

**TEMPORARY CONSTRUCTION EASEMENT**

This **TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 6<sup>th</sup> day of December 2019, by and between **THE BERNARD JEFFREY QUEEN AND PATRICIA M. QUEEN REVOCABLE TRUST UNDER AGREEMENT DATED MAY 31, 2008, BERNARD JEFFREY QUEEN AND PATRICIA M. QUEEN, AS CO-TRUSTEES**, 451 Chair Avenue, Lexington, Kentucky 40508, 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 **TWELVE THOUSAND DOLLARS AND 00/100 (\$12,000.00)**, 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**  
**UK Trunk C, D and E Sanitary**  
**Sewer Improvement Project**  
**(a portion of 405 Chair Avenue)**

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

(CC-F)

A certain parcel of land located in Fayette County, Kentucky, situated along Oliver Lewis Way and lying northwest of the intersection with South Broadway and being more particularly described as follows:

Beginning at the southeast property corner common with Oliver Lewis right-of-way and Bernard Jeffrey Queen and Patricia M. Queen, Co-Trustees of the Bernard Jeffrey Queen and Patricia M. Queen Revocable Trust being known and designated as 603 South Broadway, being the **POINT OF BEGINNING**; thence South 50°57'08" West, 20.61 feet along Bernard Jeffrey Queen and Patricia M. Queen, Co-Trustees of the Bernard Jeffrey Queen and Patricia M. Queen Revocable Trust being known and designated as 603 South Broadway to a point; thence through the lands of Bernard Jeffrey Queen and Patricia M. Queen, Co-Trustees of the Bernard Jeffrey Queen and Patricia M. Queen Revocable Trust being known and designated as 405 Chair Avenue; thence North 31°06'39" East, 21.60 feet to a point; thence with the Oliver Lewis right-of-way; thence South 41°19'18" East, 7.34 feet to the **POINT OF BEGINNING**; and,

The above described parcel contains 0.0017 Acres or 76 sq. ft. of temporary construction easement; and,

**Temporary Construction Easement**  
**UK Trunk C, D and E Sanitary**  
**Sewer Improvement Project**  
**(a portion of 603 S. Broadway)**

A certain parcel of land located in Fayette County, Kentucky, situated along Oliver Lewis Way and lying at the intersection with South Broadway and being more particularly described as follows:

Beginning at the northeast property corner common with Oliver Lewis right-of-way and Bernard Jeffrey Queen and Patricia M. Queen, Co-Trustees of the Bernard Jeffrey Queen and Patricia M. Queen Revocable Trust being known and designated as 405 Chair Avenue, being the **POINT OF BEGINNING**; thence South 41°19'18" East, 67.90 feet along the Oliver Lewis right-of-way to a property corner common with the South Broadway right-of-way; thence with the South Broadway right-of-way; thence South 05°14'41" West, 11.51 feet to a point; thence through the lands of Bernard Jeffrey

Queen and Patricia M. Queen, Co-Trustees of the Bernard Jeffrey Queen and Patricia M. Queen Revocable Trust being known and designated as 603 South Broadway; thence North 58°53'21" West, 35.04 feet to a point in the line of Bernard Jeffrey Queen and Patricia M. Queen, Co-Trustees of the Bernard Jeffrey Queen and Patricia M. Queen Revocable Trust being known and designated as 607 South Broadway; thence with said line, North 39°53'52" West, 4.63 feet to a point; thence North 42°07'52" West, 38.55 feet to a corner common with Bernard Jeffrey Queen and Patricia M. Queen, Co-Trustees of the Bernard Jeffrey Queen and Patricia M. Queen Revocable Trust being known and designated as 405 Chair Avenue; thence with the line of Bernard Jeffrey Queen and Patricia M. Queen, Co-Trustees of the Bernard Jeffrey Queen and Patricia M. Queen Revocable Trust being known and designated as 405 Chair Avenue; thence North 50°57'08" East, 19.38 feet to the **POINT OF BEGINNING**; and,

The above described parcel contains 0.028 Acres or 1,239 sq. ft. of temporary construction easement; and,

**Temporary Construction Easement**  
**UK Trunk C, D and E Sanitary**  
**Sewer Improvement Project**  
**(a portion of 607 S. Broadway)**

A certain parcel of land located in Fayette County, Kentucky, situated along South Broadway and lying southwest of the intersection with Oliver Lewis Way and being more particularly described as follows:

Beginning at the southeast property corner common with South Broadway right-of-way and Bernard Jeffery Queen and Patricia M. Queen, Co-Trustees of the Bernard Jeffery Queen and Patricia M. Queen Revocable Trust being known and designated as 603 South Broadway; thence with the line of Bernard Jeffery Queen and Patricia M. Queen, Co-Trustees of the Bernard Jeffery Queen and Patricia M. Queen Revocable Trust being known and designated as 603 South Broadway; thence North 39°53'52" West, 34.42 feet to the **POINT OF BEGINNING**; thence through the lands of Bernard Jeffery Queen and Patricia M. Queen, Co-Trustees of the Bernard Jeffery Queen and Patricia M. Queen Revocable Trust being known and designated as 607 South Broadway; thence North 58°53'21" West, 41.70 feet to a

point; thence North 31°06'39" East, 11.47 feet to a point in the line of Bernard Jeffery Queen and Patricia M. Queen, Co-Trustees of the Bernard Jeffery Queen and Patricia M. Queen Revocable Trust being known and designated as 405 Chair Avenue, thence with said line; thence North 50°57'08" East, 1.23 feet to a common corner with Bernard Jeffery Queen and Patricia M. Queen, Co-Trustees of the Bernard Jeffery Queen and Patricia M. Queen Revocable Trust being known and designated as 603 South Broadway; thence with the line of Bernard Jeffery Queen and Patricia M. Queen, Co-Trustees of the Bernard Jeffery Queen and Patricia M. Queen Revocable Trust being known and designated as 603 South Broadway; thence South 42°07'52" East, 38.55 feet to a point; thence South 39°53'52" East, 4.63 feet to the **POINT OF BEGINNING**; and,

The above described parcel contains 0.0062 Acres or 269 sq. ft. of temporary construction easement; and,

All three tracts above, being a portion of the property conveyed to The Bernard Jeffrey Queen and Patricia M. Queen Revocable Trust under Agreement dated May 31, 2008, Bernard Jeffrey Queen and Patricia M. Queen, Co-Trustees, by deed dated August 3, 2016, of record in Deed Book 3426, Page 573, in the Fayette County Clerk's Office.

**TO HAVE AND TO HOLD** said easements 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 easements run with the land for the duration of the improvement project and are binding upon the successors and assigns of the Grantor. The temporary construction easements 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 its right, title, and interest in and to the property to the extent of

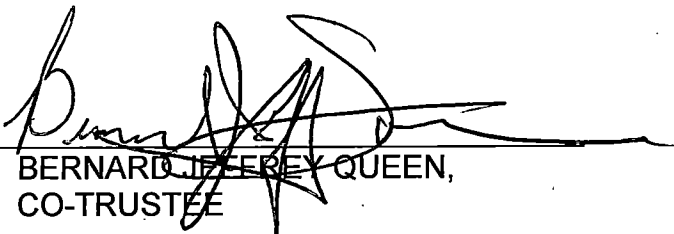
the interest conveyed herein, including all exemptions allowed by law, and does hereby covenant to and with the Grantee, its successors and assigns forever, that it is lawfully seized in fee simple of said property and has good right to sell and convey the same as herein done, and that it will **WARRANT GENERALLY** said title.

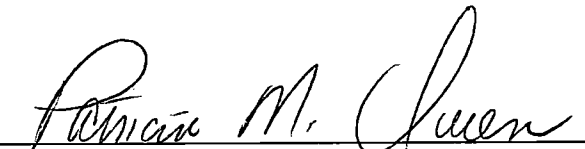
The obtaining of this easement was authorized by Resolution 323-2019, passed by the Lexington-Fayette Urban County Council on June 20, 2019 and authorized by Amended Resolution 605-2019, passed by the Lexington-Fayette Urban County Council on November 14, 2019. Pursuant to KRS 382.135(2)(a), these temporary construction easements, which pertain 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:

THE BERNARD JEFFREY QUEEN AND  
PATRICIA M. QUEEN REVOCABLE TRUST  
UNDER AGREEMENT DATED MAY 31, 2008

BY:   
BERNARD JEFFREY QUEEN,  
CO-TRUSTEE

BY:   
PATRICIA M. QUEEN,  
CO-TRUSTEE

COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )

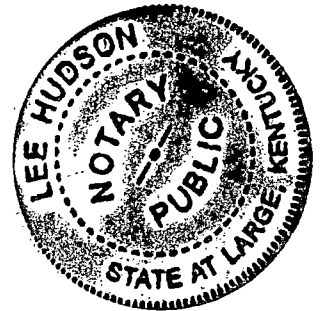
This instrument was acknowledged, subscribed and sworn to before me by Bernard Jeffrey Queen and Patricia M. Queen, as Co-Trustees, for and behalf of the Bernard Jeffrey Queen and Patricia M. Queen Revocable Trust under Agreement dated May 31, 2018, on this the 6<sup>th</sup> day of December, 2019.



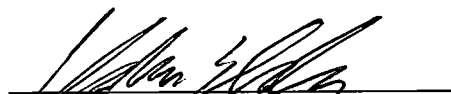
Notary Public, Kentucky, State at Large

My Commission Expires: 7/10/2023

Notary ID # 626440



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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**EXHIBIT**  
A

TEMPORARY EASEMENT - 405 CHAIR AVE  
 (A) S50°57'08"W 20.61'  
 N31°06'39"E 21.60'  
 (B) S41°19'18"E 7.34'  
 TEMPORARY EASEMENT - 603 S. BROADWAY  
 (C) S41°19'18"E 67.90'  
 S05°14'41"W 11.51'  
 N58°53'21"W 35.04'  
 N39°53'52"W 4.63'  
 N42°07'52"W 38.55'  
 N60°57'08"E 19.38'  
 TEMPORARY EASEMENT - 607 S. BROADWAY  
 (D) S42°07'52"E 38.55'  
 S39°53'52"E 4.63'  
 N68°53'21"W 41.70'  
 N31°06'39"E 11.47'  
 (E) N50°57'08"E 1.23'

1	TRACT 1	405 CHAIR AVENUE	BERNARD JEFFERY QUEEN AND PATRICIA M. QUEEN, CO-TRUSTEES OF THE BERNARD JEFFERY QUEEN AND PATRICIA M. QUEEN REVOCABLE TRUST DB 3426, PG 573
2	TRACT 2	603 SOUTH BROADWAY	BERNARD JEFFERY QUEEN AND PATRICIA M. QUEEN, CO-TRUSTEES OF THE BERNARD JEFFERY QUEEN AND PATRICIA M. QUEEN REVOCABLE TRUST DB 3426, PG 573
3	TRACT 3	607 SOUTH BROADWAY	BERNARD JEFFERY QUEEN AND PATRICIA M. QUEEN, CO-TRUSTEES OF THE BERNARD JEFFERY QUEEN AND PATRICIA M. QUEEN REVOCABLE TRUST DB 3426, PG 573
4	TRACT 4	615 SOUTH BROADWAY	BERNARD JEFFERY QUEEN AND PATRICIA M. QUEEN, CO-TRUSTEES OF THE BERNARD JEFFERY QUEEN AND PATRICIA M. QUEEN REVOCABLE TRUST DB 3426, PG 573

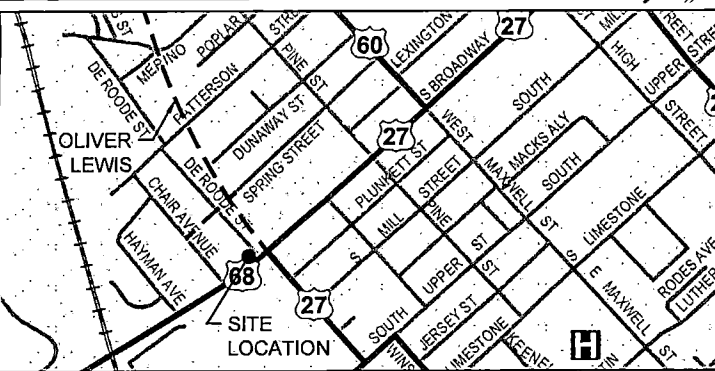
TEMPORARY CONSTRUCTION EASEMENT (405 CHAIR AVE) ~76 SQ. FT.

TEMPORARY CONSTRUCTION EASEMENT (607 S. BROADWAY) ~269 SQ. FT.

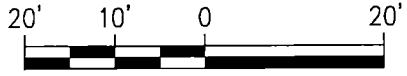
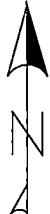
TEMPORARY CONSTRUCTION EASEMENT (603 S. BROADWAY) ~1,239 SQ. FT.

**LEGEND**

- PROPOSED TEMPORARY SEWER EASEMENT
- EXISTING PROPERTY LINE/ RIGHT-OF-WAY LINE
- PROPOSED BORE PIT
- PROPOSED SEWER



NOTE:  
 THE PROPERTY LINES SHOWN ON THE EASEMENT EXHIBIT ARE BASED ON DEED AND/OR RECORD PLAT DATA FROM THE FAYETTE COUNTY CLERKS OFFICE AND KENTUCKY DEPARTMENT OF HIGHWAY PLANS AND HAVE NOT BEEN FIELD VERIFIED. THIS EXHIBIT DOES NOT REPRESENT A BOUNDARY SURVEY AS DESCRIBED IN 201 KAR 18.150 AND PALMER ENGINEERING HAS NOT PERFORMED A BOUNDARY SURVEY FOR THE PURPOSES OF THE EXHIBIT. THIS IS NOT INTENDED TO BE USED FOR LAND TRANSFERS.



	301 E. MAIN ST. SUITE 900 LEXINGTON, KY 40507 PHONE: 859-389-9293 WWW.PALMERNET.COM	<b>LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT</b> DIVISION OF WATER QUALITY 125 LISLE INDUSTRIAL AVE LEXINGTON, KY 40511	<b>TEMPORARY CONSTRUCTION EASEMENT</b> BERNARD JEFFERY QUEEN AND PATRICIA M. QUEEN, CO-TRUSTEES OF THE BERNARD JEFFERY QUEEN AND PATRICIA M. QUEEN REVOCABLE TRUST 603 & 607 SOUTH BROADWAY, 405 CHAIR AVE LEXINGTON, FAYETTE COUNTY, KENTUCKY
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DATE: 09/05/2019	JOB NUMBER: 11354	DRAWN: WCE	CHECKED: SIB	SCALE: 1"=20'	SHEET: EXH-01
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 LAST UPDATE: Thursday, September 5, 2019 3:10:14 PM

ANSI A - 5-Sep-19

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.



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By: PATTY DAVIS ,dc

201912090452

December 9, 2019                      15:57:04    PM

Fees	\$29.00	Tax	\$ .00
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Total Paid	\$29.00
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8 Pages

268 - 275