

**DEED OF EASEMENT**

This **DEED OF EASEMENT** is made and entered into this the 19 day of July, 2019, by and between **HART FAMILY ENTERPRISES, LLC**, a **Kentucky limited liability company**, 2179 Bahama Road, Kentucky 40509, which is the in-care of tax mailing address for the current year (hereinafter "Grantor"), 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 **TEN AND 00/100 DOLLARS (\$10.00)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, said Grantor has **BARGAINED** and **SOLD** and does hereby **GIVE, GRANT** and **CONVEY** unto the Grantee, its successors and assigns, permanent right to excavate, grade, construct, alter, re-grade and perform related work for the purpose of storm sewer construction, installation, improvements, and relocation through and across the following tract of land located in the confines of Lexington, Fayette County, Kentucky, depicted in Exhibit "A" attached hereto, and more particularly described as follows, to wit:

**Permanent Storm Sewer Easement**  
**Bahama Road Stormwater Improvement Project**  
**(a portion of 2179 Bahama Road)**  
**Parcel No. 1**

All that portion of a 14' wide utility easement across the Hart Family Enterprises tract, located at 2179 Bahama Road, Lexington, Fayette County, Kentucky and indicated by

Return to:  
Charles E. Edwards III  
LFUCG, Dept. of Law, 11<sup>th</sup> Floor  
200 East Main Street  
Lexington, KY 40507

(CC-F)

diagonal markings on the Drainage Easement Exhibit "A" dated January 17, 2019, which is attached hereto and incorporated by reference, and more particularly described as follows:

**COMMENCING** at a 1/2" iron pin (found) at the northwest corner of Lot 36, of the Greenbrier Estates Subdivision (Deed Book 1471, Page 57) Lot 36, Plat Cabinet A, Slide 483, in the Fayette County Clerk's Office, 2033 Bahama Road, in the south right-of-way of Bahama Road; thence N 50°14'28" W, a distance of 2.14 feet to a point in the south right-of-way of Bahama Road, which is the **TRUE POINT OF BEGINNING**; thence from said **POINT OF BEGINNING**, leaving the said right-of-way, S 64°40'32" W, a distance of 61.62 feet to a point; thence N 25°19'28" W, a distance of 14.00 feet to a point; thence N 64°40'32" E, a distance of 54.55 feet to a point in the south right-of-way of Bahama Road; thence with the south right-of-way and with a curve turning to the right with an arc length of 15.68 feet, with a radius of 276.17 feet, with a chord bearing of S 52°05'22" E, with a chord length of 15.68 feet, to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 0.019 acres (814 square feet) of permanent storm sewer easement; and,

Being a portion of the property conveyed to Hart Family Enterprises, LLC, a Kentucky limited liability company by Deed dated September 26, 2011, of record in Deed Book 3035, Page 315, in the Fayette County Clerk's Office.

**TO HAVE AND TO HOLD** the above-described easement 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 permanent easement runs with the land in perpetuity and is binding upon the successors and assigns of the Grantor. 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 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 the 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 easement as herein done, and that it will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 257-2019, passed by the Lexington-Fayette Urban County Council on May 16, 2019. Pursuant to KRS 382.135(2)(a), this permanent storm sewer 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, this the day and year first above written.

GRANTOR:

HART FAMILY ENTERPRISES,  
LLC, a Kentucky limited liability company

BY:



WILLIAM H. HART, JR.,  
MEMBER

COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )


This instrument was acknowledged, subscribed and sworn to before me by William H. Hart, Jr., as a Member, for and on behalf of Hart Family Enterprises, LLC, a Kentucky limited liability company, on this the 19<sup>th</sup> day of July, 2019.

  
\_\_\_\_\_  
Notary Public, Kentucky, State at Large

My Commission Expires: 5 / 10 / 2021

Notary ID # 579097

PREPARED BY:

  
\_\_\_\_\_  
CHARLES E. EDWARDS III  
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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**NOTES:**

1. THE PURPOSE OF THIS SURVEY IS TO ESTABLISH A UTILITY EASEMENT AS SHOWN.
2. FIELD WORK WAS COMPLETED BY CREW IN AUGUST 2018 USING A TRIMBLE R-10 GPS VRS (KYCORS) AND A LEICA TS2 TOTAL STATION.
3. THE BASIS OF BEARINGS AND REFERENCED MERIDIAN IS FROM KYCORS STATE PLANE COORDINATE KY NORTH DATUM, NAD83, NAVD83, GEOID12A.
4. THIS SURVEY IS IN ACCORDANCE WITH SECTION 12 OF 201 KAR18:150.
5. OTHER RECORDED OR UNRECORDED EASEMENTS MAY EXIST THAT AFFECT THIS PROPERTY.

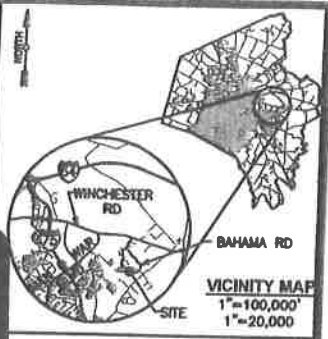
**LAND SURVEYOR'S CERTIFICATION:**

I DO HEREBY CERTIFY THAT THIS RECORD PLAT WAS PREPARED UNDER MY DIRECTION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE BOUNDARIES OF THE PROPERTY BEING TRANSFERRED ARE TRUE AND ACCURATE.

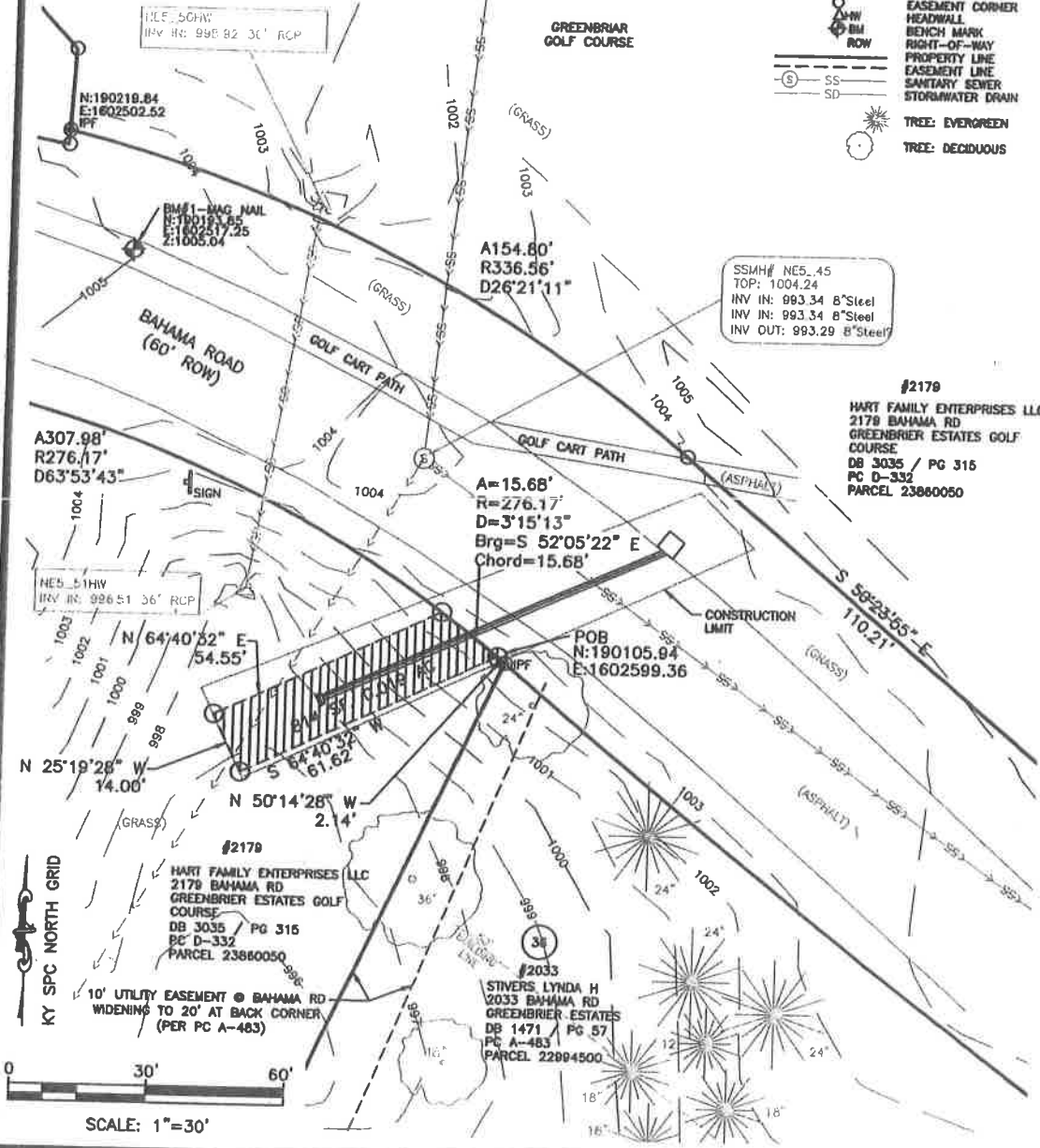
*Timothy D. Woodcock*

01/11/19, TIMOTHY D. WOODCOCK PLS/3124  
1022 FONTAINE ROAD, LEXINGTON, KY 40502

STATE OF KENTUCKY  
TIMOTHY D. WOODCOCK  
3124  
LICENSED  
PROFESSIONAL  
LAND SURVEYOR



- LEGEND:**
- DB PG DEED BOOK & PAGE
  - PC PG PLAT CABINET & PAGE
  - IPF IRON PIN FOUND
  - EW EASEMENT CORNER
  - HW HEADWALL
  - BM BENCH MARK
  - ROW RIGHT-OF-WAY
  - — — — — PROPERTY LINE
  - - - - - EASEMENT LINE
  - - - - - SANITARY SEWER
  - - - - - STORMWATER DRAIN
  - ☀ TREE: EVERGREEN
  - ☀ TREE: DECIDUOUS



2018-104 bahama rd Easement SURVEY v8.dwg

**Abbie Jones**  
consulting

ABBIE JONES CONSULTING  
PROFESSIONAL LAND SURVEYING & ENGINEERING  
1022 FONTAINE RD.  
LEXINGTON, KY 40502  
859.559.3443  
www.abbie-jones.com

**DRAINAGE EASEMENT EXHIBIT**

GREENBRIER ESTATES GOLF COURSE  
DB 3035 PG 315 PC D SL 332  
LOCATED AT: 2179 BAHAMA ROAD,  
LEXINGTON, KY 40509, FAYETTE COUNTY

CLIENT: LFUGG, 200 EAST MAIN STREET, LEXINGTON, KY 40507  
OWNER: HART FAMILY ENTERPRISES, 2179 BAHAMA ROAD,  
LEXINGTON, KY 40509

PROJECT: 2018-104, DATE: 1/17/2019, SCALE: 1"=30'  
DRAWN BY: TW, CHECKED BY: AAJ, APPROVED BY: AAJ

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.



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By: MELISSA STELTER ,dc

201907230032

July 23, 2019

8:57:22 AM

Fees	\$23.00	Tax	\$ .00
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Total Paid	\$23.00
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6 Pages

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