

EXEMPT PER KRS 382.135(2)(c)

Fayette County
Item Number 07-9012.50
Parcel Number 39

GRANT OF TEMPORARY EASEMENT

THIS GRANT OF TEMPORARY EASEMENT is entered into on this _____ day of _____, 2024, by and between **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, whose address is 200 East Main Street, Lexington, Kentucky 40507 (hereinafter "Grantor"), *who is exempt from paying tax pursuant to KRS 382.135(2)(c)*; and the **COMMONWEALTH OF KENTUCKY** for the use and benefit of the **TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS**, whose address is 200 Mero Street, Frankfort, Kentucky 40601 (hereinafter "Grantee").

WITNESSETH: That the Grantor, in consideration of the mutual benefits to be derived by the Grantor and Grantee, has bargained and does hereby grant and convey to the Grantee, its successors and assigns, a temporary easement to the following described property and property interests, viz:

Parcel Number 39
Tract A

Being a tract of land lying in Fayette County along US 25 approximately 255 feet northeast of the intersection of Ellerslie Park Boulevard and US 25, and more particularly described as follows:

Beginning at a point in the existing access control and right of way line 167.06 feet left of US 25 at Station 417+50.00; thence with the proposed easement line N 47°44'22" E a distance of 162.94 feet to a point 330.00 feet left of US 25 at Station 417+50.00; thence with the proposed easement line S 42°15'38" E a distance of 115.00 feet to a point 330.00 feet left of US 25 at Station 418+65.00; thence with the proposed easement line S 30°32'35" E a distance of 137.87 feet to a point 302.00 feet left of US 25 at Station 420+00.00; thence with the proposed easement line S 47°44'22" W a distance of 123.81 feet to a point in the existing access control and right of way line 178.19 feet left of US 25 at Station 420+00.00; thence with the existing access control and right of way line N 44°48'35" W a distance of 250.25 feet to a point 167.06 feet left of US 25 at Station 417+50.00 and the point of beginning.

The above-described tract contains ± 0.86 acre (37,455 square feet). It is understood between the parties hereto that the above-described tract is conveyed as a temporary easement for the purpose of constructing a new park entrance and drainage; where said temporary easement terminates and reverts upon completion of same.

Parcel Number 39
Tract B

Being a tract of land lying in Fayette County along US 25 approximately 1020 feet southeast of the intersection of Ellerslie Park Boulevard and US 25, and more particularly described as follows:

Beginning at a point in the existing access control and right of way line 165.00 feet left of US 25 at Station 426+44.84; thence with the proposed easement line S 38°58'14" E a distance of 350.01 feet to a point 115.00 feet left of US 25 at Station 430+00.00; thence with the proposed easement line S 50°04'04" E a distance of 243.53 feet to a point in the existing access control and right of way line 114.45 feet left of KY 418 at Station 1+84.85; thence with the existing access control and right of way line N 65°18'30" W a distance of 145.33 feet to a point 77.85 feet left of KY 418 at Station 0+41.79; thence with the existing access control and right of way line N 3°14'40" W a distance of 40.10 feet to a point 107.00 feet left of KY 418 at Station 0+13.80; thence with the existing access control and right of way line N 51°36'18" W a distance of 39.42 feet to a point 105.57 feet left of US 25 at Station 430+37.34; thence with the existing access control and right of way line S 83°05'14" W a distance of 43.50 feet to a point 73.38 feet left of US 25 at Station 430+07.62; thence with the existing access control and right of way line N 47°32'07" W a distance of 208.28 feet to a point 74.98 feet left of US 25 at Station 427+96.60; thence with the existing access control and right of way line N 14°57'18" W a distance of 173.72 feet to a point 165.00 feet left of US 25 at Station 426+44.84 and the point of beginning.

The above-described tract contains ± 0.49 acre (21,296 square feet). It is understood between the parties hereto that the above-described tract is conveyed as a temporary easement for the purpose of constructing a shared use path and drainage; where said temporary easement terminates and reverts upon completion of same.

Being a portion of the same property conveyed to Lexington-Fayette Urban County Government, an urban county government organized and existing pursuant to Kentucky Revised Statutes Chapter 67A, from Kentucky-American Water Company, a Kentucky corporation, by General Warranty Deed dated July 24, 2006, and recorded in Deed Book 3030, Page 586 in the office of the Fayette County Clerk.

The proposed public project for which the above-described property is being acquired is identified as Richmond Road (US 25/US 421) - Athens Boonsboro Road (KY 418), Project Number 12F0 FD52 034 9528005R; HSIP 4181 (033); Item Number 07-9012.50-SYP, the plans for which are on file in the office of the Kentucky Transportation Cabinet in Frankfort, Kentucky.

The acquisition of the right of way for this project was authorized by the Kentucky Department of Highways Official Order Number 112987.

As required to be set forth in 603 KAR 5:120(6), the main line for this project is a partially controlled access highway. Access, if any, on this project as well as the remaining property of the Grantor shall be allowed where specifically shown on the project plans or as otherwise permitted by law and Kentucky Transportation Cabinet policy.

The above-referenced property and property interests that are being conveyed by the Grantor to the Grantee by this Grant of Temporary Easement have an appraised value of \$13,550.00.

This Grant of Temporary Easement is made free and clear of any liens, taxes and/or encumbrances.

This conveyance was authorized by Resolution _____-2024, passed by the Lexington-Fayette Urban County Council on _____, 2024.

TO HAVE AND TO HOLD said property unto the Grantee, its successors and assigns, with all the rights and privileges thereunto belonging with covenants of General Warranty.

IN TESTIMONY WHEREOF the Grantor, by and through Linda Gorton, Mayor and Duly Authorized Representative thereof, has executed this Grant of Temporary Easement on this _____ day of _____, 2024.

GRANTOR:

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

BY: _____
Linda Gorton, Mayor and Duly Authorized Representative
of the Lexington-Fayette Urban County Government

CERTIFICATE OF ACKNOWLEDGMENT

STATE OF _____

COUNTY OF _____

I, the undersigned, certify that the foregoing Grant of Temporary Easement was produced before me in my said County and State and duly acknowledged and sworn to by Linda Gorton, Mayor and Duly Authorized Representative of Lexington-Fayette Urban County Government, the Grantor therein to be its act and deed.

Witness my hand this the _____ day of _____, 2024.

NOTARY PUBLIC, STATE AT LARGE

My Commission expires: _____

Notary ID Number: _____

This Instrument Prepared Without
The Benefit of Title Examination By:

Hon. Kyle W. Ray (KBA # 91959)
Commonwealth of Kentucky
Kentucky Transportation Cabinet
Department of Highways
800 Newtown Court
Lexington, KY 40511
Telephone: (859) 246-2355

Please Return Recorded Instrument To:

John Mickelson
Kentucky Transportation Cabinet
District 7 Right-of-Way
800 Newtown Court
Lexington, KY 40511
Telephone (859) 246-2355