

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 \_\_\_ day of \_\_\_\_\_, 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 \_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public State at Large

Notary ID No. \_\_\_\_\_

My Notary Commission Expires: \_\_\_\_\_

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 \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public State at Large  
Notary ID No. \_\_\_\_\_

My Notary Commission Expires: \_\_\_\_\_

PREPARED BY:

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