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FAYETTE CO, KY FEE \$53.00

PRESENTED / LODGED: 09-11-2023 02:16:45 PM

RECORDED: 09-11-2023

SUSAN LAMB

CLERK

BY: EMILY GENTRY

DEPUTY CLERK

BK: DB 4036

PG: 360-365

TEMPORARY CONSTRUCTION EASEMENT

This **TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 31st day of AUGUST, 2023, by and between **KENNETH R. BOLL and KAREN E. BOLL, husband and wife**, 4011 Todds Road, Lexington, Kentucky 40509, 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 **FIVE HUNDRED DOLLARS AND 00/100 (\$500.00)**, 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

Return to:
Cynthia Cannon-Ferguson
LFUCG, Dept. of Law, 11th Floor
200 East Main Street
Lexington, KY 40507

related work for the purpose of stormwater 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
Barnard Drive Stormwater
Improvement Project
(a portion of 4011 Todds Road)

All of that tract or parcel of land located north of Todds Road (formerly known as Walnut Hill-Chilesburg Road) at the west side of the Boll Property in Lexington, Fayette County, Kentucky, and more fully described and bounded as follows, to-wit:

STARTING at the intersection of the Kentucky Transportation Cabinet right-of-way and the property corner of Boll (Deed Book 1669, Page 469); thence along the property line S 43°22'00" W, 8.87 feet to the real **POINT OF BEGINNING** for the temporary construction easement (P.O.B.); thence S 44°08'17" E, 25.62 feet; thence S 45°44'32" W, 40.00 feet; thence N 44°19'19" W, 14.95 feet; thence again along said property boundary N 12°36'00" E, 11.36 feet; thence again along said property boundary N 32°17'00" E, 17.00 feet; thence again along said property boundary N 43°42'00" E, 14.03 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 910 sq. ft. of temporary construction easement; and

Being a portion of the property conveyed to Kenneth R. Boll and Karen E. Boll, husband and wife, by Deed dated April 5, 1993, of record in Deed Book 1669, Page 469, 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 Grantors. The temporary construction easement shall take effect upon the commencement of construction of the project and will expire upon the completion of the project.

Grantors do 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 157-2023, passed by the Lexington-Fayette Urban County Council on March 23, 2023. Pursuant to KRS 382.135(2)(a), this temporary construction easement, which pertains 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.

[Intentionally Left Blank]

GRANTORS:



KENNETH R. BOLL


KAREN E. BOLL

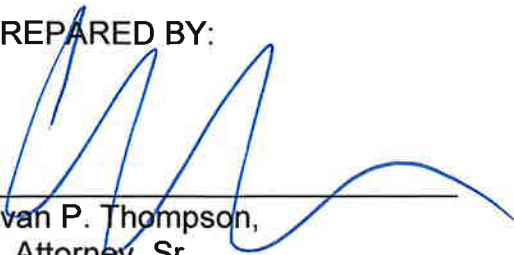
COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by Kenneth R. Boll and Karen E. Boll, husband and wife, on this the 31st day of August, 2023.




Notary Public, Kentucky, State-at-Large
My Commission Expires: 05 / 10 / 2025
Notary ID # KYNP27704

PREPARED BY:



Evan P. Thompson,
Attorney, Sr.
Lexington-Fayette Urban
County Government
Department of Law, 11th Floor
200 East Main Street
Lexington, Kentucky 40507
(859) 258-3500

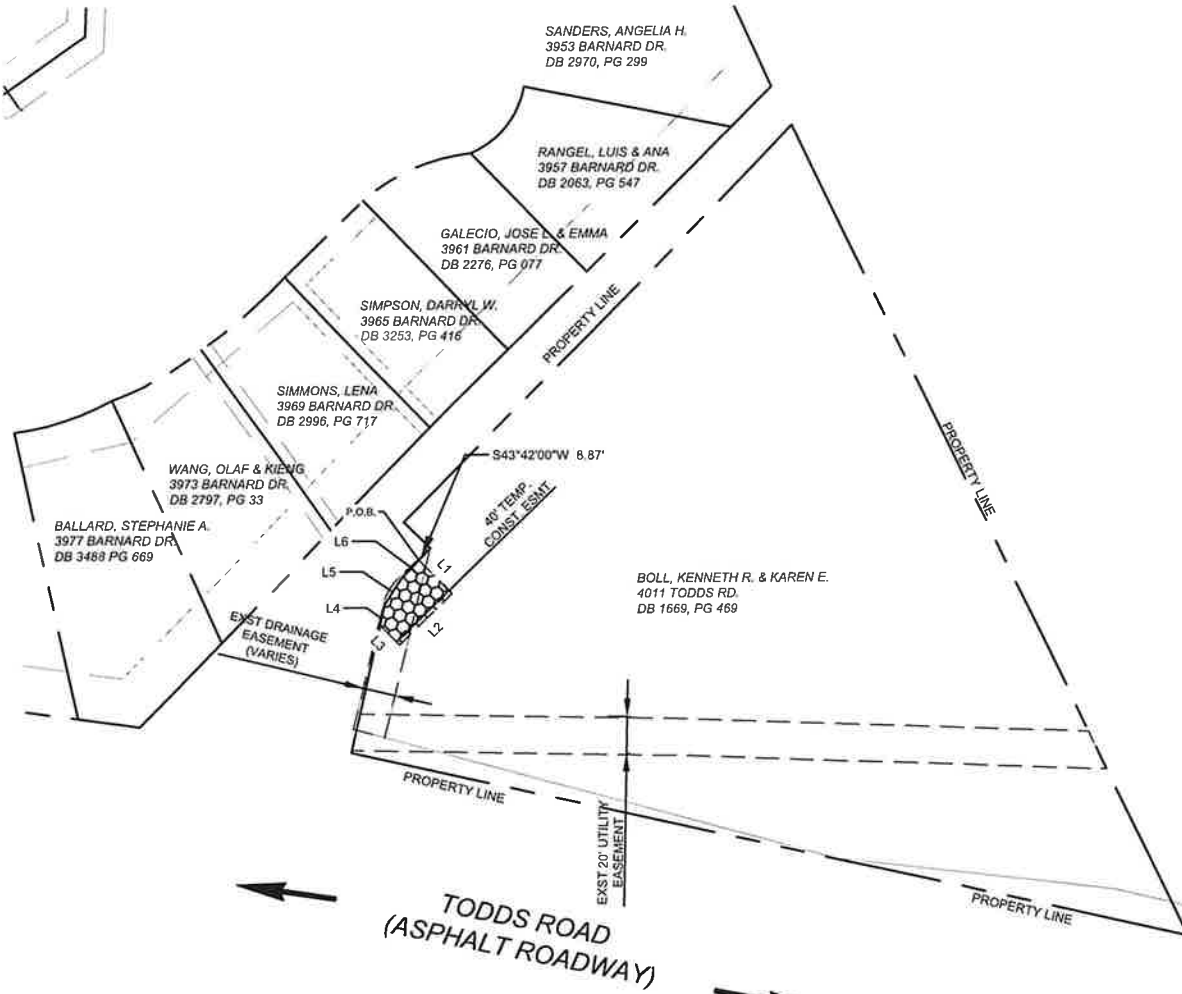
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BASIS OF BEARINGS

1. PROPERTY LINES WERE DERIVED FROM "BUILDING SITE RECORD THAT OF THE LEO WEST ET AL PROPERTY NEAR LEXINGTON KY" BY CECIL C. HARP ENGINEERS, LOCATED AT THE FAYETTE CO. CLERK'S OFFICE IN DEED BOOK 853, PAGE 61.
2. RIGHT-OF-WAY LINES WERE DERIVED FROM "TODDS ROAD WIDENING, STA. 109+00 TO STA. 115+00" BY KENTUCKY TRANSPORTATION CABINET, PROJECT NO. 7-225.00, SHEET NO. R009
3. DRAINAGE EASEMENT WAS DERIVED FROM "DEED OF CONVEYANCE AND GRANT OF EASEMENT" LOCATED AT THE FAYETTE CO. CLERK'S OFFICE IN DEED BOOK 3312, PAGE 182.
4. UTILITY EASEMENT WAS DERIVED FROM "GENERAL PERMIT" LOCATED AT THE FAYETTE CO. CLERK'S OFFICE IN DEED BOOK 305, PAGE 85.

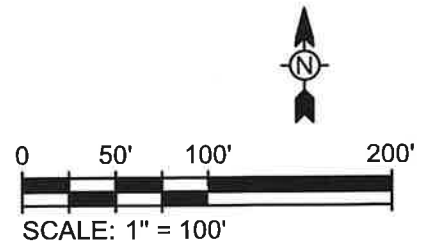


TEMPORARY CONSTRUCTION EASEMENT
910 SF



LINE TABLE		
LINE #	LENGTH	BEARING
L1	25.62'	S 44°08'17\" E
L2	40.00'	S 45°44'32\" W
L3	14.95'	N 44°19'19\" W
L4	11.36'	N 12°36'00\" E

LINE TABLE		
LINE #	LENGTH	BEARING
L5	17.00'	N 32°17'00\" E
L6	14.03'	N 43°42'00\" E



2/6/2023 9:12:07 AM - P:\IERY\11681\200-11681-21002\CAD\IS\HETFILES\EASEMENTS\BARNARD\EASEMENT_4011 TODDS_2-6-23.DWG - PACHOLIK, LUCY



TETRA TECH

www.tetrattech.com

424 LEWIS HARGETT CIRCLE, SUITE 110
LEXINGTON, KY 40503
TEL: 859.223.8000 FAX: 859.224.1025

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

TEMPORARY CONSTRUCTION EASEMENT
ON THE PROPERTY OF 4011 TODDS RD

DEED BOOK NO. 1669
PAGE 469

PROJ: 200-11681-21002

DATE: 2/6/2023

DESN: LCP

EXHIBIT

A

Copyright: Tetra Tech

Bar Measures 1 inch