

**DEED OF EASEMENTS**

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 2<sup>nd</sup> day of February, 2018, by and between **JOHN R. CUMMINS**, a married person, 2200 Russell Cave Road, Lexington, Kentucky 40511, 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 **FOUR THOUSAND FIVE HUNDRED FIVE DOLLARS AND 00/100 CENTS (\$4,505.00)**, 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, the permanent right to lay, construct, operate, repair, reconstruct and remove a sanitary sewer, improvements and appurtenances thereto, which sanitary sewer 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, depicted on Exhibit "A" attached hereto, and more particularly described as follows:

**Permanent Sanitary Sewer Easement**  
**(a portion of 2200 Russell Cave Road)**  
**Expansion Area 3**

Return to:  
Charles E. Edwards III  
LFUCG, Dept. of Law, 11<sup>th</sup> Floor  
200 East Main Street  
Lexington, KY 40507  
(C-F)

Beginning at a point, said point being 15.65' east of the common property line of Dr. John R. Cummins and Anderson-Ramsey, LLC and 313.53' southwest from the northeast corner of Tract I of Dr. Cummins property; said property being on a stone fence line that is the right-of-way line for Russell Cave Road; said point also being on the centerline of a proposed trunk sewer line belonging to the Lexington Fayette Urban County Government's Expansion Area 3 (EA-3) project and more fully described as follows:

From the point of beginning, N 24° 34' 43.85" E, 10.00 feet to a point; said point being on the aforementioned common stone fence and right-of-way line of Russell Cave Road; thence leaving said fence and right-of-way line and running across Tract I of Dr. Cummins property; thence S 64° 04' 45.79" E, 27.49 feet to a point; thence S 25° 55' 14.21" W, 20.00 feet to a point; thence N 64° 04' 45.79" W, 27.02 feet to a point; said point being on the stone fence and right-of-way line for Russell Cave Road; thence N 24° 34' 43.85" E, 10.00 feet to the point of beginning; and,

The above described parcel contains 0.01 acres (545.03 sq. ft.) of permanent easement; and

Being a twenty foot wide permanent sanitary easement on a portion of the same property conveyed to John R. Cummins, a married person, by deed dated November 25, 2013, of record in Deed Book 3201, Page 404, 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 Easement**  
**(a portion of 2200 Russell Cave Road)**  
**Expansion Area 3**

Beginning at a point, said point being 15.65' east of the common property line of Dr. John R. Cummins and Anderson-Ramsey, LLC and 313.53' southwest from the northeast corner of Tract I of Dr. Cummins property; said property being on a stone fence line that is the right-of-way line for Russell Cave Road; said point also being on the centerline of a proposed trunk sewer line belonging to the Lexington Fayette Urban County Government's Expansion Area 3 (EA-3) project and more fully described as follows:

From the point of beginning, N 24° 34' 43.85" E, 15.00 feet to a point; said point being on the aforementioned common stone fence and right-of-way line of Russell Cave Road; thence continuing with said fence and right-of-way line N 25° 56' 23.95" E, 33.68 feet to a point; thence N 20° 52' 49.69" E, 12.36 feet to a point; thence N 22 °47' 08.49" E, 21.41 feet to a point; thence N 25° 06' 20.82" E, 31.16 feet to a point; thence N 28° 49' 38.09" E, 32.11 feet to a point; thence N 28° 51' 47.03" E, 136.80 feet to a point; thence leaving said stone fence and right-of-way of Russell Cave Road; thence N 82° 46' 17.86" E, 54.99 feet to a point on an existing wooden plank fence on the west side of Faulkner Avenue; said fence being the closest of two fences running parallel with Faulkner Avenue; said fence also being on the right-of-way of Faulkner Avenue and on the property line of Dr. John Cummins; thence with said wooden plank fence, S 61° 40' 11.67" E, 112.19 feet to a point on said wood plank fence; thence leaving said wooden plank fence and running across the property of Dr. John Cummins, S 44° 27' 15.56" W, 350.75 feet to a point; thence N 64° 04' 45.79" W, 51.67 feet to a point; said point being on the stone fence and right-of-way line for Russell Cave Road; thence with said stone fence and right-of-way line, N 24° 34' 43.85" E, 25.01 feet to the point of beginning; and,

The above described parcel contains 35,495.15 sq. ft., but excludes the area of permanent easement, leaving a net 0.80 acres (34,950.12 square feet) of temporary construction easement; and

Being a forty foot wide temporary construction easement on a portion of the same property conveyed to John R. Cummins, a married person, by deed dated November 25, 2013, of record in Deed Book 3201, Page 404, in the Fayette County Clerk's Office.

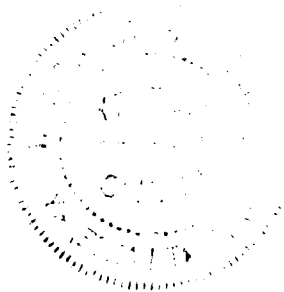
**TO HAVE AND TO HOLD** the above-described easements together with all rights, appurtenances, and improvements thereunto belonging unto Grantee, its successors and assigns forever, for the purposes and uses herein designated.

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. The permanent and temporary construction easements shall be subject to the terms and conditions contained in the Memorandum of Understanding entered into between the parties regarding the Expansion Area 3 – 30" Trunk Sewer Line at 2200 Russell Cave Road, Lexington, Kentucky, 40511.

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.

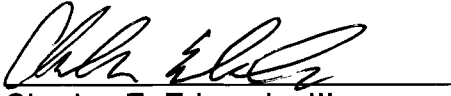
Grantor does hereby release and relinquish unto the Grantee, its successors and assigns forever, all of its right, title, and interest in and to the property to the extent of





MY Commission Expires Feb 25, 2020  
Kentucky State Police  
#1214 F0001  
MBA 2011010101

PREPARED BY:

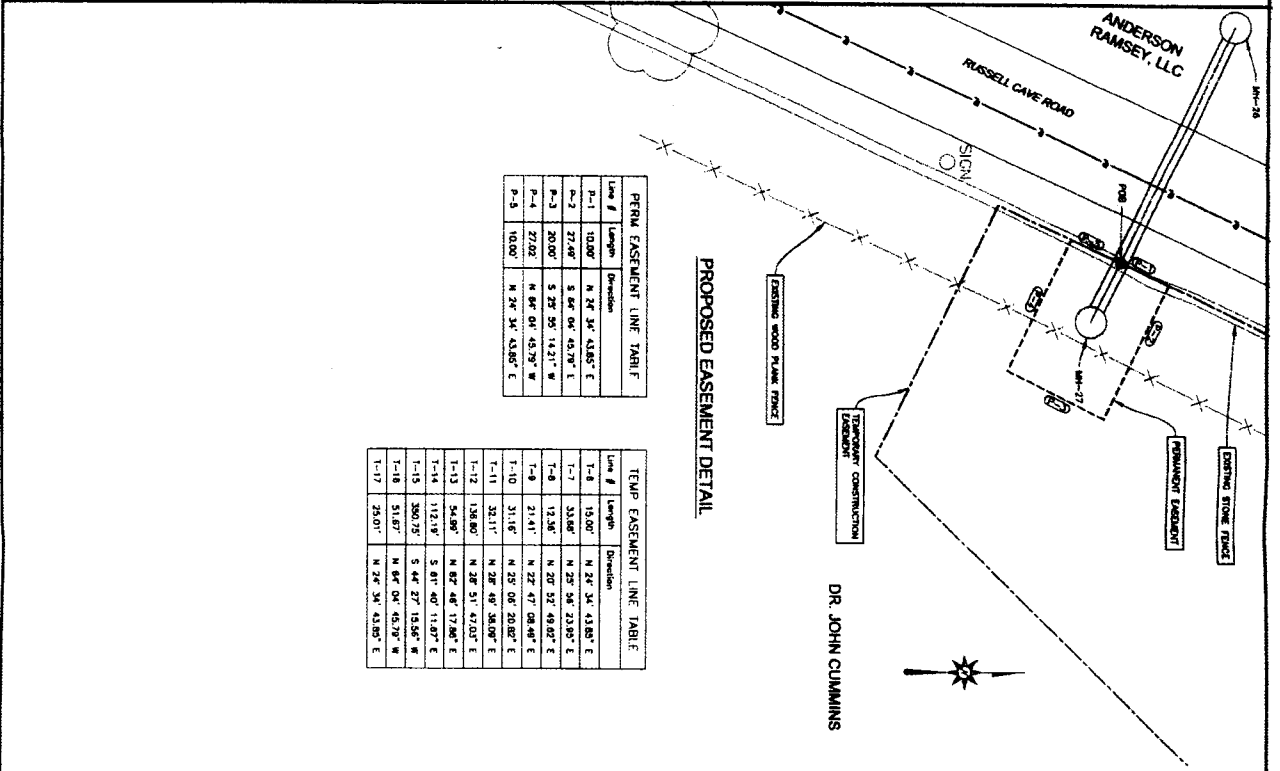
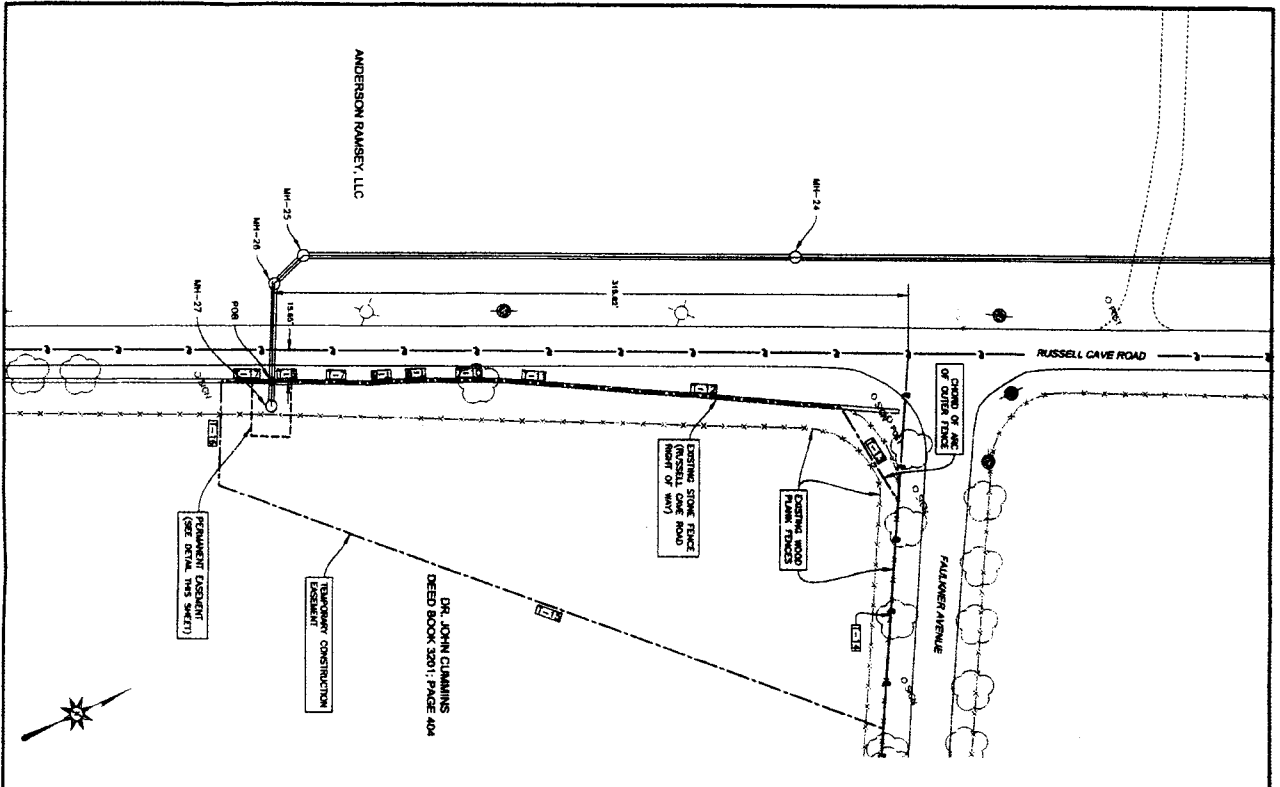
A handwritten signature in black ink, appearing to read "Charles E. Edwards, III", is written over a horizontal line.

Charles E. Edwards, III  
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"



PERM EASEMENT LINE TABLE

Line #	Length	Direction
P-1	10.00'	N 24° 34' 43.80" E
P-2	27.00'	S 64° 04' 43.20" E
P-3	20.00'	S 23° 55' 14.21" W
P-4	27.00'	N 64° 04' 43.20" W
P-5	10.00'	N 24° 34' 43.80" E

TEMP EASEMENT LINE TABLE

Line #	Length	Direction
T-6	15.00'	N 24° 34' 43.80" E
T-7	33.00'	N 23° 34' 23.90" E
T-8	12.36'	N 20° 52' 49.00" E
T-9	21.41'	N 22° 47' 08.40" E
T-10	31.16'	N 23° 06' 20.80" E
T-11	30.11'	N 23° 40' 38.00" E
T-12	138.80'	N 28° 51' 43.00" E
T-13	54.90'	N 87° 48' 17.80" E
T-14	115.18'	S 61° 40' 11.87" E
T-15	300.20'	S 44° 27' 15.80" W
T-16	51.87'	N 64° 04' 43.20" W
T-17	25.01'	N 24° 34' 43.80" E

NOTE: EASEMENT RESERVATIONS SHOWN ON THIS DRAWING DO NOT MEET THE LAND SURVEYING STANDARDS OF PRACTICE FOR EASEMENT RESERVATIONS IS FOR EASEMENT PURPOSES ONLY.

*Handwritten signature and date: 6/23/16*

<p>nesbitt engineering, inc.  <small>providing professional engineering services since 1926</small></p>		LEXINGTON FAYETTE URBAN COUNTY GOVERNMENT EXPANSION AREA 3 - 30" TRUNK LINE LFUCG BID No.: RMP ID No. CR-4	
		DR. JOHN CUMMINS MOU - EXHIBIT A	
LEXINGTON FAYETTE URBAN COUNTY GOVERNMENT EA3 - 30" TRUNK LINE DR. JOHN CUMMINS MOU EXHIBIT A	685.35.05 NOT TO SCALE	APRIL, 2016	P:\PROJECTS\16-35 (Dr. John Cummins) - Dr. Cummins



**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.**

  
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**By: SHEA BROWN ,dc**

**201802060202**

**February 6, 2018                      14:51:11      PM**

**Fees                      \$29.00              Tax                      \$ .00**

**Total Paid                              \$29.00**

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

**8      Pages**

**681      -      688**