

**AGREEMENT**

THIS AGREEMENT, made and entered into this 27 day of October, 2016, by and between the COMMONWEALTH OF KENTUCKY, for the use and benefit of the TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS, 200 Mero Street, Frankfort, Kentucky 40622 (hereinafter, "the Cabinet") and the LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT, 200 E. Main Street, Lexington, KY 40507 (hereinafter, "LFUCG" or "Government").

**WITNESSETH:**

WHEREAS, the Cabinet is engaged in a project to construct and extend East Brannon Road in Jessamine County, from East Brannon Road Station 304 + 88.00 to Kentucky Highway 1974, Tates Creek Road (Program No. 8699701R, Item No. 07-0376.00, Function FD04, County ID No. 57), identified as the East Brannon Road Extension project, of record in the office of the Commonwealth of Kentucky, Transportation Cabinet, Frankfort, Kentucky; and

WHEREAS, LFUCG owns property located at 200 West Hickman Plant Road, Nicholasville, Kentucky 40356, by virtue of deeds recorded in Deed Book 267, Page 470 and Deed Book 103, Page 345, Plat Cabinet 267, Slide 470, of record in the Office of the Jessamine County Clerk at Nicholasville, Kentucky ("the property"); and

WHEREAS, the Cabinet desires to acquire from LFUCG, for purposes of constructing right-of-way and extending East Brannon Road, 9.242 acres of the property in fee simple absolute, as well as a 263-square foot permanent easement for purposes of constructing and perpetually maintaining an 18-inch storm water drainage pipe outlet, and temporary access easements consisting of 17,236 square feet for purposes of constructing entrance ways on the property; and

WHEREAS, LFUCG desires to retain, for purposes of constructing and maintaining sanitary sewer infrastructure, a permanent right-of-way encroachment, as depicted on Exhibits 1 and 2, attached hereto and incorporated herein by reference, for existing sanitary sewer infrastructure located within the proposed right-of-way extension area, as well as a permanent right of encroachment upon the proposed right-of-way extension area, for purposes of the future installation and maintenance of a sanitary sewer force main pipeline; and

WHEREAS, the Cabinet has agreed to construct and install, at its cost, for the use and benefit of LFUCG, a permanent underground Fiber Optic Pathway, approximately 23,000 feet long, beginning at the intersection of Versailles Road (U.S. 60) and Parkers Mill Road (Ky. 1968) and ending on New Circle Road (Ky. 4), approximately 3,000 feet west of Georgetown Road (U.S. 25), and at each interchange, said pathway to follow the off/on-ramps to the intersecting roadways of Old Frankfort Pike (Ky. 1681) and Leestown Road (U.S. 421), all in Fayette County, Kentucky, as depicted and described on Exhibit 3, attached hereto and incorporated herein by reference, for the installation of a fiber optic cable line by LFUCG; and

WHEREAS, the Cabinet and LFUCG have reached an agreement by which LFUCG agrees to exchange the property interests needed for the right-of-way project identified as the East Brannon Road Extension for permanent encroachment rights with regard to sanitary sewer infrastructure located in or to be constructed in the proposed right-of-way extension, including the future installation and maintenance of a sanitary sewer force main pipeline, and for the Cabinet's construction and installation, at its cost, of a permanent underground Fiber Optic Pathway, for the use and benefit of LFUCG, for the installation of a fiber optic cable line by LFUCG.

NOW, THEREFORE, in consideration of the recitals and of the mutual covenants and agreements as hereinafter set forth, the Cabinet and LFUCG, acting through their duly authorized agents, do hereby mutually agree and promise as follows:

1. Effective Date – This Agreement shall be effective from the date of its execution. The obligations expressed herein shall be considered as running with the land and shall extend to, bind and inure to the benefit of the parties hereto and their respective heirs, assigns or successors in interest.
2. Authority to Enter into Agreement – The parties represent and warrant, by the signatures of their duly appointed representatives, that to the best of their knowledge they are legally entitled to enter into this Agreement, and will not be violating, directly or indirectly, any statute of the Commonwealth of Kentucky by performance of any obligation imposed by this Agreement.
3. Obligations of the Cabinet – The Cabinet hereby agrees to the following terms and conditions:
  - a. The Cabinet hereby grants to LFUCG the permanent right of encroachment upon the proposed East Brannon Road right-of-way extension, for purposes of constructing and maintaining existing sanitary sewer infrastructure located within the right-of-way extension area, such encroachment being more specifically described as follows:
    - i. An existing 60-inch diameter sanitary sewer pipe with associated manholes located approximately 110 feet west of West Hickman Creek Abutment #1, as depicted on the accompanying Exhibit 1; and
    - ii. An existing 54-inch diameter sanitary sewer pipe with associated manholes located approximately 80 feet west of West Hickman Creek Abutment #1, as depicted on the accompanying Exhibit 1; and
    - iii. A relocated 21-inch diameter sanitary sewer pipe as shown on Exhibit 2, and generally located between Station 370+00 and Station 371+00 of the improvement plans submitted to LFUCG, as depicted on the accompanying Exhibit 2; and

- b. The Cabinet hereby agrees to construct and install, at its cost, for the use and benefit of LFUCG, a permanent underground Fiber Optic Pathway, approximately 23,000 feet long, beginning at the intersection of Versailles Road (U.S. 60) and Parkers Mill Road (Ky. 1968) and ending on New Circle Road (Ky. 4), approximately 3,000 feet west of Georgetown Road (U.S. 25), and at each interchange, said pathway to follow the off/on-ramps to the intersecting roadways of Old Frankfort Pike (Ky. 1681) and Leestown Road (U.S. 421), all in Fayette County, Kentucky, as depicted and described on Exhibit 3, attached hereto and incorporated herein by reference, for the installation of a fiber optic cable line by LFUCG; and
  - c. The Cabinet hereby grants to LFUCG the permanent right of encroachment upon the proposed right-of-way extension known as the East Brannon Road extension for the future construction and maintenance of sanitary sewer infrastructure, including the future installation of a sanitary sewer force main pipeline by LFUCG; and
  - d. The Cabinet hereby agrees that the granting of a permanent encroachment for sanitary sewer infrastructure in the proposed right-of-way identified as the East Brannon Road Extension, the Cabinet's construction and installation of a Fiber Optic Pathway for the use and benefit of LFUCG, for the installation of a fiber optic cable line by LFUCG, and the granting of a permanent encroachment on the proposed right-of-way identified as the East Brannon Road Extension, for the future construction and maintenance of sanitary sewer infrastructure, including the future installation of a sanitary sewer force main pipeline, constitutes the consideration for the conveyance of real property in fee simple absolute and a grant of a permanent easement and temporary easements by LFUCG upon property located at 200 West Hickman Plant Road, Nicholasville, Kentucky 40356, Deed Book 267, Page 470 and Deed Book 103, Page 345, Plat Cabinet 267, Slide 470, of record in the Office of the Jessamine County Clerk.
4. Obligations of LFUCG – LFUCG hereby agrees to the following terms and conditions:
- a. LFUCG hereby agrees to convey 9.242 acres, in fee simple absolute, of the property located at 200 West Hickman Plant Road, Nicholasville, Kentucky, 40356, and of record in Deed Book 267, Page 470 and Deed Book 103, Page 345, Plat Cabinet 267, Slide 470 in the Office of the Jessamine County Clerk, to the Cabinet, for purposes of constructing right-of-way and extending East Brannon Road. Such conveyance shall be comprised of two (2) tracts: an irregular-shaped 5.505 acre tract along the western and northern property lines, identified as Parcel No. 6 Tract A and described in Exhibit 4 and as depicted in Exhibit 5, which are attached hereto and incorporated

herein by reference; and a 3.737-acre rectangular-shaped tract along the northern and eastern property lines, identified as Parcel No. 6 Tract B and described in Exhibit 6 and as depicted on Exhibit 7, which are attached hereto and incorporated herein by reference; and

- b. LFUCG hereby grants a 263-square-foot rectangular-shaped permanent easement on the aforementioned property to the Cabinet, for purposes of constructing and perpetually maintaining an 18-inch storm water drainage pipe outlet, identified as Parcel No. 6 Tract C as described and depicted in Exhibit 8, which is attached hereto and incorporated herein by reference; and
  - c. LFUCG hereby grants a temporary easement on the aforementioned property, comprised of two (2) temporary easement areas and consisting of 17,236 square feet, to the Cabinet, identified as Parcel No. 6 Tracts D and E as described and depicted on Exhibit 9, which is attached hereto and incorporated herein by reference, for purposes of constructing entrance ways, which easements shall terminate and revert to LFUCG upon completion of the entrance ways; and
  - d. LFUCG hereby agrees that the conveyance of real property in fee simple absolute and the granting of permanent and temporary easements to the Cabinet constitute the consideration for the granting of a permanent encroachment for existing sanitary sewer infrastructure in the proposed right-of-way identified as the East Brannon Road Extension, for the Cabinet's construction and installation of a Fiber Optic Pathway, at its cost, for the use and benefit of LFUCG, for the installation of a fiber optic cable line by LFUCG, and for a permanent encroachment by LFUCG for the future installation of a sanitary sewer force main pipeline in the proposed right-of-way identified as the East Brannon Road Extension.
5. Mutuality of Obligations – The parties agree that the obligations imposed upon them are for the mutual benefits of the parties. Time is of the essence. The parties will exercise their best efforts to conclude this transaction expeditiously.
  6. Modifications – No modification or change of any provision of this Agreement shall be made or construed to have been made unless mutually agreed to in writing by the parties.
  7. LFUCG shall retain rights conferred upon landowners pursuant to KRS 416.670 as if this property were acquired through condemnation. The parties agree that if and only if said statute becomes applicable, the repurchase price of said property as to LFUCG shall be measured by the actual costs borne by the Cabinet to fulfill the terms of this Agreement as that amount reflects the price the Cabinet paid for said property.

The acquisition of the right of way of this project was authorized by the Kentucky Department of Highways Official Order No. 109222. The control of access on this project and access to the remaining property shall be by permit, as required to be set forth in Section 6 of the Kentucky Administrative Regulations (603 KAR 5:120).

The proposed public road project is to construct and extend East Brannon Road from East Brannon Road Station 304 + 88.00 to Kentucky Highway 1974, Tates Creek Road (Program No. 8699701R, Item No. 07-376.00, Function FD04, County ID No. 057), the plans for which are on file in the office of the Transportation Cabinet in Frankfort, Kentucky.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first above written.

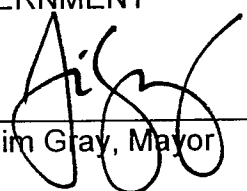
APPROVED AS TO FORM  
AND LEGALITY

COMMONWEALTH OF KENTUCKY  
TRANSPORTATION CABINET  
DEPARTMENT OF HIGHWAYS

BY: \_\_\_\_\_

BY: \_\_\_\_\_  
Greg Thomas, Secretary

LEXINGTON-FAYETTE URBAN COUNTY  
GOVERNMENT

BY:  \_\_\_\_\_  
Jim Gray, Mayor

ACKNOWLEDGEMENT

STATE OF KENTUCKY

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016, by Greg Thomas, the Secretary of the Commonwealth of Kentucky, Transportation Cabinet, on behalf of the Commonwealth.

My commission expires on the \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Notary Public, State At Large, KY

STATE OF KENTUCKY

COUNTY OF FAYETTE

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of December, 2016, by Jim Gray, the Mayor of the Lexington Fayette Urban County Government, on behalf of the Government.

My commission expires on the 28<sup>th</sup> day of December, 2019.

  
\_\_\_\_\_  
Notary Public, State At Large, KY

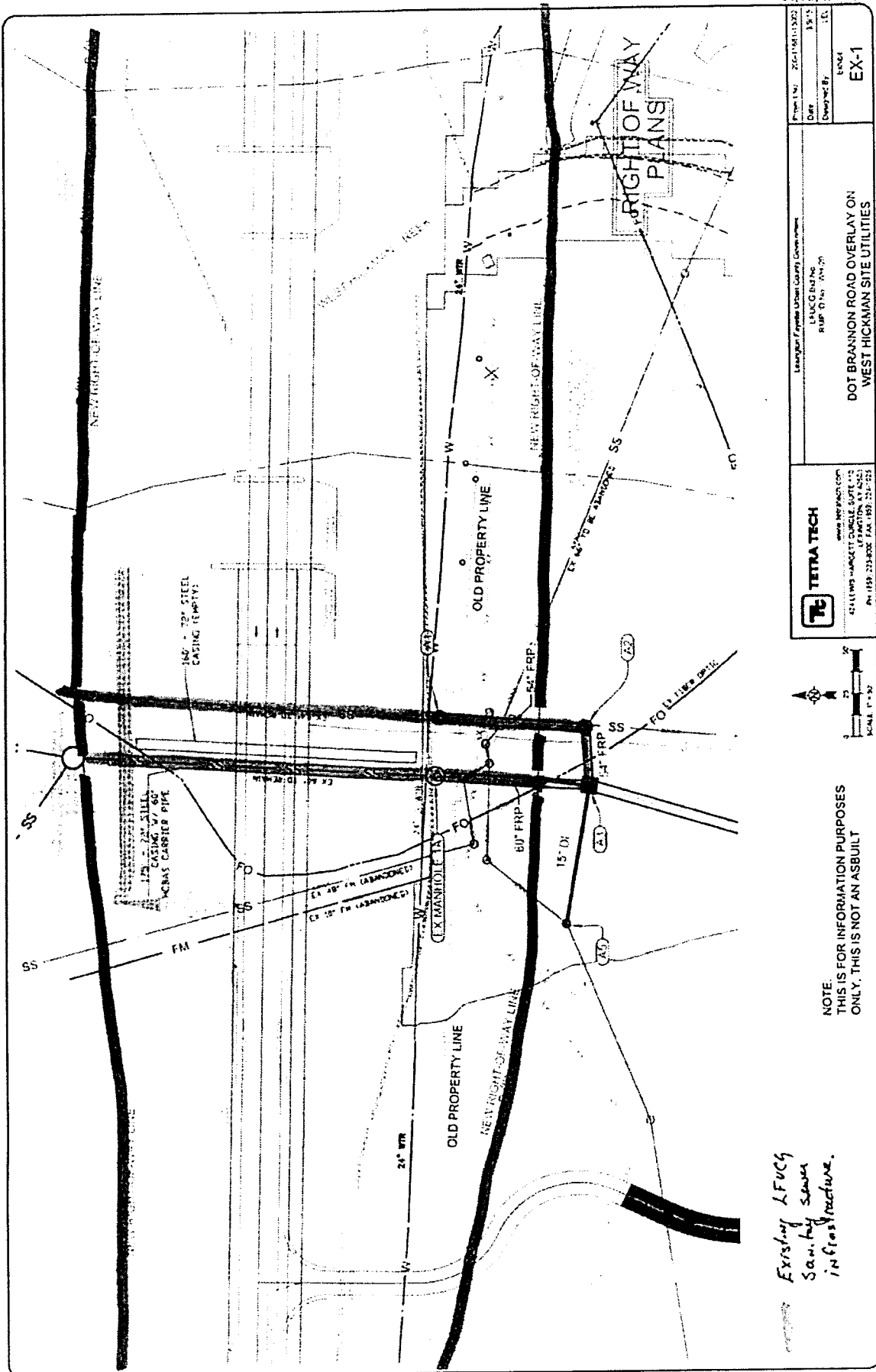
#547793

This instrument prepared by:

\_\_\_\_\_  
Michael S. Cravens, Attorney  
Lexington-Fayette Urban County  
Government  
Department of Law  
200 East Main Street  
Lexington, KY 40507  
Phone: (859) 258-3500  
Fax: (859) 258-3538

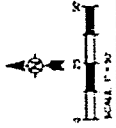
EXHIBIT NO. 1

Item 1  
Exhibit 1



Existing LFUG  
Sanitary sewer  
infrastructure.

NOTE:  
THIS IS FOR INFORMATION PURPOSES  
ONLY. THIS IS NOT AN ASBUILT



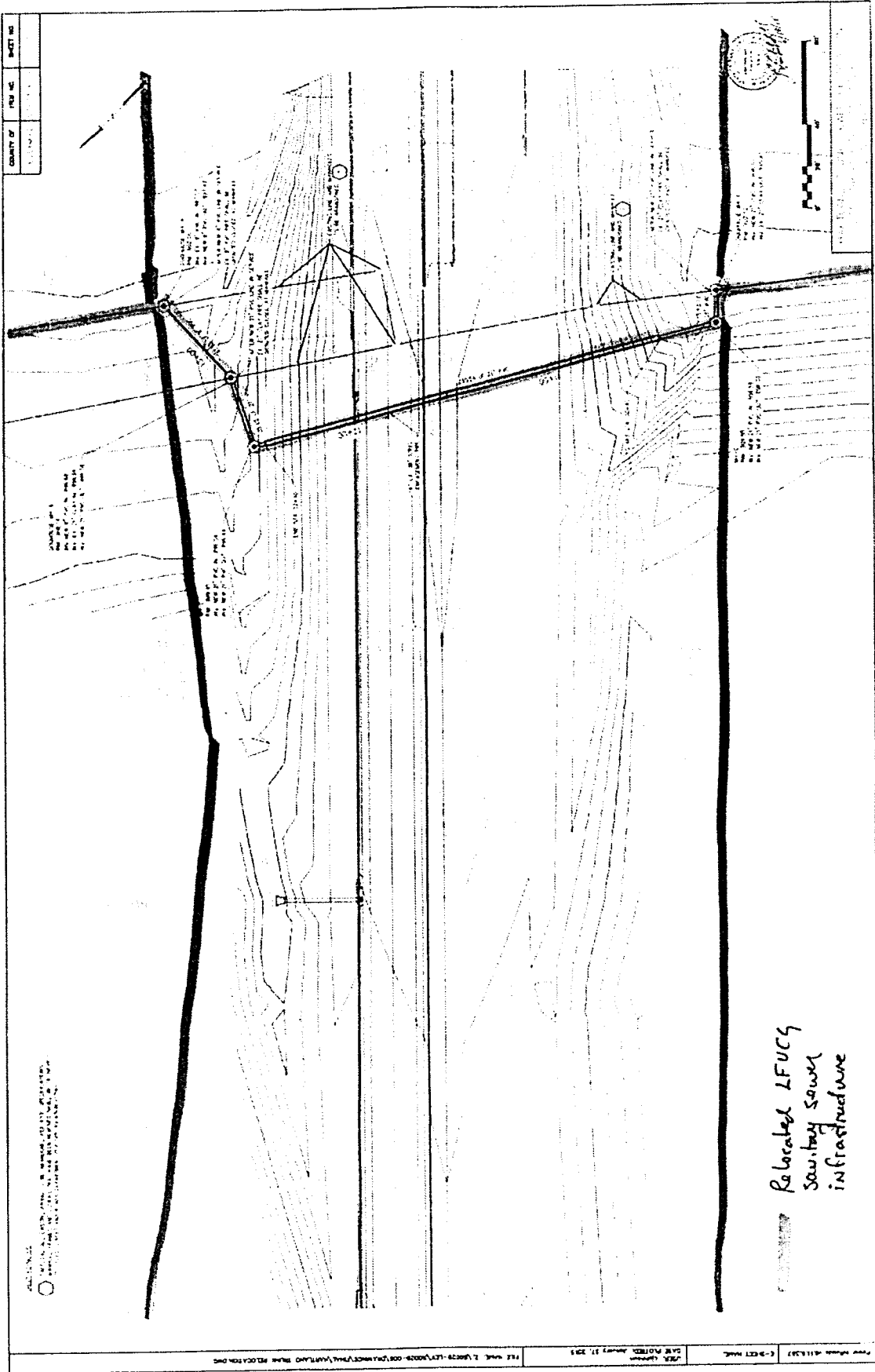
**TETRA TECH**  
www.tetra-tech.com  
2211 WISCONSIN AVENUE, SUITE 200  
MILWAUKEE, WI 53233  
PH: (414) 223-8000 FAX: (414) 223-2255

Lebanon, Fayette Urban County Government  
LAW & ENGINEERING  
PLUM DIVISION  
DOT BRANNON ROAD OVERLAY ON  
WEST HICKMAN SITE UTILITIES

Project No.	20-116-11-332
Date	3/3/15
Drawn By	JLL
Sheet	EX-1

**EXHIBIT NO. 2**

Item 1  
Exhibit 2





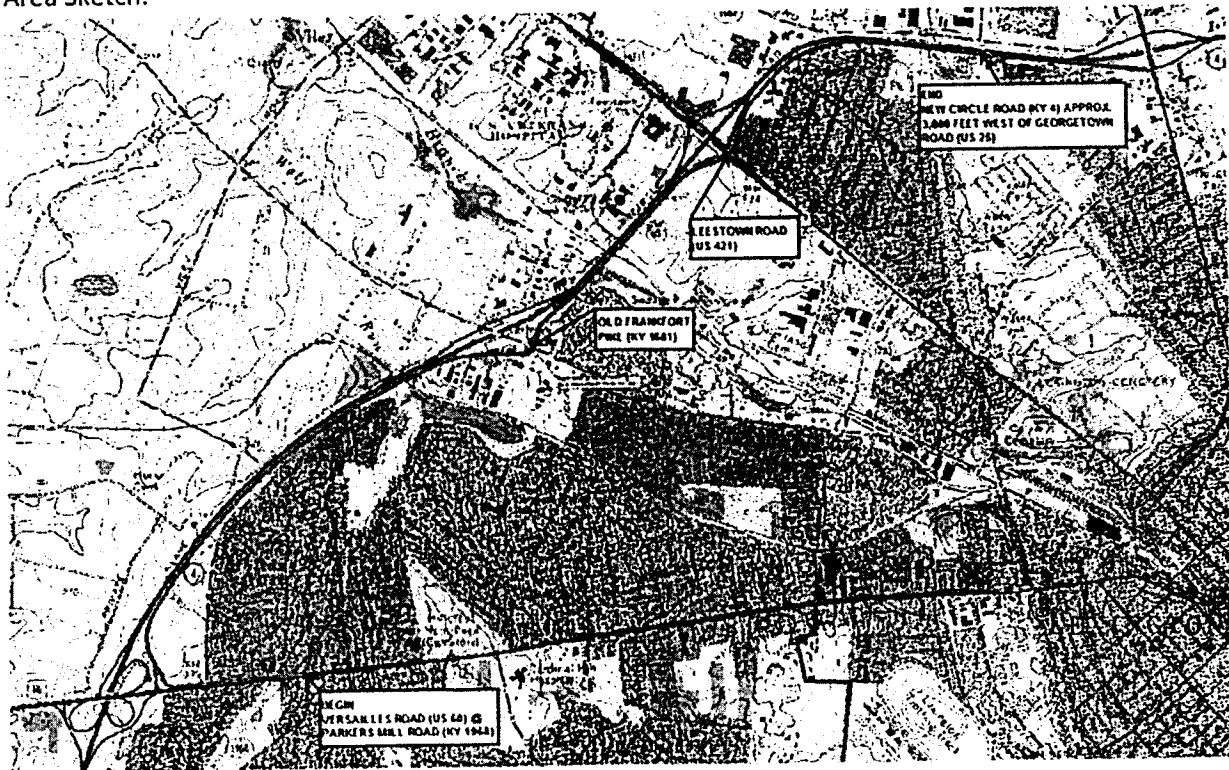
### EXHIBIT NO. 3

#### Fiber Optic Pathway Description

The Underground, Fiber-Optic Pathway (FOP) is to meet KYTC and LFUCG installation specifications at the time of construction. Current specifications call for a 2" HDPE, Sch. 80, continuous conduit with 2'x3' junction boxes no more than 800 feet apart and at transition points. Placement of the FOP shall generally be just beyond the roadway shoulder of the inner loop of New Circle Road. The route is approximately 23,000 feet long beginning at the intersection of Versailles Road (US 60) & Parkers Mill Road (KY 1968) and ending on New Circle Road (KY 4), approximately 3,000 feet west of Georgetown Road (US 25). At each interchange, the FOP will follow the off/on-ramps to the intersecting roadways of Old Frankfort Pike (KY 1681) and Leestown Road (US 421).

LFUCG will be responsible for coordinating the extension of the FOP to Georgetown Road and installing the fiber-optic cable along the entire route at a later date considering future projects and funding.

#### Area Sketch:



## EXHIBIT NO. 4

### **Parcel No. 6 Tract-A**

Being a tract of land lying in Jessamine County along East Brannon Road approximately 0.6 miles southeast of the intersection of East Brannon Road and Lauderdale Drive, and more particularly described as follows:

Beginning at a point in the west property line, 103.22 feet left of East Brannon Road at Station 331+51.06 thence with the proposed access control and right of way line South 83 Degrees 30 Minutes 17 Seconds East a distance of 315.54 feet to a point in the proposed access control and right of way corner, 75.00 feet left of East Brannon Road at Station 334+75.00 thence with the proposed access control and right of way line North 88 Degrees 42 Minutes 20 Seconds East a distance of 1080.34 feet to a point being a break in the proposed access control, 102.00 feet left of East Brannon Road at Station 345+55.00 thence with the proposed right of way line North 88 Degrees 42 Minutes 20 Seconds East a distance of 50.02 feet to a point being a break in the proposed access control, 103.25 feet left of East Brannon Road at Station 346+05.00 thence with the proposed access control and right of way line North 88 Degrees 42 Minutes 20 Seconds East a distance of 70.02 feet to a point in the proposed access control and right of way corner, 105.00 feet left of East Brannon Road at Station 346+75.00 thence with the proposed access control and right of way line North 83 Degrees 33 Minutes 20 Seconds East a distance of 261.73 feet to a point in the proposed access control and right of way corner, 135.00 feet left of East Brannon Road at Station 349+35.00 thence with the proposed access control and right of way line South 89 Degrees 10 Minutes 20 Seconds East a distance of 11.64 feet to a point in the east property line, 134.86 feet left of East Brannon Road at Station 349+46.63 thence with the east property line South 30 Degrees 30 Minutes 18 Seconds West a distance of 27.66 feet to a point in the east property corner, 111.00 feet left of East Brannon Road at Station 349+32.65 thence with the east property line South 5 Degrees 01 Minutes 39 Seconds West a distance of 198.00 feet to a point in the east property corner, 86.29 feet right of East Brannon Road at Station 349+15.77 thence with the east property line South 86 Degrees 43 Minutes 15 Seconds East a distance of 348.85 feet to a point in the east property corner, 105.40 feet right of East Brannon Road at Station 352+64.10 thence with the east property line South 61 Degrees 44 Minutes 59 Seconds East a distance of 49.12 feet to a point in the east property line, 128.55 feet right of East Brannon Road at Station 353+07.42 thence with the proposed access control

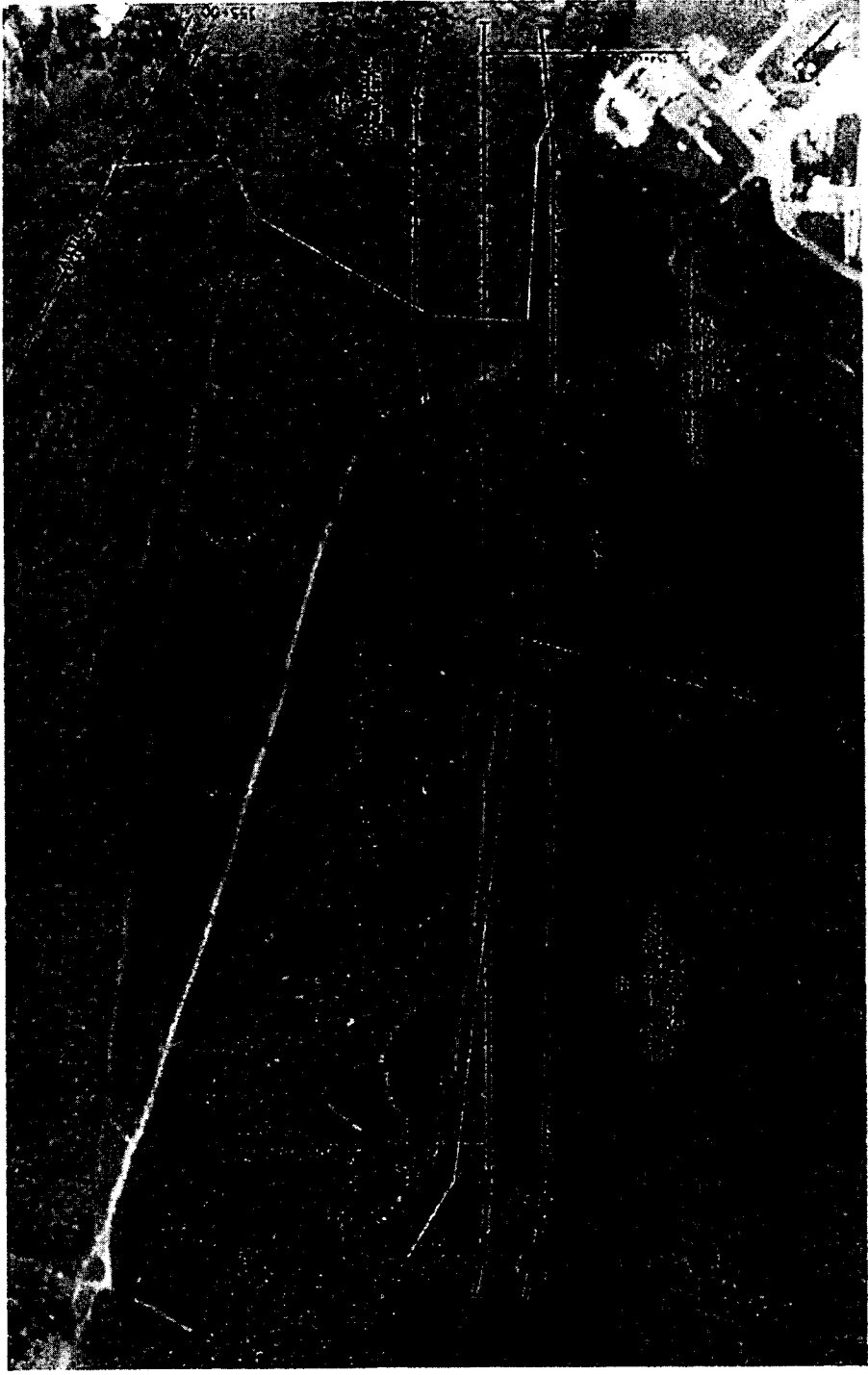
and right of way line South 84 Degrees 14 Minutes 15 Seconds West a distance of 62.75 feet to a point in the proposed access control and right of way corner, 135.00 feet right of East Brannon Road at Station 352+45.00 thence with the proposed access control and right of way line North 89 Degrees 15 Minutes 33 Seconds West a distance of 475.03 feet to a point in the proposed access control and right of way corner, 130.00 feet right of East Brannon Road at Station 347+70.00 thence with the proposed access control and right of way line North 78 Degrees 33 Minutes 09 Seconds West a distance of 168.27 feet to a point being a break in the proposed access control, 97.00 feet right of East Brannon Road at Station 346+05.00 thence with the proposed right of way line North 78 Degrees 33 Minutes 09 Seconds West a distance of 50.99 feet to a point being a break in the proposed access control, 87.00 feet right of East Brannon Road at Station 345+55.00 thence with the proposed access control and right of way line North 78 Degrees 33 Minutes 09 Seconds West a distance of 35.69 feet to a point in the proposed access control and right of way corner, 80.00 feet right of East Brannon Road at Station 345+20.00 thence with the proposed access control and right of way line South 82 Degrees 55 Minutes 24 Seconds West a distance of 235.39 feet to a point in the west property line, 109.56 feet right of East Brannon Road at Station 342+86.47 thence with the west property line North 15 Degrees 46 Minutes 24 Seconds East a distance of 45.06 feet to a point in the west property corner, 66.16 feet right of East Brannon Road at Station 342+98.62 thence with the west property line North 82 Degrees 37 Minutes 05 Seconds West a distance of 1076.08 feet to a point in the west property corner, 67.96 feet left of East Brannon Road at Station 332+27.91 thence with the west property line North 59 Degrees 45 Minutes 56 Seconds West a distance of 80.58 feet to a point in the west property line, 103.22 feet left of East Brannon Road at Station 331+51.06 and the POINT OF BEGINNING.

The above described parcel contains 5.505 acres.

Being a portion of the same tracts of land conveyed to Lexington-Fayette Urban County Government Public Facilities Corporation, a Kentucky non-profit corporation, by Ethel Bell Coons (being one and the same person as Ethel S. Coons), a single person, by Deed dated December 12, 1990, and recorded in Deed Book 267, Page 470, and to The City of Lexington, a/k/a LFUCG, by Dean Walker and Bennett Walker, his wife by Deed dated October 20, 1969, and recorded in Deed Book 103 Page 345, in the office of the Jessamine County Clerk at Nicholasville, Kentucky.

EXHIBIT NO. 5

DATE	SCALE	PROJECT
1955	1" = 100'	...



RIGHT OF WAY STRIP MAP  
 STA. 3+00.00 TO STA. 355+00  
 SHEET 5 OF 5

SCALE: 1"=100'

**EXHIBIT NO. 6**

**Parcel No. 6 Tract-B**

Being a tract of land lying in Jessamine County along East Brannon Road approximately 0.2 miles south of the intersection of Forest Lake Drive and Hobbs Way, and more particularly described as follows:

Beginning at a point in the east property line, 50.45 feet right of East Brannon Road at Station 364+60.77 thence with the east property line South 53 Degrees 42 Minutes 35 Seconds East a distance of 619.01 feet to a point in the east property line, 31.56 feet left of East Brannon Road at Station 370+74.32 thence with the east property line South 52 Degrees 52 Minutes 20 Seconds East a distance of 471.81 feet to a point in the east property corner, 87.11 feet left of East Brannon Road at Station 375+43.36 thence with the east property line South 46 Degrees 23 Minutes 30 Seconds West a distance of 173.13 feet to a point in the east property corner, 85.82 feet right of East Brannon Road at Station 375+34.92 thence with the proposed access control and right of way line North 62 Degrees 24 Minutes 47 Seconds West a distance of 193.09 feet to a point in the proposed access control and right of way corner, 140.00 feet right of East Brannon Road at Station 373+50.00 thence with the proposed access control and right of way line North 45 Degrees 26 Minutes 58 Seconds West a distance of 884.38 feet to a point in the east property line, 130.00 feet right of East Brannon Road at Station 364+65.68 thence with the east property line North 40 Degrees 22 Minutes 03 Seconds East a distance of 79.71 feet to a point in the east property line, 50.45 feet right of East Brannon Road at Station 364+60.77 and the POINT OF BEGINNING.

The above described parcel contains 3.737 acres.

Being a portion of the same tracts of land conveyed to Lexington-Fayette Urban County Government Public Facilities Corporation, a Kentucky non-profit corporation, by Ethel Bell Coons (being one and the same person as Ethel S. Coons), a single person, by Deed dated December 12, 1990, and recorded in Deed Book 267, Page 470, and to The City of Lexington, a/k/a LFUCG, by Dean Walker and Bennett Walker, his wife by Deed dated October 20, 1969, and recorded in Deed Book 103 Page 345, in the office of the Jessamine County Clerk at Nicholasville, Kentucky.

EXHIBIT NO. 7



DATE: 10/1/80  
BY: J. L. HARRIS  
PROJECT: 100-100-100

RIGHT OF WAY STRIP MAP  
STA. 354+00 TO STA. 390+00  
SHEET 1 OF 2

SCALE 1:100

SHEET 1 OF 2 STA. 354+00 TO STA. 390+00

**EXHIBIT NO. 8**

**Parcel No. 6 Tract-C**

Being a tract of land lying in Jessamine County along East Brannon Road approximately 0.6 miles southeast of the intersection of East Brannon Road and Lauderdale Drive, and more particularly described as follows:

Beginning at a point in the proposed access control and right of way line, 101.67 feet left of East Brannon Road at Station 332+05.00 thence with the proposed easement line North 38 Degrees 21 Minutes 12 Seconds East a distance of 16.24 feet to a point in the proposed easement corner, 115.00 feet left of East Brannon Road at Station 332+15.00 thence with the proposed easement line South 86 Degrees 58 Minutes 14 Seconds East a distance of 13.85 feet to a point in the proposed easement corner, 115.00 feet left of East Brannon Road at Station 332+30.00 thence with the proposed easement line South 2 Degrees 44 Minutes 35 Seconds West a distance of 14.66 feet to a point in the proposed access control and right of way line, 100.34 feet left of East Brannon Road at Station 332+30.00 thence with the proposed access control and right of way line North 83 Degrees 30 Minutes 17 Seconds West a distance of 23.35 feet to a point in the proposed access control and right of way line, 101.67 feet left of East Brannon Road at Station 332+05.00 and the POINT OF BEGINNING.

The above described parcel contains 263 square feet.

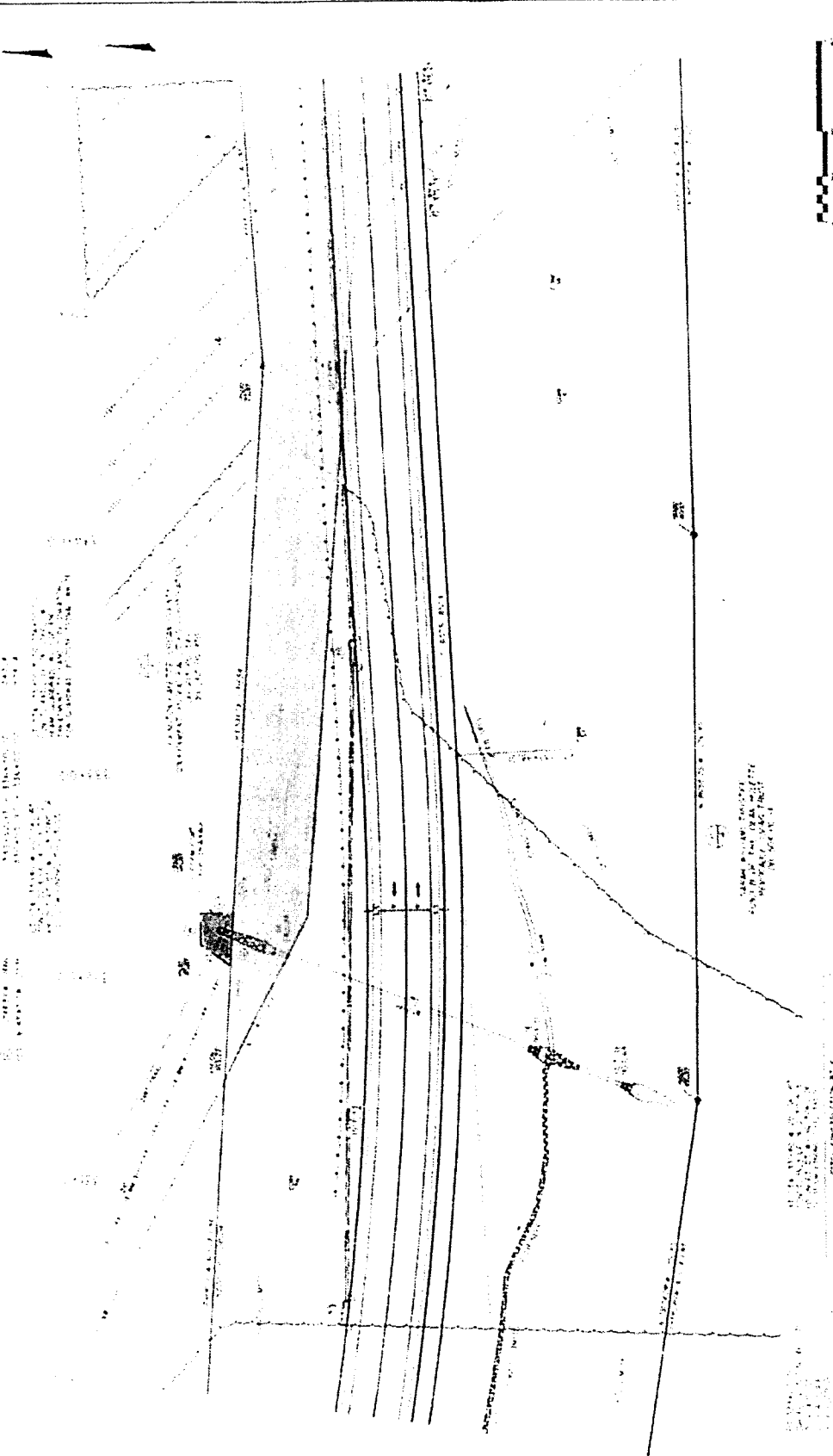
Being a portion of the same tracts of land conveyed to Lexington-Fayette Urban County Government Public Facilities Corporation, a Kentucky non-profit corporation, by Ethel Bell Coons (being one and the same person as Ethel S. Coons), a single person, by Deed dated December 12, 1990, and recorded in Deed Book 267, Page 470, and to The City of Lexington, a/k/a LFUCG, by Dean Walker and Bennett Walker, his wife by Deed dated October 20, 1969, and recorded in Deed Book 103 Page 345, in the office of the Jessamine County Clerk at Nicholasville, Kentucky.

DATE: 10/15/54  
 DRAWN BY: J. H. ...  
 CHECKED BY: ...

NO.	DESCRIPTION	AMOUNT	TOTAL
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PLAN OF ...  
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EAST BRANSON ROAD  
 STA. 110+00 TO STA. 136+00  
 PLAN SHEET

SCALE: 1"=20'

NO.	DESCRIPTION	AMOUNT	TOTAL
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**EXHIBIT NO. 9**

**Parcel No. 6 Tract-D**

Being a tract of land lying in Jessamine County along East Brannon Road approximately 0.9 miles southeast of the intersection of East Brannon Road and Lauderdale Drive, and more particularly described as follows:

Beginning at a point in the proposed access control and right of way line, 107.00 feet right of East Brannon Road at Station 346+55.00 thence with the proposed easement line South 17 Degrees 12 Minutes 59 Seconds East a distance of 50.29 feet to a point in the proposed easement corner, 155.00 feet right of East Brannon Road at Station 346+70.00 thence with the proposed easement line South 24 Degrees 06 Minutes 00 Seconds West a distance of 49.24 feet to a point in the proposed easement corner, 200.00 feet right of East Brannon Road at Station 346+50.00 thence with the proposed easement line North 73 Degrees 55 Minutes 01 Seconds West a distance of 36.40 feet to a point in the proposed easement corner, 190.00 feet right of East Brannon Road at Station 346+15.00 thence with the proposed easement line North 54 Degrees 19 Minutes 29 Seconds West a distance of 86.02 feet to a point in the proposed easement corner, 140.00 feet right of East Brannon Road at Station 345+45.00 thence with the proposed easement line North 22 Degrees 28 Minutes 56 Seconds West a distance of 65.00 feet to a point in the proposed access control and right of way corner, 80.00 feet right of East Brannon Road at Station 345+20.00 thence with the proposed access control and right of way line South 78 Degrees 33 Minutes 09 Seconds East a distance of 137.67 feet to a point in the proposed access control and right of way line, 107.00 feet right of East Brannon Road at Station 346+55.00 and the POINT OF BEGINNING.

The above described parcel contains 10,088 square feet.

**Parcel No. 6 Tract-E**

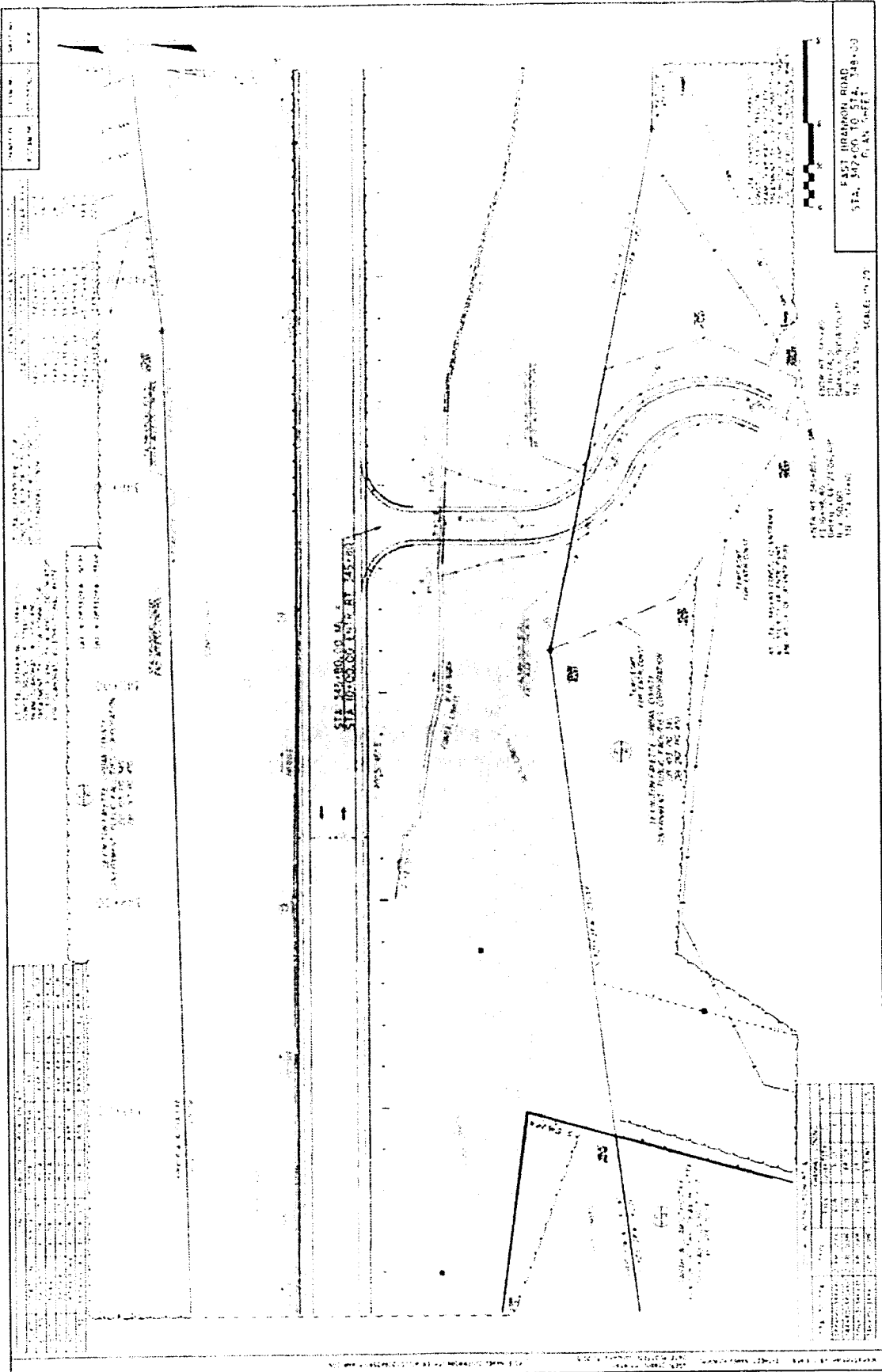
Being a tract of land lying in Jessamine County along East Brannon Road approximately 0.2 miles south of the intersection of Forest Lake Drive and Hobbs Way, and more particularly described as follows:

Beginning at a point in the north property line, 36.61 feet right of Appr Rt 361+00 at Station 54+45.00 thence with the north property line South 61

Degrees 44 Minutes 59 Seconds East a distance of 78.43 feet to a point in the north property corner, 38.30 feet left of Appr Rt 361+00 at Station 54+68.88 thence with the proposed easement line South 10 Degrees 33 Minutes 32 Seconds West a distance of 38.51 feet to a point in the proposed easement corner, 45.00 feet left of Appr Rt 361+00 at Station 55+00.00 thence with the proposed easement line South 49 Degrees 00 Minutes 41 Seconds West a distance of 60.42 feet to a point in the proposed easement corner, 20.00 feet left of Appr Rt 361+00 at Station 55+55.00 thence with the proposed easement line North 65 Degrees 25 Minutes 57 Seconds West a distance of 40.00 feet to a point in the proposed easement corner, 20.00 feet right of Appr Rt 361+00 at Station 55+55.00 thence with the proposed easement line North 10 Degrees 58 Minutes 13 Seconds West a distance of 43.01 feet to a point in the proposed easement corner, 45.00 feet right of Appr Rt 361+00 at Station 55+20.00 thence with the proposed easement line North 26 Degrees 46 Minutes 46 Seconds East a distance of 62.45 feet to a point in the north property line, 36.61 feet right of Appr Rt 361+00 at Station 54+45.00 and the POINT OF BEGINNING.

The above described parcel contains 7,148 square feet.

Being portions of the same tracts of land conveyed to Lexington-Fayette Urban County Government Public Facilities Corporation, a Kentucky non-profit corporation, by Ethel Bell Coons (being one and the same person as Ethel S. Coons), a single person, by Deed dated December 12, 1990, and recorded in Deed Book 267, Page 470, and to The City of Lexington, a/k/a LFUCG, by Dean Walker and Bennett Walker, his wife by Deed dated October 20, 1969, and recorded in Deed Book 103 Page 345, in the office of the Jessamine County Clerk at Nicholasville, Kentucky.



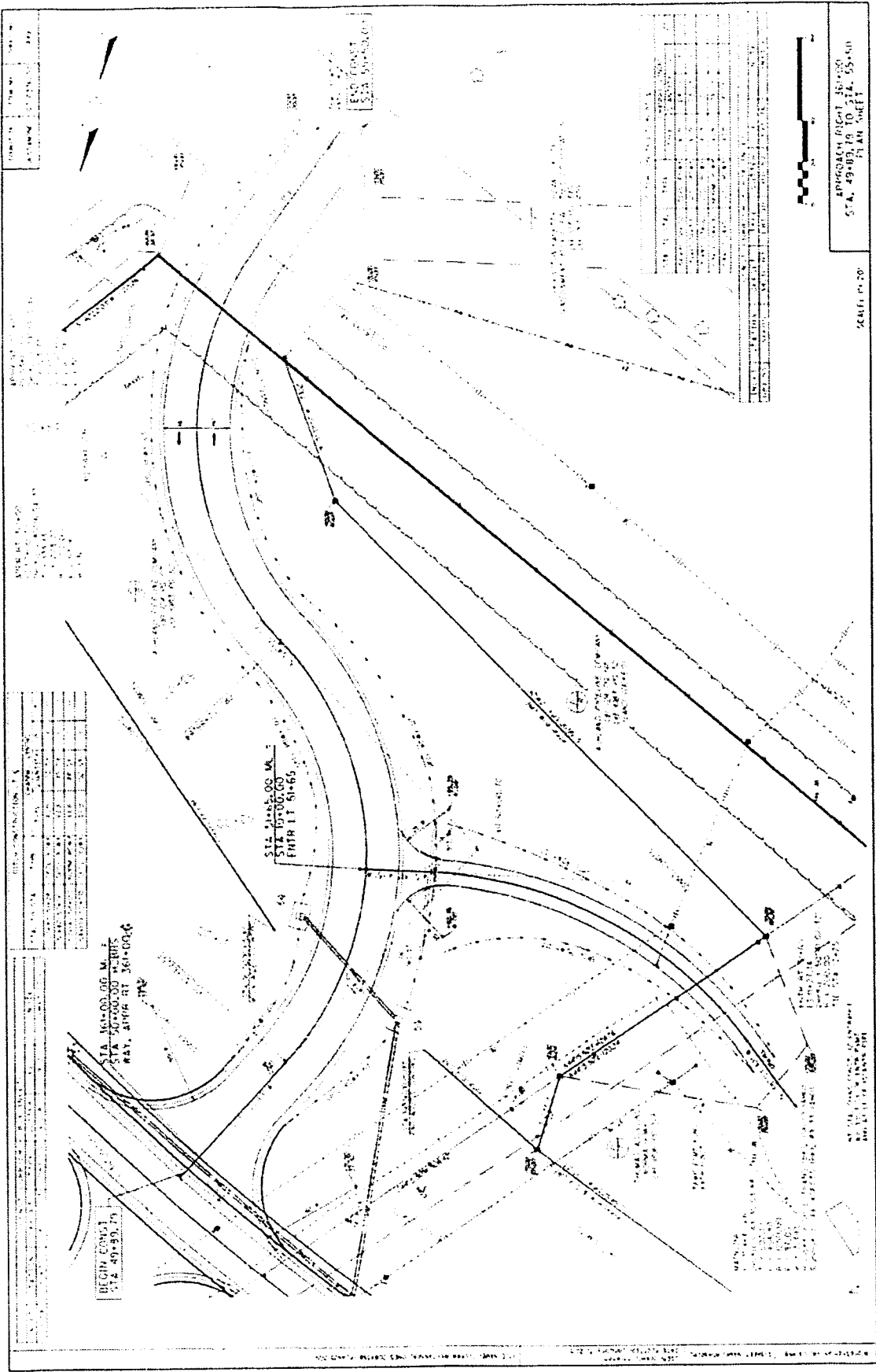
EAST BRADDOCK ROAD  
 STA. 142+00 TO STA. 148+00  
 PLAN SHEET NO. AN 5657

SCALE: 1" = 20'  
 DATE: 11/15/50  
 DRAWN BY: J. W. BROWN  
 CHECKED BY: J. W. BROWN

NO.	DESCRIPTION	DATE
1	EXISTING ROAD	
2	PROPOSED ROAD	
3	EXISTING UTILITY	
4	PROPOSED UTILITY	
5	EXISTING CURB	
6	PROPOSED CURB	
7	EXISTING SIDEWALK	
8	PROPOSED SIDEWALK	
9	EXISTING DRIVE	
10	PROPOSED DRIVE	
11	EXISTING FENCE	
12	PROPOSED FENCE	
13	EXISTING TREE	
14	PROPOSED TREE	
15	EXISTING SIGN	
16	PROPOSED SIGN	
17	EXISTING LIGHT	
18	PROPOSED LIGHT	
19	EXISTING STRUCTURE	
20	PROPOSED STRUCTURE	

STA. 142+00 TO STA. 148+00

RECONSTRUCTION AREA  
 NORTH ARROW  
 SCALE: 1" = 20'



DATE	1965
PROJECT NO.	1000
SCALE	1" = 40'

ITEM	QUANTITY	UNIT	PRICE	TOTAL

STATION	DESCRIPTION	AMOUNT

STA. 49+00.00 M. P.  
 STA. 50+00.00 M. P.  
 STA. 51+00.00 M. P.

STA. 51+00.00 M. P.  
 STA. 52+00.00 M. P.  
 ENTER LT 51+65

BEGIN CONST  
 STA. 49+00.00

APPROACH RIGHT SIDE  
 STA. 49+00 TO STA. 55+00  
 17 AN SHEET

SCALE 1" = 40'

Exempt: KRS 382.135(2) (c)

**DEED OF CONVEYANCE**

THIS DEED, between Lexington-Fayette Urban County Government Public Facilities Corporation (hereinafter "LFUCG"), a Kentucky non-profit corporation, of 200 East Main Street, Lexington, Kentucky 40507, party of the first part (in whose care the state and county tax bill for the aforesaid calendar year may be sent); and the COMMONWEALTH OF KENTUCKY for the use and benefit of the TRANSPORTATION CABINET, DEPARTMENT OF HIGHWAYS (hereinafter "the Cabinet"), 200 MERO STREET, FRANKFORT, KENTUCKY 40622, Party of the Second Part;

**WITNESSETH**

WHEREAS, LFUCG owns property located at 200 West Hickman Plant Road, Nicholasville, Kentucky 40356, by virtue of deeds recorded in Deed Book 267, Page 470 and Deed Book 103, Page 345, Plat Cabinet 267, Slide 470, of record in the Office of the Jessamine County Clerk at Nicholasville, Kentucky ("the property"); and

WHEREAS, the Cabinet seeks to acquire from LFUCG, for purposes of constructing right-of-way and extending East Brannon Road, 9.242 acres of the property in fee simple absolute, as well as a 263-square foot permanent easement for purposes of constructing and perpetually maintaining an 18-inch storm water drainage pipe outlet, and temporary access easements consisting of 17,236 square feet for purposes of constructing entrance ways on the property; and

WHEREAS, the Cabinet and LFUCG have executed an agreement ("the Agreement") whereby LFUCG has agreed to exchange the property interests sought by the Cabinet for the right-of-way project identified as the East Brannon Road Extension for permanent encroachment rights with regard to sanitary sewer infrastructure located in or to be constructed in the proposed right-of-way extension, including the future installation and maintenance of a sanitary sewer force main pipeline, and for the Cabinet's construction and installation of a permanent

underground Fiber Optic Pathway for the use and benefit of LFUCG, as provided in the Agreement, which is attached hereto as Exhibit A and incorporated by reference as if set forth herein.

That the said party of the first part, in consideration of the recitals and mutual covenants set forth in the Agreement, and in consideration of the public and mutual benefits to be derived herefrom, and for no monetary consideration, does hereby grant and convey to the party of the second part, its successors and assigns forever, the following described property, viz:

**Parcel No. 6  
Tract-A**

Being a tract of land lying in Jessamine County along East Brannon Road approximately 0.6 miles southeast of the intersection of East Brannon Road and Lauderdale Drive, and more particularly described as follows:

Beginning at a point in the west property line, 103.22 feet left of East Brannon Road at Station 331+51.06 thence with the proposed access control and right of way line South 83 Degrees 30 Minutes 17 Seconds East a distance of 315.54 feet to a point in the proposed access control and right of way corner, 75.00 feet left of East Brannon Road at Station 334+75.00 thence with the proposed access control and right of way line North 88 Degrees 42 Minutes 20 Seconds East a distance of 1080.34 feet to a point being a break in the proposed access control, 102.00 feet left of East Brannon Road at Station 345+55.00 thence with the proposed right of way line North 88 Degrees 42 Minutes 20 Seconds East a distance of 50.02 feet to a point being a break in the proposed access control, 103.25 feet left of East Brannon Road at Station 346+05.00 thence with the proposed access control and right of way line North 88 Degrees 42 Minutes 20 Seconds East a distance of 70.02 feet to a point in the proposed access control and right of way corner, 105.00 feet left of East Brannon Road at Station 346+75.00 thence with the proposed access control and right of way line North 83 Degrees 33 Minutes 20 Seconds East a distance of 261.73 feet to a point in the proposed access control and right of way corner, 135.00 feet left of East Brannon Road at Station 349+35.00 thence with the proposed access control and right of way line South 89 Degrees 10 Minutes 20 Seconds East a distance of 11.64 feet to a point in the east property line, 134.86 feet left of East Brannon Road at Station 349+46.63 thence with the east property line South 30 Degrees 30 Minutes 18 Seconds West a distance of 27.66 feet to a point in the east

property corner, 111.00 feet left of East Brannon Road at Station 349+32.65 thence with the east property line South 5 Degrees 01 Minutes 39 Seconds West a distance of 198.00 feet to a point in the east property corner, 86.29 feet right of East Brannon Road at Station 349+15.77 thence with the east property line South 86 Degrees 43 Minutes 15 Seconds East a distance of 348.85 feet to a point in the east property corner, 105.40 feet right of East Brannon Road at Station 352+64.10 thence with the east property line South 61 Degrees 44 Minutes 59 Seconds East a distance of 49.12 feet to a point in the east property line, 128.55 feet right of East Brannon Road at Station 353+07.42 thence with the proposed access control and right of way line South 84 Degrees 14 Minutes 15 Seconds West a distance of 62.75 feet to a point in the proposed access control and right of way corner, 135.00 feet right of East Brannon Road at Station 352+45.00 thence with the proposed access control and right of way line North 89 Degrees 15 Minutes 33 Seconds West a distance of 475.03 feet to a point in the proposed access control and right of way corner, 130.00 feet right of East Brannon Road at Station 347+70.00 thence with the proposed access control and right of way line North 78 Degrees 33 Minutes 09 Seconds West a distance of 168.27 feet to a point being a break in the proposed access control, 97.00 feet right of East Brannon Road at Station 346+05.00 thence with the proposed right of way line North 78 Degrees 33 Minutes 09 Seconds West a distance of 50.99 feet to a point being a break in the proposed access control, 87.00 feet right of East Brannon Road at Station 345+55.00 thence with the proposed access control and right of way line North 78 Degrees 33 Minutes 09 Seconds West a distance of 35.69 feet to a point in the proposed access control and right of way corner, 80.00 feet right of East Brannon Road at Station 345+20.00 thence with the proposed access control and right of way line South 82 Degrees 55 Minutes 24 Seconds West a distance of 235.39 feet to a point in the west property line, 109.56 feet right of East Brannon Road at Station 342+86.47 thence with the west property line North 15 Degrees 46 Minutes 24 Seconds East a distance of 45.06 feet to a point in the west property corner, 66.16 feet right of East Brannon Road at Station 342+98.62 thence with the west property line North 82 Degrees 37 Minutes 05 Seconds West a distance of 1076.08 feet to a point in the west property corner, 67.96 feet left of East Brannon Road at Station 332+27.91 thence with the west property line North 59 Degrees 45 Minutes 56 Seconds West a distance of 80.58 feet to a point in the west property line, 103.22 feet left of East Brannon Road at Station 331+51.06 and the POINT OF BEGINNING.

The above described parcel contains 5.505 acres.

It is understood between the parties hereto and made a covenant herein that the above described property is conveyed in fee simple.



**Parcel No. 6**  
**Tract-B**

Being a tract of land lying in Jessamine County along East Brannon Road approximately 0.2 miles south of the intersection of Forest Lake Drive and Hobbs Way, and more particularly described as follows:

Beginning at a point in the east property line, 50.45 feet right of East Brannon Road at Station 364+60.77 thence with the east property line South 53 Degrees 42 Minutes 35 Seconds East a distance of 619.01 feet to a point in the east property line, 31.56 feet left of East Brannon Road at Station 370+74.32 thence with the east property line South 52 Degrees 52 Minutes 20 Seconds East a distance of 471.81 feet to a point in the east property corner, 87.11 feet left of East Brannon Road at Station 375+43.36 thence with the east property line South 46 Degrees 23 Minutes 30 Seconds West a distance of 173.13 feet to a point in the east property corner, 85.82 feet right of East Brannon Road at Station 375+34.92 thence with the proposed access control and right of way line North 62 Degrees 24 Minutes 47 Seconds West a distance of 193.09 feet to a point in the proposed access control and right of way corner, 140.00 feet right of East Brannon Road at Station 373+50.00 thence with the proposed access control and right of way line North 45 Degrees 26 Minutes 58 Seconds West a distance of 884.38 feet to a point in the east property line, 130.00 feet right of East Brannon Road at Station 364+65.68 thence with the east property line North 40 Degrees 22 Minutes 03 Seconds East a distance of 79.71 feet to a point in the east property line, 50.45 feet right of East Brannon Road at Station 364+60.77 and the POINT OF BEGINNING.

The above described parcel contains 3.737 acres.

It is understood between the parties hereto and made a covenant herein that the above described property is conveyed in fee simple.

**Parcel No. 6**  
**Tract-C**

Being a tract of land lying in Jessamine County along East Brannon Road approximately 0.6 miles southeast of the intersection of East Brannon Road and Lauderdale Drive, and more particularly described as follows:

Beginning at a point in the proposed access control and right of way line, 101.67 feet left of East Brannon Road at Station 332+05.00 thence with the proposed easement line North 38 Degrees 21 Minutes 12

Seconds East a distance of 16.24 feet to a point in the proposed easement corner, 115.00 feet left of East Brannon Road at Station 332+15.00 thence with the proposed easement line South 86 Degrees 58 Minutes 14 Seconds East a distance of 13.85 feet to a point in the proposed easement corner, 115.00 feet left of East Brannon Road at Station 332+30.00 thence with the proposed easement line South 2 Degrees 44 Minutes 35 Seconds West a distance of 14.66 feet to a point in the proposed access control and right of way line, 100.34 feet left of East Brannon Road at Station 332+30.00 thence with the proposed access control and right of way line North 83 Degrees 30 Minutes 17 Seconds West a distance of 23.35 feet to a point in the proposed access control and right of way line, 101.67 feet left of East Brannon Road at Station 332+05.00 and the POINT OF BEGINNING.

The above described parcel contains 263 square feet.

It is the specific intention of the grantor herein to convey a permanent easement to the property described above for the purpose of constructing and perpetually maintaining drainage structures.

**Parcel No. 6**  
**Tract-D**

Being a tract of land lying in Jessamine County along East Brannon Road approximately 0.9 miles southeast of the intersection of East Brannon Road and Lauderdale Drive, and more particularly described as follows:

Beginning at a point in the proposed access control and right of way line, 107.00 feet right of East Brannon Road at Station 346+55.00 thence with the proposed easement line South 17 Degrees 12 Minutes 59 Seconds East a distance of 50.29 feet to a point in the proposed easement corner, 155.00 feet right of East Brannon Road at Station 346+70.00 thence with the proposed easement line South 24 Degrees 06 Minutes 00 Seconds West a distance of 49.24 feet to a point in the proposed easement corner, 200.00 feet right of East Brannon Road at Station 346+50.00 thence with the proposed easement line North 73 Degrees 55 Minutes 01 Seconds West a distance of 36.40 feet to a point in the proposed easement corner, 190.00 feet right of East Brannon Road at Station 346+15.00 thence with the proposed easement line North 54 Degrees 19 Minutes 29 Seconds West a distance of 86.02 feet to a point in the proposed easement corner, 140.00 feet right of East Brannon Road at Station 345+45.00 thence with the proposed easement line North 22 Degrees 28 Minutes 56 Seconds West a distance of 65.00 feet to a point in the proposed access control and

right of way corner, 80.00 feet right of East Brannon Road at Station 345+20.00 thence with the proposed access control and right of way line South 78 Degrees 33 Minutes 09 Seconds East a distance of 137.67 feet to a point in the proposed access control and right of way line, 107.00 feet right of East Brannon Road at Station 346+55.00 and the POINT OF BEGINNING.

The above described parcel contains 10,088 square feet.

It is the specific intention of the grantor herein to convey a temporary easement to the property described above for the purpose of constructing an entranceway and the temporary relocation of utilities. Said easement terminates and reverts upon completion of same.

**Parcel No. 6**  
**Tract-E**

Being a tract of land lying in Jessamine County along East Brannon Road approximately 0.2 miles south of the intersection of Forest Lake Drive and Hobbs Way, and more particularly described as follows:

Beginning at a point in the north property line, 36.61 feet right of Appr Rt 361+00 at Station 54+45.00 thence with the north property line South 61 Degrees 44 Minutes 59 Seconds East a distance of 78.43 feet to a point in the north property corner, 38.30 feet left of Appr Rt 361+00 at Station 54+68.88 thence with the proposed easement line South 10 Degrees 33 Minutes 32 Seconds West a distance of 38.51 feet to a point in the proposed easement corner, 45.00 feet left of Appr Rt 361+00 at Station 55+00.00 thence with the proposed easement line South 49 Degrees 00 Minutes 41 Seconds West a distance of 60.42 feet to a point in the proposed easement corner, 20.00 feet left of Appr Rt 361+00 at Station 55+55.00 thence with the proposed easement line North 65 Degrees 25 Minutes 57 Seconds West a distance of 40.00 feet to a point in the proposed easement corner, 20.00 feet right of Appr Rt 361+00 at Station 55+55.00 thence with the proposed easement line North 10 Degrees 58 Minutes 13 Seconds West a distance of 43.01 feet to a point in the proposed easement corner, 45.00 feet right of Appr Rt 361+00 at Station 55+20.00 thence with the proposed easement line North 26 Degrees 46 Minutes 46 Seconds East a distance of 62.45 feet to a point in the north property line, 36.61 feet right of Appr Rt 361+00 at Station 54+45.00 and the POINT OF BEGINNING.

The above described parcel contains 7,148 square feet.

It is the specific intention of the grantors herein to convey a temporary easement to the property described above for the purpose of constructing an entranceway and the temporary relocation of utilities. Said easement terminates and reverts upon completion of same.

Being portions of the same tracts of land conveyed to Lexington-Fayette Urban County Government Public Facilities Corporation, a Kentucky non-profit corporation, by Ethel Bell Coons (being one and the same person as Ethel S. Coons), a single person, by Deed dated December 12, 1990, and recorded in Deed Book 267, Page 470, and to The City of Lexington, a/k/a LFUCG, by Dean Walker and Bennett Walker, his wife by Deed dated October 20, 1969, and recorded in Deed Book 103 Page 345, in the office of the Jessamine County Clerk at Nicholasville, Kentucky.

### EXCEPTIONS

**IT IS AGREED AND UNDERSTOOD** that the previously described property is conveyed subject to the following exceptions: Excepted from this conveyance are any and all encroachments for the benefit of LFUCG that currently exist or are to be constructed in or upon the above-described property for sanitary sewer infrastructure which is located in or is to be constructed in the area of the proposed right-of-way extension, including the future installation and maintenance of a sanitary sewer force main pipeline, as provided for in the Agreement.

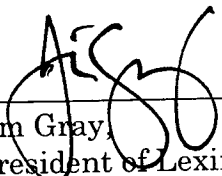
The acquisition of right of way on this project was authorized by Transportation Cabinet in Official Order No. 109222. The control of access on this project and access to the remaining property of the party of the first part shall be Partially Controlled and access not designated on Right of Way Plans shall be by permit, as required to be set forth in Section 6 of the Kentucky Administrative Regulations (603 KAR 5:120).

This proposed road project is to construct and extend East Brannon Road from East Brannon Road Station 304 + 88.00 to Kentucky Highway 1974, Tates Creek Road (Program No. 8699701R, Item No. 07-0376.00, Function FD04, County ID No. 057), the plans for which are on file in the office of the Transportation Cabinet in Frankfort, Kentucky.

TO HAVE AND TO HOLD said property unto the party of the second part, its successors and assigns, with all the rights and privileges thereunto belonging with covenants of General Warranty.

IN TESTIMONY WHEREOF the party of the first part, Lexington-Fayette Urban County Government Public Facilities Corporation, a Kentucky non-profit corporation, by and through, Jim Gray, President of Lexington-Fayette Urban County Government Public Facilities Corporation and Mayor, Lexington-Fayette Urban County Government, has executed this Deed of Conveyance on this 9 day of December, 2016.

Lexington-Fayette Urban County Government Public Facilities Corporation,  
a Kentucky non-profit corporation

  
By: Jim Gray  
President of Lexington-Fayette Urban County  
Government Public Facilities Corporation and  
Mayor, Lexington-Fayette Urban County Government

CERTIFICATE OF ACKNOWLEDGEMENT

COMMONWEALTH OF KENTUCKY  
COUNTY OF FAYETTE

I, the undersigned, certify that the foregoing Deed of Conveyance was produced before me in my said County and State and duly acknowledged by Jim Gray, President of Lexington-Fayette Urban County Government Public Facilities Corporation, a Kentucky non-profit corporation and Mayor, Lexington-Fayette Urban County Government, to be the act and deed of said Corporation and his duly authorized act and deed as President thereof, this 9 day of December, 2016.

  
Notary Public State at Large

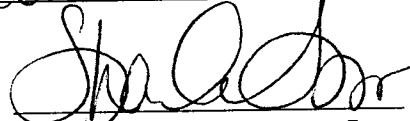
Notary ID No. 547793

My Notary Commission Expires: 28-Dec-2019

CERTIFICATE OF ACKNOWLEDGEMENT

COMMONWEALTH OF KENTUCKY  
COUNTY OF FAYETTE

I, the undersigned, certify that the foregoing Deed of Conveyance, including the Consideration of Grantor, was produced before me in my said County and State and duly acknowledged by Jim Gray, President of Lexington-Fayette Urban County Government Public Facilities Corporation, a Kentucky non-profit corporation, to be the act and deed of said corporation and his duly authorized act and deed as President thereof, this 9 day of December, 2016.

  
Notary Public State at Large  
Notary ID No. 5477913

My Notary Commission Expires: 28-Dec-2019

PREPARED BY:

\_\_\_\_\_  
PAM CLAY-YOUNG, ATTORNEY  
TRANSPORTATION CABINET  
DEPARTMENT OF HIGHWAYS  
P. O. BOX 11127  
LEXINGTON, KENTUCKY 40512