

DEED OF CONVEYANCE AND GRANT OF EASEMENT

This **DEED AND EASEMENT** is made and entered into this 16 day of JUNE 2015, by and between **KENDRICK FAY BRIGGS, JR, INDIVIDUALLY AND AS EXECUTOR OF THE ESTATE OF CHARLENE JOHNSON**, 6790 Montgomery Road, Vevay, Indiana 47043, which is the in-care of tax mailing address for the current year ("Grantor"), and **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky 40507, ("Grantee").

WITNESSETH:

That for and in consideration of the sum of **FIFTY SIX THOUSAND FIVE HUNDRED DOLLARS AND NO/100 (\$56,500.00)**, and other good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, said Grantor has **BARGAINED** and **SOLD** and does hereby **GIVE, GRANT, and CONVEY** unto the Grantee, its successors and assigns, permanent right to excavate, grade, construct, alter, re-grade and perform related work for the purpose of roadway improvements and construction, installation and relocation through and across the following tract of land located in the confines of Lexington, Fayette County, Kentucky, and more particularly described as follows based upon Lexington-Fayette Urban County Control Survey Monuments:

FEE SIMPLE RIGHT-OF-WAY**(a portion of 926 Winchester Road)****Winchester/ Liberty Road Intersection Improvement Project**

Being a part of Lot 1 Block-A of the Henry Clay Boulevard Subdivision Unit No. 8 as recorded in Plat Cabinet E, Slide 606 and being a part of the Kendrick and Fay Briggs parcel

Mail to:
Hon. Glenda Humphrey George
Department of Law, 11th Floor
200 East Main Street
Lexington, KY 40507

(CC-F)

as recorded in Deed Book 3160, page 104 and being more particularly described as follows:

Beginning at a PK nail set at the southeast corner of said Lot 1 said point also being in the east right-of-way line of Liberty Road; thence with the east right-of-way line of Liberty Road North 47 deg 51 min 34 sec West a distance of 98.98 feet to a pk nail set; thence continuing with the said right-of-way of Liberty Road and with a curve to the right having a radius of 50.00 feet an arc of 35.10 feet and a chord which bears North 2 deg 7 min 21 sec East a distance of 34.38 feet to a point in the south right-of-way of Winchester Road; thence with the south right-of-way of Winchester Road, North 83 deg 43 min 57 sec East a distance of 109.26 feet to a pk nail set in the east line of Lot 1; thence leaving said Right-of way and with the east line of said Lot 1, South 17 deg 56 min 11 sec West a distance of 4.39 feet to a pk nail set; thence with the following lines through said Lot 1: South 83 deg 43 min 57 sec West 82.65 feet to a pk nail set; South 6 deg 16 min 3 sec East 1.00 feet to a pk nail set; South 83 deg 43 min 57 sec West 16.35 feet to a pk nail set; South 44 deg 19 min 00 sec West 13.40 feet to a pk nail set; South 15 deg 49 min 24 sec East 7.17 feet to a pk nail set; South 47 deg 46 min 28 sec East 61.50 feet to a pk nail set; South 51 deg 47 min 41 sec East 38.17 feet to a pk nail set in the east line of said Lot 1; thence with the east line of said Lot 1, South 17 deg 56 min 11 sec West to the POINT OF BEGINNING.

The above described parcel contains 0.043 acre (1,852 sq. ft.)

The parcel described above is shown as Parcel 1A on a plat as shown on the attached Exhibit "A" for reference and is for the purpose of acquiring right-of-way; and,

Being a portion of the same property conveyed to Charles W. Johnson and Charlene Johnson, husband and wife, for and during their joint lives with remainder in fee simple to the survivor of them, his or her heirs and assigns, forever, with covenant of General Warranty, by Deed dated August 27, 1990, of record in Deed Book 1557, Page 612, in the Fayette County Clerk's Office. Charles W. Johnson (a/k/a Charles William Johnson) died testate a resident of Lexington, Fayette County, Kentucky on June 1, 2001 and upon his death fee simple title to said property vested in Charlene Johnson pursuant to the survivorship clause in the

aforementioned deed. Charlene Johnson died testate a resident of Lexington, Fayette County, Kentucky on January 10, 2013 and by the terms of her Will of record in Will Book 316, Page 669, in the Fayette County Clerk's Office, she devised said property to her son, Kendrick Fay Briggs, Jr.

FURTHER, for an in consideration of the foregoing sum, the receipt and sufficiency of which is hereby acknowledged, Grantor has **BARGAINED** and **SOLD** and do hereby **GIVE, GRANT** and **CONVEY** unto the Grantee, its successors and assigns, the permanent right to excavate, grade, construct, alter, regrade and perform related work for the purpose of roadway construction, repair, installation and relocation through and across the following tract of land located within the confines of Lexington, Fayette County, Kentucky, and more particularly described as follows:

Permanent Drainage Easement
(a portion of 926 Winchester Road)
Winchester/Liberty Road Intersection Improvement Project

Being a part of Lot 1, Block A, of Henry Clay Boulevard Subdivision, Unit No. 8, Plat Cabinet E, Slide 606, in the Office of the Fayette County Clerk of Fayette County, Lexington, Kentucky and being apart of the lands conveyed to Kendrick Fay Briggs, Jr. by Deed Book 3160, Page 104, being further described as follows:

Commencing at the original northeast corner of said Lot; thence along the southeasterly line of said Lot, South 17°56'11" West, 20.83 feet; thence South 83°43'57" West, 74.15 feet to the True Point of Beginning;

Thence South 06°16'03" East, 5.00 feet; thence South 83°43'57" West, 29.72 feet; thence North 44°19'00" East, 6.30 feet; thence North 83°43'57" East, 16.35 feet; thence North 06°16'03" West, 1.00 feet; thence North 83°43'57" East, 8.50 feet to the True Point of Beginning. Containing 118 square feet; and,

Being a portion of the same property conveyed to Charles W. Johnson and Charlene Johnson, husband and wife, for and during their joint lives with remainder in fee simple to the survivor of them, his or her heirs and assigns, forever, with covenant of General Warranty, by Deed dated August 27, 1990, of record in Deed Book 1557, Page 612, in the Fayette County Clerk's Office. Charles W. Johnson (a/k/a Charles William Johnson) died testate a resident of Lexington, Fayette County, Kentucky on June 1, 2001 and upon his death fee simple title to said property vested in Charlene Johnson pursuant to the survivorship clause in the aforementioned deed. Charlene Johnson died testate a resident of Lexington, Fayette County, Kentucky on January 10, 2013 and by the terms of her Will of record in Will Book 316, Page 669, in the Fayette County Clerk's Office, she devised said property to her son, Kendrick Fay Briggs, Jr.

FURTHER, for and in consideration of the foregoing sum, the receipt and sufficiency of which is hereby acknowledged, Grantor has **BARGAINED** and **SOLD** and do hereby **GIVE, GRANT** and **CONVEY** unto the Grantee, its successors and assigns, the temporary right to excavate, grade construct, alter, regrade and perform related work for the purpose of roadway construction, repair, installation and relocation through and across the following tract of land located within the confines of Lexington, Fayette County, Kentucky, to-wit:

Temporary Construction Easement
(a portion of 926 Winchester Road)
Winchester/Liberty Road Intersection Improvement Project

Being a part of Lot 1, Block A, of Henry Clay Boulevard Subdivision, Unit No. 8, Plat Cabinet E, Slide 606 in the Office of the Clerk of Fayette County, Lexington, Kentucky and being a part of the lands conveyed to Kendrick Fay Briggs, Jr. by DeedBook 3160, Page 104, being further described as follows:

Commencing at the original northeast corner of said Lot; thence along the southeasterly line of said Lot, South 17°56'11" West, 20.83 feet to the True Point of Beginning;

Thence continuing along said line, South 17°56'11" West, 5.48 feet; thence South 83°43'57" West, 70.12 feet; thence South 44°19'00" West, 29.49 feet; thence South 47°46'28" East, 84.55 feet to the southeasterly line of said Lot; thence along said line, South 17°56'11" West, 2.55 feet; thence North 51°47'41" West, 38.17 feet, thence North 47°46'28" West, 61.50 feet; thence North 15°49'24" West, 7.17 feet; thence North 44°19'00" East, 7.10 feet; thence North 83°43'57" East, 29.72 feet; thence North 06°16'03" West, 5.00 feet; thence North 83°43'57" East, 74.15 feet to the True Point of Beginning. Containing 1,184 square feet; and,

Being a portion of the same property conveyed to Charles W. Johnson and Charlene Johnson, husband and wife, for and during their joint lives with remainder in fee simple to the survivor of them, his or her heirs and assigns, forever, with covenant of General Warranty, by Deed dated August 27, 1990, of record in Deed Book 1557, Page 612, in the Fayette County Clerk's Office. Charles W. Johnson (a/k/a Charles William Johnson) died testate a resident of Lexington, Fayette County, Kentucky on June 1, 2001 and upon his death fee simple title to said property vested in Charlene Johnson pursuant to the survivorship clause in the aforementioned deed. Charlene Johnson died testate a resident of Lexington, Fayette County, Kentucky on January 10, 2013 and by the terms of her Will of record in Will Book 316, Page 669, in the Fayette County Clerk's Office, she devised said property to her son, Kendrick Fay Briggs, Jr.

TO HAVE AND TO HOLD the above-described easement unto said Grantee, its successors and assigns, for the purposes and uses herein designated.

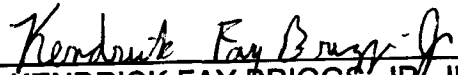
The above-described temporary construction easement will expire upon completion of the improvement project on this land, runs with the land for the duration of the improvement project on this land and is binding upon the successors and assigns of the Grantor.

Grantor does hereby release and relinquish unto the Grantee, its successors and assigns forever, that he is lawfully seized in fee simple of said property and has good right to sell and convey the same as herein done, and that he will **WARRANT GENNERALLY** said title.

The parties do hereby certify pursuant to KRS 382.135 that the consideration sated herein is the full and actual consideration paid for the property transferred herein and that the estimated fair cash value of the property conveyed is \$56,500.00. Grantee joins in this Deed and Easement for the sole purpose of certifying the consideration, as authorized by Resolution 17-2015, passed by the Lexington-Fayette Urban County Council on January 29, 2015.

IN TESTIMONY WHEREOF, the Grantor has signed this Deed and Easement, this the day and year first above written.

GRANTOR:



KENDRICK FAY BRIGGS, JR., INDIVIDUALLY
AND AS EXECUTOR OF THE ESTATE OF
CHARLENE JOHNSON

GRANTEE:

LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT

BY:



JIM GRAY MAYOR

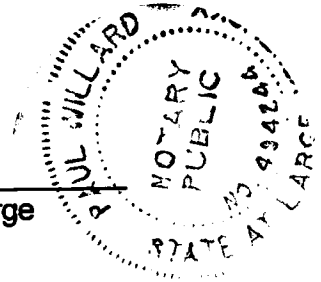
COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing Deed and Easement and consideration certificate was subscribed, sworn to and acknowledged before me by Kendrick Fay Briggs, individually and as Executor of the Estate of Charlene Johnson, on this the 16 day of JUNE, 2015.

My commission expires: 7-29-2017

Paul Willard

Notary Public, Kentucky, State-at-Large
494 244

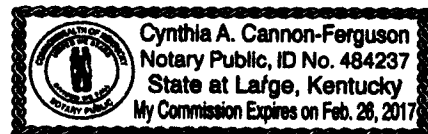


COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

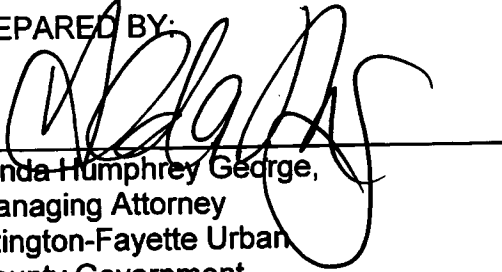
The foregoing Deed and Easement and consideration certificate was subscribed, sworn to and acknowledged before me, by Jim Gray, as Mayor of the Lexington-Fayette Urban County Government, for and on behalf of the Government, on this the 16 day of June, 2015.

My commission expires: 2/26/17

Cynthia A. Cannon-Ferguson
Notary Public, Kentucky, State-at-Large



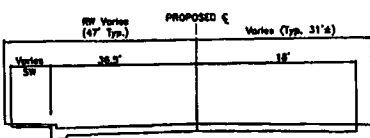
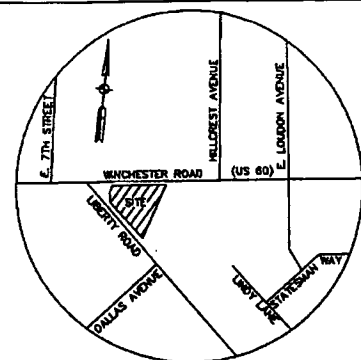
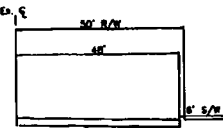
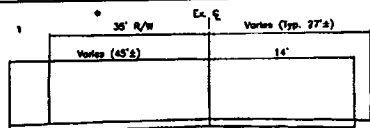
PREPARED BY:

A handwritten signature in black ink, appearing to read 'G. Humphrey George', written over a horizontal line.

Glenda Humphrey George,
Managing 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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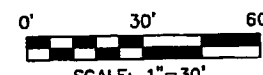
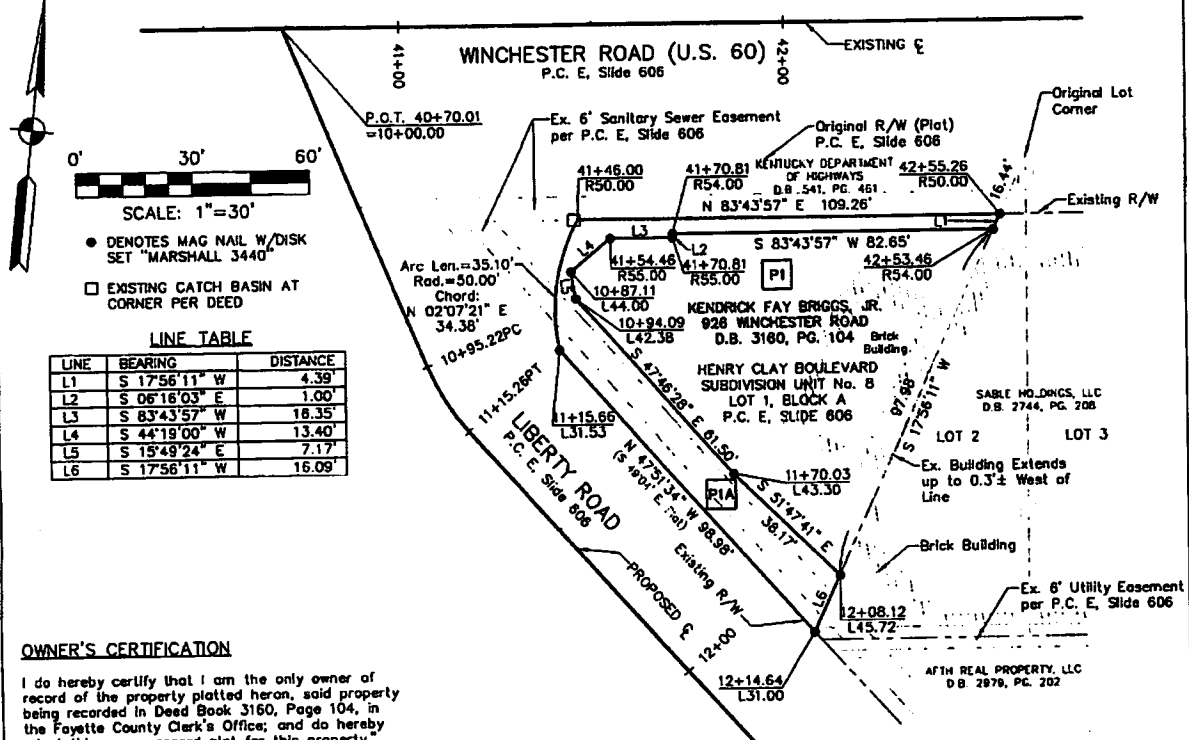
EXHIBIT "A"



SITE STATISTICS

ZONING CLASSIFICATION	B3
PARCEL 1A-AREA TO BE FEE SIMPLE R/W	1,852 S.F. (0.043 ACRE)
TOTAL PERMANENT R/W	1,852 S.F. (0.043 ACRE)
PARCEL 1-TOTAL REMAINING (CALC.)	5,424 S.F.± (0.125 ACRE)

VICINITY MAP (NO SCALE)



- DENOTES MAG NAIL W/DISK SET "MARSHALL 3440"
- EXISTING CATCH BASIN AT CORNER PER DEED

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 17°56'11" W	4.39'
L2	S 06°16'03" E	1.00'
L3	S 83°43'57" W	18.35'
L4	S 44°19'00" W	13.40'
L5	S 15°49'24" E	7.17'
L6	S 17°56'11" W	16.09'

OWNER'S CERTIFICATION

I do hereby certify that I am the only owner of record of the property platted hereon, said property being recorded in Deed Book 3160, Page 104, in the Fayette County Clerk's Office; and do hereby adopt this as my record plat for this property.

Kendrick F. Briggs, Jr. 6-16-15
 OWNER DATE
Paul Wilcox 6-16-15
 WITNESS DATE

PLANNING COMMISSION'S CERTIFICATION

I do hereby certify that this record plat has met the requirements established by the Subdivision Regulations for a minor plan, and is now eligible for recording.

DATE _____

MAYOR'S & COUNCIL CLERK'S CERTIFICATION

I do hereby certify that the acquisition of the property shown hereon was approved by the Urban County Council on

Resolution No. _____

DATE _____

DATE _____

LAND SURVEYOR'S CERTIFICATION

I do hereby certify that this record plat was prepared under my direction and that, to the best of my knowledge and belief, the boundaries of the property being transferred are true and accurate.

Stephen L. Marshall 12-4-14
 STEPHEN L. MARSHALL P.L.S.# 3440 DATE

NOTES

The purpose of this plat is to convey Parcel 1A as fee simple right-of-way, as shown, to the Lexington-Fayette Urban County Government.

This survey was performed without the benefit of title examination. An abstract of title or title commitment may reveal easements, right-of-ways, encumbrances, restrictions or rights of others that are not shown hereon.

The measurements made to locate the control and property corner monuments shown hereon were made using a combination of GPS and conventional methods and meet or exceed the Relative Positional Accuracy for an "Urban" class survey (+/- 0.05' + 100 ppm) as defined by 201 KAR 18:150. The conventional unadjusted closure is 1:10018. The Real Time Kinematic (RTK) GPS observations were made using Trimble, Model R8, Dual Frequency receivers. The project and reference meridian is based on the Kentucky North Zone State Plane Coordinate System (1601), 1983 North American Datum (NAD 83). Control points were established at the project site using Real-Time Kinematic GPS observations based on existing LFUGG monument "LFUGG GPS STA 0031".

The last date of fieldwork was December 3, 2014.



Jacobi, Toombs & Lanz, Inc.
 Consulting Engineers & Land Surveyors
 1400 South 1st Street - Louisville, Kentucky 40203
 502-582-2994 - WWW.JTLINK.COM

PUBLIC ACQUISITION MINOR PLAT OF THE L.F.U.C.G. LIBERTY ROAD AT WINCHESTER ROAD INTERSECTION IMPROVEMENTS
 HENRY CLAY BOULEVARD SUBDIVISION
 UNIT No. 8, LOT 1, BLOCK A, P.C. E. SLIDE 606

Owner of Record:
 KENDRICK FAY BRIGGS, JR.
 6790 MONTGOMERY ROAD
 VEVAY, IN 47043

DATE: 11/26/2014 DRAWN: E.T.R. CHECKED: R.A.G. APPROVED: S.L.M. JOB No.: 14141 SCALE: 1"=30' SHEET: 1 OF 1

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: SHEA BROWN ,dc

201506220256

June 22, 2015

14:46:10 PM

Fees	\$35.00	Tax	\$56.50
Total Paid		\$91.50	

THIS IS THE LAST PAGE OF THE DOCUMENT

10 Pages

502 - 511



Lexington-Fayette Urban County Government
DEPARTMENT OF LAW

Jim Gray
Mayor

Janet M. Graham
Commissioner

To: Meredith Nelson, Council Clerk
Council Clerk's Office

From: Department of Law

Date: July 2, 2015

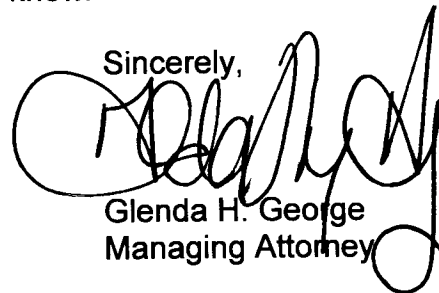
Re: Deed of Conveyance and Grant of Easement
926 Winchester Road
(Winchester/Liberty Road Intersection Improvement Project)

Enclosed is the original recorded Deed of Conveyance and Grant of Easement for the above property to the Urban County Government for the Winchester/Liberty Road Improvement Project (926 Winchester Road). Please file the Deed with the authorizing legislation, Resolution No. 17-2015.

Lastly, also enclosed is the completed Asset Acquisition form for this property. After you have signed and dated the form, please forward it to the Department of Finance.

If you have any questions, please let me know.

Sincerely,



Glenda H. George
Managing Attorney

Enclosure

CC: Beth Florence, Department of Finance
Kim Bryan, Department of Finance

X:\Cases\ENGINEER\15-RE0222\MEMO\00492240.DOC