

TEMPORARY CONSTRUCTION EASEMENT

This **TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 28TH day of APRIL, 2022, by and between **HARTLAND HOMEOWNERS ASSOCIATION, INC.**, a Kentucky non-profit corporation, 4910 Hartland Parkway, Lexington, Kentucky 40515, 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 **SIX HUNDRED THIRTY DOLLARS AND 00/100 (\$630.00)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, said Grantor has **BARGAINED** and **SOLD** and do hereby **GIVE, GRANT** and **CONVEY** unto the Grantee, its successors and

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

assigns, temporary right to excavate, grade, construct, alter, re-grade and perform related work for the purpose of sanitary sewer improvements and construction, installation and relocation through and across the following tract of land located in the confines of Lexington, Fayette County, Kentucky, depicted on the attached Exhibit "A", and more particularly described as follows, to wit:

Temporary Construction Easement #1
Hartland 3 Pump Station Replacement Project
(a portion of 4910 Hartland Parkway)

All those tracts or parcels of land situated along the southeasterly side of Hartland Parkway between Broadhead Place and Bonhaven Road in Lexington, Fayette County, Kentucky, and more fully described and bounded as follows, to-wit:

BEGINNING, at the rear common corner of Jon A. and Kathleen Fetko (Deed Book 1521, Page 684) and Terence and Laurie Hainley (Deed Book 3625, Page 203), said point being the rear common corner of Lots 14 and 15 of the Final Record Plat, Hartland Unit Three - A (Plat Cabinet "F", Slide 477), and said point being in the line of Hartland Homeowners Association (Deed Book 2289, Page 93; Plat Cabinet "F", Slide 477), having an approximate GPS location of N: 3,872,494.86; E: 5,288,899.40 (coordinates, bearings and distances cited herein are based upon the State Plane Coordinate System, Kentucky Single Zone, NAD 83, in US Survey Feet), thence running with the common line of Hainley and the Hartland Homeowners Association (Hartland HOA), S 57°10' 51" E 173.68 feet to a point in the northwesterly line of an existing 12-foot sanitary sewer easement, and said point having an approximate GPS location of N: 3,872,400.76; E: 5,289,045.37; thence leaving the line of Hainley and running through the lands of Hartland HOA along the northwesterly line of the existing sanitary sewer line, S 14° 02' 42" E 92.65 feet, to the **TRUE POINT OF BEGINNING** having an approximate GPS location of N: 3,872,320.58; E: 5,289,025.32; thence continuing through the lands of Hartland HOA for three calls, along the existing sanitary sewer easement, S 14° 02' 42" W 50.00 feet to the line of an existing pumping station easement, along the line with the pumping station easement, N 75° 56' 42" W 35.67 feet to the line of an existing 14-foot access easement, and N 24° 49' 57" W 64.24 feet; thence leaving the line of the access easement and running through the

lands of Hartland HOA, S 75° 56' 42" E 75.99 feet to the **TRUE POINT OF BEGINNING**; and,
The above described parcel contains 2,791 sq. ft. (0.064 Acres) of temporary construction easement; and

Temporary Construction Easement #2
Hartland 3 Pump Station Replacement Project
(a portion of 4910 Hartland Parkway)

BEGINNING, at the rear common corner of Fetko and Hainley, in the line of Hartland HOA, aforesaid; thence running with the line of Hainley and the Hartland HOA, S 57° 10' 51" E 186.35 feet to a point in the southeasterly line of an existing 12 foot wide sanitary sewer easement, said point having an approximate GPS location of N: 3,872,393.89; E: 5,289,056.02; thence leaving the line of Hainley and running through the lands of Hartland HOA along the southeasterly line of the existing sanitary sewer line, S 14° 02' 42" E 78.57 feet, to the **TRUE POINT OF BEGINNING** having an approximate GPS location of N: 3,872,317.67; E: 5,289,036.96; thence leaving the line of the existing sanitary sewer easement and running through the lands of the Hartland HOA for two calls, S 75° 56' 42" E 45.00 feet, and S 14° 02' 42" W 50.00 feet to a point in an existing pumping station easement; thence running with the pumping station easement, N 75° 56' 42" W 45.00 feet to a point in the southeasterly line of the aforementioned sanitary sewer easement; thence running with the sanitary sewer easement, N 14° 02' 42" E 50.00 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 2,250 sq. ft. (0.052 Acres) of temporary construction easement; and

Both of the above tracts being a portion of the property conveyed to Hartland Homeowners Association, Inc., a Kentucky non-profit corporation (erroneously referred to as Hartland Homeowners Association), by Deed dated June 28, 2002, of record in Deed Book 2289, Page 693, 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 have 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 071-2022, passed by the Lexington-Fayette Urban County Council on February 17, 2022. Pursuant to KRS 382.135(2)(c), this temporary construction easement, which pertains to a public utility, 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.

PREPARED BY:



Evan P. Thompson, 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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**JON A. &
KATHLEEN FETKO**
2308 ELMSRING WAY
D.B. 1521, PG. 684
PID 20040618

14

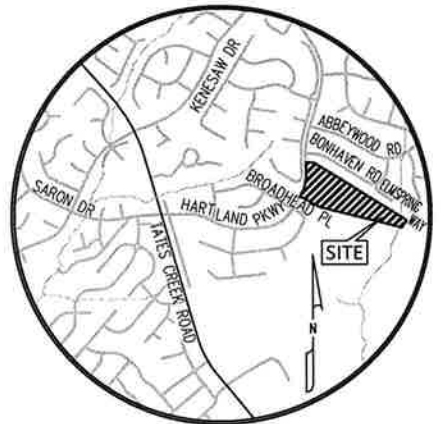
N: 3872494.86
E: 5288899.40

EXHIBIT

BLDG.

15

**TERENCE &
LAURIE HAINLEY**
2312 ELMSRING WAY
D.B. 3625, PG. 203
PID 20040620



VICINITY MAP

Not To Scale

HARTLAND HOMEOWNERS ASSOCIATION
4910 HARTLAND PARKWAY
D.B. 2289, PG. 693
P.C. "F", SL. 477
PID 10030820

N: 3872400.76
E: 5289045.37

14' ACCESS ESMT.
P.C. "F", SL. 417

EX. 12' SAN. SEWER ESMT.
P.C. "F", SL. 477

N: 3872393.89
E: 5289056.02

N: 3872320.58
E: 5289025.32

N: 3872317.67
E: 5289036.96

T.C.E. #1 2,791
S.F./0,064 AC.

T.C.E. #2 2,250
S.F./0,052 AC.

NORTH
SPC 1600



PAVED ROAD

UN-PAVED ROAD

BLDG.

PUMPING STATION ESMT.
P.C. "F", SL. 497

UN-PAVED ROAD

TRIBUTARY
CREEK

EAST
HICHMAN
CREEK

OVERBROOK FARM
5460 TATES CREEK ROAD
D.B. 2456, PG. 282
PID 22118700

FARM ACCESS ROAD

NOTES:

1. BEARINGS AND DISTANCES NOTED ARE REFERENCED TO THE STATE PLANE COORDINATE SYSTEM, KENTUCKY SINGLE ZONE, NAD 83, IN US SURVEY FEET.
2. THIS EXHIBIT IS FOR INFORMATION PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR FEE SIMPLE TRANSFER.
3. SELECT FIELD MEASUREMENTS WERE MADE, HOWEVER, NO BOUNDARY SURVEY WAS PERFORMED.

TEMPORARY CONSTRUCTION EASEMENT TO THE
LEXINGTON FAYETTE URBAN COUNTY GOVERNMENT
HARTLAND 3 PUMP STATION REPLACEMENT

THROUGH THE PROPERTY OF
HARTLAND HOMEOWNERS ASSOCIATION
DEED BOOK 2289, PAGE 693; PLAT CABINET "F", SLIDE 477

DATE: 11/30/2021 4910 HARTLAND PARKWAY, LEXINGTON, KENTUCKY SCALE: 1" = 40'



3250 blazer pkwy. lexington, ky 40509
t 859-264-7500 f 859-264-7501

21031\CAD\WL_ESMTS.DWG

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

202204290103

April 29, 2022

15:33:29 PM

Fees	\$56.00	Tax	\$.00
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Total Paid	\$56.00
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8 Pages

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