

**RIGHT OF ENTRY AGREEMENT**

This **RIGHT OF ENTRY AGREEMENT** ("Agreement"), is made and entered into on this the 15<sup>th</sup> day of July, 2019, by and between **LEXINGTON CENTER CORPORATION**, ("Grantor") a duly organized Kentucky non-profit corporation, which has its principal office at 430 West Vine Street, Lexington, Kentucky 40507, 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 Grantor owns certain property situated on West Main Street, Lexington, Kentucky ("Grantor's Property"), portions of which are needed for the construction of the Town Branch Commons, Zone 4; and

**WHEREAS**, the Grantor supports the Town Branch Commons project and has agreed to grant unto Grantee certain rights in Grantor's property necessary for the installation of the Town Branch Commons; and

**WHEREAS**, pursuant to Deed of Easement dated April 24, 2019, and recorded at Deed Book 3666, Page 78 ("Prior Easement"), Grantor has granted unto the Grantee certain temporary and permanent easements in, over and across other real property owned by the Grantor, which easements are also necessary for the completion of the Town Branch Commons project; and

**WHEREAS**, the Grantor is in the process of finalizing a Consolidation & Easement Minor Subdivision Plat ("Consolidation Plat"), which Consolidation Plat includes the Grantor's property, and

**WHEREAS**, the Consolidation Plat is in a preliminary form which is not ready for final approval and recordation, but the Grantee has requested that Grantor enter into this Agreement to permit the Grantee to enter upon a portion of Grantor's property for the purpose of installing and constructing a portion of the Town Branch Trail and the Grantor is willing to provide to Grantee a right-of-entry pursuant to the terms and conditions of this Agreement.


**NOW, THEREFORE**, Grantor and Grantee agree that Grantee shall have the right to enter upon that portion of Grantor's Property as is depicted by cross-hatching on the attached Exhibit A ("New Easement Premises"), for the purpose of installing and constructing a shared-use-path and other related improvements, including walls and other hardscape features and appurtenances thereto. This Agreement shall stay in effect until the parties have executed all documents necessary to transfer a permanent easement for such shared-use-path and other improvements from Grantor to Grantee, which documents shall include a Deed of Easement for the New Easement Premises similar in form and substance to the Prior Easement.

This Agreement 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 portion of the New Easement Premises prior to the formal conveyance of the easements described herein. Grantor shall promptly provide any potential purchaser of the property with a copy of this Agreement and shall notify the potential purchaser that all duties and obligations owed by Grantor hereunder shall transfer to the purchaser immediately upon purchase of the property.

IN TESTIMONY WHEREFORE, witness our signatures, the day and year set forth above.

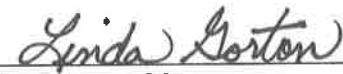
**GRANTOR:**

LEXINGTON CENTER CORPORATION,  
a Kentucky non-profit corporation

By:   
William B. Owen, President

**GRANTEE:**

LEXINGTON-FAYETTE URBAN COUNTY  
GOVERNMENT


By:   
Linda Gorton, Mayor

COMMONWEALTH OF KENTUCKY )

)

COUNTY OF FAYETTE )

This Agreement was acknowledged before me by William B. Owen, as President, for and on behalf of Lexington Center Corporation, a Kentucky Non-profit Corporation, on this the 15<sup>th</sup> day of July, 2019.

  
Notary Public, Kentucky, State-at-Large  
My Commission Expires: 05 / 04 / 2023  
Notary ID # 620960

COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )

This Agreement was acknowledged before me by Linda Gorton, as Mayor, for and on behalf of the Lexington-Fayette Urban County Government, on this the 12 day of July, 2019.

Cynthia A. Cannon-Ferguson  
Notary Public, Kentucky, State-at-Large  
My Commission Expires: 2 / 20 / 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



15140388.2

**EXHIBIT A**

DATE: 07/26/17  
 SCALE: 1"=50'  
 APPROVED BY: [Signature]  
 DRAWN BY: [Signature]

ABERT JONES CONSULTING  
 1022 JEFFERSON BLVD  
 LEANINGTON, KY 40323  
 502-261-1111  
 809.338.3413

REVISIONS

NO.	DESCRIPTION	DATE

CONSOLIDATION & EASEMENT MINOR SUBDIVISION PLAT OF  
 AMENDED RECORD PLAT FOR  
 LEMINGTON CENTER CORPORATION  
 PROPERTY DEPOSIT BOOK 7, PARCELS 2, 4 AND 7 AND  
 426, 601-603 WEST HIGH STREET  
 LEANINGTON, KY 40323  
 CUEBROWMEN, LEMINGTON CENTER CORPORATION, 130 W. VANCE ST.

PROJECT: BLDG  
 SHEET: 1 OF 1

DATE: 07/26/17  
 SCALE: 1"=50'  
 APPROVED BY: [Signature]  
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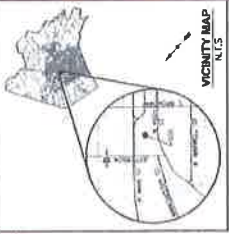
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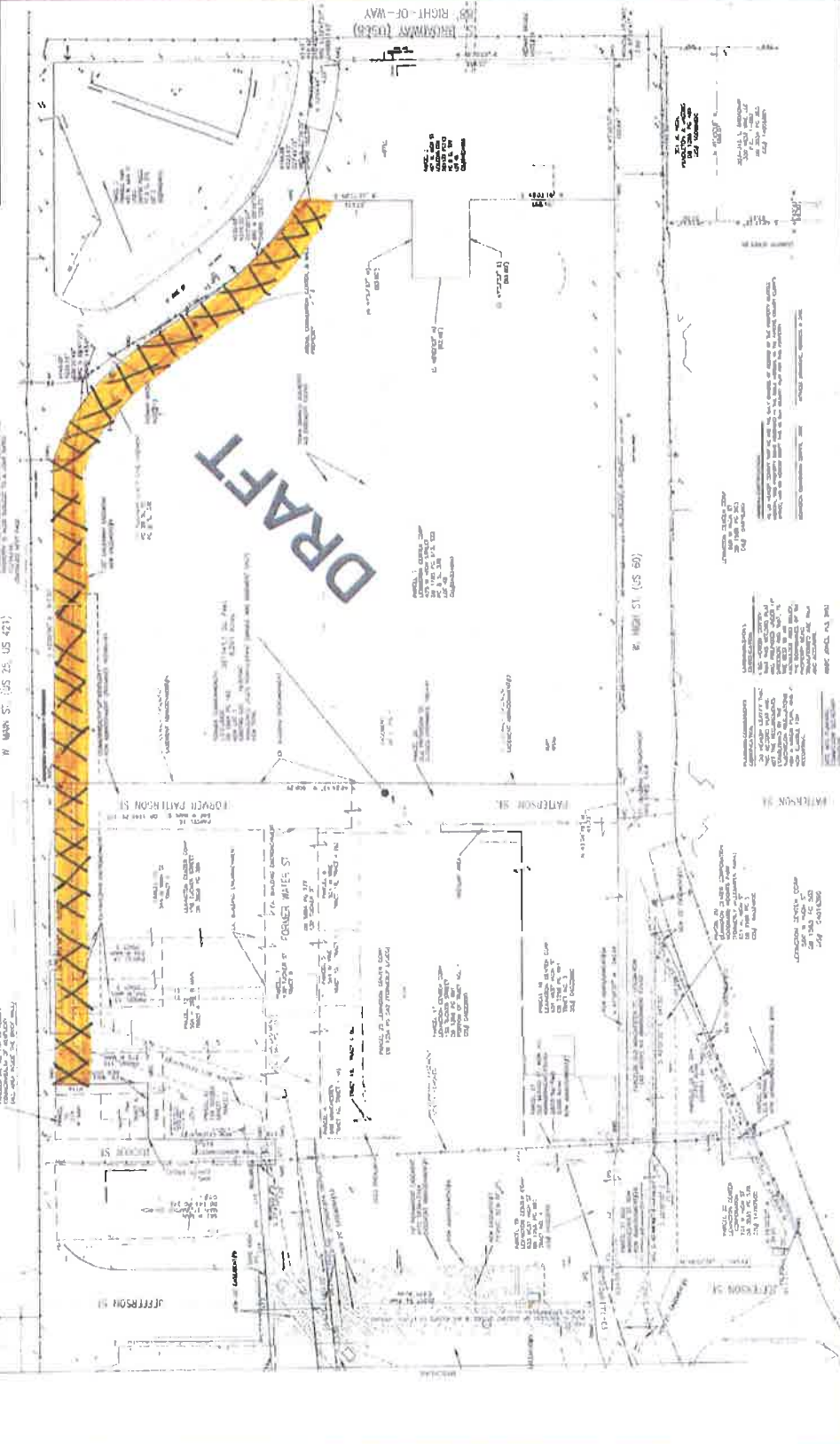
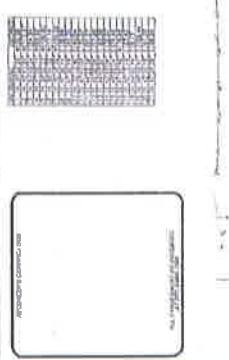
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 SCALE: 1"=50'  
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PROPERTY DEPOSIT BOOK 7, PARCELS 2, 4 AND 7 AND 426, 601-603 WEST HIGH STREET, LEANINGTON, KY 40323. THIS PLAT IS A CONSOLIDATION AND EASEMENT MINOR SUBDIVISION PLAT OF THE AMENDED RECORD PLAT FOR LEMINGTON CENTER CORPORATION, PROPERTY DEPOSIT BOOK 7, PARCELS 2, 4 AND 7 AND 426, 601-603 WEST HIGH STREET, LEANINGTON, KY 40323. THE TOTAL AREA OF THE PROPERTY IS 0.12 ACRES. THE PROPERTY IS BEING SUBDIVIDED INTO 10 LOTS. THE LOTS ARE DESCRIBED AS FOLLOWS: LOT 1, 0.02 ACRES; LOT 2, 0.02 ACRES; LOT 3, 0.02 ACRES; LOT 4, 0.02 ACRES; LOT 5, 0.02 ACRES; LOT 6, 0.02 ACRES; LOT 7, 0.02 ACRES; LOT 8, 0.02 ACRES; LOT 9, 0.02 ACRES; LOT 10, 0.02 ACRES. THE LOTS ARE BEING SUBDIVIDED FOR THE PURPOSES OF THE CONSTRUCTION OF A BUILDING. THE PLAT IS SUBJECT TO THE EASEMENTS AND RESTRICTIONS SET FORTH IN THE AMENDED RECORD PLAT FOR LEMINGTON CENTER CORPORATION, PROPERTY DEPOSIT BOOK 7, PARCELS 2, 4 AND 7 AND 426, 601-603 WEST HIGH STREET, LEANINGTON, KY 40323.

LOT NO.	AREA (AC)	OWNER	REMARKS
1	0.02	ABERT JONES CONSULTING	OWNER
2	0.02	ABERT JONES CONSULTING	OWNER
3	0.02	ABERT JONES CONSULTING	OWNER
4	0.02	ABERT JONES CONSULTING	OWNER
5	0.02	ABERT JONES CONSULTING	OWNER
6	0.02	ABERT JONES CONSULTING	OWNER
7	0.02	ABERT JONES CONSULTING	OWNER
8	0.02	ABERT JONES CONSULTING	OWNER
9	0.02	ABERT JONES CONSULTING	OWNER
10	0.02	ABERT JONES CONSULTING	OWNER

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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

201907240136

July 24, 2019                      9:48:49      AM

Fees	\$22.00	Tax	\$0.00
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Total Paid	\$22.00
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7 Pages

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