



Bobbie Holsclaw
Jefferson County Clerk's Office

As evidenced by the instrument number shown below, this document
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Jefferson County Clerk's Office.



INST # 2022120347

BATCH # 389716

JEFFERSON CO, KY FEE \$50.00

PRESENTED ON: 05-25-2022 2 04:38:37 PM

LODGED BY: STEPHANIE HARRIS/MSD

RECORDED: 05-25-2022 04:38:37 PM

BOBBIE HOLSCLOW

CLERK

BY: CINDY WELSH

INDEXING CLERK

BK: D 12363

PG: 876-881

ESD
5

COMMISSIONER'S DEED OF EASEMENT

This Commissioner's Deed of Easement is made and entered into on this the 9th day of May, 2022, by and between Carole C. Schneider, Master Commissioner of the Jefferson Circuit Court, for and on behalf of Bigfork, Inc. ("Bigfork") as "FIRST PARTY," and the Louisville and Jefferson County Metropolitan Sewer District ("MSD") as "SECOND PARTY."

RECITALS

1. On November 22, 2021, MSD instituted an eminent domain proceeding against Big Fork in Civil Action No. 21-CI-6646, Jefferson Circuit Court via a Verified Petition for Condemnation.
2. The Court appointed Commissioners and the Commissioners filed their report on December 17, 2021.
3. On March 7, 2022, the Court entered an Interlocutory Judgment granting MSD possession of the property condemned for the purposes stated in the Verified Petition in Condemnation.
4. MSD paid the Commissioners' award of \$19,000 on March 30, 2022 over to the Jefferson Circuit Court clerk.

5. Pursuant to the Interlocutory Judgment and all other requisites being satisfied by MSD, the Master Commissioner of Jefferson Circuit Court shall now execute and deliver the Deed of Easement herein.

WITNESSETH

Now, therefore, for and in consideration of the premises, and other good and valuable consideration, the receipt of which is hereby acknowledged, FIRST PARTY, on behalf Big Fork, has bargained and sold, and does hereby grant, bargain, sell, and convey unto SECOND PARTY, its successors and assigns, a permanent sanitary sewer and drainage easement and associated temporary construction easement across the lands of Big Fork as described on **Exhibit A**, which is attached hereto and incorporated herein by reference, granting the following rights and having the following conditions:

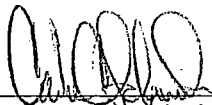
- (a) MSD shall maintain the right of ingress and egress over Big Fork's property to and from the easement at all times for the purpose of constructing, operating, maintaining, repairing and reconstructing sanitary sewers, drains and related equipment structures or materials, hereinafter referred to as appurtenances, under MSD's jurisdiction, control, and supervision.
- (b) Big Fork shall not place or cause to be placed any encumbrance in, on, over or under the sanitary sewer and drainage easement, which will obstruct or interfere with the purposes of said easement.
- (c) MSD may authorize any public agency or others to carry out the purposes of the easements.
- (d) The temporary construction easement shall terminate and automatically revert to Big Fork upon completion of the original construction.
- (e) The grant of easements herein does not waive MSD's right to subject the property to MSD's rates, fees, rentals, or other charges as may be authorized by law.
- (f) Big Fork shall retain the right to hold MSD responsible for claims resulting from damage to any land, improvement, or the environment within or outside the sanitary sewer and drainage easement granted herein, or to any land or

improvements used for ingress and egress to such easement, caused by MSD during construction, operation, maintenance, repair or reconstruction of said sanitary sewers, drains, and appurtenances unless damage is caused by the placing of any structure within or outside the easement in violation of the easement, in such case no liability will be assumed by MSD.

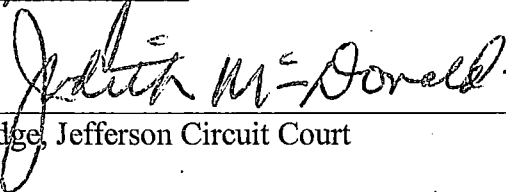
TO HAVE AND TO HOLD the above-described permanent sanitary sewer and drainage easement and temporary construction easement unto SECOND PARTY, its successors and assigns, with all rights and privileges thereunto belonging.

This conveyance is made by the Master Commissioner only in her official capacity, and the Master Commissioner shall not incur any personal liability by reason of her execution of this conveyance.

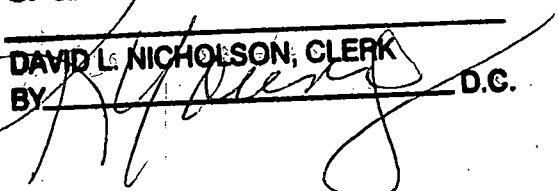
IN TESTIMONY WHEREOF, witness the signature of the FIRST PARTY on this the day and date first hereinabove written.


Master Commissioner - Carole C. Schneider
Jefferson Circuit Court 5/19/2022

Examined and approved in open Court on this the 10 day of May, 2022.


Judge, Jefferson Circuit Court

**CERTIFIED COPY OF RECORD
OF JEFFERSON-CIRCUIT COURT**

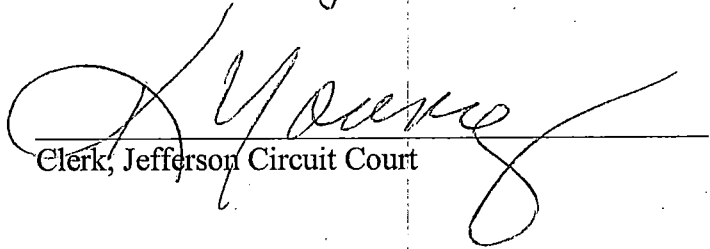
DAVID L. NICHOLSON, CLERK
BY  D.C.

COMMONWEALTH OF KENTUCKY

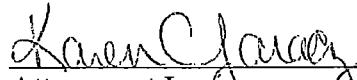
COUNTY OF JEFFERSON

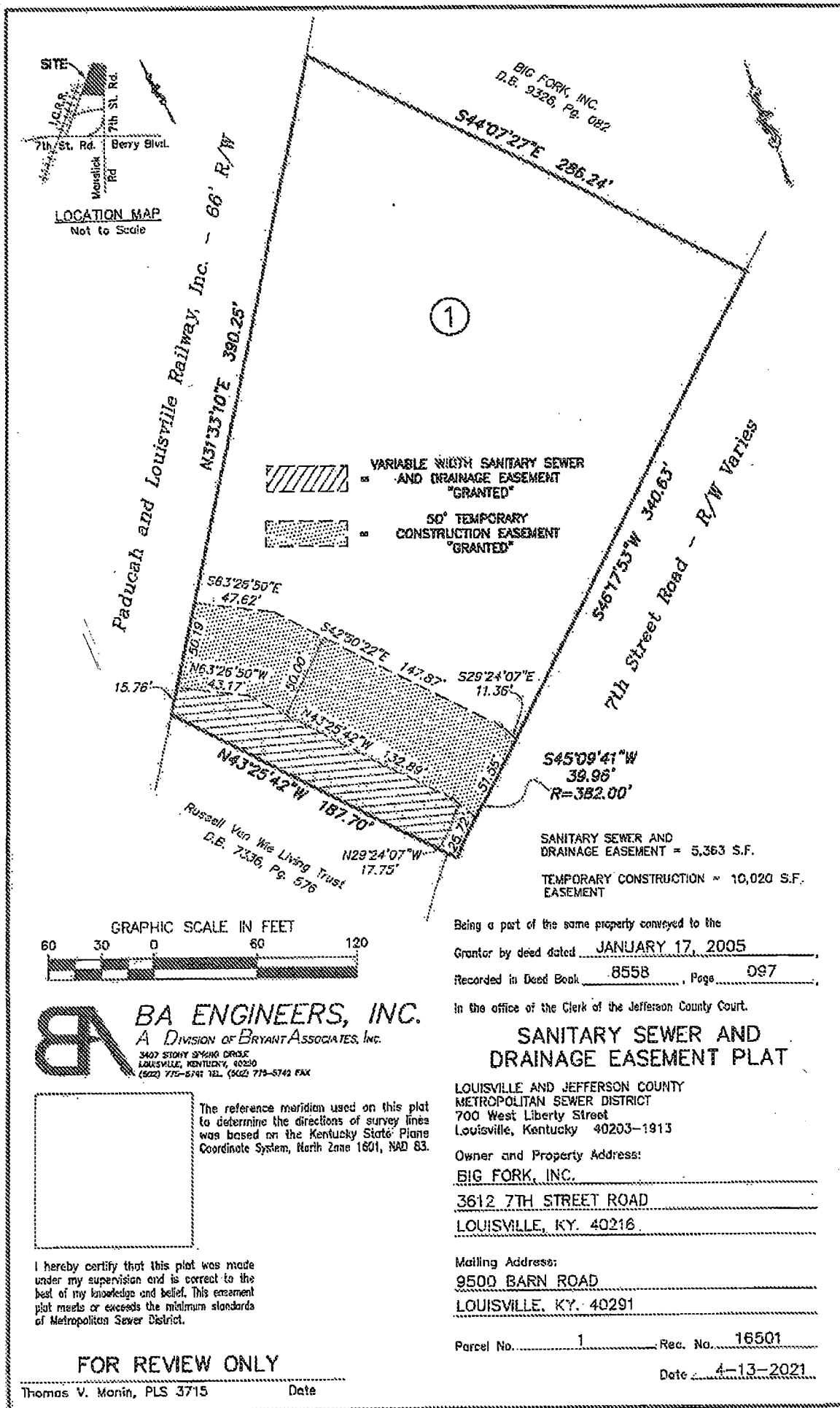
The Master Commissioner of the Jefferson Circuit Court produced the foregoing Deed of Easement to the Louisville and Jefferson County Metropolitan Sewer District in open court, and such Deed was examined and approved by the Court, and the Master Commissioner acknowledged same to be his true act and deed; wherefore, the same was ordered to be, and is hereby, certified

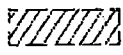

to the proper office for record on this the 11 day of May, 2022.

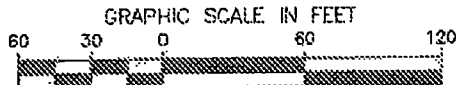

Clerk, Jefferson Circuit Court

THIS INSTRUMENT PREPARED BY:


Attorney at Law
Louisville and Jefferson County Metropolitan Sewer District
700 West Liberty Street
Louisville, Kentucky 40203



-  VARIABLE WIDTH SANITARY SEWER AND DRAINAGE EASEMENT "GRANTED"
-  50' TEMPORARY CONSTRUCTION EASEMENT "GRANTED"



BA ENGINEERS, INC.
 A DIVISION OF BRYANT ASSOCIATES, INC.
 3407 STONY SPRING CIRCLE
 LOUISVILLE, KENTUCKY, 40220
 (502) 775-5741 TEL. (502) 775-5742 FAX



The reference meridian used on this plat to determine the directions of survey lines was based on the Kentucky State Plane Coordinate System, North Zone 1801, NAD 83.

I hereby certify that this plat was made under my supervision and is correct to the best of my knowledge and belief. This easement plat meets or exceeds the minimum standards of Metropolitan Sewer District.

FOR REVIEW ONLY

Thomas V. Monin, PLS 3715 Date

Being a part of the same property conveyed to the
 Grantor by deed dated JANUARY 17, 2005
 Recorded in Deed Book 8558, Page 097

in the office of the Clerk of the Jefferson County Court.

SANITARY SEWER AND DRAINAGE EASEMENT PLAT

LOUISVILLE AND JEFFERSON COUNTY METROPOLITAN SEWER DISTRICT
 700 West Liberty Street
 Louisville, Kentucky 40203-1913

Owner and Property Address:
BIG FORK, INC.
3612 7TH STREET ROAD
LOUISVILLE, KY. 40216

Mailing Address:
9500 BARN ROAD
LOUISVILLE, KY. 40291

Parcel No. 1 Rec. No. 16501

Date 4-13-2021

Exhibit A