



202308090143

FAYETTE CO, KY FEE \$65.00

STATE OF KY DEED TAX

\$651.50

PRESENTED / LODGED: 08-09-2023 12:11:33 PM

RECORDED: 08-09-2023

SUSAN LAMB

CLERK

BY: BOBBIE MARSTELLA

DEPUTY CLERK

BK: DB 4030

PG: 602-611

**DEED OF CONVEYANCE AND PERMANENT SANITARY SEWER EASEMENT
AND TEMPORARY CONSTRUCTION EASEMENT**

This **DEED OF CONVEYANCE AND PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 4th day of August, 2023, by and between **OVERBROOK FARM, LLC, a Kentucky limited liability company**, P.O. Box 1110, Lexington, Kentucky 40588, ("Grantor") and the **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky 40507, ("Grantee"); the Grantee's address is the mailing and tax in-care-of address for the current tax year.

WITNESSETH:

That for and in consideration of the sum of **SIX HUNDRED FIFTY-ONE THOUSAND TWO HUNDRED AND 00/100 DOLLARS (\$651,200.00)**, 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, in fee simple, its

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

successors and assigns forever, the following described property, located in Lexington, Fayette County, Kentucky, and more fully described as follows, to wit:

Fee Simple
Armstrong Mill Pump Station Replacement
(Delong Road Pump Station)
(a portion of 2500 Armstrong Mill Road)

Being a tract or parcel of land located on Armstrong Mill Road in Lexington, Kentucky southwest of the intersection of Armstrong Mill Road and Delong Road and being more particularly described and bounded as follows:

Being all of New Lot 1, consisting of 6.117 Acres (266,476 square feet), as shown on the Public Acquisition Minor Plat of a Portion of Tract I of the Overbrook Farm, located at 2500 Armstrong Mill Road, Lexington, Kentucky of record in Plat Cabinet S, Slide 415, in the Fayette County Clerk's Office; being known and designated as 2500 Delong Road; and,

The above described tract or parcel being a part of the same property conveyed to Overbrook Farm, LLC, a Kentucky limited liability company, by Deed dated November 16, 2005, of record in Deed Book 2601, Page 660, 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, permanent right to excavate, grade, construct, alter, re-grade and perform related work for the purpose of sanitary sewer improvements 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 the attached Exhibit "A" and more particularly described as follows:

30' Permanent Sanitary Sewer Easement-Tract 1A
Armstrong Mill Pump Station Replacement
(Delong Road Pump Station)
(a portion of 2500 Armstrong Mill Road-Tract 1)

BEGINNING, at an 5/8 inch iron pin set bearing the markings "T. Woodcock PLS 3124" in the northwest right-of-way (ROW) line of Delong Road, having a state plane coordinate of N:166148.02, E:1581671.83, which is the point of beginning;

Thence a tie bearing of N 63°12'16" W a distance of 464.26 feet to a calculated corner in the north line of new Lot 1, as shown on the Public Acquisition Minor Plat of a Portion of Tract I of the Overbrook Farm, located at 2500 Armstrong Mill Road, Lexington, Kentucky of record in Plat Cabinet S, Slide 415, in the Fayette County Clerk's Office, said point being the **TRUE POINT OF BEGINNING** of the centerline of a 30-foot sanitary sewer easement, said easement being 15 feet on either side of the following described line;

Thence leaving the line of new Lot 1 and crossing the lands of Overbrook Farm, LLC (Deed Book 2601, Page 660) along a tributary of East Hickman Creek for the following four calls:

- 1) Thence N 02°02'28" W a distance of 168.33 feet to a point;
 - 2) Thence N 02°01'02" W a distance of 111.51 feet to a point;
 - 3) Thence N 01°47'27" E a distance of 399.25 feet to a point;
 - 4) Thence N 12°10'54" W a distance of 313.40 feet to a point in the southern right-of-way (ROW) of Armstrong Mill Road, having the state plane coordinate of N:167342.38, E:1581193.85 to the **POINT OF BEGINNING**;
- and

The above described parcel contains 0.683 Acres (29,756 square feet) of permanent easement; and,

Being a portion of the property conveyed to Overbrook Farm, LLC, a Kentucky limited liability company, by Deed dated November 16, 2005, of record in Deed Book 2601, Page 660, 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:

15' Temporary Construction Easement-Tract 1B
Armstrong Mill Pump Station Replacement
(Delong Road Pump Station)
(a portion of 2500 Armstrong Mill Road-Tract 1)

BEGINNING, at an 5/8 inch iron pin set bearing the markings "T. Woodcock PLS 3124" in the northwest right-of-way (ROW) line of Delong Road, having a state plane coordinate of N:166148.02, E:1581671.83, which is the point of beginning;

Thence a tie bearing of N 63°12'16" W a distance of 464.26 feet to a calculated corner in the north line of new Lot 1, as shown on the Public Acquisition Minor Plat of a Portion of Tract I of the Overbrook Farm, located at 2500 Armstrong Mill Road, Lexington, Kentucky of record in Plat Cabinet S, Slide 415, in the Fayette County Clerk's Office, said point being the **TRUE POINT OF BEGINNING** of the centerline of a 15-foot temporary construction easement, said easement being the 15 foot strip offset from 30-45 feet on either side of the following described line;

Thence leaving the line of new Lot 1, and crossing the lands of Overbrook Farm, LLC (Deed Book 2601, Page 660) along a tributary of East Hickman Creek for the following four calls:

- 1) Thence N 02°02'28" W a distance of 168.33 feet to a point;

- 2) Thence N 02°01'02" W a distance of 111.51 feet to a point;
- 3) Thence N 01°47'27" E a distance of 399.25 feet to a point;
- 4) Thence N 12°10'54" W a distance of 313.40 feet to a point in the southern right-of-way (ROW) of Armstrong Mill Road, having the state plane coordinate of N:167342.38, E:1581193.85 to the **POINT OF BEGINNING**; and,

The above described parcel contains 0.682 Acres (29,711 square feet) of temporary construction easement; and,

Being a portion of the property conveyed to Overbrook Farm, LLC, a Kentucky limited liability company, by Deed dated November 16, 2005, of record in Deed Book 2601, Page 660, in the Fayette County Clerk's Office.

TO HAVE AND TO HOLD the above-described property and 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 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 property and easements as herein done, and that it will **WARRANT GENERALLY** said title.

CONSIDERATION CERTIFICATE

The parties do hereby certify pursuant to KRS 382.135 that the consideration states herein is the full and actual consideration paid for the property transferred herein, and the estimated fair cash value of the property conveyed is \$651,200.00. Grantee joins this Deed for the sole purpose of certifying the consideration, as authorized by Resolution 013-2023, passed by the Lexington-Fayette Urban County Council on January 31, 2023. This conveyance is exempt from real estate transfer tax pursuant to KRS 142.050.

IN TESTIMONY WHEREOF, the Grantor has signed this Deed of Conveyance and Grant of Permanent Sanitary Sewer Easement and Construction Easement, this the day and year first above written.

PREPARED BY:



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

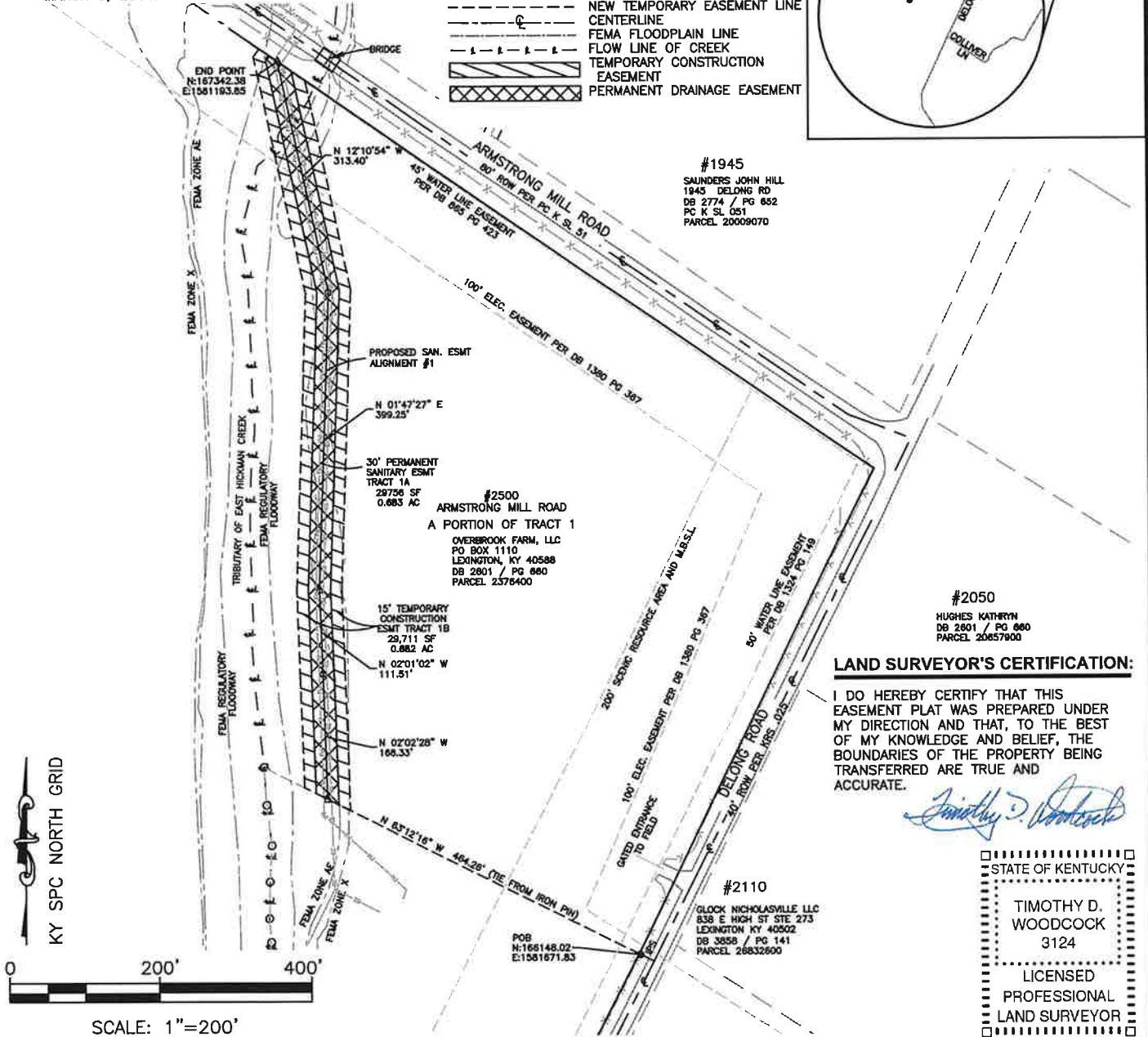
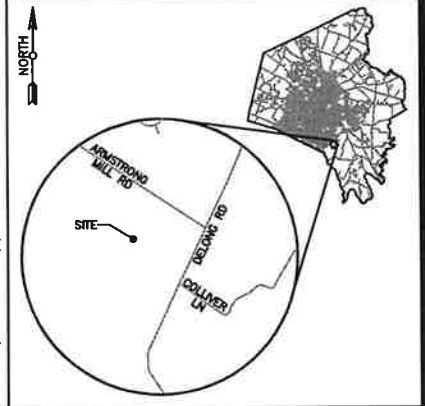
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SURVEY NOTES

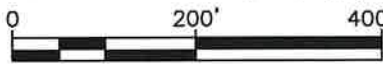
1. THE PURPOSE OF THIS PLAT IS TO ESTABLISH NEW SANITARY EASEMENT #1, TRACTS 1A AND 1B.
2. KENTUCKY STATE PLANE NORTH ZONE COORDINATE SYSTEM AND NORTH AMERICAN VERTICAL DATUM 1988. SURVEY FOOT.
3. THIS IS NOT A BOUNDARY SURVEY PER KAR 18:150.
4. NO MONUMENTS WERE SET FOR THIS EASEMENT
5. PROPERTY SHOWN IS INCLUDED IN THE FLOODPLAIN AS SHOWN ON FEMA NFIP PANEL 2100670229E, DATED MARCH 3, 2014.

LEGEND:

DB PG	DEED BOOK & PAGE
PC SL	PLAT CABINET & SLIDE
△	CALCULATED CORNER
POB	POINT OF BEGINNING
ROW	RIGHT-OF-WAY
---	PROPERTY LINE
---	PROPERTY LINE: ADJOINING
---	EXIST. EASEMENT LINE
SS SS	SANITARY SEWER-GRAVITY
PH FU	SANITARY SEWER-FORCEMAIN
X X X	4' WOOD PASTURE FENCE
---	NEW TEMPORARY EASEMENT LINE
---	CENTERLINE
---	FEMA FLOODPLAIN LINE
---	FLOW LINE OF CREEK
---	TEMPORARY CONSTRUCTION EASEMENT
---	PERMANENT DRAINAGE EASEMENT



↑
KY SPC NORTH GRID



SCALE: 1"=200'

LAND SURVEYOR'S CERTIFICATION:

I DO HEREBY CERTIFY THAT THIS EASEMENT PLAT WAS PREPARED UNDER MY DIRECTION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE BOUNDARIES OF THE PROPERTY BEING TRANSFERRED ARE TRUE AND ACCURATE.

Timothy D. Woodcock

STATE OF KENTUCKY
 TIMOTHY D. WOODCOCK
 3124
 LICENSED PROFESSIONAL LAND SURVEYOR

2021-111 Delong Rd PS FM and GS Esmt 1 v7 ala.dwg



ABBIE JONES CONSULTING
 PROFESSIONAL LAND SURVEYING & ENGINEERING
 1022 FONTAINE RD.
 LEXINGTON, KY 40502
 859.559.3443
 www.abbie-jones.com

TEMPORARY AND PERMANENT EASEMENT EXHIBIT OF THE OVERBROOK FARM PROPERTY - EASEMENT 1

LOCATED AT: 2500 ARMSTRONG MILL ROAD
 LEXINGTON, KY 40515, FAYETTE COUNTY

CLIENT: BELL ENGINEERING, 2480 FORTUNE DRIVE SUITE 350,
 LEXINGTON, KY 40509
 OWNER: OVERBROOK FARM, LLC
 PO BOX 1110, LEXINGTON KY 40588

PROJECT: 22-111, SCALE: 1"=200', DATE: 05/02/23, SIZE: 8.5x11, SHT: 1 OF 1
 DRAWN BY: JME, CHECKED BY: TDW, APPROVED BY: AMJ