

DEED OF EASEMENT

This **DEED OF EASEMENT** is made and entered into this 12TH day of JUNE, 2019, by and between **HUTSON-SIRK II, LLC, a Kentucky limited liability company**, 508 Field Crest Court, Richmond, Kentucky 40475 ("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 nominal consideration of the sum of **TEN DOLLARS AND 00/100 CENTS (\$10.00)**, 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 1975 Russell Cave)
Winburn Trunk Sanitary
Sanitary Sewer Improvement Project
(Decommission Winburn Pump Station)

COMMENCING at a point, said point being the intersection of the western right-of-way line of Russell Cave Road and the southern right-of-way of Interstate 75, also being the northeast corner of 1975 Russell Cave Road; thence with the southern right-of-way of Interstate 75 for two (2) calls;

Mail to:
 Lexington-Fayette Urban County Government
 200 E. Main Street
 Department of Law, 11th Floor
 Lexington, Kentucky 40507

(CC-F)

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thence North 46 Degrees 39 Minutes 54 Seconds West, 211.41 feet to a point; thence North 41 Degrees 48 Minutes 20 Seconds West 68.07 feet to a point, said point being the **TRUE POINT OF BEGINNING**; thence through 1975 Russell Cave Road for four (4) calls; thence South 48 Degrees 13 Minutes 24 Seconds West, 85.71 feet to a point; thence South 67 Degrees 15 Minutes 26 Seconds West, 85.29 feet to a point; thence South 16 Degrees 06 Minutes 56 Seconds East, 45.45 feet; thence South 10 Degrees 29 Minutes 58 Seconds West, 362.50 feet to a point on the southern line of 1975 Russell Cave Road common with Winburn Estates; thence with the said line, North 47 Degrees 26 Minutes 29 Seconds West, 23.60 feet to a point; thence leaving the said line with the proposed easement and through 1975 Russell Cave Road for six (6) calls; thence, North 10 Degrees 29 Minutes 58 Seconds East, 345.25 feet to a point; thence, North 16 Degrees 06 Minutes 56 Seconds West, 58.53 feet to a point; thence, North 67 Degrees 15 Minutes 26 Seconds East, 99.75 feet to a point; thence, North 48 Degrees 13 Minutes 24 Seconds East, 56.96 feet to a point; thence, North 41 Degrees 39 Minutes 53 Seconds West, 92.75 feet to a point; thence, North 45 Degrees 40 Minutes 04 Seconds East, 25.18 feet to a point in the southern right-of-way of Interstate 75; thence with said right-of-way, South 41 Degrees 48 Minutes 20 Seconds East, 113.87 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 14,006 square feet of permanent easement; and,

Being a portion of the property conveyed to Hutson-Sirk II, LLC, a Kentucky limited liability company, by deed dated December 22, 2006, of record in Deed Book 2700, Page 745, in the Fayette County Clerk's Office.

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, re-grade 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 1975 Russell Cave Road)
Winburn Trunk Sanitary
Sanitary Sewer Improvement Project
(Decommission Winburn Pump Station)

Easement "A"

COMMENCING at a point, said point being the intersection of the western right-of-way of Russell Cave Road and the southern right-of-way of Interstate 75, also being the northeast corner of 1975 Russell Cave Road; thence with the southern right-of-way of Interstate 75 for two (2) calls; thence North 46 Degrees 39 Minutes 54 Seconds West, 211.41 feet to a point; thence North 41 Degrees 48 Minutes 20 Seconds West 181.94 feet to a point, said point being the **TRUE POINT OF BEGINNING**; thence leaving said line and through 1975 Russell Cave Road with the proposed sanitary sewer easement for four (4) calls; thence South 45 Degrees 40 Minutes 04 Seconds West 25.18 feet to a point; thence South 41 Degrees 39 Minutes 53 Seconds East 92.75 feet to a point; thence South 48 Degrees 13 Minutes 24 Seconds West 56.96 feet to a point; thence South 67 Degrees 15 Minutes 26 Seconds West 99.75 feet to a point; thence leaving said easement and through 1975 Russell Cave Road with the proposed temporary construction easement for two (2) calls; thence North 16 Degrees 06 Minutes 56 Seconds West 71.96 feet to a point; thence North 45 Degrees 40 Minutes 04 Seconds East 145.57 feet to a point on the southern right-of-way of Interstate 75, also being the Northern line of 1975 Russell Cave Road; thence with said line, South 41 Degrees 48 Minutes 20 Seconds East 10.01 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 12,771 square feet of temporary construction easement; and,

Easement "B"

COMMENCING at a point, said point being the intersection of the western right-of-way of Russell Cave Road and the southern right-of-way of Interstate 75, also being the northeast corner of 1975 Russell Cave Road; thence with the southern right-of-way of Interstate 75 for two (2) calls; thence North 46 Degrees 39 Minutes 54 Seconds West, 211.41 feet to a point; thence North 41 Degrees 48 Minutes 20 Seconds West 58.07 feet to a point, said point being the **TRUE POINT OF BEGINNING**; thence leaving said line and through 1975 Russell Cave Road with the proposed temporary construction easement, South 48 Degrees 13

Minutes 24 Seconds West 184.51 feet to a point on the proposed permanent sanitary sewer easement; thence with said easement for three (3) calls; thence North 16 Degrees 06 Minutes 56 Seconds West 41.95 feet to a point; thence North 67 Degrees 15 Minutes 26 Seconds East 85.29 feet to a point; thence North 48 Degrees 13 Minutes 24 Seconds East 85.71 feet to a point on the southern right-of-way of Interstate 75, also being the northern line of 1975 Russell Cave Road; thence with said line, South 41 Degrees 48 Minutes 20 Seconds East 10.00 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 3,128 square feet of temporary construction easement; and,

Both tracts being a portion of the property conveyed to Hutson-Sirk II, LLC, a Kentucky limited liability company, by deed dated December 22, 2006, of record in Deed Book 2700, Page 745, in the Fayette County Clerk's Office.

Described on Exhibit "A" 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 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 the 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 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.

The obtaining of this easement was authorized by Resolution No. 772-2018 passed by the Lexington-Fayette Urban County Council on December 4, 2018. 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, the day and year first above written.

GRANTOR:

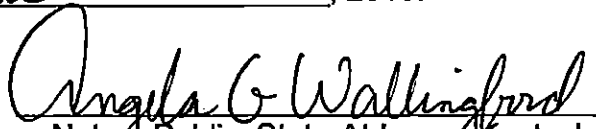
HUTSON-SIRK II, LLC,
a Kentucky limited liability company

BY: 

CHARLES L. SIRK, MANAGER

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF MADISON)

The foregoing Easement was subscribed, sworn to and acknowledged before me by Charles L. Sirk, as Manager on behalf of Hutson-Sirk II, LLC, a Kentucky limited liability company, on this the 12 day of June, 2019.




Notary Public, State-At-Large Kentucky

My Commission Expires: 12/2/21

Notary ID # 591347



PREPARED BY:



Charles E. Edwards, III

Attorney

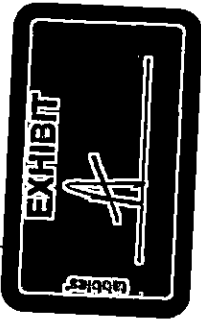
Lexington-Fayette Urban County
Government

200 West Main Street, 11th Floor

Lexington, Kentucky 40507

(859) 258-3500

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RUSSELL CAVE ROAD

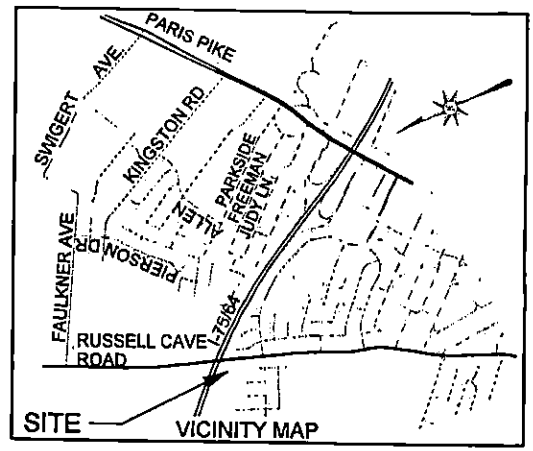
P.O.C.

EX. RW

1975

STATE OF KENTUCKY
 THOMAS WOODS HATFIELD
 LS-3547
 LICENSED
 PROFESSIONAL
 LAND SURVEYOR

THW
 3/19/18



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 41°48'20" E	10.01
L2	S 45°40'04" W	25.18'
L3	S 41°39'53" E	92.75
L4	S 48°13'24" W	56.96'
L5	S 67°15'26" W	99.75'
L6	N 16°06'56" W	71.96'
L7	N 45°40'04" E	145.57'
L8	S 48°13'24" W	184.51'
L9	N 16°06'56" W	41.95'
L10	N 67°15'26" E	85.29'
L11	N 48°13'24" E	85.71'
L12	S 41°48'20" E	10.01
L13	S 10°29'58" W	362.50'
L14	N 47°26'29" W	23.60'
L15	N 10°29'58" E	345.24'
L16	N 16°06'56" W	58.53'
L17	N 67°15'26" E	99.75'

INTERSTATE 75

TEMP. CONST. E. "B"
 3,128 SF

N41°48'20"W 58.07'
 (TEMP. "B")

P.O.B. TEMP. E. "B"

N41°48'20"W 68.07'
 (PERM. E.)

P.O.B. PERM. E.

25' SAN. S.E.

PROP. SANITARY SEWER TRUNK SEWER

N41°48'20"W 181.94'
 (TEMP. E. "A")

P.O.B. TEMP. E. "A"

EX. RW

EX. WINBURN PUMP STATION (TO BE REMOVED)

EXISTNG SANITARY FORCE MAIN (TO BE REMOVED)

EXISTNG SANITARY SEWER

EXISTNG WET WELL

PROPERTY LINE
 WINBURN ESTATES

20' PERMANENT EASEMENT
 14,006 SF

TEMP. CONST. E. "A"
 12,771 SF

AREAS

PROPOSED PERMANENT EASEMENT: 14,006 SF
 PROPOSED TEMPORARY EASEMENT "A": 12,771 SF
 PROPOSED TEMPORARY EASEMENT "B": 3,128 SF

EA Partners, PLLC

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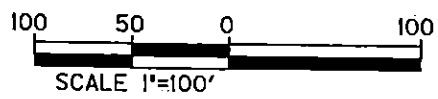
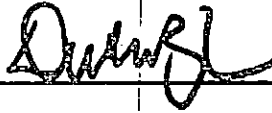


EXHIBIT
 40' TEMPORARY CONSTRUCTION EASEMENT &
 20' PERMANENT EASEMENT
 HUTSON SIRK II LLC
 1975 RUSSELL CAVE ROAD
 LEXINGTON, FAYETTE COUNTY, KENTUCKY
 2018

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: SHEA BROWN ,dc

201906170181

June 17, 2019

11:20:01 AM

Fees	\$29.00	Tax	\$.00
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Total Paid	\$29.00
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8 Pages

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