

**DEED OF EASEMENT**

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 28<sup>th</sup> day of JULY, 2022, by and between **ECKMAN PROPERTIES, LLC**, a Kentucky **limited liability company**, 119 South Ashland, Lexington, Kentucky 40502, 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 HUNDRED TWO DOLLARS AND 00/100 CENTS (\$402.00)**, 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

Return to:  
Cynthia Cannon-Ferguson  
LFUCG, Dept. of Law, 11<sup>th</sup> Floor  
200 East Main Street  
Lexington, KY 40507

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:

**20' Permanent Sanitary Sewer Easement**  
**East Loudon Avenue Sanitary**  
**Sewer Relocation Project**  
**(a portion of 664 E. Loudon Avenue)**

**COMMENCING**, at a point in the southwestern right-of-way line of E. Loudon Avenue being approximately seven hundred and fifty five (755) feet southeasterly along said right-of-way line from the eastern right-of-way line of Magoffin Street, and said point also being in the line of the parcel conveyed to Alma J. Bentley (Bentley) in Deed Book 2163, Page 610 and depicted as Lot 2, of the H.N. Wright Subdivision on Plat Cabinet E, Slide 313 in the Fayette County Clerk's records; thence along the line of Bentley for one (1) call:

- 1) South 43°20'21" West 131.13 feet to the **TRUE POINT OF BEGINNING;**

Thence continuing along the line of Bentley for one (1) call:

- 1) South 43°20'21" West 33.36 feet;

Thence with a new severance line for one (1) call:

- 1) North 45°34'29" West 50.01 feet to the line of the parcel conveyed to Lexington-Fayette Urban County Government (LFUCG) in Deed Book 2296, Page 126 and depicted as Parcel 1, on Plat Cabinet L, Slide 745;

Thence along the line of LFUCG for one (1) call:

- 1) North 43°20'21" East 20.00 feet;

Thence with a new severance line for two (2) calls:

- 1) South 45°34'29" East 40.21 feet;

2) North 79°58'53" East 16.42 feet to the **POINT OF BEGINNING**; and,

The above-described parcel contains 0.0245 Acres (1,065.64 sq. ft.) of permanent easement; and

Being a portion of the property conveyed to Eckman Properties, LLC, a Kentucky limited liability company, by Deed dated October 7, 2015, of record in Deed Book 3350, Page 43, 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"**  
**East Loudon Avenue Sanitary**  
**Sewer Relocation Project**  
**(a portion of 664 E. Loudon Avenue)**

**COMMENCING**, at a point in the southwestern right-of-way line of Loudon Avenue being approximately seven hundred and fifty five (755) feet southeasterly along said right-of-way line from the eastern right-of-way line of Magoffin Street, and said point also being in the line of the parcel conveyed to Alma J. Bentley (Bentley) in Deed Book 2163, Page 610 and depicted as Lot 2, of the H.N. Wright Subdivision on Plat Cabinet E, Slide 313 in the Fayette County Clerk's records; thence along the line of Bentley for one (1) call:

1) South 43°20'21" West 164.49 feet to the **TRUE POINT OF BEGINNING**; being a point common to the 20 foot Permanent Easement, herein described;

Thence continuing with the line of Bentley for one (1) call:

- 1) South 43°20'21" West 10.00 Feet;

Thence with a new severance line for five (5) calls:

- 1) North 45°34'29" West 5.44 feet;
- 2) North 44°13'17" East 8.47 feet;
- 3) North 46°41'03" West 5.51 feet;
- 4) South 44°13'17" West 8.37 feet;
- 5) North 45°34'29" West 39.06 feet to the line of the parcel conveyed to Lexington-Fayette Urban County Government (LFUCG) in Deed Book 2296, Page 126 and depicted as Parcel 1, on Plat Cabinet L, Slide 745;

Thence along the line of LFUCG for one (1) call:

- 1) North 43°20'21" East 10.00 feet to a point common to the 20 foot Permanent Easement, herein described;

Thence along the line of said Easement for one (1) call:

- 1) South 45°34'29" East 50.01 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 0.0104 Acres (453.72 sq. ft.) of temporary construction easement; and

**Temporary Construction Easement "B"**  
**East Loudon Avenue Sanitary**  
**Sewer Relocation Project**  
**(a portion of 664 E. Loudon Avenue)**

**COMMENCING**, at a point in the southwestern right-of-way line of Loudon Avenue being approximately seven hundred and fifty five (755) feet southeasterly along said right-of-way line from the eastern right-of-way line of Magoffin Street, and said point also being in the line of the parcel conveyed to Alma J. Bentley (Bentley) in Deed Book 2163, Page 610 and depicted as Lot 2, of the H.N. Wright Subdivision on Plat

Cabinet E, Slide 313 in the Fayette County Clerk' s records;  
thence along the line of Bentley for one (1) call:

- 1) South 43°20'21" West 114.37 feet to the **TRUE POINT OF BEGINNING;**

Thence continuing along the line of Bentley for one (1) call:

- 1) South 43°20'21" West 16.76 Feet to a point common to the 20 foot Permanent Easement, herein described;

Thence along the line of said Easement for two (2) calls:

- 1) South 79°58'53" West 16.42 feet;
- 2) North 45°34'29" West 40.21 feet to the line of the parcel conveyed to Lexington-Fayette Urban County Government (LFUCG) in Deed Book 2296, Page 126;

Thence along the line of LFUCG and the line of the parcel conveyed to Jawad and Rihab Rayyan in Deed Book 2937, Page 652 (Lot 4, Plat Cabinet E, Slide 313) for one (1) call:

- 1) North 43°20'21" East 10.00 feet;

Thence with a new severance line for five (5) calls:

- 1) South 45°34'29" East 35.25 feet;
- 2) North 79°58'53" East 13.42 feet;
- 3) South 46°38'25" East 5.34 feet;
- 4) North 43°31'05" East 7.22 feet;
- 5) North 79°58'53" East 2.31 feet to the **POINT OF BEGINNING;** and,

The above described parcel contains 0.0129 Acres (563.72 sq. ft.) of temporary construction easement; and

Both parcels being a portion of the property conveyed to Eckman Properties, LLC, a Kentucky limited liability company, by Deed dated October 7, 2015, of record in Deed Book 3350, Page 43, 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 do 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 311-2022, passed by the Lexington-Fayette Urban County Council on June 23, 2022. Pursuant to KRS



PREPARED BY:



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EVAN P. THOMPSON,  
Attorney Sr.  
Lexington-Fayette Urban .  
County Government  
Department of Law, 11th Floor  
200 East Main Street  
Lexington, Kentucky 40507  
(859) 258-3500

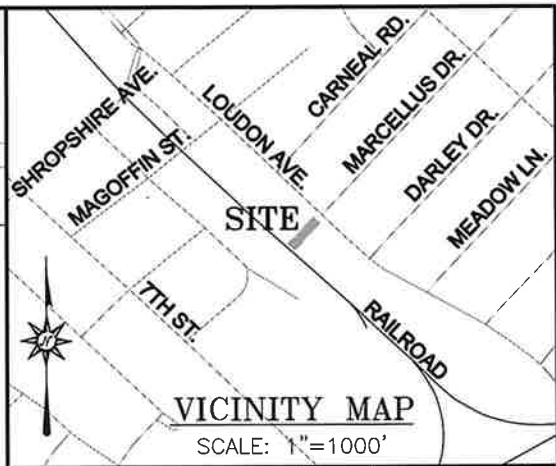
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**EAST LOUDON AVE.**  
R/W VARIES

OHE OHE OHE OHE

S 46°39'39" E 50.00'



**VICINITY MAP**

SCALE: 1"=1000'

662 E. LOUDON AVE.  
JAWAD & RIHAB RAYYAN  
LOT 4  
P.C. E, SLD. 313  
D.B. 2937, PG. 652  
PVA ID: 11053100  
ZONE: R-1C

664 E. LOUDON AVE.  
ECKMAN PROPERTIES LLC  
LOT 3  
P.C. E, SLD. 313  
D.B. 3350, PG. 43  
PVA ID: 11053400  
ZONE: R-1C

666 E. LOUDON AVE.  
ALMA J BENTLEY  
LOT 2  
P.C. E, SLD. 313  
D.B. 2163, PG. 610  
PVA ID: 10861900  
ZONE: R-1C

668 E. LOUDON AVE.  
WM H & JENNIFER TOWNS  
LOT 17, BLOCK 7  
P.C. E, SLD. 30  
D.B. 2032, PG. 505  
PVA ID: 15353100  
ZONE: R-1C

EX. SAN MH  
CR6 139  
PROP. SAN MH

N 43°20'21" E 203.00'

S 43°20'21" W 203.00'

EX. 3' SAN. SEW. ESMT.  
D.B. 285, PG. 566  
(TO BE RETAINED)

EXIST. GARAGE  
L9

TEMP. 10' CONST.  
ESMT. "B"

L5

L2

L1

L4

29.45'

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816 MAGOFFIN ST.  
LFUCG  
P.C. L, SLD. 745  
D.B. 2296, PG. 126  
PVA ID: 38086390  
ZONE: R-1C

ELEC. TRANSMISSION TOWER

TRANSMISSION LINE ESMT.  
D.B. 231, PG. 87

TRANSMISSION LINE ESMT.  
D.B. 231, PG. 84

**OLD BELTLINE RAILROAD/C & O RAILROAD CO.**

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	N 45°34'29" W	50.01'
L2	S 45°34'29" E	40.21'
L3	N 79°58'53" E	16.42'
L4	N 45°34'29" W	39.06'
L5	S 45°34'29" E	35.25'
L6	N 79°58'53" E	13.42'
L7	S 46°38'25" E	5.34'
L8	N 43°31'05" E	7.22'
L9	N 79°58'53" E	2.31'
L10	N 45°34'29" W	5.44'
L11	N 44°13'17" E	8.47'
L12	N 46°41'03" W	5.51'
L13	S 44°13'17" W	8.37'

**NOTES:**

- SOURCE OF TITLE: ECKMAN PROPERTIES, LLC., DEED BOOK 3350, PAGE 43.
- THE BASIS OF BEARINGS ARE KENTUCKY STATE PLANE GRID NORTH ZONE (NAD 83), U.S. SURVEY FEET.

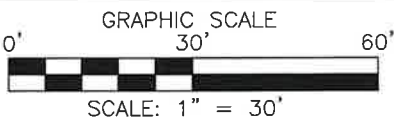
**AREAS:**

NEW PERMANENT 20' EASEMENT: 1065.64 S.F.  
EX. PERM. EASEMENT TO BE RETAINED: 150.03 S.F.  
 TOTAL PERMANENT EASEMENTS: 1215.67 S.F.  
 EX. PERM. EASEMENT TO BE RELEASED: 0.00 S.F.  
 TEMP. 10' CONSTRUCTION EASEMENT "A": 453.72 S.F.  
 TEMP. 10' CONSTRUCTION EASEMENT "B": 563.72 S.F.



Environmental, Civil Engineering Consultants, Land Surveying  
 128 E. Reynolds Rd, Suite 150, Lexington, KY 40517  
 Ph. (859) 559-0516 - Fax: (859) 523-0095  
 www.visionengr.com

OWNER:  
 ECKMAN PROPERTIES, LLC.  
 P.O. BOX 2163  
 LEXINGTON, KY 40588



**EXHIBIT SHOWING SANITARY SEWER EASEMENT TO BE ACQUIRED FROM ECKMAN PROPERTIES, LLC. 664 EAST LOUDON AVE. LEXINGTON, KENTUCKY 40505**

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: BOBBIE MARSTELLA ,dc

202208010024

August 1, 2022                      9:18:44    AM

Fees	\$62.00	Tax	\$ .00
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Total Paid	\$62.00
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10 Pages

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