DEED OF EASEMENT

This PERMANENT STORMWATER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT is made and entered into this the 26 day of October, 2022, by and between the TURTLE PROPERTIES, LLC, a Kentucky limited liability company, 236 E. Reynolds Road, Lexington, Kentucky 40517, which is the in-care of tax mailing address for the current year ("Grantor"), and LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, 200 East Main Street, Lexington, Kentucky 40507 ("Grantee").

WITNESSETH:

That for and in consideration of the sum of FOUR THOUSAND FIVE HUNDRED DOLLARS AND 00/100 (\$4,500.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, said Grantor has

Return to: Cynthia Cannon-Ferguson LFUCG, Dept. of Law, 11th Floor 200 East Main Street Lexington, KY 40507 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 stormwater 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 Exhibits, and more particularly described as follows, to wit:

Permanent Stormwater Easement Lyon Drive Stormwater Improvement Project (a portion of 3288 Lyon Drive)

A drainage easement for a certain tract or parcel of land located on Ft. Harrods Drive in Lexington, Fayette County, Kentucky, approximately 300 feet east of the intersection of Lyon Drive and Ft. Harrods Drive and being more fully described and bounded as follows, to-wit:

Tract 2B-2

BEGINNING, at an 5/8 inch iron pin found in the east line of Lot 1A of Harrods Hill Subdivision, Unit 2-M, Block B, Section 1 (Plat Cabinet I, Slide 257), having a coordinate of N:187291.915 E:1547737.743;

Thence a tie bearing of S 18° 34' 29" E, a distance of 99.15 feet to a calculated corner in the east line of Lot 2B and the west right-of-way of Lyon Drive; thence along the line of Lot 2B and said right-of-way, S 70°37'45" W, a distance of 32.86 feet to a point, which is the *TRUE POINT OF BEGINNING*, having a coordinate of N: 187168.13 E: 1547744.99; thence the following four calls:

- 1) Thence with said right-of-way, S 70°34'11" W, a distance of 17.87 feet (L6) to a point;
- 2) Thence leaving said right-of-way, N 52°27'42" W, a distance of 3.97 feet (L7) to a point;
- 3) Thence N 70°34'32" E, a distance of 17.89 feet (L8) to a point;

4) Thence S 52°27'42" E, a distance of 3.93 feet (L9) to the TRUE POINT OF BEGINNING; and,

The above described parcel contains 59 sq. ft. (0.001 Acres) of permanent easement; and

Tract 2B-2, being a portion of the property conveyed to Turtle Properties, LLC, a Kentucky limited liability company, by Deed dated January 6, 2003, of record in Deed Book 2336, Page 531, 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 stormwater 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 Exhibits, attached hereto, and more particularly described as follows:

<u>Temporary Construction Easement</u> Lyon Drive Stormwater Improvement Project (a portion of 2201 Ft. Harrods Drive)

A drainage easement for a certain tract or parcel of land located on Ft. Harrods Drive in Lexington, Fayette County, Kentucky, approximately 300 feet east of the intersection of Lyon Drive and Ft. Harrods Drive and being more fully described and bounded as follows, to-wit:

Tract 3A

BEGINNING, at an 5/8 inch iron pin found in the east line of Lot 1A of Harrods Hill Subdivision, Unit 2-M, Block B, Section 1 (Plat Cabinet I, Slide 257), having a coordinate of N:187291.915 E:1547737.743;

Thence a tie bearing of N 89° 27'26" W, a distance of 101.97 feet to a calculated corner in the north line of Lot 3 and the south line of Timothy and Cathy Evans; thence leaving the line of Evans and going along the east line of Lot 3, S 19° 25' 47" E, a distance of 128.94 feet to a calculated corner, which is the <u>TRUE POINT OF BEGINNING</u>, having a coordinate of N:187171.29 E:1547678.67; thence the following four calls:

- 1) Thence S 19°25'47" E, a distance of 25.04 feet (L1) to a point on the east line of Lot 3 and adjoining Lot 2B (both owned by Turtle Properties LLC) on the west line and also being in the north right-of-way of Ft. Harrods Drive;
- 2) Thence with said right-of-way, S 70°34'11" W, a distance of 39.44 feet (L2) to a point on the line between Lot 3 and Lot 4 (Deed Book 2336, Page 531):
- 3) Thence leaving said right-of-way, N 19°27'54" W, a distance of 25.02 feet (L3) with said Lots 3 and 4 to a point on said line;
- 4) Thence leaving the line of Lot 4 and crossing Lot 3, N 70°33'01" E, a distance of 39.46 feet (L4) to the TRUE POINT OF BEGINNING; and,

The above described parcel contains 987 sq. ft. (0.02 Acres) of temporary construction easement; and

Lyon Drive Stormwater Improvement Project (a portion of 2205 Ft. Harrods Drive)

A drainage easement for a certain tract or parcel of land located on Ft. Harrods Drive in Lexington, Fayette County, Kentucky, approximately 300 feet east of the intersection of Lyon Drive and Ft. Harrods Drive and being more fully described and bounded as follows, to-wit:

Tract 4A

BEGINNING, at an 5/8 inch iron pin found in the east line of Lot 1A of Harrods Hill Subdivision, Unit 2-M, Block B, Section 1 (Plat Cabinet I, Slide 257), having a coordinate of N:187291.915 E:1547737.743;

Thence a tie bearing of N 89° 27′ 45″ W, a distance of 154.36 feet to a calculated corner in the north line of Lot 4 and the south line of Timothy and Cathy Evans, which is the <u>TRUE POINT OF BEGINNING</u>, having a coordinate of N:187293.36 E:1547583.39 for the following three calls:

- 1) Thence S 20°27'38" W, a distance of 19.17 feet to a point on the west line of Lot 4 and adjoining Lot 5 (both owned by Turtle Properties, LLC) on the east line;
- 2) Thence N 19°27'53" W, a distance of 19.18 feet (L15) with said Lots 4 and 5, to a point on the south line of Evans (Deed Book 1645, Page 596);
- 3) Thence with south line of Evans (Deed Book 1645, Page 596); S 89°28'24" E, a distance of 13.09 feet to the TRUE POINT OF BEGINNING; and,

The above described parcel contains 118 sq. ft. (0.0027 Acres) of temporary construction easement; and

<u>Temporary Construction Easement</u> Lyon Drive Stormwater Improvement Project (a portion of 2209 Ft. Harrods Drive)

A drainage easement for a certain tract or parcel of land located on Ft. Harrods Drive in Lexington, Fayette County, Kentucky, approximately 300 feet east of the intersection of Lyon Drive and Ft. Harrods Drive and being more fully described and bounded as follows, to-wit:

Tract 5B

BEGINNING, at an 5/8 inch iron pin found in the east line of Lot 1A of Harrods Hill Subdivision, Unit 2-M, Block B, Section 1 (Plat Cabinet I, Slide 257), having a coordinate of N:187291.915 E:1547737.743;

Thence a tie bearing of N 89°27' 45" W, a distance of 167.45 feet to a calculated corner in the north line of Lot 4 and 5, and the south line of Timothy and Cathy Evans to a point, which is the <u>TRUE</u> <u>POINT OF BEGINNING</u>, having the coordinate of N:187293.48 E:1547570.30. Thence the following four calls:

- 1) Thence along the line of Lot 4 and 5, S 19° 27'53" E, a distance of 19.18 feet to a point;
- 2) Thence turning across Lot 5, S 20°27'38" W, a distance of 34.28 feet to a point in the line between Lot 5 and 6;
- 3) Thence along the line of Lot 5 and 6, N 19°27'53" W, a distance of 53.47 feet to a point in the southern line of Evans (Deed Book 1645, Page 596);
- 4) Thence with the southern line of Evans (Deed Book 1645, Page 596); S 89°27'45" E, a distance of 23.41 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 799 sq. ft. (0.0183 Acres) of temporary construction easement; and

Temporary Construction Easement Lyon Drive Stormwater Improvement Project (a portion of 2213 Ft. Harrods Drive)

A drainage easement for a certain tract or parcel of land located on Ft. Harrods Drive in Lexington, Fayette County, Kentucky, approximately 300 feet east of the intersection of Lyon Drive and Ft. Harrods Drive and being more fully described and bounded as follows, to-wit:

Tract 6B

BEGINNING, at an 5/8 inch iron pin found in the east line of Lot 1A of Harrods Hill Subdivision, Unit 2-M, Block B, Section 1 (Plat Cabinet I, Slide 257), having a coordinate of N:187291.915 E:1547737.743;

Thence a tie bearing of N 89° 27'45" W, a distance of 190.86 feet to a calculated corner in the north line of Lot 5 and 6 (both owned by Turtle Properties, LLC, Deed Book 2336, Page 531), and the south line of Evans (Deed Book 1645, Page 596) to a point, which is the *TRUE POINT OF BEGINNING*, having a coordinate of N: 187293.70 E: 1547546.89 for the following seven calls;

- 1) Thence with Lot 5 (Turtle Properties, LLC, Deed Book 2336, Page 531), S 19°27'53" E, a distance of 53.47 feet to a point in the line with Lot 5 and 6 (both owned by Turtle Properties, LLC, Deed Book 2336, Page 531);
- 2) Thence across Lot 6, S 20°27'38" W, a distance of 39.53 feet (L1) to a point in Lot 6 (Turtle Properties, LLC Deed Book 2336, Page 531);
- 3) Thence S 19°32'22" E, a distance of 100.51 feet to a point in the right-of-way of Ft. Harrods Drive;
- 4) Thence with the right-of-way of Ft. Harrods Drive, S 70°34'11" W, a distance of 107.77 feet to a point in the right-of-way of Ft. Harrods Drive;
- 5) Thence following the right-of-way of Ft. Harrods Drive with a curve turning to the left with an arc length of 192.69 feet, with a radius of 470.00 feet, with a chord bearing of S 82°18'45" W, with a chord length of 191.34 feet to an iron pin found;
- 6) Thence along the line with Wood (Deed Book 2763, Page 502), Morgan (Deed Book 2353, Page 739) and Mansoor (Deed Book 2738, Page 098) N 36°00'11" E, a distance of 302.01 feet to a point at the corner with Evans (Deed Book 1645, Page 596);
- 7) Thence with the southern line of Evans (Deed Book 1645, Page 596) S 89°28'24" E, a distance of 76.11 feet back to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 39,798 sq. ft. (0.9136 Acres) of temporary construction easement; and

<u>Temporary Construction Easement</u> Lyon Drive Stormwater Improvement Project (a portion of 3288 Ft. Harrods Drive)

A drainage easement for a certain tract or parcel of land located on Ft. Harrods Drive in Lexington, Fayette County, Kentucky, approximately 300 feet east of the intersection of Lyon Drive and Ft. Harrods Drive and being more fully described and bounded as follows, to-wit:

Tract 2B-1

BEGINNING. at an 5/8 inch iron pin found in the east line of Lot 1A of Harrods Hill Subdivision, Unit 2-M, Block B, Section 1 (Plat Cabinet I, Slide 257), having a coordinate of N:187291.915 E:1547737.743;

Thence a tie bearing of S 18° 34'29" E, a distance of 99.15 feet to a calculated corner in the east line of Lot 2B and the west right-of-way of Lyon Drive, which is the <u>TRUE POINT OF BEGINNING</u>, having a coordinate of N:187197.93 E:1547769.33; thence the following eight calls:

- Thence with said right-of-way, S 19°25'49" E, a distance of 20.00 feet (L1) to a point on the east line of lot 2B and the north right-of-way of Ft. Harrods Drive;
- 2) Thence leaving the right-of-way of Lyon Drive and going with said right-of-way of Ft. Harrods Drive, S 70°37'45" W, a distance of 32.86 feet to a point on the line of Lot 2B and said right-of-way;
- 3) Thence leaving said right-of-way, N 52°27'42" W, a distance of 3.93 feet (L2) to a point;
- 4) Thence S 70°34'32" W, a distance of 17.89 feet (L3) to a point;
- 5) Thence S 52°27'42" E, a distance of 3.97 feet (L4) to a point in the aforementioned right-of-way;
- 6) Thence with said right-of-way, S 70°34'11" W, a distance of 43.63 feet to a point in the line of Lot 3 (Turtle Properties, LLC, Deed Book 2336, Page 531) and Lot 2B:
- 7) Thence leaving said right-of-way and going with the line between Lot 2B and Lot 3, N 19°25'49" W, a distance of 20.00 feet to a point in said line;
- 8) Thence leaving said line and crossing Lot 2B, N 70°34'11" E, a distance of 94.36 feet to the <u>TRUE POINT OF BEGINNING</u>; and,

The above described parcel contains 1,827 sq. ft. (0.04 Acres) of temporary construction easement; and

Tracts 3A, 4A, 5B, 6B and Tract 2B-1, being a portion of the property conveyed to Turtle Properties, LLC, a Kentucky limited liability company, by Deed dated January 6, 2003, of record in Deed Book 2336, Page 531, 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 said Grantee, its successors and assigns, 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 the 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 interest 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 same as herein done, and that they will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 458-2022, passed by the Lexington-Fayette Urban County Council on August 30, 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:

TURTLE PROPERTIES, LLC, a Kentucky limited liability company

RY

AMES P. ATKINS,

MEMBER

RY.

JAMES P. ATKINS, JR.

MEMBER

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COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by James P. Atkins and James P. Atkins, Jr., both Members, for and on behalf of Turtle Properties, LLC, a Kentucky limited liability company, on this the Author of October, 2022.

Notary Public, Kentucky, State-at-Large

My Commission Expires: 12 / 9 / 2025

Notary ID # KYNP 41574

PREPARED BY:

Evan P. Thompson,

Attorney Sr.

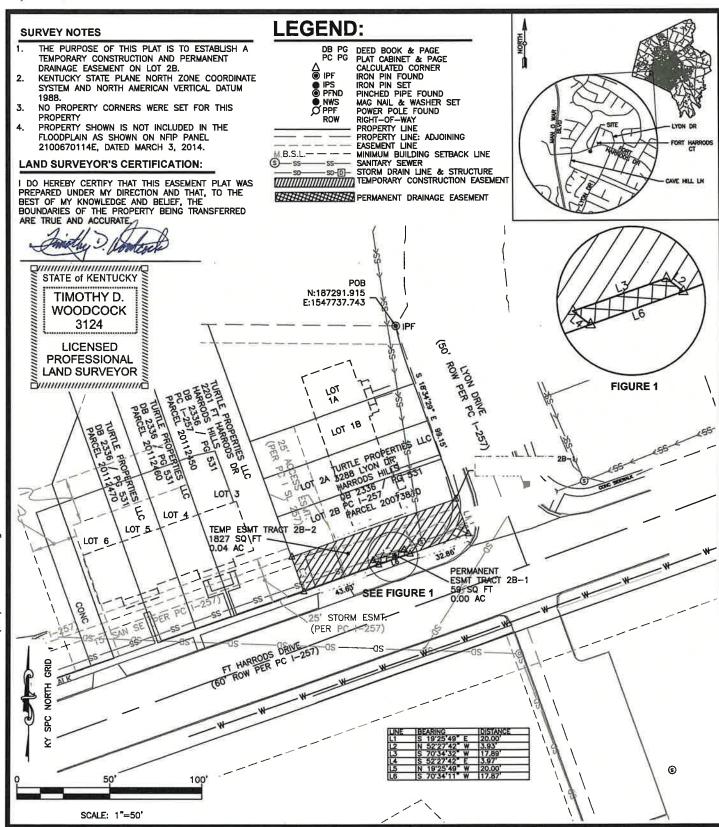
Lexington-Fayette Urban County Government

Department of Law, 11th Floor 200 East Main Street

Lexington, Kentucky 40507

(859) 258-3500

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ABBIE JONES CONSULTING
PROFESSIONAL LAND SURVEYING & ENGINEERING
1022 FONTAINE RD.
LEXINGTON, KY 40502
859.559.3443

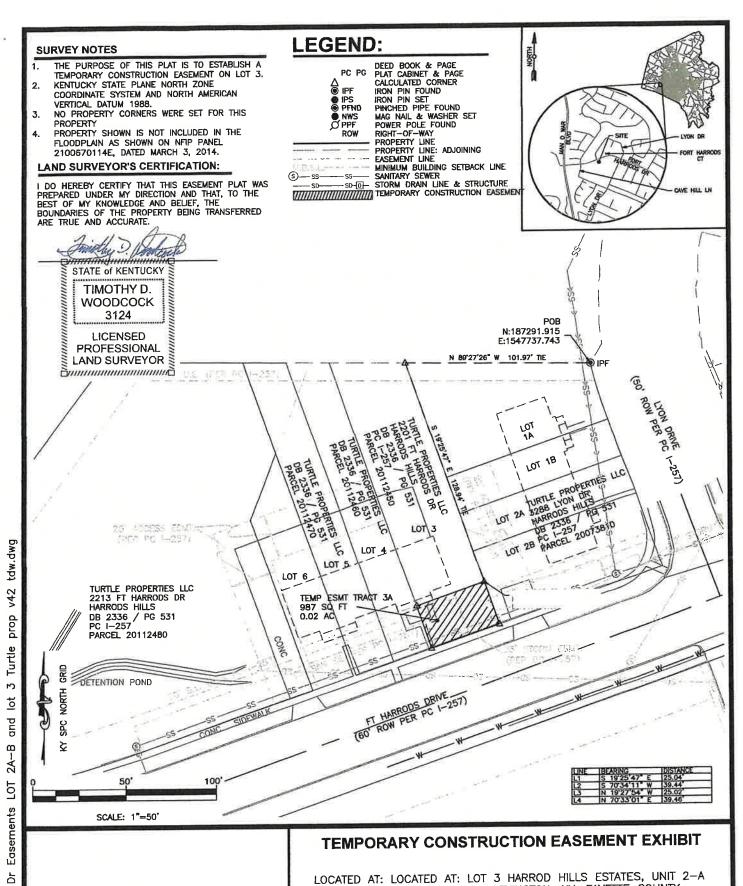
www.abbie-jones.com

TEMPORARY CONSTRUCTION AND PERMANENT DRAINAGE EASEMENT EXHIBIT TRACTS 2B-1 & 2B-2

LOCATED AT: LOCATED AT: LOTS 2A & 2B HARROD HILLS ESTATES, UNIT 2-A 3288 LYON DRIVE, LEXINGTON, KY, FAYETTE COUNTY

CLIENT: BELL ENGINEERING, 2480 FORTUNE DRIVE SUITE 350, LEXINGTON, KY 40509

OWNER: TURTLE PROPERTIES LLC 2213 FT HARRODS DRIVE LEXINGTON KY PROJECT: 2022-007, SCALE: 1"=50', DATE: 09/15/2022, SIZE: 8.5x11, SHT: 1 OF 1 CAD: JME, PLS: TDW, PLS QC: AMJ



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

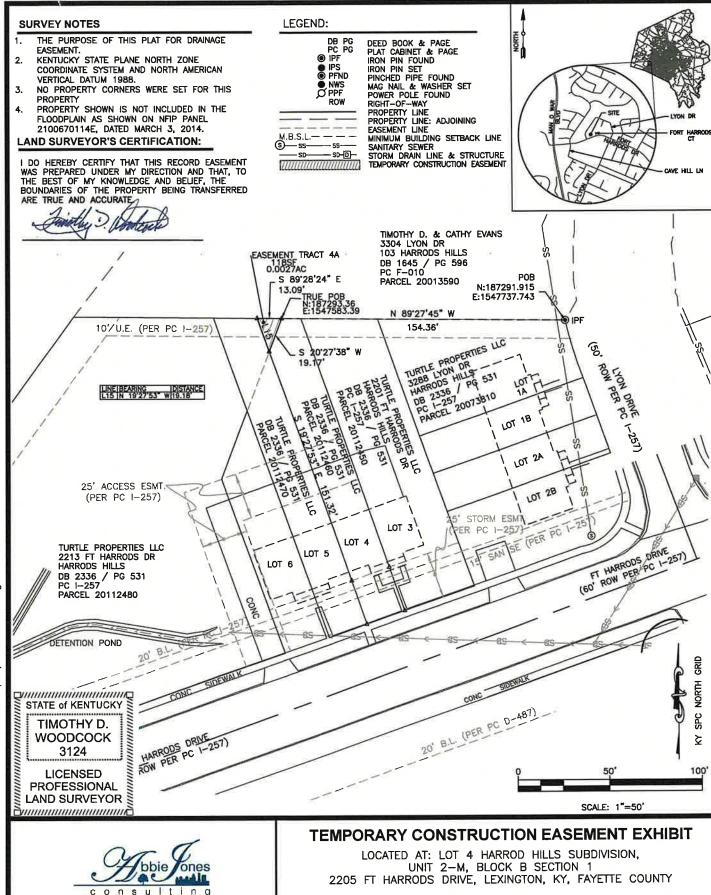
Lyon

2022-007

LOCATED AT: LOCATED AT: LOT 3 HARROD HILLS ESTATES, UNIT 2-A 2201 FT HARRODS DRIVE, LEXINGTON, KY, FAYETTE COUNTY

CLIENT: BELL ENGINEERING, 2480 FORTUNE DRIVE SUITE 350, LEXINGTON, KY 40509

OWNER: TURTLE PROPERTIES LLC 2213 FT HARRODS DRIVE LEXINGTON KY PROJECT: 2022-007, SCALE: 1"=50", DATE: 04/1/2022, SIZE: 8.5x11, SHT: 1 OF 1 CAD: JME, PLS: TDW, PLS QC: AMJ



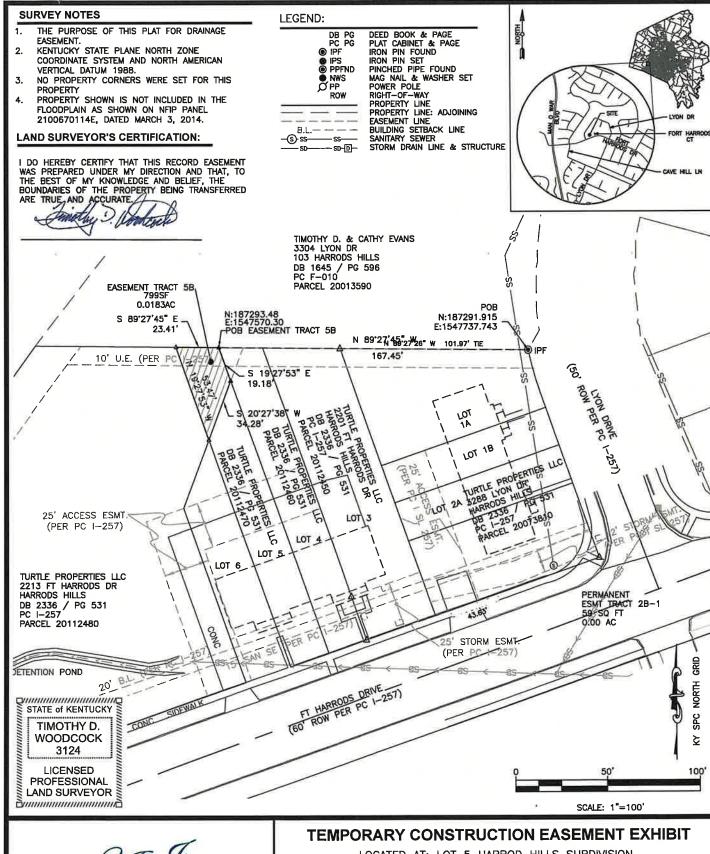


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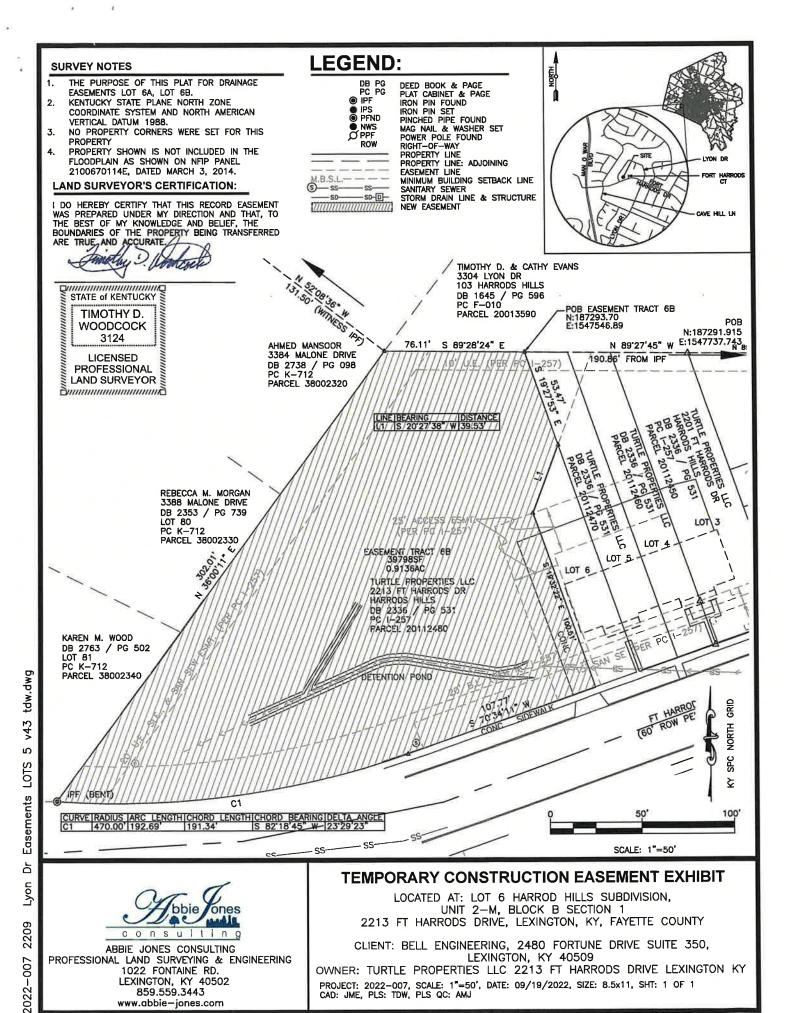
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LOCATED AT: LOT 5 HARROD HILLS SUBDIVISION, UNIT 2-M, BLOCK B SECTION 1 2209 FT HARRODS DRIVE, LEXINGTON, KY, FAYETTE COUNTY

CLIENT: BELL ENGINEERING, 2480 FORTUNE DRIVE SUITE 350, LEXINGTON, KY 40509

OWNER: TURTLE PROPERTIES LLC 2213 FT HARRODS DRIVE LEXINGTON KY PROJECT: 2022-007, SCALE: 1"=50', DATE: 09/19/2022, SIZE: 8.5×11 , SHT: 1 OF 1 CAD: JME, PLS: TDW, PLS QC: AMJ

2022-007



CAD: JME, PLS: TDW, PLS QC: AMJ

859.559.3443

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DEED BOOK 3981 PAGE 410

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

202210280040

October 28, 2022

9:34:03

 \mathbf{AM}

Fees

18 3 3

\$83.00

Tax

\$.00

Total Paid

\$83.00

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17 Pages

394 - 410