

**DEED OF EASEMENT**

This **PERMANENT SIDEWALK EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 18 day of JUNE, 2020, by and between **THE PRESBYTERY OF TRANSYLVANIA (U.S.A.), INC.**, a Kentucky non-profit corporation, as successor in interest to **CHAPEL HILL PRESBYTERIAN CHURCH, INC.**, a dissolved Kentucky non-profit corporation, P.O. Box 23580, Lexington, Kentucky 40523, which is the in-care of tax mailing address for the current year (hereinafter "Grantor"), and **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky 40507, (hereinafter "Grantee").

**WITNESSETH:**

That for and in consideration of the sum of **ONE THOUSAND THREE HUNDRED FIFTY DOLLARS AND 00/100 DOLLARS (\$1,350.00)**, 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, permanent right to lay, install, construct, maintain, repair, reconstruct, and remove sidewalks and other related improvements and appurtenances thereto, which said sidewalk and appurtenances shall be of such dimension, character, construction and use as determined by Grantee, along, through, under and across the following tract of land located in Lexington, Fayette County, Kentucky and more particularly described as follows, to wit:

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

**Permanent Sidewalk Easement**  
**Armstrong Mill Road**  
**Sidewalk Improvement Project**  
**(a portion of 3534 Bates Creek Road)**

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

Beginning at a point on the existing northern Armstrong Mill right-of-way line, 45.18 feet left of the proposed Armstrong Mill centerline at Station 103+50.00; thence leaving the existing northern right-of-way, N 31 Degrees 35 Minutes 50 Seconds E, a distance of 6.82 feet to a point 52.00 feet left of the proposed Armstrong Mill centerline at Station 103+50.00; thence S 58 Degrees 24 Minutes 10 Seconds E, a distance of 20.00 feet to a point 52.00 feet left of the proposed Armstrong Mill centerline at Station 103+70.00; thence S 31 Degrees 35 Minutes 50 Seconds W, a distance of 6.63 feet to a point 45.37 feet left of the proposed Armstrong Mill centerline at Station 103+70.00, said point being on the existing Armstrong Mill northern right-of-way; thence with the existing northern right-of-way, N 58 Degrees 57 Minutes 56 Seconds W, a distance of 20.00 feet to a point 45.18 feet left of the proposed Armstrong Mill centerline at Station 103+50.00 to the POINT OF BEGINNING; and,

The above described parcel contains 135 square feet of permanent easement; and

Being a portion of the same property conveyed to Chapel Hill Presbyterian Church, Inc., a Kentucky non-profit corporation by Deed dated February 6, 1988, of record in Deed Book 1503, Page 410 and by Quitclaim Deed dated December 10, 2014, of record in Deed Book 3280, Page 746, both referenced in the Fayette County Clerk's Office. Said Chapel Hill Presbyterian Church, Inc., was administratively dissolved as a corporation on October 16, 2019, and succeeded in interest by The Presbytery of Transylvania (U.S.A.), Inc.

**FURTHER**, for and in consideration of the sum hereinbefore mentioned, the receipt and sufficiency of which is hereby acknowledged, Grantor has **BARGAINED** and **SOLD** and does hereby **GIVE, GRANT** and **CONVEY** unto the Grantee, its successors and assigns, temporary right to lay, install, construct, maintain, repair, reconstruct, and

remove sidewalks and other related improvements and appurtenances thereto, which said sidewalk and appurtenances shall be of such dimension, character, construction and use as determined by Grantee, along, through, under and across the following tract of land located in Lexington, Fayette County, Kentucky, and more particularly described as follows:

**Temporary Construction Easement**  
**Armstrong Mill Road**  
**Sidewalk Improvement Project**  
**(a portion of 3534 Tates Creek Road)**

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

Beginning at a point on the existing northern Armstrong Mill right-of-way line, 62.44 feet left of the proposed Armstrong Mill centerline at Station 100+82.83; thence leaving Armstrong Mill northern right-of-way, S 70 Degrees 27 Minutes 37 Seconds E, a distance of 18.51 feet to a point 66.30 feet left of the proposed Armstrong Mill centerline at Station 101+00.94; thence S 47 Degrees 37 Minutes 22 Seconds East, a distance of 50.90 feet to a point 56.78 feet left of the proposed Armstrong Mill centerline at Station 101+50.94; thence S 56 Degrees 24 Minutes 58 Seconds E, a distance of 139.26 feet to a point 51.95 feet left of the proposed Armstrong Mill centerline at Station 102+90.11; thence S 81 Degrees 49 Minutes 41 Seconds E, a distance of 63.44 feet to a point 77.17 feet left of the proposed Armstrong Mill centerline at Station 103+48.32; thence S 31 Degrees 19 Minutes 36 Seconds E, a distance of 58.23 feet to a point 50.67 feet left of the proposed Armstrong Mill centerline at Station 104+00.17; thence S 61 Degrees 59 Minutes 21 Seconds E, a distance of 76.20 feet to a point 55.43 feet left of the proposed Armstrong Mill centerline at Station 104+76.22; thence S 30 Degrees 22 Minutes 31 Seconds E, a distance of 27.96 feet to a point 42.30 feet left of the proposed Armstrong Mill centerline at Station 105+00.90; thence S 66 Degrees 46 Minutes 54 Seconds E, a distance of 3.65 feet to a point 42.83 feet left of the proposed Armstrong Mill centerline at Station 105+04.50, said point being on the existing eastern property line; thence with the existing eastern property line, S 29 Degrees 02

Minutes 37 Seconds W, a distance of 7.10 feet to a point 35.74 feet left of the proposed Armstrong Mill centerline at Station 105+04.82, said point being on the existing northern Armstrong Mill right-of-way; thence leaving the existing eastern property line with the existing northern Armstrong Mill right-of-way, N 59 Degrees 00 Minutes 37 Seconds W, a distance of 58.31 feet to a point 35.12 feet left of the proposed Armstrong Mill centerline at Station 104+46.51; thence with the existing northern Armstrong Mill right-of-way, N 31 Degrees 02 Minutes 04 Seconds E, a distance of 11.00 feet to a point 46.12 feet left of the proposed Armstrong Mill centerline at Station 104+46.40; thence with the existing northern Armstrong Mill right-of-way, N 58 Degrees 57 Minutes 56 Seconds W, a distance of 76.41 feet to a point 45.37 feet left of the proposed Armstrong Mill centerline at Station 103+70.00; thence leaving the existing northern Armstrong Mill right-of-way, N 31 Degrees 35 Minutes 50 Seconds E, a distance of 6.63 feet to a point 52.00 feet left of the proposed Armstrong Mill centerline at Station 103+70.00; thence N 58 Degrees 24 Minutes 10 Seconds W, a distance of 20.00 feet to a point 52.00 feet left of the proposed Armstrong Mill centerline at Station 103+50.00; thence S 31 Degrees 35 Minutes 50 Seconds W, a distance of 6.82 feet to a point 45.18 feet left of the proposed Armstrong Mill centerline at Station 103+50.00, said point being on the existing northern Armstrong Mill right-of-way; thence with the existing northern Armstrong Mill right-of-way, N 58 Degrees 57 Minutes 56 Seconds W, a distance of 203.59 feet to a point 43.18 feet left of the proposed Armstrong Mill centerline at Station 101+46.42; thence with the existing northern Armstrong Mill right-of-way, N 43 Degrees 57 Minutes 48 Seconds W, a distance of 52.00 feet to a point 56.14 feet left of the proposed Armstrong mill centerline at Station 100+96.06; thence with the existing northern Armstrong Mill right-of-way, N 32 Degrees 57 Minutes 48 Seconds W, a distance of 14.65 feet to a point 62.44 feet left of the proposed Armstrong Mill centerline at Station 100+82.83 to the POINT OF BEGINNING; and,

The above described parcel contains a 5,404 square feet of temporary construction easement; and,

Being a portion of the same property conveyed to Chapel Hill Presbyterian Church, Inc., a Kentucky non-profit corporation by Deed dated February 6, 1988, of record in Deed Book 1503, Page 410 and by Quitclaim Deed dated December 10,

2014, of record in Deed Book 3280, Page 746, both referenced in the Fayette County Clerk's Office. Said Chapel Hill Presbyterian Church, Inc. was dissolved by the Coordinating Commission of the Presbytery of Transylvania (U.S.A.), Inc., a Kentucky non-profit corporation, on November 2, 2018. Further, said Chapel Hill Presbyterian Church, Inc., was administratively dissolved as a corporation by the Secretary of State on October 16, 2019, and succeeded in interest by The Presbytery of Transylvania (U.S.A.), Inc.

**TO HAVE AND TO HOLD** the above-described easements together with all rights, appurtenances, and improvements thereunto belonging unto Grantee, its successors and assigns forever, for the purposes and uses herein designated.

The above-described temporary easement runs with the land for the duration of the improvement project and is binding upon the successors and assigns of the Grantor. The above-described permanent easement runs with the land in perpetuity and is binding upon the successors and assigns of the Grantor. The temporary easement shall take effect upon the commencement of construction of the project and will expire upon completion of the project.

Grantor shall have the full right to use the surface of the land lying over said permanent easement for any purpose desired, provided such use will not interfere with the Grantee's free use of the easements herein granted and provided further that no building or structure shall be erected upon, across, over or through said permanent easement without prior written consent of the Grantee.

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 interests 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 easements 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)(a), this deed of easement, which pertains to a public utility, need not contain a statement of consideration.

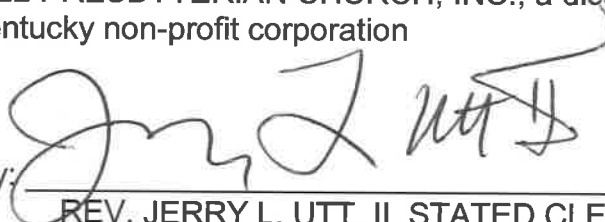
By his signature below, the Stated Clerk/Secretary Rev. Jerry L. Utt, II, states and affirms that on August 11, 2018, the governing body of The Presbytery of Transylvania (U.S.A.) Inc. held a meeting, the minutes of which were approved and attested on November 2-3, 2018, at which meeting the governing body voted to dissolve the Chapel Hill Presbyterian Church, located at 3534 Tates Creek Road, Lexington, Kentucky, its property passing to The Presbytery of Transylvania (U.S.A.) Inc., a Kentucky non-profit corporation, as successor in interest.

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

GRANTOR:

THE PRESBYTERY OF TRANSYLVANIA (U.S.A.) INC., a  
Kentucky non-profit corporation, as successor in interest to CHAPEL  
HILL PRESBYTERIAN CHURCH, INC., a dissolved  
Kentucky non-profit corporation

By:



\_\_\_\_\_  
REV. JERRY L. UTT, II, STATED CLERK/  
SECRETARY



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: MELISSA STELTER ,dc

202007270004

July 27, 2020                      8:31:55      AM

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

520 - 527



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 13, 2020

Re: Permanent and Temporary Construction Easement  
3534 Tates Creek Road

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

Enclosed is the original recorded Permanent and 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.

Please note that the attached asset acquisition form is for the permanent easement only.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in blue ink that reads "Keith Horn".

Keith Horn  
Managing Attorney

**Enclosure**

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