

R-312-2023
Deed #8548

202308250136
FAYETTE CO, KY FEE \$65.00
PRESENTED / LODGED: 08-25-2023 01:31:08 PM

RECORDED: 08-25-2023
SUSAN LAMB
CLERK
BY: MELISSA STELTER
DEPUTY CLERK

BK: DB 4033
PG: 626-635

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 22nd day of AUGUST, 2023, by and between **WHITNEY P. HINES, a single person**, 3545 Winding Drive, Lexington, Kentucky 40517, 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 **ONE THOUSAND DOLLARS AND 00/100 CENTS (\$1,000.00)**, 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 sanitary sewer improvements and construction,

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

installation, 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
Merrick Trunk
Sewer Improvement Project
(a portion of 3545 Winding Drive)

All that tract or parcel of land situated on the south side of Winding Drive and north of Armstrong Mill Road in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at the southwest corner of Whitney P. Hines (3545 Winding Drive, Deed Book 2869, Page 6), at the northwest corner of Timothy David Magee (1067 Armstrong Mill Road, Deed Book 1703, Page 137), and being in the east line of Chapel Hill Presbyterian Church (3534 Tates Creek Road, Deed Book 3280, Page 746);

Thence leaving said Magee and with said Church, North 28°02'46" East, 10.99 feet to a point: Thence leaving said Church for three (3) new lines through the lands of said Hines:

- 1) South 70°55'43" East, 116.45 feet to a point in the west line of an existing utility easement (Cabinet B, Slide 508),
- 2) With said utility easement and continuing into an existing 12-foot wide utility easement (Cabinet B, Slide 508), South 37°43'37" West, 21.11 feet to a point,
- 3) Through said 12-foot utility easement and through an existing 12-foot wide telephone easement (Cabinet D, Slide 603), North 70°55'43" West, 31.22 feet to a point in the northwest line of Marcia Partin (1071 Armstrong Mill Road, Deed Book 3559, Page 335),

Thence with said Partin for two (2) lines:

- 1) North 31°48'28" West, 5.25 feet to a point,
- 2) South 29°01'50" West, 3.37 feet to a point,

Thence leaving said Partin for a new line through the lands of said Hines, North 70°55'43" West, 67.99 feet to a point in the line with said Magee;

Thence with said Magee, North 20°27'47" West, 11.85 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contain 2,244 square feet (gross) and 1,610 square feet (net), more or less of permanent easement; and

Being a portion of the same property conveyed to Whitney P. Hines, a single person, by Deed dated April 15, 2009, of record in Deed Book 2869, Page 6, 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, Grantor has **BARGAINED** and **SOLD** and does 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, 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
Merrick Trunk
Sewer Improvement Project
(a portion of 3545 Winding Drive)

All that tract or parcel of land situated on the south side of Winding Drive and north of Armstrong Mill Road in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

Tract A

BEGINNING, at the southwest corner of Whitney P. Hines (3545 Winding Drive, Deed Book 2869, Page 6), at the northwest corner of Timothy David Magee (1067 Armstrong Mill Road, Deed Book 1703, Page 137), and being in the east line of Chapel Hill Presbyterian Church (3534 Tates Creek Road, Deed Book 3280, Page 746);

Thence leaving said Magee and with said Church, North 28°02'46" East, 10.99 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing with said Church, North 28°02'46" East, 10.12 feet to a point;

Thence leaving said Church for three (3) new lines through the lands of said Hines:

- 1) South 70°55'43" East, 118.25 feet to a point,
- 2) South 37°43'37" West, 10.55 feet to a point,
- 3) North 70°55'43" West, 116.45 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 1,174 square feet (gross) and 872 square feet (net), more or less of temporary construction easement; and

Tract B

BEGINNING, at the common corner of Whitney P. Hines (3545 Winding Drive, Deed Book 2869, Page 6), and Julian Campbell (3525 Winding Drive, Deed Book 3536, Page 233), said point being in the north line of Marcia Partin (1073 Armstrong Mill Road, Deed Book 3559, Page 335);

Thence leaving said Campbell and with said Partin (1073 and 1071 Armstrong Mill Road), North 31°48'28" West, 46.95 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing with said Partin (1071 Armstrong Mill Road), North 31°48'28" West, 15.85 feet to a point;

Thence leaving said Partin for three (3) new lines through the lands of said Hines:

- 1) South 70°55'43" East, 31.22 feet to a point,
- 2) South 37°43'37" West, 10.55 feet to a point,
- 3) North 70°55'43" West, 15.55 feet to the to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 234 square feet (gross) and 102 square feet (net) more or less of temporary construction easement; and

Tract C

BEGINNING, at the southwest corner of Whitney P. Hines (3545 Winding Drive, Deed Book 2869, Page 6), at the northwest corner of Timothy David Magee (1067 Armstrong Mill Road, Deed Book 1703, Page 137), and being in the east line of Chapel Hill Presbyterian Church (3534 Tates Creek Road, Deed Book 3280, Page 746);

Thence leaving said Church and with said Magee, South 20°27'47" East, 11.85 feet to the **TRUE POINT OF BEGINNING**;

Thence for a new line through the lands of said Hines, South 70°55'43" East, 67.99 feet to a point in the line with Marcia Partin (1071 Armstrong Mill Road, Deed Book 3559, Page 335);

Thence with said Partin, South 29°01'50" West, 10.15 feet to a point;

Thence leaving said Partin for a new line through the lands of said Hines, North 70°55'43" West, 57.98 feet to a point in the line with said Magee;

Thence with said Magee, North 20°27'47" West, 12.97 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 630 square feet (gross and net), more or less of temporary construction easement; and

Tracts A, B and C, being a portion of the same property conveyed to Whitney P. Hines, a single person, by Deed dated April 15, 2009, of record in Deed Book 2869, Page 6, 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.

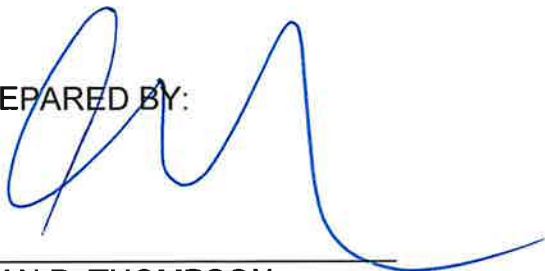
TOGETHER with the right to use the above-described easements during the time the sanitary sewer is being constructed, repaired or reconstructed, with the right of ingress and egress upon said easements as may be reasonably necessary for the construction and maintenance of said project.

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 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 prior written consent of the Grantee.

Grantor does hereby release and relinquish unto the Grantee, its successors and assigns forever, all of her 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 she

PREPARED BY:



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

X:\Cases\WATER-AIR\23-RE00122\RE\00787469.DOC

0' 40' 80' 120'



GRAPHIC SCALE: 1" = 40'

NEW PERM. ESMT.
TEMP. CONST. ESMT.



GAINESWAY
FLOODPLAIN AREA
MAINTENANCE
ASSOCIATION, INC.
DB 1238 PG 103

CHapel Hill Presbyterian Church
3534 TATES CREEK ROAD
DB 3280 PG 746

10' STM. & ST.LT. E.
CAB B SL 508

RYAN DEELY &
CATHERINE R. DEELY
3541 WINDING DR.
DB 3722 PG 72

WINDING DR.

WHITNEY P. HINES
3545 WINDING DR.
DB 2869 PG 6

TEMP. CONST. E. "A"
1,174 SQ.FT. (GROSS)
872 SQ.FT. (NET)

JULIAN CAMPBELL
3525 WILLOWOOD DR
DB 3536 PG 233

TEMP. CONST. E. "B"
234 SQ.FT. (GROSS)
102 SQ.FT. (NET)

PERM. SAN. E.
2,244 SQ.FT. (GROSS)
1,610 SQ.FT. (NET)

TEMP. CONST. E. "C"
630 SQ.FT. (GROSS & NET)

TIMOTHY DAVID MAGEE
1067 ARMSTRONG MILL RD.
DB 1703 PG 137

ROY COFFEY
1069 ARMSTRONG MILL
DB 1326 PG 421

MARCIA PARTIN
1071 ARMSTRONG MILL
DB 3559 PG 335

MARCIA PARTIN
1073 ARMSTRONG MILL
DB 3559 PG 335

P.O.B. TEMP.
ESMT. "B"

50' DRG. & FLOOD PLAIN
E. CAB N SL 257



REV. DATE: 06/29/23

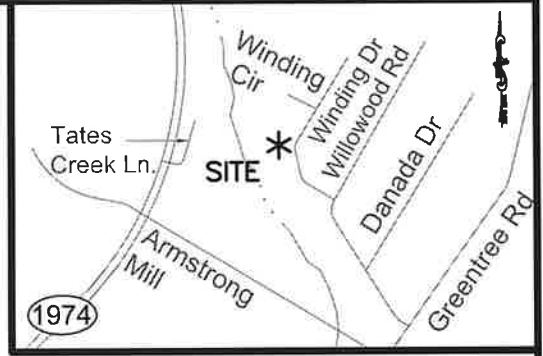
651 Perimeter Drive Suite 300
Lexington, KY 40517
Phone (859) 368-0145
www.primeeng.com

MERRICK TRUNK SEWER PROJECT
SANITARY SEWER EASEMENTS
WHITNEY P. HINES
3545 WINDING DRIVE

LEXINGTON, FAYETTE COUNTY, KENTUCKY- PAGE 1 OF 2

K:\200126 - West Hickman Trunk Sewers\Survey Info\Working Drawings\Easements\200126 Easements - Kurt_SSM Tates Creek.dwg
Day & Time: Jun 29, 2023 - 2:29pm
Login Name: jehambilis

LINE	BEARING	DISTANCE
L1	N 28°02'46" E	10.99'
L2	S 70°55'43" E	116.45'
L3	S 37°43'37" W	21.11'
L4	N 70°55'43" W	31.22'
L5	N 31°48'28" W	5.25'
L6	S 29°01'50" W	3.37'
L7	N 70°55'43" W	67.99'
L8	N 20°27'47" W	11.85'



VICINITY MAP N.T.S.

EX. PERM ESMT.=634 SQ.FT. (IN PROP. PERM. ESMT.)

PROP. PERM. ESMT.(GROSS)=2,244 SQ.FT.
 PROP. PERM. ESMT. (NET)=1,610 SQ. FT.

EX. PERM. ESMT.=434 SQ. FT. (IN PROP. TEMP. ESMT.)

PROP. TEMP. ESMT. (GROSS)=2,038 SQ.FT.
 PROP. TEMP. ESMT. (NET)=1,604 SQ. FT.

LAND SURVEYOR'S CERTIFICATE:

THE PROPERTY LINES SHOWN ON THIS EASEMENT EXHIBIT ARE BASED ON DEED AND/OR RECORD PLAT DATA FROM THE FAYETTE COUNTY CLERK'S OFFICE. THIS EXHIBIT DOES NOT REPRESENT A BOUNDARY SURVEY AS DEFINED IN 201 KAR 18:150 AND PRIME AE GROUP HAS NOT PERFORMED A BOUNDARY SURVEY FOR THE PURPOSES OF THIS EXHIBIT. THIS EXHIBIT IS NOT INTENDED TO BE USED FOR LAND TRANSFER.

James M. Chambliss, PLS

Digitally signed by James M. Chambliss, PLS
 Date: 2023.07.05 15:05:16 -04'00'

JAMES M. CHAMBLISS, PLS 3185 _____ DATE



REV. DATE: 06/29/23

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MERRICK TRUNK SEWER PROJECT
 SANITARY SEWER EASEMENTS
 WHITNEY P. HINES
 3545 WINDING DRIVE