

**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 December, 2022, by and between **DONALD R. SPANGLER and JANET CHRISTINE SPANGLER, husband and wife**, 1870 Pershing Road, Lexington, Kentucky 40504, which is the in-care of tax mailing address for the current year (hereinafter "Grantors"), 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 **SIX HUNDRED EIGHTY-TWO DOLLARS AND 13/100 CENTS (\$682.13)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, said Grantors have **BARGAINED** and **SOLD** and do hereby **GIVE, GRANT** and **CONVEY** unto the Grantee, its successors and assigns, permanent right to excavate, grade, construct,

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

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**  
**Wolf Run Trunk F**  
**Sewer Improvement Project**  
**(a portion of 1870 Pershing Road)**

Tract A

All that strip or parcel of land situated on the north side of Pershing Road, north of Lane Allen Road in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

**BEGINNING**, at a common corner between Lot 4, Unit 2, as shown on the Amended Plat of Gardner Subdivision, Unit One and Unit Two (Plat Cabinet D, Slide 62), and Felizia A. Szorad and Travis Townsend (Deed Book 3153, Page 324), said point being in the southerly property line of Evan Baileys and Lisa Chiffolo (Deed Book 3626, Page 212);

Thence leaving the southerly property line of Evan Baileys and Lisa Chiffolo, with the westerly property line of Felicia A. Szorad and Travis Townsend, S 37°49'29" W, 51.87 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving the westerly property line of Felicia A. Szorad and Travis Townsend, with a new permanent sanitary sewer easement line through the lands of Lot 4, N 55°17'17" W, 89.64 feet to a point;

Thence with an existing utility easement line, N 30°25'54" E, 20.06 feet to a point;

Thence with a new permanent sanitary sewer easement line, S 55°17'17" E, 92.23 feet to a point in the westerly property line of the aforesaid Felicia A. Szorad and Travis Townsend;

Thence with the westerly property line of Felicia A. Szorad and Travis Townsend, S 37°49'29" W, 20.03 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 0.042 Acres (1,819 sq. ft.) of permanent easement; and

Tract A, being a portion of the same property conveyed to Donald R. Spangler and Janet Christine Spangler, husband and wife, by Deed dated January 10, 1974, of record in Deed Book 1098, Page 799, 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, Grantors have **BARGAINED** and **SOLD** and do 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**  
**Wolf Run Trunk F**  
**Sewer Improvement Project**  
**(a portion of 1870 Pershing Road)**

**Tract B**

All that strip or parcel of land situated on the north side of Pershing Road, north of Lane Allen Road in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows, to wit:

**BEGINNING**, at a common corner between Lot 4, Unit 2, as shown on the Amended Plat of Gardner Subdivision, Unit One and Unit Two (Plat Cabinet D, Slide 62), and Felizia A. Szorad and Travis Townsend (Deed Book 3153, Page 324), said point being in the southerly property line of Evan Baileys and Lisa Chiffolo (Deed Book 3626, Page 212);

Thence leaving the southerly property line of Evan Baileys and Lisa Chiffolo, with the westerly property line of Felicia A.

Szorad and Travis Townsend, S 37°49'29" W, 31.84 feet to the **TRUE POINT OF BEGINNING;**

Thence leaving the westerly property line of Felicia A. Szorad and Travis Townsend, with a new permanent sanitary sewer easement line through the lands of Lot 4, N 55°17'17" W, 92.23 feet to a point;

Thence with an existing utility easement line, N 30°25'54" E, 10.03 feet to a point;

Thence with a new temporary construction easement line, S 55°17'17" E, 93.52 feet to a point in the westerly property line of the aforesaid Felicia A. Szorad and Travis Townsend;

Thence with the westerly property line of Felicia A. Szorad and Travis Townsend, S 37°49'29" W, 10.01 feet to the **TRUE POINT OF BEGINNING;** and,

The above described parcel contains 0.021 Acres (929 sq. ft.) of temporary construction easement; and

**Tract C**

All that strip or parcel of land situated on the north side of Pershing Road, north of Lane Allen Road in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows, to wit:

**BEGINNING**, at a common corner between Lot 4, Unit 2, as shown on the Amended Plat of Gardner Subdivision, Unit One and Unit Two (Plat Cabinet D, Slide 62), and Felicia A. Szorad and Travis Townsend (Deed Book 3153, Page 324), said point being in the southerly property line of Evan Baileys and Lisa Chiffolo (Deed Book 3626, Page 212);

Thence leaving the southerly property line of Evan Baileys and Lisa Chiffolo, with the westerly property line of Felicia A. Szorad and Travis Townsend, S 37°49'29" W, 51.87 feet to the **TRUE POINT OF BEGINNING;**

Thence continuing with the westerly property line of Felicia A. Szorad and Travis Townsend, S 37°49'29" W, 10.01 feet to a point;

Thence leaving the westerly property line of Felicia A. Szorad and Travis Townsend, with a new temporary

construction easement line through the lands of Lot 4, N 55°17'17" W, 88.35 feet to a point;

Thence with an existing utility easement line, N 30°25'54" E, 10.03 feet to a point;

Thence with a new permanent sanitary sewer easement line S 55°17'17" E, 89.64 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 0.021 Acres (890 sq. ft.) of temporary construction easement; and,

Tracts B and C, being a portion of the same property conveyed to Donald R. Spangler and Janet Christine Spangler, husband and wife, by Deed dated January 10, 1974, of record in Deed Book 1098, Page 799, 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 Grantors. The above-described permanent easement runs with the land in perpetuity and is binding upon the successors and assigns of the Grantors. The temporary construction easement shall take effect upon the commencement of construction of the project and will expire upon completion of the project.

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 prior written consent of the Grantee.

Grantors do hereby release and relinquish unto the Grantee, its successors and assigns forever, all of their 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 they are lawfully seized in fee simple of said property and have good right to sell and convey the easements as herein done, and they will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 042-2022, passed by the Lexington-Fayette Urban County Council on February 10, 2022. 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 Grantors have signed this Deed of Easement, this the day and year first above written.

GRANTORS:

BY:



DONALD R. SPANGLER

BY:



JANET CHRISTINE SPANGLER

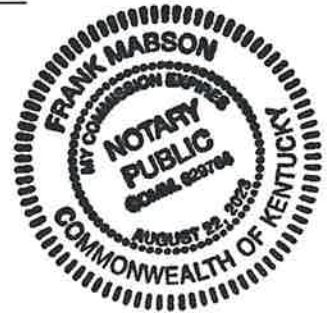
COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )

This instrument was acknowledged, subscribed and sworn to before me by Donald R. Spangler and Janet Christine Spangler, husband and wife, on this the 29<sup>th</sup> day of December, 2022.

Frank H. Mabson  
Notary Public, Kentucky, State-at-Large

My Commission Expires: 8 / 22 / 2023

Notary ID # 629764

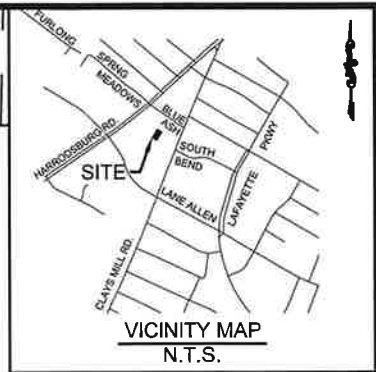
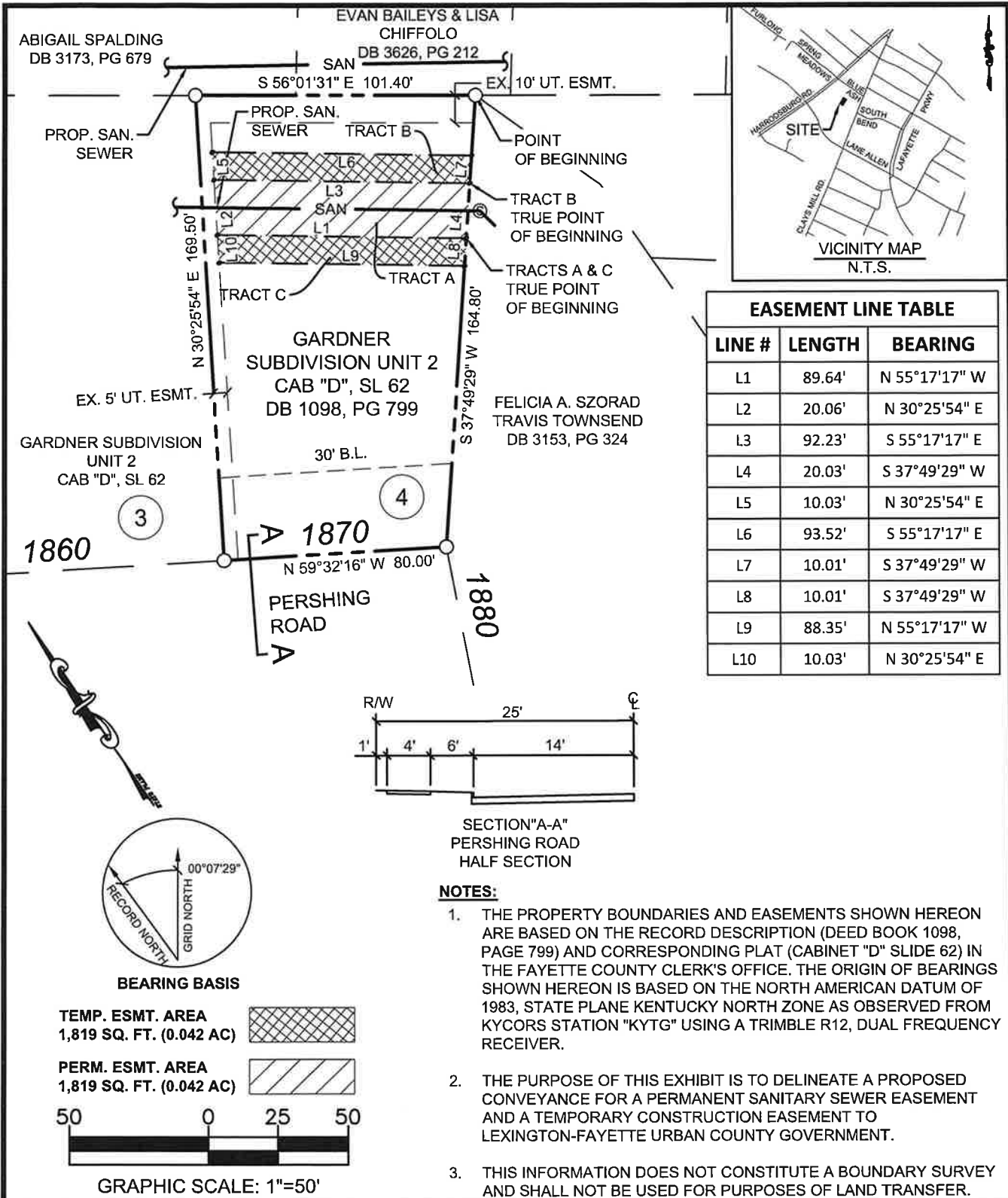


PREPARED BY:

Evan P. Thompson

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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- NOTES:**
1. THE PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON ARE BASED ON THE RECORD DESCRIPTION (DEED BOOK 1098, PAGE 799) AND CORRESPONDING PLAT (CABINET "D" SLIDE 62) IN THE FAYETTE COUNTY CLERK'S OFFICE. THE ORIGIN OF BEARINGS SHOWN HEREON IS BASED ON THE NORTH AMERICAN DATUM OF 1983, STATE PLANE KENTUCKY NORTH ZONE AS OBSERVED FROM KYCORS STATION "KYTG" USING A TRIMBLE R12, DUAL FREQUENCY RECEIVER.
  2. THE PURPOSE OF THIS EXHIBIT IS TO DELINEATE A PROPOSED CONVEYANCE FOR A PERMANENT SANITARY SEWER EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT TO LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.
  3. THIS INFORMATION DOES NOT CONSTITUTE A BOUNDARY SURVEY AND SHALL NOT BE USED FOR PURPOSES OF LAND TRANSFER.

**SANITARY SEWER EASEMENT EXHIBIT  
DONALD R. & JANET CHRISTINE SPANGLER  
1870 PERSHING ROAD  
WOLF RUN TRUNK F SEWER IMPROVEMENTS  
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
LEXINGTON, KENTUCKY**

**SA  
STRAND  
ASSOCIATES®**

**FIGURE 1**

2815.298

SEPTEMBER 2022



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: EMILY GENTRY ,dc

202301040004

January 4, 2023                      9:49:00      AM

|      |         |     |        |
|------|---------|-----|--------|
| Fees | \$59.00 | Tax | \$ .00 |
|------|---------|-----|--------|

|            |         |
|------------|---------|
| Total Paid | \$59.00 |
|------------|---------|

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

9 Pages

520 - 528