

DEED OF CONVEYANCE AND TEMPORARY CONSTRUCTION EASEMENT

This **DEED OF CONVEYANCE AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 2nd day of August, 2019, by and between **EAVY HOPKINS and FANNIE LOU HOPKINS, husband and wife**, 771 Chinoe Road, Lexington, Kentucky 40502, which is the in-care of tax mailing address for the current year ("Grantors"), and **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky 40507, ("Grantee").

WITNESSETH:

That for and in consideration of the sum of **TWO HUNDRED NINETY-FIVE THOUSAND TWO HUNDRED DOLLARS AND 00/100 (\$295,200.00)**, 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, in fee simple, the following described property, located in Fayette County, Kentucky:

FEE SIMPLE
(a portion of 195 South Forbes Road)
Town Branch Trail, Phase 6
Parcel No. 6, Tract A

All that tract or parcel of land situated northwest of the intersection of Old Frankfort Pike (KY Highway 1681) and Forbes Road (formerly KY Highway 1723) in Lexington, Fayette County, Kentucky, and being more particularly described as follows:

Beginning at a point in the northerly right-of-way line of Old Frankfort Pike (KY Highway 1681), said point being 18.46

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

(CC-F)

feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 63+16.28 as established by KYTC Project Town Branch Trail Phase 6, Project No. CM 3003 332, TAP 4003 011, said point also being a common corner with William E. Pence Jr. (Parcel 5);

Thence with the easterly property line in common with William E. Pence Jr. (Parcel 5), N 11°52'19" E, 46.55 feet to a point, 64.82 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 63+20.48;

Thence leaving the easterly property line of William E. Pence Jr. (Parcel 5), with a new right-of-way line through the lands of Eavy and Fannie L. Hopkins (Parcel 6), S 79°34'35" E, 22.43 feet to a point, 63.36 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 63+42.86, said point also being in the westerly right-of-way line of Forbes Road (formerly KY Highway 1723);

Thence continuing with the westerly right-of-way line of Forbes Road (formerly KY Highway 1723) for two (2) calls:

- 1.) Along an arc 36.26 feet to the left, having a radius of 1308.30 feet, the chord of which is S 32°41'07" W, 36.26 feet to a point, 30.77 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 63+26.97; and
- 2.) Along an arc 16.51 feet to the right, having a radius of 30.00 feet, the chord of which is S 47°39'39" W, 16.31 feet to the **POINT OF BEGINNING**; and,

The above described parcel contains 0.014 Acres (607 square feet) of fee simple; and,

Being a portion of the same property conveyed to Eavy and Fannie L. Hopkins, husband and wife, by deed dated November 24, 1978, of record in Deed Book 1299, Page 485, in the Fayette County Clerk's Office.

FEE SIMPLE
(a portion of 1295 Manchester Street)
Town Branch Trail, Phase 6
Parcel No. 9

All that tract or parcel of land commonly known as 1295 Manchester Street (f/k/a 1289-1295 Old Frankfort Pike in

Lexington, Fayette County, Kentucky, and being more particularly described as follows:

BEING all of Tract 2 (consisting of 0.116 surface acres) lying above 800 feet mean sea level elevation of said tracts as described on the survey of said Tracts by Cecil C. Harp Engineer dated July, 1976 and of record in Deed Book 1150, Page 118, in the Fayette County Court Clerk's Office; and,

Being the same property conveyed to Eavy Hopkins and Fannie Lou Hopkins, husband and wife, by deed dated November 24, 1978, of record in Deed Book 1299, Page 48, in the Fayette County Clerk's Office.

FEE SIMPLE
(a portion of 1287 Manchester Street)
Town Branch Trail, Phase 6
Parcel No. 10

Tract A

All that tract or parcel of land situated approximately 125 feet east of the intersection of the centerlines of Old Frankfort Pike (KY Highway 1681) and Forbes Road (formerly KY Highway 1723) in Lexington, Fayette County, Kentucky, and being more particularly described as follows:

Beginning at a point in the northerly right-of-way line of Old Frankfort Pike (KY Highway 1681), said point being 21.08 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 64+75.99 as established by KYTC Project Town Branch Trail Phase 6, Project No. CM 3003 332, TAP 4003 011, said point also being a common corner with Eavy and Fannie L. Hopkins (Parcel 9);

Thence leaving the northerly right-of-way line of Old Frankfort Pike (KY Highway 1681), with the easterly property line of Eavy and Fannie L. Hopkins (Parcel 9), N 10°19'42" E, 19.25 feet to a point, 40.29 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 64+77.21;

Thence leaving the easterly property line of Eavy and Fannie L. Hopkins (Parcel 9), with a new right-of-way line through the lands of Eavy and Fannie L. Hopkins (Parcel 10) for two (2) calls:

- 1.) S 75°20'13" E, 88.65 feet to a point, 28.00 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 65+65.00; and
- 2.) S 83°18'23" E, 91.33 feet to a point, 28.00 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 66+56.33, said point also being in the westerly right-of-way line of old Lisle Road;

Thence with the westerly right-of-way line of old Lisle Road, S 08°37'28" W, 6.92 feet to a point, 21.08 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 66+56.10, said point being in the northerly right-of-way line of Old Frankfort Pike (KY Highway 1681);

Thence with the northerly right-of-way line of Old Frankfort Pike (KY Highway 1681), N 83°18'23" W, 180.11 feet to the **POINT OF BEGINNING**; and,

The above described parcel contains 0.041 acres (1,790 square feet) of fee simple; and,

Tract B

All that tract or parcel of land situated approximately 275 feet north of the intersection of the centerlines of Old Frankfort Pike (KY Highway 1681) and Forbes Road (formerly KY Highway 1723) in Lexington, Fayette County, Kentucky, and being more particularly described as follows:

Beginning at a point in the easterly right-of-way line of Forbes Road (formerly KY Highway 1723), said point being 37.42 feet right of the proposed Forbes Road centerline at Station 33+15.87 as established by KYTC Project Town Branch Trail Phase 6, Project No. CM 3003 332, TAP 4003 011;

Thence with the easterly right-of-way line of Forbes Road (formerly KY Highway 1723), S 64°13'28" E, 20.78 feet to a point, 57.68 feet right of the proposed Forbes Road centerline at Station 33+20.51;

Thence leaving the easterly right-of-way line of Forbes Road (formerly KY Highway 1723), with a new right-of-way line

through the lands of Eavy and Fannie L. Hopkins (Parcel 10) for two (2) calls:

1.) S 71°18'40" W, 19.14 feet to a point, 47.36 feet right of the proposed Forbes Road centerline at Station 33+04.39; and 2.) S 38°59'52" W, 94.89 feet to a point, 46.84 feet right of the proposed Forbes Road centerline at Station 32+09.50, said point also being in the easterly property line of Eavy and Fannie L. Hopkins (Parcel 9); Thence with the easterly property line of Eavy and Fannie L. Hopkins (Parcel 9), N 10°19'42" E, 20.81 feet to a point, 36.95 feet right of the proposed Forbes Road centerline at Station 32+27.82, said point also being in the easterly right-of-way line of Forbes Road (formerly KY Highway 1723);

Thence with the easterly right-of-way line of Forbes Road (formerly KY Highway 1723), N 38°59'19" E, 88.05 feet to the **POINT OF BEGINNING**; and

The above described parcel contains 0.024 acres (1,053 square feet) of fee simple; and,

Being a portion of the same property conveyed to Eavy and Fannie L. Hopkins by deed dated September 13, 1974, of record in Deed Book 1112, Page 132, in the Fayette County Clerk's Office.

FEE SIMPLE
(a portion of 1281 Manchester Street)
Town Branch Trail, Phase 6
Parcel No. 12, Tract A

All that tract or parcel of land situated approximately 325 feet east of the intersection of the centerlines of Old Frankfort Pike (KY Highway 1681) and Forbes Road (formerly KY Highway 1723) in Lexington, Fayette County, Kentucky, and being more particularly described as follows:

Beginning at a point in the northerly right-of-way line of Old Frankfort Pike (KY Highway 1681), said point being 12.41 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 66+74.86 as established by KYTC Project Town Branch Trail Phase 6, Project No. CM 3003 332, TAP 4003 011, said point also being in the easterly right-of-way line of old Lisle Road;

Thence leaving the northerly right-of-way line of Old Frankfort Pike (KY Highway 1681) and with the easterly right-of-way line of old Lisle Road, N 08°37'28" E, 15.60 feet to a point, 28.00 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 66+75.39;

Thence leaving the easterly right-of-way line of old Lisle Road, with a new right-of-way line through the lands of Eavy Hopkins (Parcel 12), S 83°18'23" E, 96.16 feet to a point, 28.52 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 67+71.14, said point being in the westerly property line of Forbes Land, LLC. (Parcel 23);

Thence with the westerly property line of Forbes Land, LLC. (Parcel 23), S 03°57'17" W, 15.61 feet to a point, 12.94 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 67+72.11, said point also being in the northerly right-of-way line of Old Frankfort Pike (KY Highway 1681);

Thence with the northerly right-of-way line of Old Frankfort Pike (KY Highway 1681), N 83°18'23" W, 97.43 feet to the **POINT OF BEGINNING**; and,

The above described parcel contains 0.035 acres (1,509 square feet) of fee simple; and,

Being a portion of the same property conveyed to Eavy Hopkins, by Master Commissioner's Deed, dated June 10, 1991, of record in Deed Book 1598, Page 17, 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, Grantors have **BARGAINED** and **SOLD** and do 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 Town Branch Trail and

roadway slopes 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 1287 Manchester Street)
Town Branch Trail, Phase 6
Parcel No. 10

Tract C

All that tract or parcel of land situated approximately 125 feet east of the intersection of the centerlines of Old Frankfort Pike (KY Highway 1681) and Forbes Road (formerly KY Highway 1723) in Lexington, Fayette County, Kentucky, and being more particularly described as follows:

Beginning at a point in the northerly right-of-way line of Old Frankfort Pike (KY Highway 1681), said point being 21.08 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 64+75.99 as established by KYTC Project Town Branch Trail Phase 6, Project No. CM 3003 332, TAP 4003 011, said point also being a common corner with Eavy and Fannie L. Hopkins (Parcel 9);

Thence leaving the northerly right-of-way line of Old Frankfort Pike (KY Highway 1681), with the easterly property line of Eavy and Fannie L. Hopkins (Parcel 9), N 10°19'42" E, 19.25 feet to a point, 40.29 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 64+77.21, said point also being the **TRUE POINT OF BEGINNING**;

Thence continuing with the easterly property line of Eavy and Fannie L. Hopkins (Parcel 9), N 10°19'42" E, 14.24 feet to a point, 54.50 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 64+78.11;

Thence leaving the easterly property line of Eavy and Fannie L. Hopkins (Parcel 9), with a new temporary construction easement line through the lands of Eavy and Fannie L. Hopkins (Parcel 10) for four (4) calls:

1.) S 83°18'23" E, 68.95 feet to a point, 54.50 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 65+47.07;

2.) S 06°41'37" W, 12.20 feet to a point, 42.30 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 65+47.07;
3.) S 83°18'23" E, 16.64 feet to a point, 42.30 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 65+63.71; and
4.) S 78°49'49" E, 93.15 feet to a point, 35.04 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 66+56.57, said point being in the westerly right-of-way line of old Lisle Road;

Thence with the westerly right-of-way line of old Lisle Road, S 08°37'28" W, 7.04 feet to a point, 28.00 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 66+56.33;

Thence leaving the westerly right-of-way line of old Lisle Road, with a new right-of-way line through the lands of Eavy and Fannie L. Hopkins (Parcel 10) for two (2) calls:

1.) N 83°18'23" W, 91.33 feet to a point, 28.00 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 65+65.00; and
2.) N 75°20'13" W, 88.65 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 0.058 Acres (2,533 square feet) of temporary construction easement; and,

Tract D

All that tract or parcel of land situated approximately 275 feet north of the intersection of the centerlines of Old Frankfort Pike (KY Highway 1681) and Forbes Road (formerly KY Highway 1723) in Lexington, Fayette County, Kentucky, and being more particularly described as follows:

Beginning at a point in the easterly right-of-way line of Forbes Road (formerly KY Highway 1723), said point being 37.42 feet right of the proposed Forbes Road centerline at Station 33+15.87 as established by KYTC Project Town Branch Trail Phase 6, Project No. CM 3003 332, TAP 4003 011;

Thence with the easterly right-of-way line of Forbes Road

(formerly KY Highway 1723), S 64°13'28" E, 20.78 feet to a point, 57.68 feet right of the proposed Forbes Road centerline at Station 33+20.51;

Thence leaving the easterly right-of-way line of Forbes Road (formerly KY Highway 1723), with a new right-of-way line through the lands of Eavy and Fannie L. Hopkins (Parcel 10), S 71°18'40" W, 9.79 feet to a point, 52.40 feet right of the proposed Forbes Road centerline at Station 33+12.27, said point also being the **TRUE POINT OF BEGINNING**;

Thence with a new temporary construction easement line through the lands of Eavy and Fannie L. Hopkins (Parcel 10), S 38°59'19" W, 111.97 feet to a point, 51.80 feet right of the proposed Forbes Road centerline at Station 32+00.30, said point also being in the easterly property line of Eavy and Fannie L. Hopkins (Parcel 9);

Thence with the easterly property line of Eavy and Fannie L. Hopkins (Parcel 9), N 10°19'42" E, 10.46 feet to a point, 46.84 feet right of the proposed Forbes Road centerline at Station 32+09.50;

Thence leaving the easterly property line of Eavy and Fannie L. Hopkins (Parcel 9), with a new right-of-way line through the lands of Eavy and Fannie L. Hopkins (Parcel 10) for two (2) calls:

- 1.) N 38°59'52" E, 94.89 feet to a point, 47.36 feet right of the proposed Forbes Road centerline at Station 33+04.39; and
- 2.) N 71°18'40" E, 9.35 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 0.012 acres (518 square feet) of temporary construction easement; and,

Being a portion of the same property conveyed to Eavy and Fannie L. Hopkins, husband and wife, by deed dated September 13, 1974, of record in Deed Book 1112, Page 132, in the Fayette County Clerk's Office.

TEMPORARY CONSTRUCTION EASEMENT
(a portion of 1281 Manchester Street)
Town Branch Trail, Phase 6
Parcel No. 12, Tract B

All that tract or parcel of land situated approximately 325 feet east of the intersection of the centerlines of Old Frankfort Pike (KY Highway 1681) and Forbes Road (formerly KY Highway 1723) in Lexington, Fayette County, Kentucky, and being more particularly described as follows:

Beginning at a point in the northerly right-of-way line of Old Frankfort Pike (KY Highway 1681), said point being 12.41 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 66+74.86 as established by KYTC Project Town Branch Trail Phase 6, Project No. CM 3003 332, TAP 4003 011, said point also being in the easterly right-of-way line of old Lisle Road;

Thence leaving the northerly right-of-way line of Old Frankfort Pike (KY Highway 1681), with the easterly right-of-way line of old Lisle Road, N 08°37'28" E, 15.60 feet to a point, 28.00 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 66+75.39, said point also being the **TRUE POINT OF BEGINNING**;

Thence continuing with the easterly right-of-way line of old Lisle Road, N 08°37'28" E, 15.01 feet to a point, 43.00 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 66+75.89;

Thence leaving the easterly right-of-way line of old Lisle Road, with a new temporary construction easement line through the lands of Eavy Hopkins (Parcel 12), S 83°18'23" E, 94.93 feet to a point, 43.50 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 67+70.21, said point being in the westerly property line of Forbes Land, LLC. (Parcel 23);

Thence with the westerly property line of Forbes Land, LLC. (Parcel 23), S 03°57'17" W, 15.02 feet to a point, 28.52 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 67+71.14;

Thence leaving the westerly property line of Forbes Land, LLC. (Parcel 23), with a new right-of-way line through the

lands of Eavy Hopkins (Parcel 12), N 83°18'23" W, 96.16 feet to the **TRUE POINT OF BEGINNING**; and,

The above described parcel contains 0.033 acres (1,433 square feet) of temporary construction easement; and,

Being a portion of the same property conveyed to Eavy Hopkins, by Master Commissioner's deed dated June 10, 1991, of record in Deed Book 1598, Page 17, in the Fayette County Clerk's Office.

TO HAVE AND TO HOLD the fee simple interests and temporary 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 easements run 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 for the construction of roadway slopes shall take effect upon the commencement of the construction of the project and will expire upon completion of the project.

Grantors do hereby release and relinquish unto the Grantee, its successors and assigns forever, all of their right, title, and interest in and to the property to the extent of the interests conveyed herein, including all exemptions allowed by law, and 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 they will **WARRANT GENERALLY** said title.

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 \$4,200.00 (195 South Forbes Road), \$45,000.00 (1295 Manchester Street), \$229,000.00 (1287 Manchester Street)

and \$17,000.00 (1281 Manchester Street). Grantee joins this Deed for the sole purpose of certifying the consideration.

The obtaining of these fee simple interests and temporary easements was authorized by Resolution No. 382-2018, passed by the Lexington-Fayette Urban County Council on June 21, 2018. This conveyance is exempt from real estate transfer tax pursuant to KRS 142.050.

IN TESTIMONY WHEREOF, the Grantors have signed this Deed of Conveyance and Temporary Construction Easement, this the day and year first above written.

GRANTORS:

BY: *Eavy Hopkins*
EAVY HOPKINS

BY: *Fannie Lou Hopkins*
FANNIE LOU HOPKINS

GRANTEE:

LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT

BY: *Linda Gorton*
LINDA GORTON, MAYOR

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This Instrument and consideration certificate was acknowledged, subscribed and sworn to before me by Eavy Hopkins and Fannie Lou Hopkins, husband and wife, on this the 2nd day of August, 2019.

Jennifer Golson
Notary Public, Kentucky, State-at-Large
My Commission Expires: 1 / 11 / 20
Notary ID # 548505

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This Certificate of Consideration certificate was acknowledged, subscribed and sworn to before me by Linda Gorton, as Mayor, for and on behalf of the Lexington-Fayette Urban County Government, on this the 2nd day of August, 2019.

Cynthia A. Carr-Jensen
Notary Public, Kentucky, State-at-Large
My Commission Expires: 2 / 26 / 2021
Notary ID # 573812

PREPARED BY:



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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DEED BOOK 3693 PAGE 456

**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

201908260080

August 26, 2019 9:23:21 AM

Fees \$50.00 Tax \$295.50

Total Paid \$345.50

THIS IS THE LAST PAGE OF THE DOCUMENT

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