

**TEMPORARY CONSTRUCTION EASEMENT**

This **TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 3<sup>rd</sup> day of September, 2020, by and between **DAVID F. JAMES, TRUSTEE or his successors-in-trust, under THE DAVID F. JAMES REVOCABLE LIVING TRUST, dated December 11, 2016**, 993 Holly Springs Drive, Lexington, Kentucky 40504, 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 **SEVENTY-NINE DOLLARS AND 73/100 (\$79.73)**, 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 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**  
**Wolf Run Trunks D & E Sewer Replacement Project**  
**(a portion of 993 Holly Springs Drive)**

**BEGINNING**, at a point on the western property line, said property line being the right of way of Appomattox Rd, approximately 18' from the northwestern property corner,

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

thence 25.60' at a bearing of S 04°04'23" W to a point, thence 40.00' at a bearing of N 85°55'37" W to a point, thence 6.55' at a bearing of N 04°04'23"E to the right of way of Appomattox Rd, thence along the right of way 44' back to the **POINT OF BEGINNING**; and,

The above described parcel contains 637.82 sq. ft. of temporary construction easement; and

Being a portion of the property conveyed to David F. James, Trustee or his successors-in-trust, under The David F. James Revocable Living Trust, dated December 11, 2016, its successors and assigns, forever, by deed dated December 11, 2016, of record in Deed Book 3452, Page 544 and by Certification of Trust, dated December 11, 2016, of record in Deed Book 3452, Page 539, both referenced 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 Grantor. The temporary construction easement shall take effect upon the commencement of construction of the project and will expire upon the completion of the project.

Grantor does 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 he is lawfully seized in fee simple of said property and has good right to sell and convey the same as herein done, and that he will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 256-2020, passed by the Lexington-Fayette Urban County Council on June 11, 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 Grantor has signed this Temporary Construction Easement, this the day and year first above written.

GRANTOR:

DAVID F. JAMES, TRUSTEE or His Successors-in-Trust Under  
THE DAVID F. JAMES REVOCABLE LIVING TRUST

\_\_\_\_\_  
DAVID F. JAMES, TRUSTEE

COMMONWEALTH OF KENTUCKY )

COUNTY OF FAYETTE )

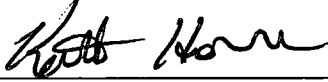
This instrument was acknowledged, subscribed and sworn to before me by David F. James, as Trustee, or his successors-in-trust, under The David F. James Revocable Living Trust, dated December 11, 2016, on this the 3<sup>rd</sup> day of September, 2020.

  
\_\_\_\_\_  
Notary Public, Kentucky, State at Large

My Commission Expires: 7 / 10 / 2023

Notary ID # 626440

PREPARED BY:



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Keith Horn, Managing 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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PARCEL LINE DATA		
LINE #	BEARING	DISTANCE
L1	N4°04'23"E	6.55'
L2	N85°55'37"W	40.00'
L3	S4°04'23"W	25.60'

989 HOLLY SPRINGS DR.  
 PARCEL NO. 22417350  
 DB 3648 PG 566  
 KATHRYN & MATTHEW  
 DEMERS

1901 APPOMATTOX RD.  
 PARCEL NO. 94021450  
 DB 1789 PG 1  
 FAYETTE COUNTY SCHOOL  
 DISTRICT FINANCE CORP

APPOMATTOX RD (60' R/W)

993 HOLLY SPRINGS DR.  
 PARCEL NO. 26943200  
 DB 3452 PG 544  
 DAVID F JAMES LIVING TRUST

NOTES:

1. THE PURPOSE OF THIS EXHIBIT IS TO DELINEATE A PROPOSED CONVEYANCE FOR A SANITARY SEWER EASEMENT TO LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.
2. THIS INFORMATION DOES NOT CONSTITUTE A BOUNDARY SURVEY AND SHALL NOT BE USED FOR PURPOSES OF LAND TRANSFER.

HOLLY SPRINGS DR

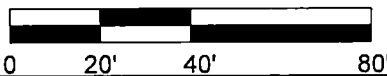
LEGEND:

 - 10' TEMPORARY CONSTRUCTION EASEMENT (637,8211 SQ FT)

 - PROPOSED SEWER LINE

EXHIBIT "A"  
 UTILITY EASEMENT EXHIBIT  
 MARCH 10, 2020  
 DAVID F JAMES LIVING TRUST  
 PROPERTY  
 993 HOLLY SPRINGS DR  
 LEXINGTON, KY 40504

SCALE: 1"= 40'



LFUCG  
 DIVISION OF WATER QUALITY  
 WOLF RUN TRUNK SEWER LINES D & E

200 E MAIN STREET  
 LEXINGTON, KY 40507



engineering | architecture | geospatial  
 www.grwinc.com

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: EMILY GENTRY ,dc

202009100292

September 10, 2020                      11:16:00    AM

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