

**TEMPORARY CONSTRUCTION EASEMENT**

This **TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 22<sup>nd</sup> day of May, 2017, by and between **THE FIRST ASSEMBLY OF GOD CHURCH OF LEXINGTON, KENTUCKY, INC.**, a non-profit Kentucky corporation, 2780 Clays Mill Road, Lexington, Kentucky 40503, 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 FIFTY DOLLARS AND 00/100 (\$450.00)**, 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 2790 Clays Mill Road)****Clays Mill Road Improvement Project, Section 1**  
**(Harrodsburg Road to New Circle Road)**  
**Parcel No. 14**

Being a tract of land lying in Fayette County on the east side of Clays Mill Road, point of beginning being approximately

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

98 feet north of the intersection of Lamont Drive and Clays Mill Road, and more particularly described as follows:

Beginning at a point 43.02 feet right of Clays Mill Road at Station 138+08.50; thence North 25 Degrees 42 Minutes 07 Seconds East a distance of 75.21 feet to a point 43.69 feet right of Clays Mill Road at Station 138+83.70; thence South 63 Degrees 18 Minutes 53 Seconds East a distance of 9.76 feet to a point 53.44 feet right of Clays Mill Road at Station 138+83.45; thence South 33 Degrees 06 Minutes 40 Seconds West a distance of 75.67 feet to a point 43.02 feet right of Clays Mill Road at Station 138+08.50 and the POINTOF BEGINNING; and,

The above described parcel contains 0.008 acres (367 sq. ft.) of temporary construction easement;

Being a portion of the property conveyed to The First Assembly of God Church of Lexington, Kentucky, Inc., a non-profit Kentucky corporation, by deed dated March 31, 1999, of record in Deed Book 2042, Page 199, 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 its 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 it is lawfully seized in fee simple of said property and has good right to sell and convey the same as herein done, and that it 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 382.135(2)(c), this temporary construction easement, which pertains to a public right-of-way, need not contain a statement of consideration.

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

GRANTOR:

THE FIRST ASSEMBLY OF GOD CHURCH  
OF LEXINGTON, KENTUCKY, INC., a non-profit  
Kentucky corporation.

*Greg Fishman* Treasurer  
\_\_\_\_\_  
GREG FISHMEN, TREASURER  
*Fishman JG*  
COMMONWEALTH OF KENTUCKY )  
COUNTY OF FAYETTE )

This instrument was acknowledged, subscribed and sworn to before me by Greg  
~~Fishmen~~, as Treasurer for and on behalf of The First Assembly of God Church of  
*Fishman JG*  
Lexington, Kentucky, Inc., a non-profit Kentucky corporation, on this the 22<sup>nd</sup> day of  
May, 2017.

*Jennifer Holton* #548505  
\_\_\_\_\_  
Notary Public, Kentucky, State at Large  
My Commission Expires: 1 / 11 / 20

PREPARED BY:



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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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Parcel No. 14

**RESOLUTION**

WHEREAS, the Lexington-Fayette Urban County Government, desires to obtain land belonging to **First Assembly of God Church of Lexington, Kentucky, Inc., a Kentucky Corporation** and

WHEREAS, a majority of the Organization having voted to accept \$ 450.00 as consideration thereof,

BE IT THEREFORE resolved that the above named organization accepts said consideration and hereby authorizes and directs Greg Fishman, Treasurer, to execute a deed of easement for the use and benefit of the Lexington-Fayette Urban County Government, for the consideration above stated.

BE IT THEREFORE also resolved that the above named officer shall act as its agent to certify that the consideration reflected in the deed of easement is the full consideration paid.

Approved at a meeting of the majority of members of **First Assembly of God Church of Lexington, Kentucky, Inc., a Kentucky Corporation.** This 28<sup>th</sup> day of April, 2017.

<u>Jim Whitz</u> Printed Name	<u>[Signature]</u> Signature	<u>Chair of Board</u> Title
<u>Steven Johnson</u> Printed Name	<u>[Signature]</u> Signature	<u>Deacon</u> Title
<u>DAVID VENABLE</u> Printed Name	<u>David Venable</u> Signature	<u>Board Secretary</u> Title
<u>Bill Clark</u> Printed Name	<u>Bill Clark</u> Signature	<u>Deacon</u> Title
<u>Matthew Horn</u> Printed Name	<u>[Signature]</u> Signature	<u>Deacon</u> Title

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: PATTY DAVIS ,dc

201705250132

May 25, 2017

13:02:38 PM

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