

**TEMPORARY CONSTRUCTION EASEMENT**

This **TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 21 day of November, 2016, by and between **ELWOOD EAST and ELIZABETH EAST, husband and wife**, 2201 Clays Mill Road, Lexington, Kentucky 40503, 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 **ONE THOUSAND TWO HUNDRED DOLLARS AND 00/100 (\$1,200.00)**, 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 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:

**Temporary Right-of-Way Construction Easement**  
**(a portion of 2201 Clays Mill Road)**

**Clays Mill Road Improvement Project, Section 1**  
**(Harrodsburg Road to New Circle Road)**  
**Parcel No. 79**

Return to:  
 Charles E. Edwards III  
 LFUCG, Dept. of Law, 11<sup>th</sup> Floor  
 200 East Main Street  
 Lexington, KY 40507

Being a tract of land lying in Fayette County on the west side of Clays Mill Road, point of beginning being approximately 99 feet south of the intersection of Longview Drive and Clays Mill Road, and more particularly described as follows:

Beginning at a point 37.44 feet left of Clays Mill Road at Station 174+61.20; thence North 65 Degrees 03 Minutes 39 Seconds West a distance of 8.56 feet to a point 46.00 feet left of Clays Mill Road at Station 174+61.16; thence North 24 Degrees 46 Minutes 19 Seconds East a distance of 65.76 feet to a point 46.50 feet left of Clays Mill Road at Station 175+26.92; thence North 33 Degrees 35 Minutes 48 Seconds West a distance of 8.11 feet to a point 53.44 feet left of Clays Mill Road at Station 175+31.12; thence South 65 Degrees 03 Minutes 40 Seconds East a distance of 15.44 feet to a point 38.00 feet left of Clays Mill Road at Station 175+31.20; thence South 24 Degrees 44 Minutes 55 Seconds West a distance of 70.00 feet to a point 37.44 feet left of Clays Mill Road at Station 174+61.20 and the POINT OF BEGINNING.

The above described parcel contains 0.014 acres (613 sq. ft.) of temporary construction easement; and

Being a portion of the property conveyed to Elwood East and Elizabeth East, husband and wife, by deed dated December 30, 1968, of record in Deed Book 952, Page 105, 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 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 interests 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 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 Grantors have signed this Temporary Construction Easement, this the day and year first above written.

GRANTORS:

*Elwood East*  
ELWOOD EAST

*Elizabeth East*  
ELIZABETH EAST

COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )

This instrument was acknowledged, subscribed and sworn to before me by Elwood East and Elizabeth East, husband and wife, on this the 21 day of NOVEMBER, 2016.

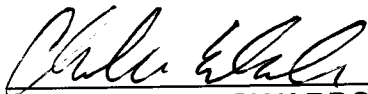
 494244

Notary Public, Kentucky, State at Large

My Commission Expires: 7 / 29 / 2017



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

X:\Cases\ENGINEER\16-RE0059\RE\00554269.DOC

**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**

**201611290258**

**November 29, 2016                      14:44:07    PM**

**Fees                      \$20.00                      Tax                      \$ .00**

**Total Paid                      \$20.00**

**THIS IS THE LAST PAGE OF THE DOCUMENT**

**5    Pages**

**246    -    250**