

**TEMPORARY CONSTRUCTION EASEMENT**

This **TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 27 day of July, 2020, by and between **BOARD OF TRUSTEES OF TRINITY HILL UNITED METHODIST CHURCH**, 3600 Tates Creek 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**  
**Armstrong Mill Road Sidewalk Improvement Project**  
**(a portion of 3600 Tates Creek Road)**  
**Parcel No. 2**

Being a tract of land lying in Fayette County along Armstrong Mill Road, and more particularly described as follows:

Beginning at a point on the existing southern Armstrong Mill right-of-way line, 35.23 feet right of the proposed Armstrong Mill centerline at Station 101+22.84; thence with the existing

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

southern Armstrong Mill right-of-way, S 58 Degrees 32 Minutes 56 Seconds E, a distance of 142.52 feet to a point 34.87 feet right of the proposed Armstrong Mill centerline at Station 102+65.36; thence leaving the existing southern Armstrong Mill right-of-way, S 31 Degrees 27 Minutes 04 Seconds W, a distance of 4.80 feet to a point 39.67 feet right of the proposed Armstrong Mill centerline at Station 102+65.37; thence N 58 Degrees 52 Minutes 47 Seconds W, a distance of 34.18 feet to a point 39.96 feet right of the proposed Armstrong Mill centerline at Station 102+31.20; thence N 58 Degrees 32 Minutes 56 Seconds W, a distance of 115.66 feet to a point 40.25 feet right of the proposed Armstrong Mill centerline Station 101+15.54, said point being on the existing eastern Bates Creek Road right-of-way; thence with the existing eastern Bates Creek Road right-of-way, N 87 Degrees 05 Minutes 59 Seconds E, a distance of 8.86 feet to a point 35.23 feet right of the proposed Armstrong Mill centerline at Station 101+22.84 and the POINT OF BEGINNING; and

The above described parcel contains 728 sq. ft. of temporary construction easement; and

Being a portion of the property conveyed to Board of Trustees of the Trinity Hill United Methodist Church, by Deed (Tract I), dated May 17, 1967, in Deed Book 898, Page 43 and by Deed of Correction, dated May 17, 1967, of record in Deed Book 937, Page 351 and by Deed (Tract II), dated October 9, 1980, of record in Deed Book 1261, Page 301, all referenced in the Fayette County Clerk's Office. There is excepted two parcels conveyed to the Commonwealth of Kentucky, for the use and benefit of the Department of Highways, by Deed, dated April 2, 1968, of record in Deed Book 932, Page 484 and by Deed, dated October 2, 1984, of record in Deed Book 1353, Page 795, both 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 56-2020, 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:

BOARD OF TRUSTEES OF TRINITY HILL  
UNITED METHODIST CHURCH



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T.J. BURLEW  
VICE CHAIRMAN OF THE  
BOARD OF TRUSTEES



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: PATTY DAVIS ,dc

202008060193

August 6, 2020

11:51:16 AM

Fees	\$50.00	Tax	\$ .00
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Total Paid	\$50.00
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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: August 17, 2020

Re: Temporary Construction Easement  
3600 Tates Creek Road

Our File No. 19-RE0687  
Armstrong Mill Road Sidewalk Improvement Project

Enclosed is the original recorded Temporary Construction Easement for the above-referenced property to the Urban County Government for the Armstrong Mill Road Sidewalk Improvement Project. Please file the easement with the authorizing legislation, Resolution No. 56-2020.

If you have any questions, please let me know.

Sincerely,



Keith Horn  
Managing Attorney

**Enclosure**

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