

DEED OF EASEMENT

This **PERMANENT SIDEWALK EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 10 day of SEPTEMBER, 2020, by and between **KEVIN MAGGARD, a married person and W. STEVE STONE, a married person**, 601 Autumn Lane, Lexington, Kentucky 40502, which is the in-care of tax mailing address for the current year (hereinafter "Grantors"), and **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky 40507, (hereinafter "Grantee").

WITNESSETH:

That for and in consideration of the sum of **FOUR THOUSAND ONE HUNDRED FIFTY DOLLARS AND 00/100 DOLLARS (\$4,150.00)**, 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, permanent right to lay, install, construct, maintain, repair, reconstruct, and remove sidewalks and other related improvements and appurtenances thereto, which said sidewalk and appurtenances shall be of such dimension, character, construction and use as determined by Grantee, along, through, under and across the following tract of land located in Lexington, Fayette County, Kentucky and more particularly described as follows, to wit:

Permanent Sidewalk Easement
Armstrong Mill Road
Sidewalk Improvement Project
Parcel No. 17
(a portion of 1095 Armstrong Mill Road

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

Being a tract of land in Fayette County along Armstrong Mill Road and being more particularly described as follows:

Beginning at a point on the existing northern Armstrong Mill right-of-way line, 34.83 feet left of the proposed Armstrong Mill centerline at Station 111+55.71; thence leaving the existing northern right-of-way, N 30 Degrees 07 Minutes 56 Seconds E, a distance of 43.86 feet to a point 78.68 feet left of the proposed Armstrong Mill centerline at Station 111+54.82; thence S 59 Degrees 40 Minutes 52 Seconds E, a distance of 18.93 feet to a point 79.00 feet left of the proposed Armstrong Mill centerline at Station 111+73.75; said point being on the existing eastern property line; thence with the existing eastern property line, S 31 Degrees 14 Minutes 41 Seconds W, a distance of 44.09 feet to a point 34.91 feet left of the proposed Armstrong Mill centerline at Station 111+73.79, said point being on the existing northern Armstrong Mill right-of-way; thence leaving the existing eastern property line with the existing Armstrong Mill northern right-of-way, N 58 Degrees 57 Minutes 56 Seconds W, a distance of 18.08 feet to a point 34.83 feet left of the proposed Armstrong Mill centerline at Station 111+55.71 to the POINT OF BEGINNING; and,

The above described parcel contains 814 square feet of permanent easement; and

Being a portion of the same property conveyed to Kevin Maggard, a married person and W. Steve Stone, a married person, by Deed dated November 17, 1989, of record in Deed Book 1530, Page 605 and by Deed dated January 25, 2000, of record in Deed Book 2169, Page 75, both referenced 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 lay, install, construct, maintain, repair, reconstruct, and remove sidewalks and other related improvements and appurtenances thereto, which said sidewalk and appurtenances shall be of such dimension, character,

construction and use as determined by Grantee, along, through, under and across the following tract of land located in Lexington, Fayette County, Kentucky, and more particularly described as follows:

Temporary Construction Easement
Armstrong Mill Road
Sidewalk Improvement Project
Parcel No. 18
(a portion of 1091 Armstrong Mill Road)

Being a tract of land in Fayette County along Armstrong Mill Road and being more particularly described as follows:

Beginning at a point on the existing northern Armstrong Mill right-of-way line and the existing western property line, 35.16 feet left of the proposed Armstrong Mill centerline at Station 109+25.40; thence leaving the existing northern Armstrong Mill right-of-way with the existing western property line, N 29 Degrees 37 Minutes 18 Seconds E, a distance of 17.15 feet to a point 52.30 feet left of the proposed Armstrong Mill centerline at Station 109+25.04; thence leaving the existing western property line, S 60 Degrees 45 Minutes 02 Seconds E, a distance of 4.21 feet to a point 52.42 feet left of the proposed Armstrong Mill centerline at Station 109+29.26; thence S 23 Degrees 53 Minutes 30 Seconds W, a distance of 11.99 feet to a point 40.51 feet left of the proposed Armstrong Mill centerline at Station 109+30.70; thence S 58 Degrees 52 Minutes 47 Seconds E, a distance of 29.60 feet to a point 40.35 feet left of the proposed Armstrong Mill centerline at Station 109+60.30, said point being on the existing property line; thence with the existing eastern property line, S 29 Degrees 37 Minutes 18 Seconds W, a distance of 5.33 feet to a point 35.02 feet left of the proposed Armstrong Mill centerline at Station 109+60.41, said point being on the existing northern Armstrong Mill right-of-way; thence leaving the existing eastern property line with the existing northern Armstrong Mill right-of-way, N 58 Degrees 57 Minutes 56 Seconds W, a distance of 35.01 feet to a point 35.16 feet left of the proposed Armstrong Mill centerline at Station 109+25.40 and the POINT OF BEGINNING; and,

The above described parcel contains 245 square feet of temporary construction easement; and,

Being a portion of the same property conveyed to Kevin Maggard, a married person and W. Steve Stone, a married person, by Deed dated November 17, 1989, of record in Deed Book 1530, Page 605 and by Deed dated January 25, 2000, of record in Deed Book 2169, Page 75, both referenced in the Fayette County Clerk's Office.

Temporary Construction Easement
Armstrong Mill Road
Sidewalk Improvement Project
Parcel No. 16
(a portion of 1093 Armstrong Mill Road)

Being a tract of land in Fayette County along Armstrong Mill Road and being more particularly described as follows:

Beginning at a point on the existing northern Armstrong Mill right-of-way line and the existing western property line, 35.02 feet left of the proposed Armstrong Mill centerline at Station 109+60.41; thence leaving the existing northern Armstrong Mill right-of-way with the existing western property line, N 29 Degrees 37 Minutes 18 Seconds E, a distance of 5.33 feet to a point 40.35 feet left of the proposed Armstrong Mill centerline at Station 109+60.30; thence leaving the existing western property line, S 58 Degrees 52 Minutes 47 Seconds E, a distance of 35.01 feet to a point 40.15 feet left of the proposed Armstrong Mill centerline at Station 109+95.31, said point being on the existing eastern property line; thence with the existing eastern property line, S 29 Degrees 37 Minutes 18 Seconds W, a distance of 5.28 feet to a point 34.88 feet left of the proposed Armstrong Mill centerline at Station 109+95.42, said point being on the existing northern Armstrong Mill right-of-way; thence leaving the existing eastern property line with the existing northern Armstrong Mill right-of-way, N 58 Degrees 57 Minutes 56 Seconds W, a distance of 35.01 feet to a point 35.02 feet left of the proposed Armstrong Mill centerline at Station 109+60.41 and the POINT OF BEGINNING; and,

The above described parcel contains 186 square feet of temporary construction easement; and,

Being a portion of the same property conveyed to Kevin Maggard, a married person and W. Steve Stone, a married person, by Deed dated November 17, 1989, of record in Deed Book 1530, Page 605 and by Deed dated January 25, 2000, of record in Deed Book 2169, Page 75, both referenced in the Fayette County Clerk's Office.

Temporary Construction Easement
Armstrong Mill Road
Sidewalk Improvement Project
Parcel No. 17
(a portion of 1095 Armstrong Mill Road)

Being a tract of land in Fayette County along Armstrong Mill Road and being more particularly described as follows:

Beginning at a point on the existing northern Armstrong Mill right-of-way line and the existing western property line, 34.88 feet left of the proposed Armstrong Mill centerline at Station 109+95.42; thence leaving the existing northern Armstrong Mill right-of-way with the existing western property line, N 29 Degrees 37 Minutes 18 Seconds E, a distance of 5.28 feet to a point 40.15 feet left of the proposed Armstrong Mill centerline at Station 109+95.31; thence leaving the existing western property line, S 58 Degrees 52 Minutes 47 Seconds E, a distance of 55.67 feet to a point 39.85 feet left of the proposed Armstrong Mill centerline at Station 110+50.97; thence S 63 Degrees 16 Minutes 36 Seconds E, a distance of 105.15 feet to a point 47.92 feet left of the proposed Armstrong Mill centerline Station 111+55.44; thence S 30 Degrees 07 Minutes 56 Seconds W, a distance of 13.10 feet to a point 34.83 feet left of the proposed Armstrong Mill centerline at Station 111+55.71, said point being on the existing northern Armstrong Mill right-of-way; thence with the existing northern Armstrong Mill right-of-way, N 58 Degrees 57 Minutes 56 Seconds W, a distance of 160.60 feet to a point 34.88 feet left of the proposed Armstrong Mill centerline at Station 109+95.42, and the POINT OF BEGINNING; and,

The above described parcel contains 1,251 square feet of temporary construction easement; and,

Being a portion of the same property conveyed to Kevin Maggard, a married person and W. Steve Stone, a married person, by Deed dated November 17, 1989, of record in

Deed Book 1530, Page 605 and by Deed dated January 25, 2000, of record in Deed Book 2169, Page 75, both referenced 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 Grantee, its successors and assigns forever, for the purposes and uses herein designated.

The above-described temporary 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 easement shall take effect upon the commencement of construction of the project and will expire upon completion of the project.

Grantors shall have the full right to use the surface of the land lying over said permanent easement for any purpose desired, provided such use will not interfere with the Grantee's free use of the easements herein granted and provided further that no building or structure shall be erected upon, across, over or through said permanent easement without prior written consent of the Grantee.

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 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 easements as herein done, and that they will **WARRANT GENERALLY** said title.

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: EMILY GENTRY ,dc

202009210338

September 21, 2020 13:07:20 PM

Fees	\$59.00	Tax	\$.00
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Total Paid	\$59.00
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9 Pages

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MAYOR LINDA GORTON



LEXINGTON

SUSAN B. SPECKERT
COMMISSIONER
DEPARTMENT OF LAW

To: Abigail Allan, Council Clerk
Council Clerk's Office

From: Department of Law

Date: September 24, 2020

Re: Permanent and Temporary Construction Easement
1091, 1093 and 1095 Armstrong Mill Road

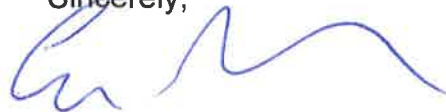
Our File No. 19-RE0687
Armstrong Mill Road Sidewalk Improvement Project

Enclosed is the original recorded Permanent and Temporary Construction Easement for the above-referenced property to the Urban County Government for the Armstrong Mill Road Sidewalk Improvement Project. Please file the easement with the authorizing legislation, Resolution No. 56-2020.

Please note that the attached asset acquisition form is for the permanent easement only.

If you have any questions, please let me know.

Sincerely,



Evan P. Thompson
Attorney

Enclosure

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