

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 30th day of August, 2021, by and between **BLACK SWAN INVESTORS, LLC**, a Kentucky **limited liability company**, c/o Ronald Charles Tritschler, 250 West Main Street, Suite 3000, Lexington, Kentucky 40507, 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 **FOUR HUNDRED SIXTY-SIX DOLLARS AND 00/100 CENTS (\$466.00)**, 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 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
New Circle Road Trunk
Sewers A & B Improvement Project
(a portion of 539 W. New Circle Road)

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

All that tract or parcel of land situated north of West New Circle Road and east of Colesbury Circle in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at the common corner of Black Swan Investors, LLC (Deed Book 3049, Page 586) and AutoZone Development Corporation (Deed Book 3056, Page 354), said point being in the West New Circle Road north right of way; thence leaving said West New Circle Road north right of way and with said AutoZone Development Corporation, North 20°08'16" East, 19.69 feet to the **TRUE POINT OF BEGINNING**; thence continuing with said AutoZone Development Corporation, North 20°08'16" East, 20.82 feet to a point; thence leaving said AutoZone Development Corporation for two (2) new lines through the lands of said Black Swan Investors, LLC:

- 1) South 86°00'00" East, 5.76 feet to a point,
- 2) South 73°11'51" East, 74.58 feet to a point in the line with WMM Properties, LLC (Deed Book 2833, Page 206);

Thence with said WMM Properties, LLC, South 20°08'23" West, 20.03 feet to a point; thence leaving said WMM Properties, LLC for two (2) new lines through the lands of said Black Swan Investors, LLC:

- 1) North 73°11'51" West, 71.17 feet to a point,
- 2) North 86°00'00" West, 9.30 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 1,608 sq. ft. (gross) and 1,242 sq. ft. (net) of permanent easement; and

Being a portion of the property conveyed to Black Swan Investors, LLC, a Kentucky limited liability company, by Deed dated January 5, 2012, of record in Deed Book 3049, Page 586, 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 "A"
New Circle Road Trunk
Sewers A & B Improvement Project
(a portion of 539 W. New Circle Road)

BEGINNING, at the common corner of Black Swan Investors, LLC (Deed Book 3049, Page 586) and AutoZone Development Corporation (Deed Book 3056, Page 354), said point being in the West New Circle Road north right-of-way; thence leaving said West New Circle Road north right-of-way and with said AutoZone Development Corporation, North 20°08'16" East, 40.51 feet to the **TRUE POINT OF BEGINNING**; thence continuing with said AutoZone Development Corporation, North 20°08'16" East, 10.41 feet to a point; thence leaving said with said AutoZone Development Corporation for two (2) new lines through the lands of said Black Swan Investors, LLC:

- 1) South 86°00'00" East, 3.98 feet to a point,
- 2) South 73°11'51" East, 76.29 feet to a point in the line with WMM Properties, LLC (Deed Book 2833, Page 206);

Thence with said WMM Properties, South 20°08'16" West, 10.02 feet to a point; thence leaving said WMM Properties for two (2) new lines through the lands of said Black Swan Investors, LLC:

- 1) North 73°11'51" West, 74.58 feet to a point,
- 2) North 86°00'00" West, 5.76 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 803 sq. ft. (gross) and 621 sq. ft. (net) of temporary construction easement; and

Being a portion of the property conveyed to Black Swan Investors, LLC, a Kentucky limited liability company, by

Deed dated January 5, 2012, of record in Deed Book 3049, Page 586, in the Fayette County Clerk's Office.

Temporary Construction Easement "B"
New Circle Road Trunk
Sewers A & B Improvement Project
(a portion of 539 W. New Circle Road)

BEGINNING, at the common corner of Black Swan Investors, LLC (Deed Book 3049, Page 586) and AutoZone Development Corporation (Deed Book 3056, Page 354), said point being in the West New Circle Road north right of way; thence leaving said West New Circle Road north right of way and with said AutoZone Development Corporation, North 20°08'16" East, 9.28 feet to the **TRUE POINT OF BEGINNING**; thence continuing with said Black Swan Investors, LLC, North 20°08'16" East, 10.41 feet to a point; thence leaving said AutoZone Development Corporation for two (2) new lines through the lands of said AutoZone Development Corporation:

- 1) South 86°00'00" East, 9.30 feet to a point,
- 2) South 73°11'51" East, 71.17 feet to a point in the line with WMM Properties, LLC (DB 2833, PG 206);

Thence with said WMM Properties, LLC, South 20°08'03" West, 10.02 feet to a point; thence leaving said WMM Properties, LLC for two (2) new lines through the lands of said Black Swan Investors, LLC:

- 1) North 73°11'51" West, 69.47 feet to a point,
- 2) North 86°00'00" West, 11.07 feet to a to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 805 sq. ft. (gross) and 623 sq. ft. (net) of temporary construction easement; and

Being a portion of the property conveyed to Black Swan Investors, LLC, a Kentucky limited liability company, by Deed dated January 5, 2012, of record in Deed Book 3049, Page 586, 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 its 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 it is lawfully seized in fee simple of said property and has good right to sell and convey the easements as herein done, and that it will **WARRANT SPECIALLY** said title.

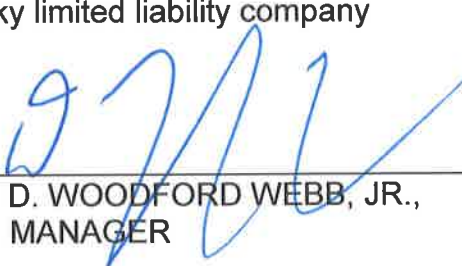
The obtaining of this easement was authorized by Resolution 457-2020, passed by the Lexington-Fayette Urban County Council on October 8, 2020. Pursuant to KRS

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 Grantor has signed this Deed of Easement, this the day and year first above written.

GRANTOR:

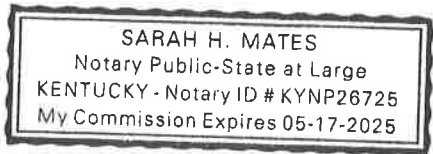
BLACK SWAN INVESTORS, LLC, a Kentucky limited liability company


BY: 

D. WOODFORD WEBB, JR.,
MANAGER

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

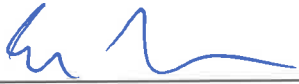
This instrument was acknowledged, subscribed and sworn to before me by D. Woodford Webb, Jr., as Manager, by and on behalf of Black Swan Investors, LLC, a Kentucky limited liability company, on this the 30th day of August, 2021.








Notary Public, Kentucky, State-at-Large
My Commission Expires: 05 / 17 / 2025
Notary ID # KYNP26725

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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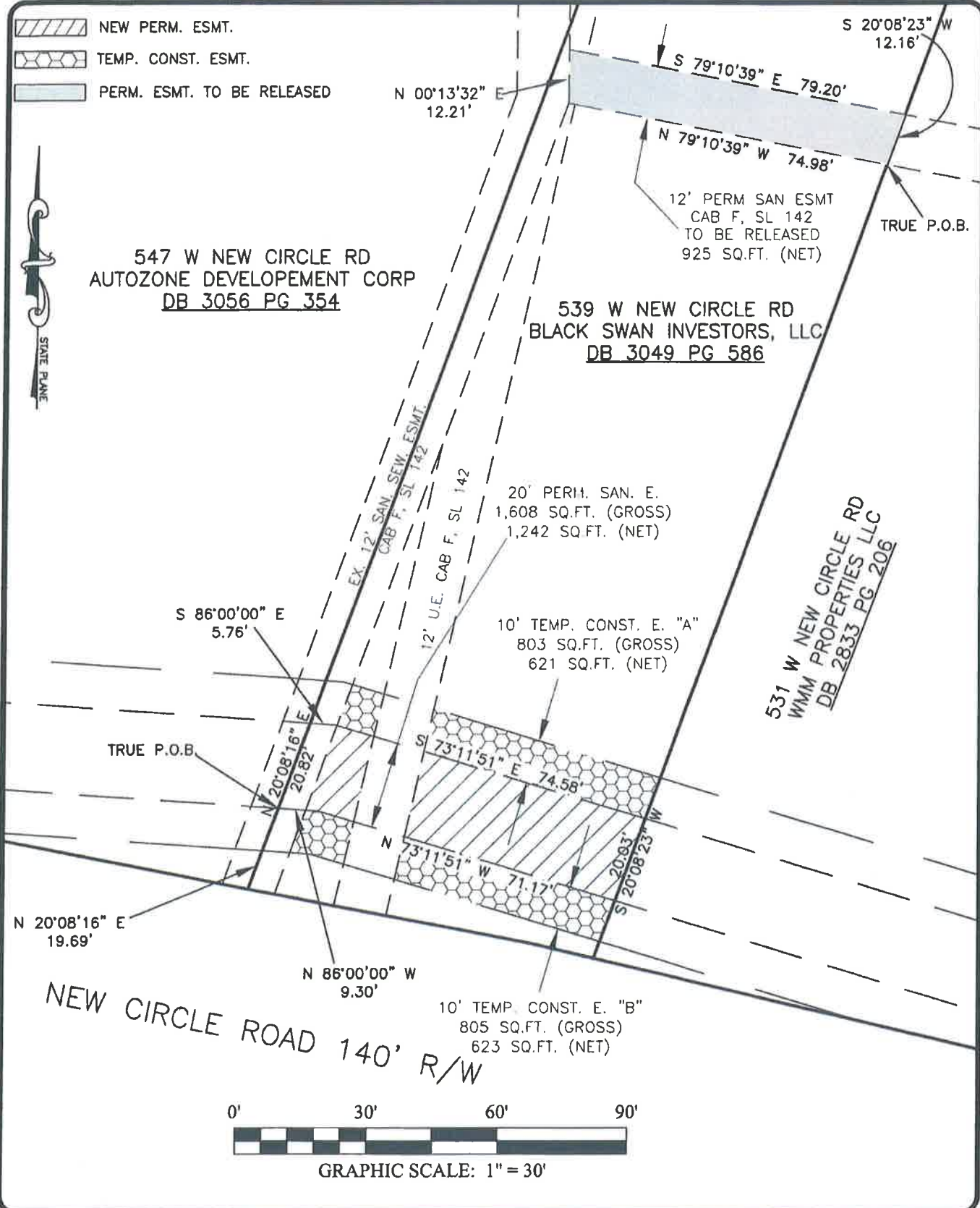
-  NEW PERM. ESMT.
-  TEMP. CONST. ESMT.
-  PERM. ESMT. TO BE RELEASED



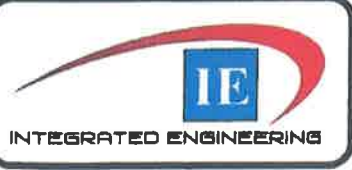
547 W NEW CIRCLE RD
 AUTOZONE DEVELOPMENT CORP
 DB 3056 PG 354

539 W NEW CIRCLE RD
 BLACK SWAN INVESTORS, LLC
 DB 3049 PG 586

531 W NEW CIRCLE RD
 WMM PROPERTIES LLC
 DB 2833 PG 206

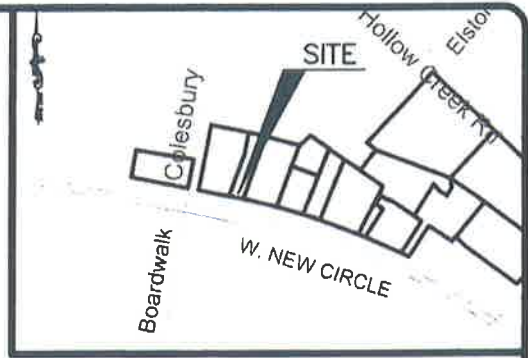


K:\190225 - New Circle Road Trunk A & B\Survey Info\Working Drawings\190225 NCR Trunk A&B Easements.dwg
 Day & Time: May 27, 2021 - 12:44pm
 Login Name: jcharmbles



20' PERMANENT SANITARY SEWER EASEMENT
 BLACK SWAN INVESTORS, LLC
 539 W. NEW CIRCLE ROAD
 LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 1 OF 2

K:\190225 - New Circle Road Trunk A & B\Survey Info\Working Drawings\190225 NCR Trunk A&B Easements.dwg
Day & Time: May 27, 2021 - 12:46pm
Login Name: jchambliss



VICINITY MAP 1" = 1000'

EX. PERM ESMT.=1,291 SQ.FT.
EX. PERM ESMT. TO BE RELEASED=925 SQ.FT.

PROP. PERM. ESMT.(GROSS)=1,608 SQ.FT.
PROP. PERM. ESMT. (NET)=1,242 SQ. FT.

PROP. TEMP. ESMT.(GROSS)=1,608 SQ.FT.
PROP. TEMP. ESMT.(NET)=1,244 SQ.FT.

LAND SURVEYOR'S CERTIFICATE:

THE PROPERTY LINES SHOWN ON THIS EASEMENT EXHIBIT ARE BASED ON DEED AND/OR RECORD PLAT DATA FROM THE FAYETTE COUNTY CLERK'S OFFICE. THIS EXHIBIT DOES NOT REPRESENT A BOUNDARY SURVEY AS DESCRIBED IN 201 KAR 18:150 AND INTEGRATED ENGINEERING HAS NOT PERFORMED A BOUNDARY SURVEY FOR THE PURPOSES OF THIS EXHIBIT. THIS EXHIBIT IS NOT INTENDED TO BE USED FOR LAND TRANSFER.

James M. Chambliss PLS 3185 5/27/21
JAMES M. CHAMBLISS, PLS 3185 DATE



20' PERMANENT SANITARY SEWER EASEMENT
BLACK SWAN INVESTORS, LLC
539 W. NEW CIRCLE ROAD
LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 2 OF 2

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: EMILY GENTRY ,dc

202109080048

September 8, 2021 8:58:15 AM

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

376 - 385