

R 408-2013  
7626

**GRANT OF EASEMENT**

This **EASEMENT** is made and entered into this 23<sup>rd</sup> 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");

**W I T N E S S E T H :**

That for and in consideration of the sum of **SEVENTEEN THOUSAND EIGHT HUNDRED DOLLARS 00/100 CENTS (\$17,800.00)**, 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 3952 Branham Park)**  
**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

Mail to: L.F.U.C.G.  
Dept. of Law  
200 E. Main St.  
Lex., KY 40507  
(CC-F)

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 3952 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 P. Watz*

ITS: *Manager*

COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )

The foregoing Easement was subscribed, sworn to and acknowledged before me by *John P. Berlow*, as *Manager* on behalf of DELONG ESTATES DEVELOPMENT, LLC, a Kentucky limited liability company, on this the *23<sup>rd</sup>* day of *July* 20*16*



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

My commission expires

*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 3952 Branham Park)

Blue Sky Force Main

Sanitary Sewer Improvement Project

Beginning in the Grantor's west property line N01°59'54"W, 22.10' from the Grantor's southwest property corner in the north right of way line of Delong Road;

Thence, with said property line, N01°59'54"W, 15.00 feet;

Thence, leaving said property line, N88°28'50"E, 420.05 feet;

Thence, N87°18'13"E, 721.35 feet;

Thence, N38°50'53"E, 103.64 feet;

Thence, S14°26'00"E, 103.53 feet to the Grantor's north property line;

Thence, with said property line, N75°46'17"E, 15.00 feet;

Thence, leaving said property line, S14°26'00"W, 103.50 feet

Thence, S38°50'53"W, 88.45 feet;

Thence, S87°18'13"W, 728.25 feet;

Thence, S88°28'50"W, 420.08 feet to the Point of Beginning and containing 20,331 square feet, 0.467 acres.

Being a part of that property conveyed to Delong Estates Development, LLC, a Kentucky limited liability company, by deed dated March 25, 2005 in Deed Book 2538, Page 285, in the Fayette County Clerk's Office.

**EXHIBIT B**

**TEMPORARY CONSTRUCTION EASEMENT**

(a portion of 3952 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 in the Grantor's west property line at the northwest corner of the permanent force main easement;

Thence, with said property line, N01°59'54"W, 30.00 feet;

Thence, leaving said property line, N88°28'50"E, 419.99 feet;

Thence, N87°18'13"E, 707.54 feet;

Thence, N38°50'53"E, 75.09 feet;

Thence, N14°26'00"W, 80.98 feet to the Grantor's north property line;

Thence, with said property line, N75°34'00"E, 30.00 feet;

Thence, leaving said property line, S14°26'00"E, 103.53 feet

Thence, S38°50'53"W, 103.64 feet;

Thence, S87°18'13"W, 721.35 feet;

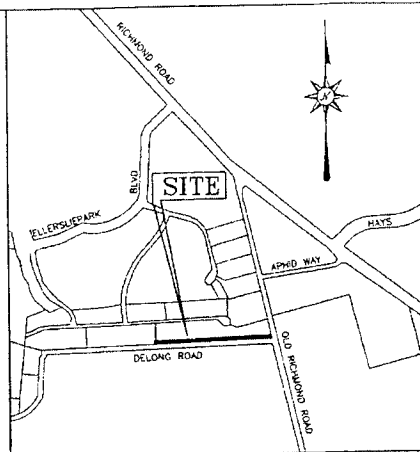
Thence, S88°28'50"W, 420.05 feet to the Point of Beginning and containing 39,370 square feet, 0.904 acres.

Being a part of that property conveyed to Delong Estates Development, LLC, a Kentucky limited liability company, by deed dated March 25, 2005 in Deed Book 2538, Page 285, in the Fayette County Clerk's Office.

EXHIBIT "C"

PERMANENT FORCE MAIN EASEMENT		
LINE	BEARING	DISTANCE
L1	N01°59'54"W	15.00'
L2	N88°28'50"E	420.05'
L3	N87°18'13"E	721.35'
L4	N38°50'53"E	103.64'
L5	S14°26'00"E	103.50'
L6	S38°50'53"W	88.45'
L7	S87°18'13"W	728.25'
L8	S88°28'50"W	420.08'

PERMANENT FORCE  
MAIN EASEMENT: 20331 SQ.FT.  
TEMPORARY CONSTRUCTION  
EASEMENT: 39370 SQ.FT.



VICINITY MAP

SCALE: 1" = 1500'



DELONG ESTATES  
DEVELOPMENT, LLC  
D.B. 2538, PG. 291  
PC 'M', SLD 502

DELONG ESTATES  
DEVELOPMENT, LLC  
D.B. 2538, PG. 265  
PC 'M', SLD 493

3951 TATTON PARK

3969 TATTON PARK

3973 TATTON PARK  
DELONG ESTATES  
DEVELOPMENT, LLC  
D.B. 2538, PG. 291  
PARCEL # 38150350

3997 BRANHAM PARK  
DELONG ESTATES  
DEVELOPMENT, LLC  
D.B. 2538, PG. 291  
PARCEL # 38150340

DELONG ESTATES DEVELOPMENT, LLC  
D.B. 2538, PG. 285  
PC 'M', SLD 493  
PARCEL # 38150280

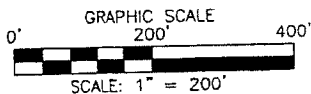
3952 BRANHAM PARK

N01°59'54"W  
22.10'

15' WIDE PERMANENT  
FORCE MAIN  
EASEMENT

TEMPORARY CONSTRUCTION EASEMENT		
LINE	BEARING	DISTANCE
L9	N01°59'54"W	30.00'
L10	N88°28'50"E	419.99'
L11	N87°18'13"E	707.54'
L12	N38°50'53"E	75.09'
L13	N14°26'00"W	80.98'
L14	N75°34'00"E	30.00'
L15	S14°26'00"E	103.53'

30' WIDE  
TEMPORARY  
CONSTRUCTION  
EASEMENT



**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  
06-06-13

EXHIBIT SHOWING  
FORCE MAIN EASEMENT  
TO BE ACQUIRED FROM  
DELONG ESTATES DEVELOPMENT, LLC  
3952 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

201401270203

January 27, 2014                      15:07:34    PM

Fees	\$26.00	Tax	\$ .00
------	---------	-----	--------

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

**THIS IS THE LAST PAGE OF THE DOCUMENT**

7 Pages

43 - 49



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