

FAYETTE CO, KY FEE \$53.00

SUSAN LAMB
COUNTY CLERK

PRESENTED/LODGED: 11/08/2023 08:49:03 AM

HALLIE WOOSLEY, DEPUTY CLERK 202311080034

BK: DB 4045
PG: 105-110



SPECIAL WARRANTY DEED

This **SPECIAL WARRANTY DEED** is made and entered into this 20 day of October, 2023, by and between **DAVID L. BOHANNON, AS EXECUTOR OF THE ESTATE OF MORRIS B. FLOYD, DECEASED**, , 218 West Main Street, Richmond, Kentucky 40475 ("Grantor") and the **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, 200 East Main Street, Lexington, Kentucky 40507 ("Grantee"); the Grantee's address is the mailing and tax in-care-of address for the current tax year.

WITNESSETH:

That for and in consideration of satisfaction of the terms of the Last Will and Testament of Morris B. Floyd gifting the hereinafter described real property to Grantee for its use in perpetuity as a public park to be known as the "William Floyd Park" and Grantee's acceptance of this gift subject to those terms, said Grantor has transferred by gift and does hereby **GIVE, GRANT and CONVEY** unto the Grantee, in fee simple, its successors and assigns forever, all the following described property located in Lexington, Fayette County, Kentucky, and more fully described as follows, to-wit:

WILLIAM FLOYD PARK
2490 PARIS PIKE
(A PORTION OF FAIRWAY FARM)

TRACT I:

BEGINNING at a point in the Northwest side of the Maysville Pike corner to the Country Club; thence with the line of the County Club, S 37°30' E 1885 feet; thence S 52°45' W 330 feet; thence N 30°30' W 1140 feet; thence N 37°30' W 749 feet to a line in the Northwest side of the Maysville Pike; thence with said Maysville Pike, N 52°45' E 193.75 feet to a point of beginning, and containing, ten (10) acres; and,

TRACT II:

BEGINNING at a point in the said Maysville Pike corner to property formerly owned by Moore; thence crossing said Pike and with H.W.Jewell's (now Keenon's) line, S 37°30' E 743 feet, corner to Jewell (now Keenon); thence with Jewell's (now Keenon's) line, S 19°35' E 1486 feet, corner to Jewell (now Keenon) and the L & N Railroad right-of-way; thence with said railroad right-of-way for two lines- S 87°35' E 176.5 feet and S 89°40' E 863.75 feet, corner to the Country Club; thence with the line of the Country Club, N 37°30' W 910.5 feet, corner to the Country Club and Loraine Watson and others (now Mitchell); thence with the line of Loraine Watson and others (now Mitchell) for three lines- S 52°45' W 330 feet; N 30°30' W 1140 feet; N 37°30' W 749 feet to a point in the Maysville Road; thence with the northwest side of the Maysville Road, S 52°35' W 193.75 feet to the point of beginning, containing twenty two and 48/1000 (22.048) acres; and,

THERE IS EXCLUDED from the description of Tract No. II, a parcel of land fronting one hundred and five (105) feet on the Lexington and Paris Pike, conveyed by J.A. Watson, et al, to Ada M. Banahan, by Deed dated July 14, 1924, recorded in Deed Book 225, Page 625, which excluded tract is described as follows:

A certain tract or parcel of land located on the Lexington and Maysville Turnpike Road, about 3½ miles northeast of Lexington, Kentucky, beginning at a point in the center of the Lexington and Maysville Pike, corner to property owned by H. W. Jewell; thence with the pike and with Jewell's line, S 37°30' E 420 feet; thence at right angles to this line and in a

northwesterly direction for a distance of 420 feet to a point in the center of said Lexington and Maysville Pike; thence with the center of said pike, S 52°35' W 105 feet to the beginning; and,

THERE IS FURTHER EXCLUDED from **TRACT I** and **TRACT II**, above, a parcel of land containing .615 acres conveyed to the Commonwealth of Kentucky for the use and benefit of the Transportation Cabinet, Department of Highways, by Deed dated August 30, 2001, and recorded in Deed Book 2238, Page 547, in the Fayette County Court Clerk's Office; and,

TRACT I and **TRACT II**, consisting of 30.432 Acres, above, are also known and designated as 2490 Paris Pike, Lexington, Fayette County, Kentucky; and,

Being the same property conveyed to William H. Floyd and Artemisia Barrow Briggs Floyd, husband and wife, by Deed of Conveyance from William H. Floyd, dated 22nd day of September, 1968, of record in Deed Book 1060, Page 271, in the Fayette County Clerk's Office.

William H. Floyd died testate on March 7, 1999, and by his Will recorded in Will Book 200, Page 293, in the Fayette County Clerk's Office, Grantor, Artemisia Barrow Briggs Floyd, as the survivor, became sole owner of the above-described property.

Said Morris B. Floyd, a single person, obtained an undivided $\frac{1}{2}$ interest in the property, his heirs and assigns, forever, by General Warranty Deed dated December 31, 2001, of record in Deed Book 2372, Page 452, in the Fayette County Clerk's Office.

The other undivided $\frac{1}{2}$ interest was inherited by Artemisia Barrow Briggs Floyd (a/k/a Barrie Briggs Floyd) upon the death of her son, William Barrow Floyd, died intestate, a resident of Lexington, Fayette County, Kentucky, on December 18, 1999. By the terms of an Affidavit of Descent, dated February 5, 2000 of record in Deed Book 2111, Page 377 and in Deed Book 2111, Page 381, in the Fayette County Clerk's Office.

Said Artemisia Barrow Briggs Floyd disclaimed her interest to the subject property from the Estate of William Barrow Floyd, leaving as his only-heir-at-law, his brother, Morris B. Floyd, a single person, to inherit the remaining property interest.

Said Artemisia Barrow Briggs Floyd (a/k/a Barrie Briggs Floyd), died testate, a resident of Lexington, Fayette County, Kentucky, on December 6, 2009. By the terms of said Will, of record in Will Book 290, Page 187, in the Fayette County Clerk's Office, all of the property was devised (100%) to her son, Morris B. Floyd. See Affidavit Pursuant to KRS 382.135(4), dated March 11, 2011, of record in Deed Book 2996, Page 583, in the Fayette County Clerk's Office.

Said Morris B. Floyd died testate a resident of Madison County, Richmond, Kentucky on November 12, 2022, by the terms of said Will, recorded in Will Book 80, Page 586, in the Madison County Clerk's Office and duly recorded in Will Book 418, Page 634, in the Fayette County Clerk's Office. Said David L. Bohannon, appointed Executor of The Estate of Morris B. Floyd, deceased by the Madison District Court, Case No. 2022-P-00593, on November 16, 2022.

TO HAVE AND TO HOLD the above-described property together with all rights, appurtenances, and improvements thereunto belonging unto the Grantee, its successors and assigns, forever, in fee simple, **SUBJECT HOWEVER**, to the following restriction: If said property ever discontinues to be used and dedicated as a "Park", said property shall be sold in accordance with Section IV, of the Last Will and Testament of Morris B. Floyd, recorded in Will Book 80, Page 585, in the Madison County Clerk's Office and duly recorded in Will Book 418, Page 634, in the Fayette County Clerk's Office. This restriction runs with the land.

And the Grantor does hereby release and relinquish unto the Grantee, its successors and assigns forever, all of its right, title and interest in and to the above described property, including all exemptions allowed by law, and, in his fiduciary capacity only, and not individually, **WARRANTS SPECIALLY** the title thereto.

CONSIDERATION CERTIFICATE

The parties do hereby certify pursuant to KRS 382.135, that transfer is by gift and that the estimated fair cash value of the property conveyed is \$2,200,000.00 (TWO

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing consideration certificate was subscribed, sworn to and acknowledged before me, by Linda Gorton, as Mayor of the Lexington-Fayette Urban County Government, for and on behalf of the Government, on this 20th day of October, 2023.

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

My Commission Expires: 2 / 26 / 2025

Notary ID # KYNP 21866



PREPARED BY:

EMILEE BUTTRUM
Attorney
Lexington-Fayette Urban
County Government
Department of Law
200 East Main Street, 11th Floor
Lexington, Kentucky 40507
(859) 258-3500