

**GRANT OF EASEMENT**

This **EASEMENT** is made and entered into this 2 day of AUGUST 2017, by and between **YMCA OF CENTRAL KENTUCKY**, a Kentucky non-profit corporation, 239 East High Street, Lexington, Kentucky 40507 ("Grantor"), which is the in-care of tax mailing address for the current year, and the **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky 40507, ("Grantee");

**WITNESSETH:**

That for and in consideration of the sum of **TEN DOLLARS AND 00/100 CENTS (\$10.00)**, and other good and valuable consideration, 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, in perpetuity, the exclusive and permanent right to install, construct, inspect, maintain, operate, rebuild and/or repair a shared use trail for walking and/or biking for recreation known as Hope Center Trail by along, through, under and across the following tract of land located in the confines of Lexington, Fayette County, Kentucky, depicted on Exhibit "A" attached hereto, and more particularly described as follows:

**Permanent Easement**  
**(a portion of 381 W. Loudon Avenue)**  
**Hope Center Trail**  
**Parcel 4, Tract A**

Commencing at a point, said point lying on the northern right-of-way of West Loudon Avenue, also common to the western line of Setzer Properties and Setzer Way, a 60' private street; thence South 83 degrees 07 minutes 30 seconds West, 149.61 feet to the **POINT OF BEGINNING**, said point lying on the northern right-of-way of West Loudon Avenue; thence with West Loudon Avenue right-of-way for

Hon. Charles E. Edwards, III  
 LFUCG Dept. of Law  
 200 E. Main Street, 11<sup>th</sup> Floor  
 Lexington, KY 40507  
 (CCF)

two (2) calls: South 87 degrees 11 minutes 57 seconds West, 25.52' to a point; thence North 87 degrees 41 minutes 02 seconds West, 14.53 feet to a point in the proposed easement; thence leaving said right-of-way and with the proposed easement for three (3) calls; North 00 degrees 18 minutes 49 seconds East, 10.93 feet to a point; thence 38.95 feet along a curve to the left and having a radius of 30.00 feet and a chord which bears North 36 degrees 52 minutes 55 seconds West, 36.27 feet to a point; thence 9.26 feet along a curve to the right and having a radius of 70.00 feet and a chord which bears North 70 degrees 17 minutes 16 seconds West, 9.25 feet to a point in the existing permanent trail easement; thence with said easement for two (2) calls: North 00 degrees 48 minutes 05 seconds East, 30.12 feet to a point; thence North 03 degrees 54 minutes 32 seconds West, 28.26 feet to a point in the proposed permanent easement; thence with the proposed easement for three (3) calls; 32.88 feet along a curve to the left and having a radius of 30.00 feet and a chord with bears South 42 degrees 40 minutes 53 seconds East, 31.26 feet to a point; thence 90.89 feet along a curve to the right having a radius of 70.00 feet and a chord which bears South 36 degrees 52 minutes 55 seconds East, 84.64 feet to a point, thence South 00 degrees 18 minutes 49 seconds West, 10.05 feet to the **POINT OF BEGINNING** and containing 3,691 sq. ft; and,

Being a portion of the same property conveyed to Young Men's Christian Association of Central Kentucky (now known as YMCA of Central Kentucky), a Kentucky non-profit corporation, by deed dated July 14, 1999, of record in Deed Book 2066, Page 529, in the Fayette County Clerk's Office.

The grant of the permanent easement above and the exercise of the rights and privileges herein granted, are subject to and expressly include the following:

1. Grantee shall have the right, but not the obligation, at Grantee's expense, to construct, manage, use, repair, and maintain a public, multi-use Trail upon the subject property, described *supra*. Grantor shall not, at any time or in any way, damage or otherwise harm any Trail that Grantee may place upon the subject property.

2. The Trail shall not be used or accessed by motorized vehicles, except for motorized wheelchairs as used by handicapped or disabled persons, and emergency or maintenance vehicles, as necessary.
3. No right-of-way, easements of ingress or egress, driveways, roads, utility lines, or other easements shall be constructed, developed, or maintained into, on, over, under, or across the subject property, without the prior written consent of the Grantee.
4. Grantor shall not cause or allow fences, barriers, signs, buildings, or structures of any sort to be erected upon, across, over, or through the subject property without the prior written consent of the Grantee.
5. Grantor shall not engage in any activity in, under, upon, or above the subject property that would, in Grantee's reasonable opinion, interfere with or frustrate Grantee's ability to use the subject property for a public, multi-use, non-motorized recreational trail.
6. It is understood and agreed by the Grantor and Grantee that the easement granted herein is being granted for a public purpose.

**FURTHER**, for and in consideration of the sum hereinbefore mentioned, the receipt and sufficiency of which is hereby acknowledged, 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 trail system placement and construction, installation through and across the following tract of land located in the confines of Lexington,

Fayette County, Kentucky, depicted on Exhibit "B" attached hereto, and more particularly described as follows:

**Temporary Construction Easement**  
**(a portion of 381 W. Loudon Avenue)**  
**Hope Center Trail**  
**Parcel 4, Tract B**

Commencing at a point, said point lying in the northern right-of-way of West Loudon Avenue, also common to the western line of Setzer Properties and Setzer Way, a 60' private street; thence South 82 degrees 40 minutes 14 seconds West, 134.63 feet to the **POINT OF BEGINNING**, said point lying on the northern right-of-way of West Loudon Avenue; thence with West Loudon Avenue right-of-way South 87 degrees 11 minutes 57 seconds West, 15.02' to a point in the temporary easement; thence leaving said right-of-way and with the temporary easement for four (4) calls; North 00 degrees 18 minutes 49 seconds East, 10.05 feet to a point; thence 90.89 feet along a curve to the left and having a radius of 70.00 feet and a chord which bears North 36 degrees 52 minutes 55 seconds West, 84.64 feet to a point; thence 32.88 feet along a curve to the right and having a radius of 30.00 feet and a chord which bears North 42 degrees 40 minutes 53 seconds West, 31.26 feet to a point in the existing trail easement; thence with said easement North 03 degrees 54 minutes 32 seconds West, 3.41 feet to a point in the temporary easement; thence with said easement for four (4) calls; North 85 degrees 13 minutes 54 seconds East, 14.76 feet to a point; thence 18.15 feet along a curve to the left and having a radius of 15.00 feet and a chord which bears South 39 degrees 25 minutes 23 seconds East, 17.06 feet to a point; thence 110.36 feet along a curve to the right and having a radius of 85.00 feet and a chord which bears South 36 degrees 52 minutes 55 seconds East, 102.77 feet to a point, thence South 00 degrees 18 minutes 49 seconds West, 9.23 feet to the **POINT OF BEGINNING** and containing 2,062 sq. ft; and,

Being a portion of the same property conveyed to Young Men's Christian Association of Central Kentucky (now known as YMCA of Central Kentucky), a Kentucky non-profit corporation, by deed dated July 14, 1999, of record in Deed Book 2066, Page 529, in the Fayette County Clerk's Office.

**Temporary Construction Easement**  
**(a portion of 381 W. Loudon Avenue)**  
**Hope Center Trail**  
**Parcel 4, Tract C**

Commencing at a point, said point lying in the northern right-of-way of West Loudon Avenue, also common to the western line of Setzer Properties and Setzer Way, a 60' private street; thence South 84 degrees 22 minutes 30 seconds West, 189.46 feet to the **POINT OF BEGINNING**, said point lying on the northern right-of-way of West Loudon Avenue; thence with West Loudon Avenue right-of-way for two (2) calls; North 87 degrees 41 minutes 02 seconds West, 19.80 feet to a point; thence North 85 degrees 53 minutes 37 seconds West, 13.59 feet to a point in the existing trail easement; thence leaving said right-of-way and with said easement for three (3) calls; North 05 degrees 57 minutes 36 seconds East, 14.72 feet to a point; thence North 03 degrees 13 minutes 04 seconds East, 24.13 feet to a point; thence North 00 degrees 48 minutes 05 seconds East, 2.56 feet to a point in the temporary easement; thence with the said easement 9.26 feet along a curve to the left and having a radius of 70.00 feet and a chord which bears South 70 degrees 17 minutes 16 seconds East, 9.25 feet to a point; thence 38.95 feet along a curve to the right and having a radius of 30.00 feet and a chord which bears South 36 degrees 52 minutes 55 Seconds East, 36.27 feet to a point; thence South 00 degrees 18 minutes 49 seconds West, 10.93 feet to the **POINT OF BEGINNING** and containing 1,093 sq. ft.; and,

Being a portion of the same property conveyed to Young Men's Christian Association of Central Kentucky (now known as YMCA of Central Kentucky), a Kentucky non-profit corporation, by deed dated July 14, 1999, of record in Deed Book 2066, Page 529, in the Fayette County Clerk's Office.

**TO HAVE AND TO HOLD** the above-described easements together with all rights, privileges, appurtenances and improvements thereunto belonging unto Grantee, its successors and assigns, for the purposes and uses herein designated.

The above-described temporary construction easements run with the land for the duration of the improvement project and are binding upon the successors and assigns


of the Grantor. The above-described permanent easement runs with the land in perpetuity and is binding upon the successors and assigns of the Grantor. The temporary construction easements shall take effect upon the commencement of construction of the project and will expire upon completion of the project.

Grantor does hereby covenant to and with said Grantee, its successors and assigns forever, that it is lawfully seized in fee simple of said property and has good right to sell and convey the interests conveyed herein, and that it will **WARRANT GENERALLY** said title. The parties do hereby certify pursuant to KRS 382.135 that the consideration stated herein is the full, actual consideration paid for the property transferred herein, and that the estimated fair cash value of the property conveyed is \$37,425.00. Grantee joins this Grant of Easement for the sole purpose of certifying the consideration, as authorized by Resolution No. 462-2017 passed by the Lexington-Fayette Urban County Council on July 11, 2017.

**IN TESTIMONY WHEREOF**, the parties have signed this Easement, this the day and year first above written.

GRANTOR:

YMCA OF CENTRAL KENTUCKY, a  
Kentucky non-profit corporation

BY:   
DAVID MARTORANO,  
PRESIDENT and  
CHIEF EXECUTIVE OFFICER

GRANTEE:

LEXINGTON-FAYETTE URBAN  
COUNTY GOVERNMENT

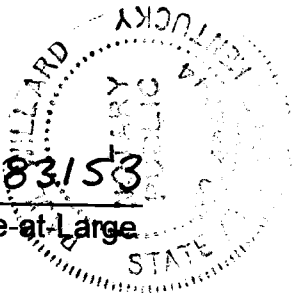
BY:   
JIM GRAY, MAYOR

COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )

The foregoing Grant of Easement and consideration certificate were subscribed, sworn to and acknowledged before me by David Martorano, for and in his capacity as President and Chief Executive Officer, on behalf of YMCA of Kentucky, a Kentucky non-profit corporation, on this the 2 day of AUGUST, 2017.

My commission expires: 7-29-2021

Paul W. [Signature] 583153  
Notary Public, Kentucky, State-at-Large



COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )

The foregoing Certificate of Consideration was subscribed, sworn to and acknowledged before me by Jim Gray, as Mayor, for and on behalf of the Lexington-Fayette Urban County Government, on this the 2nd day of August, 2017.

My commission expires: 2/26/2021

Cynthia A. Cannon-Ferguson  
Notary Public, Kentucky, State-at-Large

PREPARED BY:

[Signature]  
Charles E. Edwards, III,  
Attorney  
Lexington-Fayette Urban  
County Government  
Department of Law  
200 East Main Street, 11<sup>th</sup> Floor  
Lexington, Kentucky 40507  
(859) 258-3500



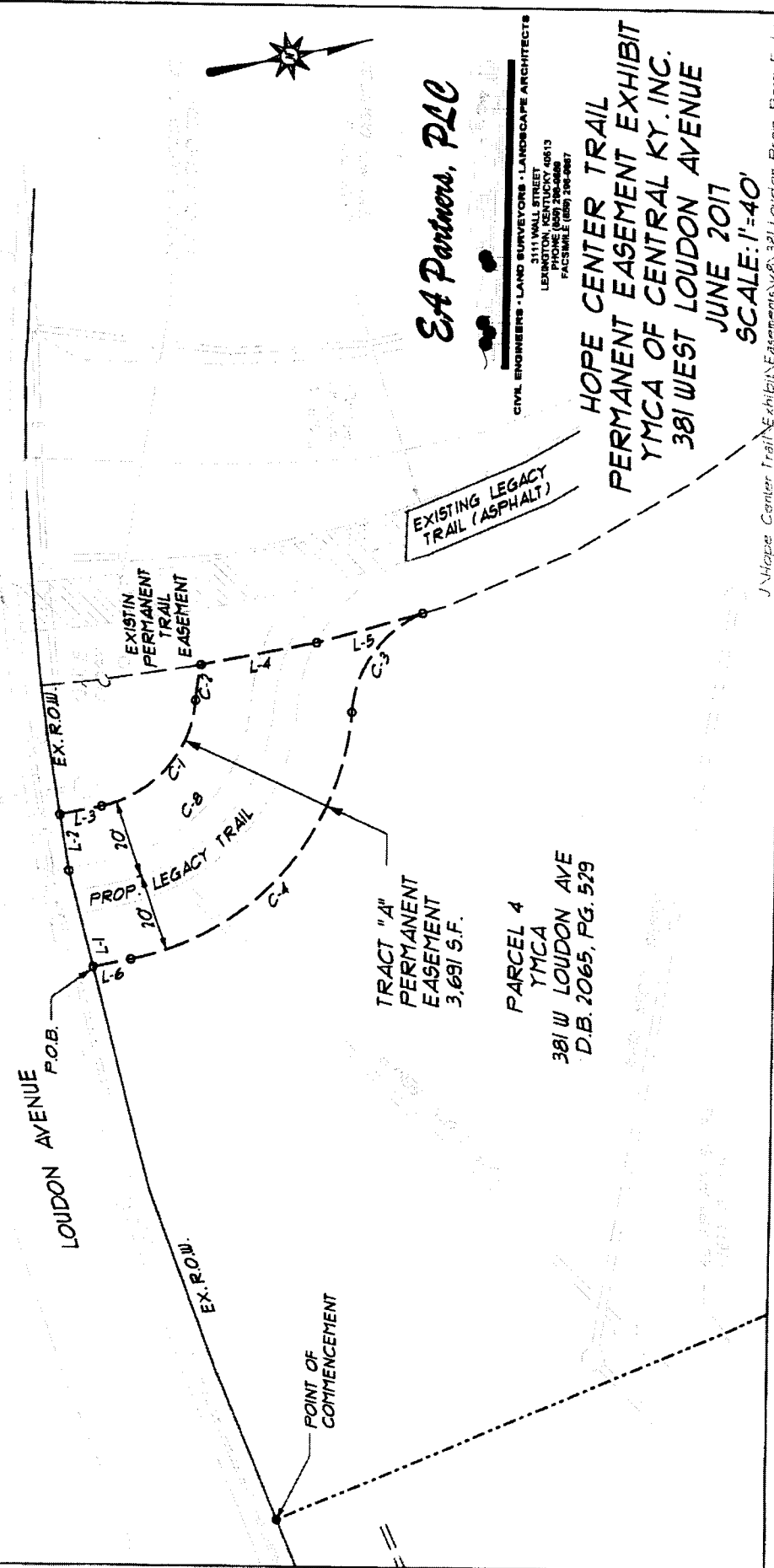
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LINE TABLE

CALL	BEARING	DISTANCE
L-1	S87°11'57"W	25.52'
L-2	N81°41'02"W	14.53'
L-3	N00°18'49"E	10.93'
L-4	N00°48'05"E	30.12'
L-5	N03°54'32"W	28.26'
L-6	S00°18'49"W	10.05'

CURVE TABLE

CALL	BEARING/ CHD. BEARING	DISTANCE/ CHORD	RADIUS	CURVE LENGTH
C-1	N36°52'55"W	36.27'	30.00'	38.95'
C-2	N70°11'16"W	9.25'	70.00'	9.26'
C-3	S42°40'53"E	31.26'	30.00'	32.88'
C-4	S36°52'55"E	84.64'	70.00'	90.89'



**EA Partners, PLLC**

CIVIL ENGINEERS • LAND SURVEYORS • LANDSCAPE ARCHITECTS  
 3111 WALL STREET  
 LEXINGTON, KENTUCKY 40513  
 PHONE (606) 290-0888  
 FACSIMILE (606) 290-0887

**HOPE CENTER TRAIL  
 PERMANENT EASEMENT EXHIBIT  
 YMCA OF CENTRAL KY. INC.  
 381 WEST LOUDON AVENUE  
 JUNE 2017  
 SCALE: 1"=40'**

J:\Hope Center Trail\Exhibit\Exhibits\321 Loudon Prop. Perm. E.dgn

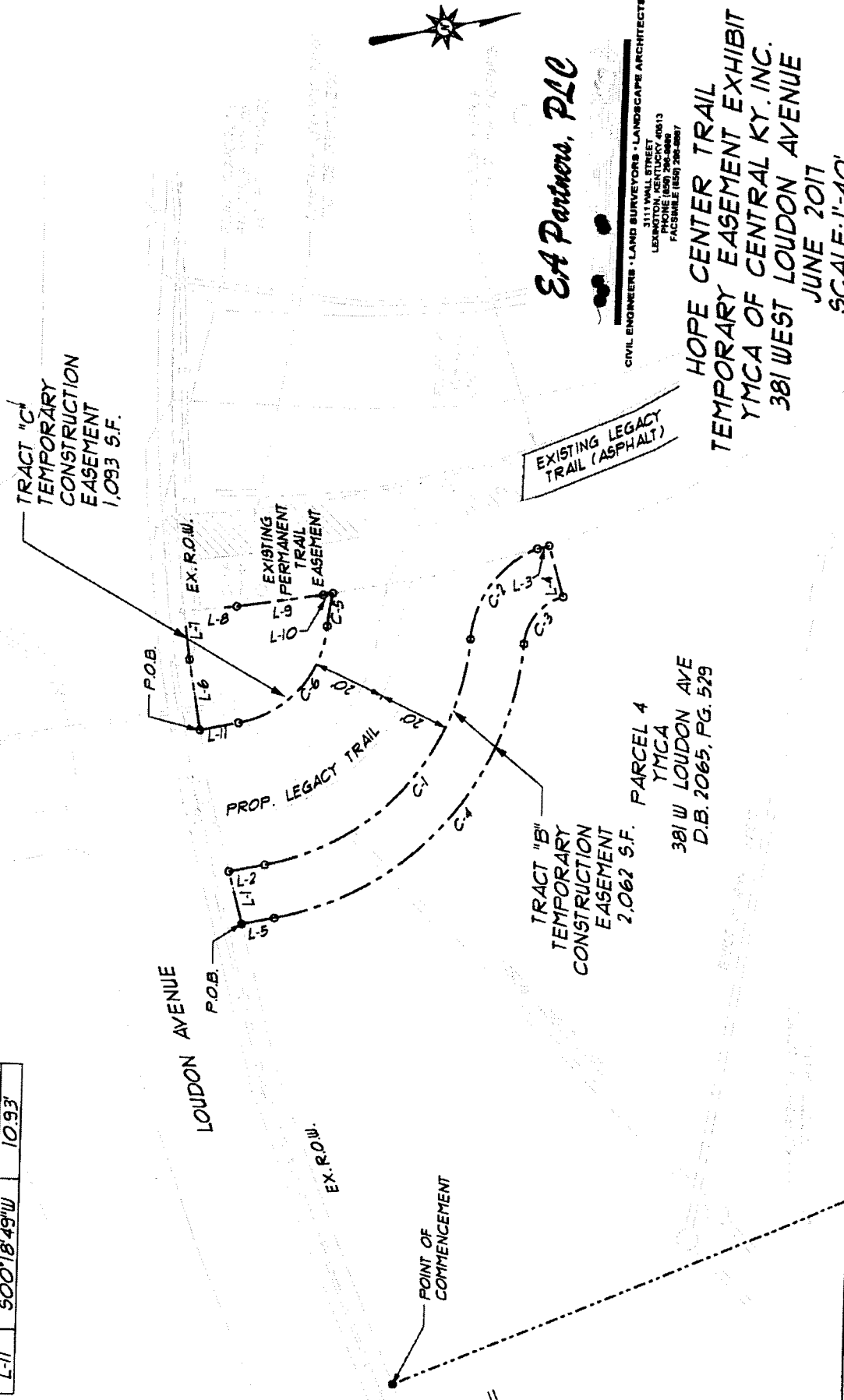


LINE TABLE

CALL	BEARING	DISTANCE
L-1	S81°11'57"W	15.02'
L-2	N00°18'49"E	10.05'
L-3	N03°54'32"W	3.41'
L-4	N85°13'54"E	14.76'
L-5	S00°18'49"W	9.23'
L-6	N81°41'02"W	19.80'
L-7	N85°53'37"W	13.59'
L-8	N05°57'36"E	14.72'
L-9	N03°13'04"E	24.13'
L-10	N00°48'05"E	2.56'
L-11	S00°18'49"W	10.93'

CURVE TABLE

CALL	BEARING/ CHD. BEARING	DISTANCE/ CHORD	RADIUS	CURVE LENGTH
C-1	N36°52'55"W	84.64'	10.00'	90.89'
C-2	N42°40'53"W	31.26'	30.00'	37.88'
C-3	S39°25'23"E	17.06'	15.00'	18.15'
C-4	S36°52'55"E	102.77'	85.00'	110.36'
C-5	S10°17'16"E	9.25'	10.00'	9.76'
C-6	S36°52'55"E	36.27'	30.00'	38.95'



**EA Partners, PLLC**

CIVIL ENGINEERS • LAND SURVEYORS • LANDSCAPE ARCHITECTS  
 3111 WALL STREET  
 LEANING TOWER SUITE 40013  
 PHOENIX, ARIZONA 85018  
 PHONE (602) 296-2888  
 FACSIMILE (602) 296-2887

**HOPE CENTER TRAIL  
 TEMPORARY EASEMENT EXHIBIT  
 YMCA OF CENTRAL KY. INC.  
 381 WEST LOUDON AVENUE  
 JUNE 2017  
 SCALE: 1"=40'**

PARCEL 4  
 YMCA  
 381 W LOUDON AVE  
 D.B. 2065, PG. 529

Hope Center Trail Exhibit Easements vs. Loudon Prop. Temp. Easement

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: PATTY DAVIS ,dc

201708090320

August 9, 2017

14:26:46 PM

Fees	\$35.00	Tax	\$ .00
Total Paid		\$35.00	

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10 Pages

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