

TEMPORARY CONSTRUCTION EASEMENT

This **TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 2 day of March, 2017, by and between **LYNN TUTT and BARBARA GRAHAM TUTT, husband and wife**, 1159 Baker Lane, 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 **SEVEN HUNDRED FIFTY DOLLARS AND 00/100 (\$750.00)**, 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 Construction Easement
(a portion of 1939 Clays Mill Road)

Clays Mill Road Improvement Project, Section 1
(Harrodsburg Road to New Circle Road)
Parcel No. 119

Being a tract of land lying in Fayette County on the west side of Clays Mill Road, point of beginning being approximately

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

DTC

355 feet north of the intersection of Lane Allen Road and Clays Mill Road, and more particularly described as follows:

Beginning at a point 38.28 feet left of Clays Mill Road at Station 192+10.00; thence North 59 Degrees 23 Minutes 19 Seconds West a distance of 6.57 feet to a point 44.80 feet left of Clays Mill Road at Station 192+10.87; thence North 18 Degrees 23 Minutes 12 Seconds East a distance of 56.49 feet to a point 49.34 feet left of Clays Mill Road at Station 192+67.19; thence North 24 Degrees 23 Minutes 28 Seconds East a distance of 17.10 feet to a point 48.92 feet left of Clays Mill Road at Station 192+84.28; thence South 59 Degrees 23 Minutes 19 Seconds East a distance of 9.66 feet to a point 39.35 feet left of Clays Mill Road at Station 192+83.00; thence South 22 Degrees 09 Minutes 41 Seconds West a distance of 73.00 feet to a point 38.28 feet left of Clays Mill Road at Station 192+10.00 and the POINT OF BEGINNING.

The above described parcel contains 0.015 acres (636 sq. ft.) of temporary construction easement; and

Being a portion of the property conveyed to Lynn Tutt and Barbara Graham Tutt, husband and wife, by deed dated October 15, 2014 of record in Deed Book 3270, Page 334, 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.

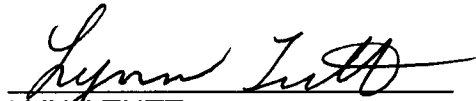
The above-described temporary construction easement runs with the land for the duration of the improvement project and is binding upon the successors and assigns of the Grantors. The temporary construction easement shall take effect upon the commencement of construction of the project and will expire 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 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 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:


LYNN TUTT

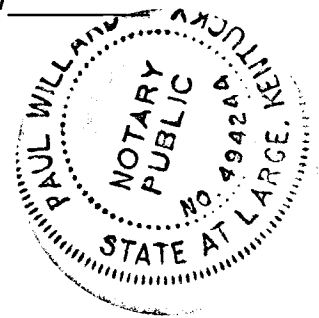

BARBARA GRAHAM TUTT

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

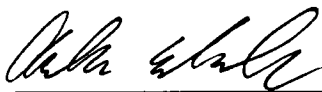
This instrument was acknowledged, subscribed and sworn to before me by Lynn
Tutt and Barbara Graham Tutt, husband and wife, on this the 2 day of MARCH,
2017.


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

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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

201703030045

March 3, 2017 8:30:56 AM

Fees \$20.00 Tax \$.00

Total Paid \$20.00

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5 Pages

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