

FAYETTE CO, KY FEE \$53.00

SUSAN LAMB
COUNTY CLERK

PRESENTED/LODGED: 12/08/2023 10:18:39 AM

BOBBIE MARSTELLA, DEPUTY CLERK

BK: DB 4049

PG: 711-716

202312080041



TEMPORARY CONSTRUCTION EASEMENT

This **TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 6TH day of DECEMBER, 2023, by and between **LENA SIMMONS**, a single person and **BRIAN TUCKER**, a single person, 3969 Barnard Drive, Lexington, Kentucky 40509, 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 DOLLARS AND 00/100 (\$1,000.00)**, 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

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

related work for the purpose of stormwater improvements and construction, installation, repair, maintenance 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
Barnard Drive Stormwater
Improvement Project
(a portion of 3969 Barnard Drive)

All of that tract or parcel of land located north at the southern end of Barnard Drive on the southwest corner of the Simmons Property in Lexington, Fayette County, Kentucky, and more fully described and bounded as follows, to-wit:

STARTING at the common property corner of Simmons (Deed Book 2996, Page 717) and Wang (Deed Book 2797, Page 33), said corner being the southwest corner of the Simmons property; thence following the property boundary N 44° 01' 41" E, 6.00 feet to the **TRUE POINT OF BEGINNING**; for the temporary construction easement; thence along a 12 foot Storm Sewer and Drainage Easement, N 35° 42' 10" W, 21.66 feet; thence S 76° 33' 32" E, 24.75 feet; thence again along said property boundary, S 44° 01' 44" W, 16.50 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 175 sq. ft. of temporary construction easement; and

Being a portion of the property conveyed to Lena Simmons, a single person and Rebecca Atkins and Brian Tucker, wife and husband, by Deed dated March 10, 2011, of record in Deed Book 2996, Page 717, in the Fayette County Clerk's Office. Said Rebecca Aktins (a/k/a Rebecca Atkins Tucker), died intestate on November 30, 2020, a resident of Lexington, Fayette County, Kentucky. Her interest in the subject property vests to her husband, Brian Tucker, in fee simple, by right-of-survivorship in the aforementioned deed.

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 or maintenance thereof.

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 does 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 157-2023, passed by the Lexington-Fayette Urban County Council on March 23, 2023. Pursuant to KRS 382.135(2)(a), 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:

Lena Simmons
LENA SIMMONS

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by Lena Simmons, a single person, on this the 6TH day of DECEMBER, 2023.



Michael Clayborne
Notary Public, Kentucky, State-at-Large
My Commission Expires: 05 / 10 / 2025
Notary ID # KY NP 27704

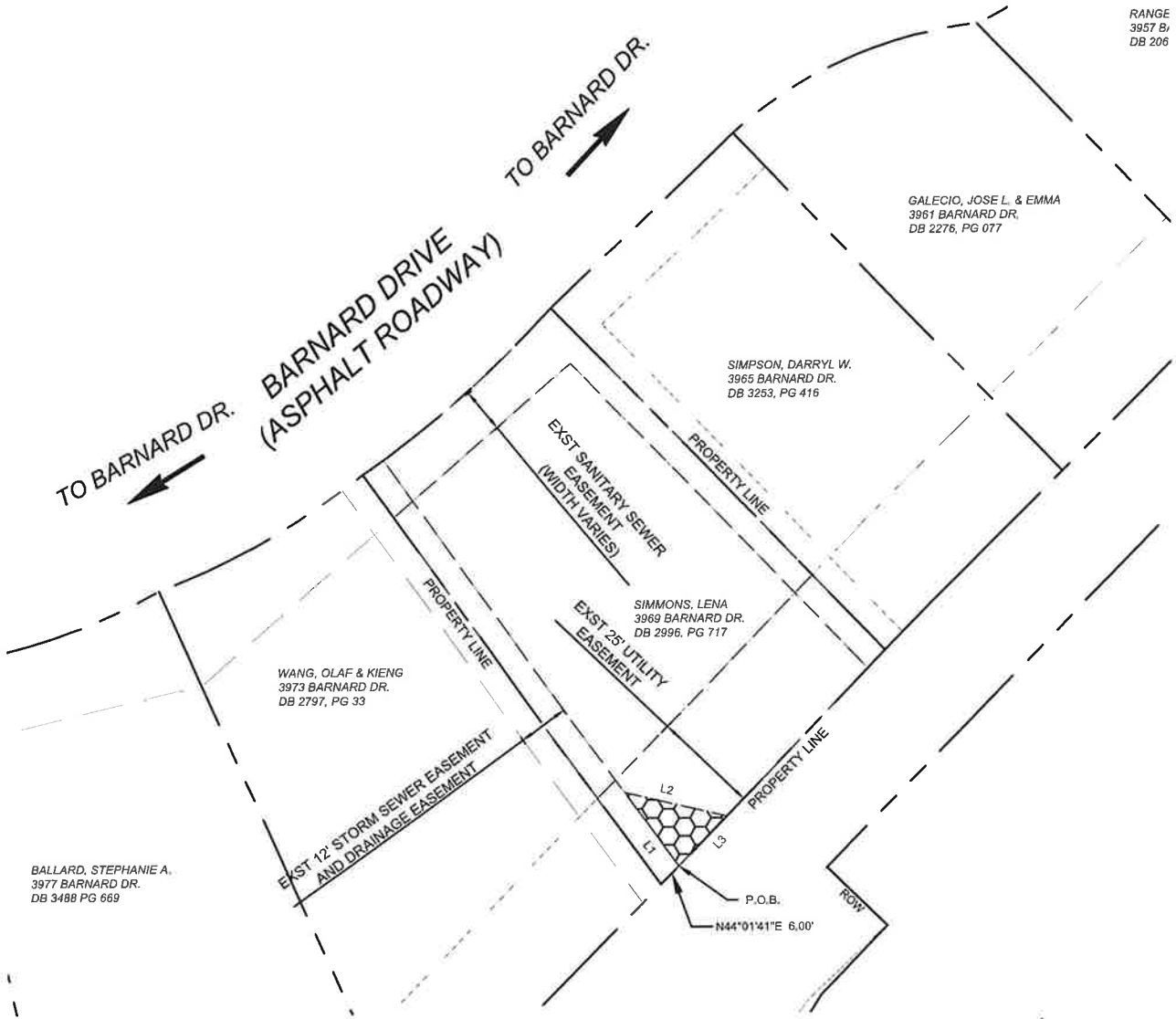
BASIS OF BEARINGS

1. PROPERTY LINES, UTILITY EASEMENT, SANITARY SEWER EASEMENT, AND STORM SEWER AND DRAINAGE EASEMENT WERE DERIVED FROM "FINAL RECORD PLAT AUTUMN RIDGE UNIT 5-C" BY EA PARTNERS, LOCATED AT THE FAYETTE CO. CLERK'S OFFICE IN CAB. "L" SLIDE 395.

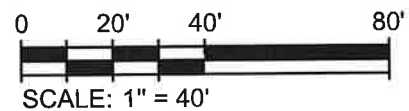


TEMPORARY CONSTRUCTION EASEMENT
175 SF

RANGE
3957 B/
DB 206



LINE TABLE		
LINE #	LENGTH	BEARING
L1	21.66'	N 35°42'10\" W
L2	24.75'	S 76°33'32\" E
L3	16.50'	S 44°01'41\" W



10/28/2022 1:10:56 PM - P:\MER11681\200-11681-21002\CAD\SHEETFILES\EASEMENTS\BARNARDEASEMENT BARNARD_3969 BARNARD_10-28-22.DWG - PACHOLIK, LUCY



TETRA TECH

www.tetratech.com

424 LEWIS HARGETT CIRCLE, SUITE 110
LEXINGTON, KY 40503
TEL: 859.223.8000 FAX: 859.224.1025

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

TEMPORARY CONSTRUCTION EASEMENT
ON THE PROPERTY OF 3969 BARNARD DR

DEED BOOK NO. 2996
PAGE 717

PROJ: 200-11681-21002

DATE: 10/28/2022

DESN: LCP

EXHIBIT

A

Copyright: Tetra Tech

Bar Measures 1 inch