

**TEMPORARY CONSTRUCTION EASEMENT**

This **TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 13 day of May, 2021, by and between **SUZANNE WISE and DENNIS ALBETSKI, both single persons**, 1316 Ox Hill Drive, Lexington, Kentucky 40517, 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 HUNDRED SIXTEEN DOLLARS AND 13/100 (\$116.13)**, 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 related work for the purpose of sanitary sewer 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**  
**Southeastern Hills Trunk Sewer Improvement Project**  
**(a portion of 1316 Ox Hill Drive)**

All that strip or parcel of land situated on the south side of Ox Hill Drive in Lexington, Fayette County, Kentucky, and being more fully described and bounded as follows:

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

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BEGINNING at a point in the southerly right of way line of Ox Hill Drive, said point being a common corner between lots 42 and 43, Block "D" as shown on the Final Record Plan of Melody Village Unit 2 A-B, (Cabinet A, Slide 283);

Thence leaving the southerly right of way line of Ox Hill Drive and with the easterly property line of Lot 43, S 44° 28' 42" W, 78.96 feet to the **TRUE POINT OF BEGINNING**;

Thence leaving the easterly property line of Lot 43, and with a new temporary construction easement line through the lands of Lot 44, S 39° 21' 24" E, 73 .22 feet to a point in the westerly property line of Lot 41;

Thence with the westerly property line of Lot 41, S 37° 04' 42" W, 14.14 feet to a point;

Thence leaving the westerly property line of Lot 41, and with an existing 60-foot WL. Drainage, Sanitary, Storm, and Utility Easement line through the lands of Lot 42, N 37° 31' 18" W, 75.36 feet to a point in the easterly property line of the aforesaid Lot 43;

Thence with the easterly property line of Lot 43, N 44° 28' 42" E, 11.40 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 929 sq. ft. (0.021 Acres) of temporary construction easement; and

Being a portion of the property conveyed to Suzanne Wise and Dennis Albetski, both single persons, by Deed dated March 2, 2010, of record in Deed Book 2931, Page 717, 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 do 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 456-2020, passed by the Lexington-Fayette Urban County Council on October 8, 2020. Pursuant to KRS 382.135(2)(c), 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.

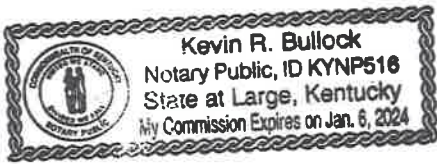
GRANTORS:


  
\_\_\_\_\_  
SUZANNE WISE

  
\_\_\_\_\_  
DENNIS ALBETSKI


COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )

This instrument was acknowledged, subscribed and sworn to before me by  
Suzanne Wise and Dennis Albetski, both single persons, on this the 13 day of  
May, 2021.



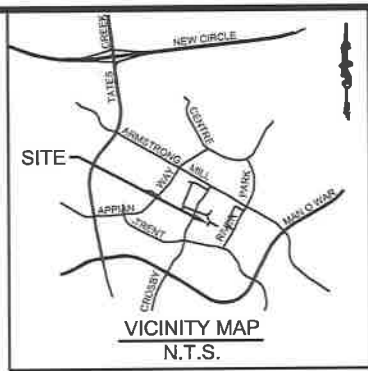
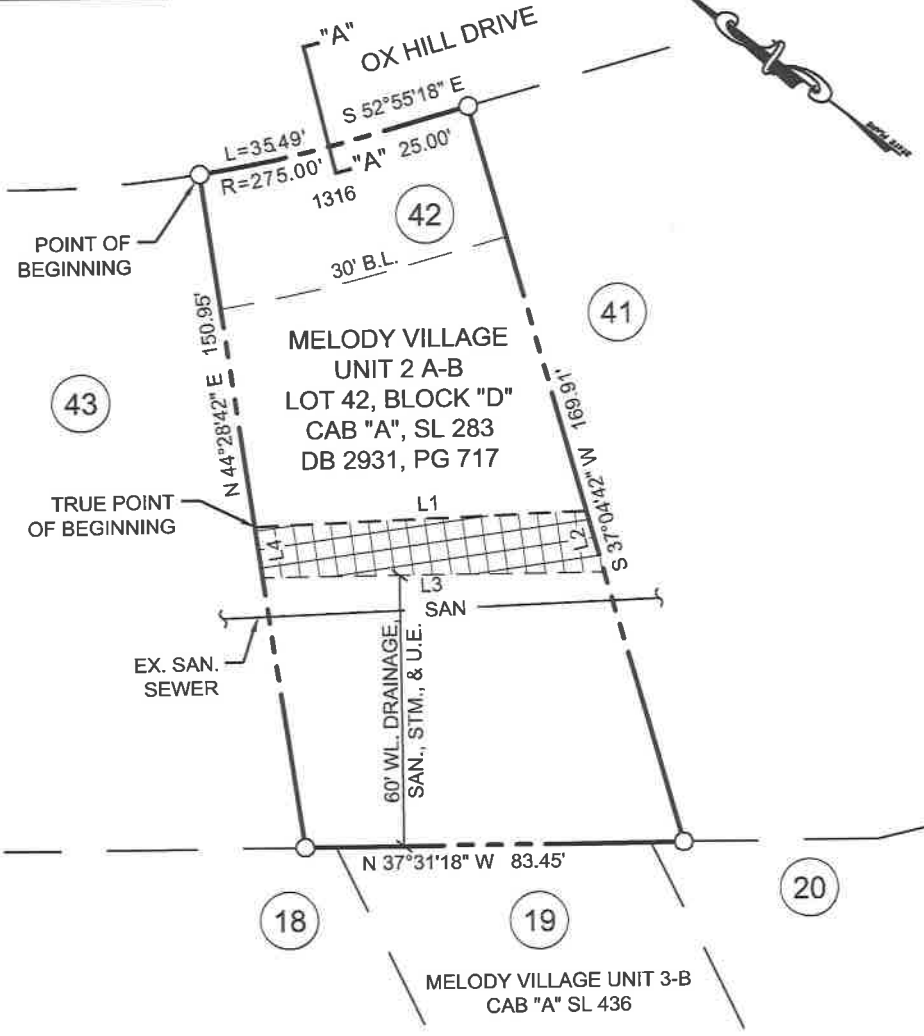
  
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Notary Public, Kentucky, State-at-Large  
My Commission Expires: 01/06/2024  
Notary ID # KYNP516

PREPARED BY:

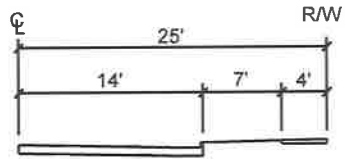
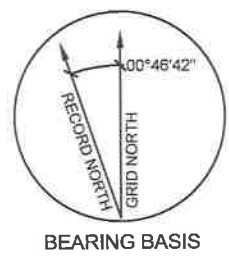
  
\_\_\_\_\_  
Evan P. Thompson, Attorney  
Lexington-Fayette Urban  
County Government  
Department of Law, 11th Floor  
200 East Main Street  
Lexington, Kentucky 40507  
(859) 258-3500

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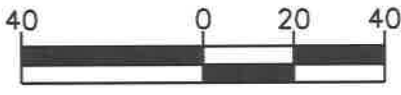
EXHIBIT A



EASEMENT LINE TABLE		
LINE #	LENGTH	BEARING
L1	73.22'	S 39°21'24" E
L2	14.14'	S 37°04'42" W
L3	75.36'	N 37°31'18" W
L4	11.40'	N 44°28'42" E



TEMP. ESMT. AREA  
929 SQ. FT. (0.021 AC)



- NOTES:**
1. THE PROPERTY BOUNDARIES AND EASEMENTS SHOWN HEREON ARE BASED ON THE RECORD DESCRIPTION (DEED BOOK 2931, PAGE 717) AND CORRESPONDING PLAT (CABINET A, SLIDE 283) OF RECORD IN THE FAYETTE COUNTY CLERK'S OFFICE. THE ORIGIN OF BEARINGS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN DATUM OF 1983, STATE PLANE KENTUCKY NORTH AS OBSERVED FROM KYCORS STATION "KYTG" USING A TRIMBLE R10, DUAL FREQUENCY RECEIVER.
  2. THE PURPOSE OF THIS EXHIBIT IS TO DELINEATE A PROPOSED CONVEYANCE FOR A TEMPORARY CONSTRUCTION EASEMENT TO LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT.
  3. THIS INFORMATION DOES NOT CONSTITUTE A BOUNDARY SURVEY AND SHALL NOT BE USED FOR PURPOSES OF LAND TRANSFER.

**SANITARY SEWER EASEMENT EXHIBIT**  
**SUZANNE WISE AND DENNIS ALBETSKI**  
**1316 OX HILL DRIVE**  
**SOUTHEASTERN HILLS TRUNK SEWER IMPROVEMENTS**  
**LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**  
**LEXINGTON, KENTUCKY**

**FIGURE 1**  
 2815.046

AUGUST 2020

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.



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By: EMILY GENTRY ,dc

202105200290

May 20, 2021 14:29:50 PM

Fees	\$50.00	Tax	\$ .00
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Total Paid	\$50.00
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6 Pages

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