TEMPORARY CONSTRUCTION EASEMENT

This TEMPORARY CONSTRUCTION EASEMENT is made and entered into this the <u>28</u> day of <u>October</u>, 2016, by and between JACQUELINE W. MANNING, a single person, 114 Goodrich Avenue, Lexington, Kentucky 40503, 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 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 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, to wit:

Right-of-Way Temporary Construction Easement (a portion of 2058 Clays Mill Road)

Clays Mill Road Improvement Project, Section 1 (Harrodsburg Road to New Circle Road

> Return to: Charles E. Edwards, III, Attorney LFUCG, Department of Law 200 East Main Street, 11th Floor Lexington, KY 40507

> > (CF)

Parcel No. 99

Being a tract of land lying in Fayette County on the east side of Clays Mill Road, point of beginning being approximately 29 feet north of the intersection of Rosemill Drive and Clays Mill Road, and more particularly described as follows:

Beginning at a point 37.74 feet right of Clays Mill Road at Station 179+98.37; thence North 23 Degrees 57 Minutes 10 Seconds East a distance of 70.00 feet to a point 37.10 feet right of Clays Mill Road at Station 180+68.15; thence South 66 Degrees 02 Minutes 50 Seconds East a distance of 6.38 feet to a point 43.48 feet right of Clays Mill Road at Station 180+68.19; thence South 23 Degrees 57 Minutes 10 Seconds West a distance of 70.00 feet to a point 44.13 feet right of Clays Mill Road at Station 179+98.45; thence North 66 Degrees 02 Minutes 50 Seconds West a distance of 6.38 feet to a point 37.74 feet right of Clays Mill Road at Station 179+98.37 and the POINT OF BEGINNING; and,

The above described parcel contains 0.010 Acres (447 sq. ft.) of temporary construction easement; and,

Being a portion of the property conveyed to Lyle B. Manning and Jacqueline W. Manning, husband and wife, by General Warranty Deed dated September 23, 1955, of record in Deed Book 586, Page 395, in the Fayette County Clerk's Office. Said Lyle B. Manning died testate a resident of Lexington, Fayette County, Kentucky on February 12, 2005. Title to subject property vested to his wife, Jacqueline W. Manning, by right-of-survivorship in the aforementioned deed.

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 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 completion of the project.

Grantor does hereby release and relinquish unto the Grantee, its successors and assigns forever, all of her right, title, and interest in and to the property, including all exemptions allowed by law, and do hereby covenant to and with the Grantee, its successors and assigns forever, that she is lawfully seized in fee simple of said property and has good right to sell and convey the same as herein done, and that she will WARRANT GENERALLY said title.

The obtaining of this easement was authorized by Resolution 477-2016, passed by the Lexington-Fayette Urban County Council on July 5, 2016. 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:

ACQUELINE W. MANNING

COMMONWEALTH OF KENTUCKY
COUNTY OF FAYETTE

The foregoing Temporary Construction Easement was subscribed, sworn to and acknowledged before me by Jacqueline W. Manning, a single person, on this the 28 day of October, 2016.

My Commission Expires: 7-29-2017

Notary Public, Kentucky, State at Large

PREPARED BY:

Charles E. Edwards, III,

Attorney

Lexington-Fayette Urban

County Government

Department of Law, 11th Floor

200 East Main Street

Lexington, Kentucky 40507

(859) 258-3500

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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: MELISSA STELTER, dc

201611040058

November 4, 2016

9:13:40

AM

Fees

\$20.00

Tax

\$.00

Total Paid

\$20.00

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5 Pages

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