

TEMPORARY CONSTRUCTION EASEMENT

This **TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 3 day of JUNE, 2020, by and between **DIEGO GARCIA and KRISTEN POE, husband and wife**, 1083 Armstrong Mill Road, Lexington, Kentucky 40517, which is the in-care of tax mailing address for the current year ("Grantors"), and **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky 40507, ("Grantee").

WITNESSETH:

That for and in consideration of the sum of **FIVE HUNDRED TWENTY-FIVE DOLLARS AND 00/100 (\$525.00)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, said Grantors have **BARGAINED** and **SOLD** and do 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 1083 Armstrong Mill Road)
Parcel No. 12

Beginning at a point on the existing northern Armstrong Mill right-of-way line and the existing western property line, 35.72 feet left of the proposed Armstrong Mill centerline at Station 107+85.39; thence leaving the existing northern Armstrong Mill right-of-way with the existing western property line, N 30 Degrees 01 Minutes 40 Seconds E, a distance of 20.60 feet to a point 56.32 feet left of the proposed Armstrong Mill centerline at Station 107+85.11; thence leaving the existing western property line, S 60 Degrees 26 Minutes 51 Seconds E, a distance of 3.80 feet to a point 56.40 feet left of the proposed Armstrong Mill centerline at Station 107+88.92; thence N 28 Degrees 32 Minutes 37 Seconds E, a distance of 7.27 feet to a point 63.67 feet left of the proposed Armstrong Mill centerline at Station 107+88.63; thence S 58 Degrees 31 Minutes 39 Seconds E, a distance of 29.55 feet to a point 63.32 feet left of the proposed Armstrong Mill centerline at Station 108+18.18, said point being on the existing eastern property line; thence with the existing eastern property line, S 31 Degrees 37 Minutes 10 Seconds W, a distance of 27.73 feet to a point 35.59 feet left of the proposed Armstrong Mill centerline Station 108+17.78, 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 58 Degrees 57 Minutes 56 Seconds W, a distance of 32.39 feet to a point 35.72 feet left of the proposed Armstrong Mill centerline at Station 107+85.39 and the POINT OF BEGINNING; and

The above described parcel contains 886 sq. ft. of temporary construction easement; and

Being a portion of the property conveyed to Diego Garcia and Kristen Poe, husband and wife, by deed dated August 29, 2018, of record in Deed Book 3611, Page 415, in the Fayette County Clerk's Office.

TO HAVE AND TO HOLD said easement together with all rights, appurtenances,

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 Grantors. The temporary construction easement shall take effect upon the commencement of construction of the project and will expire upon the completion of the project.

Grantors do hereby release and relinquish unto the Grantee, its successors and assigns forever, all of their right, title, and interest in and to the property to the extent of the interest conveyed herein, including all exemptions allowed by law, and do hereby covenant to and with the Grantee, its successors and assigns forever, that they are lawfully seized in fee simple of said property and have good right to sell and convey the same as herein done, and that they 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 Grantors have signed this Temporary Construction Easement, this the day and year first above written.


GRANTORS:

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COMMONWEALTH OF KENTUCKY)

COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by Diego Garcia and Kristen Poe, husband and wife, on this the 3 day of JUNE, 2020.


Notary Public, Kentucky, State at Large
My Commission Expires: 7 / 29 / 2021
Notary ID # 583153

PREPARED BY:


Charles E. Edwards, III
Attorney
Lexington-Fayette Urban
County Government
Department of Law, 11th Floor
200 East Main Street

**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

202006220055

June 22, 2020 8:55:04 AM

Fees \$50.00 Tax \$.00

Total Paid \$50.00

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5 Pages

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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 30, 2020

Re: Temporary Construction Easement
1083 Armstrong Mill Road

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

Enclosed is the original recorded Temporary Construction Easement for the above 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,

A handwritten signature in blue ink, appearing to read "Charles E. Edwards, III".

Charles E. Edwards, III
Attorney

Enclosure

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