

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: February 13, 2020

Re: Temporary Construction Easement
A portion of 125 Mt. Tabor Road

Our File No. 08-RE0088
Mt. Tabor Road Widening Project

Enclosed is the original recorded Temporary Construction Easement for the above property to the Urban County Government for the Mt. Tabor Road Widening Project. Please file the easement with the authorizing legislation, Resolution No. 605-2015.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Edwards, III".

Charles E. Edwards, III
Attorney

Enclosure

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TEMPORARY CONSTRUCTION EASEMENT

This **TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 5 day of February, 2020, by and between **BURKE FURNITURE, INC.**, a **Kentucky corporation**, 2950 Richmond Road, Lexington, Kentucky 40509, 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 **FOUR THOUSAND ONE HUNDRED DOLLARS AND 00/100 (\$4,100.00)**, 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, construct, alter, re-grade and perform related work for the purpose of roadway improvements and construction, installation 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 125 Mt. Tabor Road)
Parcel No. 23
Mt. Tabor Road Widening Project

Beginning at a point 36.38 feet left of Mt. Tabor Road at Station 20+70.88; thence North 40 Degrees 38 Minutes 46 Seconds West, a distance of 16.72 feet to a point 53.10 feet

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

(CC-F)

left of Mt. Tabor Road at Station 20+70.88; thence North 49 Degrees 21 Minutes 38 Seconds East, a distance of 47.00 feet to a point 53.10 feet left of Mt. Tabor Road at Station 21+17.88; thence South 40 Degrees 38 Minutes 22 Seconds East, a distance of 8.00 feet to a point 45.10 feet left of Mt. Tabor Road at Station 21+17.88; thence North 49 Degrees 22 Minutes 06 Seconds East, a distance of 244.92 feet to a point 45.05 feet left of Mt. Tabor Road at Station 23+62.79; thence South 41 Degrees 25 Minutes 25 Seconds East, a distance of 3.79 feet to a point 41.27 feet left of Mt. Tabor Road at Station 23+62.85; thence South 49 Degrees 41 Minutes 52 Seconds West, a distance of 7.46 feet to a point 41.31 feet left of Mt. Tabor Road at Station 23+55.39; thence South 40 Degrees 16 Minutes 41 Seconds East, a distance of 5.00 feet to a point 36.31 feet left of Mt. Tabor Road at Station 23+55.35; thence South 49 Degrees 42 Minutes 10 Seconds West, a distance of 59.20 feet to a point 36.67 feet left of Mt. Tabor Road at Station 22+96.16; thence South 49 Degrees 17 Minutes 06 Seconds West, a distance of 225.28 feet to a point 36.38 feet left of Mt. Tabor Road at Station 20+70.88; to the POINT OF BEGINNING; and,

The above described parcel contains 2,840 sq. ft. or 0.065 Acres of temporary construction easement; and

Being a portion of the property conveyed to Burke Furniture, Inc., a Kentucky corporation, by deed dated May 1, 1969, of record in Deed Book 961, Page 31 and by deed dated September 21, 1970, of record in Deed Book 998, Page 271 and by deed dated September 10, 1979, of record in Deed Book 1236, Page 72, all 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 605-2015, passed by the Lexington-Fayette Urban County Council on October 8, 2015. 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:


BURKE FURNITURE, INC., a
Kentucky corporation

BY: 

DAVID BURKE,
PRESIDENT

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by David Burke, as President, for and on behalf of Burke Furniture, Inc., a Kentucky corporation, on this the 5 day of February, 2020.



Notary Public, Kentucky, State-at-Large
Notary ID # 583153
My Commission Expires: 7 1291 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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DEED BOOK 3733 PAGE 54

**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

202002100166

February 10, 2020 13:41:40 PM

Fees \$50.00 Tax \$.00

Total Paid \$50.00

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5 Pages

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