

**GRANT OF EASEMENT**

This **EASEMENT** is made and entered into this 30<sup>TH</sup> day of JUNE, 2016, by and between **COMMONWEALTH OF KENTUCKY** for the use and benefit of the **UNIVERSITY OF KENTUCKY**, 107 Main Building, University of Kentucky, Lexington, Kentucky 40506-0032 ("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 nominal consideration of the sum of **ONE DOLLAR AND 00/100 CENTS (\$1.00)**, 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 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**  
**(a Portion of 1100 Nicholasville Road)**  
**Marquis & Park Avenue**  
**Sanitary Sewer Replacement Project**

This description is for a fifteen (15) foot strip of land to be used as a permanent sanitary sewer easement bordered on one side by a ten (10) foot temporary construction easement, total width being twenty five (25) feet, situated on the westerly side of Beaumont Avenue and on the southerly side of Marquis Avenue and Park Avenue and near the

Mail to:  
 Lexington-Fayette Urban County Government  
 200 E. Main Street  
 Department of Law, 11<sup>th</sup> Floor  
 Lexington, Kentucky 40507

((CF))

southwest corner of Oldham Court, Lexington, Fayette County, Kentucky; said centerline of the proposed easement and/or right-of-way being more fully described as follows, to wit:

Beginning at a point 10 feet, more or less, southwest of the southwest corner of the common property line of 520 Oldham Court (Parcel 04018950) and the Commonwealth of Kentucky, University of Kentucky (Parcel 04018930), said point being in southeasterly right-of-way of Oldham Court and near an existing sanitary sewer manhole; thence along the centerline of said easement, S60°42'E, 176 feet, more or less, to a point and said point being a sanitary sewer manhole; thence S 59°20'E, 460 feet, more or less, to a point and said point being a sanitary sewer manhole; thence S 58°42'E, 146 feet, more or less, to a point and said point being a sanitary sewer manhole; thence S 32°09'W, 115 feet, more or less, to a point and said point being 9 feet, more or less, west of the southwest corner of 619 Beaumont Avenue (Parcel 10771300). Said permanent easement shall be 13,475 square feet, more or less; and,

Being a portion of the property conveyed to the Commonwealth of Kentucky for the use and benefit of the University of Kentucky (formerly the Agricultural and Mechanical College of Kentucky for the use and benefit of the Experimental Station), by deed dated September 14, 1898, of record in Deed Book 114, Page 245, in the Fayette County Clerk's Office.

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**  
**(a Portion of 1100 Nicholasville Road)**  
**Marquis & Park Avenue**  
**Sanitary Sewer Replacement Project**

The description is for a ten (10) foot wide temporary easement lying to one side of the above described fifteen-foot wide permanent sanitary sewer easement and said temporary easement shall be 8,829 square feet, more or less. The temporary easements as well as temporary construction/staging areas (a 115 feet by 125 feet construction/staging area at the northwest end of the project at 14,375 square feet and a 50 feet by 100 feet construction/staging area at the southeast end of the project at 5,000 square feet) shall terminate and revert to Grantor at the completion of the construction project; and

Being a portion of the property conveyed to to the Commonwealth of Kentucky for the use and benefit of the University of Kentucky (formerly the Agricultural and Mechanical College of Kentucky for the use and benefit of the Experimental Station), by deed dated September 14, 1898, of record in Deed Book 114, Page 245, in the Fayette County Clerk's Office.

Described on Exhibit "A" 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. 562-2015 passed by the Lexington-Fayette Urban County Council on September 10, 2015. 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:

COMMONWEALTH OF KENTUCKY  
for the Use and Benefit of the  
UNIVERSITY OF KENTUCKY

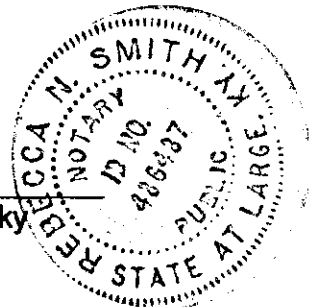
BY: [Signature]  
ERIC N. MONDAY, EXECUTIVE  
VICE PRESIDENT FOR FINANCE  
AND ADMINISTRATION

COMMONWEALTH OF KENTUCKY )  
)  
COUNTY OF FAYETTE )

The foregoing Easement was subscribed, sworn to and acknowledged before me by Eric N. Monday, as Executive Vice President for Finance and Administration, on behalf of Commonwealth of Kentucky, for use and benefit of the University of Kentucky, on this the 30 day of June, 2016.

My commission expires: 4/1/2017

[Signature]  
Notary Public, State-At-Large, Kentucky



EXAMINED FOR FORM & LEGALITY  
OFFICE OF LEGAL COUNSEL  
UNIVERSITY OF KENTUCKY  
BY: William E. Thro by RNS  
ATTORNEY AT LAW

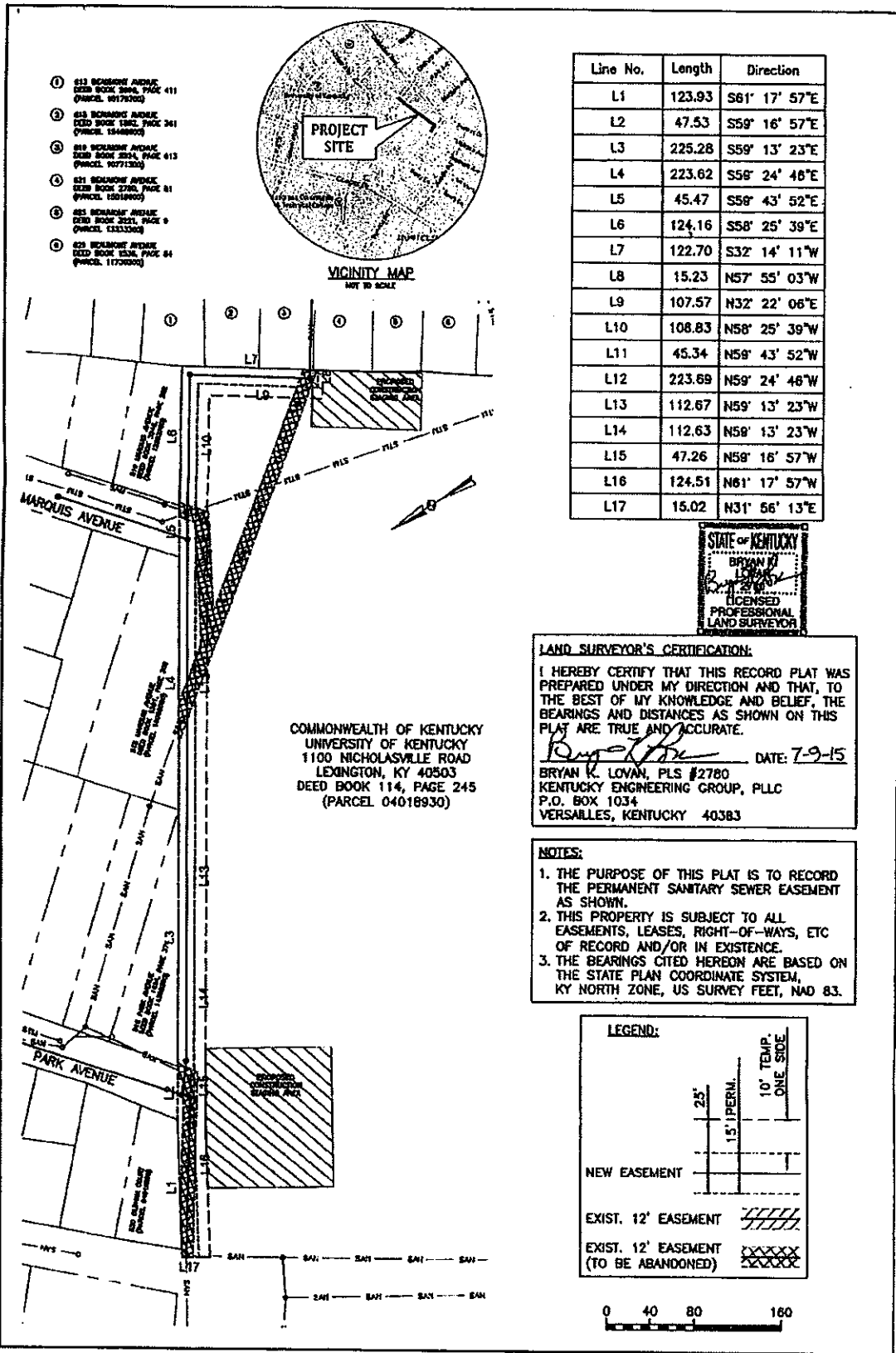
PREPARED BY:



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

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EXHIBIT "A"



P:\PROJECTS\FUCCI\15001-Marquis and Park Sewer\DWG\15001-EASEMENT PLATS-UK.dwg KSC 7/06/15

P.O. Box 1034  
VERSAILLES, KENTUCKY 40383

**KENTUCKY ENGINEERING GROUP, PLLC**

**SANITARY SEWER EASEMENT EXHIBIT PLAT**  
MARQUIS & PARK SANITARY SEWER REPLACEMENT

COMMONWEALTH OF KENTUCKY  
UNIVERSITY OF KENTUCKY  
1100 NICHOLASVILLE ROAD - LEXINGTON, KENTUCKY 40503

Project No.	15001
Date	APRIL 2015
Dwg. No.	1
Sheet	1

**DEED BOOK 3500 PAGE 669**

**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: MELISSA STELTER ,dc**

**201706150050**

**June 15, 2017                      9:39:36      AM**

**Fees                      \$26.00      Tax                      \$0.00**

**Total Paid                      \$26.00**

**THIS IS THE LAST PAGE OF THE DOCUMENT**

**7      Pages**

**663      -      669**