

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 28 day of April, 2021, by and between **BRUCE WAYNE CAREY, a single person**, 334 Dudley Road, 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 **TWO HUNDRED THIRTY-TWO DOLLARS AND 63/100 DOLLARS (\$232.63)**, 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 more particularly described as follows, to wit:

Permanent Sanitary Sewer Easement
Southeastern Hills Trunk Sewer Improvement Project
(a portion of 1469 Stephen Foster Drive)

All that strip or parcel of land situated on the south side of Stephen Foster Drive east of Crosby Drive in Lexington,

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

Fayette County, Kentucky, and being more fully described and bounded as follows:

BEGINNING at a point in the southerly right of way line of Stephen Foster Drive, said point also being a common corner between lots 49 and 50, Block "D" as shown on the Final Record Plan of Melody Village Unit 2A-B, (Cabinet A, Slide 283);

Thence leaving the southerly right of way line of Stephen Foster Drive, and with the westerly property line of Lot 49, S 22° 53' 42" W, 88.71 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing with the westerly property line of Lot 49, S 22° 53' 42" W, 10.04 feet to a point;

Thence leaving the westerly property line of Lot 49, and with an existing WL. Drainage, Sanitary, Storm, and Utility Easement line through the lands of Lot 50, N 65° 09' 18" W, 60.03 feet to a point in the easterly property line of Lot 44, Block "D" as shown on the Amended Final Record Plat of Melody Village Subdivision, Unit One (Cabinet B, Slide 90);

Thence with the easterly property line of Lot 44, N 22° 53' 42" E, 11.04 feet to a point;

Thence leaving the easterly property line of Lot 44, and with a new permanent sanitary sewer easement line through the lands of Lot 50 for two (2) calls:

- 1) S 64° 03' 25" E, 32.23 feet to a point; and
- 2) S 64° 23' 07" E, 27.85 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 630 square feet (0.014 Acres) of permanent easement; and

Being a portion of the property conveyed to Bruce Wayne Carey, a single person, by Deed dated February 21, 1975, of record in Deed Book 1118, Page 805, 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
Southeastern Hills Trunk Sewer Improvement Project
(a portion of 1469 Stephen Foster Drive)

All that strip or parcel of land situated on the south side of Stephen Foster Drive east of Crosby Drive in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows:

BEGINNING at a point in the southerly right of way line of Stephen Foster Drive, said point also being a common corner between lots 49 and 50, Block "D" as shown on the Final Record Plan of Melody Village Unit 2A-B, (Cabinet A, Slide 283);

Thence leaving the southerly right of way line of Stephen Foster Drive, and with the westerly property line of Lot 49, S 22° 53' 42" W, 78.70 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing with the westerly property line of Lot 49, S 22° 53' 42" W, 10.01 feet to a point;

Thence leaving the westerly property line of Lot 49, and with a new permanent sanitary sewer easement line through the lands of Lot 50 for two (2) calls:

- 1) N 64° 23' 07" W, 27.85 feet to a point; and
- 2) N 64° 03' 25" W, 32.23 feet to a point in the easterly property line of Lot 44, Block " D" as shown on the Amended Final Record Plat of Melody Village Subdivision, Unit One (Cabinet B, Slide 90);

Thence with the easterly property line of Lot 44, N 22° 53' 42" E, 10.01 feet to a point;

Thence leaving the easterly property line of Lot 44, and with a new temporary construction easement line through the lands of Lot 50 for two (2) calls:

- 1) S 64° 03' 25" E, 32.73 feet to a point; and
- 2) S 64° 23' 07" E, 27.34 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains a total area of 601 square feet (0.014 Acres) of temporary construction easement;

Being a portion of the property conveyed to Bruce Wayne Carey, a single person, by Deed dated February 21, 1975, of record in Deed Book 1118, Page 805, 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 do 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 456-2020, passed by the Lexington-Fayette Urban County Council on October 8, 2020. 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: 
BRUCE WAYNE CAREY

[Intentionally Left Blank]

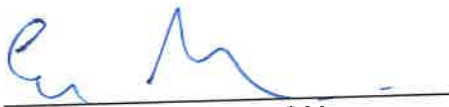
COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by Bruce Wayne Carey, a single person, on this the 28 day of APR, 2021.



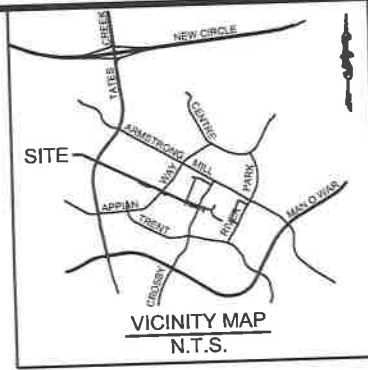
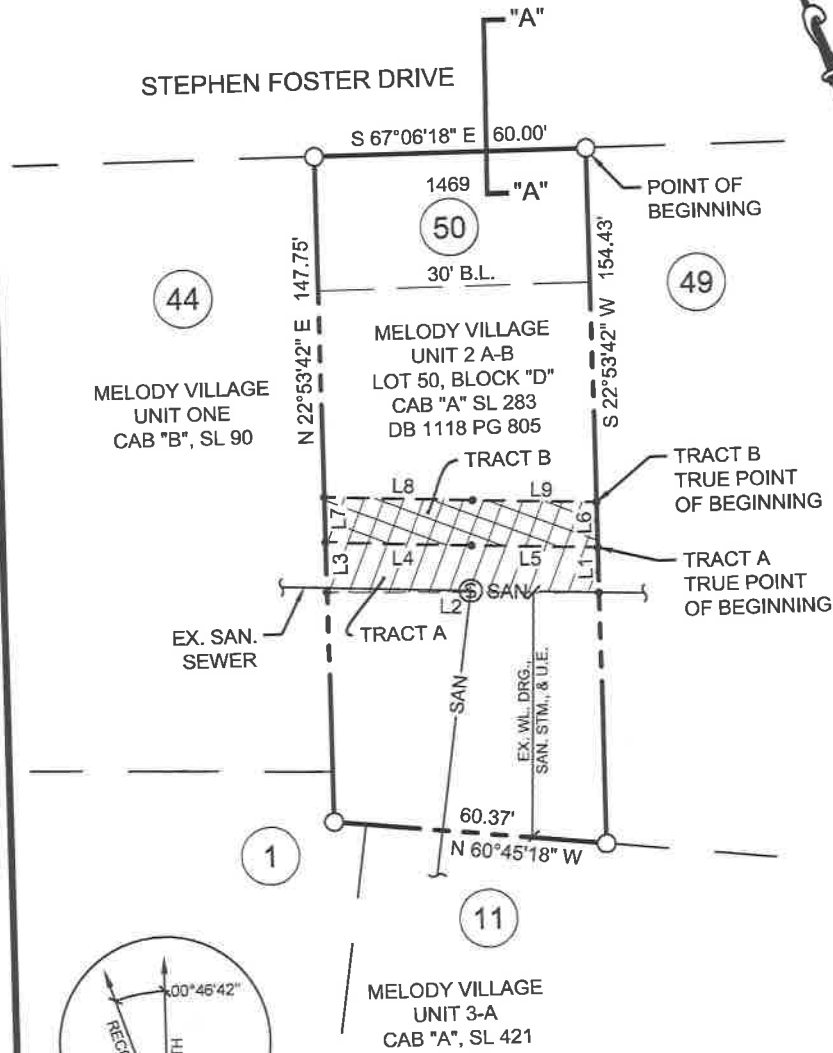
Notary Public, Kentucky, State-at-Large
My Commission Expires: 01/06/2024
Notary ID # KYMP516

PREPARED BY:



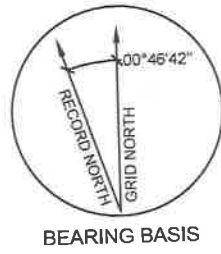
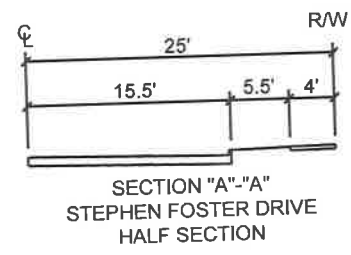
EVAN P. THOMPSON
Attorney
Lexington-Fayette Urban
County Government
Department of Law, 11th Floor
200 East Main Street
Lexington, Kentucky 40507
(859) 258-3500

EXHIBIT A



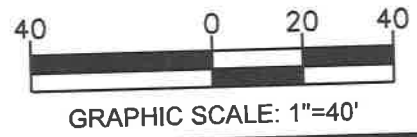
EASEMENT LINE TABLE

LINE #	LENGTH	BEARING
L1	10.04'	S 22°53'42" W
L2	60.03'	N 65°09'18" W
L3	11.04'	N 22°53'42" E
L4	32.23'	S 64°03'25" E
L5	27.85'	S 64°23'07" E
L6	10.01'	S 22°53'42" W
L7	10.01'	N 22°53'42" E
L8	32.73'	S 64°03'25" E
L9	27.34'	S 64°23'07" E



PERM. ESMT. AREA
630 SQ. FT. (0.014 AC)

TEMP. ESMT. AREA
601 SQ. FT. (0.014 AC)



NOTES:

1. THE PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON ARE BASED ON THE RECORD DESCRIPTION (DEED BOOK 1118, PAGE 805) AND CORRESPONDING PLAT (CABINET A, SLIDE 283) OF RECORD IN THE FAYETTE COUNTY CLERK'S OFFICE. THE ORIGIN OF BEARINGS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN DATUM OF 1983, STATE PLANE KENTUCKY NORTH AS OBSERVED FROM KYCORS STATION "KYTG" USING A TRIMBLE R10, DUAL FREQUENCY RECEIVER.
2. THE PURPOSE OF THIS EXHIBIT IS TO DELINEATE A PROPOSED CONVEYANCE FOR A PERMANENT SANITARY SEWER EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT TO LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.
3. THIS INFORMATION DOES NOT CONSTITUTE A BOUNDARY SURVEY AND SHALL NOT BE USED FOR PURPOSES OF LAND TRANSFER.

SANITARY SEWER EASEMENT EXHIBIT
BRUCE WAYNE CAREY
1469 STEPHEN FOSTER DRIVE
SOUTHEASTERN HILLS TRUNK SEWER IMPROVEMENTS
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KENTUCKY



FIGURE 1

AUGUST 2020

2815.046

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

202104300132

April 30, 2021

10:07:24 AM

Fees	\$56.00	Tax	\$0.00
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Total Paid	\$56.00
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8 Pages

680 - 687