

R 408-2013
7625

GRANT OF EASEMENT

This **EASEMENT** is made and entered into this 23rd 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 **EIGHT THOUSAND NINE HUNDRED DOLLARS 00/100 CENTS (\$8,900.00)**, 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 3856 Branham Park) U
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

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
(A Portion of 3856 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.

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 are 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. Berlow

ITS: Manager

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing Easement was subscribed, sworn to and acknowledged before me by John D. Berlow, as Manager on behalf of DELONG ESTATES DEVELOPMENT, LLC, a Kentucky limited liability company, on this the 23rd day of July, 2014.



My commission expires

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

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

PREPARED BY:

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

EXHIBIT A

PERMANENT FORCE MAIN EASEMENT

(a portion of 3856 Branham Park)

Blue Sky Force Main

Sanitary Sewer Improvement Project

Beginning in the Grantor's west property line N02°24'17"E, 10.65 feet from the Grantor's southwest property corner;
Thence, with said property line, N02°24'17"E, 15.30 feet;
Thence, leaving said property line, S76°12'08"E, 167.71 feet;
Thence, N88°00'05"E, 220.90 feet;
Thence, N81°53'31"E, 38.63 feet;
Thence, N88°03'51"E, 250.89 feet to a point in the Grantor's east property line;
Thence, with said property line, S01°56'09"E, 15.00 feet
Thence, leaving said property line, S88°03'51"W, 250.10 feet;
Thence, S81°53'31"W, 38.62 feet;
Thence, S88°00'05"W, 223.78 feet;
Thence, N76°12'08"W, 166.77 feet to the Point of Beginning and containing 10,181 square feet, 0.234 acres.

Being a part of that property conveyed to Delong Estates Development, LLC, a Kentucky limited liability company, by deed dated March 21, 2006 in Deed Book 2631, Page 210, in the Fayette County Clerk's Office.

EXHIBIT B

TEMPORARY CONSTRUCTION EASEMENT

(a portion of 3856 Branham Park)

Blue Sky Force Main

Sanitary Sewer Improvement Project

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

Beginning at the northwest corner of the permanent force main easement in the

Grantor's west property line;

Thence, with said property line, N02°24'17"E, 30.60 feet;

Thence, leaving said property, S76°12'08"E, 169.59 feet;

Thence, N88°00'05"E, 215.14 feet;

Thence, N81°53'31"E, 38.65 feet;

Thence, N88°03'51"E, 252.47 feet to the Grantor's east property line;

Thence, with said property line, S01°56'09"E, 30.00 feet;

Thence, leaving said property line, S88°03'51"W, 250.89 feet;

Thence, S81°53'31"W, 38.63 feet;

Thence, S88°00'05"W, 220.90 feet;

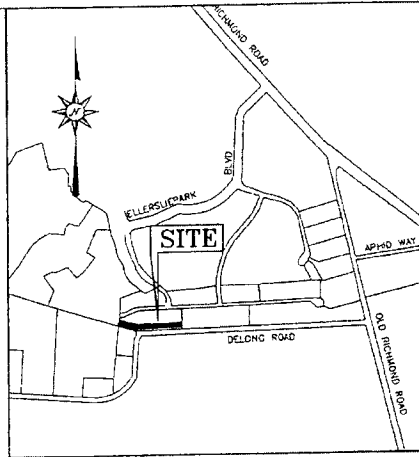
Thence, N76°12'08"W, 167.71 feet to the Point of Beginning

and containing 20,310 square feet, 0.466 acres.

Being a part of that property conveyed to Delong Estates Development, LLC, a Kentucky limited liability company, by deed dated March 21, 2006 in Deed Book 2631, Page 210, in the Fayette County Clerk's Office.

EXHIBIT "C"

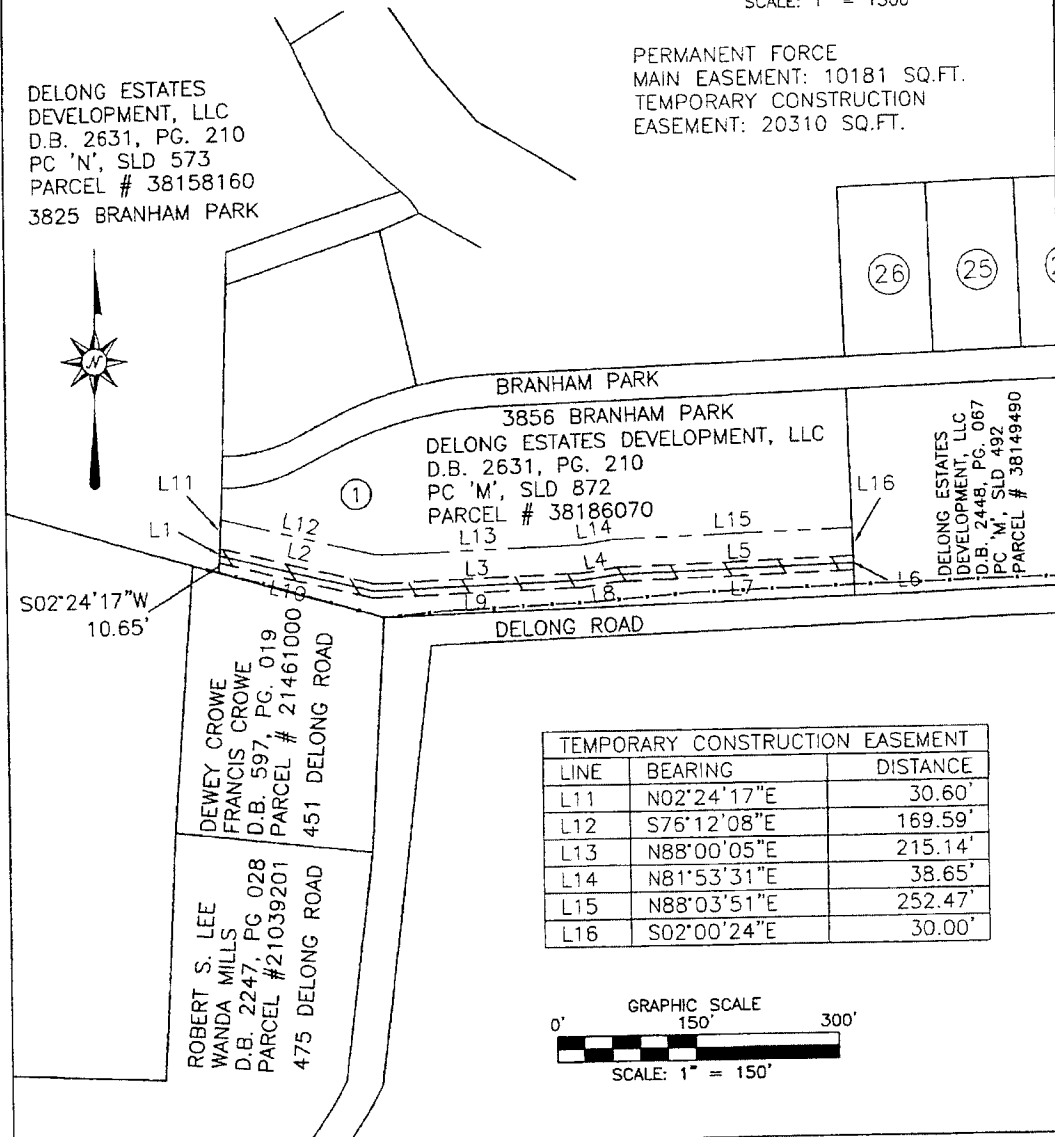
| PERMANENT FORCE MAIN EASEMENT | | |
|-------------------------------|-------------|----------|
| LINE | BEARING | DISTANCE |
| L1 | N02°24'17"E | 15.30' |
| L2 | S76°12'08"E | 167.71' |
| L3 | N88°00'05"E | 220.90' |
| L4 | N81°53'31"E | 38.63' |
| L5 | N88°03'51"E | 250.89' |
| L6 | S02°00'24"E | 15.00' |
| L7 | S88°03'51"W | 250.10' |
| L8 | S81°53'31"W | 38.62' |
| L9 | S88°00'05"W | 223.78' |
| L10 | N76°12'08"W | 166.77' |



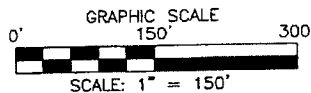
VICINITY MAP
SCALE: 1" = 1500'

DELONG ESTATES DEVELOPMENT, LLC
D.B. 2631, PG. 210
PC 'N', SLD 573
PARCEL # 38158160
3825 BRANHAM PARK

PERMANENT FORCE MAIN EASEMENT: 10181 SQ.FT.
TEMPORARY CONSTRUCTION EASEMENT: 20310 SQ.FT.



| TEMPORARY CONSTRUCTION EASEMENT | | |
|---------------------------------|-------------|----------|
| LINE | BEARING | DISTANCE |
| L11 | N02°24'17"E | 30.60' |
| L12 | S76°12'08"E | 169.59' |
| L13 | N88°00'05"E | 215.14' |
| L14 | N81°53'31"E | 38.65' |
| L15 | N88°03'51"E | 252.47' |
| L16 | S02°00'24"E | 30.00' |




VE VISION ENGINEERING

Environmental, Civil Engineering Consultants, Land Surveying
3399 Tates Creek Road Suite 250
Lexington, KY 40502
Ph: (859)333-8015
Fax: (859)559-0523
www.visionengr.com

EXHIBIT SHOWING
FORCE MAIN EASEMENT
TO BE ACQUIRED FROM
DELONG ESTATES DEVELOPMENT, LLC
3856 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.



By: DOUG BRADLEY ,dc

201401270204

January 27, 2014

15:07:57 PM

| | | | |
|------|---------|-----|--------|
| Fees | \$26.00 | Tax | \$0.00 |
|------|---------|-----|--------|

| | |
|------------|---------|
| Total Paid | \$26.00 |
|------------|---------|

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7 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