

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 16th day of JUNE, 2022, by and between **ABIGAIL TIMM (formerly ABIGAIL SPALDING) and CHANCE TIMM, wife and husband**, 626 Blue Ash Drive, Lexington, Kentucky 40503, which is the in-care of tax mailing address for the current year (hereinafter "Grantors"), 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 **THREE HUNDRED SEVENTY-FOUR DOLLARS AND 50/100 CENTS (\$374.50)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, said Grantors have **BARGAINED** and **SOLD** and do 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 626 Blue Ash Drive)

Tract A

All that strip or parcel of land situated on the south side of Blue Ash Drive, west of Clays Mill Road in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at a common corner with Lesley D. Oliver (Deed Book 2886, Page 707), said point being in the northerly boundary line of Unit 2 of the Gardner Subdivision (Cabinet D, Slide 34);

Thence with the easterly property line of Lesley D. Oliver, N 35°31'29" E, 3.43 feet to a point;

Thence leaving the easterly property line of Lesley D. Oliver, with an existing sanitary sewer easement line through the lands of Chance and Abigail Timm (f/k/a Abigail Spalding), S 56°59'25" E, 75.05 feet to a point in the westerly property line of Jody and Caroline Justus (Deed Book 3509, Page 569);

Thence with the westerly property line of Jody and Caroline Justus, S 35°31'29" W, 4.70 feet to a point in the northerly boundary line of Unit 2 of the aforesaid Gardner Subdivision;

Thence leaving the westerly property line of Jody and Caroline Justus, with the northerly boundary line of Unit 2 of the Gardner Subdivision, N 56°01'31" W, 75.00 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 0.007 Acres (305 sq. ft.) of permanent easement; and

Permanent Sanitary Sewer Easement
Wolf Run Trunk F
Sewer Improvement Project
(a portion of 626 Blue Ash Drive)

Tract B

All that strip or parcel of land situated on the south side of Blue Ash Drive, west of Clays Mill Road in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING at a common corner with Lesley D. Oliver (Deed Book 2886, Page 707), said point being in the northerly boundary line of Unit 2 of the Gardner Subdivision (Cabinet D, Slide 34);

Thence with the easterly property line of Lesley D. Oliver, N 35°31'29" E, 20.01 feet to the **TRUE POINT OF BEGINNING;**

Thence leaving the easterly property line of Lesley D. Oliver, with a new permanent sanitary sewer easement line through the lands of Chance and Abigail Timm (f. k.a. Abigail Spalding), S 56°01 '31" E, 75.00 feet to a point in the westerly property line of Jody and Caroline Justus (Deed Book 3509, Page 569);

Thence with the westerly property line of Jody and Caroline Justus, S 35°31'29" W, 5.30 feet to a point;

Thence leaving the westerly property line of Jody and Caroline Justus, with an existing sanitary sewer easement line through the lands of the aforesaid Chance and Abigail Timm (f/k/a Abigail Spalding), N 56°59'25" W, 75.05 feet to a point in the easterly property line of the aforesaid Lesley D. Oliver;

Thence with the easterly property line of Lesley D. Oliver, N 35°31'29" E, 6.56 feet to the **TRUE POINT OF BEGINNING;**
and,

The above-described parcel contains 0.010 Acres (444 sq. ft.) of permanent easement; and

Both tracts being a portion of the property conveyed to Abigail Spalding (now known as Abigail Timm), now married, by Deed dated July 31, 2013, of record in Deed Book 3173, Page 679, 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 626 Blue Ash Drive)

Tract C

All that strip or parcel of land situated on the south side of Blue Ash Drive, west of Clays Mill Road in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows, to wit:

BEGINNING, at a common corner with Lesley D. Oliver (Deed Book 2886, Page 707), said point being in the northerly boundary line of Unit 2 of the Gardner Subdivision (Cabinet D, Slide 34);

Thence with the easterly property line of Lesley D. Oliver, N 35°31'29" E, 20.01 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing with the easterly property line of Lesley D. Oliver, N 35°31'29 " E, 20.01 feet to a point;

Thence leaving the easterly property line of Lesley D. Oliver, with a new temporary construction easement line through the lands of Chance and Abigail Timm (f/k/a Abigail Spalding), S 56°01'31" E, 75.00 feet to a point in the westerly property line of Jody and Caroline Justus (Deed Book 3509, Page 569);

Thence with the westerly property line of Jody and Caroline Justus, S 35°31'29" W, 20.01 feet to a point;

Thence leaving the westerly property line of Jody and Caroline Justus, with a new permanent sanitary sewer easement line through the lands of the aforesaid Chance and Abigail Timm (f/k/a Abigail Spalding), N 56°01'31," 75.00 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 0.034 Acres (1,498 sq. ft.) of temporary construction easement; and

Being a portion of the property conveyed to Abigail Spalding (now known as Abigail Timm), now married, by Deed dated July 31, 2013, of record in Deed Book 3173, Page 679, 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 Grantors. The above-described permanent easement runs with the land in perpetuity and is binding upon the successors and assigns of the Grantors. The temporary construction easement shall take effect upon the commencement of construction of the project and will expire upon completion of the project.

Grantors 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.

Grantors do hereby release and relinquish unto the Grantee, its successors and assigns forever, all of their 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 they are lawfully seized in fee simple of said property and have good right to sell and convey the easements as herein done, and that they 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 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 Grantors have signed this Deed of Easement, this the day and year first above written.

GRANTORS:



ABIGAIL TIMM (formerly
ABIGAIL SPALDING)



CHANCE TIMM

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by Abigail Timm (formerly Abigail Spalding) and Chance Timm, wife and husband, on this the 16TH day of JUNE, 2022.



Michael Clayborne

Notary Public, Kentucky, State-at-Large

My Commission Expires: 05/10/2025

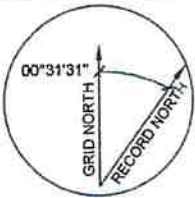
Notary ID # KYNP27704

PREPARED BY:

Evan P. Thompson

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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BEARING BASIS

628

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

N 35°31'29" E 235.91'

ABIGAIL SPALDING
626 BLUE ASH DR
DB 3173, PG 679

S 35°31'29" W 234.00'

JODY & CAROLINE JUSTUS
624 BLUE ASH DR
DB 3509, PG 569

BLUE ASH DRIVE

S 54°28'31" E 75.00'

626

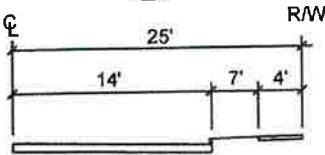
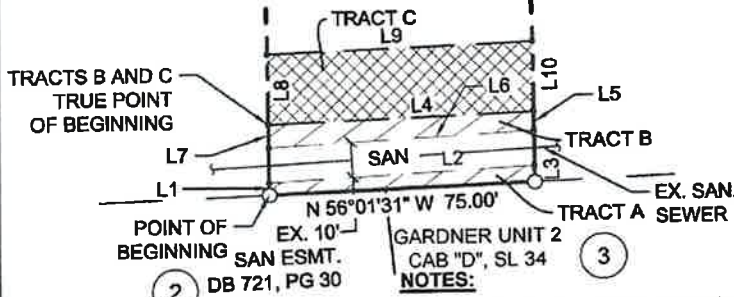
624



VICINITY MAP
N.T.S.

EASEMENT LINE TABLE

LINE #	LENGTH	BEARING
L1	3.43'	N 35°31'29" E
L2	75.05'	S 56°59'25" E
L3	4.70'	S 35°31'29" W
L4	75.00'	S 56°01'31" E
L5	5.30'	S 35°31'29" W
L6	75.05'	N 56°59'25" W
L7	6.56'	N 35°31'29" E
L8	20.01'	N 35°31'29" E
L9	75.00'	S 56°01'31" E
L10	20.01'	S35°31'29" W



SECTION "A"- "A"
BLUE ASH DRIVE
HALF SECTION

PERM. ESMT. AREA
749 SQ. FT. (0.017 AC)

TEMP. ESMT. AREA
1,498 SQ. FT. (0.034 AC)



GRAPHIC SCALE: 1"=50'

- NOTES:**
1. THE PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON ARE BASED ON THE DESCRIPTION OF RECORD (DEED BOOK 3173, PAGE 679) 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. IN ADDITION TO THE DESCRIPTION IN THE DEED OF RECORD, THE SUBJECT PROPERTY IS NOTED AS BEING A PART OF THE CHARLES G. WHALEN SUBDIVISION, A PLAT OF WHICH WAS KEPT AT THE OFFICE OF ROWE AND COMPANY ENGINEERS. THE SURVEYOR OF RECORD WAS NOT ABLE TO REVIEW THE PLAT, AND IT APPEARS THE PLAT WAS NEVER RECORDED IN THE OFFICE OF THE FAYETTE COUNTY CLERK. INFORMATION SHOWN ON THAT PLAT MAY APPLY TO THE SUBJECT PARCEL THAT IS NOT SHOWN HEREON.
 3. THE PURPOSE OF THIS EXHIBIT IS TO DELINEATE A PROPOSED CONVEYANCE FOR A PERMANENT SANITARY SEWER SEWER EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT TO LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.
 4. THIS INFORMATION DOES NOT CONSTITUTE A BOUNDARY SURVEY AND SHALL NOT BE USED FOR PURPOSES OF LAND TRANSFER.

**SANITARY SEWER EASEMENT EXHIBIT
ABIGAIL SPALDING
626 BLUE ASH DRIVE
WOLF RUN TRUNK SEWER IMPROVEMENTS
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KENTUCKY**



FIGURE 1

JUNE 2021

2815.208

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

202206220122

June 22, 2022

13:37:59 PM

Fees	\$59.00	Tax	\$.00
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Total Paid	\$59.00
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9 Pages

229 - 237