

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 9 day of September, 2022, by and between **HAZEL TILGHMAN and HOWARD A. TILGHMAN, wife and husband**, 3506 Elmendorf Lane, Lexington, Kentucky 40517, 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 **ONE HUNDRED DOLLARS AND 00/100 CENTS (\$100.00)**, 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 Grantee, its successors

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

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 740 Spring Meadows Drive)

Tract A

All that strip or parcel of land situated northwest of the intersection of Spring Meadows Drive and Harrodsburg Road (US Highway 68) in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at a common corner between Lots 2H and 1I as shown on the Amended Final Record Plan of the H & E Property (Harrod's Park), Unit 3, Lots 1 & 2, (Plat Cabinet F, Slide 520), said point being in the northeasterly property line of Royce Publications, Inc. (Deed Book 3426, Page 239);

Thence with the southeasterly property line of Lot 2H, N 41°12'58" E, 63.69 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving the southeasterly property line of Lot 2H, with a new permanent sanitary sewer easement line through the lands of Lot 1I for two (2) calls:

- 1) S 38°23' 23" E, 31.95 feet to a point; and
- 2) S 48°47'02" E, 58.57 feet to a point in the northwesterly property line of National Retail Properties, LP (Deed Book 3341, Page 377);

Thence with the northeasterly property line of National Retail Properties LP, and continuing with the northeasterly property line of Brenda Patton (Deed Book 3772, Page 57), S 41°12' 58" W, 14.41 feet to a point;

Thence leaving the northeasterly property line Brenda Patton, with an existing sanitary sewer easement line for two (2) calls:

- 1) N 48°11' 11" W, 58.10 feet to a point; and
- 2) N 47°59'00" W, 31.91 feet to a point in the southeasterly property line of the aforesaid Lot 2H;

Thence with the southeasterly property line of Lot 2H, N 41°12' 58" E, 19.12 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 0.031 Acres (1,343 sq. ft.) of permanent easement; and

Tract A, being a portion of the same property conveyed to Hazel Tilghman and Howard A. Tilghman, wife and husband, by Deed dated June 28, 2019, of record in Deed Book 3681, Page 565, 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, Grantors have **BARGAINED** and **SOLD** and do 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 740 Spring Meadows Drive)

Tract B

All that strip or parcel of land situated northwest of the intersection of Spring Meadows Drive and Harrodsburg Road (US Highway 68) in Lexington, Fayette County,

Kentucky, and being more fully described and bounded as follows, to wit:

BEGINNING, at a common corner between Lots 2H and 1I as shown on the Amended Final Record Plan of the H & E Property (Harrod's Park), Unit 3, Lots 1 & 2, (Plat Cabinet F, Slide 520), said point being in the northeasterly property line of Royce Publications, Inc. (Deed Book 3426, Page 239);

Thence with the southeasterly property line of Lot 2H, N 41°12' 58" E, 63.69 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing with the southeasterly property line of Lot 2H, N 41°12' 58" E, 10.17 feet to a point;

Thence leaving the southeasterly property line of Lot 2H, with a new permanent sanitary sewer easement line through the lands of Lot 1I for two (2) calls:

- 1) S 38°23' 23" E, 32.88 feet to a point; and
- 2) S 48°47'02" E, 57.66 feet to a point in the northwesterly property line of National Retail Properties, LP (Deed Book 3341, Page 377);

Thence with the northeasterly property line of National Retail Properties, LP, S 41°12' 58" W, 10.00 feet to a point;

Thence leaving the northeasterly property line of National Retail Properties, LP, with a new permanent sanitary sewer easement line through the lands of Lot 1I for two (2) calls:

- 1) N 48°47'02" W, 58.57 feet to a point; and
- 2) N 38°23'23" W, 31.95 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 0.021 Acres (905 sq. ft.) of temporary construction easement; and

Tract B, being a portion of the same property conveyed to Hazel Tilghman and Howard A. Tilghman, wife and husband, by Deed dated June 28, 2019, of record in Deed Book 3681, Page 565, 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.

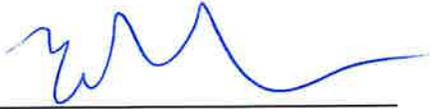
The above-described temporary construction easement runs with the land for the duration of the improvement project and is binding upon the successors and assigns of the Grantors. The above-described permanent easement runs with the land in perpetuity and is binding upon the successors and assigns of 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 they will **WARRANT GENERALLY** said title.

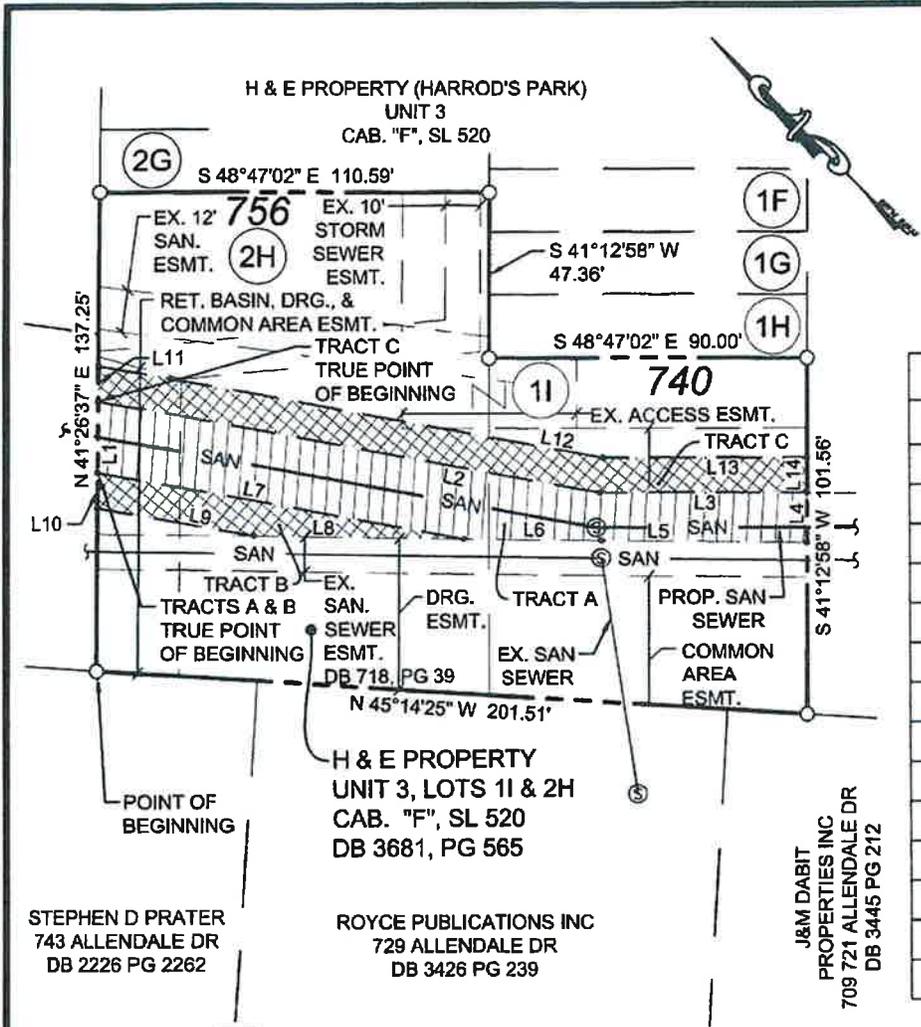
The obtaining of this easement was authorized by Resolution 042-2022, passed by the Lexington-Fayette Urban County Council on February 10, 2022. Pursuant to KRS

PREPARED BY:



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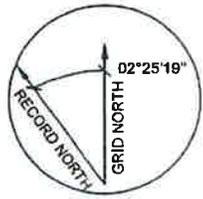


EASEMENT LINE TABLE		
LINE #	LENGTH	BEARING
L1	20.32'	N 41°26'37" E
L2	195.86'	S 38°23'23" E
L3	58.57'	S 48°47'02" E
L4	14.41'	S 41°12'58" W
L5	58.10'	N 48°11'11" W
L6	39.07'	N 47°59'00" W
L7	105.47'	N 38°23'23" W
L8	60.00'	N 47°59'00" W
L9	44.51'	N 38°23'23" W
L10	10.16'	N 41°26'37" E
L11	10.16'	N 41°26'37" E
L12	197.25'	S 38°23'23" E
L13	57.66'	S 48°47'02" E
L14	10.00'	S 41°12'58" W

STEPHEN D PRATER
743 ALLENDALE DR
DB 2226 PG 2262

ROYCE PUBLICATIONS INC
729 ALLENDALE DR
DB 3426 PG 239

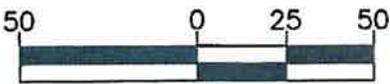
J&M DABIT
PROPERTIES INC
709 721 ALLENDALE DR
DB 3445 PG 212



BEARING BASIS

TEMP. ESMT. AREA
2,782 SQ. FT. (0.064 AC)

PERM. ESMT. AREA
3,593 SQ. FT. (0.082 AC)



GRAPHIC SCALE: 1"=50'

NOTES:

1. THE PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON ARE BASED ON THE RECORD DESCRIPTION (DEED BOOK 3681, PAGE 565) AND CORRESPONDING PLAT (CABINET "F" SLIDE 520) OF RECORD 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. THE PURPOSE OF THIS EXHIBIT IS TO DELINEATE A PROPOSED CONVEYANCE FOR A PERMANENT SANITARY SEWER EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT TO LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.
3. THIS INFORMATION DOES NOT CONSTITUTE A BOUNDARY SURVEY AND SHALL NOT BE USED FOR PURPOSES OF LAND TRANSFER.

**SANITARY SEWER EASEMENT EXHIBIT
HAZEL & HOWARD TILGHMAN
740 SPRING MEADOWS DRIVE
WOLF RUN TRUNK SEWER IMPROVEMENTS
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KENTUCKY**



FIGURE 1

JUNE 2021

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