TEMPORARY CONSTRUCTION EASEMENT

This TEMPORARY CONSTRUCTION EASEMENT is made and entered into this 10 day of 2015, by and between HOME PLACE-THE SAVANNA VIEW HOMEOWNERS ASSOCIATION, INC., a Kentucky non-profit corporation, 141 Prosperous Place, Suite 21-B, Lexington, Kentucky 40509, 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 THREE THOUSAND FOUR HUNDRED SEVENTY-FIVE DOLLARS AND NO/100 (\$3,475.00), and other good and valuable consideration, 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 based upon Lexington-Fayette Urban County Control Survey Monuments:

<u>Temporary Construction Easement</u>
(a portion of 3696 Polo Club Boulevard)

Polo Club Boulevard Road Improvement Project (Deerhaven Lane to Todds Road)

Mail to: Hon. Glenda Humphrey George Department of Law, 11th Floor 200 East Main Street Lexington, KY 40507

(CCF)

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Being a tract of land lying in Fayette County along Polo Club Boulevard approximately 1900' north of the intersection of Polo Club Boulevard and Todds Road (KY 1927), and more particularly described as follows:

Beginning at a point in the existing right of way line of Polo Club Boulevard 70.00 feet left of Polo Club Boulevard station 516+72.85; thence with the south property line S 43°51'56" W a distance of 37.43' to a point 105.00 feet left of Polo Club Boulevard station 516+59.60; thence with the proposed easement line N 14°10'10" W a distance of 51.38' to a point 95.00 feet left of Polo Club Boulevard station 517+10.00; thence N 10°48'07" W a distance of 39.70' to a point in the north property line 85.00 feet left of Polo Club Boulevard station 517+48.42; thence with the north property line N 64°42'30" E a distance of 15.00' to a point in the existing Polo Club Boulevard right of way 70.00 feet left of Polo Club Boulevard station 517+48.39; thence with the existing right of way line of Polo Club Boulevard S 25°23'29" E a distance of 75.54' to the POINT OF BEGINNING.

The above described parcel contains 2,048.29 square feet (0.047 acres); and,

Being a portion of the same property conveyed to Home Place-The Savanna View Homeowners Association, Inc., a Kentucky non-profit corporation, by deed dated September 9, 2008, of record in Deed Book 2831, Page 387, in the Fayette County Clerk's Office.

TO HAVE AND TO HOLD said easement unto said Grantee, its successors and assigns, for the purposes and uses herein designated.

The above-described temporary construction easement will expire upon completion of the improvement project on this land, runs with the land for the duration of the improvement project on this land and is binding upon the successors and assigns of the Grantor.

Grantor does hereby release and relinquish unto 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**GENNERALLY said title.

The obtaining this easement was authorized by Resolution 16-2015, passed by the Lexington-Fayette Urban County Council on January 29, 2015. Pursuant to KRS 382-135(2)(a), this public utility easement is exempt from real estate transfer tax pursuant to KRS 142.050.

IN TESTIMONY WHEREOF, the Grantor has signed this Temporary

Construction Easement, this the day and year first above written.

GRANTOR:

HOME PLACE-THE SAVANNA VIEW HOMOWNERS ASSOCIATION, INC., a Kentucky non-profit corporation

NORA LAWSON, PRESIDENT

COMMONWEALTH OF KENTUCKY

COUNTY OF FAYETTE

The foregoing Temporary Construction Easement was subscribed, sworn to and acknowledged before me by Nora Lawson, as President, on behalf of Home Place-The Savanna View Homeowners Association, Inc., a Kentucky non-profit corporation, on this the /o day of ______, 2015.

My commission expires: 7-29-2017

Notary Public, Kentucky, State-at-Large

494244

PREPARED BY:

Michael Keith Horn, Managing 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: MARCIA DERR, dc

201507130067

July 13, 2015

11:09:30 AM

Fees

\$20.00

Tax

\$.00

Total Paid

\$20.00

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5 Pages

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Lexington-Fayette Urban County Government DEPARTMENT OF LAW

Jim Gray Mayor

Janet M. Graham Commissioner

To:

Meredith Nelson, Council Clerk

Council Clerk's Office

From:

Department of Law

Date:

July 16, 2015

Re:

Temporary Construction Easement

3696 Polo Club Boulevard

(Polo Club Boulevard Road Improvement Project)

Deerhaven Lane to Todds Road

Enclosed is the original recorded Temporary Construction Easement for the above properties to the Urban County Government for the Polo Club Boulevard Road Improvement Project (Deerhaven Lane to Todds Road). Please file the easement with the authorizing legislation, Resolution No. 16-2015. Since this is a temporary easement only, there is no asset acquisition form.

If you have any questions, please let me know.

Sincerely,

Glenda H. George

Managing Attorney

Enclosure

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