

**TEMPORARY CONSTRUCTION EASEMENT**

This **TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 1 day of MAY, 2020, by and between **PHILIP L. ROARK and JANET H. ROARK, TRUSTEES OR THEIR SUCCESSORS-IN-TRUST, UNDER THE PHILIP L. ROARK AND/OR JANET H. ROARK, REVOCABLE LIVING TRUST DATED FEBRUARY 15, 2019**, 116 Wilson Downing Road, Lexington, Kentucky 40517, 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 HUNDRED DOLLARS AND 00/100 (\$300.00)**, 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 sidewalk 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**  
**Wilson Downing Road Sidewalk Improvement Project**  
**(a portion of 116 Wilson Downing Road)**  
**Parcel No. 2**

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

2/19

Being a certain tract of land lying in Fayette County, Lexington, Kentucky, approximately 3.96 miles southwest of Lexington, Kentucky, lying on the south side of Wilson Downing Road and being more particularly described as follows:

Beginning at a point 22.88 feet right of Wilson Downing Segment 1 centerline Station 15+80.00, said point being in the existing south right-of-way line of Wilson Downing Road; thence with the existing south right-of-way line of Wilson Downing Road, South 65 Degrees 28 Minutes 33 Seconds East, a distance of 43.62 feet to a point 23.24 feet right of Wilson Downing Segment 1 centerline Station 16+35.00; thence leaving the existing south right-of-way line of Wilson Downing Road, South 67 Degrees 58 Minutes 31 Seconds West, a distance of 21.66 feet to a point 40.00 feet right of Wilson Downing Segment 1 centerline Station 16+20.00; thence North 62 Degrees 40 Minutes 01 Seconds West, a distance of 15.00 feet to a point 40.00 feet right of Wilson Downing Segment 1 centerline Station 16+05.00; thence North 17 Degrees 59 Minutes 05 Seconds West, a distance of 20.34 feet to the POINT OF BEGINNING; and

The above described parcel contains 450 sq. ft. of temporary construction easement; and

Being a portion of the property conveyed to Philip L. Roark and Janet H. Roark, Trustees or their successors-in-trust, under The Philip L. Roark and/or Janet H. Roark Revocable Living Trust, dated February 15, 2019, by deed dated February 15, 2019, of record in Deed Book 3649, Page 259, 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 54-2020, passed by the Lexington-Fayette Urban County Council on February 6, 2020. 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:

PHILIP L. ROARK AND JANET H. ROARK, TRUSTEES, AND THEIR SUCCESSORS-IN-TRUST UNDER THE PHILIP L. ROARK AND/OR JANET H. ROARK REVOCABLE LIVING TRUST, DATED FEBRUARY 15, 2019

  
\_\_\_\_\_  
PHILIP L. ROARK, TRUSTEE

  
\_\_\_\_\_  
JANET H. ROARK, TRUSTEE



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: EMILY GENTRY ,dc

202005200249

May 20, 2020                      9:41:01      AM

Fees                      \$50.00      Tax                      \$ .00

Total Paid                      \$50.00

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

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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: June 3, 2020

Re: Temporary Construction Easement  
116 Wilson Downing Road

Our File No. 19-RE0683  
Wilson Downing Road Sidewalk  
Improvement Project

Enclosed is the original recorded Temporary Construction Easement for the above property to the Urban County Government for the Wilson Downing Road Sidewalk Improvement Project. Please file the easement with the authorizing legislation, Resolution No. 54-2020.

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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