

**TEMPORARY CONSTRUCTION EASEMENT**

This **TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 20 day of DECEMBER, 2016, by and between **ERIC CASE, a single person and MADISON STEPHENS, a single person**, 2038 Clays Mill Road, Kentucky 40503, 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 **NINE HUNDRED FIFTY DOLLARS AND 00/100 (\$950.00)**, 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 roadway improvements and construction, installation and relocation through and across the following tract of land located in the confines of Lexington, Fayette County, Kentucky, and more particularly described as follows, to wit:

**Right-of-way Temporary Construction Easement**  
**(a portion of 2038 Clays Mill Road)**

**Clays Mill Road Improvement Project, Section 1**  
**(Harrodsburg Road to New Circle Road)**  
**Parcel No. 113**

Being a tract of land lying in Fayette County on the east side of Clays Mill Road, point of beginning being approximately 97 feet south of the intersection of Mitchell Avenue and Clays Mill Road, and more particularly described as follows:

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

(CCF)

Beginning at a point 37.98 feet right of Clays Mill Road at Station 183+07.40; thence North 23 Degrees 57 Minutes 10 Seconds East a distance of 67.00 feet to a point 39.05 feet right of Clays Mill Road at Station 183+74.28; thence South 66 Degrees 02 Minutes 50 Seconds East a distance of 7.62 feet to a point 46.66 feet right of Clays Mill Road at Station 183+74.15; thence South 0 Degrees 53 Minutes 39 Seconds West a distance of 25.03 feet to a point 56.08 feet right of Clays Mill Road at Station 183+50.96; thence South 23 Degrees 57 Minutes 10 Seconds West a distance of 7.91 feet to a point 55.95 feet right of Clays Mill Road at Station 183+43.05; thence South 80 Degrees 18 Minutes 19 Seconds West a distance of 9.23 feet to a point 48.18 feet right of Clays Mill Road at Station 183+38.09; thence South 23 Degrees 57 Minutes 10 Seconds West a distance of 30.94 feet to a point 47.72 feet right of Clays Mill Road at Station 183+07.27; thence North 66 Degrees 02 Minutes 50 Seconds West a distance of 9.73 feet to a point 37.98 feet right of Clays Mill Road at Station 183+07.40 and the POINT OF BEGINNING; and,

The above described parcel contains 0.018 acres (797 sq. ft.) of temporary construction easement; and

Being a portion of the property conveyed to Eric Case, a single person and Madison Stephens, a single person, by deed dated May 28, 2015, of record in Deed Book 3318, Page 224, in the Fayette County Clerk's Office.

**TO HAVE AND TO HOLD** said easement together with all rights, appurtenances, and improvements thereunto belonging unto the Grantee, its successors and assigns, forever, in fee simple.

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 her 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 they are lawfully seized in fee simple of said property and have good right to sell and convey the same property interest as herein done, and that they will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 477-2016, passed by the Lexington-Fayette Urban County Council on July 5, 2016. Pursuant to KRS 382.135(2)(c), this temporary construction easement, which pertains to a public right-of-way, 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:

  
ERIC CASE

  
MADISON STEPHENS



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

201612220092

December 22, 2016                      10:34:20    AM

Fees	\$20.00	Tax	\$ .00
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Total Paid	\$20.00
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5 Pages

669 - 673