

**DEED OF EASEMENT**

This **DEED OF EASEMENT** is made and entered into this the 21<sup>st</sup> day of April, 2019, by and between **LEXINGTON CENTER CORPORATION**, a Kentucky corporation, 435 West High Street, Lexington, Kentucky 40507 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 **TEN AND 00/100 DOLLARS (\$10.00)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, said Grantor has **BARGAINED** and **SOLD** and does hereby **GRANT** and **CONVEY** unto the Grantee, its successors and assigns, in perpetuity, an easement in, over and across the following described real property (the "Easement Property"), for the purposes of installing, constructing, maintaining, repairing, and inspecting a public shared-use-path and other related improvements, including walls and other hardscape features and appurtenances thereto (collectively referred to herein as the "Path"), which Path shall be of such dimension, character and construction, as reasonably determined by Grantee, and which shall become a part of the Town Branch Trail Project, the plans for which are on file with Lexington-Fayette Urban County Government's Division of Engineering (the "Project"). This Deed of Easement and the exercise of the rights and privileges herein granted are subject to and expressly include the following:

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

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1. Grantee shall have the right, but not the obligation, at Grantee's sole expense, to install and construct the Path. After Grantee's completion of the construction of the Path, it shall be the obligation of Grantee to oversee, manage, maintain and repair the Path at its sole cost and expense. Grantor shall not damage or otherwise harm the final paving of the Path at any time after the completion of the Path.
2. The Path shall be for pedestrian and non-motorized vehicles only, with the exception of emergency or maintenance vehicles, or as necessary for persons of limited mobility.
3. Grantee shall have the right, with notice to and the reasonable approval of Grantor, to make minor modifications to the location of the easement granted herein as may be reasonably necessary to align the Path.
4. Grantor reserves the right to use the Easement Property in any way not inconsistent with the rights granted herein. However, Grantor shall not construct, develop, or maintain, any right-of-way, easement of ingress or egress, driveway, road, utility line, or other easement into, on, over, under, or across the Easement Property without the prior written consent of the Grantee. Grantor shall not erect fences, barriers, signs or other structures that impede access to or use of the Path.
5. Grantee shall have the right to erect reasonable signs, blazing, or public art within the Path.
6. Grantor shall not use the Easement Property for any use which, in the reasonable opinion of Grantee, is inconsistent with the purposes of this Deed of Easement.

The Easement Property on which the permanent easements will be located is within the confines of Lexington, Fayette County, Kentucky, and is more particularly described as follows, to-wit:

**Permanent Easement**  
**(a portion of 435 West High Street f/k/a 430 West Vine Street  
and a portion of 540-570 West Main Street)**

**Town Branch Commons, Zone 4  
Parcel No. 3A, 3B & 3C**

Being a tract of land located in Fayette County, Kentucky along West Main Street, approximately 437 feet southeast of the intersection of West Main Street and Jefferson Street, and more particularly described as follows:

Beginning at a point 40.85 feet right of Main Street Station 302+60.31; thence South 41 Degrees 55 Minutes 36 Seconds East a distance of 20.00 feet to a point 40.99 feet right of Main Street Station 302+80.31; thence South 47 Degrees 39 Minutes 53 Seconds West a distance of 18.42 feet to a point 59.42 feet right of Main Street Station 302+80.31; thence North 42 Degrees 13 Minutes 07 Seconds West a distance of 20.00 feet to a point 59.38 feet right of Main Street Station 302+60.31; thence North 47 Degrees 39 Minutes 53 Seconds East a distance of 18.52 feet to the POINT OF BEGINNING;

The above described parcel contains 0.008 acres (369.00 square feet) of permanent easement;

AND

Being a tract of land located in Fayette County, Kentucky along West Vine Street, approximately 12 feet west of the intersection of West Vine Street and Algonquin Street, and more particularly described as follows:

Beginning at a point 61.13 feet right of West Vine Street Station 101+44.59; thence along an arc 70.94 feet to the right, having a radius of 194.63 feet, the chord of which is South 0 Degrees 55 Minutes 07 Seconds West a distance of 70.55 feet to a point 60.05 feet right of West Vine Street Station 102+27.86; thence South 11 Degrees 50 Minutes 36 Seconds West a distance of 25.39 feet to a point 63.00 feet right of West Vine Street Station 102+53.07; thence North 3

Degrees 48 Minutes 11 Seconds East a distance of 95.60 feet to the POINT OF BEGINNING;

The above described parcel contains 0.007 acres (322.00 square feet) of permanent easement;

AND

Being a tract of land located in Fayette County, Kentucky along West Vine Street, approximately 246 feet southwest of the intersection of West Vine Street and Algonquin Street, and more particularly described as follows:

Beginning at a point 70.31 feet right of West Vine Street Station 103+15.48; thence South 11 Degrees 50 Minutes 36 Seconds West a distance of 29.20 feet to a point 73.71 feet right of West Vine Street Station 103+44.49; thence along an arc 36.27 feet to the left, having a radius of 355.74 feet, the chord of which is South 8 Degrees 55 Minutes 20 Seconds West a distance of 36.26 feet to a point 76.10 feet right of West Vine Street Station 103+79.93; thence North 4 Degrees 34 Minutes 30 Seconds West a distance of 63.27 feet to a point 86.78 feet right of West Vine Street Station 103+18.31; thence North 85 Degrees 25 Minutes 30 Seconds East a distance of 16.72 feet to the POINT OF BEGINNING;

The above described parcel contains 0.011 acres (491.00 square feet) of permanent easement; and

Being a portion of the property conveyed to Lexington Center Corporation, a Kentucky Corporation, by deed dated June 4, 1974, of record in Deed Book 1105, Page 522 and deed dated August 9, 2018 in Deed Book 3605, Page 376 in the Fayette County Clerk's Office.

**Permanent Easement**

**(a portion of 401 West High Street f/k/a 400 West Vine Street)**

**Town Branch Commons, Zone 4**

**Parcel No. 4A**

Being a tract of land located in Fayette County, Kentucky along West Vine Street, approximately 187 feet northwest of the intersection of West Vine Street and South Broadway, and more particularly described as follows:

Beginning at a point 43.92 feet right of West Vine Street Station 104+65.44; thence along an arc 156.86 feet to the left, having a radius of 323.63 feet, the chord of which is South 25 Degrees 16 Minutes 32 Seconds East a distance of 55.33 feet to a point 48.08 feet right of West Vine Street Station 106+03.63; thence along an arc 3.63 feet to the right, having a radius of 19.42 feet, the chord of which is South 32 Degrees 47 Minutes 27 Seconds East a distance of 3.63 feet to a point 48.31 feet right of West Vine Street Station 106+07.25; thence South 48 Degrees 00 Minutes 03 Seconds West a distance of 30.70 feet to a point 78.86 feet right of West Vine Street Station 106+10.29; thence North 41 Degrees 48 Minutes 04 Seconds West a distance of 17.98 feet to a point 80.57 feet right of West Vine Street Station 105+92.40; thence North 47 Degrees 59 Minutes 36 Seconds East, a distance of 9.16 feet to a point 71.46 feet right of West Vine Street Station 105+91.49; thence North 42 Degrees 17 Minutes 46 Seconds West, a distance of 18.92 feet to a point 73.45 feet right of West Vine Street Station 105+73.46; thence North 45 Degrees 19 Minutes 34 Seconds East, a distance of 5.25 feet to a point 68.26 feet right of West Vine Street Station 105+72.80; thence North 42 Degrees 25 Minutes 38 Seconds West, 31.36 feet to a point 73.39 feet right of West Vine Street Station 105+48.20; thence along an arc 88.70 feet to the right, having a radius of 346.29 feet, the chord of which is North 23 Degrees 37 Minutes 26 Seconds West, a distance of 88.45 feet, to a point 74.11 feet right of West Vine Street Station 104+78.26; thence North 48 Degrees 10 Minutes 07 Seconds East a distance of 33.95 feet to the POINT OF BEGINNING;

The above described parcel contains 0.099 acres (4,299.00 square feet) of permanent easement;

Being a portion of the property conveyed to Lexington Center Corporation, a Kentucky Corporation, by deed dated August 5, 1977, of record in Deed Book 1177, Page 113 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 **GRANT, REMISE AND QUITCLAIM** unto the Grantee, its successors and assigns, a temporary easement for excavating, grading, constructing,

altering, re-grading and performing work related to the installation of the Path, through and across the following tracts 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 435 West High Street f/k/a 430 West Vine Street  
and a portion of 540-570 West Main Street)**

**Town Branch Commons, Zone 4  
Parcel No. 3D**

Being a tract of land located in Fayette County, Kentucky along West Vine Street, approximately 352 feet southwest of the intersection of West Vine Street and Algonquin Street, and more particularly described as follows:

Beginning at a point 77.27 feet right of West Vine Street Station 104+16.47; thence along an arc 77.87 feet to the left, having a radius of 355.74 feet, the chord of which is South 7 Degrees 47 Minutes 57 Seconds East a distance of 77.71 feet to a point 79.34 feet right of West Vine Street Station 104+77.06; thence North 42 Degrees 15 Minutes 38 Seconds West a distance of 64.40 feet to a point 112.51 feet right of West Vine Street Station 104+36.06; thence North 48 Degrees 09 Minutes 50 Seconds East a distance of 43.97 feet to the POINT OF BEGINNING;

The above described parcel contains 0.030 acres (1,306.00 square feet) of temporary construction easement;

Being a portion of the property conveyed to Lexington Center Corporation, a Kentucky Corporation, by deed dated June 4, 1974, of record in Deed Book 1105, Page 522 and deed dated August 9, 2018 in Deed Book 3605, Page 376 in the Fayette County Clerk's Office.

**Temporary Construction Easement**  
**(a portion of 401 West High Street f/k/a 400 West Vine Street)**

**Town Branch Commons, Zone 4  
Parcel No. 4B & 4C**

Being a tract of land located in Fayette County, Kentucky along West Vine Street, approximately 109 feet northwest of the intersection of West Vine Street and South Broadway, and more particularly described as follows:

Beginning at a point 72.71 feet right of West Vine Street Station 105+50.79; thence South 42 Degrees 25 Minutes 38 Seconds East a distance of 17.45 feet to a point 69.58 feet right of West Vine Street Station 105+64.43; thence South 47 Degrees 44 Minutes 45 Seconds West a distance of 5.20 feet to a point 74.82 feet right of West Vine Street Station 105+65.04; thence North 42 Degrees 36 Minutes 07 Seconds West a distance of 17.42 feet to a point 77.86 feet right of West Vine Street Station 105+51.62; thence North 47 Degrees 23 Minutes 53 Seconds East a distance of 5.25 feet to the POINT OF BEGINNING;

The above described parcel contains 0.002 acres (91.00 square feet) of temporary construction easement;

AND

Being a tract of land located in Fayette County, Kentucky along West Vine Street, approximately 187 feet northwest of the intersection of West Vine Street and South Broadway, and more particularly described as follows:

Beginning at a point 74.11 feet right of West Vine Street Station 104+78.26; thence along an arc 88.70 feet to the left, having a radius of 346.29 feet, the chord of which is South 23 Degrees 37 Minutes 26 Seconds East a distance of 88.45 feet to a point 73.39 feet right of West Vine Street Station 105+48.20; thence North 42 Degrees 23 Minutes 00 Seconds West a distance of 7.22 feet to a point 74.96 feet right of West Vine Street Station 105+42.64; thence South 47 Degrees 36 Minutes 59 Seconds West a distance of 5.25 feet to a point 80.07 feet right of West Vine Street Station 105+43.56; thence North 42 Degrees 13 Minutes 12 Seconds West a distance of 17.42 feet to a point 84.32 feet right of West Vine Street Station 105+30.55; thence North 47 Degrees 46 Minutes 48 Seconds East, a distance of 5.25 feet to a point 79.26 feet right of West Vine Street Station 105+29.47; thence North 42 Degrees 40 Minutes 48 Seconds West, a distance of 10.60 feet to a point 82.35 feet right of West Vine Street Station 105+21.63; thence South 47 Degrees 19 Minutes 08 Seconds West, a distance of 5.25 feet to a point 87.35 feet right of West Vine Street Station 105+22.84; thence North 42 Degrees 22 Minutes 18 Seconds West a distance of 17.37 feet to a point 92.87 feet right of West Vine Street Station 105+10.44; thence North 47 Degrees 36 Minutes 13 Seconds East a distance of 5.35 feet, to a point 87.84 feet right of West Vine Street Station

105+09.06; thence North 42 Degrees 23 Minutes 47 Seconds West a distance of 10.52 feet to a point 91.59 feet right of West Vine Street Station 105+01.65; thence South 47 Degrees 36 Minutes 13 Seconds West a distance of 5.35 feet to a point 96.56 feet right of West Vine Street Station 105+03.11; thence North 42 Degrees 15 Minutes 32 Seconds West a distance of 14.30 feet to a point 101.97 feet right of West Vine Street Station 104+93.38; thence North 47 Degrees 44 Minutes 22 Seconds East a distance of 29.66 feet to a point 74.92 feet right of West Vine Street Station 104+84.18; thence North 42 Degrees 15 Minutes 38 Seconds West a distance of 6.46 feet to a point 77.71 feet right of West Vine Street Station 104+79.63; thence North 48 Degrees 10 Minutes 07 Seconds East a distance of 4.00 to the POINT OF BEGINNING;

The above described parcel contains 0.026 acres (1,123.00 square feet) of temporary construction easement; and

Being a portion of the property conveyed to Lexington Center Corporation, a Kentucky Corporation, by deed dated August 5, 1977, of record in Deed Book 1177, Page 113 in the Fayette County Clerk's Office.

**Temporary Construction Easement**  
**(a portion of 400 West Main Street)**

**Town Branch Commons, Zone 4**  
**Parcel No. 5**

Being a tract of land located in Fayette County, Kentucky along West Vine Street, within the southern portion of the intersection of West Vine Street and West Main Street, and more particularly described as follows:

Beginning at a point 15.08 feet left of West Vine Street Station 102+53.00; thence along an arc 36.57 feet to the right, having a radius of 59.18 feet, the chord of which is North 39 Degrees 42 Minutes 05 Seconds East for a distance of 35.99 feet to a point 35.48 feet left of West Vine Street Station 102+23.35; thence along an arc 55.67 feet to the right, having a radius of 57.23 feet, the chord of which is North 84 Degrees 00 Minutes 15 Seconds East for a distance of 53.50 feet to a point 87.97 feet left of West Vine Street Station 102+13.00; thence South 47 Degrees 35 Minutes 55 Seconds West a distance of 63.68 feet to a point 45.00 feet left of West Vine Street Station 102+60.00; thence



North 71 Degrees 40 Minutes 07 Seconds West for a distance of 30.73 feet to the POINT OF BEGINNING;

The above described parcel contains 0.042 acres (1,833.00 sq. ft.) of temporary construction easement; and

Being a portion of the property conveyed to Kentucky Center Corporation, a Kentucky corporation, by deed dated June 4, 1974, of record in Deed Book 1105, Page 522 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 easements run with the land for the duration of the construction of the Project within the immediate vicinity of the Easement Property and are binding upon the successors and assigns of the Grantor. The above-described permanent easements run with the land in perpetuity and are binding upon the successors and assigns of the Grantor. The temporary construction easements shall take effect upon the commencement of construction of the Project and will expire and revert unto Grantor upon completion of that portion of the Project which is located within the immediate vicinity of the Easement Property.

Grantor does hereby release and relinquish unto the Grantee, its successors and assigns, Grantor's right, title, and interest in and to the Easement Property for the purposes described herein and 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 title to the Easement Property and will **WARRANT SPECIALLY** said title.

The obtaining of these easements was authorized by Resolution 384-2018, 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 and Grantee have has signed this Deed of Easement, this the day and year first above written.

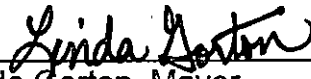
**GRANTOR:**

LEXINGTON CENTER CORPORATION

By:   
William B. Owen, President


**GRANTEE:**

LEXINGTON-FAYETTE URBAN COUNTY  
GOVERNMENT

By:   
Linda Gorton, Mayor

COMMONWEALTH OF KENTUCKY     )  
   )  
COUNTY OF FAYETTE             )

This instrument was acknowledged before me by William B. Owen, in his capacity as President of Lexington Center Corporation, on this the 19<sup>TH</sup> day of APRIL, 2019.

  
Notary Public, Kentucky, State at Large

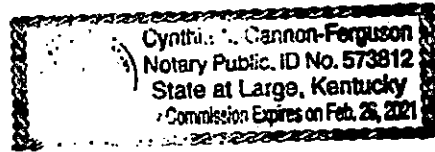
My Commission Expires: 3 / 2 / 2020

COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )

This instrument was acknowledged before me by Linda Gorton, in her capacity as Mayor of Lexington-Fayette Urban County Government, on this the 24th day of April, 2019.

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

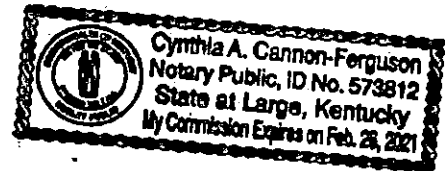
My Commission Expires: 2 Feb 2021



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



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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: EMILY GENTRY ,dc

201905070253

May 7, 2019

13:37:54 PM

Fees	\$41.00	Tax	\$0.00
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Total Paid	\$41.00
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