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January 14, 2011

Public Service Commission of Kentucky
Attn: Todd Osterloh
PO Box 615
Frankfort, KY 40602-0615

RECEIVED

JAN 18 2011

PUBLIC SERVICE
COMMISSION

RE: Conn v. Fleming Co. water Association
2010-00049

Dear Todd:

In accordance with our conversation regarding the Exhibit in 4-C, Exhibit A to the Declaration of Restrictions filed for the John Vise property recorded in Deed Book 217 Page 200 which refers to the deed to Natural Resources and Environmental Protection Cabinet as recorded in Deed Book 182, Page 64, I found that there are **DECLARATION OF RESTRICTIONS** filed for each of the properties purchased by Natural Resources in 1995 which border the water line that was disconnected by the Fleming County Water Association.

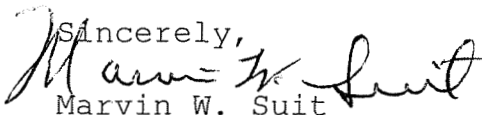
Enclosed are copies of these Declarations that specifically state the risks of radioactive isotopes migrating onto the purchased properties. More importantly, the Declaration of Restrictions **precludes residential and industrial uses.**

These copies are for land purchased from:

Ray and Ruby Lambert
Marcus Ball
Wendell and Linda McCarty
Hurl Johnson
Willis and Ivas Skaggs-1
Willis and Ivas Skaggs-2
Roscoe and Jewell Johnson
John and Eula Vise

I have made note of the hearing scheduled for Thursday, February 3rd at 10 AM.

Sincerely,


Marvin W. Suit

Parcel 38 contains 27.705 Acres and is the same property as conveyed to John
Vise from Charles R. Molton, by deed, dated April 18, 1957, as recorded in Deed
Book 114, Page 352, in the Fleming County Clerk's Office.

This description prepared by Palmer Engineering from a survey performed January
1995.

DOCUMENT# 12854
DATE: 1-5-04 TIME: 9:47
DEED TAX _____
MARILYN SPENCER, FLEMING CO CLERK
BY Dawnelle Davis DC
BOOK D217 PAGE 200

South 00 degrees 13'26.221" West 30.4452 feet to a point, thence;
 South 31 degrees 41'40.921" West 21.0928 feet to a point, thence;
 South 12 degrees 29'04.052" East 20.5991 feet to a point, thence;
 South 17 degrees 49'03.108" East 28.6712 feet to a point, thence;
 South 06 degrees 10'43.593" East 21.4808 feet to a point, thence;
 South 26 degrees 10'10.682" West 20.8013 feet to a point, thence;
 South 03 degrees 23'43.878" East 38.0899 feet to a point, thence;
 South 11 degrees 24'51.212" West 12.7134 feet to a point, thence;
 South 06 degrees 11'38.969" West 40.1212 feet to a point, thence;
 South 52 degrees 57'05.072" West 14.1081 feet to a point, thence;
 South 11 degrees 02'23.488" East, 13.9379 feet to a point, thence;
 South 33 degrees 04'50.615" West 15.3347 feet to a point, thence;
 South 09 degrees 06'46.741" West 21.3282 feet to a point, thence;
 South 14 degrees 33'11.765" East 80.4720 feet to a point, thence;
 South 04 degrees 53'12.185" West 61.8177 feet to a point, thence;
 South 02 degrees 20'44.689" West 57.0248 feet to a point, thence;
 South 05 degrees 41'22.104" East 18.0861 feet to a point, thence;
 South 04 degrees 35'14.098" West 59.9922 feet to a point, thence;
 South 05 degrees 03'19.826" East 37.4146 feet to a point, thence;
 South 22 degrees 31'14.454" West 44.4811 feet to a point, thence;
 South 15 degrees 27'19.237" West 85.8090 feet to a point, thence;
 South 14 degrees 01'04.208" West 52.8437 feet to a point, thence;
 South 14 degrees 13'53.067" West 87.0815 feet to a 24" Gum, corner to Gary Johnson, thence with Gary Johnson;
 North 65 degrees 23'25" West 383.44 feet to an iron pin, corner to Virginia Reeder, thence with Virginia Reeder;
 North 65 degrees 23'25" West 137.52 feet to an iron pin, corner to Charles Blevins, thence with Charles Blevins;
 North 65 degrees 23'25" West 25.29 feet to an iron pin, corner to Willie Skaggs, thence with Willie Skaggs;
 North 04 degrees 15'30" West 1488.01 feet to an iron pin at a 24" Sweet Gum, thence;

South 16 degrees 42'29.301" West 35.7848 feet to a point, thence;
South 11 degrees 54'02.983" West 19.3969 feet to a point, thence;
South 01 degree 29'34.342" East 46.3677 feet to a point, thence;
South 10 degrees 59'50.283" West 29.2929 feet to a point, thence;
South 26 degrees 29'36.273" West 14.3064 feet to a point, thence;
South 42 degrees 45'57.592" West 30.4931 feet to a point, thence;
South 44 degrees 16'04.840" West 111.5849 feet to an iron pin, thence;
South 59 degrees 03'53.852" West 63.3051 feet to a point in Rock Lick Creek,
thence down and meandering with Rock Lick Creek;
South 87 degrees 18'23.589" East 78.8641 feet to a point, thence;
North 86 degrees 36'16.725" East 67.5386 feet to a point, thence;
North 82 degrees 00'02.823" East 65.1267 feet to a point, thence;
North 77 degrees 30'18.395" East 49.1050 feet to a point, thence;
South 82 degrees 32'56.976" East 44.3646 feet to a point, thence;
South 63 degrees 03'32.289" East 54.0442 feet to a point, thence;
South 52 degrees 36'44.337" East 23.4814 feet to a point, thence;
South 05 degrees 12'51.819" West 72.4890 feet to a point, thence;
South 14 degrees 03'53.401" East 36.4538 feet to a point, thence;
South 38 degrees 36'39.214" East 25.0614 feet to a point, thence;
South 58 degrees 24'25.221" East 57.4366 feet to a point at the mouth of a drain,
thence up and meandering with the drain;
South 08 degrees 18'39.377" East 37.5938 feet to a point, thence;
South 25 degrees 19'12.958" West 158.6171 feet to a point, thence;
South 19 degrees 17'25.797" West 101.5081 feet to a point, thence;
South 28 degrees 22'16.338" West 45.7740 feet to a point, thence;
South 10 degrees 31'35.301" West 40.6043 feet to a point, thence;
South 34 degrees 37'56.069" West 40.9532 feet to a point, thence;
South 21 degrees 25'58.962" West 55.7450 feet to a point, thence;
South 32 degrees 20'21.707" West 40.5341 feet to a point, thence;
South 49 degrees 45'04.050" West 29.8371 feet to a point, thence;
South 00 degrees 50'07.788" West 31.8894 feet to a point, thence;

South 64 degrees 14'07" East 898.94 feet to a 36" White Oak, corner to John Vise, thence with John Vise;

North 85 degrees 25'56" West 167.48 feet to a 22" Tulip Poplar, thence;

South 33 degrees 12'46" West 100.57 feet to a 16" Chestnut Oak, thence;

South 19 degrees 13'20" West 224.95 feet to a 24" Poplar, thence;

South 04 degrees 48'35" West 109.50 feet to the beginning.

Parcel A contains 9.120 Acres and may be a part of property owned by Ray Lambert or John Vise. Deed descriptions of Ray Lambert and John Vise do not precisely describe the area (Parcel A) in question. Both Ray Lambert and John Vise believe Parcel 34A to be part of their respective lands.

This description prepared by Palmer Engineering from a survey performed January 1995.

PARCEL 38

A certain tract or parcel of land located in Fleming County, Kentucky, on the waters of Rock Lick Creek, situated along Rock Lick Creek Road, 1.3 miles east of KY 158, and being more particularly described as follows:

Beginning at a spike in the center of Rock Lick Creek Road, corner to Willie Skaggs and Roscoe Johnson, thence with the center of Rock Lick Creek Road and Roscoe Johnson;

South 86 degrees 21'13" East 60.75 feet to a nail and cap in the center of the road, thence;

South 85 degrees 47'00" East 59.28 feet to a nail and cap in the center of the road, thence;

South 85 degrees 13'00" East 200.13 feet to a nail and cap in the center of the road, thence;

South 83 degrees 36'50" East 57.62 feet to a nail and cap in the center of the road, thence;

South 84 degrees 50'08" East 61.02 feet to a nail and cap in the center of the road, thence;

South 87 degrees 39'21" East 59.73 feet to a nail and cap in the center of the road, thence;

South 89 degrees 43'24" East 55.49 feet to a nail and cap in the center of the road, thence;

North 89 degrees 22'26" East 58.85 feet to a nail and cap in the center of the road, thence;

South 89 degrees 13'32" East 87.97 feet to a spike in the center of the road, at the ditch, thence leaving the road continuing with Roscoe Johnson down and meandering with the ditch;

South 27 degrees 33'26.479" West 54.9265 feet to an iron pin, thence;

North 04 degrees 48'07" East 62.83 feet to a point in the gravel road, thence;

North 07 degrees 28'08" East 46.43 feet to a point in the center of the gravel road, corner to Ray Lambert, thence with Ray Lambert;

North 10 degrees 52'22" East 74.07 feet to a point in the center of the gravel road, thence;

North 13 degrees 16'35" East 61.29 feet to a point in the center of the gravel road, thence;

North 18 degrees 33'37" East 75.53 feet to a point in the center of the gravel road, thence;

North 80 degrees 26'33" East 467.56 feet to an iron pin, corner to Commonwealth of Kentucky, Maxey Flats, thence with Commonwealth of Kentucky;

North 86 degrees 49'17" East 1395.07 feet to an iron pin, corner to Willie Skaggs, thence with Willie Skaggs;

South 45 degrees 39'15" West 601.03 feet to an iron pin at a 30" White Oak, thence;

South 38 degrees 34'07" West 677.42 feet to an iron pin at a 48" Beech, corner to Wendell McCarty, thence with Wendell McCarty;

South 34 degrees 30'09" West 397.96 feet to an iron pin, thence;

South 06 degrees 16'54" East 16.33 feet to a spike in the center of Rock Lick Creek Road, corner to Willie Skaggs, thence with Willie Skaggs;

South 06 degrees 16'57" East 1184.13 feet to an iron pin, corner to Edson Whitt, thence with Edson Whitt;

South 82 degrees 00'56" West 1641.96 feet to an iron pin, corner to Bill Hall, thence with Bill Hall;

North 01 degree 12'43" East 1373.00 feet to the beginning.

Parcel 34 contains 99.530 Acres and is the same or a part of the same property as conveyed to John Vise from Linda Denton, by deed dated April 11, 1953, as recorded in Deed Book 111, Page 219, in the Fleming County Clerk's Office.

This description prepared by Palmer Engineering from a survey performed January 1995.

PARCEL A

A certain tract or parcel of land located in Fleming County, Kentucky, on the waters of Rock Lick Creek, and being more particularly described as follows:

Beginning at a 6" Hickory, corner to John Vise and Richard Brumagen, thence with Richard Brumagen;

North 63 degrees 49'14" West 924.55 feet to an iron pin, thence;

North 40 degrees 56'11" East 496.64 feet to an iron pin, corner to Ray Lambert, thence with Ray Lambert;

PARCEL 34

A certain tract or parcel of land located in Fleming County, Kentucky, on the waters of Rock Lick Creek, situated along Rock Lick Creek Road, 0.6 mile east of KY 158 and being more particularly described as follows:

Beginning at a spike in the center of Rock Lick Creek Road, corner to Bill Hall and Richard Brumagen, thence leaving Rock Lick Creek Road with Richard Brumagen;

North 01 degree 12'43" East 577.50 feet to an iron pin, thence;

North 66 degrees 14'57" West 435.94 feet to a 6" Hickory, corner to Parcel 34A, thence with Parcel 34A;

North 04 degrees 48'35" East 109.50 feet to a 24" Poplar, thence;

North 19 degrees 13'20" East 224.95 feet to a 16" Chestnut Oak, thence;

North 33 degrees 12'46" East 100.57 feet to a 22" Tulip Poplar, thence;

South 85 degrees 25'56" East 167.48 feet to a 36" White Oak, corner to Ray Lambert, thence with Ray Lambert;

South 64 degrees 14'07" East 623.86 feet to an iron pin, corner to Hurl Johnson, thence with Hurl Johnson;

South 67 degrees 05'58" East 159.56 feet to a point in the center of the gravel road, thence with the gravel road and Hurl Johnson;

North 01 degree 46'42" West 46.74 feet to a point in the center of the gravel road, thence;

DECLARATION OF RESTRICTIONS

THIS DECLARATION is made as of December 5, 2003 by the Commonwealth of Kentucky, for the use and benefit of the Natural Resources and Environmental Protection Cabinet (Declarant).

RECEIVED
JAN 18 2011
RURAL PROTECTION
SERVICE
COMMISSION

WHEREAS, Declarant is the owner of real property located at Rock Lick Road, in Fleming County, Kentucky (the Property), more particularly described in Deed Book 182, Page 64, of the Fleming County Clerk's Office as indicated in Exhibit A.

WHEREAS, this property is adjacent to (and serves as a "buffer zone" for) a low-level nuclear disposal site with a history of releases to the environment, specifically the Maxey Flats site (site). The site is on the National Priority List pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

WHEREAS, this site has been the subject of a Remedial Action and is undergoing Operations and Maintenance pursuant to a Consent Decree with the U.S. Environmental Protection Agency (Civil Action Number 95-58). The site has been capped to control exposure to the hazardous substances, pollutants or contaminants by restricting direct contact and diverting rainfall.

WHEREAS, U.S. Environmental Protection Agency (EPA) has approved the Remedial Action and Interim Maintenance Period Workplan at the site (a document which governs Operations and Maintenance activities, among other items), and the Commonwealth of Kentucky is performing the actions required by the approved Workplan. However, tritium and other radioactive isotopes remain onsite in amounts that could pose risks above the de minimum levels for all exposure scenarios if the Remedy were to fail. Any releases could migrate to this property.

WHEREAS, further information concerning the site may be obtained by contacting the Custodian of Records of the Division of Waste Management at 14 Reilly Road, Frankfort, Kentucky 40601.

NOW THEREFORE, pursuant to the Consent Decree, and the Remedial Action as specified in the Record of Decision, Declarant imposes the following restrictions:

1.) Definitions. (A) "Residential use" means any use of the property related to a (i) residence or dwelling, including but not limited to a house, apartment, or condominium, or (ii) school, hospital, day care center, playground, or outdoor recreational area. (B) "Owner" means the Declarant or any successor owner or owners.

2.) Restrictions Applicable to the Property. Declarant shall assure that the use, occupancy, and activity of and at the Property are restricted as follows:

A. Groundwater. Groundwater at the Property shall not be used for drinking or other domestic, agricultural or industrial purposes. Groundwater will only be used for sampling and/or investigation purposes.

B. Except as necessary to protect human health, safety or the environment, no action shall be taken, allowed, suffered, or omitted on the Property if such action or omission is reasonably likely to:

i. Create a risk of migration of hazardous substances, pollutants or contaminants or a potential hazard to human health or the environment; or

ii. Result in a disturbance of the structural integrity of any engineering controls designed or utilized at the Property to contain hazardous substances, pollutants or contaminants or limit human exposure to hazardous substances, pollutants or contaminants. This includes cutting or otherwise damaging trees on the sideslopes of the site.

C. Access shall be restricted to Commonwealth of Kentucky personnel and agents. Persons other than Commonwealth of Kentucky personnel and agents may access the property with permission of the Commonwealth of Kentucky for purposes of investigation, remediation, or support activities related to investigation and remediation. Also, members of the public may access portions of the property pursuant to a Community Relations Plan. However, such activity shall be carried out under a Health and Safety Plan meeting Occupational Safety and Health Act requirements. Note this restriction precludes residential and industrial uses.

3.) Restrictions Run With Land.

(A) Declarant shall not sell, transfer, lease, or convey this property, nor allow it to be occupied by any person other than Commonwealth of Kentucky personnel and agents (with exceptions as stated in (2).C, above), until such time as Declarant and EPA enter into an agreement formally executed by a legal instrument, which is agreed to by both parties.

2/7/200

John Vise 182-64

North 44°16'04.840" East 111.5849 feet to a point in the ditch, thence;

North 42°45'57.592" East 30.4931 feet to a point in the ditch, thence;

North 26°29'36.273" East 14.3064 feet to a point in the ditch, thence;

North 10°59'50.283" East 29.2929 feet to a point in the ditch, thence;

North 01°29'34.342" West 46.3677 feet to a point in the ditch, thence;

North 11°54'02.983" East 19.3969 feet to a point in the ditch, thence;

North 16°42'29.301" East 35.7848 feet to a point in the ditch, thence;

North 27°33'26.479" East 54.9265 feet to the beginning.

Parcel 41 contains (by this description) 50.72± Acres, however, there is included within this boundary a parcel of land owned by Marcus Ball (Parcel 39) which contains 1.00± Acre, and is deducted from the net area, leaving a remainder of 49.72± Acres, and is a part of the same property as conveyed to Roscoe Johnson from Lois McKee, by deed, dated April 12, 1971, as recorded in Deed Book 132, Page 201, in the Flemming County Clerk's Office.

This description prepared by Palmer Engineering from a survey performed March 1995.

DOCUMENT# 12853
DATE: 1-5-04 TIME: 9:46
DEED TAX _____
MARILYN SPENCER, FLEMING CO. CLERK
BY Dawnelle Jarvis DC
BOOK D217 PAGE 195

North 73°17'51" West 73.84 feet to a Nail & Cap, thence;
North 67°19'09" West 58.81 feet to a Nail & Cap, thence;
North 63°27'43" West 62.97 feet to a Spike, thence;
North 70°16'43" West 56.42 feet to a Nail & Cap, thence;
North 80°03'38" West 55.82 feet to a Spike, thence leaving
Rock Lick Road and continuing with Roscoe Johnson;
South 09°15'43" West 123.10 feet to an Iron Pin, thence;
South 80°00'44" East 72.69 feet to an Iron Pin at a 8" Wild
Cherry tree, thence;
South 29°31'03" West 373.31 feet to an Iron Pin, thence;
South 22°23'26" West 69.87 feet to an Iron Pin, corner to
John Vise, thence leaving Roscoe Johnson with John Vise;
North 08°18'39" West 37.59 feet to a point in Rock Lick
Creek, thence continuing with John Vise and Rock Lick Creek;
North 58°24'25.221" West 57.4366 feet to a point in the
creek, thence;
North 38°36'39.214" West 25.0614 feet to a point in the
creek, thence;
North 14°03'53.401" West 36.4538 feet to a point in the
creek, thence;
North 05°12'51.819" East 72.4890 feet to a point in the
creek, thence;
North 52°36'44.337" West 23.4814 feet to a point in the
creek, thence;
North 63°03'32.289" West 54.0442 feet to a point in the
creek, thence;
North 82°32'56.976" West 44.3646 feet to a point in the
creek, thence;
South 77°30'18.395" West 49.1050 feet to a point in the
creek, thence;
South 82°00'02.823" West 65.1267 feet to a point in the
creek, thence;
South 86°36'16.725" West 67.5386 feet to a point in the
creek, thence;
North 87°18'23.589" West 78.8641 feet to a point in the
creek, at a ditch, thence leaving Rock Lick Creek with the
ditch;
North 59°03'53.852" East 63.3051 feet to a point in the
ditch, thence;

D E E D D E S C R I P T I O N

PARCEL 41

A certain tract or parcel of land located in Flemming County, Kentucky, on the waters of Rock Lick Creek, situated along Rock Lick Road, 1.3 miles east of KY 158 and being more particularly described as follows:

Beginning at a Spike in the center of Rock Lick Road, corner to John Vise, thence with Rock Lick Road and John Vise;

North 89°13'32" West 87.97 feet to a Nail & Cap, thence;

South 89°22'26" West 58.85 feet to a Nail & Cap, thence;

North 89°43'24" West 55.49 feet to a Nail & Cap, thence;

North 87°39'21" West 59.73 feet to a Nail & Cap, thence;

North 84°50'08" West 61.02 feet to a Nail & Cap, thence;

North 83°36'50" West 57.62 feet to a Nail & Cap, thence;

North 85°13'30" West 200.13 feet to a Nail & Cap, thence;

North 85°47'00" West 59.28 feet to a Nail & Cap, thence;

North 86°21'13" West 60.75 feet to Spike, corner to Willie Skaggs, thence leaving Rock Lick Road and John Vise, with Willie Skaggs;

North 11°29'07" East 672.30 feet to a 40" White Oak, corner to Commonwealth of Kentucky, thence leaving Willie Skaggs with the Commonwealth of Kentucky;

North 15°35'15" East 500.08 feet to an Iron Pin, thence;

South 78°40'17" East 594.01 feet to an Iron Pin, thence;

North 26°23'33" East 258.24 feet to an Iron Pin in a Stump, thence;

North 86°35'11" East 567.87 feet to an Iron Pin, corner to Alla Huffman, thence leaving the Commonwealth of Kentucky with Alla Huffman;

South 21°09'38" East 616.63 feet to an iron pin, thence;

South 21°09'38" East 616.63 feet to an iron pin, corner to Roscoe Johnson, thence leaving Alla Huffman with Roscoe Johnson;

South 63°08'19" West 663.34 feet to a Spike in the center of Rock Lick Road, thence continuing with Roscoe Johnson and Rock Lick Road;

(B). Unless canceled, altered or amended under the provisions of paragraph 4 of this Declaration, these restrictions are to run with the land and shall be binding on Declarant, his successors, heirs and assigns unless an instrument signed by the Declarant and EPA has been recorded, agreeing to change these restrictions in whole or in part.

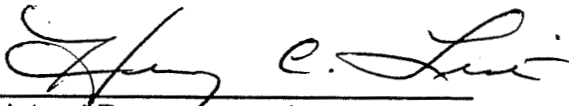
(C). Except as provide in paragraph 4 of this Declaration, the Declarant hereby declares that the Property shall hereafter be held, transferred, sold, leased, conveyed and occupied subject to the restrictions set forth herein, each and all of which is and are for, and shall inure to the benefit of and pass with each and every part of the Property and shall apply to and bind the heirs, assignees and successors in interest of the Declarant.

4.) Release of Restriction. These restrictions may not be canceled, altered or amended without the affirmative action of the Declarant and EPA, in an instrument executed by both parties agreeing to change these restrictions in whole or in part.

5.) Effect of Invalidation. Invalidation of any one of these restrictions, conditions or covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

IN WITNESS WHEREOF, Declarant has executed this Declaration of Restrictions as of the date set forth above.

Recommended:




Natural Resources and
Environmental Protection Cabinet

Examined:


Gary Bale, General Counsel
Finance and Administration Cabinet

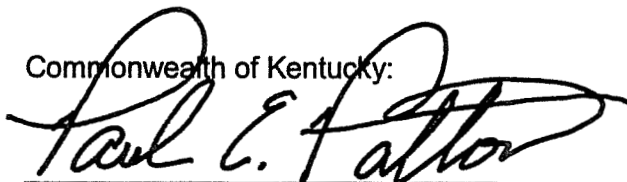
Approved:


Gordon C. Duke, Secretary
Finance and Administration Cabinet

Examined:


Michael T. Alexander
Counsel to the Governor

Commonwealth of Kentucky:


Paul E. Patton, Governor

DECLARATION OF RESTRICTIONS

THIS DECLARATION is made as of December 5, 2003 by the Commonwealth of Kentucky, for the use and benefit of the Natural Resources and Environmental Protection Cabinet (Declarant).

RECEIVED
JAN 18 2011
PUBLIC SERVICE
COMMISSION

WHEREAS, Declarant is the owner of real property located at Rock Lick Road, in Fleming County, Kentucky (the Property), more particularly described in Deed Book 182, Page 368, of the Fleming County Clerk's Office as indicated in Exhibit A.

WHEREAS, this property is adjacent to (and serves as a "buffer zone" for) a low-level nuclear disposal site with a history of releases to the environment, specifically the Maxey Flats site (site). The site is on the National Priority List pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

WHEREAS, this site has been the subject of a Remedial Action and is undergoing Operations and Maintenance pursuant to a Consent Decree with the U.S. Environmental Protection Agency (Civil Action Number 95-58). The site has been capped to control exposure to the hazardous substances, pollutants or contaminants by restricting direct contact and diverting rainfall.

WHEREAS, U.S. Environmental Protection Agency (EPA) has approved the Remedial Action and Interim Maintenance Period Workplan at the site (a document which governs Operations and Maintenance activities, among other items), and the Commonwealth of Kentucky is performing the actions required by the approved Workplan. However, tritium and other radioactive isotopes remain onsite in amounts that could pose risks above the de minimum levels for all exposure scenarios if the Remedy were to fail. Any releases could migrate to this property.

WHEREAS, further information concerning the site may be obtained by contacting the Custodian of Records of the Division of Waste Management at 14 Reilly Road, Frankfort, Kentucky 40601.

NOW THEREFORE, pursuant to the Consent Decree, and the Remedial Action as specified in the Record of Decision, Declarant imposes the following restrictions:

1.) Definitions. (A) "Residential use" means any use of the property related to a (i) residence or dwelling, including but not limited to a house, apartment, or condominium, or (ii) school, hospital, day care center, playground, or outdoor recreational area. (B) "Owner" means the Declarant or any successor owner or owners.

2.) Restrictions Applicable to the Property. Declarant shall assure that the use, occupancy, and activity of and at the Property are restricted as follows:

A. Groundwater. Groundwater at the Property shall not be used for drinking or other domestic, agricultural or industrial purposes. Groundwater will only be used for sampling and/or investigation purposes.

B. Except as necessary to protect human health, safety or the environment, no action shall be taken, allowed, suffered, or omitted on the Property if such action or omission is reasonably likely to:

i. Create a risk of migration of hazardous substances, pollutants or contaminants or a potential hazard to human health or the environment; or

ii. Result in a disturbance of the structural integrity of any engineering controls designed or utilized at the Property to contain hazardous substances, pollutants or contaminants or limit human exposure to hazardous substances, pollutants or contaminants. This includes cutting or otherwise damaging trees on the sideslopes of the site.

C. Access shall be restricted to Commonwealth of Kentucky personnel and agents. Persons other than Commonwealth of Kentucky personnel and agents may access the property with permission of the Commonwealth of Kentucky for purposes of investigation, remediation, or support activities related to investigation and remediation. Also, members of the public may access portions of the property pursuant to a Community Relations Plan. However, such activity shall be carried out under a Health and Safety Plan meeting Occupational Safety and Health Act requirements. Note this restriction precludes residential and industrial uses.

3.) Restrictions Run With Land.

(A) Declarant shall not sell, transfer, lease, or convey this property, nor allow it to be occupied by any person other than Commonwealth of Kentucky personnel and agents (with exceptions as stated in (2).C, above), until such time as Declarant and EPA enter into an agreement formally executed by a legal instrument, which is agreed to by both parties.

North 56°33'16" West 524.98 feet to an iron pin at a 24" Maple, thence;

South 83°08'12" West 445.16 feet to an iron pin, corner to Edson Whitt and John Vise, thence leaving Edson Whitt with John Vise;

North 06°16'57" West 1184.13 feet to the beginning.

Parcel 37 contains (by this description) 100.62± Acres, however, there is included within this boundary a parcel of land owned by Willie Skaggs, Jr. (Parcel 37A) which contains 0.48± Acre, and is deducted from the net area, leaving a remainder of 100.14± Acres, and is a part of the same property as conveyed to Willie Skaggs from Arvel Ratliff, by deed, dated July 19, 1974, as recorded in Deed Book 137, Page 765, in the Flemming County Clerk's Office.

This description prepared by Palmer Engineering from a survey performed March 1995.

DOCUMENT# 12852
DATE: 1-5-04 TIME: 9:45
DEED TAX _____
MARILYN SPENCER, FLEMING CO CLERK
BY Cornelia Jarvis DC
BOOK D217 PAGE 191

D E E D D E S C R I P T I O N

PARCEL 37

A certain tract or parcel of land located in Flemming County, Kentucky, on the waters of Rock Lick Creek, situated along Rock Lick Road, 1 mile east of KY 158 and being more particularly described as follows:

Beginning at a spike in the center of Rock Lick Road, corner to John Vise and Wendell McCarty, thence with Rock Lick Road and Wendell McCarty;

North 89°55'51" East 62.13 feet to a Nail & Cap, thence;

North 86°16'09" East 75.92 feet to a Nail & Cap, thence;

North 85°16'31" East 63.59 feet to a Nail & Cap, thence;

North 83°35'13" East 61.12 feet to a Nail & Cap, thence;

North 80°59'06" East 16.05 feet to a PK Nail, thence leaving Rock Lick Road with Wendell McCarty;

North 09°34'41" West 21.10 feet to an 8" Oak, thence;

North 09°28'32" West 308.00 feet to an Iron Pin at 48" Beech, corner to John Vise, thence leaving Wendell McCarty with John Vise;

North 38°34'07" East 677.42 feet to an Iron Pin at a 30" White Oak, thence;

North 45°39'15" East 601.03 feet to an Iron Pin, corner to the Commonwealth of Kentucky, thence leaving John Vise with the Commonwealth of Kentucky;

South 82°10'17" East 221.31 feet to an Iron Pin, thence;

South 00°57'17" East 1299.17 feet to an Iron Pin, thence;

North 60°41'52" East 1124.08 feet to a 40" White Oak, corner to Roscoe Johnson, thence leaving the Commonwealth of Kentucky with Roscoe Johnson;

South 11°29'07" West 672.30 feet to a spike in the center of Rock Lick Road, corner to John Vise, thence leaving Roscoe Johnson with John Vise;

South 05°23'35" East 216.96 feet to a 24" Sweet Gum, thence;

South 04°15'30" East 1488.01 feet to an iron pin, corner to Charles Blevins, thence leaving John Vise with Charles Blevins;

North 76°30'28" West 989.78 feet to an iron pin, corner to Edson Whitt, thence leaving Charles Blevins with Edson Whitt;

North 58°11'17" West 378.79 feet to an iron pin at a 14" Maple, thence;

(B). Unless canceled, altered or amended under the provisions of paragraph 4 of this Declaration, these restrictions are to run with the land and shall be binding on Declarant, his successors, heirs and assigns unless an instrument signed by the Declarant and EPA has been recorded, agreeing to change these restrictions in whole or in part.


(C). Except as provide in paragraph 4 of this Declaration, the Declarant hereby declares that the Property shall hereafter be held, transferred, sold, leased, conveyed and occupied subject to the restrictions set forth herein, each and all of which is and are for, and shall inure to the benefit of and pass with each and every part of the Property and shall apply to and bind the heirs, assignees and successors in interest of the Declarant.

4.) Release of Restriction. These restrictions may not be canceled, altered or amended without the affirmative action of the Declarant and EPA, in an instrument executed by both parties agreeing to change these restrictions in whole or in part.


5.) Effect of Invalidation. Invalidation of any one of these restrictions, conditions or covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

IN WITNESS WHEREOF, Declarant has executed this Declaration of Restrictions as of the date set forth above.

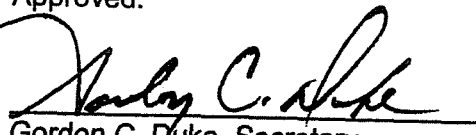
Recommended:


Natural Resources and
Environmental Protection Cabinet

Examined:


Gary Bale, General Counsel
Finance and Administration Cabinet

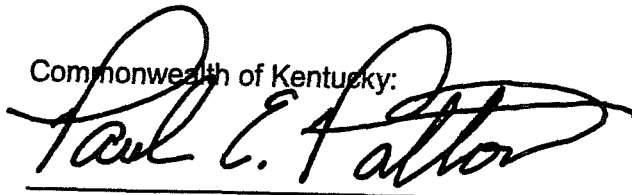
Approved:


Gordon C. Duke, Secretary
Finance and Administration Cabinet

Examined:


Michael T. Alexander
Counsel to the Governor

Commonwealth of Kentucky:


Paul E. Patton, Governor

RECEIVED

JAN 18 2011

PUBLIC SERVICE
COMMISSION

DECLARATION OF RESTRICTIONS

THIS DECLARATION is made as of December 5, 2003 by the Commonwealth of Kentucky, for the use and benefit of the Natural Resources and Environmental Protection Cabinet (Declarant).

WHEREAS, Declarant is the owner of real property located at Rock Lick Road, in Fleming County, Kentucky (the Property), more particularly described in Deed Book 182, Page 168, of the Fleming County Clerk's Office as indicated in Exhibit A.

WHEREAS, this property is adjacent to (and serves as a "buffer zone" for) a low-level nuclear disposal site with a history of releases to the environment, specifically the Maxey Flats site (site). The site is on the National Priority List pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

WHEREAS, this site has been the subject of a Remedial Action and is undergoing Operations and Maintenance pursuant to a Consent Decree with the U.S. Environmental Protection Agency (Civil Action Number 95-58). The site has been capped to control exposure to the hazardous substances, pollutants or contaminants by restricting direct contact and diverting rainfall.

WHEREAS, U.S. Environmental Protection Agency (EPA) has approved the Remedial Action and Interim Maintenance Period Workplan at the site (a document which governs Operations and Maintenance activities, among other items), and the Commonwealth of Kentucky is performing the actions required by the approved Workplan. However, tritium and other radioactive isotopes remain onsite in amounts that could pose risks above the de minimum levels for all exposure scenarios if the Remedy were to fail. Any releases could migrate to this property.

WHEREAS, further information concerning the site may be obtained by contacting the Custodian of Records of the Division of Waste Management at 14 Reilly Road, Frankfort, Kentucky 40601.

NOW THEREFORE, pursuant to the Consent Decree, and the Remedial Action as specified in the Record of Decision, Declarant imposes the following restrictions:

1.) Definitions: (A) "Residential use" means any use of the property related to a (i) residence or dwelling, including but not limited to a house, apartment, or condominium, or (ii) school, hospital, day care center, playground, or outdoor recreational area. (B) "Owner" means the Declarant or any successor owner or owners.

2.) Restrictions Applicable to the Property. Declarant shall assure that the use, occupancy, and activity of and at the Property are restricted as follows:

A. Groundwater. Groundwater at the Property shall not be used for drinking or other domestic, agricultural or industrial purposes. Groundwater will only be used for sampling and/or investigation purposes.

B. Except as necessary to protect human health, safety or the environment, no action shall be taken, allowed, suffered, or omitted on the Property if such action or omission is reasonably likely to:

i. Create a risk of migration of hazardous substances, pollutants or contaminants or a potential hazard to human health or the environment; or

ii. Result in a disturbance of the structural integrity of any engineering controls designed or utilized at the Property to contain hazardous substances, pollutants or contaminants or limit human exposure to hazardous substances, pollutants or contaminants. This includes cutting or otherwise damaging trees on the sideslopes of the site.

C. Access shall be restricted to Commonwealth of Kentucky personnel and agents. Persons other than Commonwealth of Kentucky personnel and agents may access the property with permission of the Commonwealth of Kentucky for purposes of investigation, remediation, or support activities related to investigation and remediation. Also, members of the public may access portions of the property pursuant to a Community Relations Plan. However, such activity shall be carried out under a Health and Safety Plan meeting Occupational Safety and Health Act requirements. Note this restriction precludes residential and industrial uses.

3.) Restrictions Run With Land.

(A) Declarant shall not sell, transfer, lease, or convey this property, nor allow it to be occupied by any person other than Commonwealth of Kentucky personnel and agents (with exceptions as stated in (2).C, above), until such time as Declarant and EPA enter into an agreement formally executed by a legal instrument, which is agreed to by both parties.

217/191 Willis Skaggs 182-168

D E E D D E S C R I P T I O N

PARCEL 37A

A certain tract or parcel of land located in Flemming County, Kentucky, on the waters of Rock Lick Creek, situated along Rock Lick Road, 1.1 miles east of KY 158 and being more particularly described as follows:

Beginning at a PK Nail the center of Rock Lick Creek Road, corner to Willie Skaggs, thence with Rock Lick Road and Willie Skaggs;

North 81°25'48" West 78.03 feet to a Nail & Cap, thence;

North 78°35'42" West 91.32 feet to a PK Nail, corner to Willie Skaggs, thence leaving Rock Lick Road with Willie Skaggs;

North 13°57'52" East 22.47 feet to a 20" White Oak, thence;

North 13°57'47" East 111.67 feet to a 15" Tulip Poplar, thence;

South 71°49'24" East 169.53 feet to an 8" Maple, thence;

South 14°02'45" West 84.73 feet to a 26" White Oak, thence;

South 14°02'44" West 25.55 feet to the beginning.

Parcel 37A contains 0.48± Acres and is the same property as conveyed to Willie Skaggs, Jr. by deed from Willie Skaggs, dated October 27, 1990, as recorded in Deed Book 170, Page 527, in the Flemming County Clerk's Office.

This description prepared by Palmer Engineering from a survey performed March 1995.

DOCUMENT# 12850
DATE: 1-5-04 TIME: 9:43
DEED TAX _____
MARILYN SPENCER, FLEMING CO CLERK
BY Dawnella Jarvis DC
BOOK D217 PAGE 185

(B). Unless canceled, altered or amended under the provisions of paragraph 4 of this Declaration, these restrictions are to run with the land and shall be binding on Declarant, his successors, heirs and assigns unless an instrument signed by the Declarant and EPA has been recorded, agreeing to change these restrictions in whole or in part.

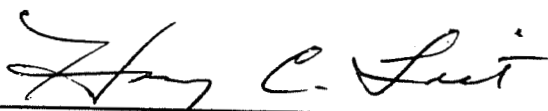
(C). Except as provide in paragraph 4 of this Declaration, the Declarant hereby declares that the Property shall hereafter be held, transferred, sold, leased, conveyed and occupied subject to the restrictions set forth herein, each and all of which is and are for, and shall inure to the benefit of and pass with each and every part of the Property and shall apply to and bind the heirs, assignees and successors in interest of the Declarant.

4.) Release of Restriction. These restrictions may not be canceled, altered or amended without the affirmative action of the Declarant and EPA, in an instrument executed by both parties agreeing to change these restrictions in whole or in part.

5.) Effect of Invalidation. Invalidation of any one of these restrictions, conditions or covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

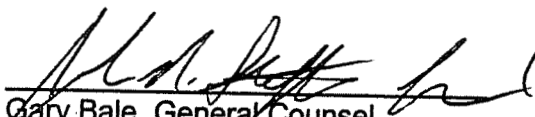
IN WITNESS WHEREOF, Declarant has executed this Declaration of Restrictions as of the date set forth above.

Recommended:

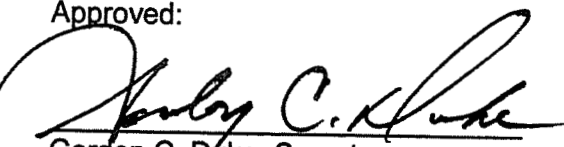


Natural Resources and
Environmental Protection Cabinet

Examined:


Gary Bale, General Counsel
Finance and Administration Cabinet

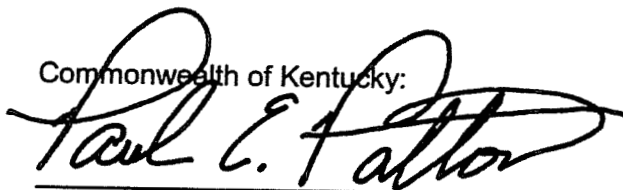
Approved:


Gordon C. Duke, Secretary
Finance and Administration Cabinet

Examined:


Michael T. Alexander
Counsel to the Governor

Commonwealth of Kentucky:


Paul E. Patton, Governor

RECEIVED

JAN 18 2011

PUBLIC SERVICE
COMMISSION

DECLARATION OF RESTRICTIONS

THIS DECLARATION is made as of December 5, 2003 by the Commonwealth of Kentucky, for the use and benefit of the Natural Resources and Environmental Protection Cabinet (Declarant).

WHEREAS, Declarant is the owner of real property located at Rock Lick Road, in Fleming County, Kentucky (the Property), more particularly described in Deed Book 182, Page 173, of the Fleming County Clerk's Office as indicated in Exhibit A.

WHEREAS, this property is adjacent to (and serves as a "buffer zone" for) a low-level nuclear disposal site with a history of releases to the environment, specifically the Maxey Flats site (site). The site is on the National Priority List pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

WHEREAS, this site has been the subject of a Remedial Action and is undergoing Operations and Maintenance pursuant to a Consent Decree with the U.S. Environmental Protection Agency (Civil Action Number 95-58). The site has been capped to control exposure to the hazardous substances, pollutants or contaminants by restricting direct contact and diverting rainfall.

WHEREAS, U.S. Environmental Protection Agency (EPA) has approved the Remedial Action and Interim Maintenance Period Workplan at the site (a document which governs Operations and Maintenance activities, among other items), and the Commonwealth of Kentucky is performing the actions required by the approved Workplan. However, tritium and other radioactive isotopes remain onsite in amounts that could pose risks above the de minimum levels for all exposure scenarios if the Remedy were to fail. Any releases could migrate to this property.

WHEREAS, further information concerning the site may be obtained by contacting the Custodian of Records of the Division of Waste Management at 14 Reilly Road, Frankfort, Kentucky 40601.

NOW THEREFORE, pursuant to the Consent Decree, and the Remedial Action as specified in the Record of Decision, Declarant imposes the following restrictions:

1.) Definitions. (A) "Residential use" means any use of the property related to a (i) residence or dwelling, including but not limited to a house, apartment, or condominium, or (ii) school, hospital, day care center, playground, or outdoor recreational area. (B) "Owner" means the Declarant or any successor owner or owners.

2.) Restrictions Applicable to the Property. Declarant shall assure that the use, occupancy, and activity of and at the Property are restricted as follows:

A. Groundwater. Groundwater at the Property shall not be used for drinking or other domestic, agricultural or industrial purposes. Groundwater will only be used for sampling and/or investigation purposes.

B. Except as necessary to protect human health, safety or the environment, no action shall be taken, allowed, suffered, or omitted on the Property if such action or omission is reasonably likely to:

i. Create a risk of migration of hazardous substances, pollutants or contaminants or a potential hazard to human health or the environment; or

ii. Result in a disturbance of the structural integrity of any engineering controls designed or utilized at the Property to contain hazardous substances, pollutants or contaminants or limit human exposure to hazardous substances, pollutants or contaminants. This includes cutting or otherwise damaging trees on the sideslopes of the site.

C. Access shall be restricted to Commonwealth of Kentucky personnel and agents. Persons other than Commonwealth of Kentucky personnel and agents may access the property with permission of the Commonwealth of Kentucky for purposes of investigation, remediation, or support activities related to investigation and remediation. Also, members of the public may access portions of the property pursuant to a Community Relations Plan. However, such activity shall be carried out under a Health and Safety Plan meeting Occupational Safety and Health Act requirements. Note this restriction precludes residential and industrial uses.

3.) Restrictions Run With Land.

(A) Declarant shall not sell, transfer, lease, or convey this property, nor allow it to be occupied by any person other than Commonwealth of Kentucky personnel and agents (with exceptions as stated in (2).C, above), until such time as Declarant and EPA enter into an agreement formally executed by a legal instrument, which is agreed to by both parties.

217 / 185 Willis SKaggs 182-173

A certain parcel fronting on the Old County Road, (formerly known as the King Road), leading off the Upper Rock Lick Road, in Fleming County, Kentucky and BEGINNING at a point in the center of the old County Road; thence in a general Westerly direction 157 feet; thence in a general Northerly direction 186 feet; thence in a general Easterly direction 121 feet; thence in a general Southerly direction 139 feet to the point of beginning.

This being the same property conveyed to the Grantors by Rufus McRoberts and Helen McRoberts, his wife, by Deed dated January 6, 1975 and recorded in Deed Book 138, Page 586, in the Office of the Fleming County Clerk.

DOCUMENT# 12848
DATE: 1-5-04 TIME: 9:41
DEED TAX _____
MARILYN SPENCER, FLEMING CO CLERK
BY Kawella Jarvis DC
BOOK D217 PAGE 179

(B). Unless canceled, altered or amended under the provisions of paragraph 4 of this Declaration, these restrictions are to run with the land and shall be binding on Declarant, his successors, heirs and assigns unless an instrument signed by the Declarant and EPA has been recorded, agreeing to change these restrictions in whole or in part.

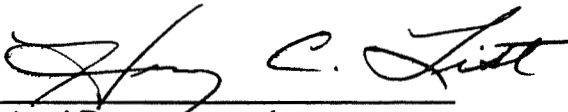
(C). Except as provide in paragraph 4 of this Declaration, the Declarant hereby declares that the Property shall hereafter be held, transferred, sold, leased, conveyed and occupied subject to the restrictions set forth herein, each and all of which is and are for, and shall inure to the benefit of and pass with each and every part of the Property and shall apply to and bind the heirs, assignees and successors in interest of the Declarant.

4.) Release of Restriction. These restrictions may not be canceled, altered or amended without the affirmative action of the Declarant and EPA, in an instrument executed by both parties agreeing to change these restrictions in whole or in part.

5.) Effect of Invalidation. Invalidation of any one of these restrictions, conditions or covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

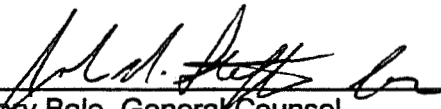
IN WITNESS WHEREOF, Declarant has executed this Declaration of Restrictions as of the date set forth above.

Recommended:

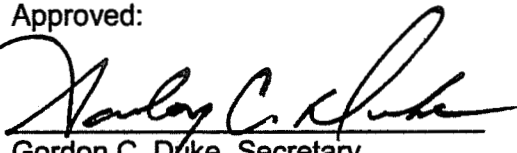


Natural Resources and
Environmental Protection Cabinet

Examined:


Gary Bale, General Counsel
Finance and Administration Cabinet

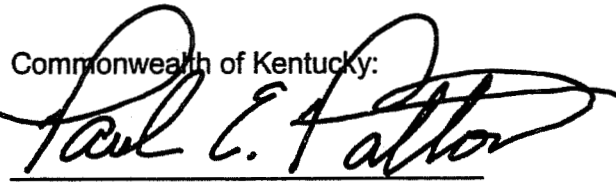
Approved:


Gordon C. Duke, Secretary
Finance and Administration Cabinet

Examined:


Michael T. Alexander
Counsel to the Governor

Commonwealth of Kentucky:


Paul E. Patton, Governor

RECEIVED

JAN 18 2011

PUBLIC SERVICE
COMMISSION

DECLARATION OF RESTRICTIONS

THIS DECLARATION is made as of December 5, 2003 by the Commonwealth of Kentucky, for the use and benefit of the Natural Resources and Environmental Protection Cabinet (Declarant).

WHEREAS, Declarant is the owner of real property located at Rock Lick Road, in Fleming County, Kentucky (the Property), more particularly described in Deed Book 189, Page 501, of the Fleming County Clerk's Office as indicated in Exhibit A.

WHEREAS, this property is adjacent to (and serves as a "buffer zone" for) a low-level nuclear disposal site with a history of releases to the environment, specifically the Maxey Flats site (site). The site is on the National Priority List pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

WHEREAS, this site has been the subject of a Remedial Action and is undergoing Operations and Maintenance pursuant to a Consent Decree with the U.S. Environmental Protection Agency (Civil Action Number 95-58). The site has been capped to control exposure to the hazardous substances, pollutants or contaminants by restricting direct contact and diverting rainfall.

WHEREAS, U.S. Environmental Protection Agency (EPA) has approved the Remedial Action and Interim Maintenance Period Workplan at the site (a document which governs Operations and Maintenance activities, among other items), and the Commonwealth of Kentucky is performing the actions required by the approved Workplan. However, tritium and other radioactive isotopes remain onsite in amounts that could pose risks above the de minimum levels for all exposure scenarios if the Remedy were to fail. Any releases could migrate to this property.

WHEREAS, further information concerning the site may be obtained by contacting the Custodian of Records of the Division of Waste Management at 14 Reilly Road, Frankfort, Kentucky 40601.

NOW THEREFORE, pursuant to the Consent Decree, and the Remedial Action as specified in the Record of Decision, Declarant imposes the following restrictions:

1.) Definitions. (A) "Residential use" means any use of the property related to a (i) residence or dwelling, including but not limited to a house, apartment, or condominium, or (ii) school, hospital, day care center, playground, or outdoor recreational area. (B) "Owner" means the Declarant or any successor owner or owners.

2.) Restrictions Applicable to the Property. Declarant shall assure that the use, occupancy, and activity of and at the Property are restricted as follows:

A. Groundwater. Groundwater at the Property shall not be used for drinking or other domestic, agricultural or industrial purposes. Groundwater will only be used for sampling and/or investigation purposes.

B. Except as necessary to protect human health, safety or the environment, no action shall be taken, allowed, suffered, or omitted on the Property if such action or omission is reasonably likely to:

i. Create a risk of migration of hazardous substances, pollutants or contaminants or a potential hazard to human health or the environment; or

ii. Result in a disturbance of the structural integrity of any engineering controls designed or utilized at the Property to contain hazardous substances, pollutants or contaminants or limit human exposure to hazardous substances, pollutants or contaminants. This includes cutting or otherwise damaging trees on the sideslopes of the site.

C. Access shall be restricted to Commonwealth of Kentucky personnel and agents. Persons other than Commonwealth of Kentucky personnel and agents may access the property with permission of the Commonwealth of Kentucky for purposes of investigation, remediation, or support activities related to investigation and remediation. Also, members of the public may access portions of the property pursuant to a Community Relations Plan. However, such activity shall be carried out under a Health and Safety Plan meeting Occupational Safety and Health Act requirements. Note this restriction precludes residential and industrial uses.

3.) Restrictions Run With Land.

(A) Declarant shall not sell, transfer, lease, or convey this property, nor allow it to be occupied by any person other than Commonwealth of Kentucky personnel and agents (with exceptions as stated in (2).C, above), until such time as Declarant and EPA enter into an agreement formally executed by a legal instrument, which is agreed to by both parties.

217/179

Hurl Johnson 189-501

D E E D D E S C R I P T I O N

P A R C E L 3 7 B

A certain tract or parcel of land located in Flemming County, Kentucky, on the waters of Rock Lick Creek, situated along Rock Lick Road, 1 mile east of KY 158 and being more particularly described as follows:

Beginning at a PK Nail in the center of Rock Lick Road, corner to Willie Skaggs, thence with Rock Lick Road and Willie Skaggs;

South 80°59'06" West 16.05 feet to a Nail & Cap, thence;

South 83°35'13" West 61.12 feet to a Nail & Cap, thence;

South 85°16'31" West 63.59 feet to a Nail & Cap, thence;

South 86°16'09" West 75.92 feet to a Nail & Cap, thence;

South 89°55'51" West 62.13 feet to a PK Nail, corner to John Vise, thence leaving Rock Lick Road with John Vise;

North 06°16'54" West 16.33 feet to an Iron Pin, thence;

North 34°30'09" East 397.96 feet to an Iron Pin at a 48" Beech, corner to Willie Skaggs, thence with Willie Skaggs;

South 09°28'32" East 308.00 feet to an 8" Oak, thence;

South 09°34'41" East 21.10 feet to a the beginning.

Parcel 37B contains 1.12± Acres and is the same property as conveyed to Wendell McCarty from Willie Skaggs, by deed, dated February 1990, as recorded in Deed Book 171, Page 765, in the Flemming County Clerk's Office.

This description prepared by Palmer Engineering from a survey performed March 1995.

DOCUMENT# 12847
 DATE: 1-5-04 TIME: 9:40
 DEED TAX _____
 MARILYN SPENCER, FLEMING CO CLERK
 BY Roseanna Jarvis DC
 BOOK D217 PAGE 176

RECORDED
 INDEXED
 FILED

(B). Unless canceled, altered or amended under the provisions of paragraph 4 of this Declaration, these restrictions are to run with the land and shall be binding on Declarant, his successors, heirs and assigns unless an instrument signed by the Declarant and EPA has been recorded, agreeing to change these restrictions in whole or in part.

(C). Except as provide in paragraph 4 of this Declaration, the Declarant hereby declares that the Property shall hereafter be held, transferred, sold, leased, conveyed and occupied subject to the restrictions set forth herein, each and all of which is and are for, and shall inure to the benefit of and pass with each and every part of the Property and shall apply to and bind the heirs, assignees and successors in interest of the Declarant.

4.) Release of Restriction. These restrictions may not be canceled, altered or amended without the affirmative action of the Declarant and EPA, in an instrument executed by both parties agreeing to change these restrictions in whole or in part.

5.) Effect of Invalidation. Invalidation of any one of these restrictions, conditions or covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

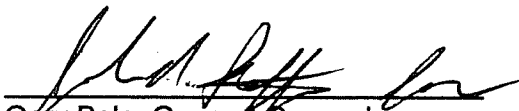
IN WITNESS WHEREOF, Declarant has executed this Declaration of Restrictions as of the date set forth above.

Recommended:



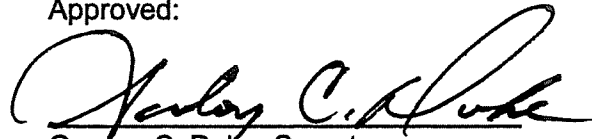
Natural Resources and
Environmental Protection Cabinet

Examined:



Gary Bale, General Counsel
Finance and Administration Cabinet

Approved:



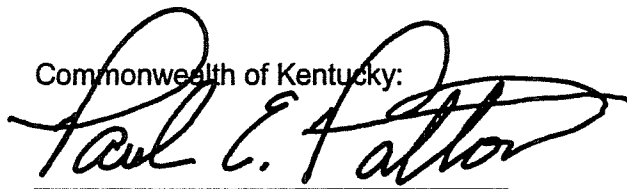
Gordon C. Duke, Secretary
Finance and Administration Cabinet

Examined:



Michael P. Adams
Counsel to the Governor

Commonwealth of Kentucky:



Paul E. Patton, Governor

BEGINNING at a point corner to Rock Lick Road and the land of Roscoe Johnson at an iron stake 150 feet E. to an iron stake; thence 292 feet S. to a stake; thence at a right angle 150 feet W. to a stake; thence a right angle 292 feet N. to the stake at the beginning, containing 1 acre, more or less.

Being the same property conveyed Marcus Ball, married, by Deed from Gienna Ball (now Rawlings) and Roland Rawlings, her husband, dated August 28, 1985, and recorded in Deed Book 160, Page 506 in the Fleming County Clerk's Office.

DOCUMENT# 12846
DATE: 1-5-04 TIME: 9:39
DEED TAX _____
MARILYN SPENCER, FLEMING CO. CLERK
BY Dawnelle Jarvis DC
BOOK D217 PAGE 13

(B). Unless canceled, altered or amended under the provisions of paragraph 4 of this Declaration, these restrictions are to run with the land and shall be binding on Declarant, his successors, heirs and assigns unless an instrument signed by the Declarant and EPA has been recorded, agreeing to change these restrictions in whole or in part.

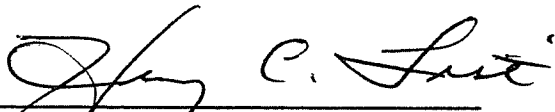
(C). Except as provide in paragraph 4 of this Declaration, the Declarant hereby declares that the Property shall hereafter be held, transferred, sold, leased, conveyed and occupied subject to the restrictions set forth herein, each and all of which is and are for, and shall inure to the benefit of and pass with each and every part of the Property and shall apply to and bind the heirs, assignees and successors in interest of the Declarant.

4.) Release of Restriction. These restrictions may not be canceled, altered or amended without the affirmative action of the Declarant and EPA, in an instrument executed by both parties agreeing to change these restrictions in whole or in part.

5.) Effect of Invalidation. Invalidation of any one of these restrictions, conditions or covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

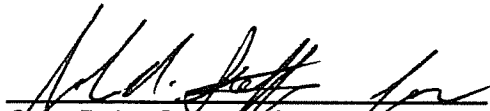
IN WITNESS WHEREOF, Declarant has executed this Declaration of Restrictions as of the date set forth above.

Recommended:




Natural Resources and
Environmental Protection Cabinet

Examined:



Gary Bale, General Counsel
Finance and Administration Cabinet

Approved:



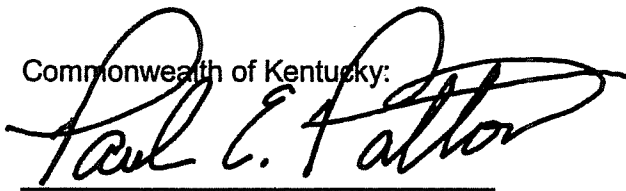
Gordon C. Duke, Secretary
Finance and Administration Cabinet

Examined:



Michael T. Menard
Counsel to the Governor

Commonwealth of Kentucky:



Paul E. Patton, Governor

RECEIVED

DECLARATION OF RESTRICTIONS

JAN 18 2011

THIS DECLARATION is made as of December 5, 2003 by the Commonwealth of Kentucky, for the use and benefit of the Natural Resources and Environmental Protection Cabinet (Declarant).

103 WHEREAS, Declarant is the owner of real property located at Rock Lick Road, in Fleming County, Kentucky (the Property), more particularly described in Deed Book 182, Page 183, of the Fleming County Clerk's Office as indicated in Exhibit A.

WHEREAS, this property is adjacent to (and serves as a "buffer zone" for) a low-level nuclear disposal site with a history of releases to the environment, specifically the Maxey Flats site (site). The site is on the National Priority List pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

WHEREAS, this site has been the subject of a Remedial Action and is undergoing Operations and Maintenance pursuant to a Consent Decree with the U.S. Environmental Protection Agency (Civil Action Number 95-58). The site has been capped to control exposure to the hazardous substances, pollutants or contaminants by restricting direct contact and diverting rainfall.

WHEREAS, U.S. Environmental Protection Agency (EPA) has approved the Remedial Action and Interim Maintenance Period Workplan at the site (a document which governs Operations and Maintenance activities, among other items), and the Commonwealth of Kentucky is performing the actions required by the approved Workplan. However, tritium and other radioactive isotopes remain onsite in amounts that could pose risks above the de minimum levels for all exposure scenarios if the Remedy were to fail. Any releases could migrate to this property.

WHEREAS, further information concerning the site may be obtained by contacting the Custodian of Records of the Division of Waste Management at 14 Reilly Road, Frankfort, Kentucky 40601.

NOW THEREFORE, pursuant to the Consent Decree, and the Remedial Action as specified in the Record of Decision, Declarant imposes the following restrictions:

1.) Definitions. (A) "Residential use" means any use of the property related to a (i) residence or dwelling, including but not limited to a house, apartment, or condominium, or (ii) school, hospital, day care center, playground, or outdoor recreational area. (B) "Owner" means the Declarant or any successor owner or owners.

2.) Restrictions Applicable to the Property. Declarant shall assure that the use, occupancy, and activity of and at the Property are restricted as follows:

A. Groundwater. Groundwater at the Property shall not be used for drinking or other domestic, agricultural or industrial purposes. Groundwater will only be used for sampling and/or investigation purposes.

B. Except as necessary to protect human health, safety or the environment, no action shall be taken, allowed, suffered, or omitted on the Property if such action or omission is reasonably likely to:

i. Create a risk of migration of hazardous substances, pollutants or contaminants or a potential hazard to human health or the environment; or

ii. Result in a disturbance of the structural integrity of any engineering controls designed or utilized at the Property to contain hazardous substances, pollutants or contaminants or limit human exposure to hazardous substances, pollutants or contaminants. This includes cutting or otherwise damaging trees on the sideslopes of the site.

C. Access shall be restricted to Commonwealth of Kentucky personnel and agents. Persons other than Commonwealth of Kentucky personnel and agents may access the property with permission of the Commonwealth of Kentucky for purposes of investigation, remediation, or support activities related to investigation and remediation. Also, members of the public may access portions of the property pursuant to a Community Relations Plan. However, such activity shall be carried out under a Health and Safety Plan meeting Occupational Safety and Health Act requirements. Note this restriction precludes residential and industrial uses.

3.) Restrictions Run With Land.

(A) Declarant shall not sell, transfer, lease, or convey this property, nor allow it to be occupied by any person other than Commonwealth of Kentucky personnel and agents (with exceptions as stated in (2).C, above), until such time as Declarant and EPA enter into an agreement formally executed by a legal instrument, which is agreed to by both parties.

TRACT NO. I. A certain tract or parcel of land lying in Fleming County, Kentucky, on the waters of Rocklick, bounded as follows: BEGINNING at a stone; thence N 78 E 122 poles, Robinson corner; thence N 69 E 125 poles to a black oak S 30 W 125 poles to a white oak; thence with an agreed straight line to the beginning, containing 100 acres, more or less. This land is sold by the boundary and not by the acre.

TRACT NO. II.: A certain tract or parcel of land lying in Fleming County, Kentucky, on the waters of Rock Lick Creek and described by boundary in the absence of a general survey. Bounded on the North by the lands of R.Y. Hutton, on the East by the lands of W.G. Cox, on the South by the lands of Russell McClain, and on the West by the lands of Bert Johnson, and containing 75 acres, more or less, be what it may.

TRACT NO. III.: A certain tract or parcel of land lying and being in Fleming County, Kentucky, and bounded and described as follows: On the waters of Rock Lick Creek, bounded on the North by the lands of R.M. Bowalin and Thomas L. McClain; on the East by the lands of A.T. Denton Heirs; on the South by the lands of A.T. Denton Heirs and on the West by the lands of R.M. Bowalin, containing 25 acres, more or less.

This being the same property conveyed to the Grantors by C.L. Armstrong and Freda Armstrong, his wife; Paul J. Reynolds and Mable C. Reynolds, his wife; and Homer Gregory and Ada Gregory, his wife by Deed dated June 30, 1972 and recorded in Deed Book 134, Page 255, in the Office of the Fleming County Clerk.

DOCUMENT# 12845
 DATE: 1-5-04 TIME: 9:38
 DEED TAX _____
 MARILYN SPENCER, FLEMING CO CLERK
 BY Donella Jarvis DC
 BOOK D217 PAGE 170

(B). Unless canceled, altered or amended under the provisions of paragraph 4 of this Declaration, these restrictions are to run with the land and shall be binding on Declarant, his successors, heirs and assigns unless an instrument signed by the Declarant and EPA has been recorded, agreeing to change these restrictions in whole or in part.

(C). Except as provide in paragraph 4 of this Declaration, the Declarant hereby declares that the Property shall hereafter be held, transferred, sold, leased, conveyed and occupied subject to the restrictions set forth herein, each and all of which is and are for, and shall inure to the benefit of and pass with each and every part of the Property and shall apply to and bind the heirs, assignees and successors in interest of the Declarant.

4.) Release of Restriction. These restrictions may not be canceled, altered or amended without the affirmative action of the Declarant and EPA, in an instrument executed by both parties agreeing to change these restrictions in whole or in part.

5.) Effect of Invalidation. Invalidation of any one of these restrictions, conditions or covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

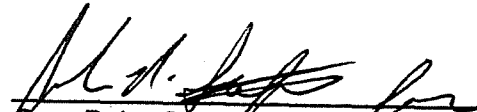
IN WITNESS WHEREOF, Declarant has executed this Declaration of Restrictions as of the date set forth above.

Recommended:

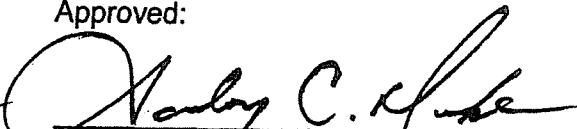


Natural Resources and
Environmental Protection Cabinet

Examined:


Gary Bale, General Counsel
Finance and Administration Cabinet

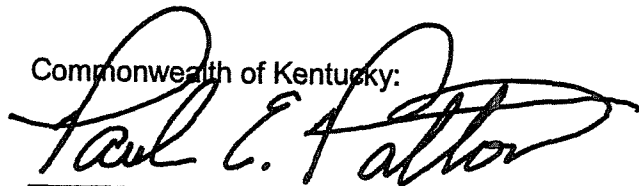
Approved:


Gordon C. Duke, Secretary
Finance and Administration Cabinet

Examined:


Michael T. Alexon-De
Counsel to the Governor

Commonwealth of Kentucky:


Paul E. Patton, Governor

RECEIVED

JAN 18 2011

PUBLIC SERVICE
COMMISSION

DECLARATION OF RESTRICTIONS

THIS DECLARATION is made as of December 5, 2003 by the Commonwealth of Kentucky, for the use and benefit of the Natural Resources and Environmental Protection Cabinet (Declarant).

WHEREAS, Declarant is the owner of real property located at Rock Lick Road, in Fleming County, Kentucky (the Property), more particularly described in Deed Book 181, Page 548, of the Fleming County Clerk's Office as indicated in Exhibit A.

WHEREAS, this property is adjacent to (and serves as a "buffer zone" for) a low-level nuclear disposal site with a history of releases to the environment, specifically the Maxey Flats site (site). The site is on the National Priority List pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

WHEREAS, this site has been the subject of a Remedial Action and is undergoing Operations and Maintenance pursuant to a Consent Decree with the U.S. Environmental Protection Agency (Civil Action Number 95-58). The site has been capped to control exposure to the hazardous substances, pollutants or contaminants by restricting direct contact and diverting rainfall.

WHEREAS, U.S. Environmental Protection Agency (EPA) has approved the Remedial Action and Interim Maintenance Period Workplan at the site (a document which governs Operations and Maintenance activities, among other items), and the Commonwealth of Kentucky is performing the actions required by the approved Workplan. However, tritium and other radioactive isotopes remain onsite in amounts that could pose risks above the de minimum levels for all exposure scenarios if the Remedy were to fail. Any releases could migrate to this property.

WHEREAS, further information concerning the site may be obtained by contacting the Custodian of Records of the Division of Waste Management at 14 Reilly Road, Frankfort, Kentucky 40601.

NOW THEREFORE, pursuant to the Consent Decree, and the Remedial Action as specified in the Record of Decision, Declarant imposes the following restrictions:

- 1.) Definitions. (A) "Residential use" means any use of the property related to a (i) residence or dwelling, including but not limited to a house, apartment, or condominium, or (ii) school, hospital, day care center, playground, or outdoor recreational area. (B) "Owner" means the Declarant or any successor owner or owners.
- 2.) Restrictions Applicable to the Property. Declarant shall assure that the use, occupancy, and activity of and at the Property are restricted as follows:
 - A. Groundwater. Groundwater at the Property shall not be used for drinking or other domestic, agricultural or industrial purposes. Groundwater will only be used for sampling and/or investigation purposes.
 - B. Except as necessary to protect human health, safety or the environment, no action shall be taken, allowed, suffered, or omitted on the Property if such action or omission is reasonably likely to:
 - i. Create a risk of migration of hazardous substances, pollutants or contaminants or a potential hazard to human health or the environment; or
 - ii. Result in a disturbance of the structural integrity of any engineering controls designed or utilized at the Property to contain hazardous substances, pollutants or contaminants or limit human exposure to hazardous substances, pollutants or contaminants. This includes cutting or otherwise damaging trees on the sideslopes of the site.
 - C. Access shall be restricted to Commonwealth of Kentucky personnel and agents. Persons other than Commonwealth of Kentucky personnel and agents may access the property with permission of the Commonwealth of Kentucky for purposes of investigation, remediation, or support activities related to investigation and remediation. Also, members of the public may access portions of the property pursuant to a Community Relations Plan. However, such activity shall be carried out under a Health and Safety Plan meeting Occupational Safety and Health Act requirements. Note this restriction precludes residential and industrial uses.
- 3.) Restrictions Run With Land.
 - (A) Declarant shall not sell, transfer, lease, or convey this property, nor allow it to be occupied by any person other than Commonwealth of Kentucky personnel and agents (with exceptions as stated in (2).C, above), until such time as Declarant and EPA enter into an agreement formally executed by a legal instrument, which is agreed to by both parties.

217/170

Ray Lambert 181-548