°52' 13" W to the **POINT OF BEGINNING**; and,

The above described Tract No. 1, 2, 3, 4, 5 and 6 contains 6,348.02 sq. ft. of temporary construction easement; and

Being a portion of the property conveyed to Squire Mill Townhomes, LLC, a Kentucky limited liability company, by Deed dated June 4, 2021, of record in Deed Book 3848, Page 625, 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 does 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 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 Grantor has signed this Deed of Easement, this the day and year first above written.

GRANTOR:

SQUIRE MILL TOWNHOMES, LLC, a
Kentucky limited liability company

BY: 

JOHN G. ATCHISON, III,
MEMBER

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by John G. Atchison, III, a Member, for and on behalf of Squire Mill Townhomes, LLC, a Kentucky limited liability company, on this the 21st day of FEBRUARY, 2023.



Michael Clayborne

Notary Public, Kentucky, State-at-Large

My Commission Expires: 05/10/2025
Notary ID # KYNP27704

PREPARED BY:

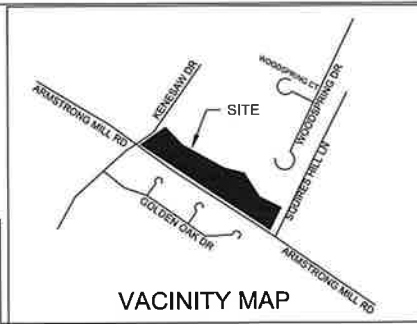
Evan P. Thompson

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

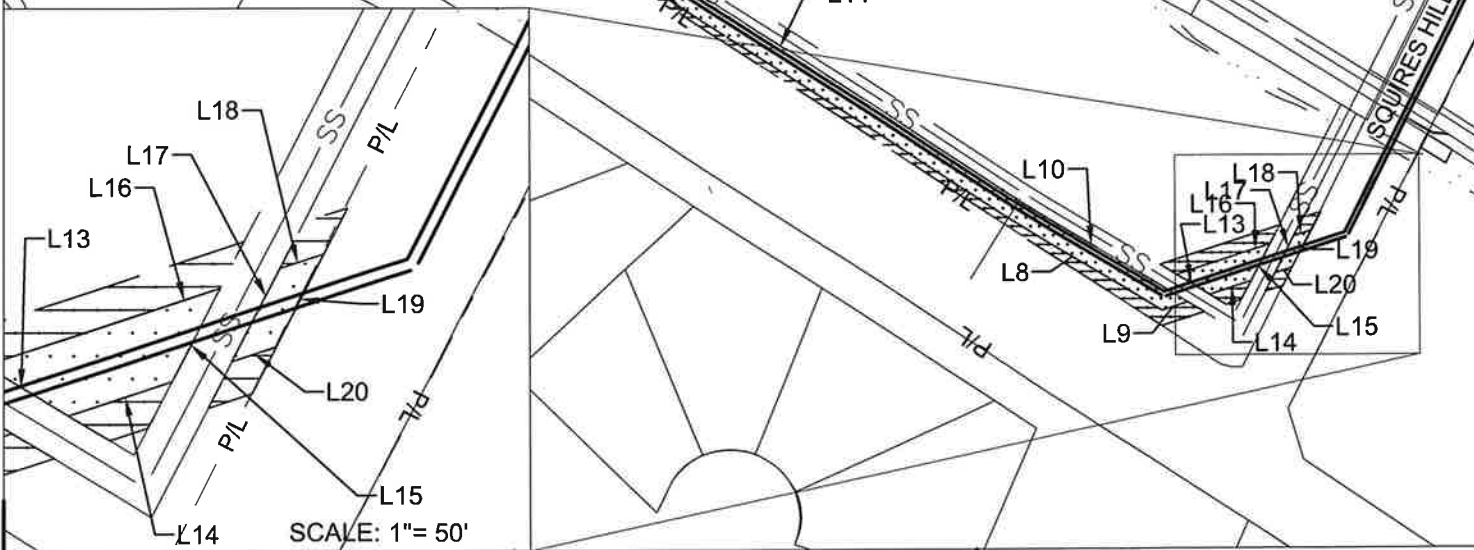
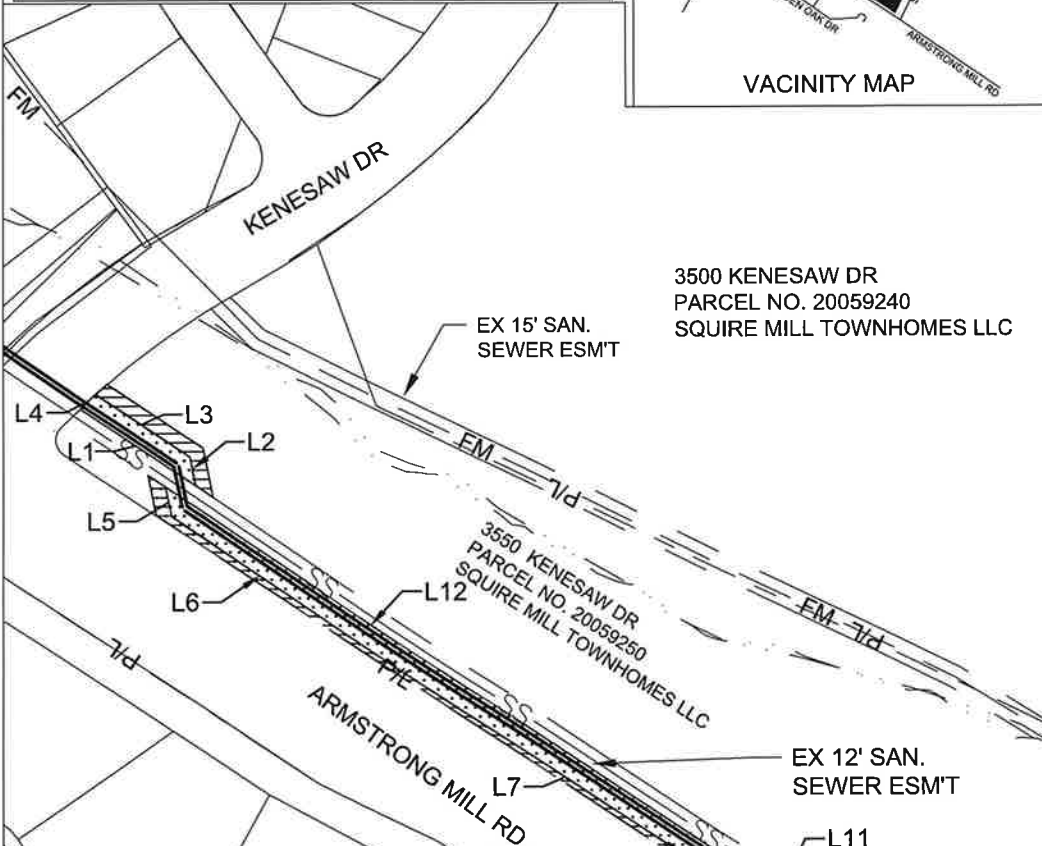
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NOTES:

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	S55°54'49"E	93.64'
L2	N11°13'59"W	19.84'
L3	N55°43'15"W	76.59'
L4	S45°47'32"W	14.51'
L5	S11°13'59"E	20.71'
L6	S55°50'44"E	203.39'
L7	S56°43'09"E	474.93'
L8	S58°16'22"E	121.62'
L9	N71°44'19"E	18.11'
L10	N58°13'02"W	133.09'
L11	N56°37'02"W	474.91'
L12	N55°55'22"W	217.73'
L13	S58°13'02"E	26.09'
L14	N71°44'19"E	29.38'
L15	N27°15'00"E	28.54'
L16	S71°44'19"W	66.50'
L17	N27°15'00"E	28.47'
L18	N71°52'13"E	12.59'
L19	S27°11'32"W	28.44'
L20	S71°52'13"W	12.63'



LEGEND:

- NEW PERMANENT UTILITY EASEMENT (14,128.52 SQ FT)
- TEMPORARY CONSTRUCTION EASEMENT (6,348.02 SQ FT)
- PROPOSED SEWER LINE

**SANITARY SEWER
PERMANENT EASEMENT EXHIBIT "A"**

JANUARY 4, 2023
SQUIRE MILL TOWNHOMES LLC
3550 KENESAW DR
LEXINGTON, KY 40515

SCALE: 1"=150'

0 62.5' 125' 250'

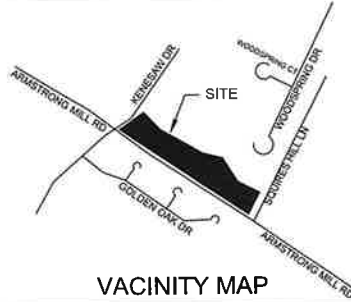
LFUCG
DIVISION OF WATER QUALITY
EAST HICKMAN FORCE MAIN
RMP PROJECT NO. EH-01

200 E MAIN STREET
LEXINGTON, KY 40507

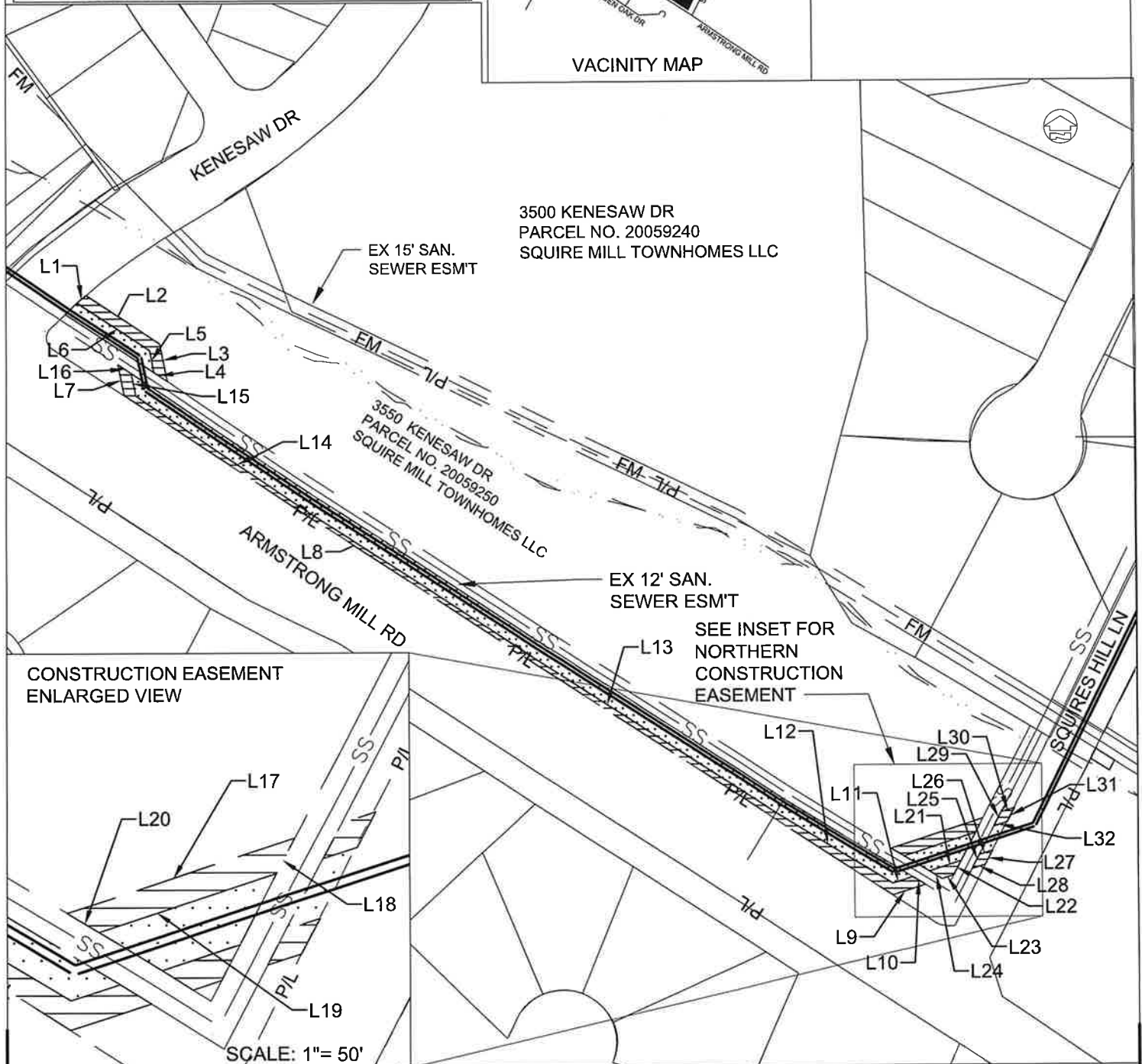
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PARCEL LINE DATA - SEE EXHIBIT "C"



LEGEND:

- NEW PERMANENT UTILITY EASEMENT (14,128.52 SQ FT)
- TEMPORARY CONSTRUCTION EASEMENT (6,348.02 SQ FT)
- PROPOSED SEWER LINE

SANITARY SEWER
TEMPORARY EASEMENT EXHIBIT "B"
JANUARY 4, 2023
SQUIRE MILL TOWNHOMES LLC
3550 KENESAW DR
LEXINGTON, KY 40515

SCALE: 1"=150'



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

200 E MAIN STREET
LEXINGTON, KY 40507



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TEMPORARY EASEMENT
 PLAN VIEW -
 SEE EXHIBIT "B"

PARCEL LINE DATA		
LINE #	BEARING	DISTANCE
L1	N48°45'33"E	10.13'
L2	S55°52'23"E	78.14'
L3	S11°13'59"E	34.06'
L4	N55°54'49"W	14.22'
L5	N11°13'59"W	19.84'
L6	N55°43'15"W	76.59'
L7	S11°13'59"E	28.18'
L8	S56°28'04"E	814.57'
L9	N71°44'19"E	29.90'
L10	N58°13'02"W	13.05'
L11	S71°44'19"W	18.11'
L12	N58°16'22"W	121.62'
L13	N56°43'09"W	474.93'
L14	N55°50'44"W	203.39'
L15	N11°13'59"W	20.71'
L16	N55°55'22"W	14.22'

PARCEL LINE DATA		
LINE #	BEARING	DISTANCE
L17	N71°44'19"E	85.05'
L18	S27°15'00"W	14.27'
L19	S71°44'19"W	66.50'
L20	N58°13'02"W	13.05'
L21	N71°44'19"E	29.38'
L22	S27°15'00"W	14.24'
L23	S71°41'29"W	10.85'
L24	N58°13'02"W	13.03'
L25	N27°15'00"E	14.24'
L26	N71°52'13"E	12.59'
L27	S27°14'18"W	14.23'
L28	S71°52'13"W	12.59'
L29	N27°15'00"E	14.24'
L30	N71°52'13"E	12.59'
L31	S27°14'18"W	14.23'
L32	S71°52'13"W	12.59'

LEGEND:

-  - NEW PERMANENT UTILITY EASEMENT (14,128.52 SQ FT)
-  - TEMPORARY CONSTRUCTION EASEMENT (6,348.02 SQ FT)
-  - PROPOSED SEWER LINE

SANITARY SEWER
 TEMPORARY EASEMENT EXHIBIT "C"
 JANUARY 4, 2023
 SQUIRE MILL TOWNHOMES LLC
 3550 KENESAW DR
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SCALE: 1"=150'



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