

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 10th day of July, 2019, by and between **LRC-DOWNING PLACE, LP, a Kentucky limited partnership**, 105 Tallaposa Street, Suite 300, Montgomery, Alabama 36104, which is the in-care of tax mailing address for the current year (hereinafter "Grantor"), and **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky 40507, (hereinafter "Grantee").

WITNESSETH:

That for and in consideration of the sum of **SEVEN THOUSAND NINE HUNDRED EIGHT DOLLARS AND 67/100 DOLLARS (\$7,908.67)**, and other good and valuable consideration, the 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, permanent right to excavate, grade, construct, alter, re-grade and perform related work for the purpose of sanitary sewer improvements and construction, installation and relocation through and across the following tract of land located in the confines of Lexington, Fayette County, Kentucky, depicted on the attached Exhibit "A", and more particularly described as follows, to wit:

Permanent Sanitary Sewer Easement
Lansdowne South Trunk Sewer Replacement Project
(a portion of 3395 Spangler Drive)

Return to:
Charles E. Edwards III
LFUCG, Dept. of Law, 11th Floor
200 East Main Street
Lexington, KY 40507

(C-E)

All of that tract or parcel of land being a permanent sewer easement situated north of Wilson Downing Road in Lexington, Fayette County, Kentucky and being more particularly described as follows, to wit:

Beginning at a point in the southeast corner of the property and being a common corner to 3640 Allante Brook Court property (Deed Book 1592, Page 86), LFUCG Housing Authority property and lying along the line of 3905 Waterwood Terrace property; said point being **THE POINT OF BEGINNING OF THE PROPOSED PERMANENT SANITARY SEWER EASEMENT**; thence N 52°45'27" W, a distance of 24.07 feet; thence N 06°00'20" W, a distance of 41.68 feet; thence N 43°42'45" W, a distance of 326.02 feet; thence S 46°17'16" W, a distance of 82.58 feet; thence N 52°44'54" W, a distance of 9.45 feet; thence N 12°11'24" W, a distance of 12.52 feet; thence N 46°17'16" E, a distance of 77.52 feet; thence N 43°42'44" W, a distance of 70.14 feet; thence N 15°46'11" W, a distance of 187.44 feet; thence S 74°13'49" W, a distance of 17.71 feet; thence N 12°16'54" W, a distance of 20.04 feet; thence N 74°13'49" E, a distance of 15.57 feet; thence N 20°47'17" W, a distance of 103.64 feet; thence N 12°11'58" W, a distance of 73.70 feet; thence N 40°40'30" W, a distance of 32.35 feet; thence N 20°47'17" W, a distance of 50.52 feet; thence N 10°32'40" W, a distance of 260.12 feet; thence N 17°00'28" W, a distance of 122.93 feet; thence N 32°24'20" E, a distance of 110.41 feet; thence N 32°24'20" E, a distance of 13.34 feet; thence S 14°43'49" W, a distance of 46.56 feet; thence S 43°01'26" W, a distance of 33.16 feet; thence S 17°03'57" W, a distance of 161.01 feet; thence S 10°32'40" E, a distance of 253.42 feet; thence S 20°47'17" E, a distance of 267.02 feet; thence S 15°46'11" E, a distance of 192.90 feet; thence S 43°42'45" E, a distance of 418.02 feet; thence S 06°00'20" E, a distance of 52.59 feet; thence S 60°55'13" E, a distance of 4.95 feet; thence S 28°14'12" W, a distance of 11.58 feet, more or less to the **POINT OF BEGINNING**; and,

The above described parcel contains 28,946.25 square feet of permanent easement; and

Included in the above described **PROPOSED PERMANENT SANITARY SEWER EASEMENT** area description is an existing sanitary sewer easement of 2,424.35 square feet, resulting in a net increase of 26,521.90 square feet of new easement area; and,

Being a portion of the property conveyed to LRC-Downing Place, LP, a Kentucky limited partnership, by deed dated March 31, 2017, of record in Deed Book 3480, Page 96, in the Fayette County Clerk's Office.

FURTHER, for and in consideration of the sum hereinbefore mentioned, 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, temporary right to excavate, grade, construct, alter, re-grade and perform related work for the purpose of sanitary sewer placement and construction, installation and relocation through and across the following tract of land located in the confines of Lexington, Fayette County, Kentucky, depicted on Exhibit "A" attached hereto, and more particularly described as follows:

Temporary Construction Access Easement
Lansdowne South Trunk Sewer Replacement Project
(a portion of 3395 Spangler Drive)

Nine tracts or parcels of land being a temporary construction access easement situated north of Wilson Downing Road in Lexington, Fayette County, Kentucky and being more particularly described as follows, to wit:

Tract No. 1

Beginning at a point in the northwest corner of the property and being a common corner to 3619 Laredo Drive property (Deed Book 2851, Page 680) Gatewood Subdivision, Unit 1-C, Lot 22; thence S 32°24'20" W, a distance of 160.18 feet, more or less along the common property line with the 3619 Laredo Drive property; thence S 14°43'49" W, a distance of 49.50 feet, more or less to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; thence S 14°43'49" W, a distance of 30.97 feet; thence S 43°01'26" W, a distance of 33.38 feet; thence S 17°23'28" W, a distance of 23.59 feet; thence N 09°59'23" W, a distance of 21.70 feet; thence N 17°08'20" E, a distance of 6.57 feet; thence N 43°01'26" E, a distance of 33.16 feet; thence N 14°43'49" E, a distance of 10.19 feet;

thence N 43°26'24" E, a distance of 20.82 feet, more or less to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; and,

The above described parcel contains 689.04 square feet of temporary construction access easement; and,

Tract No. 2

Beginning at a point in the northwest corner of the property an being a common corner to 3619 Laredo Drive property (Deed Book 2851, Page 680) Gatewood Subdivision, Unit 1-C, Lot 22; thence S 32°24'20" W, a distance of 280.53 feet, more or less along the common property line with the 3619 Laredo Drive property and the 463 Lancelot Lane property (Deed Book 3046, Page 432) Camelot Subdivision, Unit 2-B, Lot 11; thence S 09°59'17" E, a distance of 22.81 feet, more or less along the southern boundary of the existing sanitary sewer easement to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; thence N 17°00'28" E, a distance of 132.73 feet; thence S 09°59'17" E, a distance of 22.03 feet; thence S 17°00'28" W, a distance of 110.65 feet; thence S 10°32'40" E, a distance of 250.07 feet; thence S 20°47'17" E, a distance of 128.18 feet; thence S 00°38'38" W, a distance of 27.37 feet; thence N 20°47'17" W, a distance of 154.55 feet; thence N 10°32'40" W, a distance of 253.42 feet, more or less to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; and,

The above described parcel contains 5,148.00 square feet of temporary construction access easement; and,

Tract No. 3

Beginning at a point in the southeast corner of the property and being a common corner to 3640 Allante Brook Court property (Deed Book 1592, Page 86) LFUCG Housing Authority property and lying along the line of 3905 Waterwood Terrace property; thence N 28°01'11" E, a distance of 11.48 feet, more or less along the common property line with the 3905 Waterwood Terrace property to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; thence N 60°55'13" W, a distance of 4.95 feet; thence N

06°00'20" W, a distance of 52.59 feet; thence N 43°42'45" W, a distance of 342.85 feet; thence N 43°42'44" W, a distance of 75.17 feet; thence N 15°46'11" W, a distance of 192.90 feet; thence N 20°47'17" W, a distance of 85.10 feet; thence N 00°38'38" E, a distance of 27.37 feet; thence S 20°47'17" E, a distance of 111.01 feet; thence S 15°46'11" E, a distance of 190.85 feet; thence S 43°42'44" E, a distance of 72.68 feet; thence S 43°42'45" E, a distance of 346.27 feet; thence S 06°00'20" E, a distance of 50.03 feet; thence S 28°01'11" W, a distance of 10.64 feet, more or less to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; and, _____

The above described parcel contains 7,623.55 square feet of temporary construction access easement; and,

Tract No. 4

Beginning at a point in the northwest corner of the property and being a common corner to 3619 Laredo Drive property (Deed Book 2851, Page 680) Gatewood Subdivision, Unit 1-C, Lot 22; thence S 32°24'20" W, a distance of 160.18 feet, more or less along the common property line with the 3619 Laredo Drive property to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; thence S 14°43'49" W, a distance of 28.68 feet; thence S 43°26'24" W, a distance of 20.82 feet; thence N 14°43'49" E, a distance of 15.56 feet; thence N 32°24'20" E, a distance of 32.94 feet, more or less to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; and,

The above described parcel contains 221.20 square feet of temporary construction access easement; and,

Tract No. 5

Beginning at a point in the west line of the property and being a common corner to 3600 Creel Court property (Deed Book 2537, Page 227) Downing Place Subdivision, Lot 9; thence N 40°43'01" W, a distance of 32.35 feet, more or less along the common property line with the 3600 Creel Court property to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; thence N 40°38'20" W, a distance of 29.45 feet; thence N 20°47'17" W, a distance of 23.71 feet; thence

N 10°32'40" W, a distance of 263.47 feet; thence N 17°00'28" E, a distance of 89.07 feet; thence N 32°24'20" E, a distance of 37.66 feet; thence S 17°00'28" W, a distance of 122.93 feet; thence S 10°32'40" E, a distance of 260.12 feet; thence S 20°47'17" E, a distance of 50.52 feet, more or less to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; and,

The above described parcel contains 4,049.10 square feet of temporary construction access easement; and,

Tract No. 6

Beginning at a point in the southeast corner of the property and being a common corner to 3640 Allante Brook Court property (Deed Book 1592, Page 86) LFUCG Housing Authority property and lying along the line of 3905 Waterwood Terrace property; thence N 52°45'44" W, a distance of 397.06 feet, more or less along the common property line with the 3640 Allante Brook Court property; thence N 12°12'26" W, a distance of 397.06 feet, more or less along the common property line with the 3640 Allante Brook Court property to a common property corner; thence N 12°11'23" W, a distance of 318.84 feet, more or less along the common property line with the 3640 Allante Brook Court property; thence N 12°07'47" W, a distance of 36.61 feet, more or less along the common property line with 3604 Creel Court (Deed Book 2967, Page 236) Downing Place Subdivision, Lot 10 to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; thence N 12°11'00" W, a distance of 66.84 feet; thence S 20°47'17" E, a distance of 53.48 feet; thence S 00°38'38" W, a distance of 27.37 feet; thence N 20°47'17" W, a distance of 12.87 feet, more or less to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; and,

The above described parcel contains 331.77 square feet of temporary construction access easement; and,

Tract No. 7

Beginning at a point in the southeast corner of the property and being a common corner to 3640 Allante Brook Court property (Deed Book 1592, Page 86) LFUCG Housing Authority property and lying along the line of 3905 Waterwood Terrace property; thence N 52°45'44" W, a

distance of 397.06 feet, more or less along the common property line with the 3640 Allante Brook Court property; thence N 12°12'26" W, a distance of 397.06 feet, more or less along the common property line with the 3640 Allante Brook Court property to a common property corner; thence N 12°11'23" W, a distance of 318.84 feet, more or less along the common property line with the 3640 Allante Brook Court property; thence N 74°13'49" E, a distance of 6.89 feet, more or less to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; thence N 00°38'38" E, a distance of 23.67 feet; thence S 20°47'17" E, a distance of 22.79 feet; thence S 74°13'49" W, a distance of 8.68 feet, more or less to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; and,

The above described parcel contains 98.58 square feet of temporary construction access easement; and,

Tract No. 8

Beginning at a point in the southeast corner of the property and being a common corner to 3640 Allante Brook Court property (Deed Book 1592, Page 86) LFUCG Housing Authority property and lying along the line of 3905 Waterwood Terrace property; thence N 52°45'44" W, a distance of 397.06 feet, more or less along the common property line with the 3640 Allante Brook Court property; thence N 12°12'26" W, a distance of 12.52 feet, more or less along the common property line with the 3640 Allante Brook Court property; thence N 46°17'16" E, a distance of 6.49 feet, more or less to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; thence N 12°25'10" W, a distance of 11.70 feet; thence N 46°17'16" E, a distance of 54.95 feet; thence N 43°42'44" W, a distance of 62.63 feet; thence N 15°46'11" W, a distance of 179.92 feet; thence S 74°13'49" W, a distance of 3.92 feet; thence N 12°25'10" W, a distance of 10.02 feet; thence N 74°13'49" E, a distance of 13.33 feet; thence S 15°46'11" E, a distance of 187.44 feet; thence S 43°42'44" E, a distance of 70.14 feet; thence S 46°17'16" W, a distance of 71.03 feet, more or less to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; and,

The above described parcel contains 3,216.85 square feet of temporary construction access easement; and,

Tract No. 9

Beginning at a point in the southeast corner of the property and being a common corner to 3640 Allante Brook Court property (Deed Book 1592, Page 86) LFUCG Housing Authority property and lying along the line of 3905 Waterwood Terrace property; thence N 28°01'11" E, a distance of 4.82 feet, more or less along the common property line with the 3905 Waterwood Terrace property; thence N 52°33'18" W, a distance of 27.99 feet, more or less along the northern boundary of the existing sanitary sewer easement to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; thence 52°33'18" W, a distance of 13.77 feet; thence N 06°00'20" W, a distance of 21.99 feet; thence N 43°42'45" W, a distance of 312.61 feet; thence S 46°17'16" W, a distance of 64.79 feet; thence N 52°33'18" W, a distance of 10.12 feet; thence N 46°17'16" E, a distance of 76.35 feet; thence S 43°42'45" E, a distance of 326.02 feet; thence S 06°00'20" E, a distance of 34.88 feet, more or less to **THE POINT OF BEGINNING OF THE PROPOSED TEMPORARY CONSTRUCTION ACCESS EASEMENT**; and,

The above described parcel contains 4,183.21 square feet of temporary construction access easement; and,

All of the above tracts or parcels being a portion of the property conveyed to LRC-Downing Place, LP, a Kentucky limited partnership, by deed dated March 31, 2017, of record in Deed Book 3480, Page 96, in the Fayette County Clerk's Office.

TO HAVE AND TO HOLD the above-described easements together with all rights, 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 runs with the land for the duration of the improvement project and is binding upon the successors and assigns of the Grantor. The above-described permanent easement runs with the land in perpetuity

and is binding upon the successors and assigns of the Grantor. The temporary construction easement shall take effect upon the commencement of construction of the project and will expire upon completion of the project.

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 prior written consent of the Grantee.

Grantor does hereby release and relinquish unto the Grantee, its successors and assigns forever, all of its right, title, and interest in and to the property to the extent of the interests conveyed herein, including all exemptions allowed by law, and does hereby covenant to and with the 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 as herein done, and that it will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 58-2019, passed by the Lexington-Fayette Urban County Council on February 7, 2019. Pursuant to KRS 382.135(2)(a), this deed of easement, which pertains to a public utility, need not contain a statement of consideration.

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

PREPARED BY:



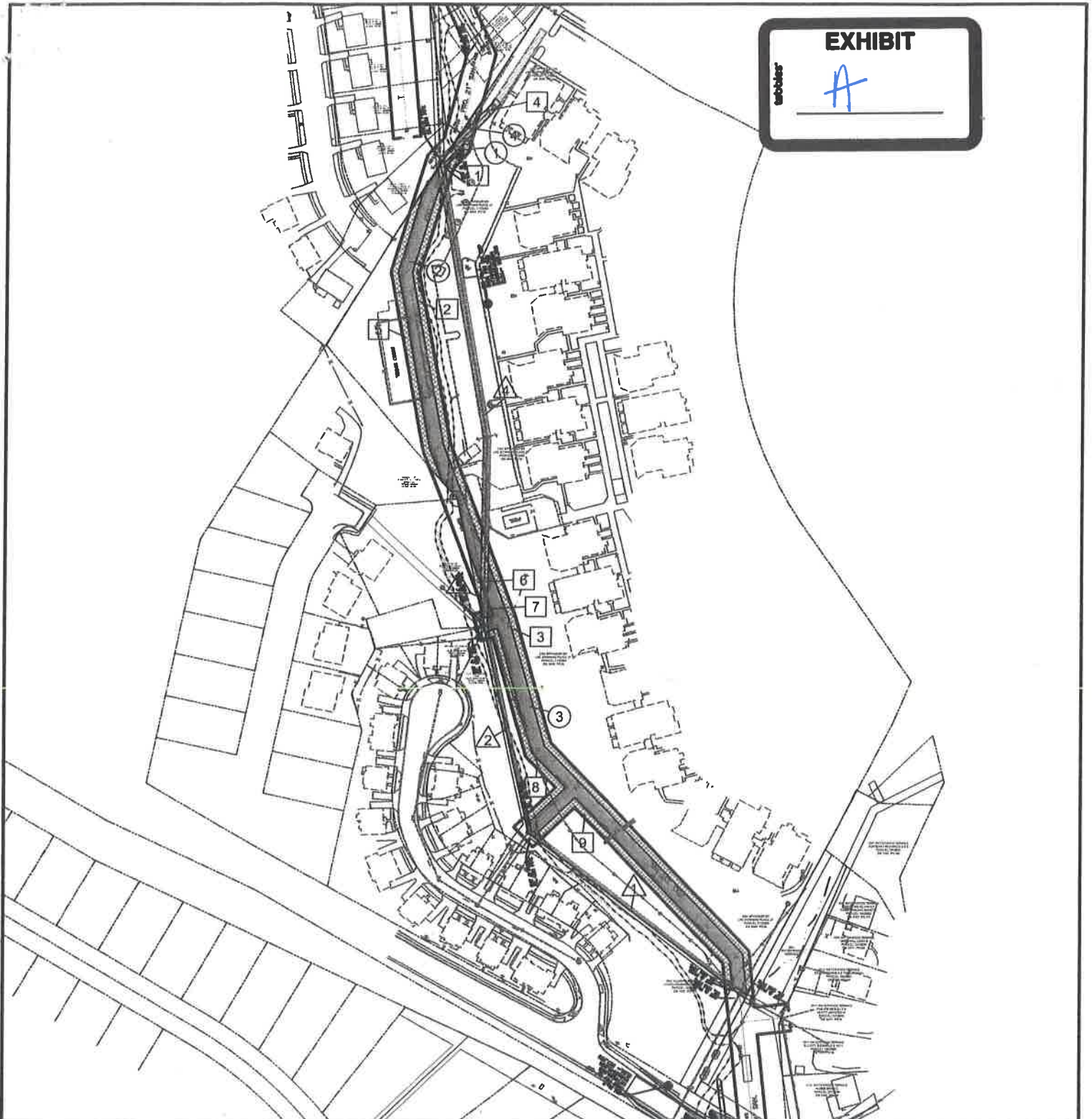
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County Government
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200 East Main Street
Lexington, Kentucky 40507
(859) 258-3500

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EXHIBIT

tabbies

A



BASIS OF BEARINGS:
NAD 83 KY NORTH

GRAPHIC SCALE: 1" = 200'



- ① PERMANENT EASEMENT TRACT NO.
- 1 TEMPORARY CONSTRUCTION EASEMENT TRACT NO.
- ⚠ EXISTING EASEMENT TO BE RELEASED TRACT NO.

- EXISTING EASEMENT AREA
- TEMPORARY CONSTRUCTION EASEMENT
- NEW PERMANENT EASEMENT AREA
- EX. EASEMENT AREA TO BE RELEASED



SANITARY SEWER EASEMENT 3395 SPANGLER DRIVE



ECSI, LLC

CIVIL • ENVIRONMENTAL • MINING

340 S BROADWAY • LEXINGTON, KY 40517 • (859) 233-2103 • fax (859) 259-3394

DATE - 10/30/2018 PROJECT NO. 1016-001

DRAWN - kmf

PROJECT NAME - LANSDOWNE SOUTH TRUNK SEWER REPLACEMENT

PROJECT LOCATION - LEXINGTON, 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: PATTY DAVIS ,dc

201907180135

July 18, 2019

12:37:59 PM

Fees	\$44.00	Tax	\$.00
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Total Paid	\$44.00
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13 Pages

688 - 700