

TEMPORARY CONSTRUCTION EASEMENT

This **TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 29th day of March, 2017, by and between **LEXINGTON CONSISTORY IN THE VALLEY OF LEXINGTON, ORIENT OF KENTUCKY**, P.O. Box 8087, Lexington, Kentucky 40533, which is the in-care of tax mailing address for the current year ("Grantor"), 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 SEVEN HUNDRED DOLLARS AND 00/100 (\$1,700.00)**, and other good and valuable consideration, the 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, 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 553 Rosemont Garden)

Clays Mill Road Improvement Project, Section 1
(Harrodsburg Road to New Circle Road)
Parcel No. 123A & 123B

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

DTC

Being a tract of land lying in Fayette County on the east side of Clays Mill Road, point of beginning being approximately 97 feet north of the intersection of Rosemont Garden and Clays Mill Road, and more particularly described as follows:

Beginning at a point 33.00 feet right of Clays Mill Road at Station 189+55.93; thence North 23 Degrees 17 Minutes 38 Seconds East a distance of 165.00 feet to a point 33.85 feet right of Clays Mill Road at Station 191+20.93; thence South 59 Degrees 40 Minutes 22 Seconds East a distance of 12.09 feet to a point 45.84 feet right of Clays Mill Road at Station 191+19.39; thence South 23 Degrees 17 Minutes 37 Seconds West a distance of 127.96 feet to a point 45.18 feet right of Clays Mill Road at Station 189+91.42; thence South 26 Degrees 45 Minutes 20 Seconds West a distance of 36.73 feet to a point 42.77 feet right of Clays Mill Road at Station 189+54.77; thence North 60 Degrees 14 Minutes 22 Seconds West a distance of 9.84 feet to a point 33.00 feet right of Clays Mill Road at Station 189+55.93 and the POINT OF BEGINNING.

The above described parcel contains 0.044 acres (1,938 sq. ft.) of temporary construction easement;

AND

Being a tract of land lying in Fayette County on the north side of Rosemont Garden, point of beginning being approximately 269 feet east of the intersection of Clays Mill and Rosemont Garden, and more particularly described as follows:

Beginning at a point 35.00 feet left of Rosemont Garden at Station 12+09.87; thence North 23 Degrees 18 Minutes 59 Seconds East a distance of 12.78 feet to a point 47.70 feet left of Rosemont Garden at Station 12+08.44; thence South 60 Degrees 14 Minutes 22 Seconds East a distance of 19.40 feet to a point 47.70 feet left of Rosemont Garden at Station 12+27.83; thence South 43 Degrees 14 Minutes 57 Seconds East a distance of 43.47 feet to a point 35.00 feet left of Rosemont Garden at Station 12+69.41; thence North 60 Degrees 14 Minutes 22 Seconds West a distance of 59.54 feet to a point 35.00 feet left of Rosemont Garden at Station 12+09.87 and the POINT OF BEGINNING.

The above described parcel contains 0.012 acres (501 sq. ft.) of temporary construction easement; and

Being a portion of the property conveyed to Lexington Consistory in the Valley of Lexington, Orient of Kentucky, by deed dated November 7, 1972 of record in Deed Book 1093, Page 281; deed dated April 5, 1973 of record in Deed Book 1093, Page 283; deed dated May 24, 1977 of record in Deed Book 1171, Page 93 (corrected in deed dated June 15, 1977 of record in Deed Book 1172, Page 453); and deed dated November 1, 1979 of record in Deed Book 1240, Page 418 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 Grantor. The temporary construction easement shall take effect upon the commencement of construction of the project and will expire upon completion of the project.

Grantor does 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 477-2016, passed by the Lexington-Fayette Urban County Council on July 5, 2016. Pursuant to KRS

