

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 28th day of April, 2022, by and between **JULIA FILER, a single person**, 2220 Devonport Drive, Box C-11, Lexington, Kentucky 40504, 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 **NINE HUNDRED TWENTY-FIVE DOLLARS AND 25/100 CENTS (\$925.25)**, 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

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

Grantee, its successors 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:

Permanent Sanitary Sewer Easement
Wolf Run Trunk F
Sewer Improvement Project
(a portion of 1850 Pershing Road)

Tract A

All that strip or parcel of land situated on the north side 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 Lots 2 and 3 of Unit Two, as shown on the Amended Plat of the Gardner Subdivision (Cabinet D, Slide 62), said point being in the southerly property line of Abigail Spalding (Deed Book 3173, Page 679);

Thence leaving the southerly property line of Abigail Spalding, with the westerly property line of Lot 3, S 30°15' 09" W, 47.99 feet to a point;

Thence leaving the westerly property line of Lot 3, with a new permanent sanitary sewer easement line through the lands of Lots 1 and 2, being the lands of Julia Filer (Deed Book 3451, Page 13), for three (3) calls;

- 1) N 63°0 7'12" W, 89.18 feet to a point;
- 2) S 30°27'29" W, 26.47 feet to a point; and
- 3) N 59°32'31" W, 6.70 feet to a point in the easterly property line of Carol L. Jones (Deed Book 3338, Page 766);

Thence with the easterly property line of Carol L. Jones, N 30°27'29" E, 46.09 feet to a point;

Thence leaving the easterly property line of Carol L. Jones, with a new permanent sanitary sewer easement line through

the lands of Lots 1 and 2, being the lands of the aforesaid Julia Filer (Deed Book 3451, Page 13) for two (2) calls:

- 1) S 63°0 7'12" E, 74.56 feet to a point; and
- 2) N 33°00'35" E, 30.52 feet to a point in the southerly property line of the aforesaid Abigail Spalding (Deed Book 3173, Page 679);

Thence with the southerly property line of Abigail Spalding (Deed Book 3173, Page 679), S 56°01'31" E, 19.80 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 0.062 Acres (2,692 sq. ft.) of permanent easement; and

Being a portion of the property conveyed to Julia Filer, a single person, by Deed dated November 30, 2016, of record in Deed Book 3451, Page 13, 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
Wolf Run Trunk F
Sewer Improvement Project
(a portion of 1850 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 Lots 2 and 3 of Unit Two, as shown on the Amended Plat of the Gardner Subdivision (Cabinet D, Slide 62), said point being in the southerly property line of Abigail Spalding (Deed Book 3173, Page 679);

Thence leaving the southerly property line of Abigail Spalding (Deed Book 3173, Page 679), with the westerly property line of Lot 3, S 30°15' 09" W, 47.99 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing with the westerly property line of Lot 3, S 30°15' 09" W, 10.02 feet to a point;

Thence leaving the westerly property line of Lot 3, with a new temporary construction easement line through the lands of Lots 1 and 2, being the lands of Julia Filer (Deed Book 3451, Page 13), for three (3) calls:

- 1) N 63°0 7'12" W, 79.20 feet to a point;
- 2) S 30°27'29" W, 17.08 feet to a point; and
- 3) N 59°32'31" W, 10.00 feet to a point in a new permanent sanitary sewer easement line;

Thence with the new permanent sanitary sewer easement line for two (2) calls:

- 1) N 30°27'29" E, 26.47 feet to a point; and
- 2) S 63°07'12" E, 89.18 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 0.024 Acres (1,059 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 Lots 2 and 3 of Unit Two, as shown on the Amended Plat of the Gardner Subdivision (Cabinet D, Slide 62), said point being in the southerly property line of Abigail Spalding (Deed Book 3173, Page 679);

Thence with the southerly property line of Abigail Spalding (Deed Book 3173, Page 679), N 56°011'31" W, 19.80 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving the southerly property line of Abigail Spalding (Deed Book 3173, Page 679), with a new permanent sanitary sewer easement line through the lands of Lots 1 and 2, being the lands of Julia Filer (Deed Book 3451, Page 13), for two (2) calls:

- 1) S 33°00'35" W, 30.52 feet to a point; and
- 2) N 63°07'12" W, 74.56 feet to a point in the easterly property line of Carol L. Jones (Deed Book 3338, Page 766);

Thence with the easterly property line of Carol L. Jones (Deed Book 3338, Page 766), N 30°27'29" E, 10.02 feet to a point;

Thence leaving the easterly property line of Carol L. Jones (Deed Book 3338, Page 766), with a new temporary construction easement line through the lands of Lots 1 and 2, being the lands of the aforesaid Julia Filer (Deed Book 3451, Page 13) for two (2) calls:

- 1) S 63°07'12" E, 64.96 feet to a point; and
- 2) N 33°00'35" E, 21.71 feet to a point in the southerly property line of aforesaid Abigail Spalding (Deed Book 3173, Page 679);

Thence with the southerly property line of Abigail Spalding (Deed Book 3173, Page 679), S 56°01'31" E, 10.00 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 0.022 Acres (959 sq. ft.) of temporary construction easement; and

Tract B and C being a portion of the property conveyed to Julia Filer, a single person, by Deed dated November 30, 2016, of record in Deed Book 3451, Page 13, 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 her right, title, and interest in and to the property to the extent of the interests conveyed herein, including all exemptions allowed by law, and does hereby covenant to and with the Grantee, its successors and assigns forever, that she is lawfully seized in fee simple of said property and has good right to sell and convey the easements as herein done, and that she 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

PREPARED BY:



EVAN P. THOMPSON,
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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JOHN WILLIAM COLE
DB 3450, PG 117

LESLEY D. OLIVER
628 BLUE ASH DR
DB 2886, PG 707

ABIGAIL SPALDING
626 BLUE ASH DR
DB 3173, PG 679

EX. SAN. SEWER

POINT OF BEGINNING

TRACT C TRUE POINT OF BEGINNING

TRACT A

TRACT B TRUE POINT OF BEGINNING

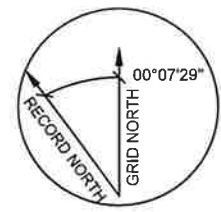
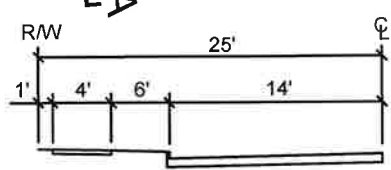
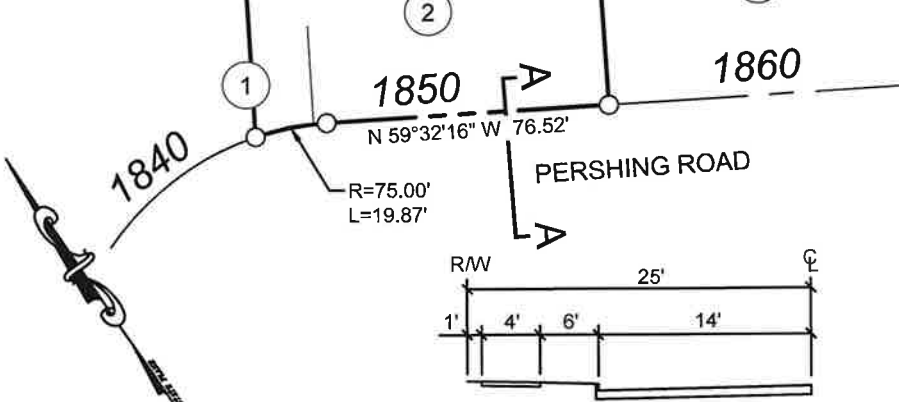
BILLY & RACHEL MOBLEY
DB 1285, PG 669

JULIA FILER
1850 PERSHING RD
CAB "D", SL 62
DB 3451, PG 13

CAROL L. JONES
DAB "D", SL 62
DB 3338, PG 766

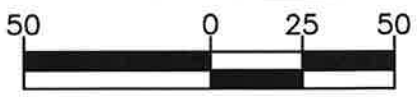


EASEMENT LINE TABLE		
LINE #	LENGTH	BEARING
L1	47.99'	S 30°15'09" W
L2	89.18'	N 63°07'12" W
L3	26.47'	S 30°27'29" W
L4	6.70'	N 59°32'31" W
L5	46.09'	N 30°27'29" E
L6	74.56'	S 63°07'12" E
L7	30.52'	N 33°00'35" E
L8	19.80'	S 56°01'31" E
L9	10.02'	S 30°15'09" W
L10	79.20'	N 63°07'12" W
L11	17.08'	S 30°27'29" W
L12	10.00'	N 59°32'31" W
L13	10.02'	N 30°27'29" E
L14	64.96'	S 63°07'12" E
L15	21.71'	N 33°00'35" E
L16	10.00'	S 56°01'31" E



TEMP. ESMT. AREA
2,018 SQ. FT. (0.046 AC)

PERM. ESMT. AREA
2,692 SQ. FT. (0.062 AC)



- NOTES:**
1. THE PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON ARE BASED ON THE RECORD DESCRIPTION (DEED BOOK 3451, PAGE 13) 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 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
JULIA FILER
1850 PERSHING ROAD
WOLF RUN TRUNKS F & G SEWER IMPROVEMENTS
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KENTUCKY**



FIGURE 1

AUGUST 2021

2815.298

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: MELISSA STELTER ,dc

202204290105

April 29, 2022 15:33:59 PM

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

406 - 415