

**PERMANENT AND TEMPORARY GRANT OF EASEMENT**

This **PERMANENT AND TEMPORARY GRANT OF EASEMENT** is made and entered into this the 20 day of July, 2018, by and between **NICOLAS S. GRUBER and LINDSEY E. GRUBER, husband and wife**, 243 E. Fourth Street, 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 **EIGHT HUNDRED TWENTY-FIVE DOLLARS AND 00/100 (\$825.00)**, 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, the permanent right to excavate, grade, install, construct, alter, inspect, maintain, re-grade and perform related work for the purpose of right-of-way construction, improvement, and relocation of a Shared Use Path know as Legacy Trail 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:

**Permanent Easement**  
**(a portion of 243 E. Fourth Street)**  
**Legacy Trail, Phase III and Fourth Street**  
**Corridor Enhancements**  
**Parcel No. 27A**

**Commencing** at a point being the intersection of the north right-of-way of East Fourth Street, and the east right-of-way

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

(CC-F)

of Silver Maple Way; thence with the north right-of-way of East Fourth Street, S 41°00'00" E a distance of 114.83 feet the **TRUE POINT of BEGINNING** of the tract therein described said point being a common corner to 239 East Fourth Street and 243 East Fourth Street; thence with the line common to 239 East Fourth Street and 243 East Fourth Street, N 48°16'05" E a distance of 5.00 feet to a point; thence leaving said common line and with a line through 243 East Fourth Street, S 41°00'00" E a distance of 62.00 feet to a point in the west right-of-way of Hummons Avenue, S 48°16'05" W a distance of 5.00 feet to a point in the north right-of-way line of East Fourth Street; thence with said north right-of-way of East Fourth Street, N 41°00'00" W a distance of 62.00 feet to the POINT OF BEGINNING;

The above described parcel contains 309.97 sq. ft. of permanent easement; and

Being a portion of the property conveyed to Lindsey E. Gruber and Nicholas S. Gruber, wife and husband, by Deed dated June 2, 2017, of record in Deed Book 3498, Page 378, in the Fayette County Clerk's Office.

**FURTHER**, for and in consideration of the sum hereinbefore mentioned, the receipt and sufficiency of which is hereby acknowledged, Grantors have **BARGAINED** and **SOLD** and do hereby **GIVE, GRANT** and **CONVEY** unto the Grantee, its successors and assigns, temporary right to excavate, grade, install, construct, alter, inspect, maintain, re-grade and perform related work for the purpose of right-of-way construction, improvement 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 Construction Easements**  
**(a portion of 243 E. Fourth Street)**  
**Legacy Trail, Phase III and Fourth Street**  
**Corridor Enhancements**  
**Parcel No. 27B**

**Commencing** at a point being the intersection of the north right-of-way of East Fourth Street, and the east right-of-way of Silver Maple Way; thence with the north right-of-way of East Fourth Street, S 41°00'00" E a distance of 114.83 feet to point being a corner common to 239 East Fourth Street and 243 East Fourth Street; thence with the line common to 239 East Fourth Street and 243 East Fourth Street, N 48°16'05" E a distance of 5.00 feet to a point being the **TRUE POINT OF BEGINNING** of the tract therein described; thence continuing with said line common to 239 East Fourth Street and 243 East Fourth Street, N 48°16'05" E a distance of 5.00 feet to a point; thence leaving said common line and with a line through 243 East Fourth Street, S 41°00'00" E a distance of 62.00 feet to a point in the west right-of-way of Hummons Avenue; thence with said west right-of-way of Hummons Avenue, S 48°16'05" W a distance of 5.00 feet to a point; thence with a line through said 243 East Fourth Street, N 41°00'00" W a distance of 62.00 feet to the POINT OF BEGINNING;

The above described parcel contains 309.97 sq. ft. of temporary construction easement;

Being a portion of the property conveyed to Lindsey E. Gruber and Nicolas S. Gruber, wife and husband, by Deed dated June 2, 2017, of record in Deed Book 3498, Page 378, in the Fayette County Clerk's Office.

**TO HAVE AND TO HOLD** the above-described 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 easement runs with the land for the duration of the improvement project and is binding upon the successors and assigns of the Grantors. The above-described permanent easement runs with the land in perpetuity 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 completion of the project.

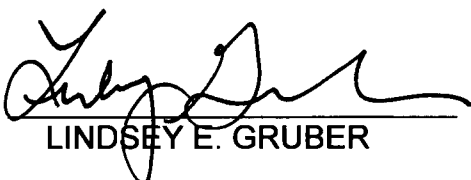
Grantors do hereby release and relinquish unto the Grantee, its successors and assigns forever, all of their right, title, and interest in and to the property to the extent of the interests conveyed herein, including all exemptions allowed by law, and do hereby covenant to and with the Grantee, its successors and assigns forever, that they are lawfully seized in fee simple of said property and that they will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 366-2018, passed by the Lexington-Fayette Urban County Council on June 21, 2018. Pursuant to KRS 382.135(2)(c), this grant of easement, which pertains to a public right-of-way, need not contain a statement of consideration.

**IN TESTIMONY WHEREOF**, the Grantors have signed this Permanent and Temporary Grant of Easement, this the day and year first above written.

GRANTORS:

BY:   
\_\_\_\_\_  
NICHOLAS S. GRUBER

BY:   
\_\_\_\_\_  
LINDSEY E. GRUBER

COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )

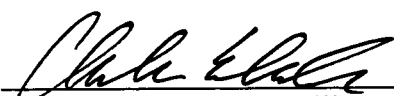
This instrument was acknowledged, subscribed and sworn to before me by  
<sup>PW</sup> Nicolas S. Gruber and Lindsey E. Gruber, husband and wife, on this the 20 day of  
JULY, 2018.

  
583153

Notary Public, Kentucky, State at Large

My Commission Expires: 7 / 29 / 2021

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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