

**TEMPORARY CONSTRUCTION EASEMENT**

This **TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 24<sup>th</sup> day of March, 2021, by and between **LAWRENCE M. MORTON and HOPE T. MORTON, his wife, by LAWRENCE M. MORTON, her ATTORNEY-IN-FACT**, 105 Cherrywood Drive, Nicholasville, Kentucky 40356, 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 **FIFTY DOLLARS AND 00/100 (\$50.00)**, 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 sanitary sewer improvements and construction, installation and relocation through and across the following tract of land located in the confines of Lexington, Fayette County, Kentucky, depicted on the attached Exhibit "A", and more particularly described as follows, to wit:

**Temporary Construction Easement**  
**Southeastern Hills Trunk Sewer Improvement Project**  
**(a portion of 1304 Ox Hill Drive)**

All that strip or parcel of land situated on the southerly side of Ox Hill Drive in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows:

Return to:  
Cynthia Cannon-Ferguson  
LFUCG, Dept. of Law, 11<sup>th</sup> Floor  
200 East Main Street  
Lexington, KY 40507

160

5

**BEGINNING** at a point in the southerly right of way line of Ox Hill Drive, said point being a common corner between lots 44 and 45, Block " D" as shown on the Final Record Plan of Melody Village Unit 2 A-B, (Cabinet A, Slide 283);

Thence leaving the southerly right of way line of Ox Hill Drive and with the westerly property line of Lot 44, S 68° 28' 42" W, 93.62 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing with the westerly property line of Lot 44, S 68° 28' 42" W, 6.98 feet to a point;

Thence leaving the westerly property line of Lot 44, and with an existing WL. Drainage, Sanitary, Storm, and Utility Easement line through the lands of Lot 45, N 00° 30' 10" E, 10.37 feet to a point;

Thence continuing with a new temporary construction easement line, S 39° 21' 50" E, 10.10 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 34 sq. ft. (0.001 Acres) of temporary construction easement; and

Being a portion of the property conveyed to Lawrence M. Morton and Hope T. Morton, husband and wife, by Deed dated July 11, 2001, of record in Deed Book 2217, Page 417, 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 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.

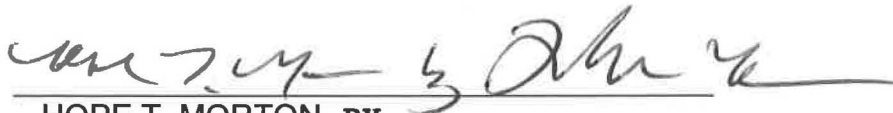
Grantors do hereby release and relinquish unto the Grantee, its successors and assigns forever, all of their right, title, and interest in and to the property to the extent of the interest conveyed herein, including all exemptions allowed by law, and do hereby covenant to and with the Grantee, its successors 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 456-2020, passed by the Lexington-Fayette Urban County Council on October 8, 2020. Pursuant to KRS 382.135(2)(c), this temporary construction easement, which pertains to a public utility, 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:

  
LAWRENCE M. MORTON

  
HOPE T. MORTON BY  
LAWRENCE M. MORTON, AS  
HER ATTORNEY-IN-FACT

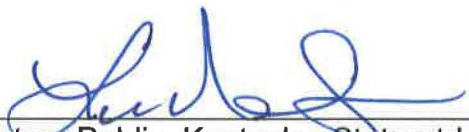
AS PUA  
AIF

(DEED BOOK 1891, PAGE 616)

COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF JESSAMINE )

This instrument was acknowledged, subscribed and sworn to before me by  
\*\*  
Lawrence M. Morton ~~and Hope T. Morton~~, husband ~~and wife~~, on this the 24<sup>th</sup> day of  
March, 2021.

\*\* and by Lawrence M. Morton,  
as Attorney-in-Fact for  
Hope T. Morton, his wife,

  
\_\_\_\_\_  
Notary Public, Kentucky, State-at-Large  
My Commission Expires: 7 / 10 / 2023  
Notary ID # 626440

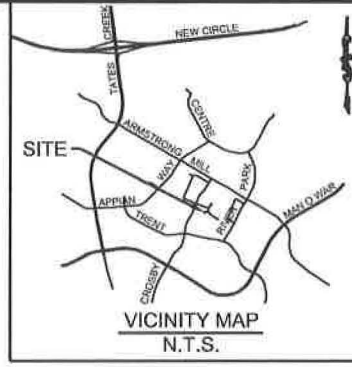
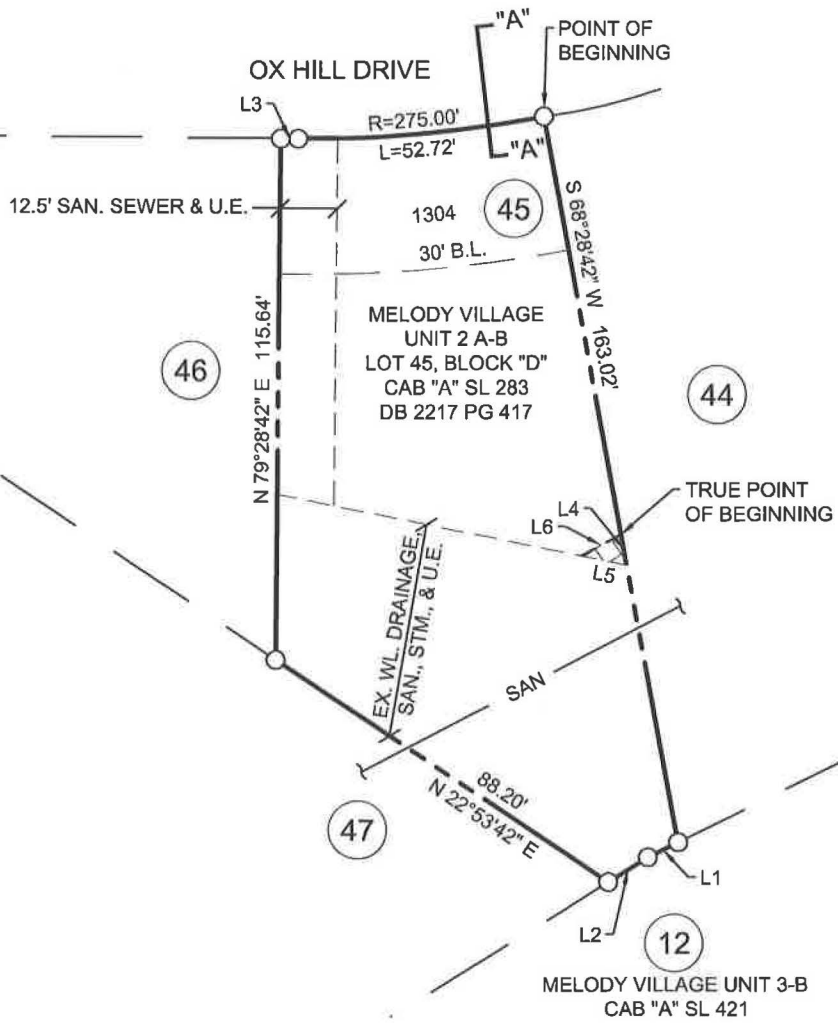
PREPARED BY:



\_\_\_\_\_  
Evan P. Thompson, 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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EXHIBIT A

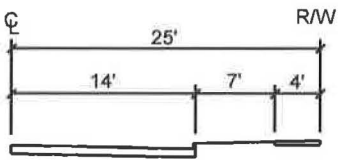
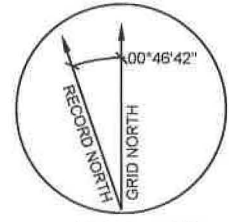


**LOT LINE TABLE**

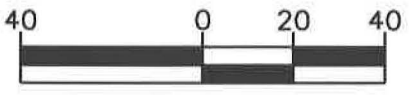
LINE #	LENGTH	BEARING
L1	7.46'	N 37°31'18" W
L2	10.37'	N 43°04'18" W
L3	5.00'	S 10°31'18" E

**EASEMENT LINE TABLE**

LINE #	LENGTH	BEARING
L4	6.98'	S 68°28'42" W
L5	10.37'	N 00°30'10" E
L6	10.10'	S 39°21'50" E



TEMP. ESMT. AREA  
34 SQ. FT. (0.001 AC)



**NOTES:**

1. THE PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON ARE BASED ON THE RECORD DESCRIPTION (DEED BOOK 2217, PAGE 417) AND CORRESPONDING PLAT (CABINET A, SLIDE 283) OF RECORD IN THE FAYETTE COUNTY CLERK'S OFFICE. THE ORIGIN OF BEARINGS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN DATUM OF 1983, STATE PLANE KENTUCKY NORTH AS OBSERVED FROM KYCORS STATION "KYTG" USING A TRIMBLE R10, DUAL FREQUENCY RECEIVER.
2. THE PURPOSE OF THIS EXHIBIT IS TO DELINEATE A PROPOSED CONVEYANCE FOR A TEMPORARY CONSTRUCTION EASEMENT TO LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.
3. THIS INFORMATION DOES NOT CONSTITUTE A BOUNDARY SURVEY AND SHALL NOT BE USED FOR PURPOSES OF LAND TRANSFER.

**SANITARY SEWER EASEMENT EXHIBIT  
LAWRENCE M. & HOPE T. MORTON  
1304 OX HILL DRIVE  
SOUTHEASTERN HILLS TRUNK SEWER IMPROVEMENTS  
LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT  
LEXINGTON, KENTUCKY**



**FIGURE 1**

AUGUST 2020

2815.046

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: EMILY GENTRY ,dc

202104080160

April 8, 2021

11:16:38 AM

Fees	\$50.00	Tax	\$ .00
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Total Paid	\$50.00
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6 Pages

530 - 535