

**RIGHT OF ENTRY AGREEMENT**

This **RIGHT OF ENTRY AGREEMENT**, made and entered into on this, the <sup>10<sup>th</sup></sup> day of ~~May~~ <sup>June</sup>, 2019, by and between Eavy Hopkins and Fannie Lou Hopkins, husband and wife, ("Grantors") 771 Chinoe Road, Lexington, Kentucky 40502, and the Lexington-Fayette Urban County Government, ("Grantee") an Urban County Government created under Chapter 67A of the Kentucky Revised Statutes, which has its principal office at 200 East Main Street, Lexington, Kentucky 40507,

**WITNESSETH:**

**WHEREAS**, the Grantors own (i) certain real property situated at 195 South Forbes Road (f/k/a 190 South Forbes Road) and 1295 Manchester Street (f/k/a 1289-1295 Old Frankfort Pike) by virtue of deed recorded with the Fayette County Clerk in Deed Book 1299, Page 485, (ii) certain real property situated at 1287 Manchester Street by virtue of deed recorded with the Fayette County Clerk in Deed Book 1112, Page 132, and (iii) certain real property situated at 1281 Manchester Street by virtue of deed recorded with the Fayette County Clerk in Deed Book 1598, Page 17, all located in Lexington, Kentucky; and,

**WHEREAS**, the Grantee requires portions of the identified parcels for the public purpose of constructing and maintaining Town Branch Trail; and,

**WHEREAS**, the Grantors are in favor of completion of the Town Branch Trail project and do not wish to delay completion of the project; and,

**WHEREAS**, the only dispute remaining between the Parties is the value of the property required for construction of the trail; and,

**WHEREAS**, time is of the essence.

**NOW, THEREFORE,** Grantors and Grantee agree that Grantee shall have the right to enter upon the following described tracts for the purpose of installing and constructing a shared-use-path and other related improvements, including walls and other hardscape features and appurtenances thereto:

**195 South Forbes Road**

Parcel No. 6, Tract A  
*To be purchased in Fee Simple*

All that tract or parcel of land situated northwest of the intersection of Old Frankfort Pike (KY Highway 1681) and Forbes Road (formerly KY Highway 1723) in Lexington, Fayette County, Kentucky, and being more particularly described as follows:

**Beginning** at a point in the northerly right-of-way line of Old Frankfort Pike (KY Highway 1681), said point being 18.46 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 63+16.28 as established by KYTC Project Town Branch Trail Phase 6, Project No. CM 3003 332, TAP 4003 011, said point also being a common corner with William E. Pence Jr. (Parcel 5);

Thence with the easterly property line in common with William E. Pence Jr. (Parcel 5), N 11°52'19" E, 46.55 feet to a point, 64.82 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 63+20.48;

Thence leaving the easterly property line of William E. Pence Jr. (Parcel 5), with a new right-of-way line through the lands of Eavy and Fannie L. Hopkins (Parcel 6), S 79°34'35" E, 22.43 feet to a point, 63.36 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 63+42.86, said point also being in the westerly right-of-way line of Forbes Road (formerly KY Highway 1723);

Thence continuing with the westerly right-of-way line of Forbes Road (formerly KY Highway 1723) for two (2) calls:

1.) Along an arc 36.26 feet to the left, having a radius of 1308.30 feet, the chord of which is S 32°41'07" W, 36.26 feet

to a point, 30.77 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 63+26.97; and 2.) Along an arc 16.51 feet to the right, having a radius of 30.00 feet, the chord of which is S 47°39'39" W, 16.31 feet to the **POINT OF BEGINNING**, containing 0.014 acres (607 sq. ft.).

The above described parcel being part of the same property conveyed to Eavy and Fannie L. Hopkins by deed dated November 24, 1978, which deed appears of record in Deed Book 1299, Page 485, in the Fayette County Clerk's Office.

**1295 Manchester Street**

Parcel No. 9

*To be purchased in Fee Simple*

All that tract or parcel of land commonly known as 1295 Manchester Street (f/k/a 1289-1295 Old Frankfort Pike), vested in Eavy and Fannie L. Hopkins by deed dated November 24, 1978, which deed appears of record in Deed Book 1299, Page 48, in the Fayette County Clerk's Office.

**1287 Manchester Street**

Parcel No. 10, Tract A

*To be purchased in Fee Simple*

All that tract or parcel of land situated approximately 125 feet east of the intersection of the centerlines of Old Frankfort Pike (KY Highway 1681) and Forbes Road (formerly KY Highway 1723) in Lexington, Fayette County, Kentucky, and being more particularly described as follows:

**Beginning** at a point in the northerly right-of-way line of Old Frankfort Pike (KY Highway 1681), said point being 21.08 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 64+75.99 as established by KYTC Project Town Branch Trail Phase 6, Project No. CM 3003 332, TAP 4003 011, said point also being a common corner with Eavy and Fannie L. Hopkins (Parcel 9);

Thence leaving the northerly right-of-way line of Old Frankfort Pike (KY Highway 1681), with the easterly property line of Eavy and Fannie L. Hopkins (Parcel 9), N 10°19'42" E, 19.25 feet to a point, 40.29 feet left of the proposed Old Frankfort

Pike (KY Highway 1681) centerline at Station 64+77.21;

Thence leaving the easterly property line of Eavy and Fannie L. Hopkins (Parcel 9), with a new right-of-way line through the lands of Eavy and Fannie L. Hopkins (Parcel 10) for two (2) calls:

- 1.) S 75°20'13" E, 88.65 feet to a point, 28.00 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 65+65.00;
- 2.) S 83°18'23" E, 91.33 feet to a point, 28.00 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 66+56.33, said point also being in the westerly right-of-way line of old Lisle Road;

Thence with the westerly right-of-way line of old Lisle Road, S 08°37'28" W, 6.92 feet to a point, 21.08 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 66+56.10, said point being in the northerly right-of-way line of Old Frankfort Pike (KY Highway 1681);

Thence with the northerly right-of-way line of Old Frankfort Pike (KY Highway 1681), N 83°18'23" W, 180.11 feet to the **POINT OF BEGINNING**, containing 0.041 acres (1,790 sq. ft.).

The above described parcel being part of the same property conveyed to Eavy and Fannie L. Hopkins by deed dated September 13, 1974, of record in Deed Book 1112, Page 132, in the Fayette County Clerk's Office.

Parcel No. 10, Tract B  
*To be purchased in Fee Simple*

All that tract or parcel of land situated approximately 275 feet north of the intersection of the centerlines of Old Frankfort Pike (KY Highway 1681) and Forbes Road (formerly KY Highway 1723) in Lexington, Fayette County, Kentucky, and being more particularly described as follows:

**Beginning** at a point in the easterly right-of-way line of Forbes Road (formerly KY Highway 1723), said point being 37.42 feet right of the proposed Forbes Road centerline at Station 33+15.87 as established by KYTC Project Town Branch Trail Phase 6, Project No. CM 3003 332, TAP 4003 011;

Thence with the easterly right-of-way line of Forbes Road (formerly KY Highway 1723), S 64°13'28" E, 20.78 feet to a point, 57.68 feet right of the proposed Forbes Road centerline at Station 33+20.51;

Thence leaving the easterly right-of-way line of Forbes Road (formerly KY Highway 1723), with a new right-of-way line through the lands of Eavy and Fannie L. Hopkins (Parcel 10) for two (2) calls:

1.) S 71°18'40" W, 19.14 feet to a point, 47.36 feet right of the proposed Forbes Road centerline at Station 33+04.39; and  
2.) S 38°59'52" W, 94.89 feet to a point, 46.84 feet right of the proposed Forbes Road centerline at Station 32+09.50, said point also being in the easterly property line of Eavy and Fannie L. Hopkins (Parcel 9);

Thence with the easterly property line of Eavy and Fannie L. Hopkins (Parcel 9), N 10°19'42" E, 20.81 feet to a point, 36.95 feet right of the proposed Forbes Road centerline at Station 32+27.82, said point also being in the easterly right-of-way line of Forbes Road (formerly KY Highway 1723);

Thence with the easterly right-of-way line of Forbes Road (formerly KY Highway 1723), N 38°59'19" E, 88.05 feet to the **POINT OF BEGINNING**, containing 0.024 acres (1,053 sq. ft.).

The above described parcel being part of the same property conveyed to Eavy and Fannie L. Hopkins by deed dated September 13, 1974, of record in Deed Book 1112, Page 132, in the Fayette County Clerk's Office.

Parcel No. 10, Tract C  
*To be purchased as a Temporary Easement*

All that tract or parcel of land situated approximately 125 feet east of the intersection of the centerlines of Old Frankfort Pike (KY Highway 1681) and Forbes Road (formerly KY Highway 1723) in Lexington, Fayette County, Kentucky, and being more particularly described as follows:

**Beginning** at a point in the northerly right-of-way line of Old Frankfort Pike (KY Highway 1681), said point being 21.08 feet

left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 64+75.99 as established by KYTC Project Town Branch Trail Phase 6, Project No. CM 3003 332, TAP 4003 011, said point also being a common corner with Eavy and Fannie L. Hopkins (Parcel 9);

Thence leaving the northerly right-of-way line of Old Frankfort Pike (KY Highway 1681), with the easterly property line of Eavy and Fannie L. Hopkins (Parcel 9), N 10°19'42" E, 19.25 feet to a point, 40.29 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 64+77.21, said point also being the **TRUE POINT OF BEGINNING**;

Thence continuing with the easterly property line of Eavy and Fannie L. Hopkins (Parcel 9), N 10°19'42" E, 14.24 feet to a point, 54.50 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 64+78.11;

Thence leaving the easterly property line of Eavy and Fannie L. Hopkins (Parcel 9), with a new temporary construction easement line through the lands of Eavy and Fannie L. Hopkins (Parcel 10) for four (4) calls:

- 1.) S 83°18'23" E, 68.95 feet to a point, 54.50 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 65+47.07;
- 2.) S 06°41'37" W, 12.20 feet to a point, 42.30 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 65+47.07;
- 3.) S 83°18'23" E, 16.64 feet to a point, 42.30 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 65+63.71; and
- 4.) S 78°49'49" E, 93.15 feet to a point, 35.04 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 66+56.57, said point being in the westerly right-of-way line of old Lisle Road;

Thence with the westerly right-of-way line of old Lisle Road, S 08°37'28" W, 7.04 feet to a point, 28.00 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 66+56.33;

Thence leaving the westerly right-of-way line of old Lisle Road, with a new right-of-way line through the lands of Eavy and Fannie L. Hopkins (Parcel 10) for two (2) calls:

- 1.) N 83°18'23" W, 91.33 feet to a point, 28.00 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 65+65.00; and
- 2.) N 75°20'13" W, 88.65 feet to the **TRUE POINT OF BEGINNING**, containing 0.058 acres (2,533 sq. ft.).

The above described parcel being part of the same property conveyed to Eavy and Fannie L. Hopkins by deed dated September 13, 1974, of record in Deed Book 1112, Page 132, in the Fayette County Clerk's Office.

It is the specific intention of the grantor(s) herein to convey a temporary construction easement for the purpose of slope construction; said easement will terminate and revert upon completion of the same.

Parcel No. 10, Tract D  
*To be purchased as a Temporary Easement*

All that tract or parcel of land situated approximately 275 feet north of the intersection of the centerlines of Old Frankfort Pike (KY Highway 1681) and Forbes Road (formerly KY Highway 1723) in Lexington, Fayette County, Kentucky, and being more particularly described as follows:

**Beginning** at a point in the easterly right-of-way line of Forbes Road (formerly KY Highway 1723), said point being 37.42 feet right of the proposed Forbes Road centerline at Station 33+15.87 as established by KYTC Project Town Branch Trail Phase 6, Project No. CM 3003 332, TAP 4003 011;

Thence with the easterly right-of-way line of Forbes Road (formerly KY Highway 1723), S 64°13'28" E, 20.78 feet to a point, 57.68 feet right of the proposed Forbes Road centerline at Station 33+20.51;

Thence leaving the easterly right-of-way line of Forbes Road (formerly KY Highway 1723), with a new right-of-way line through the lands of Eavy and Fannie L. Hopkins (Parcel 10), S 71°18'40" W, 9.79 feet to a point, 52.40 feet right of the proposed Forbes Road centerline at Station 33+12.27, said point also being the **TRUE POINT OF BEGINNING**;

Thence with a new temporary construction easement line

through the lands of Eavy and Fannie L. Hopkins (Parcel 10), S 38°59'19" W, 111.97 feet to a point, 51.80 feet right of the proposed Forbes Road centerline at Station 32+00.30, said point also being in the easterly property line of Eavy and Fannie L. Hopkins (Parcel 9);

Thence with the easterly property line of Eavy and Fannie L. Hopkins (Parcel 9), N 10°19'42" E, 10.46 feet to a point, 46.84 feet right of the proposed Forbes Road centerline at Station 32+09.50;

Thence leaving the easterly property line of Eavy and Fannie L. Hopkins (Parcel 9), with a new right-of-way line through the lands of Eavy and Fannie L. Hopkins (Parcel 10) for two (2) calls:

1.) N 38°59'52" E, 94.89 feet to a point, 47.36 feet right of the proposed Forbes Road centerline at Station 33+04.39; and 2.) N 71°18'40" E, 9.35 feet to the **TRUE POINT OF BEGINNING**, containing 0.012 acres (518 sq. ft.).

The above described parcel being part of the same property conveyed to Eavy and Fannie L. Hopkins by deed dated September 13, 1974, of record in Deed Book 1112, Page 132, in the Fayette County Clerk's Office.

It is the specific intention of the grantor(s) herein to convey a temporary construction easement for the purpose of slope construction; said easement will terminate and revert upon completion of the same.

### **1281 Manchester Street**

Parcel No. 12, Tract A  
*To be purchased in Fee Simple*

All that tract or parcel of land situated approximately 325 feet east of the intersection of the centerlines of Old Frankfort Pike (KY Highway 1681) and Forbes Road (formerly KY Highway 1723) in Lexington, Fayette County, Kentucky, and being more particularly described as follows:

**Beginning** at a point in the northerly right-of-way line of Old Frankfort Pike (KY Highway 1681), said point being 12.41 feet left of the proposed Old Frankfort Pike (KY Highway 1681)



centerline at Station 66+74.86 as established by KYTC Project Town Branch Trail Phase 6, Project No. CM 3003 332, TAP 4003 011, said point also being in the easterly right-of-way line of old Lisle Road;

Thence leaving the northerly right-of-way line of Old Frankfort Pike (KY Highway 1681) and with the easterly right-of-way line of old Lisle Road, N 08°37'28" E, 15.60 feet to a point, 28.00 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 66+75.39;

Thence leaving the easterly right-of-way line of old Lisle Road, with a new right-of-way line through the lands of Eavy Hopkins (Parcel 12), S 83°18'23" E, 96.16 feet to a point, 28.52 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 67+71.14, said point being in the westerly property line of Forbes Land, LLC. (Parcel 23);

Thence with the westerly property line of Forbes Land, LLC. (Parcel 23), S 03°57'17" W, 15.61 feet to a point, 12.94 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 67+72.11, said point also being in the northerly right-of-way line of Old Frankfort Pike (KY Highway 1681);

Thence with the northerly right-of-way line of Old Frankfort Pike (KY Highway 1681), N 83°18'23" W, 97.43 feet to the **POINT OF BEGINNING**, containing 0.035 acres (1,509 sq. ft.).

The above described being part of the same property conveyed to Eavy Hopkins by deed dated June 10, 1991, of record in Deed Book 1598, Page 17, in the Fayette County Clerk's Office.

Parcel No. 12, Tract B  
To be purchased as a Temporary Easement

All that tract or parcel of land situated approximately 325 feet east of the intersection of the centerlines of Old Frankfort Pike (KY Highway 1681) and Forbes Road (formerly KY Highway 1723) in Lexington, Fayette County, Kentucky, and being more particularly described as follows:

**Beginning** at a point in the northerly right-of-way line of Old

Frankfort Pike (KY Highway 1681), said point being 12.41 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 66+74.86 as established by KYTC Project Town Branch Trail Phase 6, Project No. CM 3003 332, TAP 4003 011, said point also being in the easterly right-of-way line of old Lisle Road;

Thence leaving the northerly right-of-way line of Old Frankfort Pike (KY Highway 1681), with the easterly right-of-way line of old Lisle Road, N 08°37'28" E, 15.60 feet to a point, 28.00 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 66+75.39, said point also being the **TRUE POINT OF BEGINNING**;

Thence continuing with the easterly right-of-way line of old Lisle Road, N 08°37'28" E, 15.01 feet to a point, 43.00 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 66+75.89;

Thence leaving the easterly right-of-way line of old Lisle Road, with a new temporary construction easement line through the lands of Eavy Hopkins (Parcel 12), S 83°18'23" E, 94.93 feet to a point, 43.50 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 67+70.21, said point being in the westerly property line of Forbes Land, LLC. (Parcel 23);

Thence with the westerly property line of Forbes Land, LLC. (Parcel 23), S 03°57'17" W, 15.02 feet to a point, 28.52 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 67+71.14;

Thence leaving the westerly property line of Forbes Land, LLC. (Parcel 23), with a new right-of-way line through the lands of Eavy Hopkins (Parcel 12), N 83°18'23" W, 96.16 feet to the **TRUE POINT OF BEGINNING**, containing 0.033 acres (1,433 sq. ft.).

The above described parcel being part of the same property conveyed to Eavy Hopkins by deed dated June 10, 1991, of record in Deed Book 1598, Page 17, in the Fayette County Clerk's Office.

It is the specific intention of the grantor(s) herein to convey a temporary construction easement for the purpose of slope

construction; said easement will terminate and revert upon completion of the same.

This Right of Entry shall stay in effect until completion of the project upon the subject property, during which time Grantors and Grantee shall continue to negotiate in good faith the purchase price of the identified parcels. Should the parties prove unable to reach an agreement concerning the value of the parcels during that time, Grantee shall initiate condemnation proceedings in Fayette Circuit Court in accordance with Section 416.540, *et seq.*, of the Kentucky Revised Statutes, where the Court will be asked to settle the parties' dispute, limited to determination of the value of the property. Upon the Court's determination of the fair market value of the required parcels and Grantee's payment of such sum, Grantors shall transfer the parcels described herein to Grantee by General Warranty deed without delay.

Grantee, in the exercise of its rights granted herein, shall ensure that neither it nor its contractors or agents takes any action that would permanently impair or remove the Grantor's existing point of ingress and egress between the parcel located at 1287 Manchester Street and the public right of way known as Manchester Street. Grantee further agrees, in consideration of the rights and privileges granted herein, that it shall construct and install a new point of ingress and egress between the parcel located at 1281 Manchester Street and the public right of way known as Manchester Street.

This Right of Entry is binding upon and inures to the benefit of the parties and their respective successors and assigns, including without limitation any party that may purchase any part of the subject parcels prior to conveyance of the parcels to Grantee as described herein. Grantors shall promptly provide any potential purchaser of the property



Notary ID # 548505

COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )

This Right of Entry Agreement was acknowledged, subscribed and sworn to before me by Linda Gorton, as Mayor, for and on behalf of the Lexington-Fayette Urban County Government, on this the 10<sup>th</sup> day of June, 2019.

Cynthia A. Carson-Jayson  
Notary Public, Kentucky, State-at-Large

My Commission Expires: 2/26/2021

Notary ID # 573812

PREPARED BY:

Charles E. Edwards, III  
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

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

201908010196

August 1, 2019

12:39:25 PM

Fees	\$47.00	Tax	\$0.00
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Total Paid	\$47.00
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14 Pages

488 - 501