

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 26th day of AUGUST, 2022, by and between **EVAN MARK BAILEYS, a single person and LISA CHIFFOLO, a single person**, 622 Blue Ash Drive, Lexington, Kentucky 40503, which is the in-care of tax mailing address for the current year (hereinafter "Grantors"), 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 **ONE THOUSAND TWO HUNDRED ONE DOLLARS AND 25/100 CENTS (\$1,201.25)**, 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
Wolf Run Trunk F
Sewer Improvement Project
(a portion of 622 Blue Ash Drive)

Tract A

All that strip or parcel of land situated on the south side of Blue Ash Drive west of Clays Mill Road in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at a common corner with Jody & Caroline Justus (Deed Book 3509, Page 569), said point being in the northerly boundary line of Unit 2 of the Gardner Subdivision (Cabinet D, Slide 34);

Thence with the easterly property line of Jody & Caroline Justus, N 35°31'29" E, 5.96 feet to a point;

Thence leaving the easterly property line of Jody & Caroline Justus, with an existing sanitary sewer easement line through the lands of Evan Baileys and Lisa Chiffolo, S 56°59'25" E, 77.57 feet to a point in the westerly property line of Robert O. & Mary Tying Atkinson (Deed Book 1148, Page 400);

Thence with the westerly property line of Robert O. & Mary Tying Atkinson, S 35°31'29" W, 7.27 feet to a point in the northerly property line of Lexington-Fayette Urban County Government (Deed Book 2039, Page 222);

Thence with the northerly property line of Lexington-Fayette Urban County Government and continuing with the northerly boundary line of Unit 2 of the aforesaid Gardner subdivision, N 56°01'31" W, 77.50 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 0.012 Acres (513 sq. ft.) of permanent easement; and

Tract B

All that strip or parcel of land situated on the south side of Blue Ash Drive west of Clays Mill Road in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at a common corner with Jody & Caroline Justus (Deed Book 3509, Page 569), said point being in the northerly boundary line of Unit 2 of the Gardner Subdivision (Plat Cabinet D, Slide 34);

Thence with the easterly property line of Jody & Caroline Justus, N 35°31'29" E, 20.01 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving the easterly property line of Jody & Caroline Justus, with a new permanent sanitary sewer easement line through the lands of Evan Baileys & Lisa Chiffolo, S 56°01'31" E, 77.50 feet to a point in the westerly property line of Robert O. & Mary Tying Atkinson (Deed Book 1148, Page 400);

Thence with the westerly property line of Robert O. & Mary Tying Atkinson, S 35°31'29" W, 2.73 feet to a point;

Thence leaving the westerly property line of Robert O. & Mary Tying Atkinson, with an existing sanitary sewer easement line through the lands of Evan Baileys & Lisa Chiffolo, N 56°59'25" W, 77.57 feet to a point in the easterly property line of the aforesaid Jody & Caroline Justus;

Thence with the easterly property line of Jody & Caroline Justus, N 35°31'29" E, 4.03 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 0.006 Acres (262 sq. ft.) of permanent easement; and

Tract A and B, being a portion of the same property conveyed to Evan Mark Baileys, a single person and Lisa Chiffolo, a single person, by Deed dated October 26, 2018,

of record in Deed Book 3626, Page 212, 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, Grantors have **BARGAINED** and **SOLD** and do 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
Wolf Run Trunk F
Sewer Improvement Project
(a portion of 622 Blue Ash Drive)

Tract C

All that strip or parcel of land situated on the south side of Blue Ash Drive west of Clays Mill Road in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at a common corner with Jody & Caroline Justus (Deed Book 3509, Page 569), said point being in the northerly boundary line of Unit 2 of the Gardner Subdivision (Plat Cabinet D, Slide 34);

Thence with the easterly property line of Jody & Caroline Justus, N 35°31'29" E, 20.01 feet to the **TRUE POINT OF BEGINNING;**

Thence continuing with the easterly property line of Jody & Caroline Justus, N 35°31'29" E, 20.01 feet to a point;

Thence leaving the easterly property line of Jody & Caroline Justus, with a new temporary construction easement line through the lands of Evan Baileys & Lisa Chiffolo, S 56°01'31" E, 77.50 feet to a point in the westerly property

line of Robert O. & Mary Tying Atkinson (Deed Book 1148, Page 400);

Thence with the westerly property line of Robert O. & Mary Tying Atkinson, S 35°31'29" W, 20.01 feet to a point;

Thence leaving the westerly property line of Robert O. & Mary Tying Atkinson, with a new permanent sanitary sewer easement line through the lands of Evan Baileys & Lisa Chiffolo, N 56°01'31" W 77.50 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 0.036 Acres (1,550 sq. ft.) of temporary construction easement; and

Tract C, being a portion of the same property conveyed to Evan Mark Baileys, a single person and Lisa Chiffolo, a single person, by Deed dated October 26, 2018, of record in Deed Book 3626, Page 212, 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 Grantors. The above-described permanent easement runs with the land in perpetuity and is binding upon the successors and assigns of the Grantors. The temporary construction easement shall take effect upon the commencement of construction of the project and will expire upon completion of the project.

Grantors 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.

Grantors do hereby release and relinquish unto the Grantee, its successors and assigns forever, all of their 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 they are lawfully seized in fee simple of said property and have good right to sell and convey the easements as herein done, and they will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 042-2022, passed by the Lexington-Fayette Urban County Council on February 10, 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 Grantors have signed this Deed of Easement, this the day and year first above written.

GRANTORS:

BY: 
EVAN MARK BAILEYS

BY: 
LISA CHIFFOLO

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by Evan Mark Baileys, a single person and Lisa Chiffolo, a single person, on this the 26th day of August, 2022.



Michael Louis Clayborne
Notary Public, Kentucky, State-at-Large

My Commission Expires: 05 / 10 / 2025

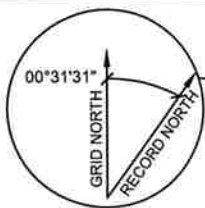
Notary ID # KYNP27704

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

X:\Cases\WATER-AIR\22-RE0016\RE\00762690.DOC



BEARING BASIS

624

JODY & CAROLINE JUSTUS
624 BLUE ASH DR
DB 3509, PG 569

N 35°31'29" E 231.76'

EVAN BAILEYS & LISA CHIFFOLO
622 BLUE ASH DR
DB 3626, PG 212

S 35°31'29" W 230.00'

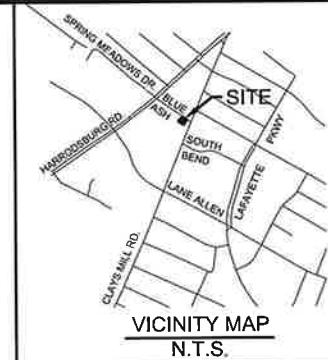
ROBERT O. & MARY TYNG ATKINSON
620 BLUE ASH DR
DB 1148, PG 400

BLUE ASH DRIVE

S 54°28'31" E 77.50'

622

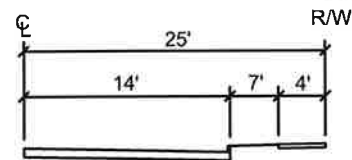
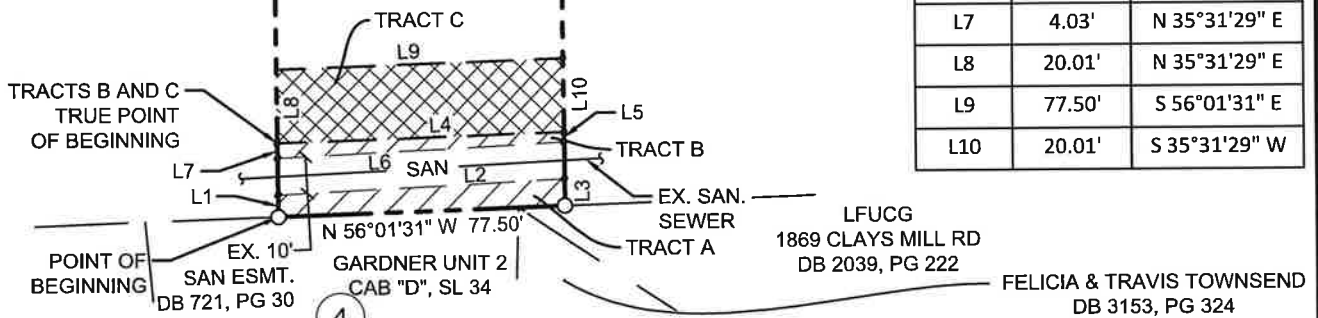
620



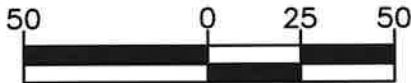
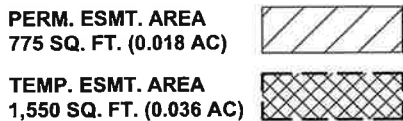
VICINITY MAP
N.T.S.

EASEMENT LINE TABLE

LINE #	LENGTH	BEARING
L1	5.96'	N 35°31'29" E
L2	77.57'	S 56°59'25" E
L3	7.27'	S 35°31'29" W
L4	77.50'	S 56°01'31" E
L5	2.73'	S 35°31'29" W
L6	77.57'	N 56°59'25" W
L7	4.03'	N 35°31'29" E
L8	20.01'	N 35°31'29" E
L9	77.50'	S 56°01'31" E
L10	20.01'	S 35°31'29" W



SECTION "A"- "A"
BLUE ASH DRIVE
HALF SECTION



GRAPHIC SCALE: 1"=50'

NOTES:

1. THE PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON ARE BASED ON THE DESCRIPTION OF RECORD (DEED BOOK 3626, PAGE 212) IN THE FAYETTE COUNTY CLERK'S OFFICE. THE ORIGIN OF BEARINGS SHOWN HEREON IS BASED ON THE NORTH AMERICAN DATUM OF 1983, STATE PLANE KENTUCKY NORTH ZONE AS OBSERVED FROM KYCORS STATION "KYTG" USING A TRIMBLE R12, DUAL FREQUENCY RECEIVER.
2. IN ADDITION TO THE DESCRIPTION IN THE DEED OF RECORD, THE SUBJECT PROPERTY IS NOTED AS BEING A PART OF THE CHARLES G. WHALEN SUBDIVISION, A PLAT OF WHICH WAS KEPT AT THE OFFICE OF ROWE AND COMPANY ENGINEERS. THE SURVEYOR OF RECORD WAS NOT ABLE TO REVIEW THE PLAT, AND IT APPEARS THE PLAT WAS NEVER RECORDED IN THE OFFICE OF THE FAYETTE COUNTY CLERK. INFORMATION SHOWN ON THAT PLAT MAY APPLY TO THE SUBJECT PARCEL THAT IS NOT SHOWN HEREON.
3. 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.
4. THIS INFORMATION DOES NOT CONSTITUTE A BOUNDARY SURVEY AND SHALL NOT BE USED FOR PURPOSES OF LAND TRANSFER.

SANITARY SEWER EASEMENT EXHIBIT
EVAN BAILEYS & LISA CHIFFOLO
622 BLUE ASH DRIVE
WOLF RUN TRUNK F SEWER IMPROVEMENTS
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KENTUCKY



FIGURE 1

JULY 2022

2815.298

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: EMILY GENTRY ,dc

202209010173

September 1, 2022 11:20:08 AM

Fees	\$59.00	Tax	\$.00
------	---------	-----	--------

Total Paid	\$59.00
------------	---------

THIS IS THE LAST PAGE OF THE DOCUMENT

9 Pages

307 - 315