

**GRANT OF EASEMENT**

This **EASEMENT** is made and entered into this 23<sup>rd</sup> day of October, 2013, by and between **SUSAN ELAINE HAMMOND and WILLIAM GERALD SMITH, wife and husband**, 420 Lafayette Parkway, Lexington, Kentucky 40503 ("Grantors"), which is also the in-care of tax mailing address for the current tax year, and the **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky 40507 ("Grantee");

**WITNESSETH:**

That for and in consideration of the sum of **Twenty Thousand Four Hundred Seventeen and Ten Cents (\$20,417.10)**, 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 sanitary sewer improvements and appurtenances thereto, which sanitary sewer improvements 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, and more particularly described as follows:

**Bob-O-Link Sanitary Sewer Improvement Project**  
**Permanent Sanitary Sewer Easement**  
**(a portion of 420 Lafayette Parkway)**

Described on Exhibit A attached hereto and incorporated herein by reference.

**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

Michael Keith Horn  
LFUCG Department of Law  
200 East Main Street, 11<sup>th</sup> Floor  
Lexington, Kentucky 40507

temporary right to excavate, grade, construct, alter, regrade and perform related work for the purpose of sanitary sewer construction, repair, installation and relocation through and across the following tract of land located within the confines of Lexington-Fayette County, Kentucky, to-wit:

**Bob-O-Link Sanitary Sewer Improvement Project**  
**Temporary Construction Easement**  
**(a portion of 420 Lafayette Parkway)**

All temporary construction easements, if any, are described on Exhibit B attached hereto and incorporated herein by reference.

**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 easement 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 easements conveyed herein, 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.

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The obtaining of this easement was authorized by Resolution No. ~~721-13~~ passed by the Lexington-Fayette Urban County Council on July 9, 2013. 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 parties have signed this Easement, the day and year first above written.

GRANTORS:

BY: Susan Elaine Hammond BY: William S. Smith  
SUSAN ELAINE HAMMOND WILLIAM GERALD SMITH

COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )

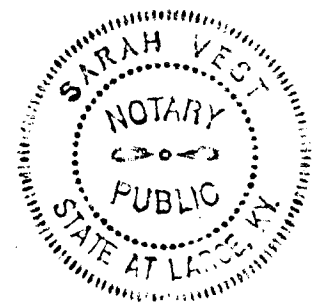
The foregoing Easement was subscribed, sworn to and acknowledged before me by Susan Elaine Hammond and William Gerald Smith, wife and husband, on this the 28 day of October, 2013.

My commission expires: 5/4/2015

Sarah Vest  
Notary Public, State-At-Large, Kentucky

PREPARED BY:  
Michael Keith Horn  
Michael Keith Horn  
Managing Attorney  
Lexington-Fayette Urban County Government  
Department of Law  
200 East Main Street, 11<sup>th</sup> Floor  
Lexington, Kentucky 40507  
(859) 258-3500

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## EXHIBIT A

Permanent Sanitary Sewer Easement  
A portion of 420 Lafayette Parkway  
Lexington, Fayette County, Kentucky

All that tract of land west of Bob-O-Link Drive and at the west end of Jacuna Drive in Lexington, Fayette County, Kentucky and being more fully described as follows:

BEGINNING at a point at the rear corner of Lot 6 and Lot 7 of Block "D" of Oakdale Park Subdivision, thence with the south line of the parent tract, S 43°07'43" W a distance of 30.58' to a point; thence through the parent tract for three calls:

1) N 35°32'01" W a distance of 111.23';

2) N 34°49'25" W a distance of 119.39';

3) N 35°37'10" W a distance of 130.54' to a point in the line of the property of Catherine C. Hammond (Deed Book 1662 Page 246); thence with said line, N 54°49'35" E a distance of 25.65' to a point at the end of Lafayette Drive and the corner of Lot 1 of Block "D" of Oakdale Park Subdivision; thence with the line of said subdivision, S 36°01'37" E a distance of 355.00' to the point of BEGINNING, having an area of 9,926 square feet, of which 3,588 square feet of said easement previously conveyed in Deed Book 795 Page 97, leaving 6,338 square feet of new easement area.

Being a part of the same property conveyed to Catherine C. Hammond of record in Deed Book 1372 Page 316 and Deed Book 1587 Page 739 in the Fayette County Clerk's Office, Fayette County, Kentucky. Catherine C. Hammond having died testate on January 7, 2013 and pursuant to will of record in Will Book 317, Page 492 as verified by Affidavit of Transfer by Will of record in Deed Book 3163, Page 388, Tract No. 3 and Tract No. 4 as referenced in such affidavit were devised to Susan Elaine Hammond.

**EXHIBIT B**

Temporary Construction Easement  
A portion of 420 Lafayette Parkway  
Lexington, Fayette County, Kentucky

All that tract of land adjacent to and south of the permanent sanitary sewer easement described above and being more fully described as follows:

BEGINNING at a point, said point lies S 43°07'43" W, 30.59' from the rear corner of Lot 6 and Lot 7 of Block "D" of Oakdale Park Subdivision; thence S 43°07'43" W a distance of 15.32'; thence N 35°31'30" W a distance of 114.32'; thence N 34°49'25" W a distance of 119.39'; thence N 35°37'10" W a distance of 130.56'; thence N 54°49'35" E a distance of 15.00'; thence S 35°37'10" E a distance of 130.54'; thence S 34°49'25" E a distance of 119.39'; thence S 35°32'01" E a distance of 111.23' to the point of BEGINNING having an area of 5,442 square feet.

Being a part of the same property conveyed to Catherine C. Hammond of record in Deed Book 1372 Page 316 and Deed Book 1587 Page 739 in the Fayette County Clerk's Office, Fayette County, Kentucky. Catherine C. Hammond having died testate on January 7, 2013 and pursuant to will of record in Will Book 317, Page 492 as verified by Affidavit of Transfer by Will of record in Deed Book 3163, Page 388, Tract No. 3 and Tract No. 4 as referenced in such affidavit were devised to Susan Elaine Hammond.

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: DOUG BRADLEY ,dc

201311070185

November 7, 2013                      13:16:16    PM

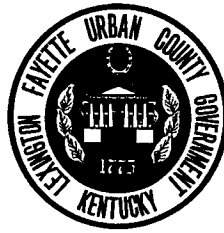
Fees	\$23.00	Tax	\$0.00
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Total Paid	\$23.00
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6 Pages

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Lexington-Fayette Urban County Government  
DEPARTMENT OF LAW

Jim Gray  
Mayor

Janet M. Graham  
Commissioner

To: Meredith Nelson, Council Clerk  
Council Clerk's Office

From: Department of Law

Date: November 19, 2013

Re: Easements and Asset Acquisition Forms  
(500, 586, 366, 345 372, 370, 364, 380, 362, 374, and 368 Bob-O-Link Drive;  
1451, 1608, 1604, 1610, 1618, 1600, and 1614-1616 Harrodsburg Road;  
431, and 427 Springhill Drive; and 420 Lafayette Parkway)  
Log No. 13-RE0190

Enclosed are the original recorded easements conveying permanent easements across the above-referenced properties to the Urban County Government for the Bob-O-Link Sanitary Sewer Improvement Project. Please file the easements with the authorizing legislation, Resolution No. ~~721-2013~~.

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Also enclosed are the completed Asset Acquisition forms for the properties. After you have signed and dated the form, please forward them to Kim Bryan in the Department of Finance.

If you have any questions, please let me know.

Keith Horn  
Managing Attorney

Enclosures

cc: Kim Bryan, Department of Finance  
Beth Florence, Department of Finance

VariousProperties(Memo to Nelson)/00416306