

SPECIAL WARRANTY DEED

THIS DEED made and entered into this the ____ day of _____, 2016, by and between **KENTUCKY UTILITIES COMPANY**, a Kentucky corporation, whose address is One Quality Street, Lexington, Kentucky 40507 (“Grantor”) and **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, whose address is 200 East Main Street, Lexington, Kentucky 40507, which is the in-care-of tax mailing address for the current tax year (“Grantee”); and,

WITNESSETH:

That for and in consideration of the sum of **TEN DOLLARS AND 00/100 CENTS (\$10.00)**, and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor has **BARGAINED** and **SOLD** and does hereby **GIVE, GRANT** and **CONVEY** unto the Grantee, its heirs and assigns forever, the following described real property, to-wit (the “Property”):

A PORTION OF
3097 HELMSDALE PLACE
IN LEXINGTON, FAYETTE COUNTY, KENTUCKY

A parcel of land in Fayette County, Kentucky, along the previous alignment of the Chesapeake and Ohio Railroad (CSX Corporation), extending from the East right of way of Liberty Road to the West right of way of Man O’ War Boulevard, on a dividing ridge between the headwaters of North Elkhorn Creek and the headwaters of East Hickman Creek, and more particularly described as follows:

Beginning at an iron pin (found), said point being described as an “Iron Pin w/Cap Stamped “KY 2115” Set (Typical)” of record in Plat Cabinet “M”, Slide 534 (not found), said point being in the West right of way of Man O’ War Boulevard, said point being the southeastern most corner of the Kentucky Utilities Company (KU) Tract herein described, and said point being the northeastern most corner common to RLM Construction RLLP (RLM) (DB 1888, PG 635, Plat Cabinet “K”, Slide 175);

Thence with the line common to KU and RLM, North 50 Degrees 38 Minutes 33 Seconds West a distance of 478.43 feet to an "Iron Pin w/Cap Stamped "KY 2115" Set (Typical)" of record in Plat Cabinet "M", Slide 534 (not found), said pin reset with a 5/8" diameter 18" long steel rebar with a 1 1/2" aluminum cap stamped "Bell Engrng LS 3010" (set this survey), said point being a corner common to KU and RLM, passing at 337.86 feet an "Iron Pin w/Cap Stamped "KY 2115" Set (Typical)" of record in Plat Cabinet "M", Slide 534 (not found) and said point being a corner common to KU, RLM, and Helmsdale LLC (Helmsdale) (DB 2849, PG 298, Plat Cabinet "M", Slide 534);

Thence continuing with the line common to KU and Helmsdale, North 81 Degrees 58 Minutes 07 Seconds West a distance of 1,561.92 feet to an "iron pin" (not found, DB 1503, PG 655, Tract II), said pin reset with a 5/8" diameter 18" long steel rebar with a 1 1/2" aluminum cap stamped "Bell Engrng LS 3010", said point being a corner common to KU and Rose H. Brigden and Dorothy McClure (DB 2798, PG 358) and the East right of way of Liberty Road, Commonwealth of Kentucky, passing at approximately 238 feet a set stone (not found), DB 50, PG 321 Parcel 1), passing at 698.92 feet an "Iron Pin w/Cap Stamped "KY 2115" Set (Typical)" of record in Plat Cabinet "M", Slide 534 (not found);

Thence with the East right of way of Liberty Road, North 38 Degrees 25 Minutes 49 Seconds East a distance of 11.59 feet to an "iron pin" (not found, DB 1503, PG 655, Tract II), said pin reset with a 5/8" diameter 18" long steel rebar with a 1 1/2" aluminum cap stamped "Bell Engrng LS 3010", said point being a corner common with KU and the right of way of Liberty Road;

Thence with the North right of way of Liberty Road, North 81 Degrees 58 Minutes 07 Seconds West a distance of 91.92 feet to a 5/8" diameter 18" long steel rebar with a 1 1/2" aluminum cap stamped "Bell Engrng LS 3010" (set this survey), said point being a corner common with KU and the right of way of Liberty Road;

Thence with the East right of way of Liberty Road, Commonwealth of Kentucky (DB 2720, PG 659), North 34 Degrees 32 Minutes 07 Seconds West a distance of 76.71 feet to a 5/8" diameter 18" long steel rebar with a 1 1/2" aluminum cap stamped "Bell Engrng LS 3010" (set this survey);

Thence continuing with the East right of way of Liberty Road, Commonwealth of Kentucky (DB 2720, PG 659), North 17 Degrees 09 Minutes 53 Seconds West a distance of 37.03 feet to a 5/8" diameter 18" long steel rebar with a 1 1/2" aluminum cap stamped "Bell Engrng LS 3010" (set this survey), said point being in the East right of way of Liberty Road and a corner common to Lexington Fayette Urban County Government (DB 2209, PG 308, Plat Cabinet "L" , Slide 376) and KU;

Thence South 81 Degrees 58 Minutes 07 Seconds East a distance of 1,864.22 feet to a point in the line of KU and AAA Allied Group Inc. (DB 2588, PG 451, Parcel 1, and DB 2765, PG 620, Parcel 2); said point being a new corner marked by a 5/8" diameter 18" long steel rebar with a 1 1/2" aluminum cap stamped "Bell Engrng LS 3010" (set this survey);

Passing at approximately 212.37 feet to an iron pin (not found) of record in DB 1503, PG 658, passing at 362.61 feet an iron pin with cap stamped "Vision 2586" (found) of record in Plat Cabinet "N", Slide 994 and said point also noted as an iron pin (not found) of record in Plat Cabinet "L", Slide 376, said point being in the line of KU and a corner common to LFUCG (DB 2209, PG 308) and University of Kentucky Federal Credit Union (DB 3118, PG 338),

Passing at 370.98 feet an iron pin with cap stamped "ENDRIS ENG" (found),

Passing at 710.24 feet an iron pin with cap stamped "JNA 3257" (found),

Passing at 1,111.12 feet an iron pin with cap stamped "JNA 3257" (found) of record Plat Cabinet "N", Slide 515, said point being in the line of KU and a corner common to the University of Kentucky Federal Credit Union (DB ____, PG ____, Plat Cabinet "N", Slide 994, Lot 3) and SS Realty LLC (DB 3143, PG 210, Plat Cabinet "N", Slide 515),

Passing at 1,648.64 feet an iron pin with cap stamped "JNA 3257" (found) of record in Plat Cabinet "N", Slide 515 and said point also noted as an iron pin and cap stamped "W.B. Witt LS 2187" (not found) of record in Plat Cabinet "N", Slide 141, passing at 1,725.43 feet an iron pin and cap stamped "W.B. Witt LS 2187" (not found) of record in Plat Cabinet "N", Slide 141, said point being in the line of KU and a corner common to SS Realty LLC (DB 3143, PG 210, Plat Cabinet "N", Slide 515) and MO LLC & PMW Real Estate Holdings LLC (DB 2789, PG 398, Plat Cabinet "N", Slide 141),

Passing at 1,750.46 feet an iron pin with cap stamped "JNA 3257" (found) and said point also noted as an iron pin and cap stamped "W.B. Witt LS 2187" (not found) of record in Plat Cabinet "N", Slide 141, said point being in the line of KU and a consolidated corner of AAA Allied Group Inc (DB 2588, PG 451, Parcel 1, and DB 2765, PG 620, Parcel 2);

Thence crossing the property of KU, South 08 Degrees 01 Minutes 53 Seconds West a distance of 167.37 feet to a 5/8" diameter 18" long steel rebar with a 1 1/2" aluminum cap stamped "Bell Engrng LS 3010" (set this survey);

Thence South 50 Degrees 38 Minutes 33 Seconds East a distance of 302.22 feet to a 5/8" diameter 18" long steel rebar with a 1 1/2" aluminum

cap stamped "Bell Engrng LS 3010" (set this survey), said point being in the West right of way of Man O' War Boulevard;

Thence with the West right of way of Man O' War Boulevard, South 03 Degrees 29 Minutes 54 Seconds West a distance of 24.33 feet to the point of beginning; and,

The above described tract contains 194,937.07 square feet or 4.48 acres, known and designated as Parcel "B", of Brighton East Rail Trail, Phase 4, as shown on Exhibit "A", attached hereto and incorporated herein by reference.

Being the same Property conveyed to Kentucky Utilities Company, a Kentucky corporation, a by Deed dated December 28, 1994, and of record in Deed Book 1767, Page 188, in the Fayette County Clerk's Office.

TO HAVE AND TO HOLD the Property together with all rights, privileges, appurtenances and improvements thereunto belonging unto the Grantee, in fee simple, its successors and assigns forever. Grantor does hereby release and relinquish unto the Grantee, its successors and assigns all of the right, title, and interest in the above-described Property including all exemptions allowed by law, and does hereby covenant to and with said Grantee, its successors and assigns, that it is lawfully seized in fee simple of said Property and has good right to sell and convey the same as herein done; that the title to said Property is clear, perfect, and unencumbered, and that it will **WARRANT SPECIALLY** the same.

PROVIDED, HOWEVER, that the above conveyance and warranty is subject to all easements, restrictions, and right of ways of record 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 Fifty Seven Thousand Eight

Hundred Fifty and 00/100 Dollars (\$57,850.00). This transaction is exempt from real estate transfer tax pursuant to KRS 142.050. This transaction on behalf of Grantor was authorized by Resolution No. _____-2016, passed by the Lexington-Fayette Urban County Council on the _____.

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

GRANTOR:

GRANTEE:

KENTUCKY UTILITIES COMPANY, a
Kentucky Corporation

LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT

BY: _____
THOMAS APPEL,
MANAGER

BY: _____
JIM GRAY,
MAYOR

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing deed was subscribed, sworn to, and acknowledged before me by Thomas Appel, in his capacity as Manager of Kentucky Utilities Company, a Kentucky corporation, on this the ____ day of _____, 2016.

Notary Public, Kentucky, State at Large

My Commission Expires: ____/____/_____

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing deed was subscribed, sworn to, and acknowledged before me by Jim Gray, in his capacity as Mayor on behalf of the Lexington-Fayette Urban County Government, on this the ____ day of _____, 2016.

Notary Public, Kentucky, State at Large

My Commission Expires: ____/____/____

PREPARED BY:

Charles E. Edwards, III,
Attorney
Lexington-Fayette Urban
County Government
Department of Law
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