DEED OF EASEMENT

TEMPORARY AND STORMWATER EASEMENT This PERMANENT CONSTRUCTION EASEMENT is made and entered into this the lecember 2022, by and between QUAIL RUN TOWNHOUSES ASSOCIATION, INC., a Kentucky non-profit corporation, 2140 Ft. Harrods Drive, Unit 1, Lexington, Kentucky 40513, which is the in-care of tax mailing address for the current year COUNTY (hereinafter **LEXINGTON-FAYETTE** URBAN "Grantor"), and GOVERNMENT, 200 East Main Street, Lexington, Kentucky 40507 (hereinafter "Grantee").

WITNESSETH:

That for and in consideration of the sum of ONE THOUSAND FIVE HUNDRED DOLLARS AND 00/100 CENTS (\$1,500.00), 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

Return to: Cynthia Cannon-Ferguson LFUCG, Dept. of Law, 11th Floor 200 East Main Street Lexington, KY 40507 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 Easements Lyon Drive Stormwater Improvement Project (a portion of 2140 Ft. Harrods Drive) Harrods Hill Estates, HOA Parcels

A stormsewer easement for a certain tract or parcel of land located north and along a private road in the Quail Run Townhouses complex in Lexington, Fayette County, Kentucky near the Quail Run Townhouses pool and tennis courts, and being more particularly described and bounded as follows:

Tract 2

BEGINNING, at an 5/8 inch iron pin found in the west line of Quail Run Townhouses, Inc., Harrods Hill Estates Subdivision, Unit 2-H (Plat Cabinet F, Slides 729 and 730, Deed Book 1446, Page 43), and Harrods Hill Apartments (Plat Cabinet D, Slide 487, Deed Book 3117, Page 707), northwest of the tennis courts; Thence having a tie bearing of S 24°34'54" W a distance of 64.60 feet to a calculated corner having a coordinate of N: 186812.19 E:1547952.23; which is the *TRUE POINT OF BEGINNING* for Easement tract 2, for the following 18 calls:

- 1) Thence turning away from the property line fence N 89°01'12" E, a distance of 18.90 feet (L5) to a calculated corner:
- 2) Thence following the tennis court fence (Deed Book 1446, Page 43) S 65°48'35" E, a distance of 65.20' to a calculated corner;
- 3) Thence turning along the tennis court fence, N 27°58'25" E, a distance of 1.30 feet (L6) to a calculated corner;
- 4) Thence turning from the tennis court fence S 66°21'50" E, a distance of 10.54 feet (L7) to a calculated corner;

- 5) Thence S 60°35'40" E, a distance of 43.37 feet (L8) to a calculated corner;
- 6) Thence S 89°39'09" E, a distance of 18.12 feet (L9) to a calculated corner;
- 7) Thence N 24°58'55" E, a distance of 5.00 feet (L10) to a calculated corner;
- 8) Thence N 30°04'15" E, a distance of 43.77 feet (L11) to a calculated corner;
- 9) Thence S 64°3 8'43" E, a distance of 27.44 feet (L12) to a calculated corner;
- 10) Thence S 23°0 4'01" W, a distance of 15.00 feet (L13) to a calculated corner;
- 11)Thence N 64°38'43" W, a distance of 13.70 feet (L14) to a calculated corner;
- 12) Thence S 30°04'15" W, a distance of 38.22 feet (L15) to a calculated corner;
- 13) Thence S 87°47'19" W, a distance of 36.42 feet (L16) to a calculated corner;
- 14) Thence N 60°43'44" W, a distance of 32.76 feet (L17) to a calculated corner;
- 15)Thence N 67°04'34" W, a distance of 61.71 feet to a calculated corner;
- 16) Thence N 24°30'36" E, a distance of 5.68 feet (L18) to a calculated corner;
- 17)Thence N 65°18'56" E, a distance of 86.46 feet to a calculated corner;
- 18) Thence N 24°34'54" W, a distance of 1.40 feet (L19) to a calculated corner at the property line fence, back to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 0.0829 Acres (3,609 sq. ft.) of permanent easement; and

A drainage easement for a certain tract or parcel of land located along the west side of Lyon Drive in Lexington, Fayette County, Kentucky approximately at the midpoint between Cave Hill Lane and Ft. Harrods Drive, and being more particularly described and bounded as follows:

Tract 17C

<u>BEGINNING</u>, at an 5/8 inch iron pin found in the east line of Quail Run Townhouses, Inc., Harrods Hill Estates Subdivision, Unit 2-H

(Plat Cabinet F, Slides 729 and 730, Deed Book 1446, Page 43), and south of the internal HOA sidewalk having a coordinate of N: 186674.67 E:1548405.91;

Thence a tie bearing of S 24° 37'46" W, a distance of 6.41 feet (L1) to a calculated corner in the western right-of-way of Lyon Drive, which is the <u>TRUE POINT OF BEGINNING</u> for easement Tract 17C, for the following four calls:

- 1) Thence along the right of way S 24° 37'46" W, a distance of 15.00 feet along the right-of-way to a calculated corner;
- 2) Thence turning into the property (Deed Book 1446, Page 43) N 64°38'43" W, a distance of 69.99 feet to a calculated corner:
- 3) Thence N 24°39'33" E, a distance of 15.00 feet to a calculated corner;
- 4) Thence turning toward the right-of-way S 64°38'43" E, a distance of 69.99 feet back to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 0.0241 Acres (1,050 sq. ft.) of permanent easement; and

Tract 2 and Tract 17C, being a portion of the same property conveyed to Quail Run Townhouses Associations, Inc., a Kentucky non-profit corporation, by Deed dated March 11, 1988, of record in Deed Book 1489, Page 739; and by Deed, dated September 22, 1983, of record in Deed Book 1326, Page 322; and by Deed, dated September 22, 1983, of record in Deed Book 1326, Page 217; and by Deed, dated May 20, 1983, of record in Deed Book 1315, Page 83; and by Deed, dated April 25, 1983, of record in Deed Book 1312, Page 743, all references 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 several Exhibits attached hereto, and more particularly described as follows:

Lyon Drive Stormwater Improvement Project (a portion of 2140 Ft. Harrods Drive) Harrods Hill Estates, HOA Parcels

A temporary construction easement for certain tracts or parcels of land located along the west side of Lyon Drive in Lexington, Fayette County, Kentucky approximately at the midpoint between Cave Hill Lane and Ft. Harrods Drive, and being more particularly described and bounded as follows:

Tract 17A

BEGINNING, at an 5/8 inch iron pin found in the east line of Quail Run Townhouses, Inc., Harrods Hill Estates Subdivision, Unit 2-H (Plat Cabinet F, Slides 729 and 730, Deed Book 1446, Page 43), and south of the internal HOA sidewalk having a coordinate of N: 186674.67 E:1548405.91; which is the **TRUE POINT OF BEGINNING** for Easement Tract 17A, for the following four calls:

- 1) Thence turning away from the right-of-way into the HOA lot (Deed Book 1446, Page 53) N 65°21'44" W, a distance of 82.00 feet to a calculated corner;
- Thence N 24°38'16" E, a distance of 16.05 feet to a calculated corner;
- 3) Thence S 65°19'37" E, a distance of 82.00 feet to a point in the right-of-way of Lyon Drive;
- 4) Thence with the right-of-way line, S 24°41'15" W, a distance of 16.00 feet back to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 0.0302 Acres (1,314 sq. ft.) of temporary construction easement; and

Tract 17B

BEGINNING, at an 5/8 inch iron pin found in the east line of Quail Run Townhouses, Inc., Harrods Hill Estates Subdivision, Unit 2-H (Plat Cabinet F, Slides 729 and 730, Deed Book 1446, Page 43), and south of the internal HOA sidewalk having a coordinate of N: 186674.67 E:1548405.91; which is the **TRUE POINT OF BEGINNING** for Easement Tract 1A, for the following four calls:

- Thence with the right-of-way of Lyon Drive, S 24°45'14" W, a distance of 6.41 feet (L1) to a calculated corner;
- 2) Thence turning away from the right-of-way into the HOA lot (Deed Book 1446, Page 43) N 64°38'43" W, a distance of 69.99 feet (L2) to a calculated corner;
- 3) Thence N 24°34'18" E, a distance of 5.53 feet (L3) to a calculated corner;
- 4) Thence turning back to the right-of-way, S 65° 21'43" E, a distance of 69.93 feet (L4) to a point in the right-of-way of Lyon Drive, back to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 0.0096 Acres (418 sq. ft.) of temporary construction easement; and

Tract 17D

BEGINNING, at an 5/8 inch iron pin found in the east line of Quail Run Townhouses, Inc., Harrods Hill Estates Subdivision, Unit 2-H (Plat Cabinet F, Slides 729 and 730, Deed Book 1446, Page 43), and south of the internal HOA sidewalk having a coordinate of N: 186674.67 E:1548405.91;

Thence a tie bearing of S 24° 37'46" W, a distance of 21.41 feet along Lyons Drive, to a calculated corner which is the <u>TRUE POINT OF BEGINNING</u> for Easement Tract 17D, for the following four calls:

- 1) Thence following the right-of-way of Lyon Drive, S 24° 37'46" W, a distance of 5.00 feet (L5) to a calculated corner:
- 2) Thence turning from the right-of way, N 64°38'38" W, a distance of 69.99 feet (L6) to a calculated corner;
- 3) Thence N 24°38'08" E, a distance of 5.00 feet (L7) to a calculated corner;
- 4) Thence turning back to the right-of-way of Lyon Drive, S 64°38'43" E, a distance of 69.99 feet (L8) back to the TRUE POINT OF BEGINNING; and,

The above described parcel contains 0.0080 Acres (350 sq. ft.) of temporary construction easement; and

A temporary construction easement for a certain tract or parcel of land located in the Quail Run Townhouses complex in Lexington, Fayette County, Kentucky near the Quail Run Townhouses pool and tennis courts, and being more particularly described and bounded as follows:

Tract A

BEGINNING, at an 5/8 inch iron pin found at the northeast corner of Quail Run Townhouses, Inc., Harrods Hill Estates Subdivision, Unit 2-H (Plat Cabinet D, Slide 510, Deed Book 1238, Page 274), and Harrods Hill Apartments (Plat Cabinet D, Slide 487, Deed Book 3117, Page 707), northeast of the tennis courts;

Thence having a tie bearing of S 65°13'22" E, a distance of 194.37 feet to a calculated corner having a coordinate of N: 186789.47 E:1548155.59; which is the <u>TRUE POINT OF BEGINNING</u> for Easement Tract A; thence the following four calls:

- 1) Thence N 24°49'11" E, a distance of 16.17 feet (L1) to a calculated corner in the south line of an existing 12-Foot sanitary and storm easement (Plat Cabinet D, Slide 510);
- Thence with said easement S 65°19'38" E, a distance of 40.86 feet (L2) to a calculated corner in said easement and in the line of Kearney John Ford (Deed Book 3319, Page 345);
- 3) Thence going with the line of Kearney John Ford and leaving said easement, S 24°38'15" W, a distance of 16.14 feet (L3) to a calculated corner, common corner to the aforementioned Kearney John Ford and a point in the line of Alice Ann Sanders (Deed Book 3171, Page 76);
- 4) Thence along the line of Sanders, N 65°21'45" E and crossing into another HOA Lot owned by Quail Run Townhomes, Inc. (Deed Book 1446, Page 53) at 4.50 feet and going a total distance of 40.92 feet (L4) back to the TRUE POINT OF BEGINNING; and,

The above described parcel contains 0.0152 Acres (661 sq. ft.) of temporary construction easement; and

A temporary construction easement for certain tracts or parcels of land located north and along a private road in the Quail Run Townhouses complex in Lexington, Fayette County, Kentucky near the Quail Run Townhouses pool and tennis courts, and being more particularly described and bounded as follows:

Tract 1

BEGINNING, at an 5/8 inch iron pin found in the west line of Quail Run Townhouses, Inc., Harrods Hill Estates Subdivision, Unit 2-H (Plat Cabinet F, Slides 729 and 730, Deed Book 1446, Page 43), and Harrods Hill Apartments (PC D SL 487, DB 3117, PG 707), northwest of the tennis courts:

Thence having a tie bearing of S 24°34'54" W, a distance of 49.60 feet to a calculated corner having a coordinate of N:186825.83 E:1547958.47; which is the *TRUE POINT OF BEGINNING* for Easement Tract 1, for the following four calls:

- 1) Thence turning away from the right-of-way into the HOA Lot (Deed Book 1446, Page 43) N 89°12'31" E, a distance of 19.04 feet (L1) to a calculated corner at the tennis court fence;
- 2) Thence S 25°0 8'49" W, a distance of 15.00 feet (L2) to a calculated corner at the tennis court fence;
- 3) Thence S 89°01'12" W, a distance of 18.90 feet (L3) to a calculated corner at the property line fence;
- 4) Thence along the property line fence, N 24°34'54" E, a distance of 15.00 feet (L4) back to the <u>TRUE POINT</u> <u>OF BEGINNING</u>; and,

The above-described parcel contains 0.0059 Acres (256 sq. ft.) of permanent easement; and

Tract 3

BEGINNING, at an 5/8 inch iron pin found in the west line of Quail Run Townhouses, Inc., Harrods Hill Estates Subdivision, Unit 2-H (Plat Cabinet F, Slides 729 and 730, Deed Book 1446, Page 43), and Harrods Hill Apartments (Plat Cabinet D, Slide 487, Deed Book 3117, Page 707), northwest of the tennis courts;

Thence having a tie bearing of S 24°34'54" W, a distance of 66.00 feet to a calculated corner; thence having a tie bearing of S 24°34'54" W, a distance of 86.46 feet to a calculated corner; thence having a tie bearing of S 24°30'36" E, a distance of 5.68 feet (L35) to a calculated corner; having a coordinate of N: 186769.04 E:1548027.56; which is the *TRUE POINT OF BEGINNING* for Easement Tract 3, for the following 13 calls:

- 1) Thence S 67°04'34" E, a distance of 61.71 feet to a calculated corner:
- 2) Thence S 60°43'44" E, a distance of 32.76 feet (L20) to a calculated corner;
- 3) Thence N 87°47'19" E, a distance of 36.42 feet (L21) to a calculated corner;
- 4) Thence N 30°04'15" E, a distance of 38.22 feet (L22) to a calculated corner;
- 5) Thence S 64°38'43" E, a distance of 13.70 feet (L23) to a calculated corner;
- 6) Thence S 24°58'55" W, a distance of 15.00 feet (L24) to a calculated corner;
- 7) Thence N 79°52'53" W, a distance of 9.13 feet (L25) to a calculated corner;
- 8) Thence S 30°04'15" W, a distance of 36.38 feet to a calculated corner;
- 9) Thence S 87°47'19" W, a distance of 37.01 feet to a calculated corner;
- 10) Thence N 60°43'44" W, a distance of 37.29 feet to a calculated corner;
- 11)Thence N 67°04'34" W, a distance of 61.22 feet to a calculated corner;
- 12) Thence N 24°41'10" E, a distance of 20.01 feet (L26) to a calculated corner at the property line fence, back to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 0.0677 Acres (2,948 sq. ft.) of permanent easement; and

Tract 4

BEGINNING, at an 5/8 inch iron pin found in the west line of Quail Run Townhouses, Inc., Harrods Hill Estates Subdivision, Unit 2-H (Plat Cabinet F, Slides 729 and 730, Deed Book 1446, Page 43), and Harrods Hill Apartments (Plat Cabinet D, Slide 487, Deed Book 3117, Page 707), northwest of the tennis courts;

Thence having a tie bearing of S 65°18'49" E, a distance of 139.58 feet to a calculated corner; thence having a tie bearing of S 24°41'11" W, a distance of 50.00 feet to a calculated corner; thence having a tie bearing of S 65°18'49" E, a distance of 4.81 feet to a calculated corner; having a coordinate of N: 186765.20 E:1548089.42; which is the <u>TRUE POINT OF BEGINNING</u> for Easement Tract 4, for the following 10 calls:

- 1) Thence S 65°18'49" E, a distance of 50.02 feet to a calculated corner:
- 2) Thence N 24°49'11" E, a distance of 49.69 feet to a calculated corner;
- 3) Thence S 65°21'44" E, a distance of 36.25 feet to a calculated corner;
- 4) Thence S 24°36'33" W, a distance of 3.42 feet (L27) to a calculated corner;
- 5) Thence N 65°21'44" W, a distance of 36.25 feet (L28) to a calculated corner;
- 6) Thence S 30°04'15" W, a distance of 43.77 feet (L29) to a calculated corner:
- 7) Thence S 79°52'53" W, a distance of 5.88 feet (L30) to a calculated corner;
- 8) Thence N 89°39'09" W, a distance of 18.12 feet (L31) to a calculated corner;
- 9) Thence N 60°35'40" W, a distance of 43.37 feet (L32) to a calculated corner;
- 10) Thence S 88°44'36" E, a distance of 10.58 feet (L33) back to the TRUE POINT OF BEGINNING; and,

The above-described parcel contains 0.0167 Acres (727 sq. ft.) of permanent easement; and

Tract 17A, 17B, 17D, Tract A, Tract 1, 3 and 4, being a portion of the same property conveyed to Quail Run Townhouses Associations, Inc., a Kentucky non-profit corporation, by Deed dated March 11, 1988, of record in Deed Book 1489, Page 739; and by Deed, dated September 22, 1983, of record in Deed Book 1326, Page 322; and by Deed, dated September 22, 1983, of record in Deed Book 1326, Page 217; and by Deed, dated May 20, 1983, of record in Deed Book 1315, Page 83; and by Deed, dated April 25, 1983, of record in Deed Book 1312, Page 743, all references 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 easements 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 it 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:

QUAIL RUN TOWNHOUSES ASSOCIATION, INC., a Kentucky non-profit corporation

BY:

DANIEĽ H. FISCHER,

PRESIDENT

COMMONWEALTH OF KENTUCKY

COUNTY OF FAYETTE

This instrument was acknowledged, subscribed and sworn to before me by Daniel H. Fischer, as President, for an on behalf of Quail Run Townhouses Association, Inc., a Kentucky non-profit corporation, on this the 21 day of December, 2022.

Notary Public, Kentucky, State-at-Large

My Commission Expires: 2 / 25/ 2023

Notary iD # 629764

PREPARED BY:

EVAN P. THOMPSON,

Attorney Sr.

Lexington-Fayette Urban County Government

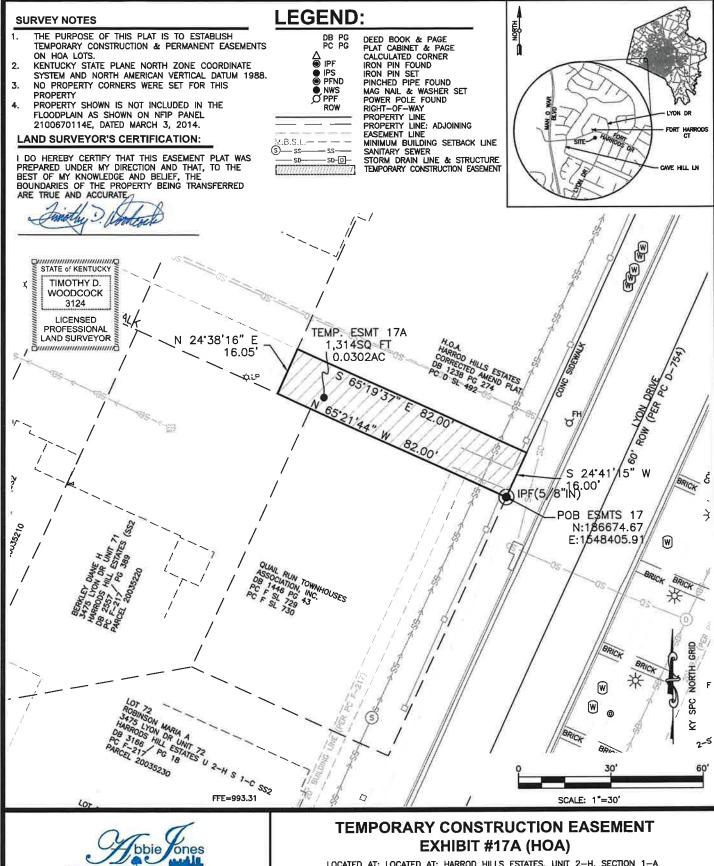
Department of Law, 11th Floor

200 East Main Street

Lexington, Kentucky 40507

(859) 258-3500

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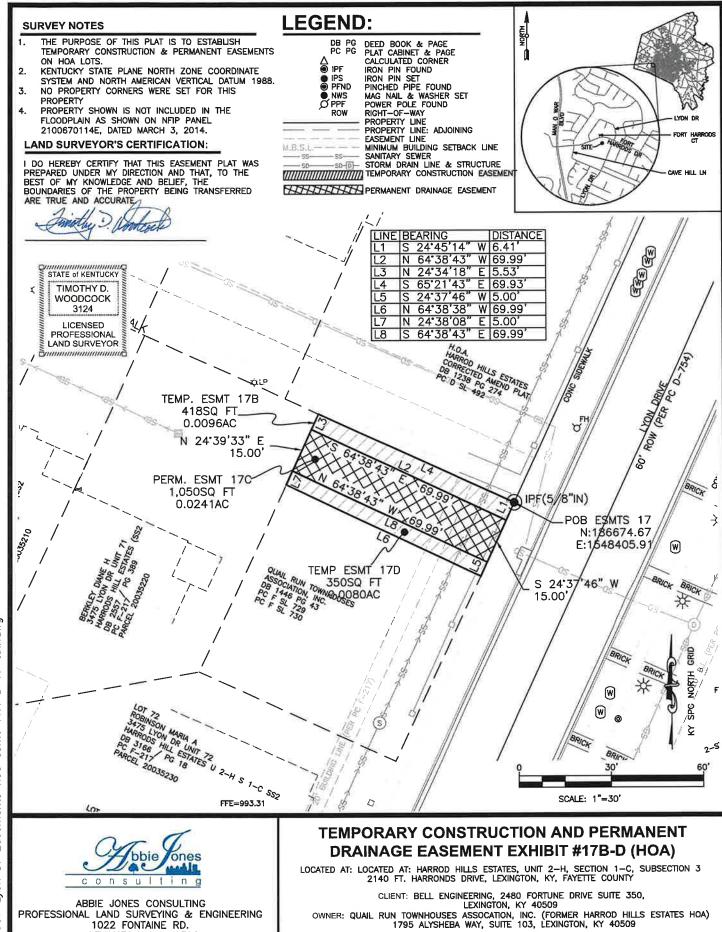
onsultin ABBIE JONES CONSULTING PROFESSIONAL LAND SURVEYING & ENGINEERING 1022 FONTAINE RD.

LEXINGTON, KY 40502

859.559.3443 www.abbie-jones.com LOCATED AT: LOCATED AT: HARROD HILLS ESTATES, UNIT 2-H, SECTION 1-A 2140 FT. HARRODS DRIVE, LEXINGTON, KY, FAYETTE COUNTY

CLIENT: BELL ENGINEERING, 2480 FORTUNE DRIVE SUITE 350,
LEXINGTON, KY 40509
OWNER: QUAIL RUN TOWNHOUSES ASSOCIATION, INC. (FORMER HARROD HILLS ESTATES HOA)
1795 ALYSHEBA WAY, SUITE 103, LEXINGTON, KY 40509

PROJECT: 2022-007, SCALE: 1"=30', DATE: 10/20/2022, SIZE: 8.5x11, SHT: 1 OF 1 CAD: JME, PLS: TDW, PLS QC: AMJ

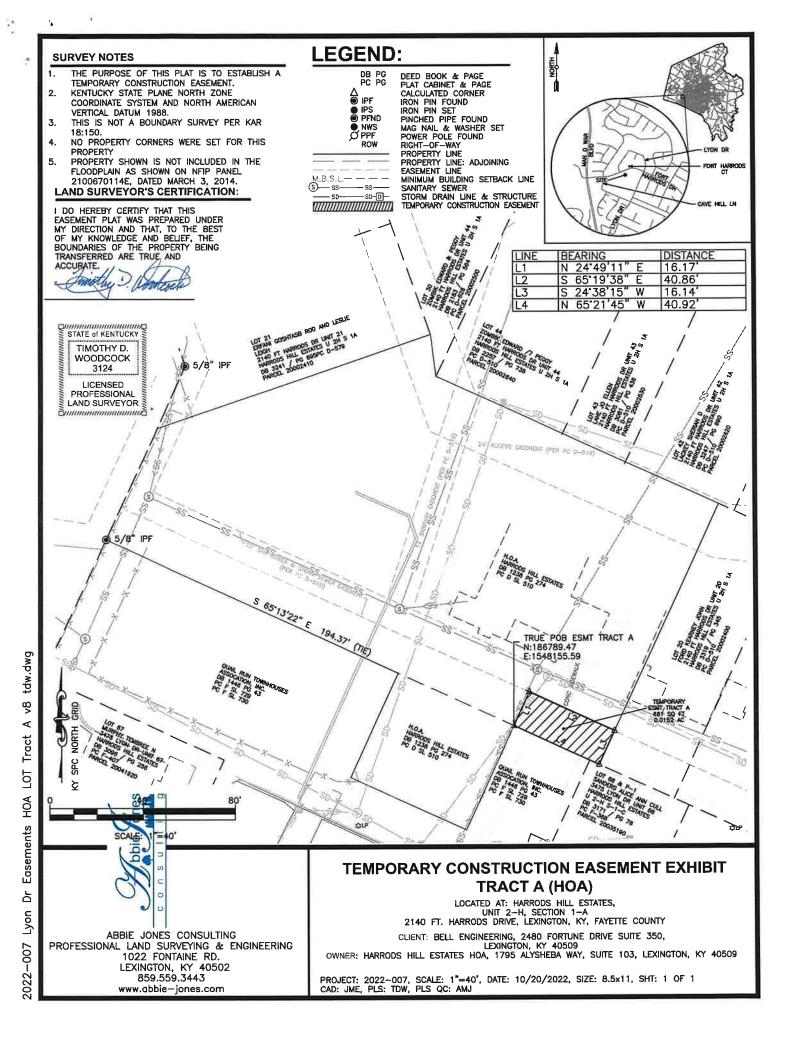


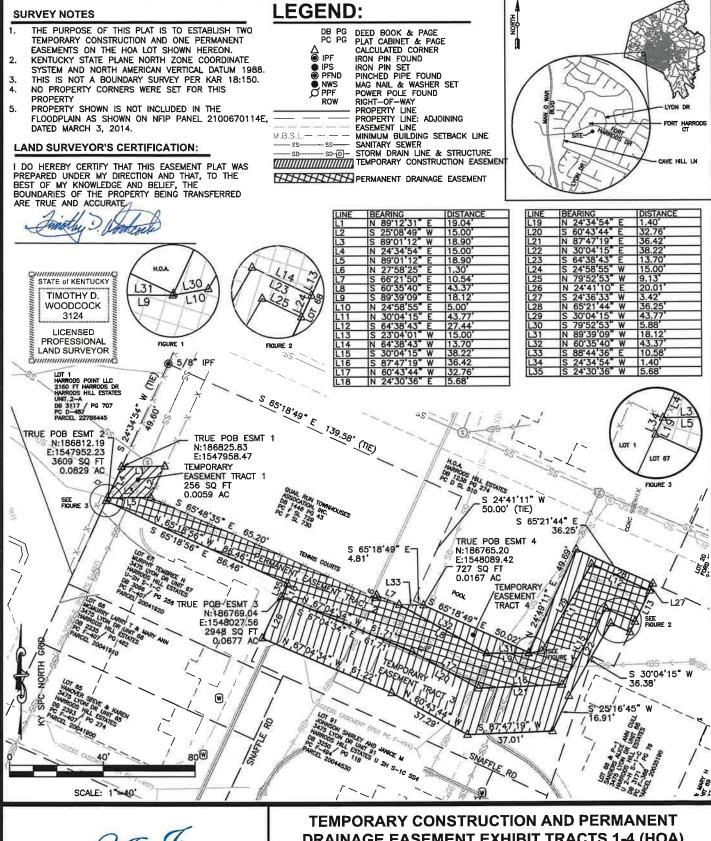
PROJECT: 2022-007, SCALE: 1"=30', DATE: 10/20/2022, SIZE: 8.5x11, SHT: 1 OF 1 CAD: JME, PLS: TDW, PLS QC: AMJ

2022-007 Lyon Dr Easements hoa esmt 17A-D v7 tdw.dwg

LEXINGTON, KY 40502

859.559.3443 www.abbie-jones.com







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

www.abbie-jones.com

DRAINAGE EASEMENT EXHIBIT TRACTS 1-4 (HOA)

LOCATED AT: LOCATED AT: HARROD HILLS ESTATES, UNIT 2-H, SECTION 1-C 2140 FT. HARRODS DRIVE, LEXINGTON, KY, FAYETTE COUNTY

CLIENT: BELL ENGINEERING, 2480 FORTUNE DRIVE SUITE 350,

LEXINGTON, KY 40509

OWNER: QUAIL RUN TOWNHOUSES ASSOCATION, INC. (FORMERLY HARRODS HILL ESTATES HOA)

1795 ALYSHEBA WAY, SUITE 103, LEXINGTON, KY 40513

PROJECT: 2022-007, SCALE: 1"=40', DATE: 10/19/2022, SIZE: 8.5x11, SHT: 1 OF 1 CAD: JME, PLS: TDW, PLS QC: AMJ

DEED BOOK 3995 PAGE 554

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: EMILY GENTRY, dc

202301040006

January 4, 2023

9:49:18

AM

Fees

\$83.00

Tax

\$.00

Total Paid

\$83.00

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17 Pages

538 - 554