

**TEMPORARY CONSTRUCTION EASEMENT**

This **TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this 13 day of July 2015, by and between **DEER HAVEN PROPERTIES, LLC**, a Kentucky limited liability company, 2062 Cleveland 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 **TEN THOUSAND FOUR HUNDRED FIFTY DOLLARS AND NO/100 (\$10,450.00)**, and other good and valuable consideration, 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 based upon Lexington-Fayette Urban County Control Survey Monuments:

**Temporary Construction Easement**  
**(a portion of 1201 Deer Haven Lane)**

**Polo Club Boulevard Road Improvement Project**  
**(Deerhaven Lane to Todds Road)**

Being a tract of land lying in Fayette County along Polo Club Boulevard approximately 1900' north of the intersection of Polo Club Boulevard and Todds Road (KY 1927), and more

Mail to:  
Hon. Glenda Humphrey George  
Department of Law, 11<sup>th</sup> Floor  
200 East Main Street  
Lexington, KY 40507

particularly described as follows:

Beginning at a point in the existing right of way line of Deer Haven Lane 132.78 feet right of Polo Club Boulevard station 516+14.32; thence with the existing Deer Haven Lane right of way line with a curve turning to the right with an arc length of 36.74', with a radius of 225.00', with a chord bearing of S 56°37'26" W, with a chord length of 36.70', to a point 96.44 feet right of Polo Club Boulevard station 516+09.22; thence with the existing right of way of Polo Club Boulevard with a compound curve turning to the right with an arc length of 40.71', with a radius of 25.00', with a chord bearing of N 72°02'41" W, with a chord length of 36.36' to a point 70.00 feet right of Polo Club Boulevard station 516+34.18; thence N 25°23'29" W a distance of 157.75' to a point 70.00 feet right of Polo Club Boulevard station 517+91.92; thence with the north property line N 44°14'21" E a distance of 21.33' to a point 90.00 feet right of Polo Club Boulevard station 517+99.35; thence with the proposed easement line S 28°16'21" E a distance of 99.47' to a point 95.00 feet right of Polo Club Boulevard station 517+00.00; thence S 25°23'29" E a distance of 75.00' to a point 95.00 feet right of Polo Club Boulevard station 516+25.00; thence N 80°23'55" E a distance of 39.27' to the POINT OF BEGINNING.

The above described parcel contains 4,617.77 square feet (0.106 acres); and,

Being a portion of the same property conveyed to Deer Haven Properties, LLC, a Kentucky limited liability company by deed dated March 20, 2004, of record in Deed Book 2444, Page 52, and by deed dated March 3, 2003, of record in Deed Book 2345, Page 78, and by deed dated October 16, 2001, of record in Deed Book 2240, Page 583, all referenced in the Fayette County Clerk's Office.

**TO HAVE AND TO HOLD** said easement unto said Grantee, its successors and assigns, for the purposes and uses herein designated.

The above-described temporary construction easement will expire upon completion of the improvement project on this land, runs with the land for the duration of

the improvement project on this land and is binding upon the successors and assigns of the Grantor.

Grantor does hereby release and relinquish unto 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 GENNERALLY** said title.

The obtaining this easement was authorized by Resolution 16-2015, passed by the Lexington-Fayette Urban County Council on January 29, 2015. Pursuant to KRS 382-135(2)(a), this public utility easement is exempt from real estate transfer tax pursuant to KRS 142.050.

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

GRANTOR:

DEER HAVEN PROPERTIES, LLC, a  
Kentucky limited liability company

BY: Marcus C. Clark

ITS: general manager

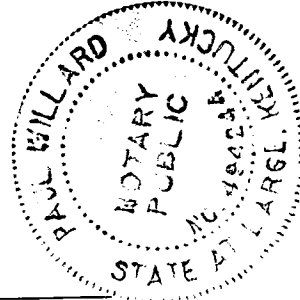
COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )

The foregoing Temporary Construction Easement was subscribed, sworn to and acknowledged before me by MARION CLARK, as GENERAL MANAGER, on behalf of Deer Haven Properties, LLC, a Kentucky limited liability company, on this the 13 day of JULY, 2015.

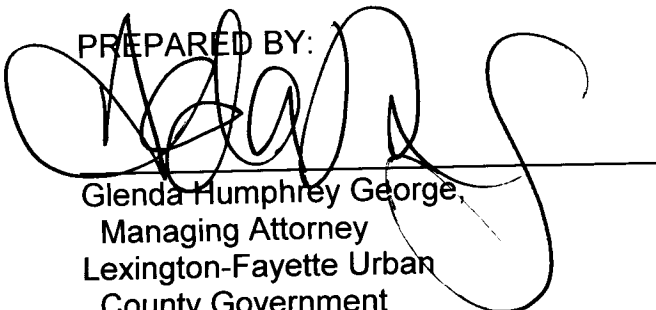
My commission expires: 7-29-2017



Notary Public, Kentucky, State-at-Large  
494244



PREPARED BY:



Glenda Humphrey George,  
Managing Attorney  
Lexington-Fayette Urban  
County Government  
Department of Law, 11<sup>th</sup> Floor  
200 East Main Street  
Lexington, Kentucky 40507  
(859) 258-3500

X:\Cases\ENG\NEER\15-RE0234\RE\00489046.DOC

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: SHEA BROWN ,dc

201507200190

July 20, 2015

14:25:50 PM

Fees	\$20.00	Tax	\$0.00
------	---------	-----	--------

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

THIS IS THE LAST PAGE OF THE DOCUMENT

5 Pages

399 - 403



Lexington-Fayette Urban County Government  
DEPARTMENT OF LAW

Jim Gray  
Mayor

Janet M. Graham  
Commissioner

To: Meredith Nelson, Council Clerk  
Council Clerk's Office

From: Department of Law

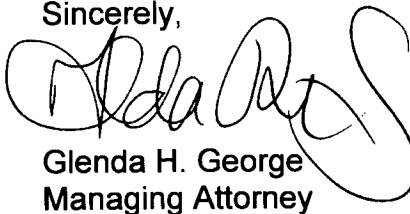
Date: July 23, 2015

Re: Temporary Construction Easement  
3689 Polo Club Boulevard and 3693 Polo Club Boulevard  
(Polo Club Boulevard Road Improvement Project)  
Deerhaven Lane to Todds Road

Enclosed is the original recorded Temporary Construction Easement for the above properties to the Urban County Government for the Polo Club Boulevard Road Improvement Project (Deerhaven Lane to Todds Road). Please file the easement with the authorizing legislation, Resolution No. 16-2015. Since this is a temporary easement only, there is no asset acquisition form.

If you have any questions, please let me know.

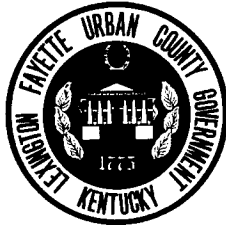
Sincerely,



Glenda H. George  
Managing Attorney

Enclosure

X:\Cases\WATER-AIR\15-RE0234\MEMO\00495409.DOC



Lexington-Fayette Urban County Government  
DEPARTMENT OF LAW

Jim Gray  
Mayor

Janet M. Graham  
Commissioner

To: Meredith Nelson, Council Clerk  
Council Clerk's Office

From: Department of Law

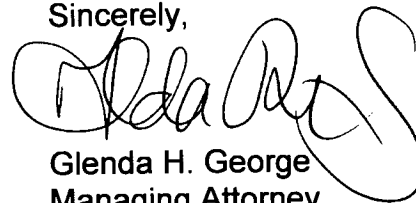
Date: July 23, 2015

Re: Temporary Construction Easement  
1201 Deer Haven Lane  
(Polo Club Boulevard Road Improvement Project)  
Deerhaven Lane to Todds Road

Enclosed is the original recorded Temporary Construction Easement for the above property to the Urban County Government for the Polo Club Boulevard Road Improvement Project (Deerhaven Lane to Todds Road). Please file the easement with the authorizing legislation, Resolution No. 16-2015. Since this is a temporary easement only, there is no asset acquisition form.

If you have any questions, please let me know.

Sincerely,



Glenda H. George  
Managing Attorney

Enclosure

X:\Cases\WATER-AIR\15-RE0234\MEMO\00494598.DOC