**GRANT OF EASEMENT** 

This **EASEMENT** is made and entered into this day of March, 2014, by and between **BAKER & BAKER PROPERTIES**, LLC, a Kentucky limited liability company, 1384 Glenview Drive, Lexington, Fayette County, Kentucky 40514, ("Grantor"), which is also the in-care of tax mailing address for the current 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 **Ten Dollars and 00/100 Cents (\$10.00)**, 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 a sanitary sewer line and appurtenances thereto, which sanitary sewer line and facilities 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 Easement (a portion of 2463 Leestown Road) Hillenmeyer Pump Station Decommission Project

Being a permanent easement for sanitary sewer improvements now known as 2463 Leestown Road and being more particularly described as follows:

**COMMENCING AT A POINT** in the Grantor's southeastern property line, said point lying in the common line of 101 Mercer Road and 2551 Leestown Road; thence with the

Michael Keith Horn Department of Law 200 E. Main Street, 11<sup>th</sup> Floor Lexington, Ky. 40507 Grantor's southeastern property line, South 29 degrees 32 minutes 19 seconds West, 66.68 feet to the TRUE POINT OF **BEGINNING**: thence continuing with the southeastern property line, South 29 degrees 32 minutes 19 seconds West, 20.78 feet to a point; thence leaving said property line with the proposed sanitary sewer easement. North 44 degrees 41 minutes 49 seconds West, 77.73 feet to a point; thence North 33 degrees 58 minutes 41 seconds East, 44.14 feet to a point in the proposed right-of-way of Citation Boulevard; thence with said right-of-way, North 50 degrees 53 minutes 04 seconds East, 68.77 feet to a point: thence leaving said right-of-way with the proposed sanitary sewer easement, South 33 degrees 58 minutes 41 seconds West, 93.55 feet to a point; thence South 44 degrees 41 minutes 49 seconds East, 55.70 feet to the POINT OF **BEGINNING** and containing 2,711 square feet; and,

Being a portion of the same property conveyed to Baker & Baker Properties, LLC, a Kentucky limited liability company, by Deed dated September 11, 2013, of record in Deed Book 3187, Page 317, in the Fayette County Clerk's Office.

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, 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 (a portion of 2463 Leestown Road) Hillenmeyer Pump Station Decommission Project

Being a construction easement for sanitary sewer improvements now known as 2463 Leestown Road and being more particularly described as follows:

COMMENCING AT A POINT in the Grantor's southeastern property line, said point lying in the common line of 101 Mercer Road and 2451 Leestown Road; thence with the Grantor's southeastern property, South 29 degrees 32 minutes 19 seconds West, 51.09 feet to the TRUE POINT OF BEGINNING: thence continuing with the southeastern property line, South 29 degrees 32 minutes 19 seconds West, 51.95 feet to a point; thence leaving said property line with the proposed construction easement, North 44 degrees 41 minutes 49 seconds West, 94.26 feet to a point; thence North 33 degrees 58 minutes 41 seconds East, 7.09 feet to a point in the proposed right-of-way of Citation Boulevard; thence with said right-of-way, North 50 degrees 53 minutes 04 seconds East, 171.94 feet to a point; thence leaving said right-of-way with the proposed construction easement, South 33 degrees 58 minutes 41 seconds West, 130.61 feet to a point; thence South 44 degrees 41 minutes 49 seconds East, 39.17 feet to the POINT OF BEGINNING and containing 0.16 acres; and,

Being a portion of the same property conveyed to Baker & Baker Properties, LLC, a Kentucky limited liability company, by Deed dated September 11, 2013, of record in Deed Book 3187, Page 317, in the Fayette County Clerk's Office.

TO HAVE AND TO HOLD the above-described easements 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 same as 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. \_\_113-2014 passed by the Lexington-Fayette Urban County Council on \_\_3/20/14 \_. Pursuant to KRS 382.135(2)(a), this public utility easement is exempt from the requirements related to certificate of consideration. This conveyance is exempt from real estate transfer tax pursuant to KRS 142.050.

IN TESTIMONY WHEREOF, the Grantor has signed this Easement, the day and year first above written.

**GRANTOR:** 

BY: JAMES D. BAKER, MANAGING MEMBER

COMMONWEALTH OF KENTUCKY

COMMONANT OF REMISSION

COUNTY OF FAYETTE )

The foregoing Easement was subscribed, sworn to and acknowledged before me by James D. Baker, as a Managing Member on behalf of Baker & Baker Properties, LLC, a Kentucky limited liability company, on this the <u>19th</u> day of <u>Maccu</u>, 2014.

My commission expires: \_

Notary Public, State-at-Large Kentucky

#### PREPARED BY:

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

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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: MARCIA DERR, dc

201410220120

October 22, 2014

14:39:10 PM

**Fees** 

\$23.00

Tax

\$.00

**Total Paid** 

\$23.00

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