

GRANT OF EASEMENT

This **EASEMENT** is made and entered into this 14 day of August, 2015, by and between **THOMAS A. FRILEY, a married person, 4121 Palomar Boulevard, Lexington, Kentucky 40505** and **DAVID B. JONES, a married person, 2630 Clays Mill Road, Lexington, Kentucky 40503**, ("Grantors"), 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 nominal consideration of **Ten Dollars and 00/100 Cents (\$10.00)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantors have **BARGAINED** and **SOLD** and do 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 3459 Pimlico Parkway)
Pimlico Parkway Stormwater
Improvement Project

All that tract or parcel of land being a storm sewer easement situated on the north side of Pimlico Parkway in Lexington, Fayette County, Kentucky and being more particularly described as follows, to wit:

Beginning at a point in the north right-of-way of Pimlico Parkway and being a common corner to 3455 Pimlico

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

(CC-F)

Parkway (Lincks Properties, LLC) (DB 1956, Page 342) (Gainesway Subdivision Unit 10-C , Lot B, Parcel 14986579) and 3459 Pimlico Parkway (Friley & Jones) (DB 1802, Page 156) (Gainesway Subdivision Unit 10-C, Lot B, Parcel 14986580); thence N45°16'56"E, 79.04 feet, more or less along the common property line to **THE POINT OF BEGINNING OF THE STORM SEWER EASEMENT**; thence N45°16'56"E 64.56 feet more or less along the common property line to a point in the southern line of the 12-foot existing utility easement running along the north side of the 3459 property; thence S45°17'06"E 10.94 feet more or less along the existing utility easement to a point; thence S43°40'38"W 9.33 feet more or less to a point; thence N42°24'28"W 2.51 feet more or less to a point; thence S43°40'38"W 55.33 feet more or less to a point; thence N45°25'53"W 10.25 feet more or less to the point of beginning and containing 626 square feet; and,

Being a portion of the same property conveyed to Thomas A. Friley, a married person and David B. Jones, a single person (now married), by Deed dated August 4, 1995, of record in Deed Book 1802, Page 156, 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, Grantors have **BARGAINED** and **SOLD** and do 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 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 Easement
(a portion of 3459 Pimlico Parkway)
Pimlico Parkway Stormwater
Improvement Project

Tract A

All that tract or parcel of land being a temporary construction

easement situated on the north side of Pimlico Parkway in Lexington, Fayette County, Kentucky and being more particularly described as follows, to wit:

Beginning at a point in the north right-of-way of Pimlico Parkway and being a common corner to 3455 Pimlico Parkway (Lincks Properties, LLC) (DB 1956, Page 342) (Gainesway Subdivision Unit 10-C, Lot B, Parcel 14986579) and 3459 Pimlico Parkway (Friley & Jones) (DB 1802, Page 156) (Gainesway Subdivision Unit 10-C, Lot B, Parcel 14986580); thence N45°16'56"E, 79.04 feet, more or less along the common property line to **THE POINT OF BEGINNING OF THE TEMPORARY CONSTRUCTION EASEMENT**; thence S45°25'53"E 10.25 feet more or less along the permanent storm sewer easement to a point; thence S45°16'56"W 3.00 feet more or less to a point; thence N45°25'53"W 10.29 feet more or less to a point in the common property line; thence N45°16'56"E 3.00 feet more or less to the point of beginning and containing 31 square feet; and,

Tract B

All that tract or parcel of land being a temporary construction easement situated on the north side of Pimlico Parkway in Lexington, Fayette County, Kentucky and being more particularly described as follows, to wit:

Beginning at a point in the north right-of-way of Pimlico Parkway and east property line to 3459 Pimlico Parkway (Friley & Jones) (DB 1802, Page 156) (Gainesway Subdivision Unit 10-C, Lot B, Parcel 14986580); thence N44°42'54"E 135.35 feet more or less along the property line to **THE POINT OF BEGINNING OF THE TEMPORARY CONSTRUCTION EASEMENT**; thence N42°24'28"W 57.43 feet more or less to a point in the permanent storm sewer easement; thence N43°40'38"E 6.01 feet more or less along the permanent easement to a point; thence S42°24'28"E 57.54 feet to a point in the east property line of 3459 Pimlico Parkway; thence S44°42'54"W 6.01 feet more or less to the point of beginning and containing 345 square feet; and,

Both tracts being a portion of the same property conveyed to Thomas A. Friley, a married person and David B. Jones, a single person (now married), by Deed dated August 4, 1995, of record in Deed Book 1802, Page 156, in the Fayette County Clerk's Office.

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 Grantors.

Grantors do hereby covenant to and with said Grantee, its successors and assigns, forever, that they are lawfully seized in fee simple of said property and have good right to sell and convey the easement as herein done, and that they will **WARRANT GENERALLY** said title.

Grantors 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.

The obtaining this easement was authorized by Resolution No. 424-2015 passed by the Lexington-Fayette Urban County Council on July 7, 2015. 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 Grantors have signed this Grant of Easement, this

day and year first above written.

GRANTORS:

BY: 

THOMAS A. FRILEY

BY: 

DAVID B. JONES

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing Grant of Easement was subscribed, sworn to and acknowledged before me by Thomas A. Friley, a married person, on this the 17th day of August, 2015.

My commission expires: September 26, 2017



Notary Public, State-at-Large, Kentucky

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing Grant of Easement was subscribed, sworn to and acknowledged before me by David B. Jones, a married person, on this the 17th day of August, 2015.

My commission expires: September 26, 2017



Notary Public, State-at-Large, Kentucky

PREPARED BY:

Michael Keith Horn

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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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

201510130101

October 13, 2015 10:15:26 AM

Fees	\$26.00	Tax	\$.00
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Total Paid	\$26.00
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