

DEED OF CONVEYANCE AND TEMPORARY CONSTRUCTION EASEMENT

This **DEED OF CONVEYANCE AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 10th day of June, 2019, by and between **ARVIN PROPERTIES, a Kentucky general partnership and 1365 CAHILL, LLC, a Kentucky limited liability company** ("Grantors"), with an address at 354 Waller Avenue, Lexington, Kentucky 40504, which is also the in-care of tax mailing address for the current tax year, and **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, with an address at 200 East Main Street, Lexington, Kentucky 40507 ("Grantee");

W I T N E S S E T H:

That for and in consideration of the sum of **THREE THOUSAND SIX HUNDRED SEVENTY-FIVE DOLLARS AND 00/100 (\$3,675.00)**, 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 forever, in fee simple, a certain tract of land located in the confines of Lexington, Fayette County, Kentucky, described as follows, to wit (the "Property"):

FEE SIMPLE
(a portion of 1365 Cahill Drive)

**Town Branch Trail Mid-Block Crossing
Parcel No. 2A**

BEGINNING AT A POINT, in the existing southern right-of-way of Old Frankfort Pike, said point also lying in the northeastern most corner of Lot 2, as shown on the Consolidation Record Plat of Cahill Industrial Park, Unit 1, Block C, Lots 2, 3, 4, 5 & 6 and recorded in Plat Cabinet L, Slide 405, in the Fayette County Clerk's Office; thence with the western line of aforementioned Lot 3, South 06 Degrees 05 Minutes 24 Seconds West, 3.51 feet to a point in the proposed southern right-of-way of Old Frankfort Pike; thence with said proposed right-of-way, North 71 Degrees 50 Minutes 48 Seconds West, 21.92 feet to a point in the existing southern

right-of-way of Old Frankfort Pike; thence with said existing right-of-way, South 81 Degrees 03 Minutes 00 Seconds East, 21.46 feet to the **POINT OF BEGINNING**, containing 38 square feet; and,

Being a portion of the same property conveyed to (1) Arvin Properties, a Kentucky general partnership, by deed dated January 3, 2006, of record in Deed Book 2615, Page 677 and (2) 1365 Cahill, LLC, a Kentucky limited liability company, by deed dated March 7, 2001, of record in Deed Book 2187, Page 190, both referenced 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, a temporary right to excavate, grade, construct, alter, re-grade and perform related work for the purpose of roadway improvements 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 1365 Cahill Drive)

Town Branch Trail Mid-Block Crossing
Parcel No. 2B

BEGINNING AT A POINT, in the northwestern most corner of Lot 3, as shown on the Consolidation Record Plat, Lots 2 and 3, Block C, of Cahill Industrial Park, Unit 1 and recorded in Plat Cabinet J, Slide 899, in the Fayette County Clerk's Office, said point also lying in the existing southern right-of-way of Old Frankfort Pike; thence with said existing right-of-way, South 81 Degrees 03 Minutes 00 Seconds East, 349.71 feet to a point in the proposed southern right-of-way of Old Frankfort Pike; thence with said proposed right-of-way, South 71 Degrees 50 Minutes 48 Seconds East, 21.92 feet to a point in the eastern line of aforementioned Lot 3; thence with said eastern line, South 06 Degrees 05 Minutes 24 Seconds West, 20.66 feet to a point in the Proposed Temporary Easement; thence with said Temporary Easement for the following three (3) calls: North 73 Degrees 34 Minutes 10 Seconds West, 23.49 feet to a point; thence North 76 Degrees 59 Minutes 22 Seconds West, 100.08 feet; thence North 79 Degrees 43 Minutes 59 Seconds West, 248.18 feet to a point in the

western line of aforementioned Lot 3; thence with said western line, North 01 Degrees 09 Minutes 18 Seconds East, 8.37 to the **POINT OF BEGINNING**, containing 4,995 square feet; and,

Being a portion of the same property conveyed to (1) Arvin Properties, a Kentucky general partnership, by deed dated January 3, 2006, of record in Deed Book 2615, Page 677 and (2) 1365 Cahill, LLC, a Kentucky limited liability company, by deed dated March 7, 2001, of record in Deed Book 2187, Page 190, both referenced in the Fayette County Clerk's Office.

TO HAVE AND TO HOLD the fee simple interest and temporary 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 the construction of the project and will expire upon completion of the project.

Grantors 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 fee simple interest and temporary easement was authorized by Resolution 698-2017, passed by the Lexington-Fayette Urban County Council on November 16, 2017. Pursuant to KRS 382.135(2)(c), this Deed of Conveyance and Temporary Construction Easement, which conveys public right-of-way, need not contain a statement of consideration.

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by Brett T. Setzer, in his capacity as a Member for and on behalf of 1365 Cahill, LLC, a Kentucky limited liability company, on this the 10th day of June, 2019.

Notary Public, Kentucky, State-at-Large

My Commission Expires: 1 / 9 / 23

Notary ID # 613661

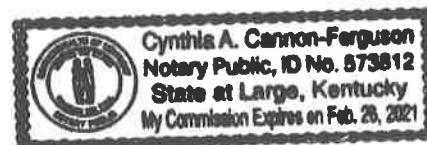
COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by Linda Gorton, in her capacity as Mayor, for and on behalf of Lexington-Fayette Urban County Government, on this the 18th day of June, 2019.

Notary Public, Kentucky, State-at-Large

My Commission Expires: 2 / 26 / 2021

Notary ID# 573812



PREPARED BY:



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