

**TEMPORARY CONSTRUCTION EASEMENT**

This **TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 4<sup>TH</sup> day of APRIL, 2019, by and between **JAMES A. HURT, SR., a widower**, 3561 Olympia Road, Lexington, Kentucky 40517, which is the in-care of tax mailing address for the current year ("Grantor"), 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 SIXTY AND 00/100 (\$160.00)**, 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, 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 Right-of-Way Construction Easement**  
**West Hickman Trunk - Sewer Line D Project**  
**(a portion of 3561 Olympia Road)**

Beginning at a point 139.68 feet from the owners' Southeast property corner of Lot 33 of Southeastern Hills Subdivision as depicted in Plat Cabinet C, Slide 354 of the Fayette County Clerk's Records; thence with said southern property line North 61 Degrees 29 Minutes 43 Seconds West a

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

(CC-F)

distance of 7.51 feet; thence with a new severance line North 28 Degrees 29 Minutes 15 Seconds East a distance of 61.99 feet to a point on the line of the state parcels northern property line; thence with that line South 61 Degrees 20 Minutes 49 Seconds East a distance of 7.51 feet; thence with a new severance line South 28 Degrees 29 Minutes 15 Seconds West a distance of 61.97 feet to the POINT OF BEGINNING.

The above described parcel contains 0.011 acres of temporary construction easement;

**AND**

Beginning at a point 117.69 feet from the owners' Southeast property corner of Lot 33 of Southeastern Hills Subdivision as depicted in Plat Cabinet C, Slide 354 of the Fayette County Clerk's Records; thence with said southern property line North 61 Degrees 29 Minutes 43 Seconds West a distance of 7.50 feet; thence with a new severance line North 28 Degrees 29 Minutes 15 Seconds East a distance of 61.93 feet to a point on the northern property line of the state parcel; thence with that line South 61 Degrees 20 Minutes 49 Seconds East a distance of 7.50 feet; thence with a new severance line South 28 Degrees 29 Minutes 15 Seconds West a distance of 61.92 feet to the POINT OF BEGINNING.

The above described parcel contains 0.011 acres of temporary construction easement;

Being a portion of the property conveyed to James A. Hurt, Sr. and Freda M. Hurt, husband and wife, by deed dated December 6, 2000, of record in Deed Book 2175, Page 478, in the Fayette County Clerk's Office. Said Freda M. Hurt died intestate a resident of Lexington, Fayette County, Kentucky on January 13, 2019. The property is vested to her husband, James A. Hurt, Sr., by right-of-survivorship.

**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.

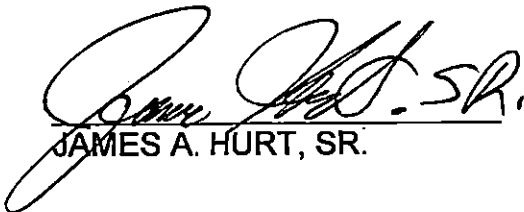
The above-described temporary construction easement runs with the land for the duration of the improvement project and is binding upon the successors and assigns of the Grantor. The temporary construction easement shall take effect upon the commencement of construction of the project and will expire upon completion of the project.

Grantor does 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 does hereby covenant to and with the Grantee, its successors and assigns forever, that he is lawfully seized in fee simple of said property and has good right to sell and convey the same as herein done, and that he 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.

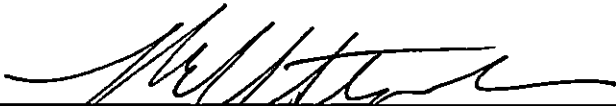
**IN TESTIMONY WHEREOF**, the Grantor has signed this Temporary Construction Easement, this the day and year first above written.

GRANTOR:

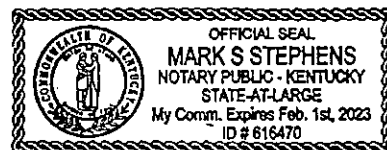
  
JAMES A. HURT, SR.

COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )

This instrument was acknowledged, subscribed and sworn to before me by  
James A. Hurt, Sr., a widower, on this the 4<sup>TH</sup> day of APRIL, 2019.

  
\_\_\_\_\_  
Notary Public, Kentucky, State at Large

My Commission Expires: 02 / 01 / 2023



PREPARED BY:

  
\_\_\_\_\_  
CHARLES E. EDWARDS III

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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P:\LFUCG\16046-Trunk D Sewer\DWG\16046-Easement exhibits.dwg KEG 4/20/18

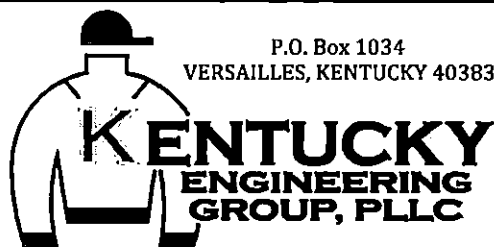
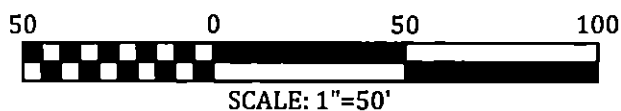


LINE	BEARING	DISTANCE
L1	N 61°29'43" W	7.51'
L2	N 28°29'15" E	61.99'
L3	S 61°20'49" E	7.51'
L4	S 28°29'15" W	61.97'
L5	N 61°29'43" W	7.50'
L6	N 28°29'15" E	61.93'
L7	S 61°20'49" E	7.50'
L8	S 28°29'15" W	61.92'

3561 OLYMPIA ROAD  
PVA # 12868375  
JAMES A. SR. AND FREDA M. HURT  
LOT 33 SOUTHEASTERN HILLS UNIT 1-B  
D.B. 2175, PG. 478  
P.C. C, SLD/ 354

AREA:  
TEMPORARY EASEMENT "A": 0.011 AC.  
TEMPORARY EASEMENT "B": 0.011 AC

OWNER:  
JAMES A. SR. AND FREDA M. HURT  
3561 OLYMPIA ROAD  
LEXINGTON, KENTUCKY 40517



P.O. Box 1034  
VERSAILLES, KENTUCKY 40383

EXHIBIT SHOWING  
SANITARY SEWER EASEMENT  
TO BE ACQUIRED FROM  
JAMES A. SR. AND FREDA M. HURT  
3561 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: PATTY DAVIS ,dc

201904090137

April 9, 2019

10:32:44 AM

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

417 - 422