

GRANT OF EASEMENT

This **EASEMENT** is made and entered into this 25th day of September 2014, by and between **BURLEY TOBACCO GROWERS CO-OPERATIVE ASSOCIATION**, a Kentucky non-profit Cooperative Corporation, 620 South Broadway, Lexington, Kentucky 40508 ("Grantor"), which is 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 **Five Hundred Thirty-Five Dollars and 90/100 Cents (\$535.90)**, and other good and valuable consideration, 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, the permanent right to lay, construct, operate, repair, reconstruct and remove a storm sewer line and appurtenances thereto, which storm 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 612 South Broadway)
Bolivar Street Stormwater
Improvement Project

All that tract of land south of the intersection of South Broadway and Bolivar Street in Lexington, Fayette County, Kentucky and being more particularly described as follows:

BEGINNING at a point in the line of the property conveyed to Burley Tobacco Growers Cooperative Association of record in

Hon. Keith Horn
 LFUCG Dept. of Law
 200 E. Main Street, 11th Floor
 Lexington, KY 40507

Deed Book 541 Page 422, said point also being S 40°25'41" E a distance of 198.59' from the southeast right-of-way of South Broadway; thence with the line of the property conveyed to Milling Properties, LLC of record in Deed Book 2980 Page 514, S 40°25'41" E a distance of 18.55' to a point; thence through the property of Burley Tobacco Growers Cooperative Association for two calls:

- 1) S 13°32'35" W a distance of 97.83' to a point;
- 2) N 76°27'25" W a distance of 13.69' to a point in the line of Burley Tobacco Growers Cooperative Association; thence with said line, N 16°45'05" W a distance of 2.59' to a point; thence through said property, N 13°32'35" E a distance of 106.51' to the point of BEGINNING, containing 1,548 square feet or 0.036 acres; and,

Being a portion of the same property conveyed to Burley Tobacco Growers Co-Operative Association, a Kentucky non-profit Cooperative Corporation, by Deed dated June 15, 1953, of record in Deed Book 541, Page 422, 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, re-grade and perform related work for the purpose of storm 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 Easements
(a portion of 612 South Broadway)
Bolivar Street Stormwater
Improvement Project

All that tract of land south of the intersection of South Broadway and Bolivar Street in Lexington, Fayette County, Kentucky and being more particularly described as follows:

BEGINNING at a point in the line of the property conveyed to Burley Tobacco Growers Cooperative Association of record in Deed Book 541 Page 422, said point also being S 40°25'41" E a distance of 198.59' from the southeast right-of-way of South Broadway; thence with the line of the proposed permanent storm sewer easement described above, S 13°32'35" W a distance of 106.51' to a point in the line of Burley Tobacco Growers Cooperative Association; thence with said line for two calls:

- 1) N 16°45'05" W a distance of 25.42' to a point;
- 2) N 39°28'05" W a distance of 2.73' to a point; thence leaving said line and through said property, N 13°32'35" E a distance of 93.83' to a point in the line of the property conveyed to Milling Properties, LLC of record in Deed Book 2980 Page 514; thence with said line, S 40°25'41" E a distance of 18.55' to the point of BEGINNING, containing 1,489 square feet or 0.034 acres; and,

Being a portion of the same property conveyed to Burley Tobacco Growers Co-Operative Association, a Kentucky non-profit Cooperative Corporation, by Deed dated June 15, 1953, of record in Deed Book 541, Page 422, 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, 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, run with the land for the duration of the improvement project on the adjacent land and, are 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 easement 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 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 written consent of the Grantee.

The obtaining of this easement was authorized by Resolution No. 478-2014 passed by the Lexington-Fayette Urban County Council on August 28, 2014. 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, this the day and year first above written.

GRANTOR:

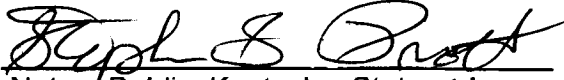
BURLEY TOBACCO GROWERS
CO-OPERATIVE ASSOCIATION, a
Kentucky non-profit Cooperative
Corporation

BY: 
PAT RAINES, PRESIDENT


COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing Deed of Easement was subscribed, sworn to and acknowledged before me by Pat Raines, as President, for and on behalf of Burley Tobacco Growers Co-Operative Association, a Kentucky non-profit Cooperative Corporation, on this the 25th day of September, 2014.

My commission expires: 9-4-16

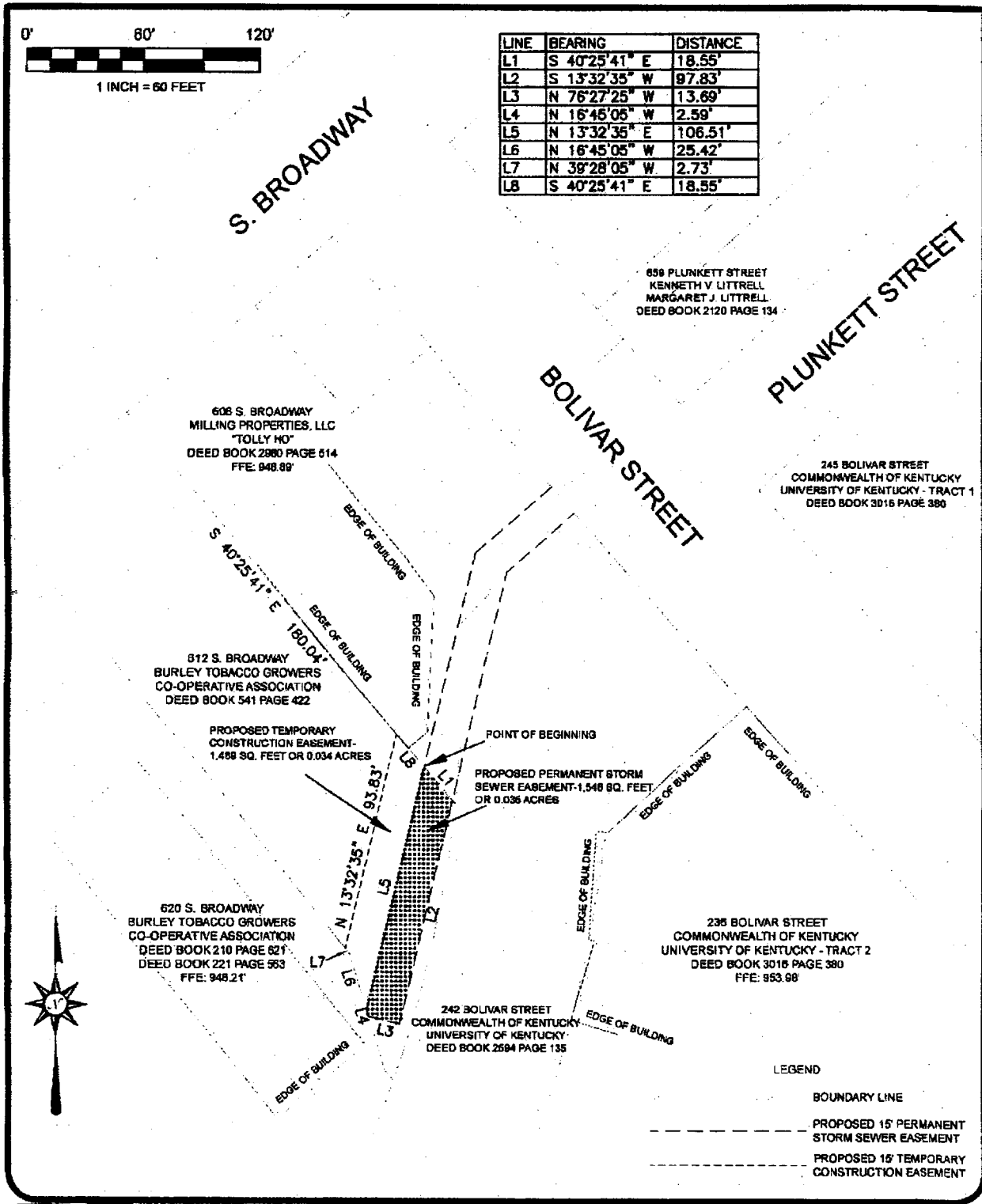

Notary Public, Kentucky, State-at-Large

PREPARED BY:


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

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EXHIBIT "A"



1 OF 1

PROJECT NO:
130067
DATE:
JUNE 2, 2014
DRAWN BY:
MKE
CHECKED BY:
MKE

STORM SEWER EASEMENT EXHIBIT
612 S. BROADWAY
LEXINGTON, 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: SHEA BROWN ,dc

201410270046

October 27, 2014 9:19:56 AM

Fees \$26.00 Tax \$.00

Total Paid \$26.00

THIS IS THE LAST PAGE OF THE DOCUMENT

7 Pages

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R 478-2014

P 8/28/14

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 18, 2014

Re: Easement and Asset Acquisition Form
606 South Broadway, 242 Bolivar Street and 612 South Broadway
Bolivar Street Stormwater Improvement Project
Log No. 14-RE0167

Enclosed are the original recorded easements conveying permanent easements across the above-referenced properties to the Urban County Government for the Bolivar Street Stormwater Improvement Project. Please file the easements with the authorizing legislation, Resolution No. 478-2014.

Also enclosed are the completed Asset Acquisition forms for the properties. After you have signed and dated the forms, 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

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