

PERMANENT AND TEMPORARY GRANT OF EASEMENT

This **PERMANENT AND TEMPORARY GRANT OF EASEMENT** is made and entered into this the 2 day of NOVEMBER, 2018, by and between **THE LIVING ARTS AND SCIENCE CENTER, INC.**, a Kentucky non-profit corporation, 362 N. Martin Luther King Blvd., Lexington, Kentucky 40508, 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 **FOUR HUNDRED SEVENTY-FIVE DOLLARS AND 00/100 (\$475.00)**, 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, the permanent right to excavate, grade, install, construct, alter, inspect, maintain, re-grade and perform related work for the purpose of right-of-way construction, improvement, and relocation of a shared-use-path known as Legacy Trail 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:

Permanent Easement
(a portion of 364 N. Martin Luther King Blvd.)
Legacy Trail, Phase III and Fourth Street
Corridor Enhancements
Parcel No. 22A

Commencing, at a point, being the intersection of the south right-of-way of East Fourth Street, and the east right-of-way

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

(CC-F)

of North Martin Luther King Boulevard; thence with the south right-of-way of East Fourth Street, S 41°00'00" E a distance of 130.00 feet to a point; thence, leaving said right-of-way and with a line through 364 North Martin Luther King Boulevard, S 48°16'05" W a distance of 5.00 feet to a point; thence, with another line through 364 North Martin Luther King Boulevard, N 41°00'00" W a distance of 130.00 feet to a point in the east right-of-way of North Martin Luther King Boulevard; thence with said east right-of-way of North Martin Luther King Boulevard, N 48°16'05" E a distance of 5.00 feet to the POINT OF BEGINNING;

The above described parcel contains 649.95 sq. ft. of permanent easement; and

Being a portion of the property conveyed to The Living Arts and Science Center, Inc., a Kentucky non-profit corporation, by Deed dated November 18, 1981, of record in Deed Book 1284, Page 456, in the Fayette County Clerk's Office.

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, install, construct, alter, inspect, maintain, re-grade and perform related work for the purpose of right-of-way construction, improvement 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 Easements
(a portion of 364 N. Martin Luther King Blvd.)
Legacy Trail, Phase III and Fourth Street
Corridor Enhancements
Parcel No. 22B

Commencing, at a point, being the intersection of the south right-of-way of East Fourth Street, and the east right-of-way of North Martin Luther King Boulevard; thence with the south right-of-way of East Fourth Street, S 41°00'00" E a distance

of 130.00 feet to a point being the **TRUE POINT OF BEGINNING** of the tract therein described; thence, continuing with said south right-of-way of East Fourth Street, S 41°00'00" E a distance of 5.00 feet to a point; thence, leaving said right-of-way and with the following lines through 364 North Martin Luther King Boulevard: (i) S 48°16'05" W a distance of 10.00 feet to a point; (ii) N 41°00'00" W a distance of 95.00 feet to a point; (iii) S 48°16'05" W a distance of 10.00 feet to a point; (iv) N 41°00'00" W a distance of 40.00 feet to a point in the east right-of-way of North Martin Luther King Boulevard; thence, with said east right-of-way of North Martin Luther King Boulevard, N 48°16'05" E a distance of 15.00 feet to a point; thence leaving said right-of-way with a line through said 364 North Martin Luther King Boulevard, S 41°00'00" E a distance of 130.00 feet to a point; thence, with another line through said 364 North Martin Luther King Boulevard, N 48°16'05" E a distance of 5.00 feet to the POINT OF BEGINNING;

The above described parcel contains 1,099.91 sq. ft. of temporary construction easement;

Being a portion of the property conveyed to West Side Properties, LLC, a Kentucky non-profit corporation, by Deed dated November 18, 1981, of record in Deed Book 1284, Page 456, in the Fayette County Clerk's Office.

TO HAVE AND TO HOLD the above-described easements 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 above-described permanent easement runs with the land in perpetuity 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.

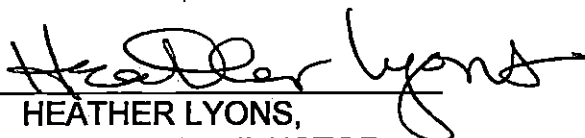
Grantor does hereby release and relinquish unto the Grantee, its successors and assigns forever, all of its right, title, and interest in and to the property to the extent of the interests conveyed herein, including all exemptions allowed by law, and does hereby covenant to and with the Grantee, its successors and assigns forever, that it is lawfully seized in fee simple of said property and that it will **WARRANT GENERALLY** said title.

The obtaining of this easement was authorized by Resolution 366-2018, passed by the Lexington-Fayette Urban County Council on June 21, 2018. Pursuant to KRS 382.135(2)(c), this grant of easement, which pertains to a public right-of-way, need not contain a statement of consideration.

IN TESTIMONY WHEREOF, the Grantor has signed this Permanent and Temporary Grant of Easement, this the day and year first above written.

GRANTOR:

THE LIVING ARTS AND
SCIENCES CENTER, INC., a
Kentucky non-profit corporation

BY: 
HEATHER LYONS,
EXECUTIVE DIRECTOR

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: SHEA BROWN ,dc

201811050133

November 5, 2018 13:56:01 PM

Fees	\$23.00	Tax	\$.00
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Total Paid	\$23.00
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