

**GRANT OF EASEMENT**

This **EASEMENT** is made and entered into this 27<sup>th</sup> day of March, 2014, by and between JFG Enterprises, Inc., 131 Prosperous Place, Suite 20-B, Lexington, Kentucky 40509 ("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 **SIX THOUSAND SEVEN HUNDRED SEVENTY-SIX and 00/100 Cents (\$6,776.00)**, 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, subject to the provisions hereof, the permanent right to lay, construct, operate, repair, reconstruct and remove a sanitary sewer force main and appurtenances thereto, which sanitary sewer force main 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:

**Force Main Permanent Easement**  
**A Portion of 5301 Athens Boonesboro Road**  
**Blue Sky Force Main**  
**Sanitary Sewer Improvement Project**

Described on Exhibit A-1 and Exhibit A-2 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 and installation through and across the following tract of land located within the confines of Lexington-Fayette County,

Kentucky, to-wit:

**Temporary Construction Easement-CE1**  
**A Portion of 5301 Athens Boonesboro Road**  
**Blue Sky Force Main**  
**Sanitary Sewer Improvement Project**

This temporary construction easement is described on Exhibit A-2 and Exhibit B attached hereto and incorporated herein by reference.

**Temporary Construction Easement-CE2**  
**A Portion of 5301 Athens Boonesboro Road**  
**Blue Sky Force Main**  
**Sanitary Sewer Improvement Project**

This temporary construction easement is described on Exhibit A-2 and Exhibit C 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 easements 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.

Notwithstanding anything to the contrary contained herein, (i) Grantor shall have, in addition to the rights referenced above, the right to pave all or any portion of the surface of the land lying over said permanent easement for use as a roadway, parking lot, sidewalk or similar uses, (ii) the force main depth shall be 4 ft. deep, with the depth being measured from top of ground to top of the force main, (iii) after construction, the existing gravel access road on Grantor's property will be restored to a condition as good as or better than that which existed prior to construction, (iv) all work will be conducted in a manner so that good access will at all times be maintained to the Grantor's wastewater treatment plant and (v) all property that is disturbed during construction shall be restored to its original contours in a condition as good as or better than that which existed prior to construction. After the force main is placed in service, if odor is detected, Grantee shall investigate any air release valves located in the force main on Grantor's property or within 500 ft. of any property line of Grantor's property, and Grantee shall thereafter make every effort to mitigate said odor problem.

The obtaining of this easement was authorized by Resolution No. 408-2013 passed by the Lexington-Fayette Urban County Council on July 9, 2013. 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.

Payment of the consideration reflected herein by Grantee to Grantor, shall acknowledge Grantee's acceptance of this easement upon the terms and conditions contained herein.



**EXHIBIT A-1**

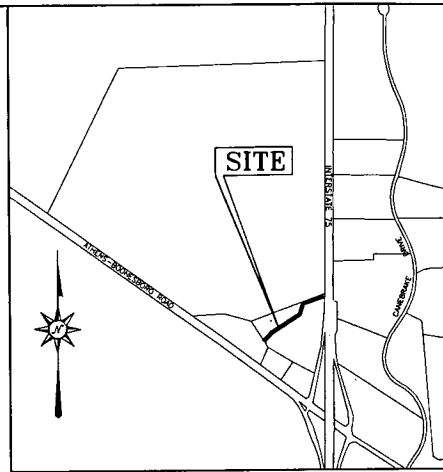
**PERMANENT FORCE MAIN EASEMENT**  
(a portion of 5301 Athens Boonesboro Road)  
Blue Sky Force Main  
Sanitary Sewer Improvement Project

Beginning in the west right of way line of I-75, S07°02'49"W, 30.21 feet from the Grantor's northeast property corner;  
Thence, with said right of way line, S07°02'49"W, 25.78 feet;  
Thence, leaving said right of way, S42°37'25"W, 80.86 feet;  
Thence, S72°12'17"W, 196.10 feet;  
Thence, S18°09'24"W, 141.61 feet;  
Thence, S55°02'32"W, 160.88 feet;  
Thence, S60°16'53"W, 261.44 feet;  
Thence, S46°21'56"W, 80.17 feet to the Grantor's southwest property line;  
Thence, with said property line, N20°26'54"W, 16.32 feet;  
Thence, leaving said property line, N46°21'56"E, 75.58 feet;  
Thence, N60°16'53"E, 262.59 feet;  
Thence, N55°02'32"E, 155.19 feet;  
Thence, N18°09'24"E, 144.26 feet;  
Thence, N72°12'17"E, 199.79 feet;  
Thence, N42°37'25"E, 97.87 feet to the Point of Beginning and containing 13,923 square feet, 0.320 acres.

Being a part of that property conveyed to JFG Enterprises, Inc. by deed dated February 21, 2003 in Deed Book 2343, Page 256 in the Fayette County Clerk's office.

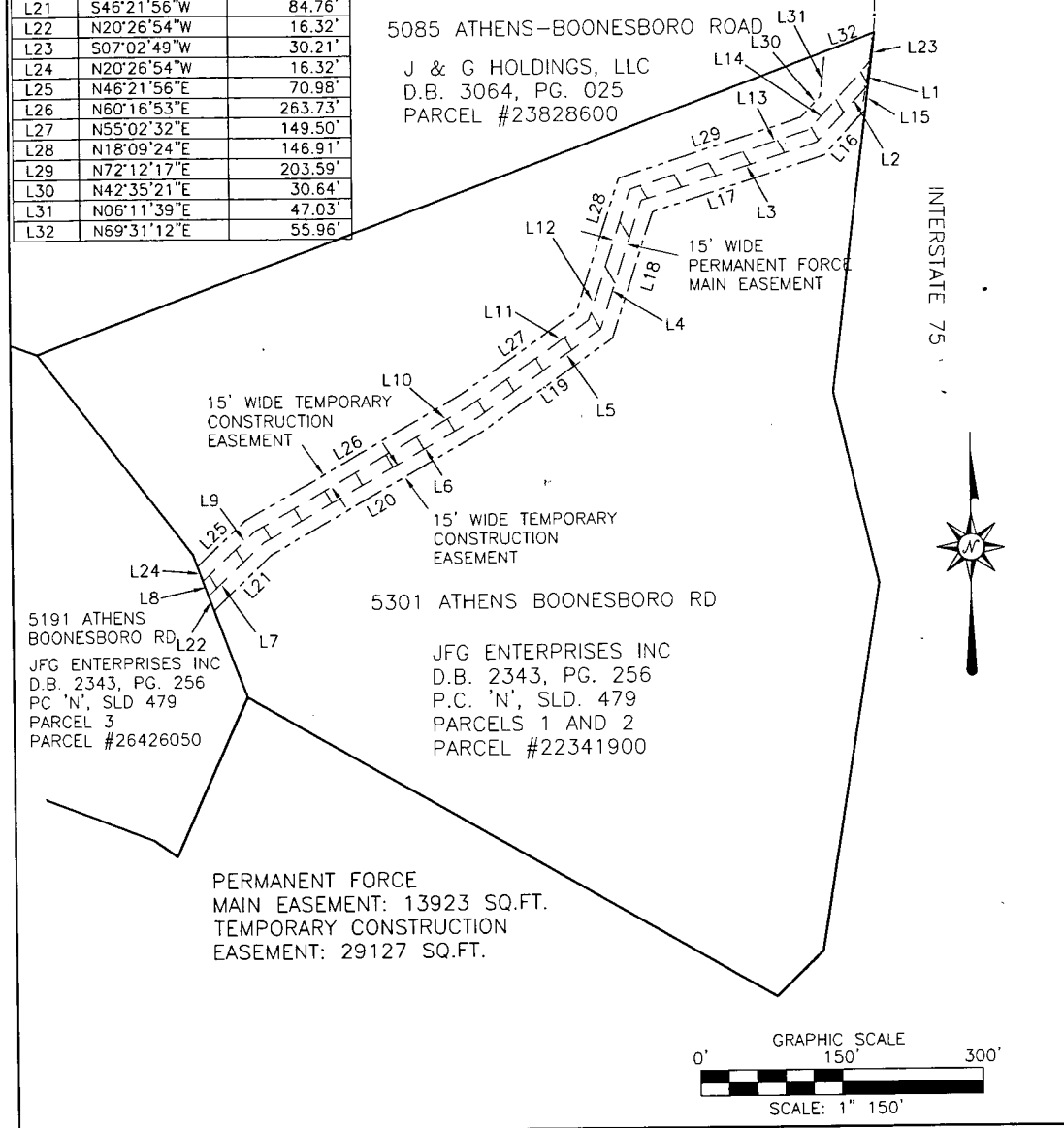
LINE	BEARING	DISTANCE
L1	S07°02'49"W	25.78'
L2	S42°37'25"W	80.86'
L3	S72°12'17"W	196.10'
L4	S18°09'24"W	141.61'
L5	S55°02'32"W	160.88'
L6	S60°16'53"W	261.44'
L7	S46°21'56"W	80.17'
L8	N20°26'54"W	16.32'
L9	N46°21'56"E	75.58'
L10	N60°16'53"E	262.59'
L11	N55°02'32"E	155.19'
L12	N18°09'24"E	144.26'
L13	N72°12'17"E	199.79'
L14	N42°37'25"E	97.87'

LINE	BEARING	DISTANCE
L15	S07°02'49"W	25.78'
L16	S42°37'25"W	63.85'
L17	S72°12'17"W	192.41'
L18	S18°09'24"W	138.96'
L19	S55°02'32"W	166.57'
L20	S60°16'53"W	260.30'
L21	S46°21'56"W	84.76'
L22	N20°26'54"W	16.32'
L23	S07°02'49"W	30.21'
L24	N20°26'54"W	16.32'
L25	N46°21'56"E	70.98'
L26	N60°16'53"E	263.73'
L27	N55°02'32"E	149.50'
L28	N18°09'24"E	146.91'
L29	N72°12'17"E	203.59'
L30	N42°35'21"E	30.64'
L31	N06°11'39"E	47.03'
L32	N69°31'12"E	55.96'



VICINITY MAP  
SCALE: 1" = 2000'

5085 ATHENS-BOONESBORO ROAD  
J & G HOLDINGS, LLC  
D.B. 3064, PG. 025  
PARCEL #23828600



PERMANENT FORCE  
MAIN EASEMENT: 13923 SQ.FT.  
TEMPORARY CONSTRUCTION  
EASEMENT: 29127 SQ.FT.

**VE VISION ENGINEERING**  
Environmental, Civil Engineering Consultants, Land Surveying  
3399 Tates Creek Road Suite 250  
Lexington, KY 40502  
Ph: (859)333-8015  
Fax: (859)559-0523  
www.visionengr.com

**EXHIBIT A-2**  
**EXHIBIT SHOWING**  
**FORCE MAIN EASEMENT**  
**TO BE ACQUIRED FROM**  
**JFG ENTERPRISES, INC.**  
**5301 ATHENS-BOONESBORO ROAD**  
**LEXINGTON, KENTUCKY**

**EXHIBIT B**

**TEMPORARY CONSTRUCTION EASEMENT CE-1**  
**(a portion of 5301 Athens Boonesboro Road)**  
**Blue Sky Force Main**  
**Sanitary Sewer Improvement Project**

A fifteen foot wide Temporary Construction Easement southeast of and adjoining the fifteen foot wide Permanent Force Main Easement along its southeast side and described as follows:

Beginning at the southeast corner of the permanent force main easement in the west right of way line of I-75 ;

Thence, with said right of way line, S07°02'49"W, 25.78 feet;

Thence, leaving said right of way line, S42°37'25"W, 63.85 feet;

Thence, S72°12'17"W, 192.41 feet;

Thence, S18°09'24"W, 138.96 feet;

Thence, S55°02'32"W, 166.57 feet;

Thence, S60°16'53"W, 260.30 feet;

Thence, S46°21'56"W, 84.76 feet to the Grantor's southwest property line;

Thence, with said property line, N20°26'54"W, 16.32 feet;

Thence, leaving said property line, N46°21'56"E, 80.17 feet;

Thence, N60°16'53"E, 261.44 feet;

Thence, N55°02'32"E, 160.88 feet;

Thence, N18°09'24"E, 141.61 feet;

Thence, N72°12'17"E, 196.10 feet;

Thence, N42°37'25"E, 80.86 feet to the Point of Beginning and containing 13,709 square feet, 0.315 acres.

Being a part of that property conveyed to JFG Enterprises, Inc. by deed dated February 21, 2003 in Deed Book 2343, Page 256 in the Fayette County Clerk's office.

## EXHIBIT C

### TEMPORARY CONSTRUCTION EASEMENT CE-2

(a portion of 5301 Athens Boonesboro Road)

Blue Sky Force Main

Sanitary Sewer Improvement Project

A fifteen foot wide Temporary Construction Easement northwest of and adjoining the fifteen foot wide Permanent Force Main Easement along its northwest side and described as follows:

Beginning at the northeast corner of the permanent force main easement in the west right of way line of I-75;

Thence, leaving said right of way line, S42°37'25"W, 97.87 feet;

Thence, S72°12'17"W, 199.79 feet;

Thence, S18°09'24"W, 144.26 feet;

Thence, S55°02'32"W, 155.19 feet;

Thence, S60°16'53"W, 262.59 feet;

Thence, S46°21'56"W, 75.58 feet to the Grantor's southwest property line;

Thence, with said property line, N20°26'54"W, 16.32 feet;

Thence, leaving said property line, N46°21'56"E, 70.98 feet;

Thence, N60°16'53"E, 263.73 feet;

Thence, N55°02'32"E, 149.50 feet;

Thence, N18°09'24"E, 146.91 feet;

Thence, N72°12'17"E, 203.59 feet;

Thence, N42°35'21"E, 30.64 feet;

Thence, N06°11'39"E, 47.03 feet;

Thence, N69°31'21"E, 55.96 feet

Thence, S07°02'49"W, 30.21 feet; to the Point of Beginning and containing 15,418 square feet, 0.354 acres.

Being a part of that property conveyed to JFG Enterprises, Inc. by deed dated February 21, 2003 in Deed Book 2343, Page 256 in the Fayette County Clerk's office.



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

201403310015

March 31, 2014                      9:35:13      AM

Fees	\$32.00	Tax	\$ .00
------	---------	-----	--------

Total Paid	\$32.00
------------	---------

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

9 Pages

664 - 672



Lexington-Fayette Urban County Government  
DEPARTMENT OF LAW

Janet M. Graham  
Commissioner

Jim Gray  
Mayor

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

From: Department of Law

Date: April 08, 2014

Re: Easements and Asset Acquisition Forms  
(300 Canebrake Drive; 5085, 5191, and 5301 Athens Boonesboro Road;  
647, and 697 Delong Road; 3720 Richmond Road; and 331, and 351 United  
Court )  
Log No. 13-RE0641

Enclosed are the original recorded easements conveying permanent easements across the above-referenced properties to the Urban County Government for the Blue Sky Force Main Sanitary Sewer Improvement Project. Please file the easements with the authorizing legislation, Resolution No. 408-2013.

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

VariousProperties(Memo to Nelson)/00435368