

## EASEMENT AGREEMENT

**THIS EASEMENT AGREEMENT** ("Agreement") is made and entered into as of the \_\_\_\_ day of \_\_\_\_\_, 2013, by and among, **Oliva Rentals, LLC**, a Kentucky limited liability limited company having an address of 7002 Venetian Way, Louisville, Kentucky 40214 ("Oliva"), **Louisville and Jefferson County Metropolitan Sewer District**, a public body corporate, having an address of 700 W. Liberty Street, Louisville, Kentucky 40203-1911 ("MSD"), **Jefferson County School District Finance Corporation**, a Kentucky nonprofit corporation, having an address of 3332 Newburg Road, Vanhoose Education Center, Louisville, Kentucky 40218 ("JCPS"), and the **Commonwealth of Kentucky**, by and through the Transportation Cabinet, having an address of \_\_\_\_\_, Frankfort, Kentucky 40601 (the "Commonwealth").

### **W I T N E S S E T H:**

**WHEREAS**, Oliva is the owner in fee simple of that certain tract of land located at 9912 Northridge Drive described as Parcel 2 of Deed Book 7223, Page 406, Lot 392 of Plat Book 15, Pate 70 (the "Oliva Property") on the easement plat attached as Exhibit A hereto and incorporated herein by reference, with title vested in Oliva pursuant to that certain deed of record in Deed Book 7223, Page 406 in the Office of the Clerk of Jefferson County, Kentucky;

**WHEREAS**, JCPS is the owner in fee simple of certain property upon which Stonestreet Elementary currently exists, with title vested in JCPS by virtue of a certain deed of record in Deed Book 6118, Page 494, in the Office of the Clerk aforesaid (the "JCPS Property");

**WHEREAS**, Oliva desires to grant a permanent easement on a portion of the Oliva Property to JCPS and the Commonwealth for the purpose of providing public access between Northridge Drive and the JCPS Property;

**WHEREAS**, MSD joins in this Agreement for the purpose of granting any and all necessary approval and authority for Oliva to grant, and for JCPS and the Commonwealth to occupy and utilize, the easement granted herein on, over, and through that certain sewer and drainage easement of record in Deed Book 3396, Page 244 in the Office of the Clerk aforesaid;

**NOW, THEREFORE**, Oliva and MSD, for and in consideration of the public and mutual benefits to be derived herefrom, acknowledge their right to an appraisal and just compensation, but waive that right and wish to donate the herein described property rights, and do hereby grant unto JCPS and the Commonwealth, their successors and assigns, a permanent easement on, over, and through the portion of the Oliva Property designated as "New 19' Pathway Easement" on Exhibit A hereto, and more particularly described as follows (the "Easement"):

Being a parcel of land in the city of Louisville, Jefferson County, Kentucky lying approximately 520 feet north of Northridge Court on the west side of Northridge Drive on the property of Oliva Rentals, LLC and being more particularly described as:

BEGINNING at a 1" Pipe found in the east right-of-way of Northridge Drive, said point being the southeast corner to Robert M & Brenda L Thompson (Tract 1 of Deed Book 5995, Page 934 - Lot 273 of Plat Book 14, Page 94), and said point having Kentucky State Plane Coordinates of E(X)=1,185,205.24', N(Y)=226,140.14' (NAD 83, KY North Zone, US Survey Feet); thence leaving said Thompson and with the right-of-way of Northridge Drive, and with the line of Oliva Rentals, LLC with a curve turning to the left with an arc length of 19.00 feet, with a radius of 510.00 feet, with a chord bearing of South 03°56'19" West, with a chord length of 19.00 feet, to a point; thence, leaving Northridge Drive and with a line through Oliva Rentals, LLC, North 85°02'12" West a distance of 196.70 feet to a point, said point being in the east line of the Jefferson County School District Finance Corporation (Stonestreet Elementary - Deed Book 6118, Page 494); thence, with the line of Stonestreet Elementary, North 15°04'12" West a distance of 20.22 feet to a point, said point also being in the south line of the aforementioned Robert & Brenda Thompson property; thence with the Thompson property, South 85°02'12" East a distance of 203.29 feet to a 1" Pipe; which is the Point of Beginning, having an area of 3798.8 square feet or 0.0872 acres.

The bearings shown hereon are based on Kentucky State Plane Grid North, North American Datum of 1983 (NAD'83). Particularly, the bearings are based on a GPS survey utilizing CORS (Continuously Operating Reference Station) KYTE having a point designation of "KY Hwy Dist 5 CORS ARP", a point identifier of "DK3320", and having Geographic Coordinates of N 38° 16' 35.93981", W 085° 35' 54.20086" and broadcasting Kentucky State Plane Coordinates (North Zone, NAD 83) of N(Y)=285,659.26, E(X)=1,253,350.51.

The description above being based on an actual ground survey of the property conducted under the direct supervision of Kevin Phillips (PLS 3350), of Endris Engineering, 771 Enterprise Drive, Lexington, Kentucky concluding on November 29, 2012.

It is the specific intention of the grantors herein to convey a permanent easement to the property described above for the purpose of constructing and perpetually maintaining a multiuse path for public access.

**TO HAVE AND TO HOLD** said Easement in said property unto JCPS and the Commonwealth, their successors and assigns, with all the rights and privileges thereunto belonging.







