

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 24 day of October, 2019, by and between **LEXMARK INTERNATIONAL, INC.**, a Delaware Corporation, c/o Steve Trisler, 740 West New Circle Road, Lexington, Kentucky 40550, 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 **NINE THOUSAND THREE HUNDRED SIXTY-THREE DOLLARS AND 63/100 DOLLARS (\$9,363.63)**, 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 Exhibit "B", and more particularly described as follows, to wit:

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

(CC-F)

309

Permanent Sanitary Sewer Easement
Cane Run Trunk
Sewer Improvement Project
(a portion of 1180 Newtown Pike)

All that tract or parcel of land situated on the east side of Newtown Pike and north of New Circle Road in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at the common corner of Lexmark International, Inc. (1180-1250 Newtown Pike, DB 1573, PG 381, Tract B) Lexmark International, Inc. (725 W. New Circle Road, DB 1571, PG 341, Tract A-Remainder, Plat Cabinet R, Slide 785) and Legacy Trail, LLC (745 W. New Circle Road, DB 3573, PG 404, Lot 3, Plat Cabinet R, Slide 784); thence with said Legacy Trail, LLC, South 43°53'71" West, 184.03 feet to the **TRUE POINT OF BEGINNING**; thence continuing with said Legacy Trail, LLC, South 43°53'17" West, 19.98 feet to a point in the east line of an existing 20-foot wide sanitary sewer easement (DB 1692, PG 652); thence for two (2) new lines through the lands of said Lexmark International, Inc. (1180-1250 Newtown Pike); thence with said existing 20-foot wide sanitary sewer easement, North 46°07'08" West, 46.75 feet to a point; thence leaving said existing 20-foot wide sanitary sewer easement, South 69°15'31" East, 50.85 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 467 square feet (net) or 0.01 Acres (net), more or less of permanent easement; and

Being a portion of the same property conveyed to IBM Information Products Corporation, a Delaware corporation (now known as Lexmark International, Inc., a Delaware corporation, as evidenced by Certificate of Amendment of Certificate of Incorporation, of record in Corporate Records Book 168, Page 681), by Deed dated December 28, 1990, of record in Deed Book 1571, Page 341 and by Corrective Deed, dated December 28, 1990, of record in Deed Book 1573, Page 381, all referenced in the Fayette County Clerk's Office.

20' Permanent Sanitary Sewer Easement
Cane Run Trunk
Sewer Improvement Project
(a portion of 725 W. New Circle Road)

All that tract or parcel of land situated on the north side of New Circle Road and east of Newtown Pike in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at a found 5/8" rebar with cap (EA Partners, 2115) at the common corner of Lexmark International, Inc. (725 W. New Circle Road, DB 1571, PG 341, Plat Cabinet R, Slide 785, Lot 2) and Carman Properties, LLC (DB 2489, PG 174) said point being in the New Circle Road north right-of-way; thence leaving said common corner and with said New Circle Road north right-of-way, North 74°46'55" West, 93.07 feet to the **TRUE POINT OF BEGINNING**; thence continuing with said New Circle Road north right-of-way for two (2) lines: North 74°46'55" West, 19.31 feet to a point; thence North 79°32'44" West, 11.86 feet to a point; thence leaving said New Circle Road north right-of-way for six (6) new lines through the lands of said Lexmark International, Inc.: North 36°37'59" West, 8.24 feet to a point; thence North 20°34'26" West, 56.16 feet to a point; thence North 36°15'08" West, 323.74 feet to a point; thence North 07°37'36" West, 544.38 feet to a point; thence North 38°12'20" West, 343.18 feet to a point; thence North 83°14'13" West, 49.62 feet to a point in the line with Legacy Trail, LLC (DB 3573, PG 404); thence with said Legacy Trail, LLC for two (2) lines: North 11°34'55" West, 6.94 feet to a point; thence North 37°17'58" West, 18.67 feet to a point; thence leaving said Legacy Trail, LLC for ten (10) new lines through the lands of said Lexmark International, Inc.: South 83°14'13" East, 73.07 feet to a point; thence South 38°12'20" East, 356.94 feet to a point; thence South 07°37'36" East, 318.09 feet to a point; thence South 89°04'51" East, 74.44 feet to a point; thence South 00°55'09" West, 20.00 feet to a point; thence North 89°04'51" West, 71.43 feet to a point; thence South 07°37'36" East, 206.43 feet to a point; thence South 36°15'08" East, 321.39 feet to a point; thence South 20°34'26" East, 56.09 feet to a point; thence South 36°37'59" East, 29.28 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 28,489 square feet (gross) and 27,221 square feet or 0.62 Acres (net), more or less of permanent easement; and

Being a portion of the same property conveyed to IBM Information Products Corporation, a Delaware corporation (now known as Lexmark International, Inc., a Delaware corporation, as evidenced by Certificate of Amendment of Certificate of Incorporation, of record in Corporate Records Book 168, Page 681), by Deed dated December 28, 1990, of record in Deed Book 1571, Page 341 and by Corrective Deed, dated December 28, 1990, of record in Deed Book 1573, Page 381, all referenced 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" and Exhibit "B", attached hereto, and more particularly described as follows:

Temporary Construction Easement
Cane Run Trunk
Sewer Improvement Project
(a portion of 1180 Newtown Pike)

BEGINNING, at the common corner of Lexmark International, Inc. (1180-1250 Newtown Pike, DB 1573, PG 381, Tract B) Lexmark International, Inc. (725 W. New Circle Road, DB 1571, PG 341, Tract A-Remainder, Plat Cabinet R, Slide 785) and Legacy Trail, LLC (745 W. New Circle Road, DB 3573, PG 404, Lot 3, Plat Cabinet R, Slide 785); thence with said Legacy Trail, LLC, South 43°53'17" West, 173.15 feet to the **TRUE POINT OF BEGINNING**; thence continuing with said Legacy Trail, LLC, South 43°53'17" West, 60.86 feet to a point; thence leaving said Legacy Trail,

LLC for four (4) new lines through the lands of said Lexmark International, Inc. (1180-1250 Newtown Pike); thence North 46°07'08" West, 380.97 feet to a point; thence North 43°52'52" East, 40.00 feet to a point; South 46°07'08" East, 332.17 feet to a point; South 69°15'31" East, 53.08 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains a total area of 15,748 square feet (gross) and 7,655 square feet (net) or 0.17 Acres (net), more or less of temporary construction easement; and,

Being a portion of the same property conveyed to IBM Information Products Corporation, a Delaware corporation (now known as Lexmark International, Inc., a Delaware corporation, as evidenced by Certificate of Amendment of Certificate of Incorporation, of record in Corporate Records Book 168, Page 681), by Deed dated December 28, 1990, of record in Deed Book 1571, Page 341 and by Corrective Deed, dated December 28, 1990, of record in Deed Book 1573, Page 381, all referenced in the Fayette County Clerk's Office.

Temporary Construction Easement
Cane Run Trunk
Sewer Improvement Project
(a portion of 725 W. New Circle Road)

BEGINNING, at a found 5/8" rebar with cap (EA Partners, 2115) at the common corner of Lexmark International, Inc. (725 W. New Circle Road, DB 1571, PG 341, Plat Cabinet R, Slide 785, Lot 2) and Carman Properties, LLC (DB 2489, PG 174) said point being in the New Circle Road north right-of-way; thence leaving said common corner and with said New Circle Road north right-of-way, North 74°46'55" West, 76.88 feet to the **TRUE POINT OF BEGINNING**; thence continuing with said New Circle Road north right-of-way for two (2) lines: North 74°46'55" West, 35.50 feet to a point; thence North 79°32'44" West, 26.18 feet to a point; thence leaving said New Circle Road north right-of-way for five (5) new lines through the lands of Lexmark International, Inc.: North 20°34'26" West, 54.87 feet to a point; thence North 36°03'53" West, 327.08 feet to a point; thence North 07°37'40" West, 542.23 feet to a point; thence North 38°12'20" West, 336.29 feet to a point; thence North 83°14'13" West, 42.16 feet to a point in the line with Legacy Trail, LLC (DB 3573, PG 404); thence with said Legacy Trail,

LLC for two (2) lines: North 11°34'55" West, 17.47 feet to a point; thence 37°17'58" West, 32.50 feet to a point; thence leaving said Legacy Trail for ten (10) new lines through the lands of said Lexmark International, Inc.: South 83°14'13" East, 89.90 feet to a point; thence South 38°12'20" East, 363.82 feet to a point; thence South 07°34'42" East, 312.17 feet to a point; thence South 89°04'51" East, 76.09 feet to a point; thence South 00°55'09" West, 40.00 feet to a point; thence North 89°04'51" West, 70.07 feet to a point; thence South 07°41'53" East, 190.37 feet to a point; thence South 36°03'53" East, 322.41 feet to a point; thence South 20°34'26" East, 55.55 feet to a point; thence South 36°37'59" East, 40.60 feet to the TRUE POINT OF BEGINNING; and,

The above described parcel contains a total area of 57,189 square feet (gross) and 24,408 square feet or 0.56 Acres (net), more or less of temporary construction easement; and,

Being a portion of the same property conveyed to IBM Information Products Corporation, a Delaware corporation (now known as Lexmark International, Inc., a Delaware corporation, as evidenced by Certificate of Amendment of Certificate of Incorporation, of record in Corporate Records Book 168, Page 681), by Deed dated December 28, 1990, of record in Deed Book 1571, Page 341 and by Corrective Deed, dated December 28, 1990, of record in Deed Book 1573, Page 381, all referenced 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 easements run with the land for the duration of the improvement project and are binding upon the successors and assigns of the Grantor. The above-described permanent easements run with the land in perpetuity and are binding upon the successors and assigns of the Grantor. The temporary easements 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 easements for any purpose desired, provided such use will not interfere with the Grantee's free use of the easements herein granted and provided further that no building or structure shall be erected upon, across, over or through said permanent easements 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 41-2019, passed by the Lexington-Fayette Urban County Council on January 31, 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:

LEXMARK INTERNATIONAL, INC., a
Delaware Corporation

By: Thomas C Wade

THOMAS C WADE

(print name)
It's: DIRECTOR, CORPORATE REAL ESTATE

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE *at large*)

This instrument was acknowledged, subscribed and sworn to before me by Thomas C Wade, as Director of Corporate Real Estate, for and on behalf of Lexmark International, Inc., a Delaware Corporation, on this the 24 day of October, 2019.

Anette Eades *Anette Eades*
Notary Public, State-at-Large, Kentucky

My Commission Expires: 06 10 2020

Notary ID # 558134

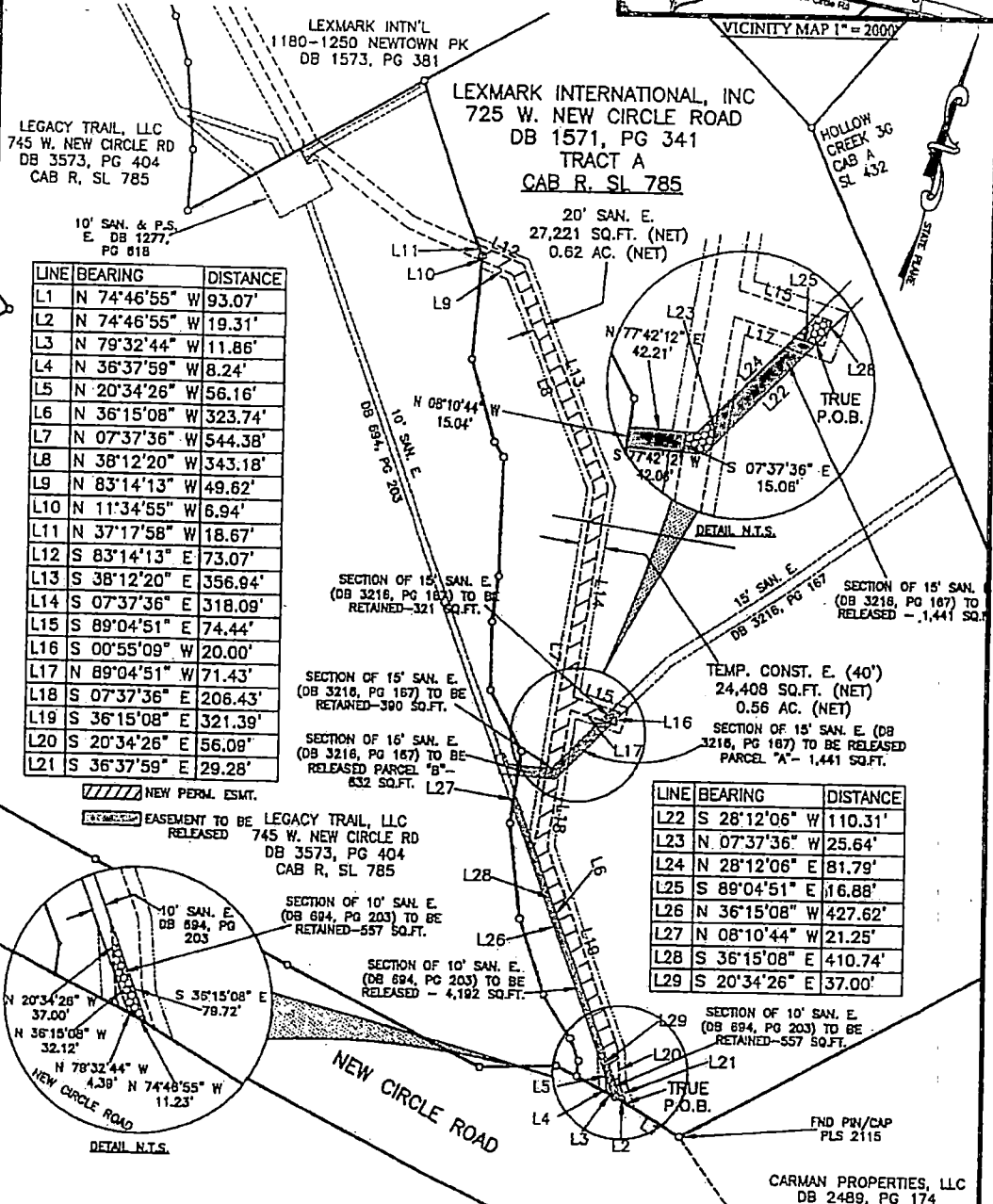
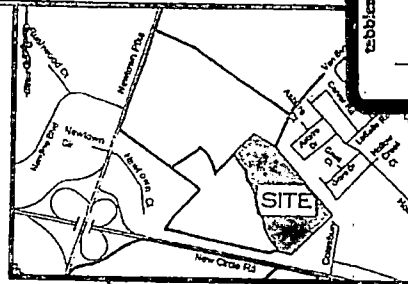
PREPARED BY:

Charles E. Edwards III
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

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A

20' PERMANENT SANITARY SEWER EASEMENT
 EXHIBIT FOR LFUCG
 LEXMARK INTERNATIONAL, INC.
 PROPERTY
 725 W. NEW CIRCLE ROAD
 LEXINGTON, FAYETTE COUNTY, KENTUCKY

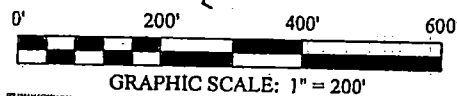


LINE	BEARING	DISTANCE
L1	N 74°46'55" W	93.07'
L2	N 74°46'55" W	19.31'
L3	N 79°32'44" W	11.86'
L4	N 36°37'59" W	8.24'
L5	N 20°34'26" W	56.16'
L6	N 36°15'08" W	323.74'
L7	N 07°37'36" W	544.38'
L8	N 38°12'20" W	343.18'
L9	N 83°14'13" W	49.62'
L10	N 11°34'55" W	6.94'
L11	N 37°17'58" W	18.67'
L12	S 83°14'13" E	73.07'
L13	S 38°12'20" E	356.94'
L14	S 07°37'36" E	318.09'
L15	S 89°04'51" E	74.44'
L16	S 00°55'09" W	20.00'
L17	N 89°04'51" W	71.43'
L18	S 07°37'36" E	206.43'
L19	S 36°15'08" E	321.39'
L20	S 20°34'26" E	56.09'
L21	S 36°37'59" E	29.28'

LINE	BEARING	DISTANCE
L22	S 28°12'06" W	110.31'
L23	N 07°37'36" W	25.64'
L24	N 28°12'06" E	81.79'
L25	S 89°04'51" E	16.88'
L26	N 36°15'08" W	427.62'
L27	N 08°10'44" W	21.25'
L28	S 36°15'08" E	410.74'
L29	S 20°34'26" E	37.00'

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 12/3/12
 JAMES M. CHAMBLISS, PLS 3185 DATE

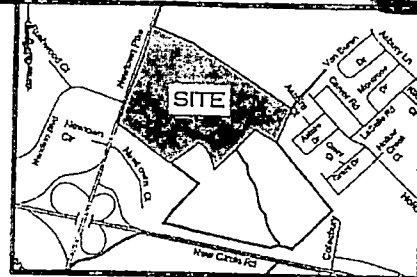


STATE OF KENTUCKY
 JAMES M. CHAMBLISS
 3185
 LICENSED PROFESSIONAL LAND SURVEYOR

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

B

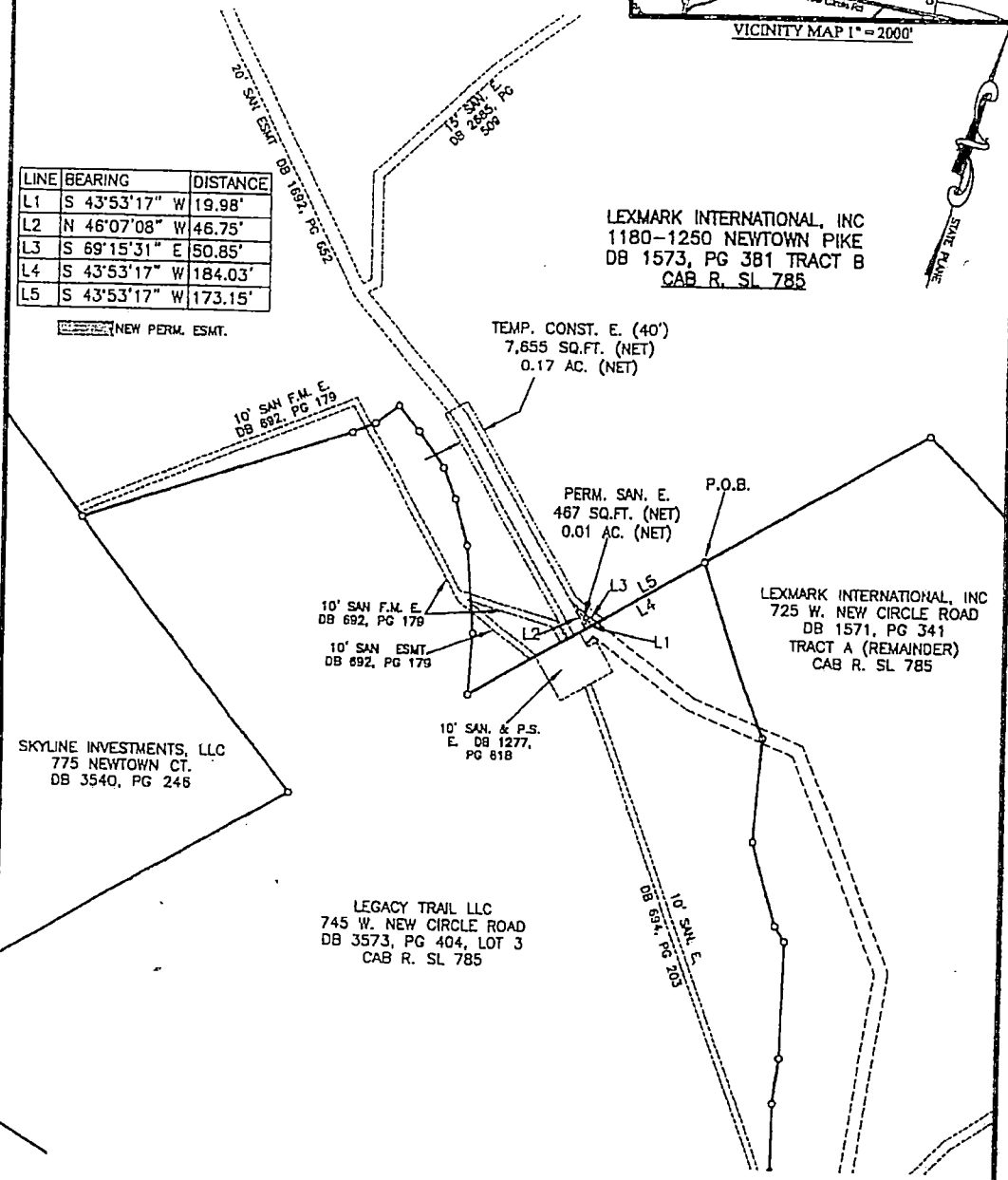
PERMANENT SANITARY SEWER EASEMENT
 EXHIBIT FOR LFUCG
 LEXMARK INTERNATIONAL, INC.
 PROPERTY
 1180-1250 NEWTOWN PIKE
 LEXINGTON, FAYETTE COUNTY, KENTUCKY



VICINITY MAP 1" = 2000'

LINE	BEARING	DISTANCE
L1	S 43°53'17" W	19.98'
L2	N 46°07'08" W	46.75'
L3	S 69°15'31" E	50.85'
L4	S 43°53'17" W	184.03'
L5	S 43°53'17" W	173.15'

LEXMARK INTERNATIONAL, INC
 1180-1250 NEWTOWN PIKE
 DB 1573, PG 381 TRACT B
 CAB R. SL 785



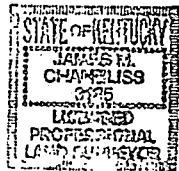
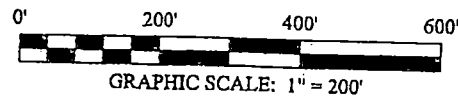
SKYLINE INVESTMENTS, LLC
 775 NEWTOWN CT.
 DB 3540, PG 246

LEGACY TRAIL LLC
 745 W. NEW CIRCLE ROAD
 DB 3573, PG 404, LOT 3
 CAB R. SL 785

LEXMARK INTERNATIONAL, INC
 725 W. NEW CIRCLE ROAD
 DB 1571, PG 341
 TRACT A (REMAINDER)
 CAB R. SL 785

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 3/6/19
 JAMES M. CHAMBLISS, PLS 3185
 DATE



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: SHEA BROWN ,dc

201910250309

October 25, 2019

15:07:37 PM

Fees	\$38.00	Tax	\$.00
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Total Paid	\$38.00
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THIS IS THE LAST PAGE OF THE DOCUMENT

11 Pages

449 - 459

MAYOR LINDA GORTON



LEXINGTON

SUSAN B. SPECKERT
COMMISSIONER
DEPARTMENT OF LAW

To: Abigail Allan, Council Clerk
Council Clerk's Office

From: Department of Law

Date: October 31, 2019

Re: Deed of Conveyance and Permanent Sanitary Sewer and
Temporary Construction Easement
1180 Newtown Pike and
725 W. New Circle Road

Our File No. 19-RE0115
Cane Run Trunk Sewer Improvement Project

Enclosed is the original recorded Deed of Conveyance and Permanent Sanitary Sewer and Temporary Construction Easement for the above property to the Urban County Government for the Cane Run Trunk Sewer Improvement Project. Please file the easement with the authorizing legislation, Resolution No. 41-2019.

Please note that the attached asset acquisition form is only for the permanent easements acquired.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles E. Edwards, III".

Charles E. Edwards, III
Attorney

Enclosure

X:\Cases\jWATER-AIR\19-RE0115\MEMO\00671367.DOC

