

**GENERAL WARRANTY DEED**

This **GENERAL WARRANTY DEED** is made and entered into this 16 day of SEPTEMBER, 2022, by and between **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT PUBLIC FACILITIES CORPORATION**, a Kentucky non-profit corporation and an agency and instrumentality of the Lexington-Fayette Urban County Government (formerly City of Lexington Municipal Improvement Corporation, a Kentucky non-profit corporation), 200 East Main Street, Lexington, Kentucky 40507 ("Grantor") and the **WILLIAM E. PENCE, JR. and ELAINE PENCE, husband and wife**, 141 Brown's Mill Road, Versailles, Kentucky 40383 ("Grantees"); the Grantee's address is the mailing and tax in-care-of address for the current tax year.

**WITNESSETH:**

That for and in nominal consideration of the fee simple ownership of the property described in the Exhibit "A" attached, and by the terms of a land swap per the Memorandum of Understanding by and between the Grantees and Grantor, and other good and valuable consideration, the receipt and sufficiency of which is hereby

acknowledged, Grantor has **BARGAINED** and **SOLD** and does hereby **GIVE, GRANT** and **CONVEY** unto the Grantees, in fee simple, their heirs and assigns forever, all the following described property located in Fayette County, Kentucky, and more fully described as follows, to-wit:

**FEE SIMPLE**  
**(a portion of 1345-1501 Old Frankfort Pike)**  
**Parcel No. 2, Tract B**  
**TOWN BRANCH TRAIL, PHASE 6**

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 7.19 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 62+11.36 as established by KYTC Project Town Branch Trail, Phase 6, Project No.12F0 FD52 034 9015901R, TGR 3003 (341), said point also being the southwest property corner of William E. Pence Jr. (Parcel 5);

Thence with the northerly right-of-way line of Old Frankfort Pike (KY Highway 1681) in common with the westerly property line of William E. Pence, Jr. (Parcel 5), N 11°52'19" E, 22.23 feet to a point 29.30 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 62+13.65;

Thence leaving the northerly right-of-way line of Old Frankfort Pike (KY Highway 1681), and continuing with the westerly property line of William E. Pence, Jr. (Parcel 5), N 11°52'19" E, 22.22 feet to a point 51.40 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 62+15.92, said point also being the **TRUE POINT OF BEGINNING**;

Thence leaving the westerly property line of William E. Pence, Jr. (Parcel 5), with a new right-of-way line through the lands of Lexington-Fayette Urban County Government (Parcel 2), N 83°18'23" W, 127.00 feet to a point 54.60 feet left of the proposed Old Frankfort Pike (KY Highway 1681)

centerline at Station 60+90.28;

Thence leaving the proposed right-of-way line, with a new property line through the lands of Lexington-Fayette Urban County Government (Parcel 2) for four (4) calls:

- 1.) N 06°41'37" E, 59.00 feet to a point 113.56 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 60+92.46;
- 2.) S 83°18'23" E, 82.15 feet to a point 111.15 feet left of the proposed Old Frankfort Pike centerline at Station 61+72.77;
- 3.) N 11°52'19" E, 180.44 feet to a point 290.51 feet left of the proposed Old Frankfort Pike centerline at Station 61+91.76;
- 4.) S 78°07'41" E, 50.00 feet to a point 285.36 feet left of the proposed Old Frankfort Pike centerline at Station 62+38.78, said point also being in the aforesaid westerly property line of William E. Pence, Jr. (Parcel 5);

Thence with the westerly property line of William E. Pence, Jr. (Parcel 5) S 11°52'19" W, 235.15 feet to the **TRUE POINT OF BEGINNING**, containing 0.380 acres (16,560 sq. ft.); and,

Being a portion of the same property conveyed to the City of Lexington Municipal Improvement Corporation, by Deed dated May 10, 1955, of record in Deed Book 581, Page 009, in the Fayette County Clerk's Office. Said City of Lexington Municipal Improvement Corporation merged into the Lexington-Fayette Urban County Government Public Facilities Corporation as certified by a certificate of merger of domestic corporations issued by the Secretary of State, Frankfort, Kentucky on August 24, 1982.

**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 Grantees, their heirs and assigns, a permanent right of ingress and egress thorough and across the following tract of land located in the confines of Lexington, Fayette County, Kentucky, and more

particularly described as follows, to wit:

**PERMANENT ACCESS EASEMENT**  
**(a portion of 1345-1501 Old Frankfort Pike)**  
**Parcel No. 2, Tract C**  
**TOWN BRANCH TRAIL, PHASE 6**

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 7.19 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 62+11.36 as established by KYTC Project Town Branch Trail, Phase 6, Project No. 12F0 FD52 034 9015901 R, TGR 3003 (341), said point also being the southwest property corner of William E. Pence, Jr. (Parcel 5);

Thence with the northerly right-of-way line of Old Frankfort Pike (KY Highway 1681) in common with the westerly property line of William E. Pence, Jr. (Parcel 5), N 11°52'19" E, 22.23 feet to a point 29.30 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 62+13.65;

Thence leaving the northerly right-of-way line of Old Frankfort Pike (KY Highway 1681), and continuing with the westerly property line of William E. Pence, Jr. (Parcel 5), N 11°52'19" E, 22.22 feet to a point 51.40 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 62+15.92;

Thence leaving the westerly property line of William E. Pence, Jr. (Parcel 5), with a new property line through the lands of Lexington-Fayette Urban County Government (Parcel 2), N 83°18'23" W, 127.00 feet to a point 54.60 feet left of Old Frankfort Pike (KY Highway 1681) at Station 60+90.28, said point being the **TRUE POINT OF BEGINNING**;

Thence continuing with the new right-of-way line through the lands of Lexington-Fayette Urban County Government (Parcel 2), N 83°18'23" W, 70.00 feet to a point 57.72 feet left of the proposed Old Frankfort Pike (KY Highway 1681)

centerline at Station 60+21.13;

Thence leaving the new right-of-way line, with a new access easement line through the lands of Lexington-Fayette Urban County Government for two (2) calls:

- 1.) N 06°41'37" E, 59.00 feet to a point 116.64 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 60+24.10;
- 2.) S 83°18'23" E, 70.00 feet to a point 113.56 feet left of the proposed Old Frankfort Pike (KY Highway 1681) centerline at Station 60+92.46, said point being a new comer in common with Tract B;

Thence with Tract B, S 06°41'37" W, 59.00 feet to the **TRUE POINT OF BEGINNING**, containing 0.095 acres (4,130 sq. ft.); and,

Being a portion of the same property conveyed to the City of Lexington Municipal Improvement Corporation, by Deed dated May 10, 1955, of record in Deed Book 581, Page 009, in the Fayette County Clerk's Office. Said City of Lexington Municipal Improvement Corporation merged into the Lexington-Fayette Urban County Government Public Facilities Corporation as certified by a certificate of merger of domestic corporations issued by the Secretary of State, Frankfort, Kentucky on August 24, 1982.

**TO HAVE AND TO HOLD** the fee simple interest and the permanent access easement, together with all rights, appurtenances, and improvements unto the Grantees, their heirs and assigns, forever, for the purposes and uses herein designated.

And the Grantor does hereby release and relinquish unto the Grantees, their heirs and assigns forever, all of its right, title and interest in and to the above described property, to the extent of the interests conveyed herein, including all exemptions allowed by law, and does hereby covenant to and with said Grantees, their heirs and assigns forever, that it is lawfully seized in fee simple of said property and has a good and perfect right to sell and convey the same as herein done, that said property is free and clear of all encumbrances

of whatsoever nature, except as provided herein, and with said exceptions, Grantor will **WARRANT GENERALLY** the title thereto.

**CONSIDERATION CERTIFICATE**

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 that the estimated fair cash value of the property conveyed is \$54,000.00. Grantor joins in this Deed for the sole purpose of certifying the consideration, as 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(7)(b).

**IN WITNESS WHEREOF**, the parties have hereto signed this deed this the day and year first above written.

**GRANTOR:**

LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT PUBLIC FACILITIES CORPORATION, a Kentucky non-profit corporation (formerly City of Lexington Municipal Improvement Corporation, a Kentucky non-profit corporation)

BY:   
LINDA GORTON,  
PRESIDENT

**GRANTEES:**

BY:   
WILLIAM E. PENCE, JR.

BY:   
ELAINE PENCE

COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )

The foregoing deed and consideration certificate was subscribed, sworn to and acknowledged before me by Linda Gorton, as President, for and on behalf of Lexington-Fayette Urban County Government Public Facilities Corporation, a Kentucky non-profit corporation (formerly City of Lexington Municipal Improvement Corporation, a Kentucky non-profit corporation), this 11<sup>th</sup> day of September, 2022.

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

My Commission Expires: 2, 20, 2025

Notary ID # KYNP 21866

COMMONWEALTH OF KENTUCKY )  
 )  
COUNTY OF FAYETTE )



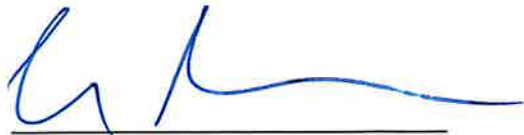
The foregoing deed and consideration certificate was subscribed, sworn to and acknowledged before me by William E. Pence and Elaine Pence, husband and wife, on this 10 day of SEPTEMBER, 2022.

Paul W. Pence  
Notary Public, Kentucky, State-at-Large

My Commission Expires: 7, 29, 2025

Notary ID # KYNP 30941

PREPARED BY:



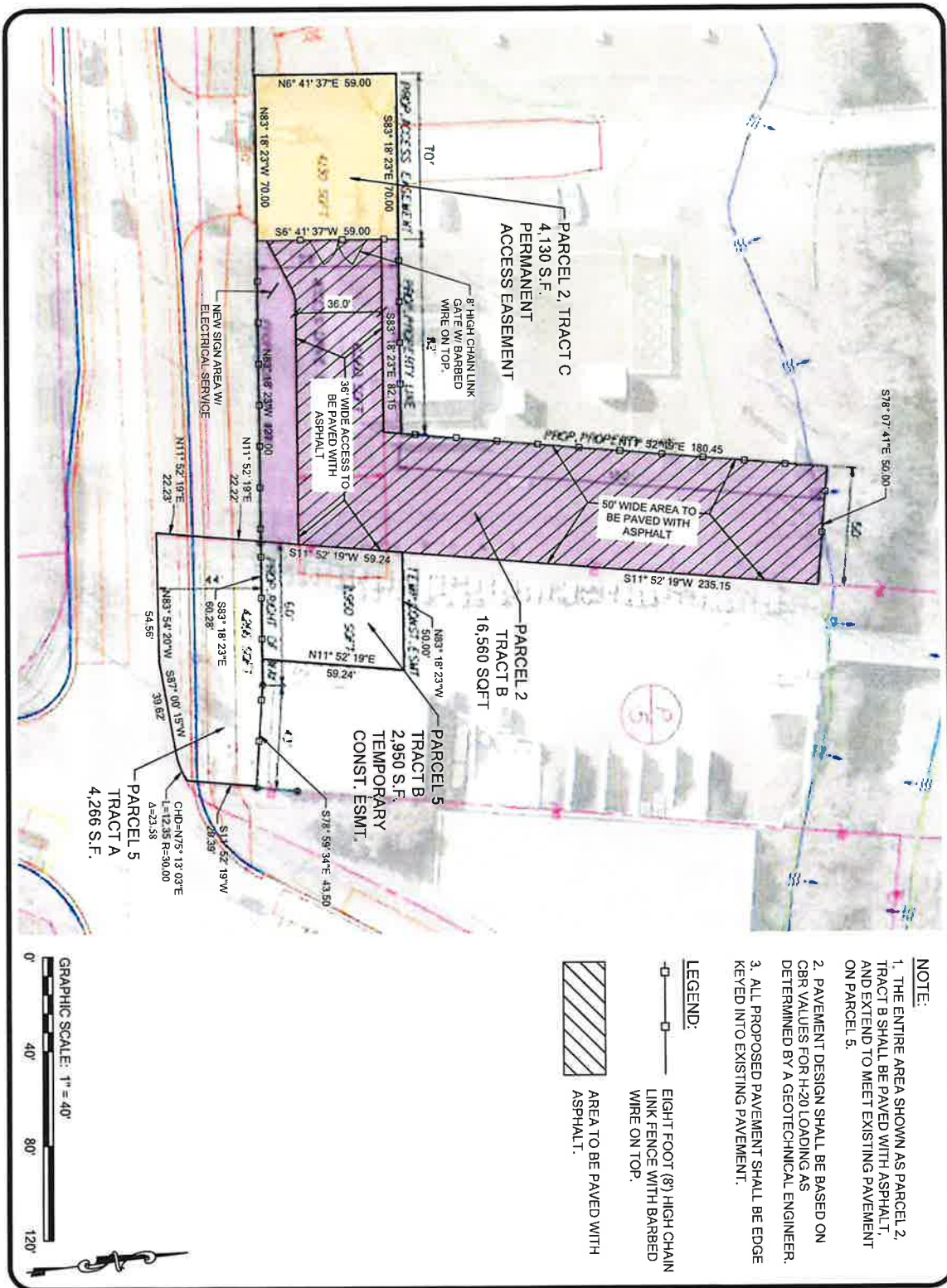
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EVAN P. THOMPSON,  
Attorney Sr.  
Lexington-Fayette Urban  
County Government  
Department of Law  
200 East Main Street, 11<sup>th</sup> Floor  
Lexington, Kentucky 40507  
(859) 258-3500

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EXHIBIT "A"



- LEGEND:**
-  EIGHT FOOT (8') HIGH CHAIN LINK FENCE WITH BARBED WIRE ON TOP.
  -  AREA TO BE PAVED WITH ASPHALT.

- NOTE:**
1. THE ENTIRE AREA SHOWN AS PARCEL 2, TRACT B SHALL BE PAVED WITH ASPHALT, AND EXTEND TO MEET EXISTING PAVEMENT ON PARCEL 5.
  2. PAVEMENT DESIGN SHALL BE BASED ON CBR VALUES FOR H-20 LOADING AS DETERMINED BY A GEOTECHNICAL ENGINEER.
  3. ALL PROPOSED PAVEMENT SHALL BE EDGE KEVED INTO EXISTING PAVEMENT.

SITE EXHIBIT

**S. Mark McCain, RLA** 

LANDSCAPE ARCHITECTURE / SITE DEVELOPMENT  
 340 S. BROADWAY, LEXINGTON, KENTUCKY 40508  
 PHONE: (859)-489-8921 EMAIL: SMARKMCCAIN@GMAIL.COM

**PENCE PROPERTY**  
 1305 OLD FRANKFORT PIKE  
 LEXINGTON, FAYETTE COUNTY, KY

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.



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By: EMILY GENTRY ,dc

202209200104

September 20, 2022                      9:19:38      AM

Fees	\$62.00	Tax	\$ .00
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Total Paid	\$62.00
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10 Pages

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