

**PERMANENT AND TEMPORARY GRANT OF EASEMENT**

This **PERMANENT AND TEMPORARY GRANT OF EASEMENT** is made and entered into this the 21<sup>TH</sup> day of FEBRUARY, ~~2018~~<sup>2019</sup>, by and between **BARBARA JEAN CAISE, a single person**, 2513 Dressage Way, Lexington, Kentucky 40504, 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 **NINE HUNDRED DOLLARS AND 00/100 (\$900.00)**, 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, 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 235 E. Fourth Street)**  
**Legacy Trail, Phase III and Fourth Street**  
**Corridor Enhancements**  
**Parcel No. 25A**

**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 east right-of-way of Silver Maple Way; thence with the east right-of-way of Silver Maple Way, N 48°16'15" E a distance of 5.00 feet to a point; thence leaving said right-of-way and with a line through 235 East Fourth Street, S 41°00'00" E a distance of 64.00 feet to a point in the line common to 235 East Fourth Street and 239 East Fourth Street; thence with the line common to 235 East Fourth Street and 239 East Fourth Street, 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 64.00 feet, to the POINT OF BEGINNING;

The above described parcel contains 319.97 sq. ft. of permanent easement; and

Being a portion of the property conveyed to Herbert H. Caise and Barbara Jean Caise, husband and wife, by Deed dated December 15, 1976, of record in Deed Book 1160, Page 379, in the Fayette County Clerk's Office. Said Herbert H. Caise died intestate a resident of Lexington, Fayette County, Kentucky on August 18, 2018. The property vests to his wife, Barbara Jean Caise, by the right-of-survivorship in the aforementioned deed.

**FURTHER**, for and in consideration of the sum hereinbefore mentioned, the receipt and sufficiency of which is hereby acknowledged, Grantor has **BARGAINED** and **SOLD** and does 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 Easement**  
**(a portion of 235 E. Fourth Street)**  
**Legacy Trail, Phase III and Fourth Street**  
**Corridor Enhancements**  
**Parcel No. 25B**

**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 east right-of-way of Silver Maple Way, N 48°16'05" E a distance of 5.00 feet to the **TRUE POINT OF BEGINNING** of the tract herein described; thence continuing with said east right-of-way of Silver Maple Way, N 48°16'05" E a distance of 5.00 feet to a point; thence leaving said right-of-way and with the line through 235 East Fourth Street, S 41°00'00" E a distance of 64.00 feet to a point in the line common to 235 East Fourth Street and 239 East Fourth Street; thence with said line common to 235 East Fourth Street and 239 East Fourth Street, S 48°16'05" W a distance of 5.00 feet to a point; thence with a line through said 235 East Fourth Street, N 41°00'00" W a distance of 64.00 feet to the **POINT OF BEGINNING**;

The above described parcel contains 319.97 sq. ft. of temporary construction easement;

Being a portion of the property conveyed to Herbert H. Caise and Barbara Jean Caise, husband and wife, by Deed dated December 15, 1976, of record in Deed Book 1160, Page 379, in the Fayette County Clerk's Office. Said Herbert H. Caise died intestate a resident of Lexington, Fayette County, Kentucky on August 18, 2018. The property vests to his wife, Barbara Jean Caise, by the right-of-survivorship in the aforementioned deed.

**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 Grantor. The above-described permanent easement runs with the land in perpetuity 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 her right, title, and interest in and to the property to the extent of the interests conveyed herein, including all exemptions allowed by law, and does hereby covenant to and with the Grantee, its successors and assigns forever, that she is lawfully seized in fee simple of said property and that she 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 Grantor has signed this Permanent and Temporary Grant of Easement, this the day and year first above written.

GRANTOR:

BY: Barbara J. Caise  
BARBARA JEAN CAISE



**DEED BOOK 3647 PAGE 30**

**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.**

  
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**By: MELISSA STELTER ,dc**

**201902130015**

**February 13, 2019                      10:39:20    AM**

**Fees                      \$23.00                      Tax                      \$ .00**

**Total Paid                      \$23.00**

**THIS IS THE LAST PAGE OF THE DOCUMENT**

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