

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 13th day of NOV, 2019, by and between **LEX ALEXANDRIA HOLDINGS, LLC**, a Kentucky limited liability company, 237 Main Street, #189, Ansonia, Connecticut 06401, 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 **FOUR THOUSAND FOUR HUNDRED SIXTY-FIVE AND 32/100 DOLLARS (\$4,465.32)**, 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, installation 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 Exhibit "B", and more particularly described as follows, to wit:

Permanent Sanitary Sewer Easement
Wolf Run Trunks B & C Sanitary
Sewer Improvement Project
(a portion of 1320 Alexandria Drive)

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

(CC-A)

COMMENCING at a point in the east right-of-way of Alexandria Drive, being the common corner with 1320 Alexandria Drive (Crystal Garden Apartments, LLC, Deed Book 3456, Page 588) and 1388 Alexandria Drive (Obey & Joella Wallen, Deed Book 2655, Page 704); thence along the common line of 1320 and 1388 Alexandria Drive, N 85°18'29" E, a distance of 203.35 feet, to the **TRUE POINT OF BEGINNING**; thence leaving said common line and with a permanent easement, N 04°55'34" W, a distance of 75.77 feet; thence N 04°11'06" W, a distance of 31.96 feet; thence S 85°11'56" W, a distance of 203.28 feet, to a point in the east right-of-way of Alexandria Drive; thence along said right-of-way, N 04°40'01" W, a distance of 20.00 feet; thence leaving said right-of-way and along a permanent easement, N 85°11'56" E, a distance of 203.45 feet; thence N 04°11'06" W, a distance of 307.37 feet; thence N 12°39'08" W, a distance of 56.71 feet, to a point in the common line of 1320 and 1292 Alexandria Drive (Javier & Rosa Esparza, Deed Book 2526, Page 668); thence along the common line of 1320 and 1292 Alexandria Drive, N 65°31'59" E, a distance of 20.43 feet; thence leaving said line and with a permanent easement, S 12°39'08" E, a distance of 62.37 feet; thence S 04°11'06" E, a distance of 360.68 feet; thence S 04°55'34" E, a distance of 75.72 feet, to a point in the common line of 1320 and 1380 Alexandria Drive; thence along said common line, S 85°18'29" W, a distance of 20.00 feet, to the **POINT OF BEGINNING**; and,

The above described parcel contains 13,972.96 square feet of permanent easement; and

Permanent Sanitary Sewer Easement
Wolf Run Trunks B & C Sanitary
Sewer Improvement Project
(a portion of 1321 Alexandria Drive)

COMMENCING, at a point in the west right-of-way of Alexandria Drive, being the common corner with 1321 Alexandria Drive (Crystal Garden Apartments, LLC, Deed Book 3456, Page 593) and 1389 Alexandria Drive (Cielo Properties, LLC, Deed Book 3454, Page 678); thence along the said right-of-way of Alexandria Drive, N 04°40'01" W, a distance of 20.59 feet to the **TRUE POINT OF BEGINNING**; thence leaving said common line and with a permanent easement, S 85°11'56" W, a distance of 14.50 feet; thence N

04°48'04" W, a distance of 95.04 feet; thence N 85°11'56" E, a distance of 14.72 feet to a point in the east right-of-way of Alexandria Drive; thence along said right-of-way, S 04°40'01" E, a distance of 95.04 feet to the **POINT OF BEGINNING**; and

The above described parcel contains 1,388.36 square feet of permanent easement; and,

Both of the above tracts, being a portion of the same property conveyed to Lex Alexandria Holdings, LLC, a Kentucky limited liability company, by deed dated May 30, 2019, of record in Deed Book 3672, Page 53, 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 and relocation through and across the following tract of land located in the confines of Lexington, Fayette County, Kentucky, depicted on Exhibit "A" and Exhibit "B", attached hereto, and more particularly described as follows:

Temporary Construction Easement
Wolf Run Trunks B & C Sanitary
Sewer Improvement Project
(a portion of 1320 Alexandria Drive)

COMMENCING, at a point in the east right-of-way of Alexandria Drive, being the common corner with 1320 Alexandria Drive (Crystal Garden Apartments, LLC, Deed Book 3456, Page 588) and 1388 Alexandria Drive (Obey & Joella Wallen, Deed Book 2655, Page 704); thence along the common line of 1320 and 1388 Alexandria Drive, N 85°18'29" E, a distance of 193.35 feet to the **TRUE POINT OF BEGINNING**; thence leaving said common line and with a temporary easement, N 04°55'34" W, a distance of 75.66

feet; thence N 04°11'07" W, a distance of 22.04 feet; thence S 85°11'56" W, a distance of 193.19 feet, to a point in the east right-of-way of Alexandria Drive; thence along said right-of-way, N 04°40'01" W, a distance of 40.00 feet; thence leaving said right-of-way and with a permanent easement, N 85°11'56" E, a distance of 193.53 feet; thence N 04°11'07" W, a distance of 296.73 feet; thence N 12°39'08" W, a distance of 53.88 feet, to a point in the common line with 1320 and 1292 Alexandria Drive (Javier & Rosa Esparza, Deed Book 2526, Page 668); thence along said common line, N 65°31'59" E, a distance of 40.87 feet; thence leaving said common line and with a temporary easement, S 12°39'08" E, a distance of 65.21 feet; thence S 04°11'06" E, a distance of 361.35 feet; thence S 04°55'34" E, a distance of 75.70 feet, to a point in the common line of 1320 and 1388 Alexandria Drive; thence along said common line, S 85°18'29" W, a distance of 40.00 feet to the **POINT OF BEGINNING**, excepting the area covered by permanent easement (13,972.96 square feet); and,

The above described parcel contains a total area of 13,572.70 square feet of temporary construction easement; and,

Temporary Construction Easement
Wolf Run Trunks B & C Sanitary
Sewer Improvement Project
(a portion of 1321 Alexandria Drive)

COMMENCING, at a point in the west right-of-way of Alexandria Drive, being the common corner with 1321 Alexandria Drive (Crystal Garden Apartments, LLC, Deed Book 3456, Page 593) and 1389 Alexandria Drive (Cielo Properties, LLC, Deed Book 3454, Page 678); thence along the said right-of-way of Alexandria Drive, N 04°40'01" W, a distance of 10.59 feet to the **TRUE POINT OF BEGINNING**; thence leaving said common line and with a temporary easement, S 85°11'56" W, a distance of 24.47 feet; thence N 04°48'04" W, a distance of 115.04 feet; thence N 85°11'56" E, a distance of 24.74 feet, to a point in said right-of-way; thence along said right-of-way, S 04°40'01" E, a distance of 115.04 feet, to the **POINT OF BEGINNING**, excepting the area covered by permanent easement (1,388.36 square feet); and,

The above described parcel contains a total area of 1,442.58 square feet of temporary construction easement; and,

Both of the above tracts, being a portion of the same property conveyed to Lex Alexandria Holdings, LLC, a Kentucky limited liability company, by deed dated May 30, 2019, of record in Deed Book 3672, Page 53, 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.

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 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 easements as herein done, and that it will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 59-2019, passed by the Lexington-Fayette Urban County Council on February 7, 2019. 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 Grantor has signed this Deed of Easement, this the day and year first above written.

GRANTOR:

**LEX ALEXANDRIA HOLDINGS, LLC, a
Kentucky limited liability company**

**By: LEX ALEXANDRIA MANAGER, LLC, a
Kentucky limited liability company**

By: 

EDWARD BABENCO, MANAGER

[This portion of the document intentionally left blank]

STATE OF CONNECTICUT

COUNTY OF New Haven

)
) Ansonia
)

This instrument was acknowledged, subscribed and sworn to before me by Edward Babenco, as Manager of Lex Alexandria Manager, LLC, a Kentucky limited liability company, as Manager of Lex Alexandria Holdings, LLC, a Kentucky limited liability company, for and on behalf of said company, on this the 13th day of November, 2019.

Diana Branch

Notary Public, Connecticut, State-at-Large

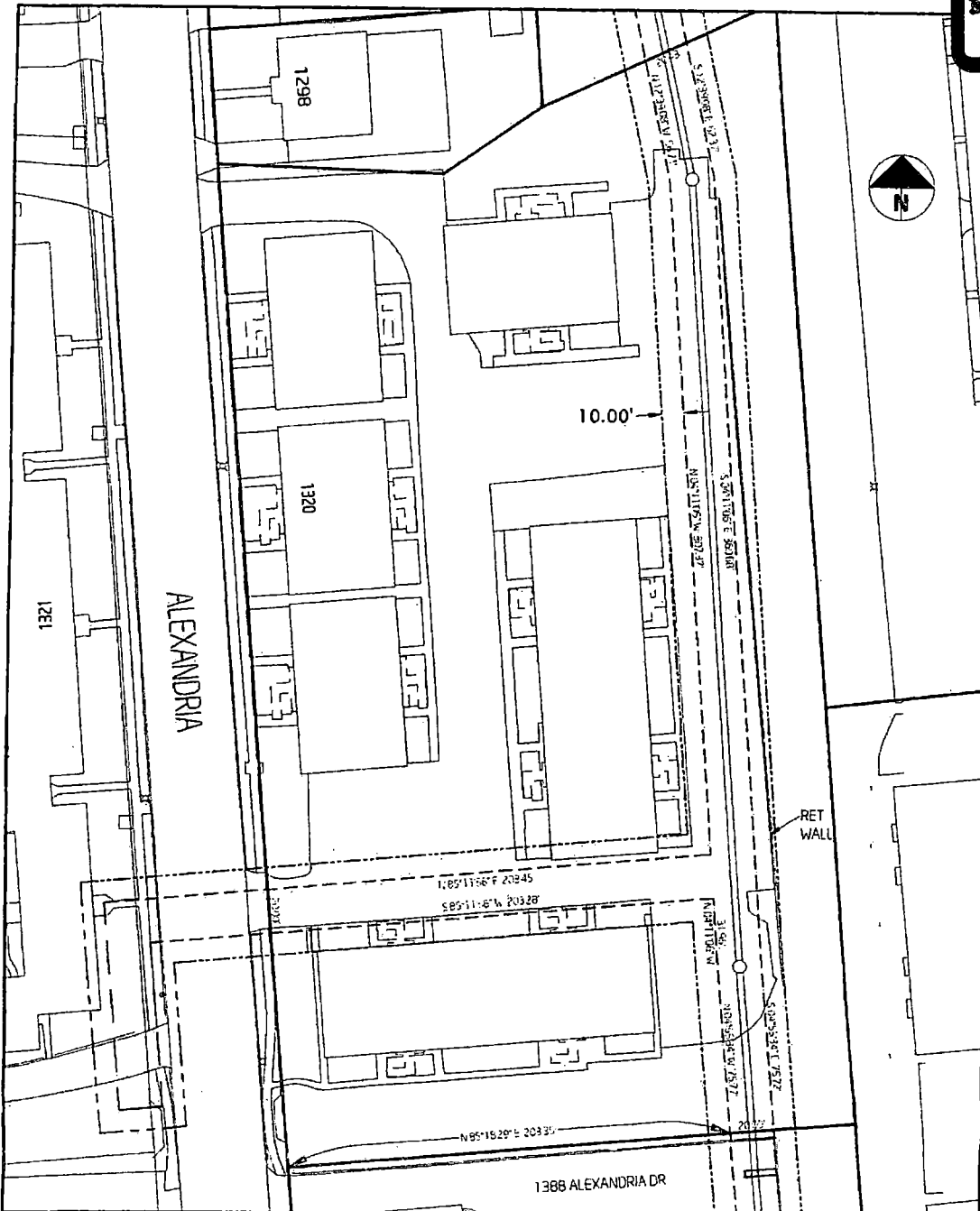
My Commission Expires: 11/30/2020

Diana Branch
NOTARY PUBLIC
My Commission Expires 11-30-2020

PREPARED BY:

Charles E. Edwards III

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



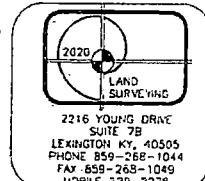
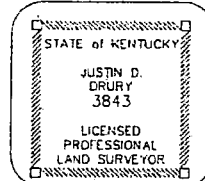
SURVEY EXHIBIT

1320 ALEXANDRIA DRIVE
 LEXINGTON FAYETTE CO., KY
 VILEY HEIGHTS 3-A
 PLAT CABINET B SLIDE 197
 DATE APR-2018



SURVEY NOTES

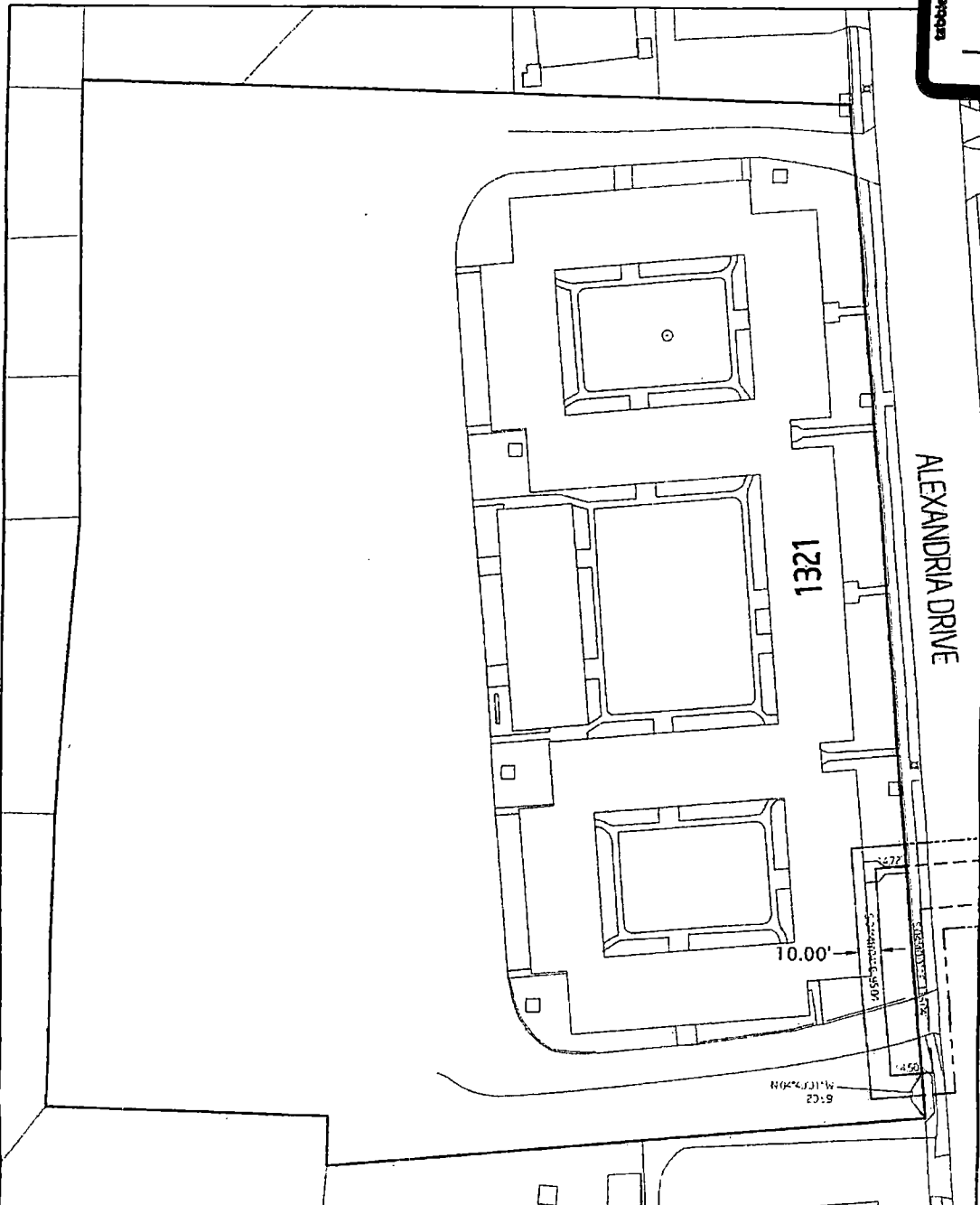
- 1- THE BASIS OF BEARINGS FOR THIS SURVEY IS KENTUCKY STATE PLANE NORTH (NAD83). GEOID MODEL 12-B
- 2- THIS SURVEY IS SUITABLE AS AN URBAN CLASS SURVEY.



LEGEND

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

EXHIBIT
B



SURVEY EXHIBIT

1321 ALEXANDRIA DRIVE
 LEXINGTON FAYETTE CO., KY
 VILEY HEIGHTS 3-B
 PLAT CABINET A SLIDE 25
 DATE APR-2018

STATE of KENTUCKY
 JUSTIN D DRURY
 3843
 LICENSED PROFESSIONAL LAND SURVEYOR

2020 LAND SURVEYING
 2216 YOUNG DRIVE
 SUITE 78
 LEXINGTON KY, 40505
 PHONE 859-268-1044
 FAX 859-268-1049
 MOBILE 229-2278



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

201911190324

November 19, 2019 15:15:32 PM

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|------|---------|-----|--------|
| Fees | \$35.00 | Tax | \$.00 |
|------|---------|-----|--------|

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|------------|---------|
| Total Paid | \$35.00 |
|------------|---------|

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10 Pages

238 - 247