

CORRECTED DEED OF EASEMENT

This **CORRECTED DEED OF EASEMENT** is made and entered into this 13 day of November, 2019, by and between **MERRYMAN INVESTMENT VII, LLC, a Kentucky limited liability company**, 810 S. 4th Street, Danville, Kentucky 40422 ("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");

WITNESSETH:

WHEREAS, the deed of easement dated the 4th day of September, 2019, of record in **Deed Book 3697, Page 215**, in the Office of the Fayette County Clerk, contained an error in the legal description and Exhibit "A" due to the realignment of the sanitary sewer project; and,

WHEREAS, it is the desire of all parties thereto to correct the error contained in the original Deed of Easement and to enter into this Corrected Deed of Easement, so as to correct the legal description and Exhibit "A" for both the permanent sanitary sewer easement and the temporary construction easement; and,

NOW THEREFORE, for and in consideration of the sum stated in the original deed of easement, said 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,

Return to:
Charles E. Edwards, III
LFUCG, Department of Law
200 E. Main Street, 11th Floor
Lexington, Kentucky 40507

(CCF)

Fayette County, Kentucky, and more particularly described as follows:

Permanent Sanitary Sewer Easement
Wolf Run Trunks B & C Sanitary
Sanitary Sewer Improvement Project
(a portion of 2233 Versailles Road)

COMMENCING at a point, in the north right-of-way of Versailles Road, being a common corner with 2233 Versailles Road (Merryman Investment VII, LLC, Deed Book 2669, Page 344) and 2285 Versailles Road (ZC Pharmacy SUB DST, Store 10801, Deed Book 3180, Page 532); thence along the north right-of-way of Versailles Road, N 84°25'59" E, a distance of 33.30 feet, to the **TRUE POINT OF BEGINNING**; thence leaving said right-of-way and with a permanent easement, N 02°39'03" E, a distance of 36.43 feet; thence N 07°36'41" W, a distance of 143.14 feet; thence S 65°55'54" W, a distance of 33.05 feet to a point in the common line of 2223 and 2285 Versailles Road; thence along said common property line, N 04°52'01" W, a distance of 21.38 feet, to the common corner with 2233 Versailles Road, 2285 Versailles Road and 2220 Devonport Drive (King Henry Apartments LLC, Deed Book 3419, Page 708); thence along the common line of 2233 Versailles and 2220 Devonport Drive, N 84°25'51" E, a distance of 212.68 feet to a common corner with 2223 and 2225 Versailles Road (Fifth Third Bank, Deed Book 3053, Page 113); thence S 05°34'01" E, a distance of 3.34 feet; thence leaving said common line and with a permanent easement, S 83°17'03" W, a distance of 161.38 feet; thence S 07°27'36" E, a distance of 146.89 feet; thence S 02°25'33" W, a distance of 36.97 feet, to a point in the North right-of-way of Versailles Road; thence along said right-of-way, S 84°25'59" W, a distance of 20.06 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 5,132.6 square feet of permanent easement; and,

Being a portion of the property conveyed to Merryman Investment VII, LLC, a Kentucky limited liability company, by deed dated August 18, 2006, of record in Deed Book 2669, Page 344, in the Fayette County Clerk's Office.

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, re-grade and perform related work 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
Wolf Run Trunks B & C Sanitary
Sanitary Sewer Improvement Project
(a portion of 2233 Versailles Road)

COMMENCING at a point, in the north right-of-way of Versailles Road, being a common corner with 2233 Versailles Road (Merryman Investment VII, LLC, Deed Book 2669, Page 344) and 2285 Versailles Road (ZC Pharmacy SUB DST, Store 10801, Deed Book 3180, Page 532); thence, along the north right-of-way of Versailles Road, N 84°25'59" E, a distance of 23.19 feet, to the **TRUE POINT OF BEGINNING**; thence, leaving said right-of-way and with a temporary easement, N 02°54'02" E, a distance of 36.17 feet; thence N 08°09'23" W, a distance of 129.32 feet; thence S 65°55'54" W, a distance of 21.87 feet to a point in the common line of 2223 and 2285 Versailles Road; thence along said common property line, N 04°52'01" W, a distance of 31.97 feet, to the common corner with 2233 Versailles Road, and 2285 Versailles Road and 2220 Devonport Drive (King Henry Apartments LLC, Deed Book 3419, Page 708); thence along the common line of 2233 Versailles and 2220 Devonport Drive, N 84°25'51" E, a distance of 212.68 feet to a common corner with 2223 and 2225 Versailles Road (Fifth Third Bank, Deed Book 3053, Page 113); thence S 05°34'01" E, a distance of 13.34 feet; thence leaving said common line and with a temporary easement, S 83°17'03" W, a distance of 151.87 feet; thence S 07°48'06" E, a distance of 138.83 feet; thence S 02°25'36" W, a distance of 37.25 feet, to a point in the North right-of-way of Versailles Road; thence along said right-of-way, S 84°25'59" W, a distance of 40.13 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 10,508.60 square feet of

temporary construction easement; and,

Being a portion of the property conveyed to Merryman Investment VII, LLC, a Kentucky limited liability company, by deed dated August 18, 2006, of record in Deed Book 2669, Page 344, in the Fayette County Clerk's Office.

Described on Exhibit "A" attached hereto and incorporated herein by reference.

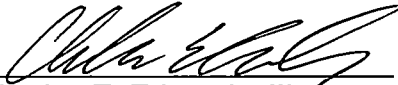
TO HAVE AND TO HOLD the above-described easements together with all rights, privileges, appurtenances and improvements thereunto belonging unto Grantee, its successors and assigns forever, for the purposes and uses herein designated.

The above-described temporary construction easement runs with the land for the duration of the improvement project and is binding upon the successors and assigns of the Grantor. The above-described permanent easement runs with the land in perpetuity and is binding upon the successors and assigns of the Grantor. The temporary construction easement shall take effect upon the commencement of construction of the project and will expire upon completion of the project.

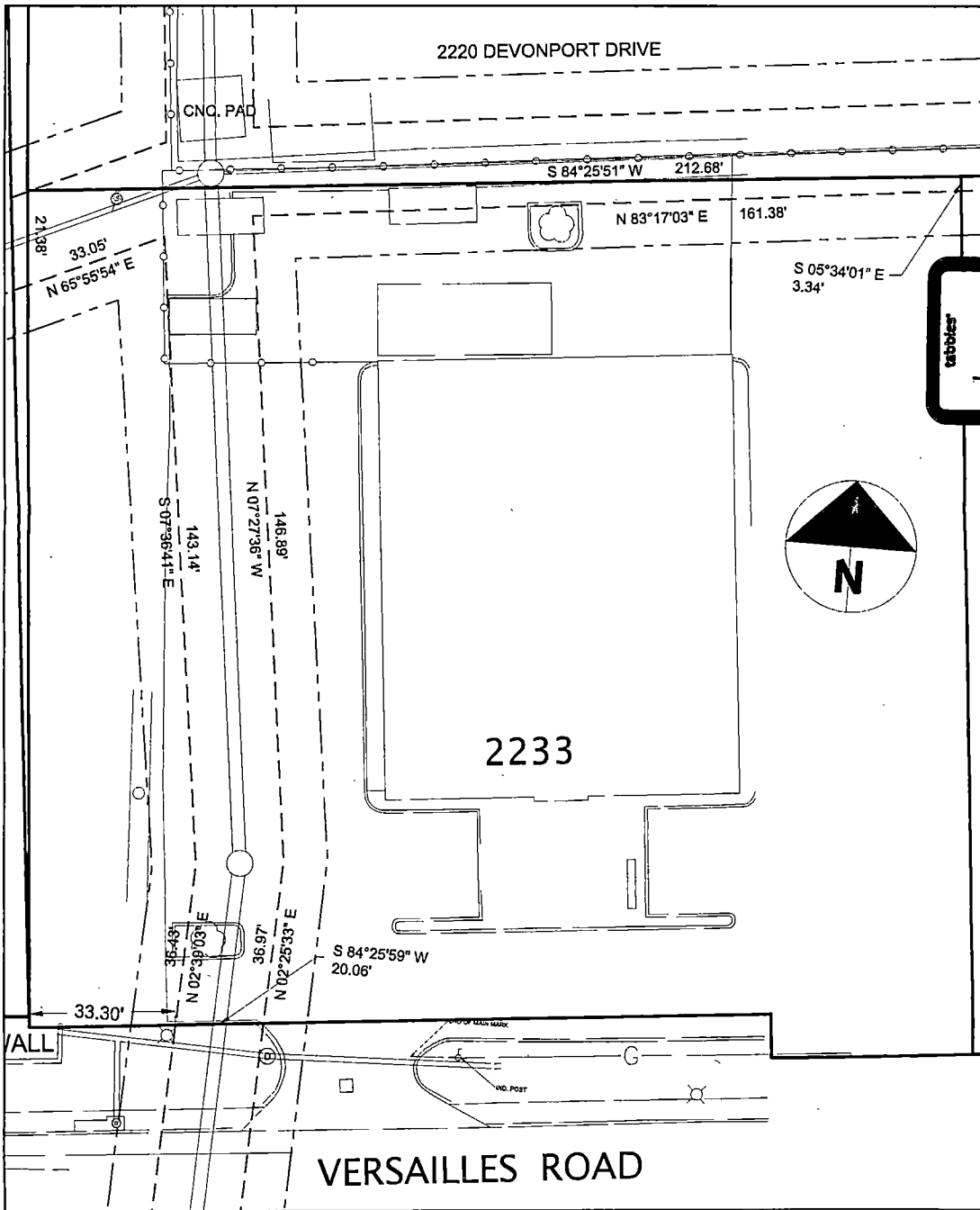
Grantor shall have the full right to use the surface of the land lying over said permanent easement for any purpose desired, provided such use will not interfere with the Grantee's free use of the easement herein granted and provided further that no building or structure shall be erected upon, across, over or through said permanent easement without the prior written consent of the Grantee.

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 said Grantee, its successors and assigns forever, that it is 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.

PREPARED BY:


Charles E. Edwards, III
Attorney
Lexington-Fayette Urban County
Government
200 West Main Street, 11th Floor
Lexington, Kentucky 40507
(859) 258-3500

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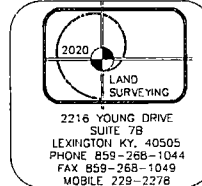
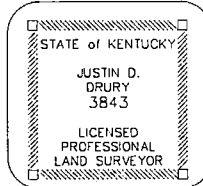


EXHIBIT

A

SURVEY EXHIBIT

2233 VERSAILLES ROAD
 LEXINGTON FAYETTE CO., KY
 VILLAGE SQUARE, LOT 1, BLOCK A
 PLAT CABINET A SLIDE 561
 DATE OCT-2019



SURVEY NOTES

- 1- THE BASIS OF BEARINGS FOR THIS SURVEY IS KENTUCKY STATE PLANE NORTH (NAD83). GEOID MODEL 12-B.
- 2- THIS SURVEY IS SUITABLE AS AN URBAN CLASS SURVEY.

LEGEND

- NEW SEWER LINE
- EASEMENT (PERMANENT)
- EASEMENT (TEMPORARY)
- EASEMENT (RELEASED)
- PROPERTY LINE

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: MELISSA STELTER ,dc

201911190323

November 19, 2019 15:12:56 PM

Fees	\$29.00	Tax	\$.00
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Total Paid	\$29.00
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8 Pages

252 - 259