DEED OF EASEMENT

This PERMANENT SANITARY SEWER EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT is made and entered into this the and of August, 2021, by and between CERVANTES & ASSOCIATES, LLC, a Kentucky limited liability company, 1304 Smyrna Lane, Lexington, Kentucky 40513, 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 THREE THOUSAND FOUR HUNDRED SIXTY-FOUR DOLLARS AND 75 CENTS (\$3,464.75), 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, 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 Exhibits, and more particularly described as follows, to wit:

Permanent Sanitary Sewer Easement "A"
New Circle Road Trunk
Sewers A & B Improvement Project
(a portion of 459 W. New Circle Road)

Return to: Cynthia Cannon-Ferguson LFUCG, Dept. of Law, 11th Floor 200 East Main Street Lexington, KY 40507 All that tract or parcel of land situated north of West New Circle Road and west of Russell Cave Road in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING at the northeast corner of Cervantes & Associates, LLC (459 W. New Circle Road, Deed Book 2475, Page 167), said point being the northwest corner of WARBEC, LLC (1501 Russell Cave Road, Deed Book 3208. Page 203); thence leaving said WARBEC, LLC, along a reference line South 75°35'44" West, 66.40 feet to a point at the intersection of the north line of an existing 12-foot wide sanitary sewer and utility easement (Plat Cabinet A. Slide 542) and the south line of an existing 100foot wide storm and sanitary sewer easement (Plat Cabinet A. Slide 542); thence with said existing 12-foot wide sanitary sewer and utility easement, North 75°27'05" West, 34.23 feet to the TRUE POINT OF BEGINNING: thence continuing with said existing 12-foot wide sanitary sewer and utility easement North 75°27'05" West, 207.71 feet to a point; thence leaving said existing 12-foot wide sanitary sewer and utility easement for three (3) new lines through the lands of said Cervantes & Associates, LLC (459 W. New Circle Road):

- 1) North 41°15'55" East, 4.39 feet to a point,
- 2) South 75°08'17" East, 162.96 feet to a point,
- 3) South 71°23'55" East, 42.89 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 635 square feet of permanent easement; and

Permanent Sanitary Sewer Easement "B"
New Circle Road Trunk
Sewers A & B Improvement Project
(a portion of 459 W. New Circle Road)

BEGINNING at the northeast corner of Cervantes & Associates, LLC (459 W. New Circle Road, Deed Book 2475, Page 167), said point being the northwest corner of WARBEC, LLC (1501 Russell Cave Road, Deed 3208, Page 203); thence leaving said WARBEC, LLC, along a reference line South 56°48'12" West, 59.64 feet to the intersection of the south line of an existing 12-foot wide

sanitary sewer and utility easement (Plat Cabinet A, Slide 542) and the west line of an existing 18-foot wide sanitary sewer and utility easement (Plat Cabinet H, Slide 16); thence leaving said 12-foot wide sanitary sewer and utility easement for seven (7) new lines through the lands of said Cervantes and Associates, LLC:

- 1) With said 18-foot wide sanitary sewer and utility easement, South 39°14'15" West, 12.52 feet to a point,
- 2) North 71°23'55" West, 90.77 feet to a point,
- 3) North 75°08'17" West, 149.90 feet to a point,
- 4) South 41°15'55" West, 98.53 feet to a point in the north line of an existing 12-foot wide sanitary sewer easement (Plat Cabinet H, Slide 16),
- 5) With said 12-foot wide sanitary sewer easement, North 31°12'44" West, 8.51 feet to a point in the line with said 12-foot wide sanitary sewer and utility easement (Cabinet A, Slide 542),
- 6) With said 12-foot wide sanitary sewer and utility easement, North 32°38'15" East, 90.70 feet to a point,
- 7) With said 12-foot wide sanitary sewer and utility easement, South 75°27'05" East, 267.90 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 2,915 square feet or 0.07 Acres of permanent easement; and,

Both permanent easements "A" and "B" being a portion of the property conveyed to Cervantes & Associates, LLC, a Kentucky limited liability company, by Deed dated July 16, 2004, of record in Deed Book 2475, Page 167, in the Fayette County Clerk's Office.

Permanent Sanitary Sewer Easement New Circle Road Trunk Sewers A & B Improvement Project (a portion of 481 W. New Circle Road)

All that tract or parcel of land situated north of West New Circle Road and east of Colesbury Circle in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING at the northeast corner of Deja Vu Showgirls of Lexington, LLC (Deed Book 2445, Page 577), said

point being a common corner with Cervantes & Associates, LLC (481 W. New Circle Road, Deed Book 2995, Page 377) and being in the north line of an existing 20-foot wide sanitary sewer easement (Plat Cabinet A, Slide 542); thence with the north line of said Deja Vu Showgirls of Lexington, LLC, North 55°20'45" West, 30.07 feet to a point; thence leaving said Deja Vu Showgirls of Lexington, LLC for two (2) new lines through the lands of said Cervantes & Associates, LLC (481 W. New Circle Road):

- 1) North 70°21'19" East, 24.63 feet to a point,
- South 55°20'45" East, 250.98 feet to a point in the line with Cervantes & Associates, LLC (459 W. New Circle Road, Deed Book 2475, Page 167);

Thence with said Cervantes & Associates, LLC (459 W. New Circle Road), South 32°38'15" West, 20.01 feet to a point in north line of said 20-foot sanitary sewer easement; thence leaving said Cervantes & Associates, LLC (459 W. New Circle Road) and with said 20-foot sanitary sewer easement, North 55°20'45" West, 235.98 feet to the **POINT OF BEGINNING**; and,

The above-described parcel contains 5,170 square feet of permanent easement; and,

Being a portion of the property conveyed to Cervantes & Associates, LLC, a Kentucky limited liability company, by Deed dated February 23, 2011, of record in Deed Book 2995, Page 377, in the Fayette County Clerk's Office.

Permanent Sanitary Sewer Easement New Circle Road Trunk Sewers A & B Improvement Project (a portion of 505 W. New Circle Road)

All that tract or parcel of land situated north of West New Circle Road and east of Colesbury Circle in Lexington, Fayette County, Kentucky, being more fully described and bounded as follows, to wit:

BEGINNING at the common corner of Cervantes & Associates, LLC (Deed Book 3698, Page 653) and Central Bank and Trust (Deed Book 1050, Page 280), said point being in the West New Circle Road north right-

of-way; thence leaving said West New Circle Road north right-of-way and with said Central Bank and Trust, North 22°02'05" East, 18.92 feet to a point; thence leaving said Central Bank and Trust for a new line through the lands of said Cervantes & Associates, LLC, South 71°17'26" East, 100.16 feet to a point in the line with Deja Vu Showgirls of Lexington, LLC (Deed Book 2445, Page 577); thence with said Deja Vu Showgirls of Lexington, LLC, South 22°02'05" West, 17.99 feet to a point in the West New Circle Road north right-of-way; thence leaving said Deja Vu Showgirls of Lexington, LLC and with said West New Circle Road north right of way for two (2) lines:

- 1) North 70°36'55" West, 60.90 feet to a point,
- 2) North 73°40'55" West, 39.35 feet to the **POINT OF BEGINNING**; and,

The above-described parcel contains 1,781 square feet of permanent easement; and,

Being a portion of the property conveyed to Cervantes & Associates, LLC, a Kentucky limited liability company, by Deed dated September 9, 2019, of record in Deed Book 3698, Page 653, 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 the attached Exhibits, and more particularly described as follows:

Temporary Construction Easement "A"
New Circle Road Trunk
Sewers A & B Improvement Project
(a portion of 459 W. New Circle Road)

BEGINNING at the northeast corner of Cervantes & Associates, LLC (459 W. New Circle Road, Deed Book 2475, Page 167), said point being the northwest corner of WARBEC, LLC (1501 Russell Cave Road, Deed Book 3208, Page 203); thence leaving said WARBEC, LLC, along a reference line South 75°35'44" West, 66.40 feet to a point at the intersection of the north line of an existing 12-foot wide sanitary sewer and utility easement (Cabinet A, Slide 542) and the south line of an existing 100-foot wide storm and sanitary sewer easement (Cabinet A, Slide 542) at the *TRUE POINT OF BEGINNING*; thence leaving said 100-foot wide storm and sanitary sewer easement for twelve (12) new lines through the lands of said Cervantes & Associates, LLC (459 W. New Circle Road):

- 1) North 75°27'05" West, 34.23 feet to a point,
- North 71°23'55" West, 42.89 feet to a point,
- 3) North 75°08'17" West, 162.96 feet to a point,
- 4) South 41°15'55" East, 4.39 feet to a point,
- 5) North 75°27'05" West, 11.20 feet to a point,
- 6) North 41°15'55" East, 15.62 feet to a point,
- 7) South 75°08'17" East, 90.31 feet to a point in the line with Cervantes and Associates, LLC 481 W. New Circle Road, Deed Book 2995, Page 377),
- 8) With said Cervantes and Associates LLC (481 W. New Circle Road), South 57°20'17"East, 2.98 feet to a point,
- 9) With said Cervantes and Associates LLC (481 W. New Circle Road), North 32°39'43"East, 0.96 feet to a point,
- 10) Leaving said Cervantes and Associates, LLC (481 W. New Circle Road), South 75°08'17" East, 75.72 feet to a point.
- 11) South 71°25'21" East, 50.97 feet to a point in said 100foot wide storm and sanitary sewer easement,
- 12) With said 100-foot wide storm and sanitary sewer easement, South 55°33'15" East, 27.77 feet to the TRUE POINT OF BEGINNING; and,

The above-described parcel contains 2,390 square feet or 0.05 Acres of temporary construction easement; and,

Temporary Construction Easement "B"
New Circle Road Trunk
Sewers A & B Improvement Project
(a portion of 459 W. New Circle Road)

BEGINNING at the northeast corner of Cervantes & Associates, LLC (459 W. New Circle Road, Deed Book 2475, Page 167), said point being the northwest corner of WARBEC, LLC (1501 Russell Cave Road, Deed Book 3208, Page 203); thence leaving said WARBEC, LLC, along a reference line South 56°48'12" West, 59.64 feet to the intersection of the south line of an existing 12-foot wide sanitary sewer and utility easement (Cabinet A, Slide 542) and the west line of an existing 18-foot wide sanitary sewer and utility easement (Cabinet H, Slide 16); thence leaving said 12-foot wide sanitary sewer and utility easement and with said 18-foot wide sanitary sewer and utility easement, South 39°14'15" West, 12.52 feet to the TRUE POINT OF BEGINNING; thence for eight (8) new lines through the lands of said Cervantes and Associates, LLC:

- 1) With said 18-foot wide sanitary sewer and utility easement, South 39°14'15" West, 10.69 feet to a point,
- 2) North 71°23'55" West, 86.67 feet to a point,
- 3) North 75°08'17" West, 143.38 feet to a point,
- 4) South 41°15'55" West, 95.48 feet to a point in the north line of an existing 12-foot wide sanitary sewer easement (Cabinet H, Slide 16),
- 5) With said 12-foot wide sanitary sewer easement, North 31°12'44" West, 10.49 feet to a point,
- 6) Leaving said 12-foot wide sanitary sewer easement, North 41°15'55" East, 98.53 feet to a point,
- 7) South 75°08'17" East, 149.90 feet to a point, South 71°23'55" East, 90.77 feet to the **TRUE POINT OF BEGINNING**; and,

The above-described parcel contains 3,324 square feet or 0.08 Acres of temporary construction easement; and,

Both temporary construction easements "A" and "B" being a portion of the property conveyed to Cervantes & Associates, LLC, a Kentucky limited liability company, by Deed dated July 16, 2004, of record in Deed Book 2475, Page 167, in the Fayette County Clerk's Office.

Temporary Construction Easement
New Circle Road Trunk
Sewers A & B Improvement Project
(a portion of 505 W. New Circle Road)

BEGINNING at the common corner of Cervantes & Associates, LLC (Deed Book 3698, Page 653) and Central Bank and Trust (Deed Book 1050, Page 280), said point being in the West New Circle Road north right of way; thence leaving said West New Circle Road north right of way and with said Central Bank and Trust, North 22°02'05" East, 18.92 feet to the TRUE POINT OF BEGINNING: thence continuing with said Central Bank and Trust, North 22°02'05" East, 10.02 feet to a point; thence leaving said Central Bank and Trust for a new line through the lands of said Cervantes & Associates, LLC, South 71°17'26" East, 100.16 feet to a point in the line with Deja Vu Showgirls of Lexington, LLC (Deed Book 2445, Page 577); thence with said Deja Vu Showgirls of Lexington, LLC, South 22°02'05" West, 10.02 feet to a point; thence leaving said Deja Vu Showgirls of Lexington, LLC for a new line through the lands of said Cervantes & Associates, LLC, North 71°17'26" West, 100.16 feet to the TRUE POINT OF BEGINNING; and,

The above-described parcel contains 1,002 square feet of temporary construction easement; and,

Being a portion of the property conveyed to Cervantes & Associates, LLC, a Kentucky limited liability company, by Deed dated September 9, 2019, of record in Deed Book 3698, Page 653, 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 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 do 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 that it will WARRANT GENERALLY said title.

The obtaining of this easement was authorized by Resolution 457-2020, passed

by the Lexington-Fayette Urban County Council on October 8, 2020. 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:

CERVANTES & ASSOCIATES, LLC, a

Kentucky limited liability company

RY

ARACELLH CERVANTES

MEMBER

9

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by Araceli H. Cervantes, as a Member, by and on behalf of Cervantes & Associates, LLC, a Kentucky limited liability company, on this the 2024 day of Accest —, 2021.

Notary Public, Kentucky, State-at-Large

My Commission Expires: 05 / 10 / 2025

Notary ID# KYNP27704

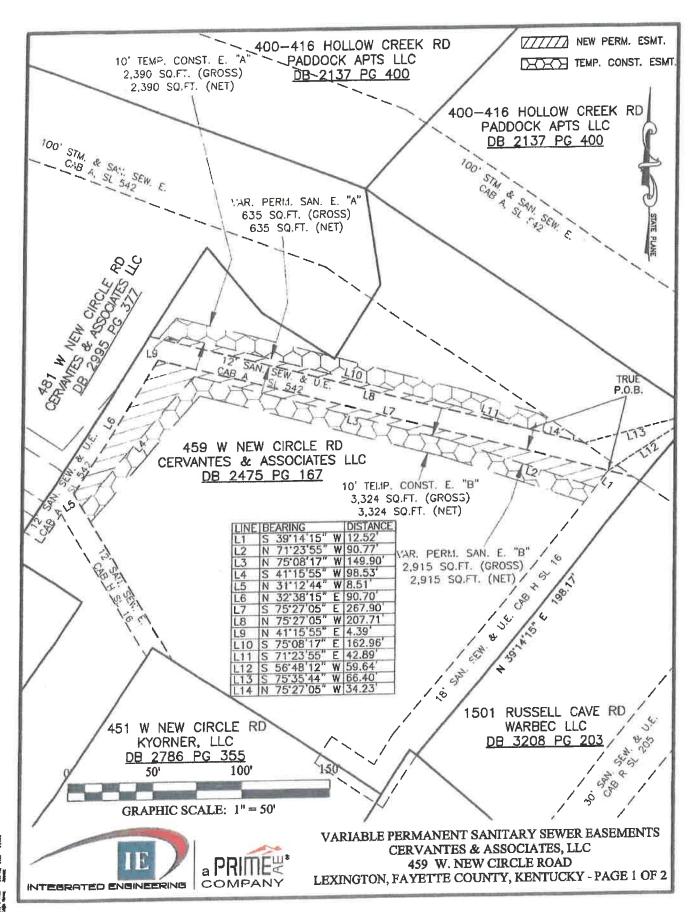
PREPARED BY:

EVAN P. THOMPSON

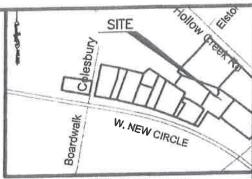
Attorney

Lexington-Fayette Urban
County Government
Department of Law, 11th Floor
200 East Main Street
Lexington, Kentucky 40507
(859) 258-3500

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VICINITY MAP 1" = 1000'

EX. PERM ESMT.=20,699 SQ.FT.

PROP. PERM. ESMT.(GROSS)=3,550 SQ.FT. PROP. PERM. ESMT. (NET)=3,550 SQ. FT.

PROP. TEMP. ESMT.(GROSS)=5,714 SQ.FT. PROP. TEMP. ESMT.(NET)=5,714 SQ.FT.

LAND SURVEYOR'S CERTIFICATE:

THE PROPERTY LINES SHOWN ON THIS EASEMENT EXHIBIT ARE BASED ON DEED AND/OR RECORD PLAT DATA FROM THE FAYETTE COUNTY CLERK'S OFFICE. THIS EXHIBIT DOES NOT REPRESENT A BOUNDARY SURVEY AS DESCRIBED IN 201 KAR 18:150 AND INTEGRATED ENGINEERING HAS NOT PERFORMED A BOUNDARY SURVEY FOR THE PURPOSES OF THIS EXHIBIT. THIS EXHIBIT IS NOT INTENDED TO BE USED FOR LAND TRANSFER.

JAMES M. CHAMBLISS, PLS 3185 DATE



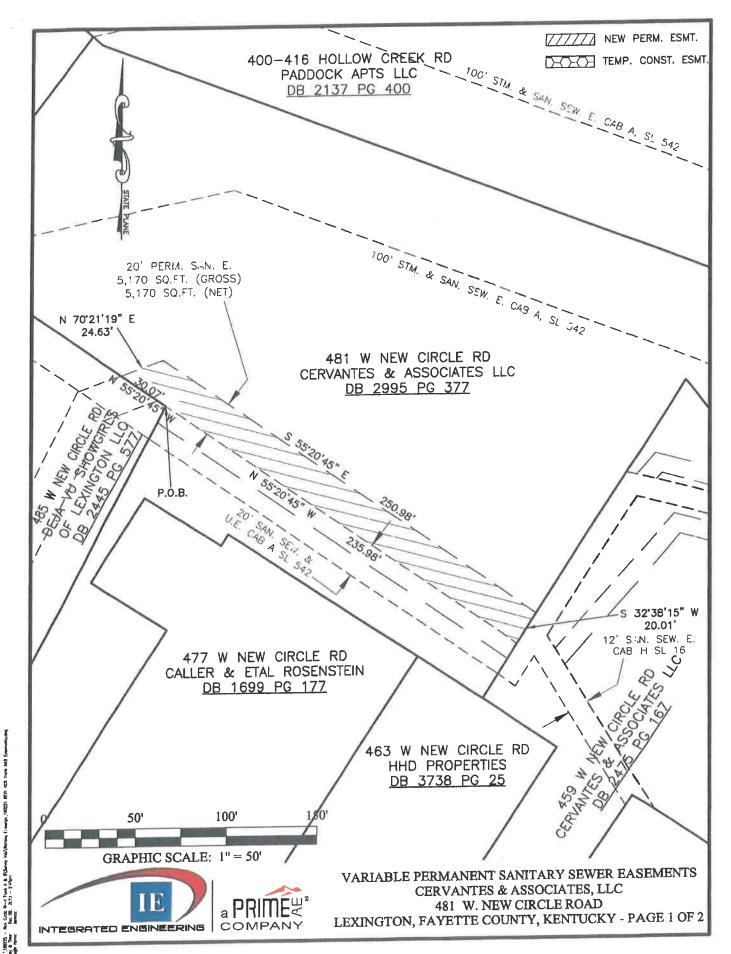


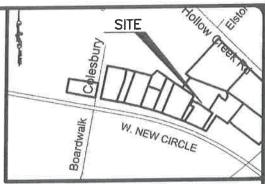
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VARIABLE PERMANENT SANITARY SEWER EASEMENTS
CERVANTES & ASSOCIATES, LLC

459 W. NEW CIRCLE ROAD LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 2 OF 2





VICINITY MAP 1" = 1000'

EX. PERM ESMT.=NONE

PROP. PERM. ESMT.(GROSS)=5,170 SQ.FT. PROP. PERM. ESMT. (NET)=5,170 SQ. FT.

PROP. TEMP. ESMT.(GROSS)=N/A PROP. TEMP. ESMT.(NET)=N/A

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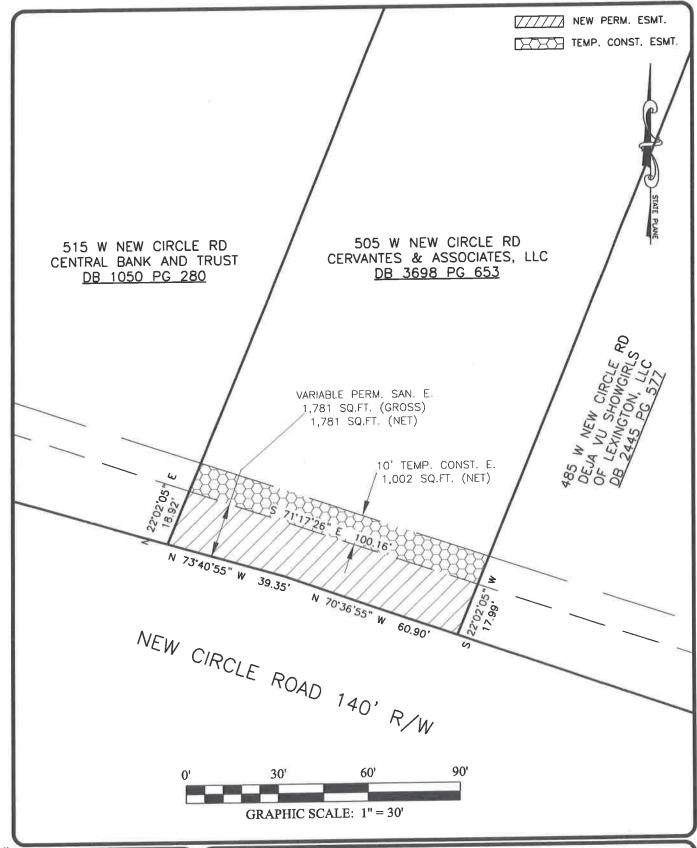
JAMES M. CHAMBLISS, PLS 3185







VARIABLE PERMANENT SANITARY SEWER EASEMENTS CERVANTES & ASSOCIATES, LLC 481 W. NEW CIRCLE ROAD LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 2 OF 2



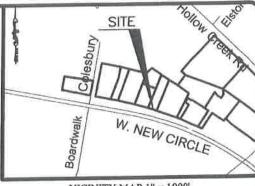


VARIABLE PERMANENT SANITARY SEWER EASEMENT
CERVANTES & ASSOCIATES, LLC
505 W. NEW CIRCLE ROAD
LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 1 OF 2

– New Circle Road Trunk A & B\Survey Info\Working Drowings\190225 NCR Trunk A&B Easements.dwg e: Jamesc e: Jamesc

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P:\190225 -Day & Time: Login Name:



VICINITY MAP 1" = 1000'

EX. PERM ESMT.=0 SQ.FT.

PROP. PERM. ESMT.(GROSS)=1,781 SQ.FT.

PROP. PERM. ESMT. (NET)=1,781 SQ. FT.

PROP. TEMP. ESMT.(GROSS)=1,002 SQ.FT.

PROP. TEMP. ESMT.(NET)=1,002 SQ.FT.

LAND SURVEYOR'S CERTIFICATE:

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JAMES M. CHAMBLISS, PLS 3185

5 1/16/00

DATE

STATE of KENTUCKY

JAMES M CHAMBLISS 3185

LICENSED PROFESSIONAL LAND SURVEYOR



VARIABLE PERMANENT SANITARY SEWER EASEMENT
CERVANTES & ASSOCIATES, LLC
505 W. NEW CIRCLE ROAD
LEXINGTON, FAYETTE COUNTY, KENTUCKY - PAGE 2 OF 2

DEED BOOK 3872 PAGE 100

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: PATTY DAVIS, dc

202108250163

August 25, 2021

10:05:09

AM

Fees

\$91.00

Tax

\$.00

Total Paid

\$91.00

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17 Pages

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