

DEED OF CONVEYANCE AND GRANT OF EASEMENT

This **DEED OF CONVEYANCE AND GRANT OF EASEMENT** is made and entered into this the 29 day of MARCH, 2019, by and between **D & D REALTY, LLC, a Kentucky limited liability company**, 944 Wishbone Circle, Lexington, Kentucky 40502, 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 **TWENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$25,000.00)**, 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 the following tracts of land situated on the southeast side of the intersection of Newtown Pike (US Highway 25, KY Highway 922) and Fourth Street in Lexington, Fayette County Kentucky, being more fully described and bounded as follows, to wit:

Fee Simple

**(a portion of 362 Newtown Pike f/k/a 362 Newtown Road
a/k/a 624 West Fourth Street)**

**Town Branch Commons, Zone 7
Parcel No. 59A & 59B**

BEGINNING at a point in the easterly right-of-way line of Newtown Pike, said point being 31.62 feet right of KY 922 Baseline Station 235+90.00; thence leaving the easterly

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

right-of-way line of Newtown Pike with a new easement line through the lands of D & D Realty, LLC for three (3) calls: South 78 Degrees 16 Minutes 03 Seconds East, a distance of 8.38 feet to a point 40.00 feet right of KY 922 Baseline Station 235+90.00; South 12 Degrees 02 Minutes 19 Seconds West, a distance of 20.47 feet to a point 40.00 feet right of KY 922 Baseline Station 235+70.00; North 77 Degrees 35 Minutes 50 Seconds West, a distance of 9.97 feet to a point 30.03 feet right of KY 922 Baseline Station 235+70.00; said point being in the easterly right-of-way line of Newtown Pike; thence with the easterly right-of-way line of Newtown Pike North 16 Degrees 29 Minutes 44 Seconds East, a distance of 20.42 feet to the POINT OF BEGINNING;

The above described parcel contains 0.004 acres (188 sq. ft.) in fee simple;

AND

BEGINNING at a point in the southeasterly right-of-way line of Newtown Pike and Fourth Street, said point being 52.15 feet right of KY 922 Baseline Station 237+50.00; thence leaving the southeasterly right-of-way line of Newtown Pike and Fourth Street with a new easement line through the lands of D & D Realty, LLC South 31 Degrees 35 Minutes 25 Seconds West, a distance of 47.84 feet to a point, said point being in the easterly right-of-way line of Newtown Pike, said point also being 35.89 feet right of KY 922 Baseline Station 237+05.00; thence with the easterly right-of-way line of Newtown Pike North 10 Degrees 39 Minutes 02 Seconds East, a distance of 15.18 feet to a point; thence with the easterly right-of-way line of Newtown Pike along an arc 35.72 feet to the right, having a radius of 34.00 feet, the chord of which is North 40 Degrees 44 Minutes 49 Seconds East, a distance of 34.10 feet to the POINT OF BEGINNING;

The above described parcel contains 0.005 acres (236 sq. ft.) in fee simple; and

Being a portion of the property conveyed to D & D Realty, LLC, a Kentucky limited liability company, by deed dated January 12, 2001, of record in Deed Book 2178, Page 453; deed dated May 22, 2013, of record in Deed Book 3170, Page 422; and deed dated September 3, 2014, of record in Deed Book 3263, Page 76 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, temporary right to excavate, grade, construct, alter, re-grade and perform related work for the purpose of installing a shared-use-path and other related improvements, including walls and other hardscape features and appurtenances thereto, through and across the following tract of land situated southeast of the intersection of Newtown Pike (KY Highway 922) and Fourth Street in Lexington, Fayette County Kentucky, being more fully described and bounded as follows, to wit:

Temporary Construction Easement
(a portion of 362 Newtown Pike f/k/a 362 Newtown Road
a/k/a 624 West Fourth Street)

Town Branch Trail, Phase 6
Parcel No. 59C

BEGINNING at a point in the southerly right-of-way line of Fourth Street, said point being 86.18 feet right of KY 922 Baseline Station 237+50.51; thence leaving the southerly right-of-way line of Fourth Street with a new easement line through the lands of D & D Realty, LLC for three (3) calls: South 44 Degrees 34 Minutes 20 Seconds West, a distance of 74.94 feet to a point 45.54 feet right of KY Baseline Station 236+87.55; South 12 Degrees 03 Minutes 55 Seconds West, a distance of 123.22 feet to a point 45.00 feet right of KY 922 Baseline Station 235+65.00; South 37 Degrees 02 Minutes 16 Seconds West, a distance of 42.93 feet to a point 27.71 feet right of KY 922 Baseline Station 235+26.60; said point being a common corner with John W. & Anna Hutchinson (Parcel 58A), said point also being in the easterly right-of-way line of Newtown Pike; thence with the easterly right-of-way line of Newtown Pike for three (3) calls: North 23 Degrees 46 Minutes 39 Seconds East, a distance of 19.06 feet to a point; North 09 Degrees 27 Minutes 18 Seconds East, a distance of 21.53 feet to a point; North 16 Degrees 29 Minutes 44 Seconds East, a distance of 3.99 feet to a point 30.03 feet right of KY 922 Baseline Station

235+70.00; thence leaving the easterly right-of-way line of Newtown Pike with a new easement line through the lands of D & D Realty, LLC for three (3) calls: South 77 Degrees 35 Minutes 50 Seconds East, a distance of 9.97 feet to a point 40.00 feet right of KY 922 Baseline Station 235+70.00; North 12 Degrees 02 Minutes 19 Seconds East, a distance 20.47 feet to a point 40.00 feet right of KY 922 Baseline Station 235+90.00; thence North 78 Degrees 16 Minutes 03 Seconds West, a distance of 8.38 feet to a point 31.62 feet right of KY 922 Baseline Station 235+90.00; said point being in the easterly right-of-way line of Newtown Pike; thence with the easterly right-of-way line of Newtown Pike for three (3) calls: North 16 Degrees 29 Minutes 44 Seconds East, a distance of 63.27 feet to a point; North 10 Degrees 39 Minutes 03 Seconds East, a distance of 29.84 feet to a point; North 10 Degrees 39 Minutes 02 Seconds East, a distance of 22.12 feet to a point, said point being 35.89 feet right of KY 922 Baseline Station 237+05.00; thence leaving the easterly right-of-way line of Newtown Pike with a new easement line through the lands of D & D Realty, LLC North 31 Degrees 35 Minutes 25 Seconds East, a distance of 47.84 feet to a point 52.15 feet right of KY 922 Baseline Station 237+50.00, said point also being in the southeasterly right-of-way line of Newtown Pike and Fourth Street; thence with the southeasterly right-of-way line of Newtown Pike and Fourth Street along an arc 35.64 feet to the right, having a radius of 34.00 feet, the chord of which is South 79 Degrees 07 Minutes 24 Seconds East for a distance of 34.03 feet to the POINT OF BEGINNING;

The above described parcel contains 0.070 acres (3,029 sq. ft.) of temporary construction easement; and

Being a portion of the property conveyed to D & D Realty, LLC, a Kentucky limited liability company, by deed dated January 12, 2001, of record in Deed Book 2178, Page 453; deed dated May 22, 2013, of record in Deed Book 3170, Page 422; and deed dated September 3, 2014, of record in Deed Book 3263, Page 76 in the Fayette County Clerk's Office.

TO HAVE AND TO HOLD the above-described fee simple conveyance 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 construction of the project and will expire upon completion of the project.

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 property to the extent of the interests conveyed herein, including all exemptions allowed by law, and 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 SPECIALLY** said title.

PROVIDED, HOWEVER, that the above conveyance and warranty is subject to all easements, restrictions and right of ways that pertain to the above described property as found of record in the Fayette County Clerk's Office.

CONSIDERATION CERTIFICATE

The undersigned Grantor and Grantee hereby certify, swear, and affirm that the consideration herein is the full and actual consideration paid for the property transferred herein, with the property having a fair market value of Twenty-five Thousand and 00/100 Dollars (\$25,000.00). The Grantee signs this deed for the sole purpose of certifying the consideration paid, as authorized by Resolution No. 384-2018, passed by the

Lexington-Fayette Urban County Council on July 21, 2018. Pursuant to KRS 145.050(7)(b), this deed and grant of easement is exempt from transfer tax.

IN TESTIMONY WHEREOF, Grantor and Grantee have hereunto set their hands on this the day and year first above written.

GRANTOR:

D & D REALTY, LLC


BARBARA JEAN DEIFEL
MANAGER

GRANTEE:

LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT


LINDA GORTON
MAYOR

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by Barbara Jean Deifel, in her capacity as Manager of D & D Realty, LLC, on this the 29 day of March, 2019.

Paul W. White 583153
Notary Public, Kentucky, State at Large
My Commission Expires: 7/29/2021

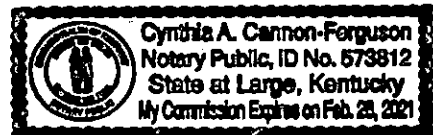
COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

This instrument was acknowledged, subscribed and sworn to before me by Linda Gorton, in her capacity as Mayor of the Lexington-Fayette Urban County Government, on this the 29th day of March, 2019.

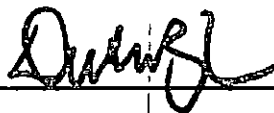
Cynthia A. Cannon-Ferguson
Notary Public, Kentucky, State at Large
My Commission Expires: 2/26/2021

PREPARED BY:

Charles E. Edwards III
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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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

201905060205

May 6, 2019

13:50:15 PM

Fees	\$29.00	Tax	\$25.00
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Total Paid	\$54.00
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8 Pages

580 - 587