

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 1st day of Dec., 2021, by and between **WITHERS INTERESTS NO. 4, LLC**, a Kentucky **limited liability company**, c/o Block + Lot Real Estate, LLC, 133 W. Short Street, 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 **ONE THOUSAND FORTY-THREE DOLLARS AND 88/100 CENTS (\$1,043.88)**, 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:

Variable Permanent Sanitary Sewer Easement
New Circle Road Trunk
Sewers A & B Improvement Project
(a portion of 281 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 northeast of West New Circle Road between Russell Cave Road and North Broadway in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at the northwest corner of Withers Interests No. 4, LLC (281 W. New Circle Road, Deed Book 3423, Page 211, Parcel 2), at the northeast corner of Katherine Dalton (295 W. New Circle Road, Deed Book 2985, Page 414, Tract 3), in the south line of LFUCG (444 Cane Run Road, Deed Book 894, Page 206); thence leaving said LFUCG and with said Dalton, South 45°58'30" West, 30.20 feet to a point in the south line of an existing 30-foot wide access and utility easement (Cabinet N, Slide 517) at the **TRUE POINT OF BEGINNING**; thence leaving said Dalton and with said access and utility easement, South 36°47'05" East, 102.90 feet to a point in the west line of New Circle Road Properties, LLC (275 W. New Circle Road, Deed Book 3381, Page 108); thence with said New Circle Road Properties, LLC, South 48°02'46" West, 7.05 feet to a point; thence leaving said New Circle Road Properties, LLC for a new line through the lands of said Withers Interests No. 4, LLC, North 36°03'17" West, 102.80 feet to a point in the line with said Dalton; thence with said Dalton, North 45°58'30" East, 5.75 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 655 sq. ft. (gross and net) of permanent easement; and

Being a portion of the property conveyed to Withers Interests No. 4, LLC, a Kentucky limited liability company, by Deed dated July 27, 2016, of record in Deed Book 3418, Page 111 and by Deed of Correction dated August 10, 2016, of record in Deed Book 3423, Page 211, both referenced in the Fayette County Clerk's Office.

Variable Permanent Sanitary Sewer Easement
New Circle Road Trunk
Sewers A & B Improvement Project
(a portion of 1500 Russell Cave Road)

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

BEGINNING, at the northwest corner of Withers Interests No. 4, LLC (1500 Russell Cave Road, Deed Book 3423, Page 211, Parcel 1), said point being a common corner with LFUCG (1502 Russell Cave Road, Deed Book 894, Page 208) and in the Russell Cave Road east right of way; thence leaving said Russell Cave Road and with said LFUCG, South 36°40'34" East, 20.70 feet to a point in an existing 20-foot wide building line and utility easement (Cabinet H, Slide 100); thence leaving said LFUCG and with said building line and utility easement, South 38°25'34" West, 31.37 feet to the **TRUE POINT OF BEGINNING** in the south line of an existing 30-foot wide access and utility easement (Cabinet H, Slide 100); thence with said access and utility easement, South 36°47'05" East, 190.83 feet to a point in the line with Katherine Dalton (295 West New Circle Road, Deed Book 2985, Page 414, Tract 3); thence with said Dalton, South 46°28'42" West, 7.44 feet to a point; thence leaving said Dalton for two (2) new lines through the lands of said Withers:

- 1) North 38°36'11" West, 159.91 feet to a point,
- 2) North 53°24'57" West, 27.65 feet to a point in said Russell Cave Road;

Thence with said Russell Cave Road, North 38°25'34" East, 21.07 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 2,073 sq. ft. (gross and net) of permanent easement; and,

Being a portion of the property conveyed to Withers Interests No. 4, LLC, a Kentucky limited liability company by Deed dated July 27, 2016, of record in Deed Book 3418, Page 111 and by Deed of Correction dated August 10, 2016, of record in Deed Book 3423, Page 211, both referenced 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:

10' Temporary Construction Easement
New Circle Road Trunk
Sewers A & B Improvement Project
(a portion of 281 W. New Circle Road)

BEGINNING, at the northwest corner of Withers Interests No. 4, LLC (281 W. New Circle Road, Deed Book 3423, Page 211, Parcel 2), at the northeast corner of Katherine Dalton (295 W. New Circle Road, Deed Book 2985 Page 414, Tract 3), in the south line of LFUCG (444 Cane Run Road, Deed Book 894, Page 206); thence leaving said LFUCG and with said Dalton, South 45°58'30" West, 35.95 feet to the **TRUE POINT OF BEGINNING**; thence leaving said Dalton for a new line through the lands of said Withers Interests No. 4, LLC, South 36°03'17" East, 102.80 feet to a point in the west line of New Circle Road Properties, LLC (Deed Book 3381, Page 108); thence with said New Circle Road Properties, LLC, South 48°02'46" West, 10.05 feet to a point; thence leaving said New Circle Road Properties, LLC for a new line through the lands of said Withers Interests No. 4, LLC, North 36°03'17" West, 102.45 feet to a point in the line with said Dalton; thence with said Dalton, North 45°58'30" East, 10.10 feet the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 1,026 sq. ft. (gross and net) of temporary construction easement; and

Being a portion of the property conveyed to Withers Interests No. 4, LLC, a Kentucky limited liability company, by Deed dated July 27, 2016, of record in Deed Book 3418, Page 111 and by Deed of Correction dated August 10, 2016, of record in Deed Book 3423, Page 211, both referenced in the Fayette County Clerk's Office.

10' Temporary Construction Easement
New Circle Road Trunk
Sewers A & B Improvement Project
(a portion of 1500 Russell Cave Road)

BEGINNING, at the northwest corner of Withers Interests No. 4, LLC (1500 Russell Cave Road, Deed Book 3423, Page 211, Parcel 1), said point being a common corner with LFUCG (1502 Russell Cave Road, Deed Book 894, Page 208) and in the Russell Cave Road east right of way; thence leaving said Russell Cave Road and with said LFUCG, South 36°40'34" East, 20.70 feet to a point in an existing 20-foot wide building line and utility easement (Cabinet H, Slide 100); thence leaving said LFUCG and with said building line and utility easement, South 38°25'34" West, 52.45 feet to the **TRUE POINT OF BEGINNING**; thence leaving said building line and utility easement for two (2) new lines through the lands of said Withers:

- 1) South 53°24'57" East, 27.65 feet to a point,
- 2) South 38°36'11" East, 159.91 feet to a point in the line with Katherine Dalton (295 West New Circle Road, Deed Book 2985, Page 414, Tract 3);

Thence with said Dalton, South 46°28'42" West, 10.04 feet to a point; thence leaving said Dalton for two (2) new lines through the lands of said Withers:

- 1) North 38°36'11" West, 159.47 feet to a point,
- 2) North 53°24'57" West, 26.67 feet to a point in said building line and utility easement;

Thence with said building line and utility easement, North 38°25'34" East, 10.00 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 1,869 sq. ft. (gross and net) of temporary construction easement; and

Being a portion of the property conveyed to Withers Interests No. 4, LLC, a Kentucky limited liability company, by Deed dated July 27, 2016, of record in Deed Book 3418, Page 111 and by Deed of Correction dated August 10, 2016, of record in Deed Book 3423, Page 211, both referenced 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 may use the Easement for all purposes not inconsistent with, or interfering with, the full enjoyment of the easement. Grantee shall not block access to Grantor's parking area or drive aisles except temporarily during initial construction and, thereafter, only for temporary periods when necessary for repairs, maintenance, or replacement of the pipeline and/or manholes. Grantee will be responsible for any pipe or manholes located in the permanent easement along with any damages caused by its operations of those pipes/manholes. Maintenance of the surface improvements (asphalt, curb, gutter, and sidewalk) remains with the Grantor.

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 GENERALLY** 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:

WITHERS INTERESTS NO. 4, LLC, a
Kentucky limited liability company

BY: 
KATHERINE VANCE DALTON,
MEMBER

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by Katherine Vance Dalton, as a Member, by and on behalf of Withers Interests No. 4, LLC, a Kentucky limited liability company, on this the 1 day of December, 2021.

Rami Mari Lamer

Notary Public, Kentucky, State-at-Large



My Commission Expires: 6 / 1 / 2022

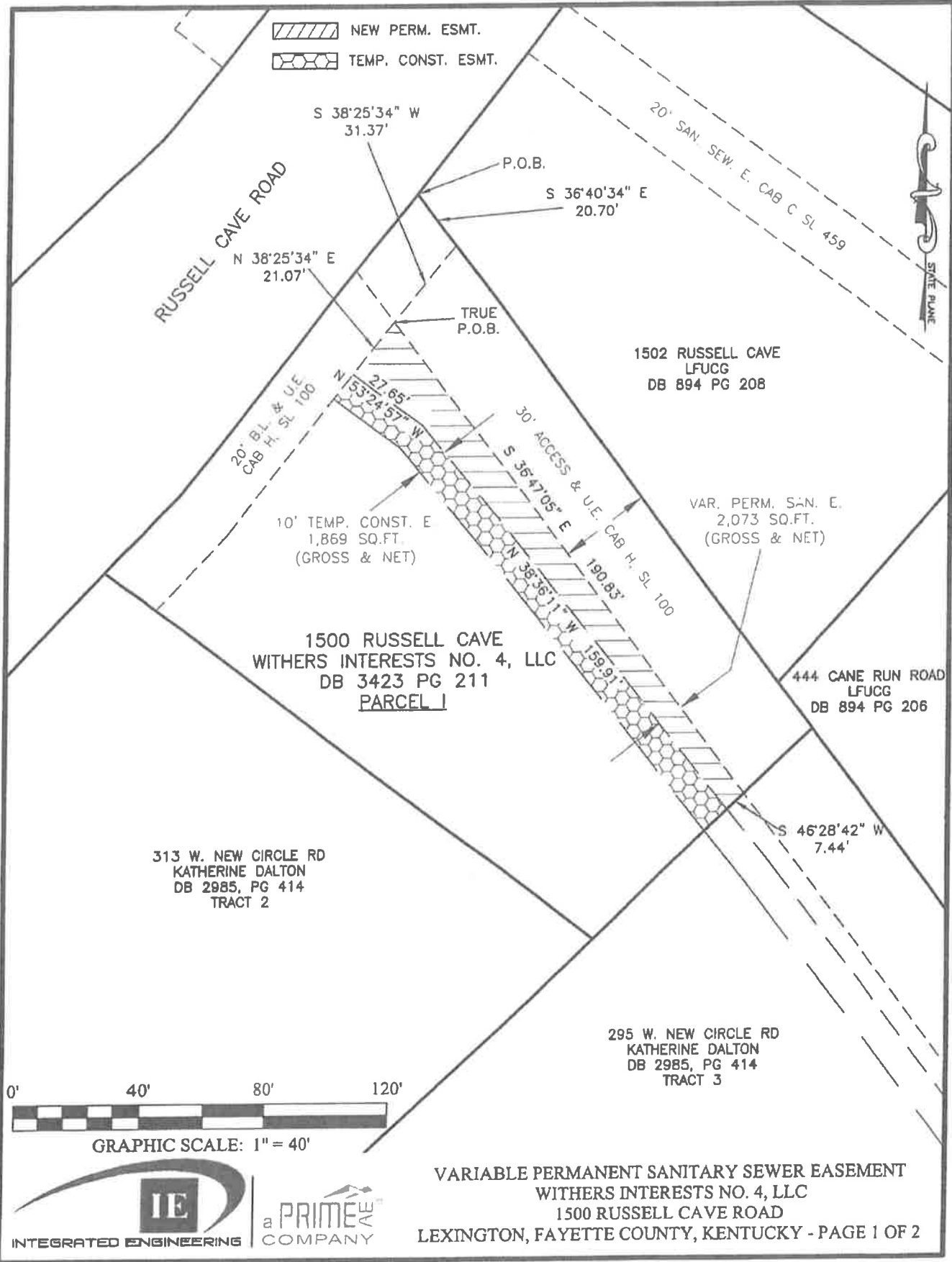
Notary ID # 602082

602082
6/1/22

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

 NEW PERM. ESMT.
 TEMP. CONST. ESMT.



RUSSELL CAVE ROAD

S 38°25'34" W
31.37'

P.O.B.

S 36°40'34" E
20.70'

20' SAN. SEW. E. CAB C SL 459

N 38°25'34" E
21.07'

TRUE P.O.B.

1502 RUSSELL CAVE
LFUCG
DB 894 PG 208

20' BL. & UE
CAB H. SL 100

10' TEMP. CONST. E
1,869 SQ.FT.
(GROSS & NET)

30' ACCESS & U.E.
CAB H. SL 100

VAR. PERM. SAN. E.
2,073 SQ.FT.
(GROSS & NET)

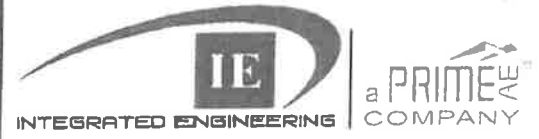
1500 RUSSELL CAVE
WITHERS INTERESTS NO. 4, LLC
DB 3423 PG 211
PARCEL 1

444 CANE RUN ROAD
LFUCG
DB 894 PG 206

313 W. NEW CIRCLE RD
KATHERINE DALTON
DB 2985, PG 414
TRACT 2

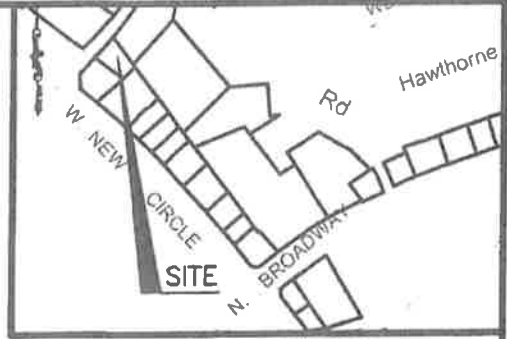
S 46°28'42" W
7.44'

295 W. NEW CIRCLE RD
KATHERINE DALTON
DB 2985, PG 414
TRACT 3



VARIABLE PERMANENT SANITARY SEWER EASEMENT
 WITHERS INTERESTS NO. 4, LLC
 1500 RUSSELL CAVE ROAD
 LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 1 OF 2

I. 10277 - New Circle Road, L.S. & S. Company, 10/20/17, 8:04 AM, L.S. & S. Company, 10/20/17, 8:04 AM, L.S. & S. Company, 10/20/17, 8:04 AM



VICINITY MAP 1" = 1000'

EX. PERM ESMT.=N/A

PROP. PERM. ESMT.(GROSS)=2,073 SQ.FT.
 PROP. PERM. ESMT. (NET)=2,073 SQ. FT.

PROP. TEMP. ESMT.(GROSS)=1,869 SQ.FT.
PROP. TEMP. ESMT.(NET)=1,869 SQ.FT.

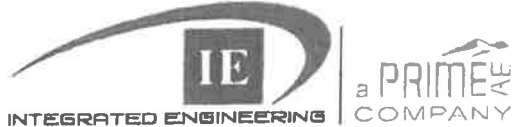
LAND SURVEYOR'S CERTIFICATE:

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 6/3/21
 JAMES M. CHAMBLISS, PLS 3185 DATE

VARIABLE PERMANENT SANITARY SEWER EASEMENT
 WITHERS INTERESTS NO. 4, LLC
 1500 RUSSELL CAVE ROAD
 LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 2 OF 2



4/19/2021 - The Code Book, 4.0.0 Survey and Mapping Division - 192201 0011 Use C 4021 Add Add Exemptions 04
 10/15/2021 - 1.0.0 Survey and Mapping Division - 192201 0011 Use C 4021 Add Add Exemptions 04

-  NEW PERM. ESMT.
-  TEMP. CONST. ESMT.

444 CANE RUN ROAD
LFUCG
DB 894 PG 206

VAR. PERM. SAN. E.
655 SQ.FT.
(GROSS & NET)

P.O.B.

TRUE
P.O.B.

STATE PLANE

30' ACCESS & U.E. CAB N, SL 517

12' U.E. CAB B, SL 342

S 36°47'05" E 102.90'
N 36°03'17" W 102.80'

10' TEMP. CONST. E.
1,026 SQ.FT.
(GROSS & NET)

LINE	BEARING	DISTANCE
L24	S 45°58'30" W	30.20'
L25	S 48°02'46" W	7.05'
L26	N 45°58'30" E	5.75'

281 W. NEW CIRCLE RD
WITHERS INTERESTS NO. 4, LLC
DB 3423 PG 211
PARCEL 2

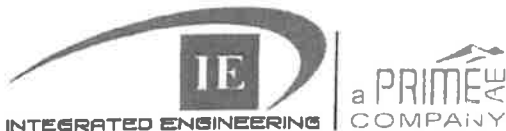
295 W. NEW CIRCLE RD
KATHERINE DALTON
DB 2985, PG 414
TRACT 3

275 W NEW CIRCLE ROAD
NEW CIRCLE ROAD PROPERTIES, LLC
DB 3381, PG 108

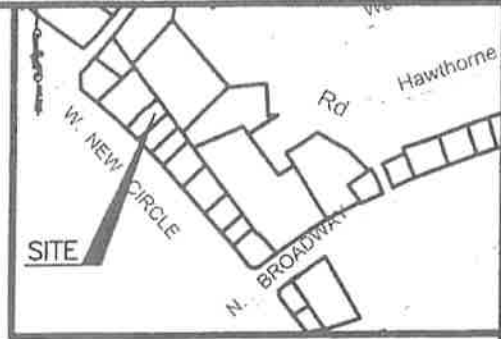


W. NEW CIRCLE ROAD

VARIABLE PERMANENT SANITARY SEWER EASEMENT
WITHERS INTERESTS NO. 4, LLC
281 W. NEW CIRCLE ROAD
LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 1 OF 2



11/2023 - 444 Cane Run Road, A.S. of Survey Map/Platting/PROJECTS: 8074, Lot C 400, Town, All Counties, KY
 Date of Issue: 11/21/23



VICINITY MAP 1" = 1000'

EX. PERM ESMT.=N/A

PROP. PERM. ESMT.(GROSS)=655 SQ.FT.
 PROP. PERM. ESMT. (NET)=655 SQ. FT.

PROP. TEMP. ESMT.(GROSS)=1,026 SQ.FT.
 PROP. TEMP. ESMT.(NET)=1,026 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



VARIABLE PERMANENT SANITARY SEWER EASEMENT
 WITHERS INTERESTS NO. 4, LLC
 281 W. NEW CIRCLE ROAD
 LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 2 OF 2

11/27/21 11:45 AM C:\Users\jchambliss\Desktop\11-27-21\11-27-21\11-27-21.dwg Plot Date: 5/27/21 11:45 AM

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: PATTY DAVIS ,dc

202112060224

December 6, 2021 12:31:12 PM

Fees	\$71.00	Tax	\$.00
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Total Paid	\$71.00
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13 Pages

439 - 451