

**GRANT OF EASEMENT**

This **EASEMENT** is made and entered into this 6 day of NOVEMBER, 2013, by and between **STEPHEN LEE WHALEN and CAROLYN M. WHALEN**, husband and wife, 1257 Fenwick Road, Lexington, Kentucky 40515 ("Grantors"), 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:**

That for and in consideration of the sum of **Two Thousand Seven Hundred Eight-Four Dollars and 00/100 Cents (\$2,784.00)**, and other good and valuable consideration, 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, 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-Fayette County, Kentucky, and more particularly described as follows:

**Permanent Sanitary Sewer Easement**  
**1257 Fenwick Road**  
**Century Hills Sanitary Sewer Improvement Project**

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, Grantors have **BARGAINED** and **SOLD** and

Mail to Grantee  
c/o Department of Law, 11<sup>th</sup> Floor

do hereby **GIVE, GRANT and CONVEY** unto the Grantee, its successors and assigns, the temporary right to excavate, grade, construct, alter, regrade 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**  
**1257 Fenwick Road**  
**Century Hills Sanitary Sewer Improvement Project**

All temporary construction easements, if any, are described on Exhibit B attached hereto and incorporated herein by reference.

**TO HAVE AND TO HOLD** the above-described easement 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 will expire upon completion of the construction of the improvement project on the land adjacent to this easement, runs with the land for the duration of the improvement project on the adjacent land, and is binding upon the heirs and assigns of the Grantors.

Grantors do hereby covenant to and with said 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 conveyed herein, and that they will **WARRANT GENERALLY** said title.

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 the prior written consent of the Grantee.

The obtaining of this easement was authorized by Resolution No. 389-2013

passed by the Lexington-Fayette Urban County Council on July 9, 2013. Pursuant to KRS 382.135(2)(a), this public utility easement is exempt from the requirements related to certificate of consideration. This conveyance is exempt from real estate transfer tax pursuant to KRS 142.050.

IN TESTIMONY WHEREOF, the Grantors have signed this Easement, the day and year first above written.

**GRANTORS:**

BY: Stephen L Whalen  
STEPHEN LEE WHALEN

BY: Carolyn M. Whalen  
CAROLYN M. WHALEN

COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )

The foregoing Easement was subscribed, sworn to and acknowledged before me by Stephen Lee Whalen and Carolyn M. Whalen, husband and wife, on this the 6<sup>th</sup> day of NOVEMBER, 2013.

My commission expires: DEC. 5, 2015

Reda J. Smith  
Notary Public, State-At-Large, Kentucky

**PREPARED BY:**

John P. Watz  
John P. Watz, Esq.  
HENRY WATZ RAINE &  
MARINO, PLLC  
401 West Main Street, Suite 314  
Lexington, Kentucky 40507  
(859) 258-3500

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**EXHIBIT A**

**20-FOOT PERMANENT SANITARY SEWER EASEMENT  
&  
10-FOOT TEMPORARY CONSTRUCTION EASEMENTS  
ON THE PROPERTY OF  
STEPHEN LEE WHALEN AND CAROLYN M. WHALEN  
(HUSBAND & WIFE)  
DEED BOOK 1443, PAGE 350  
LOT 3, BLOCK I, UNIT 4-B CENTURY HILLS SUBDIVISION  
PLAT CABINET D, SLIDE 151  
1257 FENWICK ROAD  
IN LEXINGTON, FAYETTE COUNTY, KENTUCKY**

All those tracts or parcels of land situated on the southerly side of Fenwick Road, between Buckhorn Drive and Tahoe Road, in Lexington, Fayette County, Kentucky, and more fully described and bounded as follows, to-wit:

**Permanent Sanitary Sewer Easement:**

Beginning at a point in the common line of Lots 3 and 4, Block I, Unit 4-B of Century Hills Subdivision (Plat Cabinet D, Slide 151), said point being approximately 36.9 feet northeasterly from the rear common corner of said lots as measured along the common line; thence along the common line of said Lot 3 and Lot 4, N 14° 00' 37" E 20.68 feet; thence through Lot 3 for two calls, S 61° 13' 39" E 13.69 feet and S 59° 31' 29" E 17.33 feet to a point in the common line of Lot 3 aforesaid and Lot 1, Block I, Unit 4-B of Century Hills Subdivision (Plat Cabinet D, Slide 151); thence along said common line, S 25° 12' 55" W 20.08 feet; thence again through Lot 3, parallel with and twenty feet southwesterly from the second and third calls cited above, in reverse order, N 59° 31' 29" W 18.87 feet and N 61° 13' 39" W 8.12 feet to the beginning and containing 580 square feet.

**EXHIBIT B**

**Temporary Construction Easement - Tract 1:**

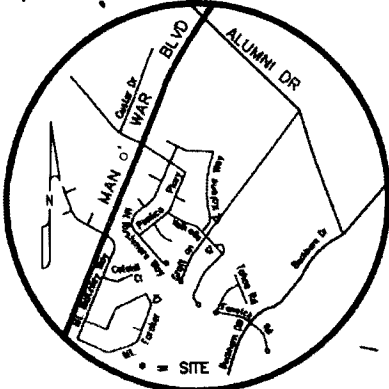
Beginning at a corner of the above described permanent sanitary sewer easement, said point being in the common line of Lots 3 and 4, Block I, Unit 4-B of Century Hills Subdivision (Plat Cabinet D, Slide 151); thence along said common line, N 14° 00' 37" E 10.34 feet; thence through Lot 3, parallel with and ten feet northeasterly from the northeasterly line of the above described permanent sanitary sewer easement, for two calls, S 61° 13' 39" E 16.47 feet and S 59° 31' 29" E 16.55 feet to a point in the common line of Lot 3 aforesaid and Lot 1, Block I, Unit 4-B of Century Hills Subdivision (Plat Cabinet D, Slide 151); thence along said common line, S 25° 12' 55" W 10.04 feet; thence again through Lot 3, along the northeasterly line of the above described permanent sanitary sewer easement, for two calls, N 59° 31' 29" W 17.33 feet and N 61° 13' 39" W 13.69 feet to the beginning and containing 320 square feet.

**Temporary Construction Easement - Tract 2:**

Beginning at a corner of the above described permanent sanitary sewer easement, said point being in the common line of Lots 3 and 4, Block I, Unit 4-B of Century Hills Subdivision (Plat Cabinet D, Slide 151); thence through Lot 3, along the southwesterly line of the above described permanent sanitary sewer easement, for two calls, S 61° 13' 39" E 8.12 feet and S 59° 31' 29" E 18.87 feet to a point in the common line of Lot 3 aforesaid and Lot 1, Block I, Unit 4-B of Century Hills Subdivision (Plat Cabinet D, Slide 151); thence along said common line, S 25° 12' 55" W 10.04 feet; thence again through Lot 3, parallel with and ten feet southwesterly from the southwesterly line of the above described permanent sanitary sewer easement, for two calls, N 59° 31' 29" W 19.64 feet and N 61° 13' 39" W 5.34 feet to a point in the common line of Lots 3 and 4 aforesaid; thence along said common line, N 14° 00' 37" E 10.34 feet to the beginning and containing 260 square feet.

Being a twenty-foot wide permanent sanitary sewer easement and ten-foot wide temporary construction easements on a portion of the same property conveyed to Grantors by deed dated June 2, 1987, and recorded in Deed Book 1443, Page 350; being designated as Lot 3, Block I, Unit 4-B of Century Hills Subdivision as per the Final Record Plan recorded in Plat Cabinet D, Slide 151. All of the above referenced instruments are of record in the Fayette County Clerk's office.

EXHIBIT "C"

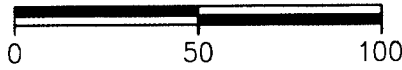


VICINITY MAP

Not To Scale

PROPERTY OWNERS' ADDRESS  
STEPHEN LEE & CAROLYN M. WHALEN  
1257 FENWICK ROAD  
LEXINGTON, KY 40515

SCALE IN FEET

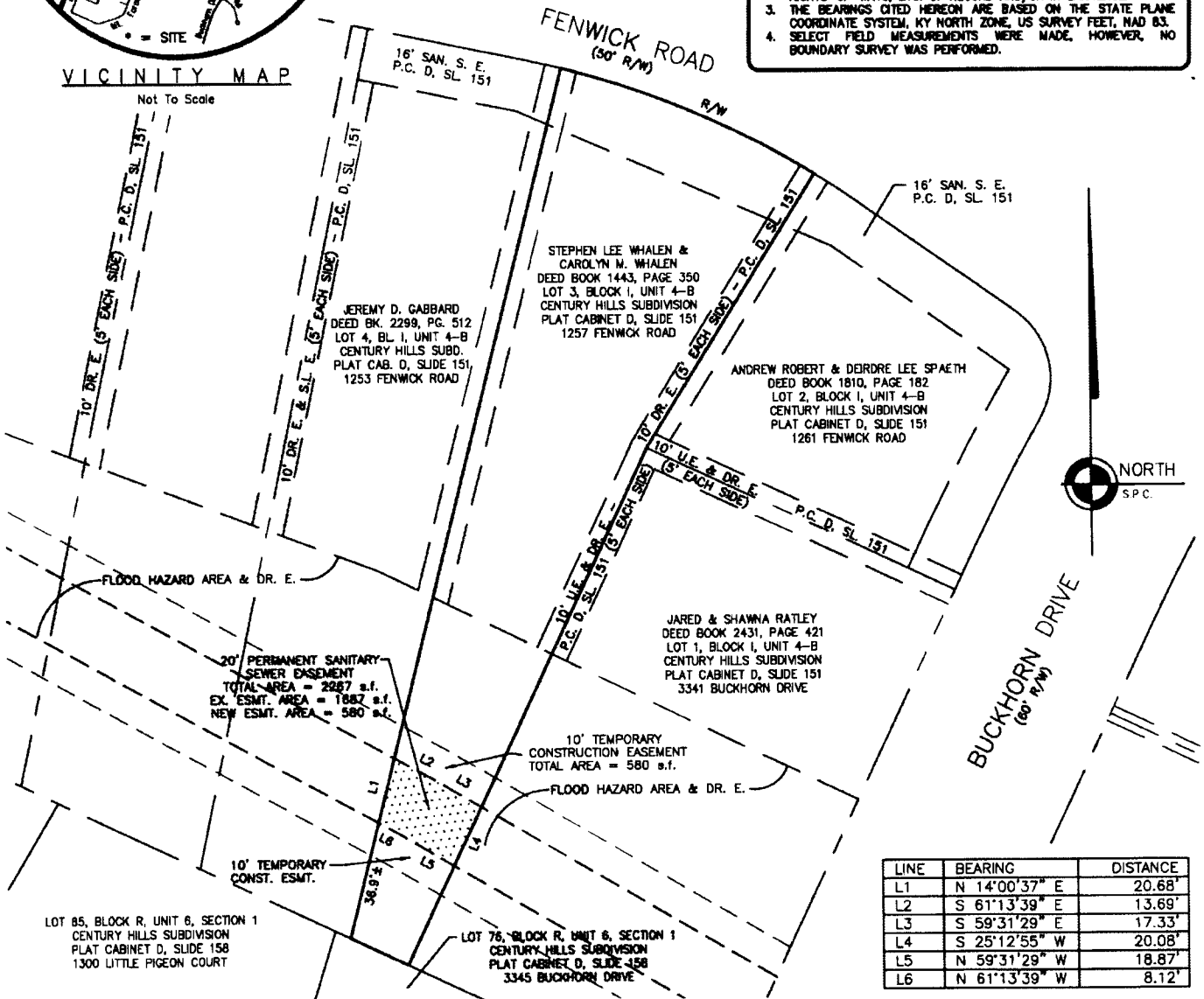


LEGEND

- APPROXIMATE SUBJECT PROPERTY LINE
- APPROXIMATE ADJOINING PROPERTY LINE
- - - - PROPOSED SANITARY SEWER EASEMENT LINE
- - - - EXISTING EASEMENT LINE
- - - - TEMPORARY CONSTRUCTION EASEMENT LINE

NOTES:

1. THE PURPOSE OF THIS PLAT IS TO RECORD THE PERMANENT SANITARY SEWER EASEMENT AS SHOWN.
2. THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, LEASES, RIGHTS-OF-WAYS, ETC. OF RECORD AND/OR IN EXISTENCE.
3. THE BEARINGS CITED HEREON ARE BASED ON THE STATE PLANE COORDINATE SYSTEM, KY NORTH ZONE, US SURVEY FEET, NAD 83.
4. SELECT FIELD MEASUREMENTS WERE MADE, HOWEVER, NO BOUNDARY SURVEY WAS PERFORMED.



LINE	BEARING	DISTANCE
L1	N 14°00'37" E	20.68'
L2	S 61°13'39" E	13.69'
L3	S 59°31'29" E	17.33'
L4	S 25°12'55" W	20.08'
L5	N 59°31'29" W	18.87'
L6	N 61°13'39" W	8.12'

**LAND SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT THIS RECORD PLAT WAS PREPARED UNDER MY DIRECTION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE BEARINGS AND DISTANCES AS SHOWN ON THIS PLAT ARE TRUE AND ACCURATE.

*Reda J. Smith* 8/15/13  
 REDA J. SMITH, PLS # 3323 DATE  
 CDP ENGINEERS, INC.  
 3250 BLAZER PKWY  
 LEXINGTON, KY 40509

STAT. KENTUCKY  
 REDA J. SMITH  
 3323  
 LICENSED PROFESSIONAL LAND SURVEYOR

**SANITARY SEWER EASEMENT PLAT**

STEPHEN LEE WHALEN & CAROLYN M. WHALEN  
 (HUSBAND & WIFE)  
 PROPERTY  
 1257 FENWICK ROAD  
 LEXINGTON, FAYETTE COUNTY, KENTUCKY

**cdpengineers**  
 3250 Blazer Parkway  
 Lexington KY 40509  
 T 859.264.7500 F 859.264.7501

SCALE: 1" = 50' DATE: AUGUST 13, 2013

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: DOUG BRADLEY ,dc

201401290033

January 29, 2014                      9:57:34      AM

Fees	\$26.00	Tax	\$ .00
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Total Paid	\$26.00
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7 Pages

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