

DEED OF CONVEYANCE AND GRANT OF EASEMENTS

This DEED OF CONVEYANCE AND GRANT OF EASEMENTS is made and entered into this the 26th day of September, 2017, by and between the **BOARD OF EDUCATION OF FAYETTE COUNTY, KENTUCKY**, 1126 Russell Cave Road Lexington, Kentucky 40505, which is the in-care of tax mailing address for the current year ("Grantor"), and the **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 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 **FOUR THOUSAND ONE HUNDRED FIFTY DOLLARS AND 00/100 (\$4,150.00)**, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor has **BARGAINED** and **SOLD** and does hereby **GIVE, GRANT** and **CONVEY** unto Grantee, its successors and assigns forever, the following tract of land located in the confines of Lexington, Fayette County, Kentucky, and more particularly described as follows, to wit:

Fee Simple Right-of-Way
(a portion of 1770 Harrodsburg Road)

Clays Mill Road Improvement Project, Section 1
(Harrodsburg Road to New Circle Road)

Parcel No. 144A

Beginning at a point 34.17 feet left of Clays Mill Road at Station 208+91.48; thence North 09 Degrees 48 Minutes 09 Seconds West for a distance of 25.73 feet, to a point 49.00 feet left of Clays Mill Road at Station 209+12.50; thence North 54 Degrees 09 Minutes 25 Seconds West a distance of 17.05 feet, to a point 65.76 feet left of Clays Mill Road at Station 209+15.59; thence North 35 Degrees 38 Minutes 18 Seconds East a distance of 2.83 feet, to a point 65.26 feet left of Clays Mill Road at Station 209+18.37; thence South 54 Degrees 21 Minutes 42 Seconds East a distance of 31.08 feet, to a point 34.67 feet left of Clays Mill Road at Station 209+12.85; thence South 24 Degrees 03 Minutes 02 Seconds West a distance of 21.38 feet, to a point 34.17 feet left of Clays Mill Road at Station 208+91.48 and the POINT OF BEGINNING.

The above described parcel contains 0.005 acres (222 sq. ft.) in fee simple.

The above described property is shown on the Public Acquisition Minor Plat of L.F.U.C.G. Clays Mill Road Improvements of record in Plat Cabinet _____, Slide _____, Fayette County Clerk's Office and to which plat reference is hereby made.

Being a part of the same property conveyed to the Board of Education of Fayette County, Kentucky by deed dated November 10, 2009 and of record in Deed Book 2913, Page 590, 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 does hereby **SELL, GRANT, CONVEY, DEMISE, RELEASE** and **QUIT-CLAIM** unto Grantee, its successors and assigns forever, all of its right, title and interest in and to the following tract of land located in the confines of Lexington, Fayette County, Kentucky, and more particularly described as follows, to-wit:

Parcel No. 144A-Part B
(Existing Prescriptive Right-of-Way)

Beginning at a point 32.00 feet left of Clays Mill Road Station 203+13.91; thence North 24 Degrees 24 Minutes 01 Seconds East a distance of 85.90 feet to a point 32.00 feet left of Clays Mill Road at Station 204+00.20; thence North 23 Degrees 42 Minutes 02 Seconds East a distance of 399.80 feet; thence North 24 Degrees 03 Minutes 02 Seconds East a distance of 92.45 feet to a point 34.17 feet left of Clays Mill Road at Station 208+91.48; thence North 24 Degrees 03 Minutes 02 Seconds East a distance of 21.38 feet to a point 34.67 feet left of Clays Mill Road at Station 209+12.85; thence North 54 Degrees 21 Minutes 42 Seconds West a distance of 31.08 feet to a point 65.26 feet left of Clays Mill Road at Station 209+18.37; thence North 35 Degrees 38 Minutes 18 Seconds East a distance of 15.00 feet to a point 62.59 feet left of Clays Mill Road at Station 209+33.13 thence South 54 Degrees 21 Minutes 42 Seconds East a distance of 61.47 feet to a point 2.10 feet left of Clays Mill Road at Station 209+22.21; thence South 24 Degrees 45 Minutes 57 Seconds West a distance of 202.51 feet to a point 2.24 feet left of Clays Mill Road at Station 207+19.74; thence South 23 Degrees 52 Minutes 33 Seconds West a distance of 411.62 feet to a point 2.38 feet left of Clays Mill Road at Station 203+08.09; thence North 54 Degrees 29 Minutes 32 Seconds West a distance of 30.19 feet to a point 32.00 feet left of Clays Mill Road at Station 203+13.91 and the POINT OF BEGINNING.

The above described parcel contains 0.43 acres (18,869 sq. ft.) in fee simple.

The above described property is shown on the Public Acquisition Minor Plat of L.F.U.C.G. Clays Mill Road Improvements of record in Plat Cabinet _____, Slide _____, Fayette County Clerk's Office and to which plat reference is hereby made.

Being a part of the same property conveyed to the Board of Education of Fayette County, Kentucky by deed dated November 10, 2009 and of record in Deed Book 2913, Page 590, 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 Grantee, its successors and assigns, a permanent right to excavate, grade, construct, alter, re-grade and perform related work for the purpose of road construction, widening and 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;

Permanent Drainage Easement
(a portion of 1770 Harrodsburg Road)

Clays Mill Road Improvement Project, Section 1
(Harrodsburg Road to New Circle Road)

Parcel No. 144B

Being a tract of land lying in Fayette County on the west side of Clays Mill Road, point of beginning being approximately 136 feet south of the intersection of Woodbine Drive and Clays Mill Road, and more particularly described as follows:

Beginning at a point 32.00 feet left of Clays Mill Road at Station 204+36.95; thence North 66 Degrees 14 Minutes 47 Seconds West a distance of 21.66 feet to a point 53.66 feet left of Clays Mill Road at Station 204+36.97; thence North 23 Degrees 42 Minutes 00 Seconds East a distance of 15.00 feet to a point 53.66 feet left of Clays Mill Road at Station 204+51.97; thence South 66 Degrees 14 Minutes 47 Seconds East a distance of 21.66 feet to a point 32.00 feet left of Clays Mill Road at Station 204+51.95; thence South 23 Degrees 42 Minutes 00 Seconds West a distance of 15.00 feet to a point 32.00 feet left of Clays Mill Road at Station 204+36.95 and the POINT OF BEGINNING.

The above described parcel contains 0.007 acres (325 sq. ft.) of permanent easement.

Being a portion of the property conveyed to the Board of Education of Fayette County, Kentucky by deed dated November 10, 2009 and of record in Deed Book 2913, Page 590, 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 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 and construction, installation and relocation 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 Easements
(a portion of 1770 Harrodsburg Road)

Clays Mill Road Improvement Project, Section 1
(Harrodsburg Road to New Circle Road)

Parcel Nos. 144C & 144D

Being a tract of land lying in Fayette County on the west side of Clays Mill Road, point of beginning being approximately 259 feet south of the intersection of Woodbine Drive and Clays Mill Road, and more particularly described as follows:

Beginning at a point 32.00 feet left of Clays Mill Road at Station 203+13.91; thence North 54 Degrees 29 Minutes 32 Seconds West for a distance of 17.97 feet, to a point 49.63 feet left of Clays Mill Road at Station 203+17.37; thence North 24 Degrees 14 Minutes 46 Seconds East a distance of 119.00 feet, to a point 49.50 feet left of Clays Mill Road at Station 204+36.97; thence South 66 Degrees 14 Minutes 47 Seconds East a distance of 17.50 feet, to a point 32.00 feet left of Clays Mill Road at Station 204+36.95; thence South 23 Degrees 42 Minutes 00 Seconds West a distance of 36.76 feet, to a point 32.00 feet left of Clays Mill Road at Station 204+00.20; thence South 24 Degrees 24 Minutes 01 Seconds West a distance of 85.90 feet, to a point 32.00 feet left of Clays Mill Road at Station 203+13.91 and the POINT OF BEGINNING.

The above described parcel contains 0.049 acres (2,141 sq. ft.) of temporary construction easement.

AND

Being a tract of land lying in Fayette County on the west side of Clays Mill Road, point of beginning being approximately 121 feet south of the intersection of Woodbine Drive and Clays Mill Road, and more particularly described as follows:

Beginning at a point 32.00 feet left of Clays Mill Road at Station 204+51.95; thence North 66 Degrees 14 Minutes 47 Seconds West for a distance of 21.66 feet, to a point 53.66 feet left of Clays Mill Road at Station 204+51.97; thence North 28 Degrees 25 Minutes 38 Seconds East a distance of 194.96 feet, to a point 37.59 feet left of Clays Mill Road at Station 206+46.27; thence North 20 Degrees 39 Minutes 08 Seconds East a distance of 117.69 feet; to a point 43.85 feet left of Clays Mill Road at Station 207+63.80; thence North 26 Degrees 21 Minutes 40 Seconds East a distance of 136.18 feet, to a point 40.47 feet left of Clays Mill Road at Station 208+98.67; thence North 30 Degrees 48 Minutes 23 Seconds West a distance of 30.43 feet, to a point 65.76 feet left of Clays Mill Road at Station 209+15.59; thence South 54 Degrees 09 Minutes 25 Seconds East a distance of 17.05 feet, to a point 49.00 feet left of Clays Mill Road at Station 209+12.50; thence South 09 Degrees 48 Minutes 09 Seconds East a distance of 25.73 feet, to a point 34.17 feet left of Clays Mill Road at Station 208+91.48; thence South 24 Degrees 03 Minutes 02 Seconds West a distance of 92.45 feet, to a point 32.00 feet left of Clays Mill Road at Station 208+00.00; thence South 23 Degrees 42 Minutes 00 Seconds West a distance of 348.05 feet, to a point 32.00 feet left of Clays Mill Road at Station 204+51.95 and the POINT OF BEGINNING.

The above described parcel contains 0.114 acres (4,977 sq. ft.) of temporary construction easement.

Both parcels being a portion of the property conveyed to the Board of Education of Fayette County, Kentucky by deed dated November 10, 2009 and of record in Deed Book 2913, Page 590, in the Fayette County Clerk's Office.

TO HAVE AND TO HOLD the above-described fee simple rights-of-way and easements together with all rights, appurtenances, and improvements thereunto belonging unto Grantee, its successors and assigns, for the purposes and uses herein designated.

The above-described permanent easement runs with the land in perpetuity and is binding upon the successors and assigns of Grantor. The above-described temporary

construction easements run with the land for the duration of the improvement project and are binding upon the successors and assigns of Grantor. The temporary construction easements 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 Grantee, its successors and assigns forever, all of its right, title, and interest in and to the property to the extent of the interests conveyed herein, including all exemptions allowed by law, and does hereby covenant to and with 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 SPECIALLY** said title, provided, however, this covenant and warranty of title does not apply or extend to that portion of the above described property designated as Parcel No. 144A-Part B (Existing Prescriptive Right-of-Way).

Upon completion of any work or construction activities performed by Grantee under the aforesaid easements, the property within said easements will be restored to as good condition or better than when said work or construction began. Any and all work or construction activities performed by Grantee under said easements will be conducted with adequate barricades so as to protect school children from the construction area and so as not to present any hazard affecting the safe operation of the school located near the easement areas and said work or construction activities will be carried out in a manner that does not substantially interrupt or interfere with any school operations.

To the extent permitted by law, and without waiving any defense available as to any third party, including sovereign immunity, Grantee shall indemnify, defend and hold harmless Grantor from any liability or responsibility of any nature whatsoever arising directly or inadvertently from its use of the aforesaid easements unless same is caused by the negligence of Grantor, or its agents, employees or representatives.

The obtaining of this property and easements 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 deed and grant of easements, which conveys public right-of-way, need not contain a statement of consideration. This conveyance is exempt from the transfer tax pursuant to KRS 142.050(7)(b).

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

GRANTOR:

BOARD OF EDUCATION OF
FAYETTE COUNTY, KENTUCKY

BY: Melissa Bacon
MELISSA BACON, CHAIRPERSON

STATE OF KENTUCKY)
)SCT.
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by
Melissa Bacon, in her capacity as Board Chairperson of the Board of Education of
Fayette County, Kentucky on behalf of said Board of Education, on this the 26th day
of September, 2017.

My Commission Expires: July 6, 2018

Louise R. Glabens
NOTARY PUBLIC, STATE AT LARGE, KY

NOTARY ID #: 514267

Prepared By:

Charles Edwards III
CHARLES EDWARDS III
Attorney
Lexington-Fayette Urban County Government
Department of Law, 11th Floor
200 East Main Street
Lexington, Kentucky 40507
(859) 258-3500

**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

201709290219

September 29, 2017 14:51:06 PM

Fees	\$29.00	Tax	\$.00
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Total Paid	\$29.00
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