

TEMPORARY CONSTRUCTION EASEMENT

This **TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 6 day of FEBRUARY, 2019, by and between **THE CLARENCE ELLIOTT MEANS, JR. TRUST NUMBER TWO, c/o Virginia L. Lawson, Trustee, McBrayer, McGinnis, Leslie & Kirkland, PLLC, 201 East Main Street, Suite 900, Lexington Kentucky 40507-2003**, 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 **THREE THOUSAND FOUR HUNDRED TWENTY-FIVE DOLLARS AND 00/100 (\$3,425.00)**, 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, temporary right to excavate, grade, install, construct, alter, inspect, maintain, re-grade and perform related work for the construction of a shared-use-path known as Town Branch 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:

Temporary Construction Easement
(a portion of 338-340 Newtown Pike)
Town Branch Commons Project
Zone 7
Parcel No. 58

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

(CC-P)

Being a tract of land situated northeast of the intersection of Newtown Pike (US Highway 25, KY Highway 922) and Third Street in Fayette County, Kentucky, and being more particularly described as follows:

Beginning at an iron pin in the easterly right-of-way line of Newtown Pike, said point being a common corner with Thistle Holdings, LLC (Parcel 57), said point also being 21.51 feet right of KY 922 Baseline Station 233+41.36; thence leaving the easterly right-of-way line of Newtown Pike, N 15°22'35" E, 112.64 feet to a point, said point being a common corner with John W. & Anna Hutchinson (Parcel 158); thence with the southerly line of the aforesaid John W. & Anna Hutchinson, S 48°40'44" E, 5.56 feet to a point 25.17 feet right of KY 922 Baseline Station 234+51.62; thence leaving the southerly line of the aforesaid John W. & Anna Hutchinson with a new easement line through the lands of The Clarence Elliott Means, Jr. Trust Number Two, S 15°22'35" W, 107.17 feet to a point, said point being in the northerly line of the aforesaid Thistle Holdings, LLC, said point also being 26.47 feet right of KY 922 Baseline Station 233+44.45; thence with the northerly line of the aforesaid Thistle Holdings, LLC, S 74°07'42" W, 5.85 feet to the POINT OF BEGINNING; and

The above described parcel contains ±0.013 acres or 550 sq. ft. of temporary construction easement; and

Being a portion of the property conveyed to The Clarence Elliott Means, Jr. Trust Number Two, by and through its Trustee, Virginia L. Lawson, by deed dated July 28, 2014, of record in Deed Book 3261, Page 127, referenced 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 Grantor. The temporary construction easement shall take effect upon the commencement of construction of the project and will expire upon the completion of the project.

Grantor does hereby release and relinquish unto the Grantee, its successors and assigns forever, all of its 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 it is lawfully seized in fee simple of said property and has good right to sell and convey the same as herein done, and that it will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 384-2018, passed by the Lexington-Fayette Urban County Council on June 21, 2018. Pursuant to KRS 382.135(2)(c), this temporary construction easement, which pertains to a public right-of-way, need not contain a statement of consideration.

IN TESTIMONY WHEREOF, the Grantor has signed this Temporary Construction Easement, this the day and year first above written.

GRANTOR:

THE CLARENCE ELLIOTT MEANS, JR. TRUST
NUMBER TWO

BY: 
VIRGINIA L. LAWSON, TRUSTEE

DEED BOOK 3646 PAGE 341

**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: MELISSA STELTER ,dc

201902110032

February 11, 2019 9:13:09 AM

Fees	\$20.00	Tax	\$.00
-------------	----------------	------------	---------------

Total Paid	\$20.00
-------------------	----------------

THIS IS THE LAST PAGE OF THE DOCUMENT

5 Pages

337 - 341