

TEMPORARY CONSTRUCTION EASEMENT

This **TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 11 day of MARCH, 2019, by and between **KELSEY M. YARBERRY and SCOTT YARBERRY, wife and husband**, 3547 Olympia Road, Lexington, Kentucky 40517, which is the in-care of tax mailing address for the current year ("Grantors"), and **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky 40507, ("Grantee").

WITNESSETH:

That for and in consideration of the sum of **ONE HUNDRED EIGHTY DOLLARS AND 00/100 (\$180.00)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, said Grantors have **BARGAINED** and **SOLD** and do 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 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 Exhibit "A" and more particularly described as follows, to wit:

Temporary Construction Easement
West Hickman Trunk - Sewer Line D Project
(a portion of 3547 Olympia Road)

Tract A

Beginning at a point 129.31 feet from the owners' Southeast property corner of Lot 40 of Southeastern Hills Subdivision

Return to:
Charles E. Edwards III
LFUCG, Dept. of Law, 11th Floor
200 East Main Street
Lexington, KY 40507

as depicted in Plat Cabinet C, Slide 655 of the Fayette County Clerk's Records; thence with said southern property line, North 60 Degrees 09 Minutes 52 Seconds West a distance of 9.03 feet; thence with a new severance line, North 25 Degrees 21 Minutes 34 Seconds East a distance of 60.88 feet to a point on the line of the state parcels northern property line; thence with that line, South 59 Degrees 59 Minutes 10 Seconds East a distance of 9.03 feet; thence with a new severance line, South 25 Degrees 21 Minutes 34 Seconds West a distance of 60.85 feet to the POINT OF BEGINNING; and,

The above described parcel contains 0.013 acres of temporary construction easement;

Tract B

Beginning at a point 108.25 feet from the owners' Southeast property corner of Lot 40 of Southeastern Hills Subdivision as depicted in Plat Cabinet C, Slide 655 of the Fayette County Clerk's Records; thence with said southern property line, North 60 Degrees 09 Minutes 52 Seconds West a distance of 9.03 feet; thence with a new severance line, North 25 Degrees 21 Minutes 34 Seconds East a distance of 60.81 feet to a point on the line of the state parcels northern property line; thence with that line, South 59 Degrees 59 Minutes 10 Seconds East a distance of 9.03 feet; thence with a new severance line, South 25 Degrees 21 Minutes 34 Seconds West a distance of 60.78 feet to the POINT OF BEGINNING; and,

The above described parcel contains 0.013 acres of temporary construction easement;

Both tracts above, being a portion of the property conveyed to Kelsey M. Yarberry and Scott Yarberry, by deed dated July 9, 2015, of record in Deed Book 3327, Page 571, in the Fayette County Clerk's Office.

TO HAVE AND TO HOLD said easement together with all rights, appurtenances, and improvements thereunto belonging unto said Grantee, its successors and assigns, 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 Grantors. The temporary construction easement shall take effect upon the commencement of construction of the project and will expire upon completion of the project.

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 interest conveyed herein, including all exemptions allowed by law, and do hereby covenant to and with the 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 same as herein done, and that they will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 640-2018, passed by the Lexington-Fayette Urban County Council on October 25, 2018. Pursuant to KRS 382.135(2)(a), this temporary construction easement, which pertains to a public utility, need not contain a statement of consideration.

IN TESTIMONY WHEREOF, the Grantors have signed this Temporary Construction Easement, this the day and year first above written.

GRANTORS:


KELSEY M. YARBERRY


SCOTT YARBERRY

2

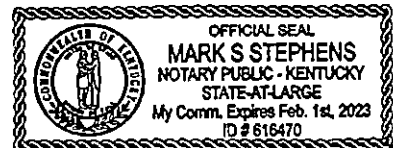
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MARCH, 2019.


Notary Public, Kentucky, State at Large

My Commission Expires: 02/01/2023

Notary ID # 616470

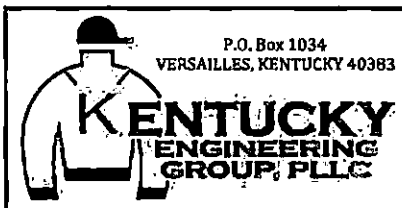
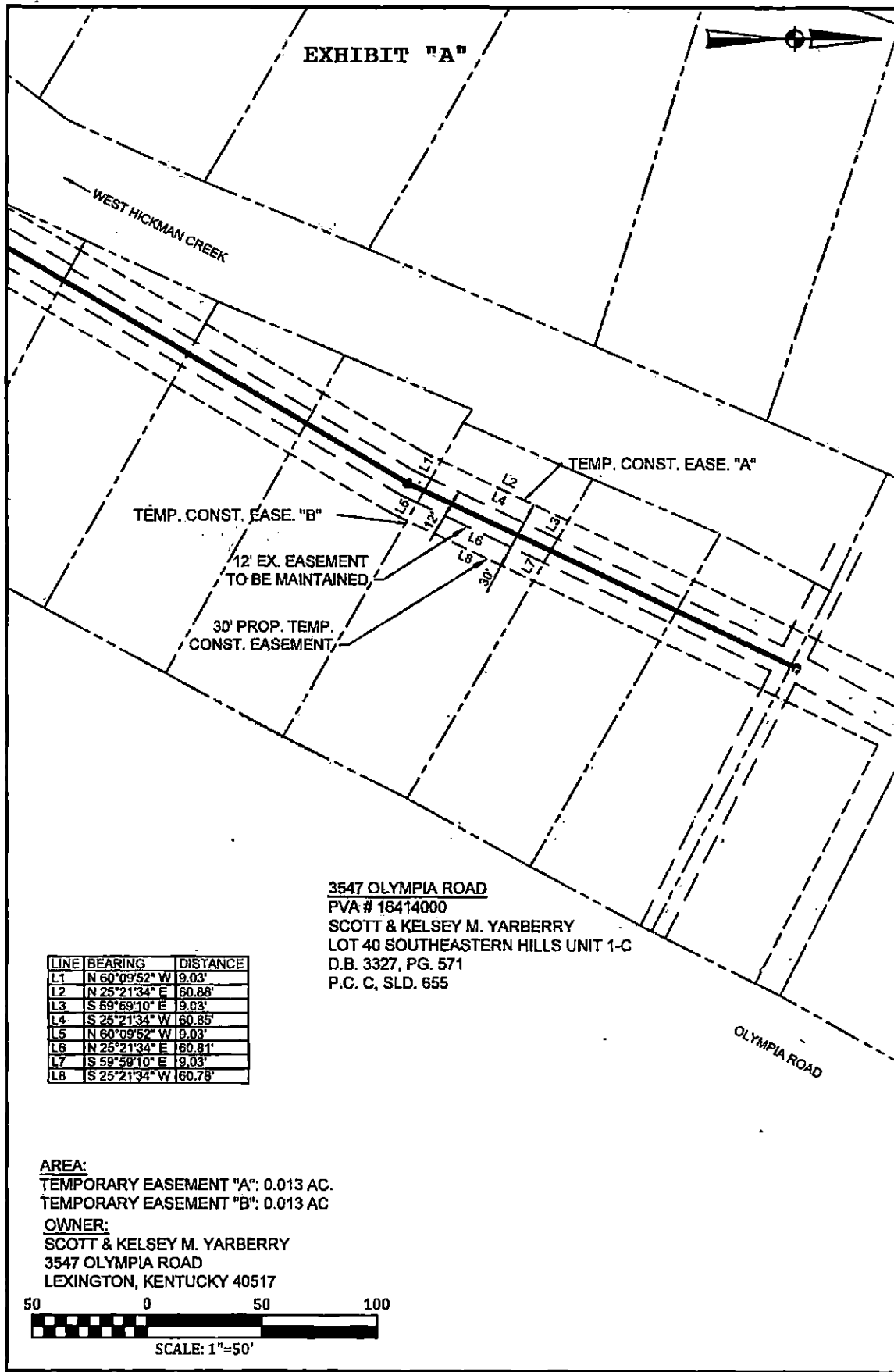


PREPARED BY:


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

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**EXHIBIT SHOWING
SANITARY SEWER EASEMENT
TO BE ACQUIRED FROM
SCOTT & KELSEY M. YARBERRY
3547 OLYMPIA ROAD
LEXINGTON, KENTUCKY**

Project No.	16046
Date	MARCH 2018
Dwg. No.	
Sheet	

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: MELISSA STELTER ,dc

201903210212

March 21, 2019

14:42:06 PM

Fees	\$23.00	Tax	\$.00
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Total Paid	\$23.00
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6 Pages

416 - 421