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FAYETTE CO, KY FEE \$53.00

PRESENTED / LODGED: 09-11-2023 02:17:00 PM

RECORDED: 09-11-2023

SUSAN LAMB

CLERK

BY: EMILY GENTRY

DEPUTY CLERK

**BK: DB 4036**

**PG: 366-371**

**TEMPORARY CONSTRUCTION EASEMENT**

This **TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 31<sup>st</sup> day of AUGUST, 2023, by and between **OLAF WANG and KIENG WANG, husband and wife**, 3973 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 **FIVE HUNDRED DOLLARS AND 00/100 (\$500.00)**, 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, 11<sup>th</sup> Floor  
200 East Main Street  
Lexington, KY 40507

related work for the purpose of stormwater improvements and construction, installation 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 3973 Barnard Drive)**

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

**STARTING** at the common property corner of Wang (Deed Book 2797, Page 33) and Simmons (Deed Book 2996, Page 717), said corner being the southeast corner of the Wang property; thence following the property boundary S 44°01'41" W, 6.00 feet to the real **POINT OF BEGINNING** for the temporary construction easement; thence along said property boundary S 44°01'44" W, 19.21 feet; thence N 5°05'59" E, 28.93 feet; thence along a 12 foot Storm Sewer and Drainage Easement, S 35°42'10" E, 18.47 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 Olaf Wang and Kieng Wang, husband and wife, by Deed dated April 4, 2008, of record in Deed Book 2797, Page 33, 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 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.

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.

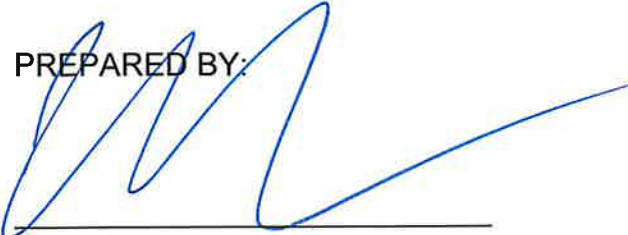
The obtaining of this easement was authorized by Resolution 157-2023, passed by the Lexington-Fayette Urban County Council on March 23, 2023. Pursuant to KRS 382.135(2)(a), this temporary construction easement, which pertains to a public utility, need not contain a statement of consideration.

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

[Intentionally Left Blank]



PREPARED BY:



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Evan P. Thompson,  
Attorney, Sr.  
Lexington-Fayette Urban  
County Government  
Department of Law, 11th Floor  
200 East Main Street  
Lexington, Kentucky 40507  
(859) 258-3500

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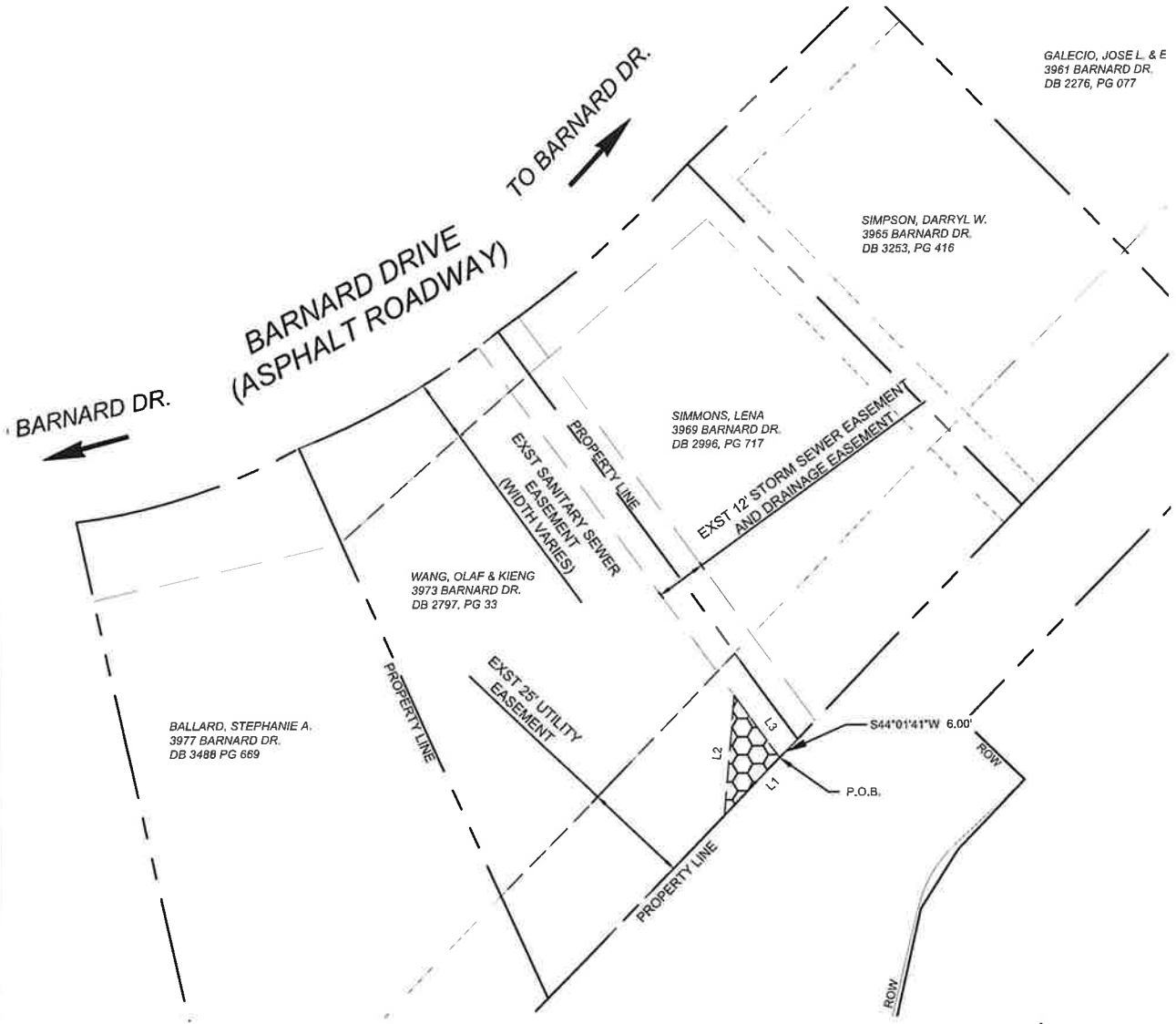
**BASIS OF BEARINGS**

- 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.

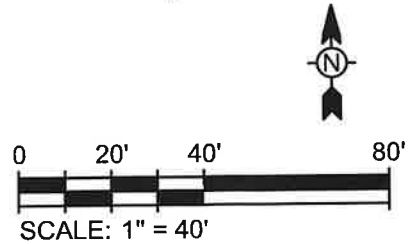


TEMPORARY CONSTRUCTION EASEMENT  
175 SF

10/28/2022 1:16:46 PM - P:\IER\11681\21002\CAD\SHEETFILES\EASEMENTS\BARNARD\EASEMENT BARNARD\_3973 BARNARD\_10-28-22.DWG - PACHOLIK, LUCY



LINE TABLE		
LINE #	LENGTH	BEARING
L1	19.21'	S 44°01'41" W
L2	28.93'	N 5°05'59" E
L3	18.47'	S 35°42'10" E



**TETRA TECH**

www.tetrattech.com

424 LEWIS HARGETT CIRCLE, SUITE 110  
LEXINGTON, KY 40503  
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LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT

TEMPORARY CONSTRUCTION EASEMENT  
ON THE PROPERTY OF 3973 BARNARD DR

DEED BOOK NO. 2797  
PAGE 33

PROJ: 200-11681-21002

DATE: 10/28/2022

DESN: LCP

EXHIBIT

**A**

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Bar Measures 1 inch