

DEED OF CONVEYANCE AND TEMPORARY CONSTRUCTION EASEMENT

This **DEED OF CONVEYANCE AND TEMPORARY CONSTRUCTION EASEMENT** is made and entered into this the 9 day of OCTOBER, 2019, by and between **F&B PROPERTIES, LLC, a Kentucky limited liability company** ("Grantor"), with an address at 3441 Lannette Lane, Lexington, Kentucky 40503, which is also the in-care of tax mailing address for the current tax year, and **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, with an address at 200 East Main Street, Lexington, Kentucky 40507 ("Grantee");

WITNESSETH:

That for and in consideration of the sum of **THIRTY-NINE THOUSAND FIVE HUNDRED DOLLARS AND 00/100 (\$39,500.00)**, and other good and valuable consideration, the 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 forever, in fee simple, a certain tract of land located in the confines of Lexington, Fayette County, Kentucky, described as follows, to wit (the "Property"):

FEE SIMPLE**(a portion of 401 McConnell Springs Road)****Town Branch Trail Mid-Block Crossing
Parcel No. 3A**

BEGINNING AT A POINT, in the northwestern most corner line of Lot 1, as shown on the Easement Minor and Consolidation Minor Subdivision Plat of Cahill Industrial Park, Unit 1, Block C, Lots 1 and 2, recorded in Plat Cabinet I, Slide 727, in the Fayette County Clerk's Office, said point also lying in the existing southern right-of-way of Old Frankfort Pike; thence with said existing right-of-way for the following two (2) calls: South 81 Degrees 03 Minutes 00 Seconds East, 221.92 feet to a point; thence 38.02 feet along a curve to the right, having a radius of 25.00 feet and a chord which bears, South 37 Degrees 28 Minutes 48 Seconds East, 34.46

feet to a point in the existing western right-of-way of McConnell Springs Road; thence with said existing right-of-way, South 06 Degrees 05 Minutes 24 Seconds West, 30.59 feet to a point in the proposed southern right-of-way of Old Frankfort Pike; thence with said proposed right-of-way for the following three (3) calls: North 36 Degrees 17 Minutes 35 Seconds West, 44.08 feet to a point; thence North 77 Degrees 30 Minutes 03 Seconds West, 154.23 feet to a point; thence North 71 Degrees 50 Minutes 48 Seconds West, 63.83 feet to a point in the western line of aforementioned Lot 1; thence with said western line, North 06 Degrees 05 Minutes 24 Seconds East, 3.51 feet to the **POINT OF BEGINNING**, containing 4,411 square feet; and,

Being a portion of the same property conveyed to F&B Properties, LLC, a Kentucky limited liability company, by General Warranty Deed dated November 15, 2018, of record in Deed Book 3628, Page 724, 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, Grantor has **BARGAINED** and **SOLD** and does hereby **GIVE, GRANT** and **CONVEY** unto the Grantee, its successors and assigns, a temporary right to excavate, grade, construct, alter, re-grade and perform related work for the purpose of roadway improvements 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 401 McConnell Springs Road)

Town Branch Trail Mid-Block Crossing
Parcel No. 3B

BEGINNING AT A POINT, in the western line of Lot 1, as shown on the Easement Minor and Consolidation Minor Subdivision Plat of Cahill Industrial Park, Unit 1, Block C, Lots 1 and 2, recorded in Plat Cabinet I, Slide 727, in the Fayette County Clerk's Office, said point also lying in the proposed southern right-of-way of Old Frankfort Pike; thence with said proposed right-of-way for the following three (3) calls: South 71 Degrees 50 Minutes 48 Seconds East, 63.83 feet to a point; thence South 77 Degrees 30 Minutes 03 Seconds East, 154.23 feet to a point; thence

South 36 Degrees 17 Minutes 35 Seconds East, 11.08 feet to a point in the Proposed Temporary Easement; thence with said Proposed Temporary Easement for the following two (2) calls: North 82 Degrees 15 Minutes 19 Seconds West, 147.46 feet to a point; thence North 73 Degrees 34 Minutes 10 Seconds West, 77.00 feet to a point in the western line of aforementioned Lot 1; thence with said western line, North 06 Degrees 05 Minutes 24 seconds East, 20.66 feet to the **POINT OF BEGINNING**, containing 3,446 square feet; and,

TEMPORARY CONSTRUCTION EASEMENT
(a portion of 401 McConnell Springs Road)

Town Branch Trail Mid-Block Crossing
Parcel No. 3C

BEGINNING AT A POINT, in the eastern line of Lot 1, as shown on the Easement Minor and Consolidation Minor Subdivision Plat of Cahill Industrial Park, Unit 1, Block C, Lots 1 and 2, recorded in Plat Cabinet I, Slide 727, in the Fayette County Clerk's Office, said point also lying in the existing western right-of-way of McConnell Springs Road; thence with said existing right-of-way for the following two (2) calls: South 06 Degrees 05 Minutes 24 Seconds West, 251.10 feet to a point; thence 39.27 feet along a curve to the right having a radius of 25.00 feet and a chord which bears, South 51 Degrees 05 Minutes 25 Seconds West, 35.36 feet to a point in the Proposed Temporary Easement; thence with said Proposed Temporary Easement for the following three (3) calls: North 37 Degrees 45 Minutes 13 Seconds East, 29.67 feet to a point; thence North 06 Degrees 15 Minutes 58 Seconds East, 241.67 feet to a point; thence North 49 Degrees 28 Minutes 09 Seconds East, 12.65 feet to the **POINT OF BEGINNING**, containing 2,529 square feet; and,

Both of the abovementioned tracts being a portion of the same property conveyed to F&B Properties, LLC, a Kentucky limited liability company, by General Warranty Deed dated November 15, 2018, of record in Deed Book 3628, Page 724, in the Fayette County Clerk's Office.

TO HAVE AND TO HOLD the fee simple interest and temporary easement, 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 easement runs with the land for the duration of the improvement project and is binding upon the successors and assigns of the Grantor. The temporary construction easement shall take effect upon the commencement of the construction of the project and will expire upon completion of the project.

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

The obtaining of this fee simple interest and temporary easement was authorized by Resolution 648-2018, passed by the Lexington-Fayette Urban County Council on November 1, 2018. Pursuant to KRS 382.135(2)(c), this Deed of Conveyance and Temporary Construction Easement, which conveys public right-of-way, need not contain a statement of consideration.

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

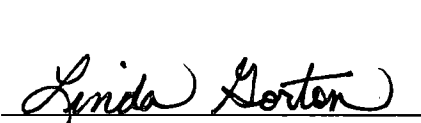
GRANTOR:

F&B PROPERTIES, LLC, a
Kentucky limited liability company

BY: 
JAMES C. FITZPATRICK,
MEMBER

GRANTEE:

LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT

BY: 
LINDA GORTON,
MAYOR

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by James C. Fitzpatrick, in his capacity as a Member for and on behalf of F&B Properties, LLC, a Kentucky limited liability company, on this the 9 day of OCTOBER, 2019.

Paul W. [Signature]

Notary Public, Kentucky, State-at-Large

My Commission Expires: 7 / 29 / 2021

Notary ID # 583153

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

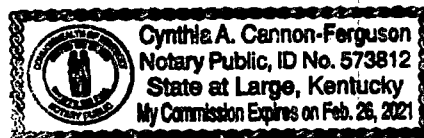
This instrument was acknowledged, subscribed and sworn to before me by Linda Gorton, in her capacity as Mayor, for and on behalf of Lexington-Fayette Urban County Government, on this the 21st day of October, 2019.

Cynthia A. Cannon-Ferguson


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
200 East Main Street, 11th Floor
D
Lexington, Kentucky 40507
(859) 258-3500

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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

201910250104

October 25, 2019 9:29:06 AM

Fees	\$26.00	Tax	\$39.50
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Total Paid	\$65.50
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7 Pages

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MAYOR LINDA GORTON



LEXINGTON

SUSAN B. SPECKERT
COMMISSIONER
DEPARTMENT OF LAW

To: Abigail Allan, Council Clerk
Council Clerk's Office

From: Department of Law

Date: October 31, 2019

Re: Fee Simple Deed of Conveyance and
Temporary Construction Easement
401 McConnell Springs Road

Our File No. 17-RE0091
Town Branch Trail Mid-Block Crossing Project

Enclosed is the original recorded Fee Simple Deed of Conveyance and Temporary Construction Easement for the above property to the Urban County Government for the Town Branch Trail Mid-Block Crossing Project. Please file the easement with the authorizing legislation, Resolution No. 648-2018.

Please note that the attached asset acquisition form is only for the fee simple acquisition acquired.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Edwards, III".

Charles E. Edwards, III
Attorney

Enclosure

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