

GRANT OF EASEMENT

This **EASEMENT** is made and entered into this 7th day of November, 2013, by and between **ERIC GEARY and KIMBERLY M. GEARY, husband and wife**, 2018 Weybridge Court, Lexington, Kentucky 40504 ("Grantors"), 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 consideration of the sum of **Seven Thousand Dollars and 00/100 Cents (\$7,000.00)**, and other good and valuable consideration, 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, 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
1325 Fenwick Road
Century Hills 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, Grantors have **BARGAINED** and **SOLD** and do 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 for

Mail to Grantee
c/o Department of Law, 11th Floor

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
1325 Ferwick Road
Century Hills 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 Grantors.

Grantors do hereby covenant to and with said 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 conveyed herein, and that they will **WARRANT GENERALLY** said title.

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 the prior written consent of the Grantee.

The obtaining of this easement was authorized by Resolution No. 389-2013 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 parties have signed this Easement, the day and year first above written.

GRANTORS:

BY: Eric Geary
ERIC GEARY

BY: Kimberly M. Geary
KIMBERLY M. GEARY

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing Easement was subscribed, sworn to and acknowledged before me by Eric Geary and Kimberly M. Geary, husband and wife, on this the 7th day of NOVEMBER, 2013.

My commission expires: DEC. 5, 2015

Reda J. Smith
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
X:\Cases\WATER-AIR\13-RE0632\REV00411627.DOC

EXHIBIT A

PERMANENT SANITARY SEWER EASEMENT
&
20-FOOT TEMPORARY CONSTRUCTION EASEMENT
ON THE PROPERTY OF
ERIC GEARY & KIMBERLY GEARY
(HUSBAND & WIFE)
DEED BOOK 3130, PAGE 103
LOT 44, BLOCK W, UNIT 7, SECTION 4 EAST LAKE SUBDIVISION
PLAT CABINET F, SLIDE 94
1325 FENWICK ROAD
IN LEXINGTON, FAYETTE COUNTY, KENTUCKY

All those tracts or parcels of land situated on the southerly side of Fenwick Road at its terminus, easterly from Buckhorn Drive, in Lexington, Fayette County, Kentucky, and more fully described and bounded as follows, to-wit:

Permanent Sanitary Sewer Easement:

Beginning at the rear common corner of Lot 44 and Lot 43, Block W, Unit 7, Section 4 of East Lake Subdivision (Plat Cabinet F, Slide 94), said point being in the line of Lot 26, Block W, Unit 7, Section 1 of East Lake Subdivision (Plat Cabinet D, Slide 663); thence along the common line of Lots 44 and 43, N 15° 25' 09" E 1.72 feet to a point in the northerly line of an existing 12' sanitary sewer and utility easement (Plat Cabinet F, Slide 94); thence through Lot 44 along the northerly line of said existing easement, S 73° 45' 50" E 3.92 feet to a point in the northwesterly line of an existing 15' sanitary sewer force main easement (Plat Cabinet F, Slide 94); thence again through Lot 44 along the northwesterly line of said force main easement, N 49° 08' 45" E 10.73 feet; thence again through Lot 44, N 60° 45' 01" W 10.17 feet to a point in the common line of Lots 44 and 43 aforesaid; thence along said common line, N 15° 25' 09" E 20.60 feet; thence again through Lot 44, S 60° 45' 01" E 93.00 feet to a point in the common line of Lot 44 aforesaid and Lot 45, Block W, Unit 7, Section 4 of East Lake Subdivision (Plat Cabinet F, Slide 94); thence along said common line, S 00° 09' 54" E 22.96 feet; thence again through Lot 44, parallel with and twenty feet southwesterly from the next to last call cited above, N 60° 45' 01" W 61.03 feet; thence continuing through Lot 44, S 50° 14' 59" W 22.82 feet to a point in the common line of Lot 44 and Lot 26 aforesaid; thence along said common line, N 42° 59' 13" W 28.39 feet to the beginning and containing 1428 square feet.

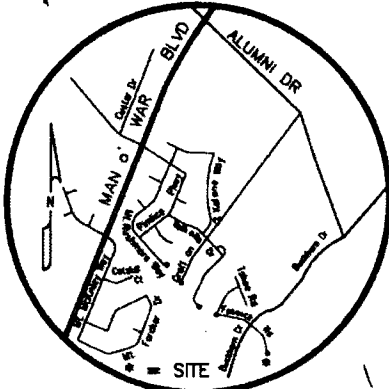
EXHIBIT B

Temporary Construction Easement:

Beginning at a corner of the above described permanent sanitary sewer easement, said point being in the common line of Lot 44 and Lot 43, Block W, Unit 7, Section 4 of East Lake Subdivision (Plat Cabinet F, Slide 94); thence along said common line, N 15° 25' 09" E 20.60 feet; thence through Lot 44 aforesaid, parallel with and twenty feet northeasterly from the northeasterly line of the above described permanent sanitary sewer easement, S 60° 45' 01" E 86.65 feet to a point in the common line of Lot 44 aforesaid and Lot 45, Block W, Unit 7, Section 4 of East Lake Subdivision (Plat Cabinet F, Slide 94); thence along said common line, S 00° 09' 54" E 22.96 feet; thence again through Lot 44, along the northeasterly line of the above described permanent sanitary sewer easement, N 60° 45' 01" W 93.00 feet to the beginning and containing a total area of 1797 square feet, inclusive of 319 square feet of existing easement, leaving a net area of 1478 square feet of new temporary construction easement.

Being a permanent sanitary sewer easement and a twenty-foot wide temporary construction easement on a portion of the same property conveyed to Eric Geary, a married person, by deed dated January 31, 2013, and recorded in Deed Book 3130, Page 103; being designated as Lot 44, Block W, Unit 7, Section 4 of East Lake Subdivision as per the Corrected Amended Final Subdivision Plat recorded in Plat Cabinet F, Slide 94. All of the above referenced instruments are of record in the Fayette County Clerk's office.

EXHIBIT "C"



VICINITY MAP
Not To Scale

PROPERTY OWNERS' ADDRESS
ERIC & KIMBERLY GEARY
2018 WEYBRIDGE COURT
LEXINGTON, KY 40504

SCALE IN FEET

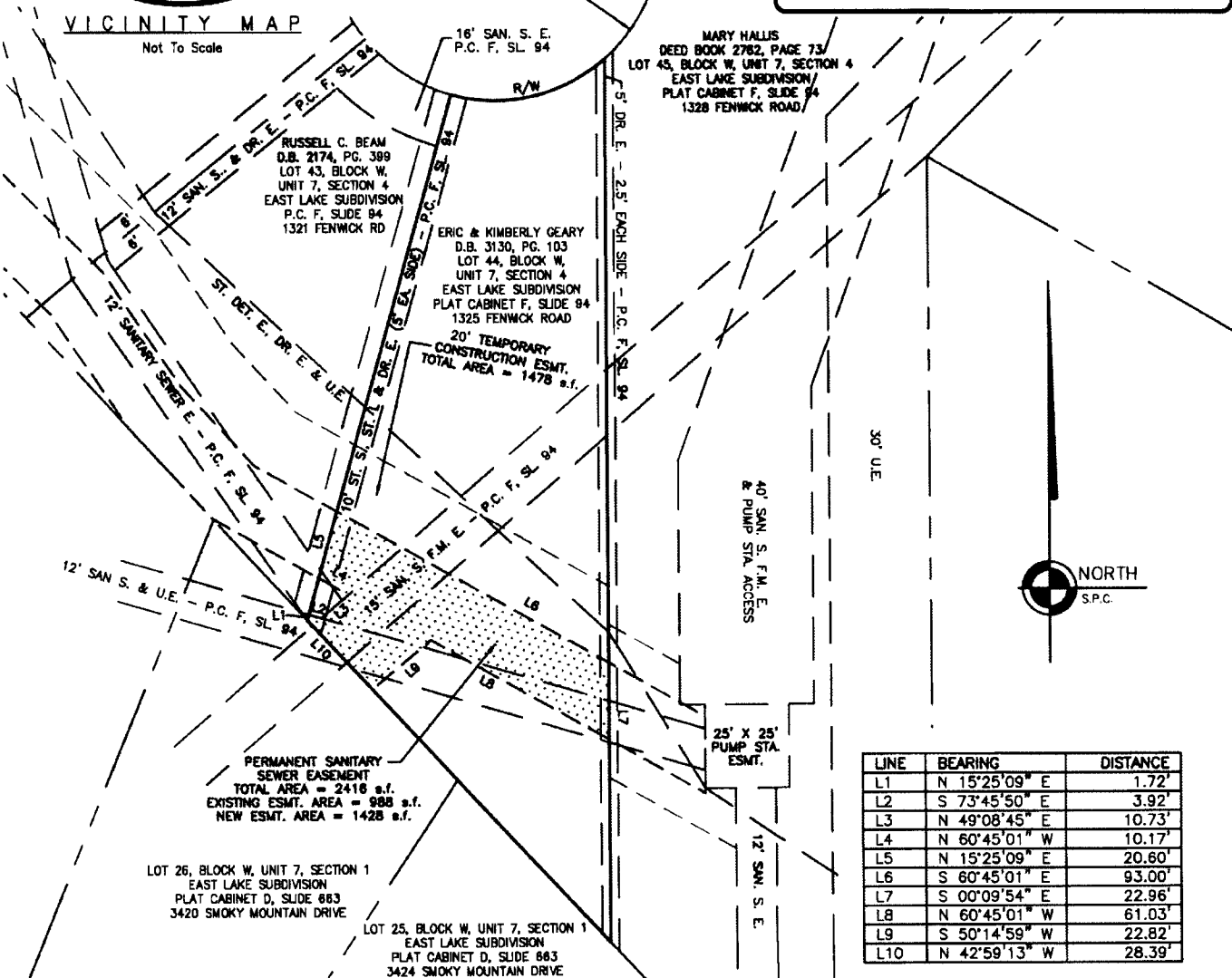


LEGEND

- APPROXIMATE SUBJECT PROPERTY LINE
- APPROXIMATE ADJOINING PROPERTY LINE
- PROPOSED SANITARY SEWER EASEMENT LINE
- EXISTING EASEMENT LINE
- TEMPORARY CONSTRUCTION EASEMENT LINE

NOTES:

- THE PURPOSE OF THIS PLAT IS TO RECORD THE PERMANENT SANITARY SEWER EASEMENT AS SHOWN.
- THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, LEASES, RIGHTS-OF-WAYS, ETC. OF RECORD AND/OR IN EXISTENCE.
- THE BEARINGS CITED HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, KY NORTH ZONE, US SURVEY FEET, MAD 83.
- SELECT FIELD MEASUREMENTS WERE MADE, HOWEVER, NO BOUNDARY SURVEY WAS PERFORMED.



LINE	BEARING	DISTANCE
L1	N 15°25'09" E	1.72'
L2	S 73°45'50" E	3.92'
L3	N 49°08'45" E	10.73'
L4	N 60°45'01" W	10.17'
L5	N 15°25'09" E	20.60'
L6	S 60°45'01" E	93.00'
L7	S 00°09'54" E	22.96'
L8	N 60°45'01" W	61.03'
L9	S 50°14'59" W	22.82'
L10	N 42°59'13" W	28.39'

LAND SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS RECORD PLAT WAS PREPARED UNDER MY DIRECTION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE BEARINGS AND DISTANCES AS SHOWN ON THIS PLAT ARE TRUE AND ACCURATE.

Reda J. Smith 8/15/13

REDA J. SMITH
3323
LICENSED PROFESSIONAL LAND SURVEYOR

REDA J. SMITH, PLS # 3323
CDP ENGINEERS, INC.
3250 BLAZER PKWY
LEXINGTON, KY 40509

DATE

SANITARY SEWER EASEMENT PLAT

ERIC GEARY & KIMBERLY GEARY
(HUSBAND & WIFE)

PROPERTY
1325 FENWICK ROAD
LEXINGTON, FAYETTE COUNTY, KENTUCKY

cdpengineers

3250 Blazer Parkway
Lexington KY 40509
T 859.284.7500 F 859.284.7501

SCALE: 1" = 50'

DATE: AUGUST 13, 2013

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

201401290038

January 29, 2014 9:59:12 AM

Fees	\$26.00	Tax	\$0.00
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Total Paid	\$26.00
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7 Pages

402 - 408