

GRANT OF EASEMENT

This **EASEMENT** is made and entered into this 9th day of OCTOBER, 2013, by and between **DON BURKE, TRUSTEE OF THE DON BURKE TRUST DATED 2/1/1993**, 431 Springhill Drive, Lexington, Kentucky 40503 ("Grantor"), which is also the in-care of tax mailing address for the current tax year, and the **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky 40507 ("Grantee");

WITNESSETH:

That for and in consideration of the sum of **Fifteen Thousand Three Hundred Forty and 05/100 Cents (\$15,340.05)**, and other good and valuable consideration, 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, the permanent right to lay, construct, operate, repair, reconstruct and remove sanitary sewer improvements and appurtenances thereto, which sanitary sewer improvements and appurtenances shall be of such dimension, character, construction and use determined by Grantee, along, through, under and across the following tract of land located in the confines of Lexington-Fayette County, Kentucky, and more particularly described as follows:

Permanent Sanitary Sewer Easement
431 Springhill Drive
Sanitary Sewer Improvement Project

Described on Exhibit A attached hereto and incorporated herein by reference.

FURTHER, for and in consideration of the foregoing sum, 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, the temporary right to excavate, grade, construct, alter, regrade and perform related work for the purpose of sanitary sewer construction, repair, installation and relocation through and across the following tract of land located within the confines of Lexington-Fayette County, Kentucky, to-wit:

Temporary Construction Easement
431 Springhill Drive
Sanitary Sewer Improvement Project

All temporary construction easements, if any, are described on Exhibit B attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the above-described easement together with all rights, privileges, 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 will expire upon completion of the construction of the improvement project on the land adjacent to this easement, runs with the land for the duration of the improvement project on the adjacent land, and is binding upon the heirs and assigns of the Grantor.

Grantor does hereby covenant to and with said 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 conveyed herein, and that it will **WARRANT GENERALLY** said title.

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 the prior written consent of the Grantee.

The obtaining of this easement was authorized by Resolution No. ^{391-13 SP}~~721-13~~ passed

PREPARED BY:

A handwritten signature in black ink that reads "Michael Keith Horn". The signature is written in a cursive style and is positioned above a horizontal line.

Michael Keith Horn
Managing Attorney
Lexington-Fayette Urban County Government
Department of Law
200 East Main Street, 11th Floor
Lexington, Kentucky 40507
(859) 258-3500

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EXHIBIT A

Permanent Sanitary Sewer Easement
431 Springhill Drive
Lexington, Fayette County, Kentucky

All that tract of land between Bob-O-Link Drive, Jacuna Drive and Springhill Drive and west of Vaughn's Branch in Lexington, Fayette County, Kentucky and being more fully described as follows:

BEGINNING at a point at the rear common corner of Lot 6 and Lot 7 of Block "F" of Oakdale Park Subdivision; thence with the line of Oakdale Park Subdivision, S 35°04'00" E a distance of 154.77'; thence continuing with said subdivision, S 35°05'34" E a distance of 23.67' to a point; thence leaving said subdivision line and through the parent tract, S 87°14'54" W a distance of 22.73' to a point in the line of the Helen Burke Trust property (Deed Book 1663 Page 395); thence with said line for two calls:

1) N 34°33'27" W a distance of 2.89' to a point;
2) S 31°30'00" W a distance of 2.97' to a point; thence leaving the line of Burke and through the parent tract for 3 calls:

1) S 87°14'54" W a distance of 14.02' to a point;
2) N 35°55'43" W a distance of 159.99' to a point;
3) N 34°51'58" W a distance of 39.62' to a point in the line of Robert & Linda Ray Bradford (Deed Book 2203 Page 284); thence with said line, S 75°20'30" E a distance of 55.72' to the point of BEGINNING, having an area of 6,612 square feet, of which 2,093 square feet of said easement previously conveyed in Deed Book 795 Page 97, leaving 4,519 square feet of new easement area.

Being a part of the property conveyed to Don Burke, Trustee of Don Burke Trust of record in Deed Book 1663 Page 398 in the Fayette County Clerk's Office, Fayette County, Kentucky.

Permanent Sanitary Sewer Easement
431 Springhill Drive

EXHIBIT B

TEMPORARY CONSTRUCTION EASEMENTS

TRACT 1:

All that tract of land adjacent to and south of the permanent sanitary sewer easement described above and being more fully described as follows:

BEGINNING at a point, said point lies N 75°20'30" W, 55.72' from the rear common corner of Lot 6 and Lot 7 of Block "F" of Oakdale Park Subdivision; thence S 34°51'58" E a distance of 39.62'; thence S 35°55'43" E a distance of 159.99'; thence N 87°14'54" E a distance of 14.02'; thence S 31°30'00" W a distance of 18.15'; thence S 87°14'54" W a distance of 11.92'; thence N 35°55'43" W a distance of 168.25'; thence N 34°51'58" W a distance of 57.34'; thence S 75°20'31" E a distance of 23.11' to the point of BEGINNING having an area of 3,384 square feet.

TRACT 2:

All that tract of land adjacent to and south of the permanent sanitary sewer easement described above and being more fully described as follows:

BEGINNING at a point being S 34°33'27" E a distance of 2.89' from the northernmost corner of the Helen Burke Trust property (Deed Book 1663 Page 395), said point being in the line of Don Burke Trust property (Deed Book 1663 Page 398); thence N 87°14'54" E a distance of 22.72'; thence S 35°04'00" E a distance of 202.67'; thence S 32°49'02" E a distance of 35.05'; thence S 39°33'27" E a distance of 17.57'; thence S 35°04'00" E a distance of 174.32'; thence N 40°00'11" W a distance of 191.10'; thence N 32°49'02" W a distance of 226.34'; thence S 87°14'54" W a distance of 13.96'; thence N 34°33'27" W a distance of 17.65' to the point of BEGINNING having an area of 4,568 square feet.

Being a part of the property conveyed to Don Burke, Trustee of Don Burke Trust of record in Deed Book 1663 Page 398 in the Fayette County Clerk's Office, Fayette County, Kentucky.

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: DOUG BRADLEY ,dc

201311070172

November 7, 2013 13:12:10 PM

Fees	\$26.00	Tax	\$0.00
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Total Paid	\$26.00
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7 Pages

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Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Gray
Mayor

Janet M. Graham
Commissioner

To: Meredith Nelson, Council Clerk
Council Clerk's Office

From: Department of Law

Date: November 19, 2013

Re: Easements and Asset Acquisition Forms
(500, 586, 366, 345 372, 370, 364, 380, 362, 374, and 368 Bob-O-Link Drive;
1451, 1608, 1604, 1610, 1618, 1600, and 1614-1616 Harrodsburg Road;
431, and 427 Springhill Drive; and 420 Lafayette Parkway)
Log No. 13-RE0190

Enclosed are the original recorded easements conveying permanent easements across the above-referenced properties to the Urban County Government for the Bob-O-Link Sanitary Sewer Improvement Project. Please file the easements with the authorizing legislation, Resolution No. ~~721-2013~~.
391-2013 sp

Also enclosed are the completed Asset Acquisition forms for the properties. After you have signed and dated the form, please forward them to Kim Bryan in the Department of Finance.

If you have any questions, please let me know.

Keith Horn
Managing Attorney

Enclosures

cc: Kim Bryan, Department of Finance
Beth Florence, Department of Finance

VariousProperties(Memo to Nelson)/00416306