

DEED OF CONVEYANCE AND GRANT OF EASEMENT

This **DEED OF CONVEYANCE AND GRANT OF EASEMENT** is made and entered into this the 14 day of NOVEMBER, 2017, by and between **COMMONWEALTH OF KENTUCKY, DEPARTMENT OF EDUCATION, DIVISION OF VOCATIONAL EDUCATION, ACTING BY AND THROUGH JAY BOX, PRESIDENT OF KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM**, c/o Jay Box, President, Kentucky Community and Technical College System, 300 North Main Street, Versailles, Kentucky 40383, 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 **TWENTY SIX THOUSAND NINE HUNDRED SEVENTY-FIVE DOLLARS AND 00/100 (\$26,975.00)**, 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, in perpetuity, the exclusive and permanent right to install, construct, inspect, maintain, operate, rebuild, repair, and perform related work for the purpose of a Shared Use Path which shall become part of the Town Branch 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:

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

(CC-F)

Permanent Easement
(a portion of 164 Opportunity Way
formerly 104 Vo-Tech Road)

Town Branch Trail, Phase 4
Parcel No. 3, Tract 1

A certain tract of land lying in Fayette County, Kentucky along approximately 526 feet north east of the New Circle overpass clearing R.J. Corman railroad and adjacent to the BCTC Leestown Campus and being more particularly described as follows:

Beginning at a point 30.00 feet left of proposed Town Branch Trail centerline station 408+05.62, said point being in the property line of the Commonwealth of Kentucky and the proposed north right-of-way of the Town Branch Trail; thence leaving the property line of Commonwealth of Kentucky, South 54 degrees 50 minutes 28 seconds East a distance of 340.67 feet to a point 20.00 feet to the left of proposed Town Branch Trail centerline station 411+50.00; thence South 59 degrees 31 minutes 41 seconds East a distance of 74.65 feet to a point 14.00 feet left of proposed Town Branch Trail centerline station 412+25.00; thence South 62 degrees 22 minutes 43 seconds East a distance of 379.94 feet to a point 18.00 feet left of proposed Town Branch Trail centerline station 416+04.00; said point being in the existing New Circle Road right-of-way; thence with the New Circle Road right-of-way line, South 41 degrees 52 minutes 28 seconds West a distance of 33.73 feet to a point 14.95 feet to the right of proposed Town Branch Trail centerline station 415+96.75; said point being in New Circle Road and R.J. Corman Railroad right-of-way; thence with R.J. Corman Railroad right-of-way line, North 61 degrees 54 minutes 48 seconds West a distance of 268.79 feet to a point 19.61 feet right of proposed Town Branch Trail centerline station 413+27.17; thence along an arc 526.63 feet to the right having a radius of 3,867.00 feet, the chord of which is North 58 degrees 00 minutes 43 seconds West a distance of 526.23 feet to a point 9.84 feet to the right of proposed Town Branch Trail centerline station 408+01.93, said point being in the existing R.J. Corman Railroad right-of-way; thence leaving the existing R.J. Corman Railroad right-of-way and with the Commonwealth of Kentucky right-of-way line North 41 degrees 27 minutes 51 seconds East a distance of 40.01 feet to the POINT OF BEGINNING; and,

The above described parcel contains 0.608 Acres (26,489 square feet) of permanent easement; and

Being a portion of the same property conveyed to the Commonwealth of Kentucky, for the use and benefit of the Department of Education, Division of Vocational Education, by deed dated November 3, 1975, of record in Deed Book 1134, Page 306, 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, construct, alter, re-grade and perform related work for the purpose of constructing said Path 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 164 Opportunity Way
formerly 104 Vo-Tech Road)

Town Branch Trail, Phase 4
Parcel No. 3, Tract 2

A certain tract of land lying in Fayette County, Kentucky along approximately 526 feet north east of the New Circle overpass clearing the R. J. Corman railroad and adjacent to the BCTC Leestown Campus and being more particularly described as follows:

Beginning at a point 20.00 feet to the left of proposed Town Branch Trail centerline station 411+50.00; thence North 32 degrees 48 minutes 55 seconds East a distance of 30.03 feet to a point 49.88 feet left of proposed Town Branch Trail centerline station 411+53.04; thence South 59 degrees 31 minutes 41 seconds East a distance of 72.67 feet to a point 43.95 feet left of proposed Town Branch Trail centerline

station 412+26.86; thence South 62 degrees 22 minutes 43 seconds East a distance of 386.81 feet to a point 48.23 feet left of proposed Town Branch Trail centerline station 416+10.65; said point being in the existing New Circle Road right-of-way; thence with the New Circle Road right-of-way Line, South 41 degrees 51 minutes 48 seconds West a distance of 30.95 feet to a point 18.00 feet to the left of proposed Town Branch Trail centerline station 416+04.00; thence leaving New Circle Road right-of-way, North 62 degrees 22 minutes 43 seconds West a distance of 379.94 feet to a point 14.00 feet left of proposed Town Branch Trail centerline station 412+25.00; thence North 59 degrees 31 minutes 41 seconds West a distance of 74.65 feet to a point 20.00 feet left of proposed Town Branch Trail centerline station 411+50.00 said point being the POINT OF BEGINNING; and,

The above described parcel contains 0.315 Acres (13,710 square feet) of temporary construction easement; and

Being a portion of the same property conveyed to the Commonwealth of Kentucky, for the use and benefit of the Department of Education, Division of Vocational Education, by deed dated November 3, 1975, of record in Deed Book 1134, Page 306, 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 the construction of the project and will expire upon completion of the project.

Grantor 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.

Grantor shall have the full right to use the surface of the land lying over said permanent easement for any purpose desired, provided such use will not interfere with the Grantee's free use of the easement herein granted and provided further that no building or structure shall be erected upon, across, over or through said permanent easement without the prior written consent of Grantee.

Further, the grant of the permanent easement and the exercise of the rights and privileges herein granted, are subject to and expressly include the following:

1. Grantee shall have the right, but not the obligation, at Grantee's expense, to construct, manage, use, repair and maintain a Shared Use Path. Grantor shall not damage or otherwise harm the Path at any time.
2. Grantor shall not use or allow others to use motorized vehicles on the path, except for emergency vehicles, maintenance vehicles, and motor-driven wheelchairs for the use of handicapped persons.
3. It is understood by the parties that Grantee reserves the right to make minor modifications to the location of the easement granted herein as reasonably necessary because of field conditions and alignment to the Path. Not rights-of-way, easements of ingress or egress, driveways, roads, utility lines or other easements shall be constructed, developed or

maintained into, on, over, under, or across the Path, without the prior written permission of the Grantee.

4. Grantee shall have the right to erect reasonable signs, blazing and public art along the path, within the boundaries of the permanent easement granted herein. Grantor shall not erect fences, barriers or signs that impede access to or use of the Path.
5. No use shall be made of the Path and no activity shall be permitted on the Path that, in the reasonable opinion of the Grantee, is or may possess the potential to become inconsistent with the purposes of this Easement.

The parties do hereby certify pursuant to KRS 382.135 that the consideration stated herein is the full actual consideration paid for the property transferred herein, and the estimated fair cash value of the property conveyed is \$26,975.00. Grantee joins this Deed for the sole purpose of certifying the consideration, as authorized by Resolution No. 644-2017, passed by the Lexington-Fayette Urban County Council on October 26, 2017. This conveyance is exempt from real estate transfer tax pursuant to KRS 142.050.

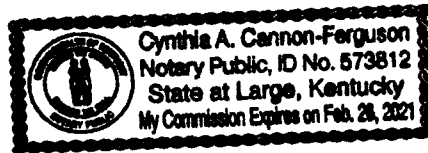
IN TESTIMONY WHEREOF, the Grantor has signed this Deed of Conveyance and Grant of Easement, this the day and year first above written.

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This Certificate of Consideration certificate was acknowledged, subscribed and sworn to before me by Jim Gray, as Mayor, for and on behalf of the Lexington-Fayette Urban County Government, on this the 14th day of November 2017.

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

My Commission Expires: 2/26/2021



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: MELISSA STELTER ,dc

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November 22, 2017 10:53:49 AM

Fees	\$32.00	Tax	\$27.00
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Total Paid	\$59.00
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