

RIGHT OF ENTRY AGREEMENT

This **RIGHT OF ENTRY AGREEMENT**, made and entered into on this, the 10 day of July, 2019, by and between L & M Harping Warehouse, LLC, a Kentucky limited liability company (f/k/a 1211 ManchesterStreet.com, LLC, a Kentucky limited liability company) ("Grantor") 359 Thompson Road, Lexington, Kentucky 40508, and the Lexington-Fayette Urban County Government, ("Grantee") an Urban County Government created under Chapter 67A of the Kentucky Revised Statutes, which has its principal office at 200 East Main Street, Lexington, Kentucky 40507,

WITNESSETH:

WHEREAS, the Grantor owns certain real property situated 1206 Liggett Street and 1201 Manchester Street in Lexington, Kentucky; and,

WHEREAS, the Grantee requires a permanent easement upon a portion of the identified parcels for the public purpose of constructing and maintaining Town Branch Trail; and,

WHEREAS, the Grantor is in favor of completion of the Town Branch Trail project and does not wish to delay completion of the project; and,

WHEREAS, time is of the essence.

NOW, THEREFORE, Grantor and Grantee agree that Grantee shall have the right to enter upon the following described tract for the purpose of installing and constructing a shared-use-path and other related improvements, including walls and other hardscape features and appurtenances thereto:

**1206 Liggett Street &
1201 Manchester Street**

Parcel No. 22, Phase 6
To be purchased as a Permanent Easement

Being a tract of land located in Fayette County, Kentucky, near the city limits of Lexington and being all of Tract II of the L & M Harping Warehouse, LLC (formerly known as 1211ManchesterStreet.com, LLC) parcel recorded in Deed Book 3126, Page 339, in the Fayette County Clerk's Office and more particularly described as follows:

BEGINNING, at a point on the North side of the Old Frankfort Pike, said point being 83.50 feet from the centerline of the main tract of the Louisville & Nashville Railroad and being 366.50 feet East of the West line of the section house lot and begin 34.00 feet West of a planted concrete marker; thence along the North side of said pike in a Westerly direction a distance of 30.00 feet; thence in a Northerly direction a distance of 52.50 feet to a point 33.00 feet from the centerline of the L & N Railroad's main track; thence Easterly 33.00 feet from and parallel to the centerline of the L & N Railroad's main track a distance of 30.00 feet; thence Southwardly a distance of 50.50 feet to the POINT OF BEGINNING; and,

The above described parcel contains 1,545.00 square feet of permanent easement; and,

Being a portion of the same property conveyed to L & M Harping Warehouse, LLC, a Kentucky limited liability company (formerly known as 1211ManchesterStreet.com, LLC, a Kentucky limited liability company), by Deed, dated January 15, 2013, of record in Deed Book 3126, Page 339 and by Articles of Amendment, filed March 26, 2015, of record in Corporate Records Book 390, Page 702, both referenced in the Fayette County Clerk's Office.

This Right of Entry shall stay in effect until completion of the project upon the subject property, during which time Grantors and Grantee shall continue to negotiate in good faith the terms and conditions of Grantee's purchase of the permanent easement

Paul Weller

Notary Public, Kentucky, State-at-Large

My Commission Expires: 7 / 29 / 2021

Notary ID # 583153

**GRANTEE: LEXINGTON-FAYETTE
URBAN COUNTY GOVERNMENT**

BY: Linda Gorton
Linda Gorton, Mayor

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This Right of Entry Agreement was acknowledged, subscribed and sworn to before me by Linda Gorton, as Mayor, for and on behalf of the Lexington-Fayette Urban County Government, on this the 10th day of July, 2019.

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

My Commission Expires: 2 / 26 / 2021

Notary ID # 073812

PREPARED BY:

Charles E. Edwards, III
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

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

201908010197

August 1, 2019

12:40:01 PM

Fees	\$20.00	Tax	\$0.00
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Total Paid	\$20.00
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