

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 13TH day of DECEMBER, 2022, by and between **WALTER GRANT WARD (a/k/a WALTER WARD)**, a single person, 1280 Cross Keys Road, Lexington, Kentucky 40504, 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 **FIVE HUNDRED NINETY-NINE DOLLARS AND 00/100 CENTS (\$599.00)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, said Grantor has **BARGAINED** and **SOLD** and does hereby **GIVE, GRANT** and **CONVEY** unto the

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

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
Parkers Mill Trunk
Sewer Improvement Project
(a portion of 1280 Cross Keys Road)

Tract A

All that strip or parcel of land situated south side of Cross Keys Road east of Parkers Mill Road (KY Highway 1968) in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at a common corner between Lots 3 and 4 as shown on the plat of Gardenside Subdivision, Unit 15-C (Plat Cabinet C, Slide 359), said point being in the southerly right-of-way line of Cross Keys Road;

Thence with the southerly right-of-way line of Cross Keys Road for two (2) calls:

- 1) South 44°38'19" East, a distance of 16.70 feet to a point; and
- 2) 80.15 feet along an arc to the right, having a radius of 1,264.14 feet, the chord of which is South 42°49'20" East, a distance of 80.14 feet to a point;

Thence leaving the southerly right-of-way line of Cross Keys Road, with an existing utility easement line through the lands of Lot 4, South 40°33'41" West, a distance of 16.29 feet to a point;

Thence with a new permanent sanitary sewer easement line for two (2) calls:

- 1) North 34°32'19" West, a distance of 84.06 feet to a point; and

2) North 39°32'16" West, a distance of 15.60 feet to a point in the easterly property line of the aforesaid Lot 3;

Thence with the easterly property line of Lot 3, North 48°05'41" East, a distance of 2.65 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 0.021 Acres (913 sq. ft.) of permanent easement; and

Tract A, being a portion of the property conveyed to Walter Grant Ward (a/k/a Walter Ward), a single person, by Deed dated August 18, 2021, of record in Deed Book 3880, Page 685, 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 "A" attached hereto, and more particularly described as follows:

Temporary Construction Easement
Parkers Mill Trunk
Sewer Improvement Project
(a portion of 1280 Cross Keys Road)

Tract B

All that strip or parcel of land situated south side of Cross Keys Road east of Parkers Mill Road (KY Highway 1968,) in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at a common corner between Lots 3 and 4 as shown on the plat of Gardenside Subdivision, Unit 15-C (Plat Cabinet C,

Slide 359), said point being in the southerly right-of-way line of Cross Keys Road;

Thence leaving the southerly right-of-way line of Cross Keys Road, with the easterly property line of Lot 3, South 48°05'41" West, a distance of 2.65 feet to the **POINT OF BEGINNING**;

Thence with a new permanent sanitary sewer line through the lands of Lot 4 for two (2) calls:

- 1) South 39°32'16" East, a distance of 15.60 feet to a point; and,
- 2) South 34°32'19" East, a distance of 84.06 feet to a point in an existing utility easement;

Thence with an existing utility easement line, South 40°33'41" West, a distance of 2.72 feet to a point;

Thence with a new temporary construction easement line, North 39°32'16" West, a distance of 99.39 feet to a point in the easterly property line of the aforesaid Lot 3;

Thence with the easterly property line of Lot 3, North 48°05'41" East, a distance of 10.01 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 0.016 Acres (685 sq. ft.) of temporary construction easement; and

Tract B, being a portion of the property conveyed to Walter Grant Ward (a/k/a Walter Ward), a single person, by Deed dated August 18, 2021, of record in Deed Book 3880, Page 685, 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 his 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 he is lawfully seized in fee simple of said property and has good right to sell and convey the easements as herein done, and that he will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 460-2022, passed by the Lexington-Fayette Urban County Council on August 30, 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:

BY:



WALTER GRANT WARD (a/k/a
WALTER WARD)

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by Walter Grant Ward (a/k/a Walter Ward), a single person, on this the 13th day of DECEMBER, 2022.



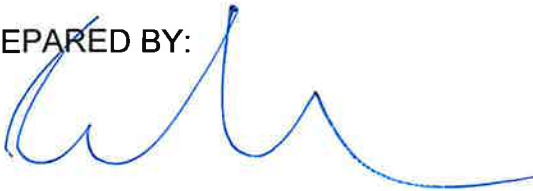
Notary Public, Kentucky, State-at-Large

My Commission Expires: 05 / 10 / 2025

Notary ID # KYNP27704

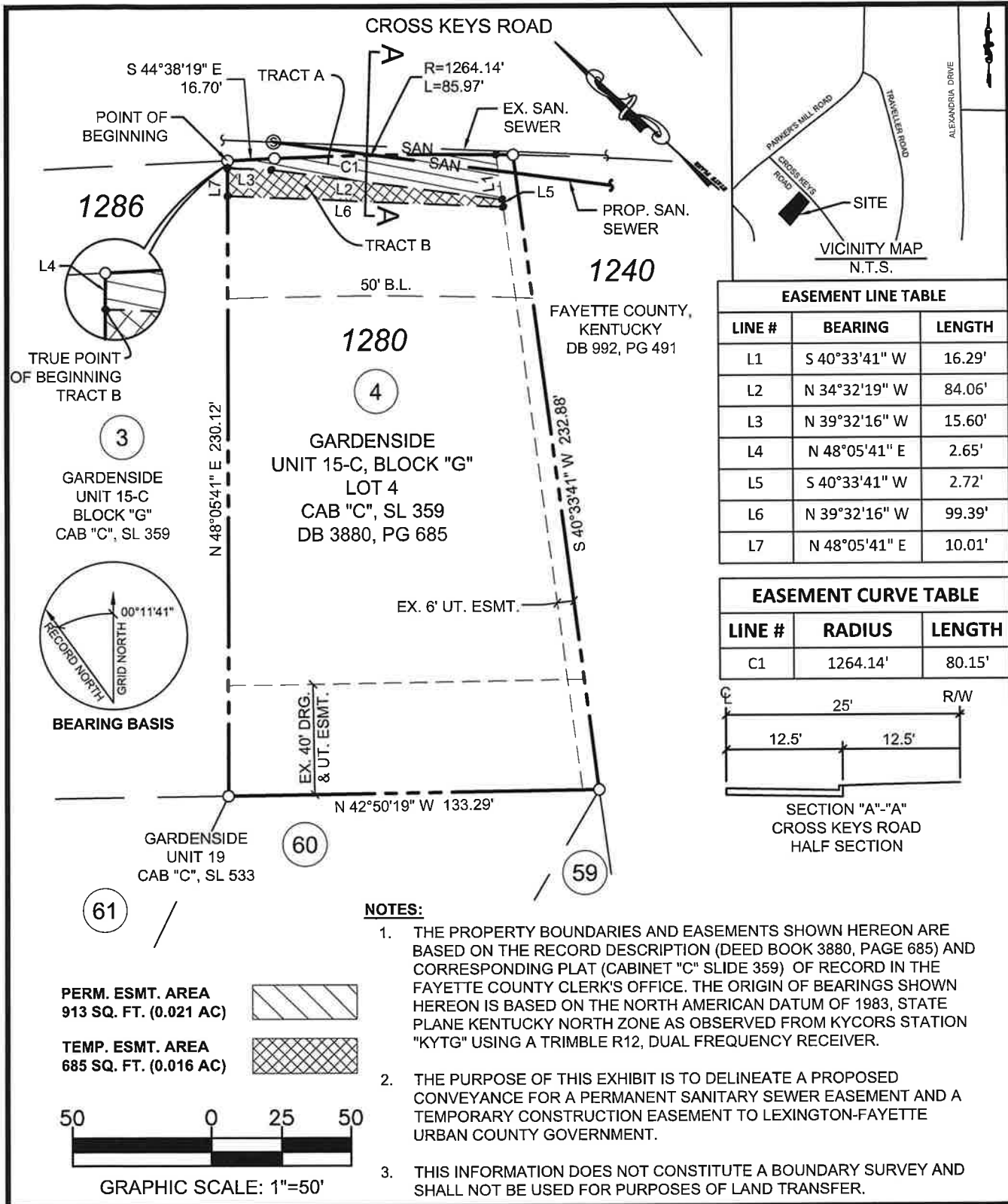


PREPARED BY:



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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**SANITARY SEWER EASEMENT EXHIBIT
WALTER GRANT WARD
1280 CROSS KEYS ROAD
PARKERS MILL TRUNK SEWER REPLACEMENT
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KENTUCKY**



FIGURE 1

NOVEMBER 2022

2815.304

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: BOBBIE MARSTELLA ,dc

202212160067

December 16, 2022 9:46:26 AM

Fees	\$56.00	Tax	\$.00
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Total Paid	\$56.00
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8 Pages

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