

**TEMPORARY CONSTRUCTION EASEMENT**

This **TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 19 day of JANUARY, 2017, by and between **CARTER COMPANY REAL ESTATE, LLC**, a Kentucky limited liability company, 3277 Sebastian Lane, Lexington, Kentucky 40513, 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 **FIVE HUNDRED SEVENTY-FIVE DOLLARS AND 00/100 (\$575.00)**, 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 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:

**Temporary Right-of-Way Construction Easement**  
**(a portion of 1949 Clays Mill Road)**

**Clays Mill Road Improvement Project, Section 1**  
**(Harrodsburg Road to New Circle Road)**  
**Parcel No. 118**

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

DTC

Being a tract of land lying in Fayette County on the west side of Clays Mill Road, point of beginning being approximately 281 feet north of the intersection of Lane Allen Road and Clays Mill Road, and more particularly described as follows:

Beginning at a point 37.22 feet left of Clays Mill Road at Station 191+37.01; thence North 59 Degrees 23 Minutes 19 Seconds West a distance of 6.57 feet to a point 43.73 feet left of Clays Mill Road at Station 191+37.88; thence North 22 Degrees 09 Minutes 41 Seconds East a distance of 73.00 feet to a point 44.80 feet left of Clays Mill Road at Station 192+10.87; thence South 59 Degrees 23 Minutes 19 Seconds East a distance of 6.57 feet to a point 38.28 feet left of Clays Mill Road at Station 192+10.00; thence South 22 Degrees 09 Minutes 41 Seconds West a distance of 73.00 feet to a point 37.22 feet left of Clays Mill Road at Station 191+37.01 and the POINT OF BEGINNING.

The above described parcel contains 0.011 acres (475 sq. ft.) of temporary construction easement; and

Being a portion of the property conveyed to Carter Company Real Estate, LLC, a Kentucky limited liability company, by deed dated September 29, 2014 of record in Deed Book 3268, Page 306, 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 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 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 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 Grantor has signed this Temporary Construction Easement, this the day and year first above written.

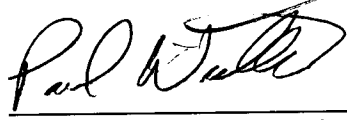
GRANTOR:

CARTER COMPANY REAL ESTATE, LLC

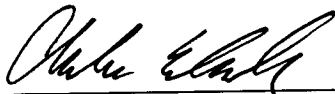
  
\_\_\_\_\_  
PATRICK CARTER, MEMBER

COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )

This instrument was acknowledged, subscribed and sworn to before me by Patrick Carter, in his capacity as member of Carter Company Real Estate, LLC, on this the 19 day of JANUARY, 2017.

  
494244  
\_\_\_\_\_  
Notary Public, Kentucky, State at Large  
My Commission Expires: 7 / 29 / 2017


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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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: EMILY GENTRY ,dc

201701300108

January 30, 2017                      10:40:04    AM

Fees                      \$20.00              Tax                      \$ .00

Total Paid                              \$20.00

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