



202302100023

FAYETTE CO, KY FEE \$59.00

PRESENTED / LODGED: 02-10-2023 10:23:37 AM

RECORDED: 02-10-2023

SUSAN LAMB

CLERK

BY: MELISSA STELTER

DEPUTY CLERK

BK: DB 4001

PG: 522-529

DEED OF EASEMENT

This **PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 7TH day of FEBRUARY, 2023, by and between **JOHN WILLIAM COLE, a single person**, 431 S. Broadway, #211, Lexington, Kentucky 40508, 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 **TWO THOUSAND FIVE HUNDRED DOLLARS AND 00/100 CENTS (\$2,500.00)**, 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,

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

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 more particularly described as follows, to wit:

Permanent Sanitary Sewer Easement
Wolf Run Trunk F
Sewer Improvement Project
(a portion of 1908 Harrodsburg Road)

Tract A

All that strip or parcel of land situated on the southeast side of the intersection of Harrodsburg Road (US Highway 68) and Blue Ash Drive in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at a common corner with Marilyn R. Turner (Deed Book 748, Page 607; Will Book 350, Page 597), said point being in the easterly right-of-way line of Harrodsburg Road;

Thence with easterly right-of-way line of Harrodsburg Road, N 53°25'32" E, 11.22 feet to a point;

Thence leaving the southerly right-of-way line of Harrodsburg Road, with an existing sanitary sewer easement line through the lands of John William Cole for two (2) calls:

- 1) S 55 °13'59" E, 14.78 feet to a point; and
- 2) S 52 °36'51" E, 58.34 feet to a point;

Thence with a new permanent sanitary sewer easement line, S 27°08'43" E, 14.29 feet to a point in the northerly property line of the aforesaid Marilyn R. Turner;

Thence with northerly property line of Marilyn R. Turner, N 56°01'31" W, 89.26 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 0.017 Acres (721 sq. ft.) of permanent easement; and

Tract B

All that strip or parcel of land situated on the southeast side of the intersection of Harrodsburg Road (US Highway 68) and Blue Ash

Drive in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at a common corner with Marilyn R. Turner (Deed Book 748, Page 607; Will Book 350, Page 597), said point being in the easterly right-of-way line of Harrodsburg Road;

Thence with the easterly right-of-way line of Harrodsburg Road, N 53°25'32" E, 43.47 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving the easterly right-of-way line of Harrodsburg Road, with a new permanent sanitary sewer easement line through the lands of John William Cole for two (2) calls:

- 1) S 48°37'47" E, 29.66 feet to a point; and
- 2) S 09°49'52" W, 20.60 feet to a point;

Thence with an existing sanitary sewer easement line for two (2) calls:

- 1) N 52°36'38" W, 33.49 feet to a point; and
- 2) N 55°14'02" W, 11.63 feet to a point in the easterly right-of-way line of Harrodsburg Road;

Thence with easterly right-of-way line of Harrodsburg Road, N 53°25' 32" E, 21.69 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 0.016 Acres (720 sq. ft.) of permanent easement; and

Both Tracts A and B, being a portion of the property conveyed to John William Cole, a single person, by Deed dated December 1, 2016, of record in Deed Book 3450, Page 117, 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" attached hereto, and more particularly described as follows:

Temporary Construction Easement
Wolf Run Trunk F
Sewer Improvement Project
(a portion of 1908 Harrodsburg Road)

Tract C

All that strip or parcel of land situated on the southeast side of the intersection of Harrodsburg Road (US Highway 68) and Blue Ash Drive in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING, at a common corner with Marilyn R. Turner (Deed Book 748, Page 607; Will Book 350, Page 597), said point being in the easterly right-of-way line of Harrodsburg Road;

Thence with the easterly right-of-way line of Harrodsburg Road, N 53°25'32" E, 43.47 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing with easterly right-of-way line of Harrodsburg Road, N 53°25'32" E, 46.35 feet to a point;

Thence leaving the easterly right-of-way line of Harrodsburg Road, with a new temporary construction easement line through the lands of John William Cole for two (2) calls:

- 1) S 48°37'47" E, 22.59 feet to a point; and
- 2) S 33°58'29" W, 63.41 feet to a point;

Thence with a new permanent sanitary sewer easement line for two (2) calls:

- 1) N 09°49'52" E, 20.60 feet to a point; and
- 2) N48°37'47" W, 29.66 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 0.033 Acres (1,451 sq. ft.) of temporary construction easement; and

Tract C, being a portion of the property conveyed to John William Cole, a single person, by Deed dated December 1, 2016, of record in Deed Book 3450, Page 117, 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 his 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 he is lawfully seized in fee simple of said property and has good right to sell and convey the easements as herein done, and that he will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 042-2022, passed by the Lexington-Fayette Urban County Council on February 10, 2022. 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:



JOHN WILLIAM COLE

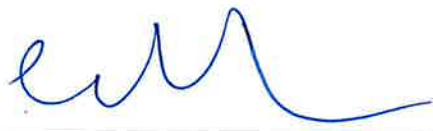
COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by John William Cole, a single person, on this the 7TH day of FEBRUARY, 2023.



Notary Public, Kentucky, State-at-Large
My Commission Expires: 05 / 10 / 2025
Notary ID # KYNP 27704

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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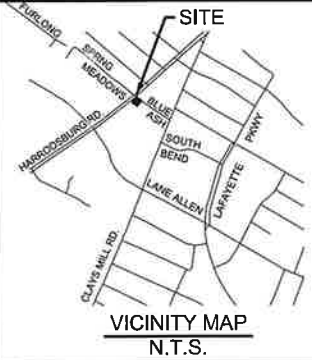
LESLEY D. OLIVER
628 BLUE ASH DR
DB 2886, PG 707

JOHN WILLIAM COLE
DB 3450, PG 117

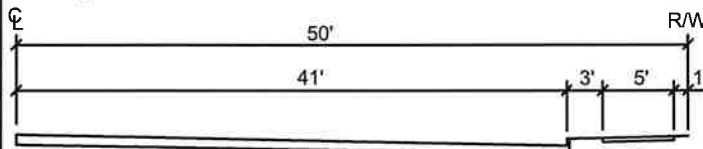
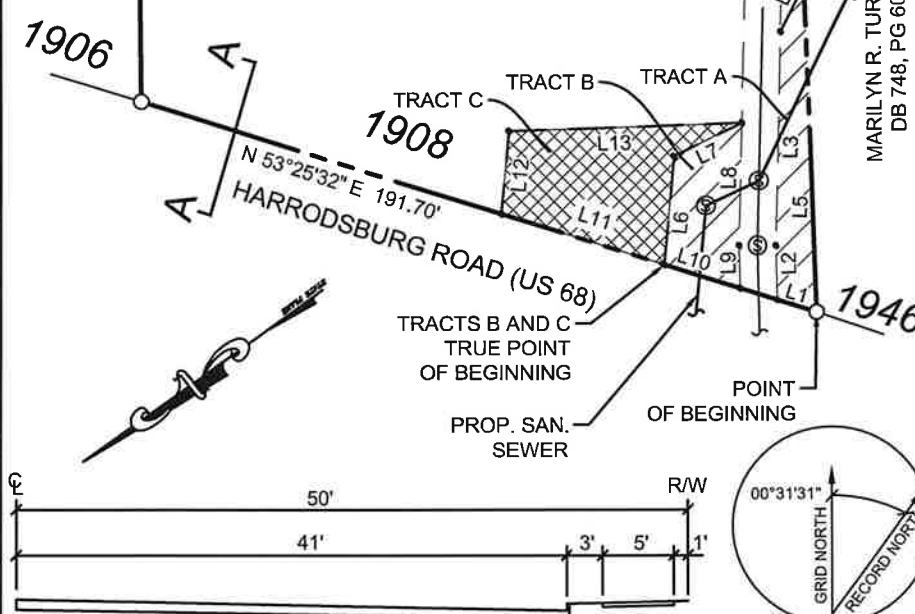
JOHN WILLIAM COLE
1908 HARRODSBURG ROAD
DB 3450, PG 117

CAROL L. JONES
CAB "D", SL 62
DB 3338, PG 706

MARILYN R. TURNER
DB 748, PG 607

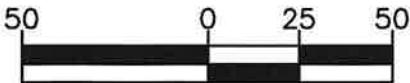


EASEMENT LINE TABLE		
LINE #	LENGTH	BEARING
L1	11.22'	N 53°25'32" E
L2	14.78'	S 55°13'59" E
L3	58.34'	S 52°36'51" E
L4	14.29'	S 27°08'43" E
L5	89.26'	N 56°01'31" W
L6	29.66'	S 48°37'47" E
L7	20.60'	S 09°49'52" W
L8	33.49'	N 52°36'38" W
L9	11.63'	N 55°14'02" W
L10	21.69'	N 53°25'32" E
L11	46.35'	N 53°25'32" E
L12	22.59'	S 48°37'47" E
L13	63.41'	S 33°58'29" W



TEMP. ESMT. AREA
1,451 SQ. FT. (0.033 AC)

PERM. ESMT. AREA
1,441 SQ. FT. (0.033 AC)



GRAPHIC SCALE: 1"=50'

NOTES:

1. THE PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON ARE BASED ON THE DESCRIPTION OF RECORD (DEED BOOK 3772, PAGE 570) IN THE FAYETTE COUNTY CLERK'S OFFICE. THE ORIGIN OF BEARINGS SHOWN HEREON IS BASED ON THE NORTH AMERICAN DATUM OF 1983, STATE PLANE KENTUCKY NORTH ZONE AS OBSERVED FROM KYCORS STATION "KYTG" USING A TRIMBLE R12, DUAL FREQUENCY RECEIVER.
2. THE PURPOSE OF THIS EXHIBIT IS TO DELINEATE A PROPOSED CONVEYANCE FOR A PERMANENT SANITARY SEWER EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT TO LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.
3. THIS INFORMATION DOES NOT CONSTITUTE A BOUNDARY SURVEY AND SHALL NOT BE USED FOR PURPOSES OF LAND TRANSFER.

**SANITARY SEWER EASEMENT EXHIBIT
JOHN WILLIAM COLE
1908 HARRODSBURG ROAD
WOLF RUN TRUNK F SEWER IMPROVEMENTS
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
LEXINGTON, KENTUCKY**



FIGURE 1

DECEMBER 2022

2815.298