

FAYETTE CO, KY FEE \$56.00

SUSAN LAMB  
COUNTY CLERK

PRESENTED/LODGED: 04/30/2024 09:12:42 AM

BOBBIE MARSTELLA, DEPUTY CLERK 202404300037

BK: DB 4070  
PG: 103-109



### DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 23<sup>rd</sup> day of APRIL, 2024, by and between **TIMOTHY R. SMITH and CARIL C. SMITH, husband and wife**, 708 Dartmoor Court, Lexington, Kentucky 40505, 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 THOUSAND DOLLARS AND 00/100 CENTS (\$3,000.00)**, 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 and assigns, permanent right to excavate, grade, construct, alter, re-grade and perform

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

related work for the purpose of sanitary sewer improvements and construction, installation, repair, maintenance 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**  
**Floyd Drive Trunk**  
**Sewer Improvement Project**  
**(a portion of 708 Dartmoor Court)**

A certain parcel of land near Dartmoor Court, within the city of Lexington, County of Fayette, Commonwealth of Kentucky, and more particularly described as follows:

**COMMENCING**, at the southwest corner of Rookwood Subdivision, Unit 1-Q, Lot 53, of record at Plat Cabinet C, Slide 697, of the Fayette County Clerk's records, as conveyed to Timothy and Caril Smith in Deed Book 1820, Page 690 and in the line of Rookwood Subdivision, Lot 52, of record at Plat Cabinet C, Slide 697, as conveyed to Lexington-Fayette Urban County Government in Deed Book 2320, Page 228; thence with the line of said Lot 52, for one (1) call:

1. N 61°07'32" E, a distance of 25.25 feet to the **TRUE POINT OF BEGINNING**; thence with a new easement line for three (3) calls:
  1. N 37°00'28" W, a distance of 4.70 feet;
  2. N 61°15'37" E, a distance of 58.74 feet;
  3. S 28°44'23" E, a distance of 4.52 feet, to a point in the line of Rookwood Subdivision, Lot 52, of record at Plat Cabinet C, Slide 697, as conveyed to Lexington-Fayette Urban County Government in Deed Book 2320, Page 228; thence with the line of said Lot 52, for one (1) call:
    1. S 61°07'32" W, a distance of 58.07 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 267.85 sq. ft. of permanent easement; and,

Being a portion of the same property conveyed to Timothy R. Smith and Caril C. Smith, husband and wife, by Deed dated November 27, 1995, of record in Deed Book 1820, Page 690, 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, repair, maintenance 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**  
**Floyd Drive Trunk**  
**Sewer Improvement Project**  
**(a portion of 708 Dartmoor Court)**

**COMMENCING**, at the southwest corner of Rookwood Subdivision, Unit 1-Q, Lot 53, of record at Plat Cabinet C, Slide 697 of the Fayette County Clerk's records, as conveyed to Timothy and Caril Smith in Deed Book 1820, Page 690 and in the line of Rookwood Subdivision, Lot 52, of record at Plat Cabinet C, Slide 697, as conveyed to Lexington-Fayette Urban County Government in Deed Book 2320, Page 228; thence with the line of said Lot 52, for one (1) call:

1. N 61°07'32" E, a distance of 83.32 feet to the **TRUE POINT OF BEGINNING**; thence with a new easement line for six (6) calls:
  1. N 28°44'23" W, a distance of 4.52 feet;
  2. S 61°15'37" W, a distance of 58.74 feet;
  3. N 37°00'28" W, a distance of 14.73 feet;

4. S 71°44'01" E, a distance of 6.25 feet;
5. N 61°15'37" E, a distance of 66.60 feet;
6. S 28°44'23" E, a distance of 14.49 feet, to a point in the line of Rookwood Subdivision, Lot 52, of record at Plat Cabinet C, Slide 697, as conveyed to Lexington-Fayette Urban County Government in Deed Book 2320, Page 228; thence with the line of said Lot 52, for one (1) call:
  1. S 61°07'32" W, a distance of 10.00 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 747.99 sq. ft. of temporary construction easement; and

Being a portion of the same property conveyed to Timothy R. Smith and Caril C. Smith, husband and wife, by Deed dated November 27, 1995, of record in Deed Book 1820, Page 690, 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.

**TOGETHER** with the right to use the above-described easements during the time the sewer easement is being constructed, repaired or reconstructed, with the right of ingress and egress upon said easements as may be reasonably necessary for the construction and maintenance of said project.

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 or maintenance thereof.

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 629-2023, passed by the Lexington-Fayette Urban County Council on December 5, 2023. 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:

BY:   
TIMOTHY R. SMITH

BY: Caril C. Smith  
CARIL C. SMITH

COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )

This instrument was acknowledged, subscribed and sworn to before me by Timothy R. Smith and Caril C. Smith, husband and wife, on this the 23rd day of April, 2024.



Michael C. C.  
Notary Public, Kentucky, State-at-Large

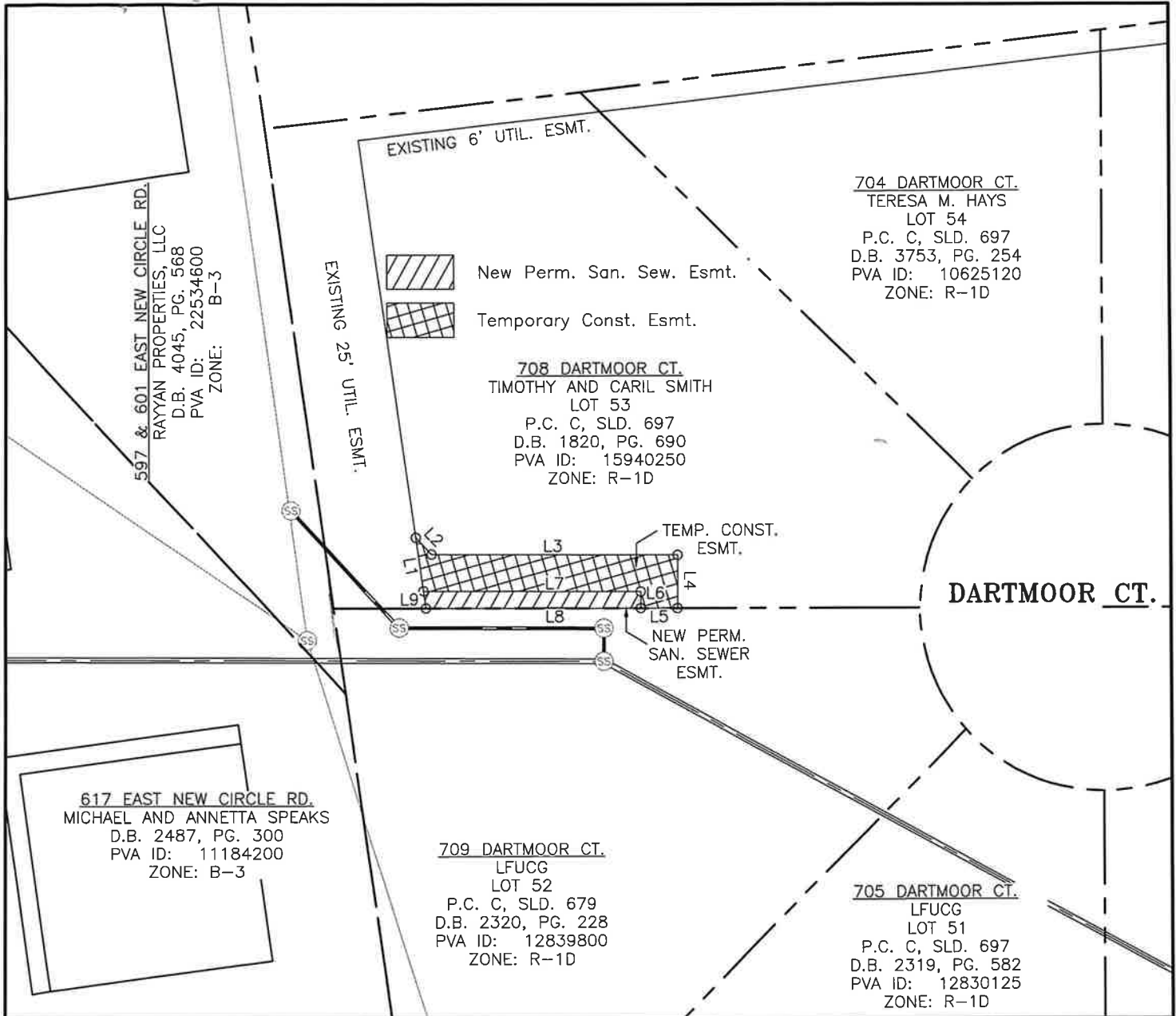
My Commission Expires: 05 / 10 / 2025

Notary ID # KYNP27704

PREPARED BY:

[Signature]

EVAN P. THOMPSON,  
Attorney Sr.  
Lexington-Fayette Urban  
County Government  
Department of Law, 11th Floor  
200 East Main Street  
Lexington, Kentucky 40507  
(859) 258-3500



704 DARTMOOR CT.  
 TERESA M. HAYS  
 LOT 54  
 P.C. C, SLD. 697  
 D.B. 3753, PG. 254  
 PVA ID: 10625120  
 ZONE: R-1D

708 DARTMOOR CT.  
 TIMOTHY AND CARIL SMITH  
 LOT 53  
 P.C. C, SLD. 697  
 D.B. 1820, PG. 690  
 PVA ID: 15940250  
 ZONE: R-1D

597 & 601 EAST NEW CIRCLE RD.  
 RAYAN PROPERTIES, LLC  
 D.B. 4045, PG. 568  
 PVA ID: 22534600  
 ZONE: B-3

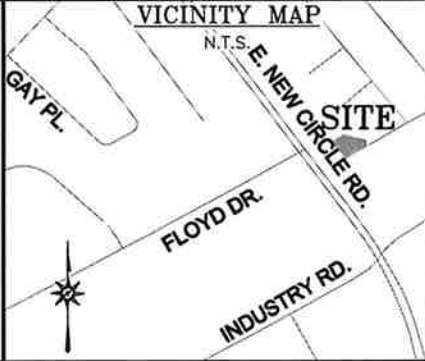
617 EAST NEW CIRCLE RD.  
 MICHAEL AND ANNETTA SPEAKS  
 D.B. 2487, PG. 300  
 PVA ID: 11184200  
 ZONE: B-3

709 DARTMOOR CT.  
 LFUCG  
 LOT 52  
 P.C. C, SLD. 679  
 D.B. 2320, PG. 228  
 PVA ID: 12839800  
 ZONE: R-1D

705 DARTMOOR CT.  
 LFUCG  
 LOT 51  
 P.C. C, SLD. 697  
 D.B. 2319, PG. 582  
 PVA ID: 12830125  
 ZONE: R-1D

**LINE TABLE**

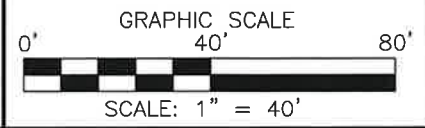
LINE	BEARING	DISTANCE
L1	N 37°00'28" W	14.73'
L2	S 71°44'01" E	6.25'
L3	N 61°15'37" E	66.60'
L4	S 28°44'23" E	14.49'
L5	S 61°07'32" W	10.00'
L6	N 28°44'23" W	4.52'
L7	S 61°15'37" W	58.74'
L8	N 71°44'01" W	58.07'
L9	S 61°07'32" W	4.70'



**NOTES:**  
 1. SOURCE OF TITLE: TIMOTHY AND CARIL SMITH, DEED BOOK 1820, PAGE 690.  
 2. THE BASIS OF BEARINGS ARE KENTUCKY STATE PLANE GRID NORTH ZONE (NAD 83), U.S. SURVEY FEET.

**AREAS:**  
 NEW PERMANENT EASEMENT: 267.85 S.F.  
 EX. UTIL. EASEMENT TO BE RETAINED: 3716.57 S.F.  
 TOTAL PERMANENT EASEMENTS: 3984.42 S.F.  
 TOTAL NEW PERMANENT EASEMENTS: 267.85 S.F.  
 TEMP. CONSTRUCTION EASEMENT: 747.99 S.F.  
 TOTAL CONSTRUCTION EASEMENTS: 747.99 S.F.

**OWNER:**  
 TIMOTHY AND CARIL SMITH  
 708 DARTMOOR COURT  
 LEXINGTON, KY 40505



**FLOYD DRIVE TRUNK SEWER  
 IMPROVEMENTS  
 EXHIBIT SHOWING SANITARY SEWER  
 EASEMENT TO BE ACQUIRED FROM  
 TIMOTHY AND CARIL SMITH  
 708 DARTMOOR COURT  
 LEXINGTON, KENTUCKY 40505  
 12/19/2023  
 SHEET 1 OF 1**

**Environmental, Civil Engineering Consultants, Land Surveying**  
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 www.visionengr.com