

R405-2013  
2013

**GRANT OF EASEMENT**

This **EASEMENT** is made and entered into this 23<sup>rd</sup> day of January, 2014, by and between **DELONG ESTATES DEVELOPMENT, LLC**, a Kentucky limited liability company, 3445 Richmond Road, Lexington, Kentucky 40509-2515 ("Grantor"), 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 **THREE THOUSAND THREE HUNDRED DOLLARS AND 00/100 CENTS (\$3,300.00)**, and other good and valuable consideration, 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, 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:

**Permanent Sanitary Sewer Easement**  
**(A Portion of 3997 Branham Park)**  
**Blue Sky Force Main**  
**Sanitary Sewer Improvement Project**

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, Grantor has **BARGAINED** and **SOLD** and does 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

Mailed: L.F.U.C.G.  
Dept. of Law  
200 E. Main St.  
Lex., KY 40507 D  
(CC-F)

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:

**Temporary Construction Easement CE-1**  
**(A Portion of 3997 Branham Park)**  
**Blue Sky Force Main**  
**Sanitary Sewer Improvement Project**

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

**Temporary Construction Easement CE-2**  
**(A Portion of 3997 Branham Park)**  
**Blue Sky Force Main**  
**Sanitary Sewer Improvement Project**

All temporary construction easements, if any, are described on Exhibit C 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 Grantor.

Grantor does hereby covenant to and with said 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 conveyed herein, and that it will **WARRANT GENERALLY** said title.

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 the prior written consent of the Grantee.

The obtaining of this easement was authorized by Resolution No. 408-2013 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 Grantor has signed this Easement, the day and year first above written.

GRANTOR:

DELONG ESTATES DEVELOPMENT, LLC

BY: John D. Bellow

ITS: Manager

COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )

The foregoing Easement was subscribed, sworn to and acknowledged before me by John P. Bellow, as Manager, on behalf of DELONG ESTATES DEVELOPMENT, LLC a Kentucky limited liability company, on this the 23<sup>rd</sup> day of September

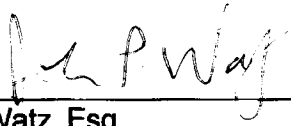


BETH L. EVANS  
Notary Public, Kentucky  
4. State At Large  
My Commission Expires  
January 12, 2017  
Notary ID# 479938

My commission expires: \_\_\_\_\_

Beth L. Evans  
Notary Public, State-At-Large, Kentucky

PREPARED BY:



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John P. Watz, Esq.  
HENRY WATZ RAINE &  
MARINO, PLLC  
401 West Main Street, Suite 314  
Lexington, Kentucky 40507  
(859) 258-3500

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**EXHIBIT A**

**FORCE MAIN PERMANENT EASEMENT**

(a portion of 3997 Branham Park)

Blue Sky Force Main

Sanitary Sewer Improvement Project

Beginning in the Grantor's north property line S75°46'14"W, 11.91 feet from the northeast corner of the Grantor's property in the west right of way line of Old Richmond Road;

Thence, leaving said property line, S14°48'58"E, 307.43 feet to the Grantor's south property line;

Thence, with said property line, S75°46'14"W, 15.00 feet;

Thence, leaving said property line, N14°48'58"W, 307.35 feet to the Grantor's north property line;

Thence, with said property line, N75°28'43"E, 15.00 feet to the Point of Beginning and containing 4,611 square feet, 0.106 acres.

Being a part of that property conveyed to DeLong Estates Development, LLC, a Kentucky limited liability company, by deed dated March 28, 2005 in Deed Book 2538, Page 291, in the Fayette County Clerk's Office.

**EXHIBIT B**

**TEMPORARY CONSTRUCTION EASEMENT CE-1**

(a portion of 3997 Branham Park)

Blue Sky Force Main

Sanitary Sewer Improvement Project

A fifteen foot wide Temporary Construction Easement east of and adjoining the fifteen foot wide Force Main Permanent Easement along its east side and described as follows:

Beginning at the northeast corner of the Permanent Force Main Easement in the Grantor's north property line;

Thence, with said property line, N75°46'14"E, 11.91 feet to the west right of way line of Richmond Road;

Thence, with said line, S14°13'46"E, 307.41 feet to the Grantor's southeast property line;

Thence, with said property line, S75°46'14"W, 8.77 feet;

Thence, leaving said property line, N14°48'58"W, 307.43 feet to the Point of Beginning and containing 3,176 square feet, 0.073 acres.

Being a part of that property conveyed to DeLong Estates Development, LLC, a Kentucky limited liability company, by deed dated March 28, 2005 in Deed Book 2538, Page 291, in the Fayette County Clerk's Office.

**EXHIBIT C**

**TEMPORARY CONSTRUCTION EASEMENT CE-2**

(a portion of 3997 Branham Park)

Blue Sky Force Main

Sanitary Sewer Improvement Project

A fifteen foot wide Temporary Construction Easement west of and adjoining the fifteen foot wide Force Main Permanent Easement along its west side and described as follows:

Beginning at the northwest corner of the Permanent Force Main Easement in the Grantor's north property line;

Thence, leaving said property line, S14°48'58"E, 307.43 feet to the Grantor's south property line;

Thence, with said property line, S75°46'14"W, 15.02 feet;

Thence, leaving said property line, N14°48'48"W, 307.43 feet to the Grantor's north property line;

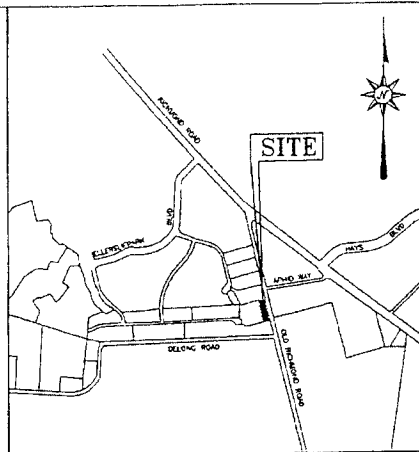
Thence, with said property line, N76°03'45"E, 15.00 feet to the Point of Beginning and containing 4,614 square feet, 0.106 acres

Being a part of that property conveyed to Delong Estates Development, LLC, a Kentucky limited liability company, by deed dated March 28, 2005 in Deed Book 2538, Page 291, in the Fayette County Clerk's Office.

EXHIBIT "D"

PERMANENT FORCE MAIN EASEMENT		
LINE	BEARING	DISTANCE
L1	S14°48'58"E	307.43'
L2	S75°46'14"W	15.00'
L3	N14°48'58"W	307.35'
L4	N75°28'43"E	15.00'

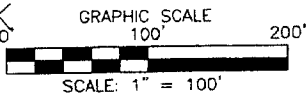
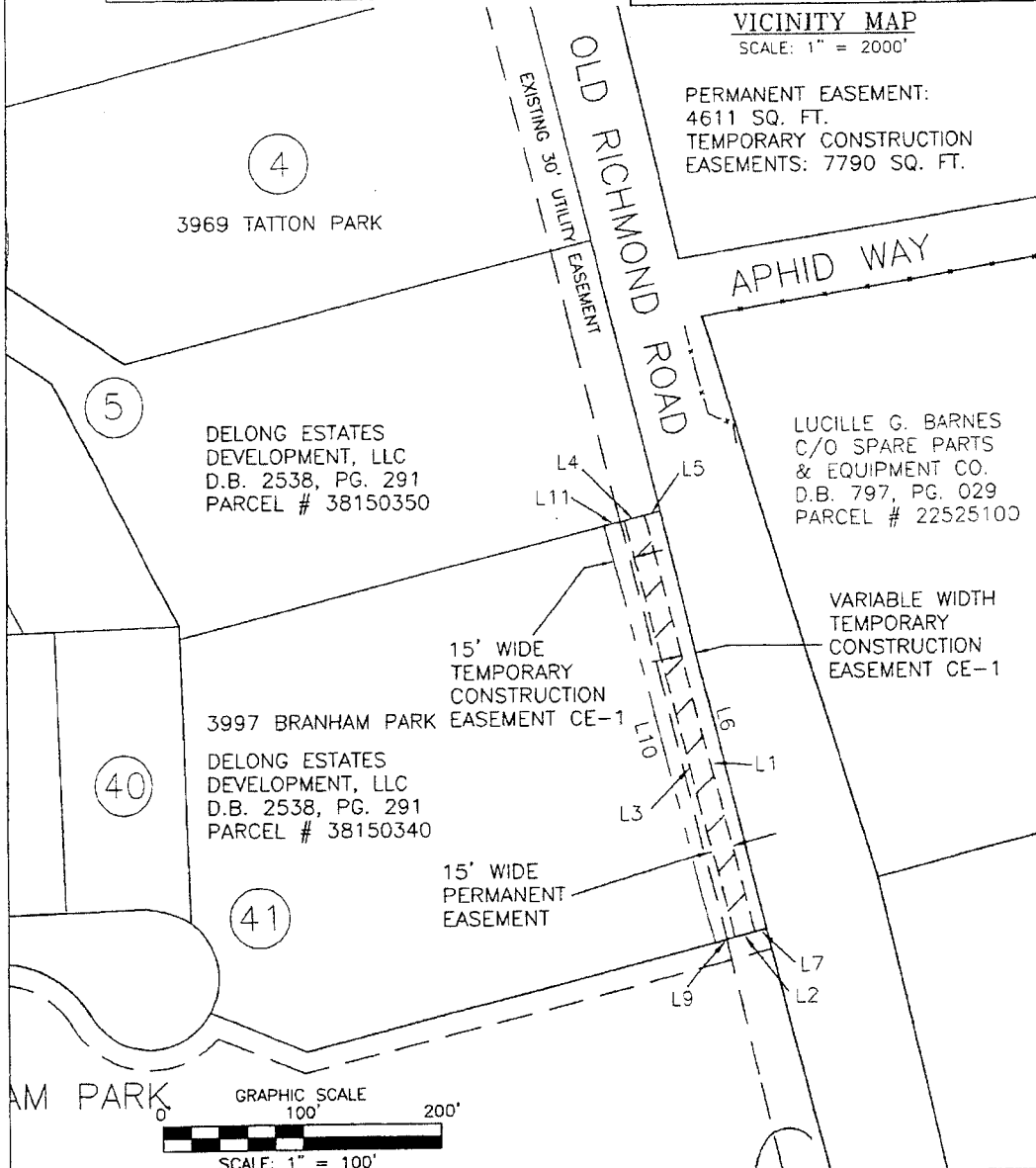
TEMPORARY FORCE MAIN EASEMENT		
LINE	BEARING	DISTANCE
L5	N75°46'14"E	11.91'
L6	S14°13'46"E	307.41'
L7	S75°46'14"W	8.77'
L8	XXXXXXXXXX	XXXXXXXXXX
L9	S75°46'14"W	15.02'
L10	N14°48'48"W	307.43'
L11	N76°03'45"E	15.00'



VICINITY MAP

SCALE: 1" = 2000'

PERMANENT EASEMENT:  
4611 SQ. FT.  
TEMPORARY CONSTRUCTION  
EASEMENTS: 7790 SQ. FT.




**VE VISION ENGINEERING**

Environmental, Civil Engineering Consultants, Land Surveying  
3399 Tates Creek Road Suite 250  
Lexington, KY 40502  
Ph: (859) 333-8015  
Fax: (859) 359-0523  
www.visionengr.com  
06.06.13

EXHIBIT SHOWING  
FORCE MAIN EASEMENT  
TO BE ACQUIRED FROM  
DELONG ESTATES DEVELOPMENT, LLC  
3997 BRANHAM PARK  
LEXINGTON, KENTUCKY



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

201401270202

January 27, 2014                      15:07:15    PM

Fees	\$32.00	Tax	\$ .00
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Total Paid	\$32.00
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**THIS IS THE LAST PAGE OF THE DOCUMENT**

9 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: February 05, 2014

Re: Easements and Asset Acquisition Forms  
(200, 201, 250, 251, and 5676 Canebrake Drive;  
3997, 3952, 3956, 3825, 3805, 3758, and 3896 Branham Park;  
and 3973 Tatton Place)  
Log No. 13-RE0641

Enclosed are the original recorded easements conveying permanent easements across the above-referenced properties to the Urban County Government for the Blue Sky Force Main Sanitary Sewer Improvement Project. Please file the easements with the authorizing legislation, Resolution No. 408-2013.

Also enclosed are the completed Asset Acquisition forms for the properties. After you have signed and dated the forms, 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)/00426093