DEED OF EASEMENT

This DEED OF EASEMENT is made and entered into this day of _______, 2019, by and between JOHN R. CUMMINS and BRIDGET T. McNEESE, husband and wife, 2200 Russell Cave Road, Lexington, Kentucky 40511 ("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 nominal consideration of the sum of THIRTY-THREE THOUSAND THREE HUNDRED NINETY-NINE DOLLARS AND 50/100 CENTS (\$33,399.50), 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
(a portion of 2200 Russell Cave)
Shandon Park Trunk Sanitary
Sanitary Sewer Improvement Project

commencing at a point, said point lying in the eastern rightof-way line of Russell Cave Road, also being the northwest corner of 2200 Russell Cave Road, as shown on plat of record in the Fayette County Clerk in P.C. "R", Slide 101, also common to 2250 Russell Cave Road; thence with the northern

Mail to:
Lexington-Fayette Urban County Government
200 E. Main Street
Department of Law, 11th Floor
Lexington, Kentucky 40507

(CGF)

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line of 2200 Russell Cave Road, South 64 Degrees 19 Minutes 41 Seconds East, 967.19 feet to the TRUE POINT OF **BEGINNING**; thence continuing with the northern line of 2200 Russell Cave Road, South 64 Degrees 19 Minutes 41 Seconds East, 20.67 feet to a point in the proposed permanent easement; thence leaving the northern line of 2200 Russell Cave Road and through 2200 Russell Cave Road with the said easement for five (5) calls; thence South 11 Degrees 02 Minutes 29 Seconds West, 122.59 feet to a point; thence South 17 Degrees 06 Minutes 15 Seconds East, 415.30 feet to a point; thence South 57 Degrees 17 Minutes 04 Seconds East, 240.45 feet to a point; thence South 29 Degrees 04 Minutes 43 Seconds East, 540.98 feet to a point; thence South 37 Degrees 14 Minutes 28 Seconds East, 264.27 feet to a point on the southeast line of 2200 Russell Cave Road; thence with said line, South 27 Degrees 25 Minutes 49 Seconds West, 22.13 feet to a point in the proposed permanent easement; thence leaving the southeast line of 2200 Russell Cave Road and through 2200 Russell Cave Road with the said easement for five (5) calls; thence North 37 Degrees 14 Minutes 28 Seconds West, 275.16 feet to a point; thence North 29 Degrees 04 Minutes 43 Seconds West, 537.38 feet to a point; thence North 57 Degrees 17 Minutes 04 Seconds West, 242.74 feet to a point; thence North 17 Degrees 06 Minutes 15 Seconds West, 427.63 feet to a point; thence North 11 Degrees 02 Minutes 29 Seconds East, 132.83 feet to the TRUE POINT OF BEGINNING; and,

The above described parcel contains 31,993 square feet of permanent easement; and,

Being a portion of the property conveyed to John R. Cummins, a married person, by deed dated November 25, 2013, of record in Deed Book 3201, Page 404, in the Fayette County Clerk's Office.

Described on Exhibit "A" attached hereto and incorporated herein by reference.

Permanent Sanitary Sewer Easement
(a portion of 2250 Russell Cave)
Shandon Park Trunk Sanitary
Sanitary Sewer Improvement Project

COMMENCING at a point, said point being the intersection of the eastern right-of-way line of Russell Cave Road and the southern right-of-way of Faulkner Avenue, also being the northwest corner of 2250 Russell Cave Road as shown on plat of record in the Fayette County Clerk in P.C. "R", Slide

101; thence with the western line of 2250 Russell Cave Road, South 24 Degrees 39 Minutes 28 Seconds West. 270.06 feet to the TRUE POINT OF BEGINNING; thence leaving the said right-of-way and through 2250 Russell Cave Road for nine (9) calls: thence South 25 Degrees 22 Minutes 07 Seconds East 741.54 feet to a point; thence South 18 Degrees 59 Minutes 44 Seconds East 4997.11 feet to a point: thence South 57 Degrees 03 Minutes 13 Seconds East 347.11 feet to a point; thence North 78 Degrees 34 Minutes 40 Seconds East 83.94 feet to a point; thence South 51 Degrees 13 Minutes 46 Seconds East 109.97 feet to a point; thence North 78 Degrees 20 Minutes 24 Seconds East 507.87 feet to a point; thence South 85 Degrees 39 Minutes 24 Seconds East 342.35 feet to a point; thence South 79 Degrees 54 Minutes 54 Seconds East 83.50 feet to a point; thence North 85 Degrees 09 Minutes 56 Seconds East 26.98 feet to a point on the eastern line of 2250 Russell Cave Road, also common to 761 Kingston Road, Shandon Park Subdivision. Unit 1A as recorded in the Fayette County Clerk in P.C. "B", Slide 33; thence with said line, South 28 Degrees 58 Minutes 25 Seconds West 36.06 feet to a point on the eastern line of 2250 Russell Cave Road, also being a point in Kingston Road right-of-way; thence leaving said line and through 2250 Russell Cave Road for eight (8) calls; thence North 54 Degrees 50 Minutes 04 Seconds West 16.91 feet to a point; thence 79 Degrees 54 Minutes 54 Seconds West 81.58 feet to a point; thence North 85 Degrees 39 Minutes 24 Seconds West 338.53 feet to a point; thence South 78 Degrees 20 Minutes 24 Seconds West 514.48 feet to a point; thence North 51 Degrees 13 Minutes 46 Seconds West 110.03 feet to a point; thence South 78 Degrees 34 Minutes 40 Seconds West 82.72 feet to a point; thence North 57 Degrees 03 Minutes 13 Seconds West 343.92 feet to a point; thence South 11 Degrees 02 Minutes 29 Seconds East 161.16 feet to a point on the southern line of 2250 Russell Cave Road, also common to 2200 Russell Cave Road; thence with said line, North 64 Degrees 19 Minutes 41 Seconds West 20.67 feet to a point in the proposed easement; thence leaving the southern line of 2250 Russell Cave Road and through 2250 Russell Cave Road with the said easement for three (3) calls; thence North 11 Degrees 02 Minutes 29 Seconds East 168.05 feet to a point; thence North 18 Degrees 59 Minutes 44 Seconds West 496.76 feet to a point: thence North 25 Degrees 22 Minutes 07 Seconds West 723.66 feet to a point on the eastern right-of-way of Russell Cave Road; thence with said line, North 24 Degrees 39 Minutes 28 Seconds East 26.10 feet to the TRUE POINT OF BEGINNING; and,

The above described parcel contains 58,113 square feet of permanent easement; and,

Being a portion of the property conveyed to John R. Cummins, a married person, by deed dated November 25, 2013, of record in Deed Book 3201, Page 404, in the Fayette County Clerk's Office.

Described on <u>Exhibit "B"</u> 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, Grantor has BARGAINED and SOLD and does hereby GIVE, GRANT and CONVEY unto the Grantee, its successors and assigns, the temporary right to excavate, grade, construct, alter, re-grade 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
(a portion of 2200 Russell Cave Road)
Shandon Park Trunk Sanitary
Sanitary Sewer Improvement Project

Easement "A"

COMMENCING at a point, said point lying in the eastern rightof-way line of Russell Cave Road, also being the northwest corner of 2200 Russell Cave Road as shown on plat of record in the Fayette County Clerk in P.C. "R", Slide 101, also common to 2250 Russell Cave Road; thence with the northern line of 2200 Russell Cave Road, South 64 Degrees 19 Minutes 41 Seconds East, 967.19 feet to the TRUE POINT OF BEGINNING: thence leaving the northern line of 2200 Russell Cave Road and through 2200 Russell Cave Road with the proposed permanent easement, South 11 Degrees 02 Minutes 29 Seconds West, 97.25 feet to a point in the proposed temporary construction easement; thence leaving said easement and through 2250 Russell Cave Road with the proposed temporary construction easement for three (3) calls; thence North 64 Degrees 01 Minutes 12 Seconds West, 46.62 feet to a point; thence 41.03 feet along a curve to the right having a radius of 25.00 feet and a chord which bears. North 17 Degrees 00 Minutes 00 Seconds West 41.03 feet to a point; thence North 30 Degrees 01 Minutes 12 Seconds East 67,14 feet to a point in the northern line of 2200 Russell Cave Road; then with said line, South 64 Degrees 19 Minutes 41 Seconds East 41.76 feet to the TRUE POINT OF BEGINNING; and,

The above described parcel contains 5,249 square feet of temporary construction easement; and,

Easement "B"

COMMENCING at a point, said point lying in the eastern rightof-way line of Russell Cave Road, also being the northwest corner of 2200 Russell Cave Road as shown on plat of record in the Fayette County Clerk in P.C. "R", Slide 101, also common to 2250 Russell Cave Road; thence with the northern line of 2200 Russell Cave Road, South 64 Degrees 19 Minutes 41 Seconds East, 987.86 feet to the TRUE POINT OF BEGINNING; thence with the northern line of 2200 Russell Cave Road, South 64 Degrees 19 Minutes 41 Seconds East 471.53 feet to a point in the proposed temporary construction easement; thence leaving the northern line of 2200 Russell Cave Road and through 2200 Russell Cave Road with said easement for eight (8) calls; thence South 22 Degrees 35 Minutes 15 Seconds West 70.25 feet to a point; thence 40.75 feet along a curve to the right having a radius of 25.00 feet and chord which bears, South 69 Degrees 17 Minutes 02 Seconds West 36.69 feet to a point; thence North 64 Degrees 01 Minutes 12 Seconds West 404.93 feet; thence South 11 Degrees 02 Minutes 29 Seconds West 14.88 feet to a point; thence South 17 Degrees 06 Minutes 15 Seconds East 402.97 feet to a point; thence South 57 Degrees 17 Minutes 04 Seconds East 238.16 feet to a point; thence South 29 Degrees 04 Minutes 43 Seconds East 544.37 feet to a point; thence South 37 Degrees 14 Minutes 28 Seconds East 253.38 feet to a point in the eastern line of 2250 Russell Cave Road; thence with said line, South 27 Degrees 25 Minutes 49 Seconds West 22.13 feet to a point on the proposed permanent easement; thence leaving the eastern line of 2250 Russell Cave Road and with the said easement for five (5) calls; thence North 38 Degrees 14 Minutes 28 Seconds West 264.27 feet to a point; thence North 29 Degrees 04 Minutes 43 Seconds West 540.98 feet to a point; thence 57 Degrees 17 Minutes 04 Seconds West 240.45 feet to a point; thence North 17 Degrees 06 Minutes 15 Seconds West 415.30 feet to a point; thence North 11 Degrees 02 Minutes 29 Seconds East 122.59 feet to the TRUE POINT OF BEGINNING; and,

The above described parcel contains 73,300 square feet of temporary construction easement; and,

The above tracts being a portion of the property conveyed to John R. Cummins, a married person, by deed dated November 25, 2013, of record in Deed Book 3201, Page 404, in the Fayette County Clerk's Office.

Described on Exhibit "A" attached hereto and incorporated herein by reference.

Temporary Construction Access Easement (a portion of 2250 Russell Cave Road) Shandon Park Trunk Sanitary Sanitary Sewer Improvement Project

Easement #1

COMMENCING at a point, said point lying in the southern right-of-way of Faulkner Avenue, also being the northeast corner of 2250 Russell Cave Road as shown on plat of record in the Fayette County Clerk in P.C. "R", Slide 101, also common to 768 Faulkner Avenue. Shandon Park, Unit 1A. as recorded in the Fayette County Clerk in P.C. "B", Slide 33; thence with said right-of-way, North 61 Degrees 44 Minutes 05 Seconds West 10.00 feet to a point on the centerline of the 20' proposed temporary access easement #1 and the TRUE POINT OF BEGINNING; thence through 2250 Russell Cave Road with said centerline for eight (8) calls; thence South 28 Degrees 58 Minutes 25 Seconds West 722.25 feet to a point; thence 145.08 feet along a curve to the right having a radius of 225.00 feet and a chord which bears. South 47 Degrees 26 Minutes 43 Seconds West 142.58 feet to a point; thence South 65 Degrees 55 Minutes 02 Seconds West 98.84 feet to a point; thence 80.08 feet along a curve to the left having a radius of 200.00 feet and a chord which bears. South 54 Degrees 26 Minutes 47 Seconds West 79.55 feet to a point; thence South 42 Degrees 58 Minutes 33 Seconds West 54.36 feet to a point; thence 90.59 feet along a curve to the right having a radius of 100.00 feet and a chord which bears, South 68 Degrees 55 Minutes 40 Seconds West 87.52 feet to a point; thence North 85 degrees 07 Minutes 14 Seconds West 87.06 feet to a point; thence 25.41 feet along a curve to the right having a radius of 50.00 feet and a chord which bears, South 80 degrees 19 Minutes 14 Seconds West 25.14 feet to a point; thence South 65 Degrees 45 Minutes 41 Seconds West 4.31 feet to a point in the southern line of 2250 Russell Cave Road; and,

Easement #2

COMMENCING at a point, said point being the southern corner of 2250 Russell Cave Road, as shown on plat of record in the Fayette County Clerk in P.C. "R", Slide 101, also common to 2200 Russell Cave Road, also common to 729 Burgoyne Court, Shandon Park, Unit 1B of record in the Fayette County Clerk in P.C. "B", Slide 49; thence North 64 Degrees 19 Minutes 41 Seconds West 767.99 feet to a point on the southern line of 2250 Russell Cave Road, also a point on the centerline of the proposed 20 foot access easement #2 and being the TRUE POINT OF BEGINNING; thence with said centerline, North 22 Degrees 12 Minutes 12 Seconds East 249.12 feet to a point; thence 46.85 feet along a curve to the right having a radius of 30.00 feet and a chord which bears, North 66 Degrees 56 Minutes 23 Seconds East 42.23 feet to a point; thence South 68 Degrees 35 Minutes 47 Seconds East 735.71 feet to a point on the centerline of the proposed access easement #1.

The above tracts being a portion of the property conveyed to John R. Cummins, a married person, by deed dated November 25, 2013, of record in Deed Book 3201, Page 404, in the Fayette County Clerk's Office.

Described on <u>Exhibit "B"</u> attached hereto and incorporated herein by reference.

AND

Temporary Construction Easement
(a portion of 2250 Russell Cave Road)
Shandon Park Trunk Sanitary
Sanitary Sewer Improvement Project

Easement "A"

COMMENCING at a point, said point being the intersection of the eastern right-of-way line of Russell Cave Road and the southern right-of-way of Faulkner Avenue, also being the northwest corner of 2250 Russell Cave Road as shown on plat of record in the Fayette County Clerk in P.C. "R", Slide 101; thence through 2250 Russell Cave Road, South 13 Degrees 44 Minutes 55 Seconds West, 296.34 feet to a point on the proposed Expansion Area 3 temporary construction easement and being the TRUE POINT OF BEGINNING; thence leaving said easement and through 2250 Russell Cave Road with the proposed temporary construction easement for seven (7) calls; thence South 25 Degrees 22 Minutes 07 Seconds East 686.24 feet to a point;

thence South 18 Degrees 59 Minutes 44 Seconds East 481.48 feet to a point; thence North 30 Degrees 01 Minutes 12 Seconds East 26.48 feet to a point; thence 36.47 feet along a curve to the right having a radius of 25.00 feet and a chord which bears. North 71 Degrees 48 Minutes 25 Seconds East 33.32 feet to a point; thence South 66 Degrees 24 Minutes 22 Seconds East 463.51 feet to a point; thence 23.30 feet along a curve to the right having a radius of 15.00 feet and a chord which bears, South 21 Degrees 54 Minutes 33 Seconds East 21.03 feet to a point; thence South 22 Degrees 35 Minutes 15 Seconds West 95.06 feet to a point on the proposed permanent sanitary sewer easement; thence with said easement for five (5) calls; thence North 51 Degrees 13 Minutes 46 Seconds West 103.76 feet to a point; thence South 78 Degrees 34 Minutes 40 Seconds West 83.94 feet to a point; thence North 57 Degrees 03 Minutes 13 Seconds West 347.11 feet to a point; thence North 18 Degrees 59 Minutes 44 Seconds West 497.11 feet to a point; thence North 25 Degrees 22 Minutes 07 Seconds West 677.78 feet to a point on the Expansion Area 3 temporary construction easement; thence with said easement, North 44 Degrees 27 Minutes 16 Seconds East 21.31 feet to the TRUE POINT OF BEGINNING; and,

The above described parcel contains 74,931 square feet of temporary construction easement; and,

Easement "B"

COMMENCING at a point, said point lying in the eastern right-of-way line of Russell Cave Road, also being the southwest corner of 2250 Russell Cave Road, also common to 2200 Russell Cave Road as shown on plat of record in the Fayette County Clerk in P.C. "R", Slide 101; thence with the southern line of 2250 Russell Cave Road, South 64 Degrees 19 Minutes 41 Seconds East 895.43 feet to the TRUE POINT OF BEGINNING; thence leaving said line and through 2250 Russell Cave Road with the proposed temporary construction easement; thence North 30 Degrees 01 Minutes 12 Seconds East 124.24 feet to a point on the proposed permanent easement; thence with said easement, South 11 Degrees 02 Minutes 29 Seconds West 128.03 feet to a point in the southern line of 2250 Russell Cave Road; thence leaving the proposed permanent easement and with the southern line of 2250 Russell Cave Road, North 64 Degrees 19 Minutes 41 Seconds West 41.76 feet to the TRUE POINT OF BEGINNING; and,

The above described parcel contains 2,587 square feet of temporary construction easement; and,

Easement "C"

COMMENCING at a point, said point lying in the eastern right-of-way line of Russell Cave Road, also being the southwest corner of 2250 Russell Cave Road as shown on plat of record in the Favette County Clerk in P.C. "R", Slide 101, also common to 2200 Russell Cave Road; thence with the southern line of 2250 Russell Cave Road, South 64 Degrees 19 Minutes 41 Seconds East 957.86 feet to a point on the proposed permanent easement and being the TRUE POINT OF BEGINNING; thence with said easement for six (6) calls; North 11 Degrees 02 Minutes 29 Seconds East 161.16 feet to a point; thence South 57 Degrees 03 Minutes 13 Seconds East 343.92 feet to a point; thence North 78 Degrees 34 Minutes 40 Seconds East 82.72 feet to a point; thence South 51 Degrees 13 Minutes 46 Seconds East 110.03 feet to a point: thence North 78 Degrees 20 Minutes 24 Seconds East 514.48 feet to a point; thence South 85 Degrees 39 Minutes 24 Seconds East 338.53 feet to a point; thence South 79 Degrees 54 Minutes 54 Seconds East 78.21 feet to a point on the proposed 20 foot access easement; thence with said easement for three (3) calls; thence South 28 Degrees 58 Minutes 25 Seconds West 151.19 feet to a point; thence 103.17 feet along a curve to the right having a radius of 215.00 feet and a chord which bears, South 42 Degrees 43 Minutes 15 Seconds West 102.18 feet to a point; thence North 68 Degrees 36 Minutes 21 Seconds West 351.34 feet to a point in the proposed temporary construction easement; thence leaving the proposed 20 foot access easement and through 2250 Russell Cave Road with the temporary construction easement for four (4) calls; thence North 20 Degrees 55 Minutes 11 Seconds East 100.78 feet to a point; thence South 78 Degrees 20 Minutes 24 Seconds West 500.21 feet to a point; thence North 51 Degrees 13 Minutes 46 Seconds West 13.45 feet to a point; thence South 22 Degrees 35 Minutes 15 Seconds West 118.95 feet to a point on the southern line of 2250 Russell Cave Road, also common to 2200 Russell Cave Road; thence with said line, North 64 Degrees 19 Minutes 41 Seconds West 471.53 feet to the TRUE POINT OF BEGINNING; and,

The above described parcel contains 151,545 square feet of temporary construction easement; and,

The above tracts being a portion of the property conveyed to John R. Cummins, a married person, by deed dated November 25, 2013, of record in Deed Book 3201, Page 404, in the Fayette County Clerk's Office.

Described on Exhibit "B" attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the above-described easements 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 easements run with the land for the duration of the improvement project and are binding upon the successors and assigns of the Grantors. The above-described permanent easements run with the land in perpetuity and are binding upon the successors and assigns of the Grantors. The temporary construction easements shall take effect upon the commencement of construction of the project and expire upon completion of the project.

Grantors shall have the full right to use the surface of the land lying over said permanent easements for any purpose desired, provided such use will not interfere with the Grantee's free use of the easements herein granted and provided further that no building or structure shall be erected upon, across, over or through said permanent easements without the prior written consent of the Grantee.

Grantors do hereby release and relinquish unto the Grantee, its successors and assigns forever, all of their right, title, and interest in and to the property to the extent of the interests conveyed herein, including all exemptions allowed by law, and 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.

The obtaining of this easement was authorized by Resolution No. 772-2018 passed by the Lexington-Fayette Urban County Council on December 4, 2018. 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 Grantors have signed this Deed of Easement, the day and year first above written.

GRANTORS:

BY:

JOHN R. GEMMINS

BY:

BRIDGET T. McNEESE

COMMONWEALTH OF KENTUCKY

COUNTY OF FAYETTE

The foregoing Easement was subscribed, sworn to and acknowledged before me by John R. Cummins and Bridget T. McNeese, husband and wife, on this the 12% day of

Josil _____, 2019.

My Commission Expires: 1212121

Notary ID # <u>59/347</u>

PREPARED BY:

Charles E. Edwards, III

Attorney

Lexington-Fayette Urban County

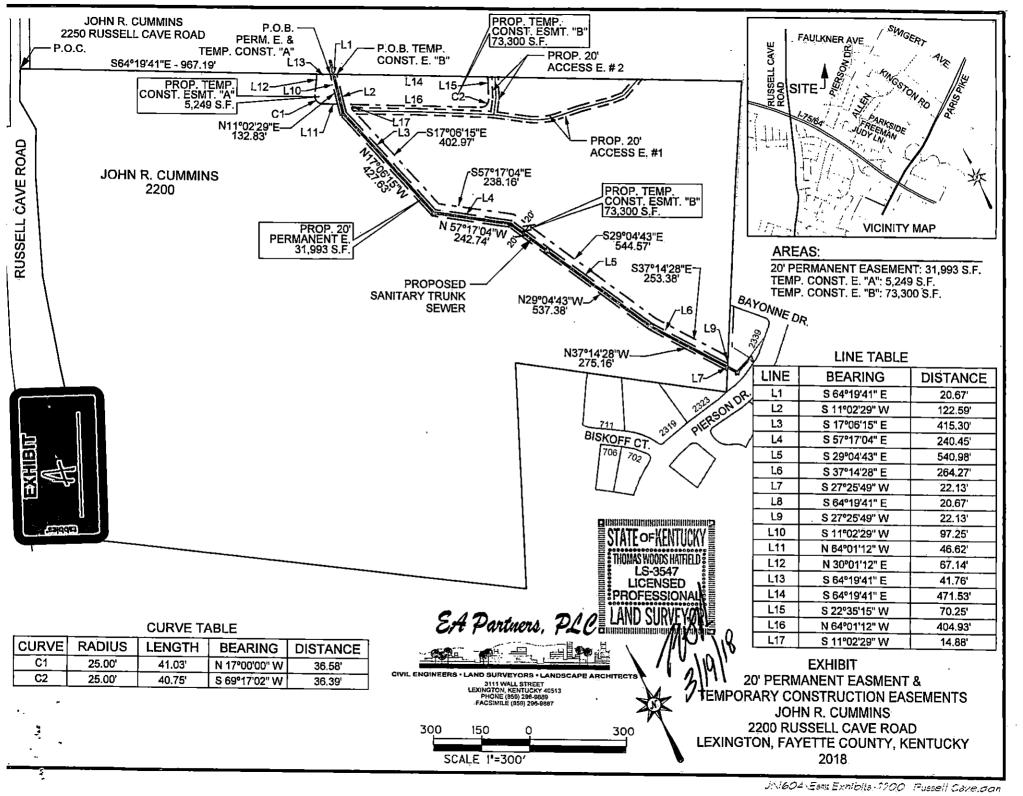
Government

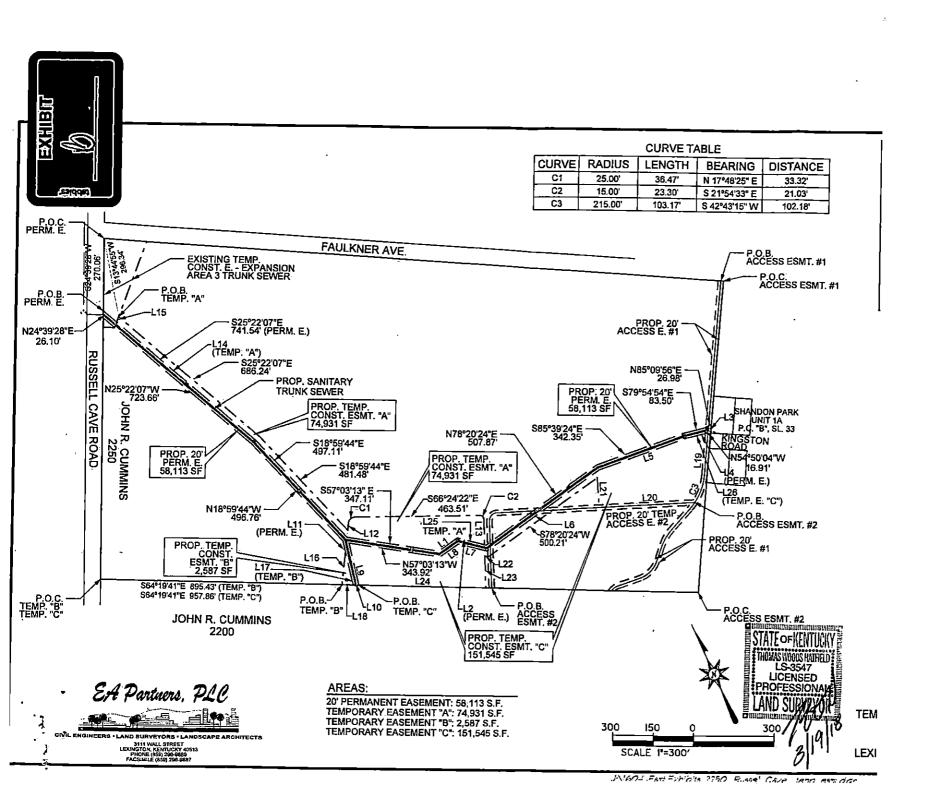
200 West Main Street, 11th Floor

Lexington, Kentucky 40507

(859) 258-3500

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DEED BOOK 3666 PAGE 210

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

201905080105

May 8, 2019

10:26:27 AM

Fees

\$47.00

Tax

\$.00

Total Paid

\$47.00

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14 Pages

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