

**DEED OF EASEMENT**

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 18<sup>th</sup> day of DECEMBER, 2019, by and between **ASM REAL ESTATE, LLC, a Kentucky limited liability company**, 201 W. Loudon Avenue, Lexington, Kentucky 40508, 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 **FOUR THOUSAND THREE HUNDRED EIGHTY-SEVEN DOLLARS AND 25/100 DOLLARS (\$4,387.25)**, 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 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:

**20' Permanent Sanitary Sewer Easement**  
**Lexmark Trunk A & B Sanitary**  
**Sewer Improvement Project**  
**(a portion of 201 W. Loudon Avenue)**

Return to:  
Charles E. Edwards III  
LFUCG, Dept. of Law, 11<sup>th</sup> Floor  
200 East Main Street  
Lexington, KY 40507

(CC-F)

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All that tract or parcel of land situated west of Russell Cave Road, south of the R.J. Corman/CSX Railroad and north of W. Loudon Avenue in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

**BEGINNING**, at the northwest corner of ASM Real Estate, LLC (201 W. Loudon Avenue, Deed Book 3590, Page 351) said point being a common corner to Farmers Feed Mill, LLC (251 W. Loudon Avenue, Deed Book 1355, Page 702) and in the line with Charles T. Creech, Inc. (1025 Russell Cave Road, Deed Book 3077, Page 354); thence with said Charles T. Creech, South 75°53'54" East, 41.94 feet to a point; thence leaving said Charles T. Creech for three (3) new lines through the lands of said ASM Real Estate, LLC; thence South 17°39'21" East, 26.33 feet to a point; thence North 64°32'20" East, 26.86 feet to a point; thence North 13°32'19" East, 5.29 feet to a point in the line with said Charles T. Creech; thence with said Charles T. Creech, South 75°53'54" East, 20.00 feet to a point; thence leaving said Charles T. Creech for three (3) new lines through the lands of said ASM Real Estate, LLC; thence South 13°32'19" West, 14.63 feet to a point; thence South 64°32'20" West, 45.65 feet to a point; thence South 25°04'04" East, 650.37 feet to a point in the W. Loudon Avenue north right-of-way; thence with said W. Loudon Avenue north right-of-way, North 41°52'05" West, 69.20 feet to a point; thence leaving said W. Loudon Avenue north right-of-way for a new line through the lands of said ASM Real Estate, LLC and continuing with said Farmers Feed Mill, Inc., North 25°04'04" West, 656.80 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 14,998 square feet (gross) and 9,409 square feet or 0.22 acre (net) more or less of permanent easement; and

Being a portion of the same property conveyed to ASM Real Estate, LLC, a Kentucky limited liability company, by deed dated June 14, 2018, of record in Deed Book 3590, Page 351, 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**  
**Lexmark Trunk A & B Sanitary**  
**Sewer Improvement Project**  
**(a portion of 201 W. Loudon Avenue)**

**BEGINNING**, at the northwest corner of ASM Real Estate, LLC (201 W. Loudon Avenue, Deed Book 3590, Page 351) said point being a common corner to Farmers Feed Mill, LLC (251 W. Loudon Avenue, Deed Book 1355, Page 702) and in the line with Charles T. Creech, Inc. (1025 Russell Cave Road, Deed Book 3077, Page 354); thence with said Charles T. Creech, South 75°53'54" East, 106.46 feet to a point; thence leaving said Charles T. Creech for three (3) new lines through the lands of said ASM Real Estate, LLC; thence South 13°32'19" West, 19.30 feet to a point; thence South 64°32'20" West, 30.49 feet to a point; thence South 25°04'04" East, 706.75 feet to a point in the W. Loudon Avenue north right-of-way; thence with said W. Loudon Avenue north right-of-way, North 41°52'05" West, 138.39 feet to a point; thence leaving said W. Loudon Avenue north right-of-way for a new line through the lands of said ASM Real Estate, LLC and continuing with said Farmers Feed Mill Inc., North 25°04'04" West, 656.80 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 29,561 square feet (gross) and 14,563 square feet or 0.33 acre (net), more or less of temporary construction easement; and,

Being a portion of the same property conveyed to ASM Real Estate, LLC, a Kentucky limited liability company, by deed dated June 14, 2018, of record in Deed Book 3590, Page 351, in the Fayette County Clerk's Office.

**Temporary 25' Access Easement**  
**Lexmark Trunk A & B Sanitary**  
**Sewer Improvement Project**  
**(a portion of 201 W. Loudon Avenue)**

**BEGINNING**, at a found rebar with cap (PLS 2115) at a common corner of ASM Real Estate, LLC (201 W. Loudon Avenue, Deed Book 3590, Page 351) and Charles T. Creech, Inc. (1025 Russell Cave Road, Deed Book 3077, Page 354); thence with said Creech, South 25°42'14" East, 39.05 feet to a point; thence leaving said Creech for three (3) new lines through the lands of said ASM Real Estate, LLC; thence South 14°06'06" West, 69.01 feet to a point in the east line of a 40-foot temporary construction easement; thence with said temporary construction easement, North 25°04'04" West, 39.58 feet to a point; thence leaving said temporary construction easement, North 14°06'06" East, 68.32 feet to the **POINT OF BEGINNING**; and,

The above described parcel contains 1,717 square feet or 0.304 acre (net), more or less of temporary access easement; and,

Being a portion of the same property conveyed to ASM Real Estate, LLC, a Kentucky limited liability company, by deed dated June 14, 2018, of record in Deed Book 3590, Page 351, 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 388-2019, passed by the Lexington-Fayette Urban County Council on July 9, 2019. 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.

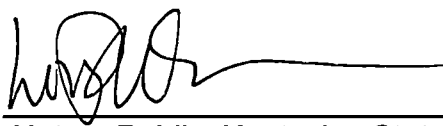
GRANTOR:

ASM REAL ESTATE, LLC, a  
Kentucky limited liability company

BY:  \_\_\_\_\_  
MOHAMMED HAMZA, MANAGER

COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )

This instrument was acknowledged, subscribed and sworn to before me by Mohammed Hamza, as its Manager, for and on behalf of ASM Real Estate, LLC, a Kentucky limited liability company, for and on behalf of the limited liability company, on this the 18<sup>th</sup> day of December, 2019.



Notary Public, Kentucky, State-at-Large

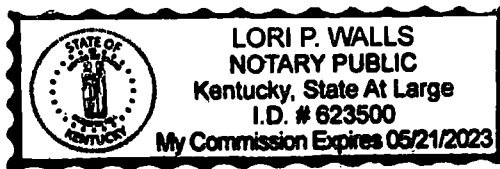
My Commission Expires: 05/21/2023

Notary ID # 623500

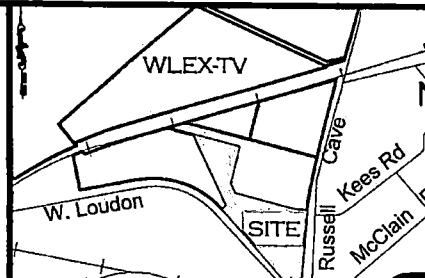
PREPARED BY:



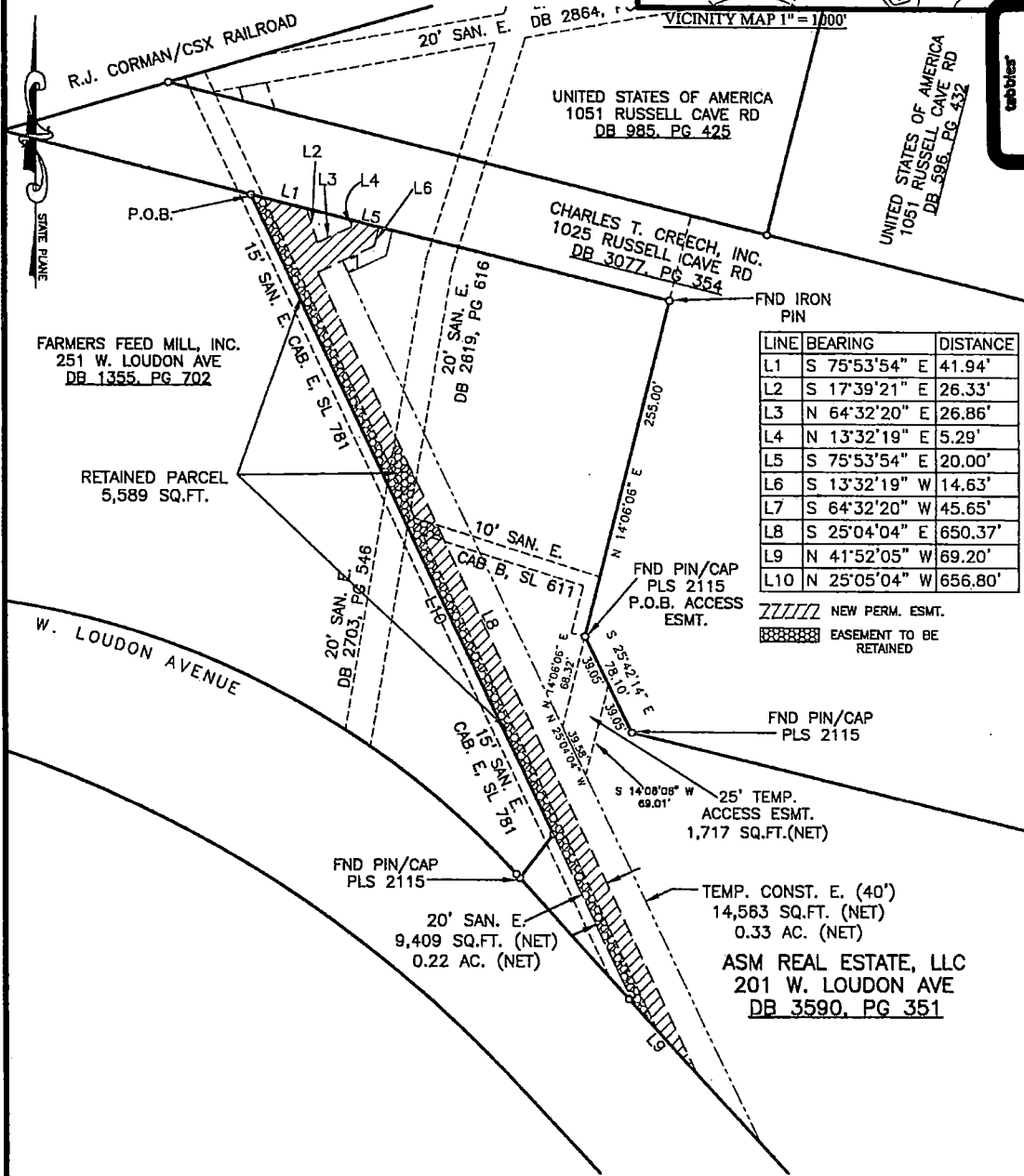
CHARLES E. EDWARDS III  
Attorney  
Lexington-Fayette Urban  
County Government  
Department of Law, 11th Floor  
200 East Main Street  
Lexington, Kentucky 40507  
(859) 258-3500



20' PERMANENT SANITARY SEWER EASEMENT &  
 TEMPORARY 25' ACCESS EASEMENT EXHIBIT  
 FOR LFUCG  
 ASM REAL ESTATE, LLC. PROPERTY  
 201 W. LOUDON AVENUE  
 LEXINGTON, FAYETTE COUNTY, KENTUCKY



**EXHIBIT**  
 A



LINE	BEARING	DISTANCE
L1	S 75°53'54" E	41.94'
L2	S 17°39'21" E	26.33'
L3	N 64°32'20" E	26.86'
L4	N 13°32'19" E	5.29'
L5	S 75°53'54" E	20.00'
L6	S 13°32'19" W	14.63'
L7	S 64°32'20" W	45.65'
L8	S 25°04'04" E	650.37'
L9	N 41°52'05" W	69.20'
L10	N 25°05'04" W	656.80'

||||| NEW PERM. ESMT.  
 ##### EASEMENT TO BE RETAINED

**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 AND FIELD LOCATED PROPERTY CORNERS. THIS EXHIBIT DOES NOT REPRESENT A BOUNDARY SURVEY AS DESCRIBED IN 201 KAR 18:150 AND INTEGRATED ENGINEERING 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 3185 11/7/19  
 JAMES M. CHAMBLISS, PLS 3185 DATE



GRAPHIC SCALE: 1" = 100'

STATE OF KENTUCKY  
 JAMES M. CHAMBLISS  
 3185  
 LICENSED PROFESSIONAL LAND SURVEYOR

**IE**  
 INTEGRATED ENGINEERING  
 Integrated Engineering, PLLC  
 166 Prosperous Place, Suite 220  
 Lexington, KY. 40509

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: PATTY DAVIS ,dc

201912200236

December 20, 2019                      15:19:06    PM

Fees	\$29.00	Tax	\$ .00
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Total Paid	\$29.00
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8 Pages

446 - 453