

SPECIAL WARRANTY DEED

This **SPECIAL WARRANTY DEED** is made and entered into this 29 day of July 2021, by and between **LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT**, an urban county government of the Commonwealth of Kentucky pursuant to KRS Chapter 67A, 200 East Main Street, Lexington, Kentucky 40507 ("Grantor") and **LEXINGTON COMMUNITY LAND TRUST, INC.**, a Kentucky non-profit corporation pursuant to KRS Chapter 273, whose address is P.O. Box 171, Lexington, Kentucky 40588-0171 ("Grantee"); the Grantee's address is the in-care of tax mailing address for the current year.

W I T N E S S E T H:

WHEREAS, Grantor is the Owner of certain real property located along De Roode Street in Lexington, Fayette County, Kentucky, (hereinafter "the Property"), more particularly described by Consolidation Minor Subdivision Plan of Southend Park, Section 2 (757 De Roode Street), Lexington, Fayette County, Kentucky of record in Plat Cabinet S, Slide 171, referenced in the Fayette County Clerk's Office, and;

WHEREAS, the property was transferred to the Grantor by the Commonwealth of Kentucky with the agreement and understanding that a portion of the property would be

Mail to Grantor

transferred to the Grantee for the development of residential housing in accordance with the Record of Decision approved by the Federal Highway Administration, dated October 11, 2007 and;

NOW, THEREFORE, for and in nominal consideration of **TEN DOLLARS AND 00/100 CENTS (\$10.00)**, the receipt and sufficiency of which is hereby acknowledged, and for the commitment of the Grantee to develop the residential housing referenced above, Grantor has **BARGAINED** and **SOLD** 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 Fayette County, Kentucky, and more fully described as follows, to-wit:

757 DeRoode Street
(a portion of)

Being all of Lots No. 27, 29, 30 and 31 as shown on the Final Record Plan of Southend Park, Section 2, 757 DeRoode Street, Fayette County, Kentucky, as shown by plat of record in Plat Cabinet S, Slide 184, in the Fayette County Clerk's Office; and

Being a portion of the same property conveyed to the Lexington-Fayette Urban County Government, by Deed, dated July 7, 2020, of record in Deed Book 3768, Page 64 and by Deed, dated February 20, 2015, of record in Deed Book 3294, Page 719, both referenced in the Fayette County Clerk's Office. Also, by Ordinance No.117-2020, by an action passed by the Urban County Council on December 3, 2020, of record in Deed Book 3855, Page 187 and by Ordinance 5-2001 adopted by the Lexington-Fayette Urban County Government on January 11, 2001, of record in Deed Book 2179, Page 271, in the Fayette County Clerk's Office.

TO HAVE AND TO HOLD the above-described property unto the Grantee, in fee simple, its successors and assigns forever.

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 does hereby covenant to and with said

Grantee, its successors 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/or that may be of record, and with said exceptions, Grantor will **WARRANT SPECIALLY** the title thereto.

IT IS AGREED AND UNDERSTOOD that the conveyance is subject to any and all utility or other easements of record in or upon the above-described property and to any and all rights of others recognized and/or permitted by the Grantor for the presence of utilities (i.e., electric, gas, water, telephone, cable TV, etc.), in or upon the property, and in respect to such utility rights, where no easement exists, this conveyance is subject to Grantee's agreement to dedicate or convey permanent easements to the owner(s) of said utilities for the perpetual maintenance thereof.

IT IS ALSO AGREED AND UNDERSTOOD that the erection and/or maintenance of off-premise advertising devices, including but not necessarily limited to billboards, upon the above-described property is prohibited.

IT IS ALSO AGREED AND UNDERSTOOD that should the subject property cease to be put to public use for the development of residential housing in accordance with the Record of Decision approved by the Federal Highway Administration, dated October 11, 2007, and any amendments or administrative modifications thereto, by the Grantee, its successors or assigns, the property shall revert to the Grantor, without monetary consideration.

THE INTEREST CONVEYED HEREBY IS SUBJECT TO ENVIRONMENTAL COVENANTS, RECORDED IN THE OFFICIAL RECORDS OF THE FAYETTE COUNTY CLERK'S OFFICE IN DEED BOOK 3375, PAGE 41, DEED BOOK 3838, PAGE 382,

COMMONWEALTH OF KENTUCKY)
)
COUNTY OF FAYETTE)

The foregoing deed and consideration certificate were subscribed, sworn to and acknowledged before me by Joan Z. Whitman, as President, on behalf of Lexington Community Land Trust, Inc., a Kentucky non-profit corporation on this 29 day of July, 2021.



[Handwritten Signature]

Notary Public, Kentucky State-at-Large

My commission expires: 2, 2, 2023

Notary ID # 615803

PREPARED BY:

[Handwritten Signature: Michael Keith Horn]

Michael Keith Horn,
Managing 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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DEED BOOK 3864 PAGE 115

**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: MELISSA STELTER ,dc

202107290243

July 29, 2021

15:02:56 PM

Fees	\$50.00	Tax	\$.00
	Total Paid		\$50.00

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CERTIFICATION

I, Abigail Allan, Clerk of the Urban County Council, do hereby certify that the foregoing is a true and correct copy of Ordinance 117-2020, which was presented and approved at a meeting of the Lexington-Fayette Urban County Council held on December 10, 2020.

Given under my hand and Seal of the Lexington-Fayette Urban County Government this 28th day of June, 2021.



Clerk of the Urban County Council

ORDINANCE NO. 117 – 2020

AN ORDINANCE CLOSING PORTIONS OF DEROODE, PATTERSON, MERINO, MCKINLEY, AND NEVILLE STREET, AS WELL AS BYARS ALLEY; DETERMINING THAT THE URBAN COUNTY GOVERNMENT OWNS ALL PROPERTY ABUTTING THE PORTION OF THE STREETS TO BE CLOSED AND HEREBY CONSENTS THERETO; AND AUTHORIZING THE MAYOR, ON BEHALF OF THE URBAN COUNTY GOVERNMENT, TO EXECUTE A QUITCLAIM DEED AND/OR A CONSOLIDATION PLAT TRANSFERRING THE FORMER RIGHT-OF-WAY TO THE URBAN COUNTY GOVERNMENT AS ABUTTING OWNER.

WHEREAS, the Urban County Government has the exclusive control, pursuant to Chapter 67A and Section 82.405 of the Kentucky Revised Statutes, to close a public way or any part thereof within its jurisdiction; and

WHEREAS, the Urban County Government Divisions of Police, Fire and Emergency Services, Waste Management, Water Quality, Streets and Roads, Engineering, Traffic Engineering and Planning, and affected public utilities have reviewed the proposed closing of portions of DeRoode, Patterson, Merino, McKinley, and Neville Street, as well as Byars Alley; and

WHEREAS, the Lexington-Fayette Urban County Government is the owner of the properties abutting the portions of DeRoode, Patterson, Merino, McKinley, and Neville Street, as well as Byars Alley, proposed for closure; and

WHEREAS, the Urban County Government, as abutting owner, has received written notice of the proposed closing along with an exhibit map depicting the area to be closed; and

WHEREAS, the Urban County Government hereby consents to the proposed closing;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 – That, pursuant to KRS 82.405(2)(a), (b) and (c), this Council finds that the Urban County Government is the owner of all properties abutting the portions of DeRoode, Patterson, Merino, McKinley, and Neville Street, as well as Byars Alley, herein proposed for closing and, through passage of this Ordinance, hereby consents to the closing.

Section 2 – That pursuant to the powers granted to the Lexington-Fayette Urban County Government under Chapter 67A and Section 82.405 of the Kentucky Revised Statutes, the following described portion of DeRoode Street be and hereby is closed as

a public way of the Lexington-Fayette Urban County Government:

Being all that portion of DeRoode Street as shown by cross-hatching on the exhibit map which is attached hereto and incorporated herein by reference as Exhibit A.

Section 3 – That pursuant to the powers granted to the Lexington-Fayette Urban County Government under Chapter 67A and Section 82.405 of the Kentucky Revised Statutes, the following described portion of Patterson Street be and hereby is closed as a public way of the Lexington-Fayette Urban County Government:

Being all that portion of Patterson Street as shown by cross-hatching on the exhibit map which is attached hereto and incorporated herein by reference as Exhibit A.

Section 4 – That pursuant to the powers granted to the Lexington-Fayette Urban County Government under Chapter 67A and Section 82.405 of the Kentucky Revised Statutes, the following described portion of Merino Street be and hereby is closed as a public way of the Lexington-Fayette Urban County Government:

Being all that portion of Merino Street as shown by cross-hatching on the exhibit map which is attached hereto and incorporated herein by reference as Exhibit A.

Section 5 – That pursuant to the powers granted to the Lexington-Fayette Urban County Government under Chapter 67A and Section 82.405 of the Kentucky Revised Statutes, the following described portion of McKinley Street be and hereby is closed as a public way of the Lexington-Fayette Urban County Government:

Being all that portion of McKinley Street as shown by cross-hatching on the exhibit map which is attached hereto and incorporated herein by reference as Exhibit A.

Section 6 – That pursuant to the powers granted to the Lexington-Fayette Urban County Government under Chapter 67A and Section 82.405 of the Kentucky Revised Statutes, the following described portion of Neville Street be and hereby is closed as a public way of the Lexington-Fayette Urban County Government:

Being all that portion of Neville Street as shown by cross-hatching on the exhibit map which is attached hereto and incorporated herein by reference as Exhibit A.

Section 7 – That pursuant to the powers granted to the Lexington-Fayette Urban County Government under Chapter 67A and Section 82.405 of the Kentucky Revised Statutes, the following described portion of Byars Alley be and hereby is closed as a public way of the Lexington-Fayette Urban County Government:

Being all that portion of Byars Alley as shown by cross-hatching on the exhibit map which is attached hereto and in-

corporated herein by reference as Exhibit A.

Section 8 – That the Mayor, on behalf of the Lexington-Fayette Urban County Government, be and hereby is authorized to execute a quitclaim deed and/or a consolidation plat transferring the former right-of-way.


Section 9 – That this Ordinance shall become effective on the date of its passage and shall be recorded in the Office of the Fayette County Clerk pursuant to KRS 82.405(2).

PASSED URBAN COUNTY COUNCIL: December 3, 2020



MAYOR

ATTEST:



CLERK OF URBAN COUNTY COUNCIL

Published: December 10, 2020- 1t

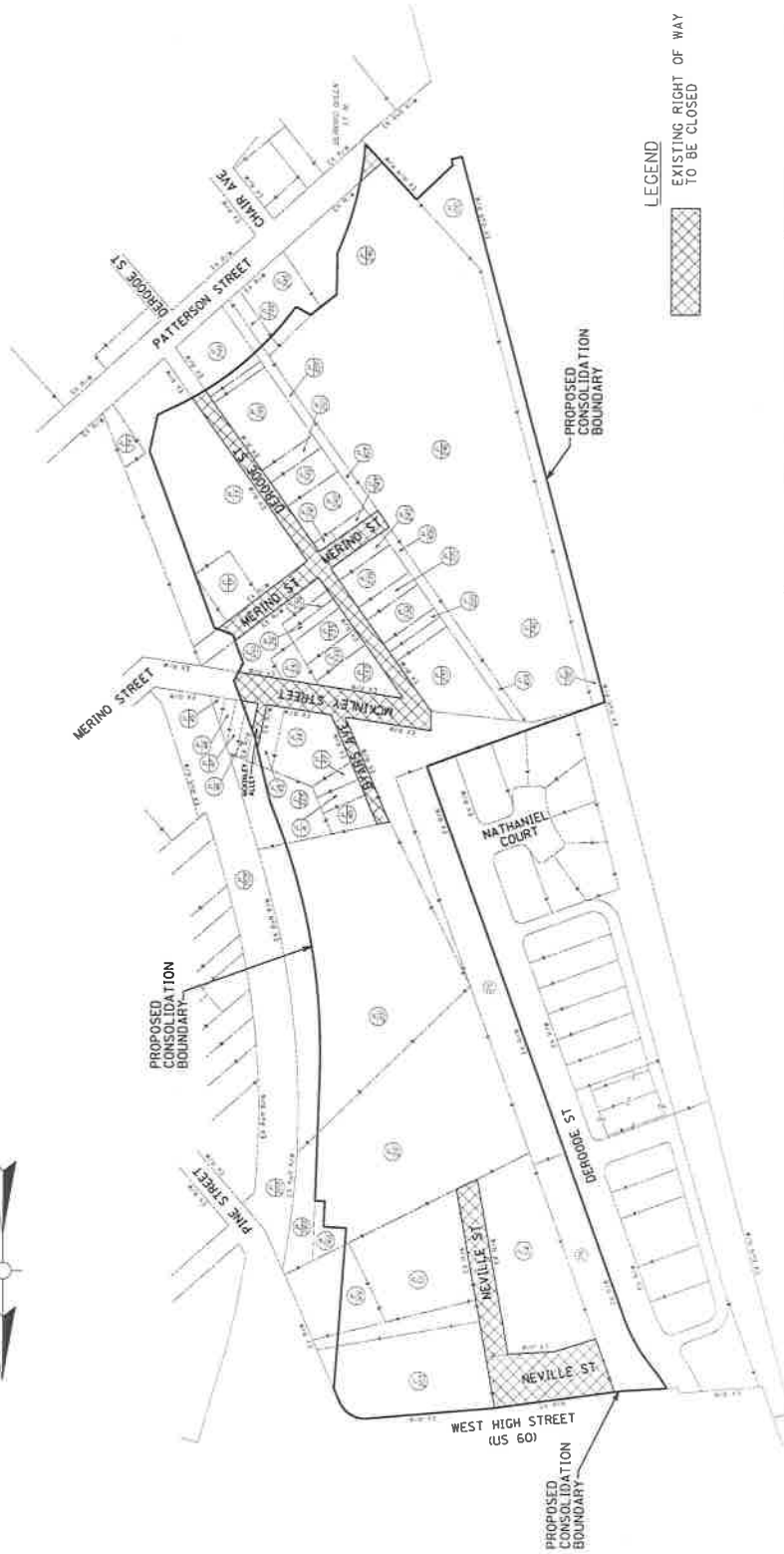
Prepared By:



Hon. Evan P. Thompson
Lexington-Fayette Urban County
Government
Department of Law
200 East Main Street 11th Floor
Lexington, KY 40507
(859) 258-3500



VICINITY MAP
NOT TO SCALE



LEGEND

EXISTING RIGHT OF WAY
TO BE CLOSED



SCALE: 1"=200'

**EXHIBIT OF EXISTING LFUGC
RIGHT OF WAY TO CLOSE**
LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT
FAYETTE COUNTY,
LEXINGTON, KENTUCKY
JANUARY 15, 2016

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: PATTY DAVIS ,dc

202106300215

June 30, 2021 13:11:00 PM

Fees	\$46.00	Tax	\$.00
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Total Paid	\$46.00
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